

McMartin Preschool verdict 'not guilty'

by Carol White

Now that the verdict is in, and Peggy McMartin Buckey and her son Raymond have been judged innocent of the child abuse at the pre-school center they ran in Manhattan Beach, California, the question is: Have we witnessed a massive miscarriage of justice, or as the press and the defense claim, were the charges merely a product of mass hysteria? A majority of the jurors held a press conference following the acquittal, in which they stated their belief that the children had in fact been molested; furthermore, while they acquitted the Buckeys on 52 counts, on an additional 13 they remained deadlocked.

The jurors pointed to a failure by the prosecution to substantiate the case against the Buckeys beyond a reasonable doubt.

Sexual abuse of the children at the prestigious McMartin Preschool was alleged when one mother discovered evidence that her son had been sodomized after she took him to a doctor, having discovered blood in the area around his rectum. The police were notified, and in turn notified the other parents of children at the school, requesting them to report any unusual behavior by their children.

Despite documentation of sexual abuse of other children at the school, the primary evidence was the word of the children. More than 400 present and past students at the school were interviewed, and reported that they had been forced to participate in pornography, rape, sodomy, eating feces, sex acts with animals, animal mutilation, Satanic rites, and the viewing of corpses. The defense contended that the children had been coached by social workers and others to fantasize these stories.

One problem in establishing the case, was that parents in general prioritized gaining medical and psychological help for their children, over and above developing an evidentiary record. The defense used this to claim that the children had been coached by psychologists and social workers, in the stories which they told. Had only a few children been involved, this would appear to be a more credible contention.

Children who have been sexually abused, whether by Satanists or by pedophiles, will tend to be ashamed of having participated in those acts, and will try to block them from memory and deny that they occurred. Play therapy and reas-

urance that what they have to say will not render them unacceptable, are key to eliciting the story of what really occurred.

In order to avert severe personality damage to children, under such circumstances, it is essential that they be able to freely discuss what was done to them, and their own part in this. So many children were involved in the McMartin case, that there was a shortage of trained professionals to deal with the situation—a circumstance which may account for some interviews in which questions to the children by professionals subsequently appeared to be leading.

Judge Pounders, who celebrated the conclusion of the case by breaking open a bottle of champagne in court, told the *Los Angeles Times* Jan. 19 that "I found it difficult to determine how they would view the evidence in the first place. I thought that based on the evidence that was presented, the jury could do almost anything and still find rational support for it. It is very difficult to test the credibility of children, and when you go beyond that, the natural tendency for adults is to look for corroboration. It was very difficult to find corroboration in this case."

The response of the children was predictably bitter. They had suffered through five years of examination and cross examination. The same article quotes one boy, now 15 years old, who said: "We all know that we are telling the truth. No matter what the jury says, whatever anybody says, this is the truth. We were molested."

Fading memories

The McMartin investigation had gone on for five years; the trial itself lasted almost three. Some of the events described by child witnesses occurred three years before the first investigation. Under the circumstances, the children's accounts have become less vivid over time, and discrepancies crept into their testimonies. A preschool child does not have the same conceptual framework as an adult. The children reported that they had been sodomized and forced to participate in oral copulation and other crimes. They also claimed that they had been photographed while performing these acts.

An eight-year-old child witness had testified during the trial that she had been raped, photographed, tied up and placed in a dark closet by her teachers five years earlier.

One child told of a movie star, a city attorney, a priest, and four nuns, who he claimed had been among his molesters. This testimony has been used to debunk the testimony by the child witnesses; however, in the Matamoros case and the Manson Family killings, jet-set figures from the entertainment industry and organized crime were involved.

District Attorney Ira Reiner, who took over the case in 1984, was once the defense attorney for Manson Family killer Leslie van Houten. He delayed prosecution of the McMartin case many years, while the children's memories faded, and while the defense worked on discrediting their testimony and their debriefers.