

A Modern Day Witch Hunt

by

Lazarus Long

November 08, 1995

One of the defence lawyers involved in the Martensville child sex abuse case says that an inquiry is needed to investigate why after more than 100 charges were laid, only two convictions were upheld.

Only one man was convicted after police and children's aid workers laid more than 100 charges against 9 people. The charges alleged that physical and sexual abuse of children occurred in the babysitting service run out of the home of Travis Sterling in Martensville, a town just north of Saskatoon, Saskatchewan.

Saskatchewan's Justice Minister, Robert Mitchell has stated that "*an inquiry is not needed because there was a trial*". To me, that would make it imperative that there be an inquiry to establish who was ultimately responsible for the indiscriminate laying of charges based on evidence that for the most part non-existent or compromised by **leading or suggestive** questions from the investigators.

As it stands now, the reputations of eight people are in ruins and there is ample evidence of mismanagement in both the gathering of evidence and the management of the case. Those doing the investigation were supposedly professionally trained investigators. If they were, and there is no evidence to suggest that they were not, then they should be held accountable for their

role in the investigation. Whether they made the many errors due to a deficiency in their training or whether they were ideologically motivated should be made clear and appropriate action be taken. The defendants were put through public humiliation and have suffered not only financial expense but also a loss of reputation.

There is growing evidence that many child sex abuse cases consist of false allegations and charges are often laid on weak or nonexistent evidence. A curious point that emerges is that often these charges are laid against operators of private daycare businesses by government officials who are ideologically oriented to state run daycare. Many of the investigators of child sex abuse may be using faulty investigative and interviewing techniques which could lead to errors in the collection of evidence and the false laying of charges. The recently published text by Stephen Ceci and Maggie Bruck brings these revelations.

From "*Jeopardy in the Courtroom: A Scientific Analysis of Children's Testimony*" by Stephen J. Ceci, Ph.D., and Maggie Bruck, Ph.D.

Among their conclusions:

While preschool-age children are capable of providing forensically relevant testimony, they are more suggestible than older children who are, in turn, more suggestible than adults.

Through suggestive interviewing techniques and repeated questioning, children can be led to get wrong not only peripheral details, but the central gist of events they experienced, even events affecting their bodies that could

have sexual implications.

There is no "**Pinocchio Test**" (scientifically acceptable test or procedure analogous to Pinocchio's nose growing longer when he didn't tell the truth) to determine whether allegations that emerge after repeated interviews using suggestive techniques are accurate or merely the product of the suggestive interview procedures.

Whenever possible (and as soon as possible) interviews with children in cases where sexual abuse is suspected should be electronically preserved (audio- or videotaped), ideally from the first interview on -- not just transcripts or notes and not just from the point when a child begins to disclose.

Although anatomically detailed dolls are seen by some therapists and investigators as useful tools in helping young children who were sexually abused describe what happened to them, the authors conclude:

"We feel at this point that there has been sufficient concern raised in the literature and enough evidence of potential misuse, without sufficiently counterbalanced evidence to the contrary, to urge that dolls not be used diagnostically, at least not with very young children."

The authors examine in detail the constellation of factors, gleaned from laboratory research and elsewhere, that can affect children's testimony. These include:

Interviewer bias: when the interviewer (parent, therapist,

investigator) believes he or she knows what happened and attempts to get the child to confirm it, ignoring anything the child says that does not conform with the interviewer's bias and encouraging anything that does.

Repeated questions: children, especially younger children, are more likely to change their answers when asked the same yes or no question repeated during a single interview. Answers from children to yes or no questions repeated over several interviews are likely to become more firm and confident, regardless of whether they are correct.

Stereotype induction: children's reports can be influenced by stereotypes suggested by the interviewer (or by others before the interview takes place). An interviewer telling a child that "**[the suspect] is a bad man who does bad things**" is an example of stereotype induction. Similarly, children can come to assume and report bad things about someone they had previously heard described in negative terms.

Encouragement to imagine and visualize: when asked to "*think real hard*" about or to visualize events they don't remember, children can come to "*remember*" and then present a detailed, coherent narrative of events that never occurred.

Peer pressure: children's reports can be influenced by the application of peer pressure ("*Johnny told me all about it, and he said you were there, too.*") Studies also show that children can incorporate into their own memories experiences that their peers told them about, but which they did not witness themselves.

Authority figures: children tend to regard adults generally as all-knowing and trustworthy, which can influence how they respond to questioning by adults. But they may also be sensitive to status and power differentials among adults -- an important issue when children are interviewed by police officers, judges and medical personnel.

Much of what has been learned about the influence of suggestive interviewing techniques on children has come from laboratory research, which the authors acknowledge is not a perfect analog to real-life sexual abuse and real-life questioning. However, they also note that it would be ethically impermissible to interview children in the laboratory as intensively as they have been in real cases, much less to sexually abuse them in the name of science.

In a chapter on ethical and professional issues, the authors discuss the roles of mental health professionals as therapists, forensic interviewers and expert witnesses in cases involving children's testimony. They recommend that each of those roles be occupied by different people in a given case as each has a distinctly different job to do.

For expert witnesses, they offer suggestions on how both mental health professionals and social scientists can be most helpful to judges and juries (as opposed to the prosecution or defense), recommending that they thoroughly familiarize themselves with the relevant literature but learn only enough about the case at hand to assure that their expertise is relevant.

They note that studies have found very little agreement and very low rates of accuracy among expert witnesses who are asked to

evaluate cases and make a judgment about whether children were or were not abused, and urged that attorneys and judges "**put their feet to the coals, forcing them to provide scientifically adequate evidence for their interpretations. In light of the research, to do otherwise would seem akin to accepting the testimony of a forensic astrologer.**"

An inquiry into the handling of this case would help determine if the investigators were using improper techniques (and evidence was rejected by the courts as being compromised) and if those techniques were part of the official department protocol. If the investigators were following protocol and using scientifically invalid methods, then the onus of responsibility should fall on those who authorized those techniques. If the investigators were not following protocol, then those investigators should be held accountable for their actions and dismissed from service. They should also not be immune to civil action by the former defendants.

Furthermore such an inquiry would enable the Canadian Justice System to establish firm ground rules for the investigation of large scale or ritual sexual abuse. There have been many cases reported (McMartin Daycare in California, Little Rascals Daycare in North Carolina, Martensville and an ongoing case in Wenatchee, Washington). In all of the resolved cases the pattern of events is strikingly similar.

From a report issued by the 1991-92 San Diego County Grand Jury in California, entitled **CHILD SEXUAL ABUSE, ASSAULT, AND MOLEST ISSUES...**

"There is a strong belief among many social workers and police

that children never lie about abuse, and that children must be repeatedly questioned before the truth comes out. Other professionals working in the field have concluded that ideas can be easily implanted in children's minds during interrogation. The longer the investigation, the more likely that "false" memories will be implanted. These ideas can be accepted by the child and become false memories of events in their past. Thus the children are not lying; they are telling the truth as they remember it to be; but the events never happened."(2)

This Grand Jury examined pre-existing investigations of suspected child abuse and cites this example.

"Of particular interest is the information the Jury received about the Little Rascals pre-school case in North Carolina. Eighty-five percent of the percent of the children received therapy with three therapists in the town; all of these children eventually reported satanic abuse. Fifteen percent of the children were treated by different therapists in a neighbouring city; none of the children reported abuse of any kind after the same period of time in therapy."(2)

This would tend to bear out the growing awareness that it is the investigator who may either unwittingly or purposely be the causal factor in determining whether the child reports accurately.

From other cases that were investigated by the Grand Jury.

" children said that they were taken during the daytime into a back room of a grocery store and abused. The investigator found an open archway between the store and the back room; any staff and customers in the store would have seen the abuse in progress

children reported being sodomized with an axe handle, yet no indication of rectal damage was found

children reported being taken in space ships into outer space and abused there

children reported being taken on a boat and abused; some claimed that sharks danced around the boat

children reported a staff member dressing up as a clown and robbing the town's jewellery store; no such crime ever happened

a child reported being abused with a vibrator which had a yellow body and blue ends. No such vibrator was ever found. But a search of suspected perpetrators' home had turned up a vibrator which had been shown on television. Due to the TV lighting, the uniformly flesh coloured vibrator appeared to have a yellow body and blue ends.

children reported being taken through long underground tunnels from the basement of the McMartin day care centre to a nearby building. Police conducted ultrasound measurements and proved that the tunnels never existed."(2)

All these supposed cases of massive sexual abuse cases have been widely reported, creating a false image to the general public that

leads many to believe that private day care is unsafe. This raises the serious question of whether ideology is the driving force behind the legal persecution of private day care providers. The majority of Social Workers can safely be said to be politically left-leaning and therefore could reasonably be expected to be in favour of government funded and operated Day Care.

"As a result, child abuse panics in day care centres, baby sitting services, and churches continue. Hundreds of children end up with memories of horrible abuse, and are will be affected by these memories forever. Dozens of innocent adults are having their lives ruined. At most, they can hope to be found not-guilty. However, they will never be found innocent in the eyes of the public."(2)

Therefore I would conclude that not only an inquiry into the Martensville case be held, but it be given the mandate to investigate the entire question of how evidence is obtained and the validity of the methods used. It should also be tasked with investigating ways of ensuring that these witch hunts do not occur. I will conclude this with a quote from lawyer Alan Gold on how witch hunts like these become possible.

"...Another one is child abuse. Somehow the real problem of child abuse, and no-one denies there is a real problem, has been corrupted into the child abuse movement where it has become the only problem, as if homeless people didn't exist, and all the other evil things in the world didn't exist. It's taken on a sort of quality, that it is the single explanation for everything in the world. And so I think that the real problem of child abuse today, is that it has mutated into some kind of corrupt version of it. And of course, Victimology. The recognition of victims and the real sympathy and desire to help has mutated into something we now call victimism. Where it's become a recognized social role. In these days of high unemployment it's one of the roles for which there are still a lot of openings. And far too many people are applying for jobs as

victims. People say, why would anyone want to be a victim if they really are not one. The answer; it satisfies a tremendous number of secondary gains."(3)

In the case of children, they are not deliberately and voluntarily assuming the victim role... but Alan Gold's theory may help point the way to asking the question..Who benefits from these cases? A point to ponder. Would it be those with a vested interest in strengthening their theory of repressed or recovered memories? Or could it be those who saw this as an opportunity for the socialist government of the day to ban private day care and bring in government run daycare in a province that has nationalized many sectors of the economy?

Sources

- (1) *Book: Jeopardy in the Courtroom: A Scientific Analysis of Children's Testimony* by Stephen J. Ceci, Ph.D., and Maggie Bruck, Ph.D., Published by the American Psychological Association (Item No. 4318350, ISBN: 1-55798-282-1)
- (2) *Report issued by the 1991-92 San Diego County Grand Jury in California titled CHILD SEXUAL ABUSE, ASSAULT, AND MOLEST ISSUES.*
- (3) *Transcript of Presentation by Alan Gold, Barrister at Law at the Public Consultation on Violence and Abuse Within the Family, June 9,1995 & June 10, 1995*