

Appendix:
Excerpts from Interviews

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1. EILEEN WOLFE, incest survivor.

Interviewed December 14, 1986.

Wolfe, who was 34 at the time of the interview, is employed as a sales coordinator at a drug company. She has spoken about her experiences on television and radio and in lectures, and has been featured in newspaper articles as well. She lives in the suburbs of New York City.

Q: Let me start out by asking you if the *Newsday* article ["The Incest Nightmare," February 8, 1984, in which Wolfe is featured] is accurate.

A: No.

Q: Can you tell me what is inaccurate?

A: [Reporter] David Behrens apparently had a difficult time dealing with somebody having full intercourse at the age of 5, and he called me and we went back and forth on this, and no matter what I told him—I told him, "If you cannot deal with that, then I would hope that you would not print anything, just leave it alone." And he put it in a quote here somewhere—here it is: "partial penetration," and he put it as if I said it, but that's not so, okay? He did not understand how long molesters really work before they have intercourse. They could go as many as two years—and that's what my father did—for two years' preparation, and [Behrens] had a very difficult time with that.

Q: So it was full intercourse, and he for some reason couldn't say that.

A: No, he didn't feel comfortable saying that. He had spoken to some—I think it was a female doctor who said, "It's not possible because she would have been ripped apart." That would have been true if it was a normal child at the age of 5 that was raped. That would be so. But it's not true of people who've been molested in their homes.

Q: Everything else in the article is accurate?

A: I think so.

Q: Do you feel you have recovered from your experiences?

A: You know, it's funny when you use the word "recover." In incestuous homes, I don't think you can say that because the psychology is there from infancy. When you recover you're normal, then you're traumatized, then you recover. People have the tendency of thinking that incest begins when there's sexual intercourse. But the psychology is there long before that, so

I couldn't really say recover because there was nothing to recover from. Let's say I'm leading as close to a normal life as possible, and that's important.

Q: To what do you attribute your survival and ability now to lead as normal a life as you are?

A: That's a good question and one that comes up often. There were three of us in our family, so I think the thing that helped me survive when my brother and sister did not was I was never really aware—I was aware of what was going on, but I had a great imagination, and because of my ability to mother myself, more or less—because that was what was necessary—I did not really see things as they were. Almost like a Cinderella, looking at things that were positive rather than things that were negative, where my sister and brother saw everything as it was happening, and had to deal with that. I didn't have to deal with it. If my mother said one thing had happened, I'd believe her and push away the thing that had actually happened, until I reached adulthood.

Q: How old are your brother and sister?

A: My brother now is 35 and my sister is 32—she'll be 33 this month.

Q: And you intimated that they have not survived. What do you mean?

A: No, both my sister and my brother were—my sister more particularly—was put in a school for severely disturbed children. My brother, they had been trying to put him into one of these programs and he resisted, but by the time he was about 12, or in the sixth grade, they really couldn't do anything more with him. He was very disturbed. Right now he is an alcoholic and he also takes drugs. He's never had a driver's license for that reason. He can't stay sober long enough to do anything. He can't hold down a job. My sister is a prostitute, and she had three children, and two of them are dead, and nobody really knows why. Or I don't know why. It could be something—she's been reported to CPS many times because she forgets to feed her child, her one and only child. He's needed surgery, which she's neglected to give him, and he's been thrown out of the house in the snow by her boyfriends or whatever, and he's living quite a sad life.

Q: How old is the kid?

A: I think he'd be about 10 now. I haven't seen him. I've never met him.

Q: All three of you were sexually abused?

A: No, just me.

Q: To what do you attribute the problems that your siblings have had?

A: Dealing with that. It's funny, but my father was sadistic, which is very, very rare. It happens with rape maybe 4 percent of the time. My father was aroused by inflicting pain. And for me, that was the way he inflicted pain. To my sister, he would just beat her till death's door, and my brother he would humiliate with words.

Q: So your father was abusive to all three of you in different ways, somehow in keeping with his perceptions of your personalities? How do you think he chose his—

A: Me? I was much more pliable. I was much more accommodating. And I was much more fearful of him. My brother and sister were not fearful of him. I was and I didn't want to get on the bad side of him, so I think he found our weakest point. For me, the thing I could not tolerate was the sexual abuse, so that was how he'd get at me. For my brother and sister, daily he would do something to them, so it was just a matter of—he had been able to figure out the absolute point that we were most vulnerable and go after it.

Q: What did he do to your mother?

A: I think at first it was that abusing us would upset her. But after a while that was not the case. He sexually abused her, though.

Q: By which you mean what?

A: Mainly the same thing he did to me he would do to my mother. He would inflict pain during intercourse, or whatever, because I could hear her through the door.

Q: Are you as angry at your mother as you are at your father?

A: Much more angry at my mother than I am at my father. I think while the sexual abuse was going on, I got to direct a great deal of my anger at him. I have never been able to do that with the anger at my mother, never.

Q: So you've never been able to express it to her?

A: No. Oh, I've had the opportunity to express it, but she's not an approachable person, and she thinks she did everything perfectly right, and she thinks I seduced him. And basically, that's where her reality is. The reality for me is something totally different and there doesn't seem to be a compromise between the two, so I no longer see her.

Q: In the article, the reporter specifically says that you refuse to name your mother and father on the record. I don't have any particular interest in knowing who they are, but I am interested in what feelings you have about the idea of naming your mother and father publicly.

A: I have great feelings for that. I wouldn't do it simply because—I know it's really strange to want to protect my parents, but I really do. I feel that they were victims. My father was definitely a victim of sexual abuse as a child, and I think my mother may have been, so they're acting out their victimization. They're just as much a victim as I am. They're unable to deal with it. So I don't want to punish them any further.

Q: How do you know your father was sexually abused as a child?

A: Because he continued to have intercourse with his mother way into his married life, and my mother doesn't know that.

Q: How do you know it?

A: I was there.

Q: You saw him?

A: It wasn't until I was about 5 years old that I recognized the bed banging against the wall for what it was, and if it hadn't happened to me, I would never have known what that was. But my father used to take me to my grandmother's house all the time and then they'd disappear, and it wasn't until I was 5, and it was quite a shock to me when, you know, the headboard banging into the wall registered. And when it did, it was one of the most frightening experiences I've ever had.

Q: Children who are abused from an early age—it may take a while for them to understand what's happening, and to understand what's right and what's wrong.

A: I'm glad you brought that up. My feeling is that children instinctively know what's right and what's wrong, because they would be much more free talking about it. I hear this all the time. They don't know it's wrong? Yeah, we know it's wrong, because we don't talk about it at all. And you know kids cannot keep secrets, but that's a secret they will keep. So I don't really believe that children don't know what's right from what's wrong. Instinctively we know it's wrong, we know it hurts. It hurts emotionally, and it hurts physically and once that happens, once that intercourse or that molestation takes place, that's the end of childhood. We know that.

Q: Did your father impress upon you the need for secrecy?

A: Yes.

Q: And how did he do that?

A: When I was very young, he didn't really take much to threaten me. I was really humiliated. It was something I couldn't discuss because I didn't

know what was happening. I just knew that it hurt. And I don't remember what he did to make me keep the secret when I was very young. But as I got older he did. And you know something really strange happened the first time. First he promised me something. You can have this bicycle, this tricycle, whatever, all to yourself. But the strangest part of it was, see we were kept in the basement—until I was 5 years old we were in a basement.

Q: What do you mean?

A: In the basement, that's where we were kept.

Q: You mean the kids lived in the basement?

A: For the day, yeah, we would be locked—because my parents worked. My mother worked in the city and my father worked in Jamaica [New York], and they would lock the door and lock us down there. I was 2, my sister was 1, and my brother was 3 when it first started.

Q: No supervision? Just . . .

A: No. We were locked in a basement. There was no light, no heat, no floor, and that was that. And of course we weren't fed. So when my father got home every day, he would beat us because we were all wet and dirty. Nobody had ever taken the time to housebreak us, but it would just upset him tremendously. So he'd beat us up and throw us into bed until my mother came home. Nobody ever fed us. That's the life. For three years we went through this. And on the third year, we were fighting over a tricycle, so my father pulled me aside and he said, "You want that tricycle?" and I said, "Yeah, yeah," and he said, "Well, you come with me and then you can have it for the rest of the day." But the thing that scared me more than anything was that he was suddenly generous, he was suddenly kind, and this was nothing that I had ever dealt with. And I was very frightened, very frightened, because it was not the norm for him, and I didn't know what was coming. And afterwards it hurt really bad, so when I went to sit on that tricycle it really hurt, and I can just remember going in circles, just taking the tricycle and going in circles, and I was crying and I was on there for a really long time. When my mother came home—now you know parents do this all the time. If I would stick my hand in the cookie jar, my mother would say, she'd be cooking and she'd say, "Get your hand out of that cookie jar," and I'd say, "How'd you know?" and she'd say, "I have eyes in the back of my head; I know everything." That was a big mistake, because when my mother came home, I expected that she would know and she would do something, and I was really angry with her that she didn't. But it wasn't her fault, she really didn't know. I think that's when the anger started coming. And then I became fearful of telling her simply because the more I let it go on, the more I felt responsible for it.

Q: What makes you believe your mother was abused as a child?

A: A couple of things. I remember my grandparents' apartment—I think they called this a railroad [flat]: the kitchen is here, and the hall was where the beds were and there were like four people to a bed, more or less, and my grandparents lived down here, and there were eighteen kids. How could you have intercourse without everybody knowing? There was no real way. I have a feeling that that's what was going on. The other thing was when I was very little, I went to my grandfather's house. My grandmother was dead and my father put me into a bed, he took all my clothes off, and he put me into my grandfather's bed, and my grandfather was masturbating in front of me and laughing. So I get the feeling that it's quite possible that that had happened to her also. Maybe she saw too much or something, but she certainly had no respect for men—or she didn't trust them. And I just have this sneaking hunch. She's never said anything about it.

Q: Were you hesitant to have children yourself?

A: It's really strange, I didn't think I had a choice. I just had children. Now I recognize I had a choice. If I knew I had a choice, no, I wouldn't have children.

Q: Why?

A: Because I think it's really very, very difficult for someone who suffered that kind of a life to be able to deal with children, because they can't deal with themselves. I face feelings in my children, or dealing with my children, that I have not figured out for myself. And it's very difficult.

Q: How many kids do you have?

A: I have two. My son and a daughter.

Q: How old?

A: My son is 7 and my daughter is 13.

Q: How do you think it's affected the way you have raised them?

A: I think it's affected them greatly. The one thing that I pick up from both of them is that they don't get attached to toys like other kids do. When I was a kid, I couldn't get attached to a toy because my father would rip it to shreds. And I see that in them, it's the strangest thing. I know that psychologically I'm passing down much of the fears that I have, I'm passing down much of the distrust that I have, and I'm passing down the inability to become—not intimately involved with somebody, but certainly emotionally involved with anyone, and my pushing people away. And my

children seem to be overcompensating, because they are very demonstrative. I know it has a lot to do with it.

Q: Do you feel that that same pushing away, as you described it, affects your relationship with your children? Afraid to get too emotionally close to them?

A: Yes, definitely.

Q: How about your husband?

A: I don't push him away.

Q: Does he—is there some way that he attempts to balance?

A: Yes, I would say so.

Q: One statistic that's bandied about, I don't know with what validity, is that women who were sexually abused as children are more likely to physically abuse their own children. You've heard the same thing. Do you believe it?

A: Yes.

Q: Did you have children before or after you heard that?

A: Before.

Q: So you had children already and then you heard it. How did that hit you?

A: There was a group out in West Hampton Beach. They were abusers, child abusers, they were parents, mainly they abused their own children. And it just casually came up one day that one of the women had been sexually abused by her parents, and slowly each one of them disclosed the same thing, and that to me was absolutely shocking.

Q: So this is a self-help group of physically abusive women?

A: Yeah. I believe it to be true. As far as my kids are concerned, I find punishment very difficult. If I get angry enough I will spank, but it's rare. My husband usually does that, but I don't believe that you teach a child anything by spanking her. I really don't. You certainly don't teach them to be kind to one another by proving you're powerful and they're not. I really think there's very little, other than expressing total frustration, and if you have total frustration you don't deal with it by spanking a child. That's not going to help. It's better to punch a bag or punch a pillow or go away, but there's nothing to be gained by that.

Q: Why do you think that women who were sexually abused as children have a greater propensity to physically abuse their own children? I mean, can you explain that psychology?

A: No, I'm not really sure. I would say that it's total frustration and total anger and many times their children appear as *they* did—very vulnerable—and they don't want that child to be vulnerable, so they're going to take away that vulnerability, and maybe toughen them up or something. That would be the only way I would imagine it to be, but I really don't know why for sure.

Q: Or maybe self-hatred. Like hitting the—

A: Yeah, or maybe it's feelings that come up that this person cannot deal with. You know, children constantly have emotional needs and because we have not been able to satisfy our own emotional needs, it's very frustrating to have to deal with a child, so that anger comes in, pushing the child aside more or less.

Q: I have heard people say—not incest survivors, these people—that the way child sexual abuse cases are handled by the various agencies that intervene, when there is intervention, is more traumatic than the abuse. What do you think of that?

A: I think that's true, and I think the reason for that is that there's a hidden message that these adults give to a child when they handle the child, and I think that most of it is that the way children view intervention is very unrealistic, and I think that people don't really know how to deal with it, and have a tendency to be very cold because they don't want to be hurt, and they don't want this to hurt them. It's difficult for a person to deal with a child's expectations, and I think that people who work in this area have to be cold, but they project that on the child, and then the child feels vulnerable, the child feels responsible. I think also that the person, the perpetrator, says to the child, this is going to happen, that's going to happen, this is going to happen. "I'm going to go to jail, you're going to do detention, your family's going to stop." And all those things really do happen. So once they begin to happen, the child wants to take everything back and stop it. But really, initially, the child only wants to make the abuse stop. But that doesn't happen, it really doesn't happen.

Q: Are you basing your assessment on your own experience?

A: Mainly yes, and on others'.

Q: Do you think that some of this has changed over the last twenty years?

A: No. I would have liked to. I spoke at a convention one time and all I heard afterwards, because that was my feeling—this is twenty years ago, we have new insight, we have new information, there are new special teams that work with these children. It's really sad; it's still happening. Twenty years later and it's still happening the same way. And it's pretty frightening for me.

Q: In that case, what would you recommend a child do?

A: I wouldn't recommend anything. I would never make that assessment. I think that the child knows, instinctively, how far they can go. I think they test the waters. I know I did for years before I attempted to tell anybody. I wouldn't recommend anything, because I think the child really is adult enough, believe it or not, to know when it's safe and to know when it's not.

Q: I've heard people say—again, not incest survivors—that while some limited treatment may be beneficial, the best thing to do for child victims is to let them forget about what happened and get on with their lives.

A: No, that's totally wrong.

Q: Why?

A: Because a child really has to deal with the matters at hand, has to deal with the anger, has to deal with the frustration, has to deal with the self-hate that they feel, and the blame, and if you don't deal with it immediately, the child will continue to blame themselves all the way into adulthood. Children cannot forget it. They'll never forget. The best thing to do is to deal with it immediately and then they can get on with their lives. But you can't ignore it.

Q: Some of these people would say, "Yeah, okay, I can see a kid getting treatment for a few months, six months, but what's the point of going over and over and over it for a year or two or three?"

A: First of all, I want to take that word *treatment* out of there. It's not treatment. A perpetrator needs treatment, a child needs solutions, needs options, needs an ear to listen, a caring person. The molester is the one who needs the treatment; the child never does.

Q: What do you object to in the word *treatment*?

A: It brings to light people's feeling that there's something wrong with the victim, and that that's why it needs to be treated. There's an illness. It says right out in the open: mentally disturbed person, and the mentally disturbed person is the perpetrator, not the child. As far as the services that a child

would need or the psychological help, or whatever, I think it's great for a child to really get out into the open and deal with something very early. We have statistics that show that children who get services while it's just taking place, or just afterward, integrate into society much more easily than a child that isn't.

Q: What kind of counseling have you sought, if any?.

A: I see a psychiatrist regularly, and I've had some work with a psychologist.

Q: [Interview resumes after tape is changed.] To review what you were just saying, when you were 25 you were trying to lose weight, engaging in self-hypnosis, and your mind kind of went out of control and you had all of these intrusive flashbacks, and you responded by . . .

A: Moving.

Q: Moving. By trying to run away. You quit your job and got another job and then you left your husband then you moved three times in a year and it didn't work. You still had these intrusive flashbacks. Then when you were 29 you started attending New York Women Against Rape meetings. And the problem that you felt with that is that the other women would distance themselves from you because they felt more responsible for what happened to them since there had been violence associated with your sexual assaults, and you had been pregnant when you were twelve, so it was a different situation. And also meeting once a year was not adequate.

A: Right.

Q: But when you were 31 things changed because this *Newsday* article was written, and the article revealed things to you that you hadn't even known. For example, the reporter dug up the court records, and you didn't even know they existed.

A: When this happened, I appeared before a grand jury. They questioned me. That was another thing that happened. My mother told me to say, when she called the police, she said, "You tell them it happened once, and that's it." But you know, they never asked. They never asked me. When my father was convicted, I was not aware of it. So as the rapes continued afterwards, I had a recourse that I didn't know was available to me. No one ever came to the house to check on me, nobody ever asked me any questions, and when they were doing questioning even for the case itself, they only asked me about the one particular night. What told me things were very strange was I read the doctor's report, and he mentioned vaginal tears, and he mentioned physical signs, and it didn't dawn on them that the experience had happened three months ago. We went in June. The

experience my mother told me to tell them was April 18th, about that time. And the doctor found physical signs. It never dawned on him that that was continuing to happen? It's very appalling to me. I find it very difficult to deal with. When I saw the reality, I kept it in my mind—a dream—that if somebody knew that this was happening, they'd stop it. But, what really frightened me was everybody knew and they didn't stop it. Which made me really feel much more responsible for the things that had happened. When I was about 7 years old, or a little older, my mother said to me, "You can make it stop if you want it to," which said to me: "And if you don't, you really want it." What it said to me also, was: "You are responsible for the behavior of an adult." The child is never responsible for the behavior of an adult. But I felt responsible. And when this court case happened, it really validated that. See, every time, as I was growing up, before my mother was involved, I would look to her, and I would say to myself, "If she knew, she would stop it." From there, after she did become involved, that if anybody outside knew—uncles, aunts, or relatives—they would stop it. Well, I told a cousin, and she then abused me sexually for four years, so that didn't work. By the time I was 12, I said, "Well, if the law finds out, they're going to stop it." At that point I gave up. At the age of 12, I recognized that nobody could make it stop.

Q: Can we go back to the cousin? What happened?

A: I guess I was about 8 years old when I told her what was happening. And it seemed to excite her tremendously. She thought it was great. She thought it was a great experiment. From that point on whenever I stayed over, she would sexually—we would have a sexual interchange or whatever. And the feeling that I got from her—because she always brought up the experience before anything happened—the feeling that I got from her was, "If you don't do what I want, I'm going to tell," and that was one of my biggest fears, that somebody would tell.

Q: Why did you tell her in the first place?

A: Because I . . .

Q: Was she somebody that you especially trusted?

A: Yeah.

Q: And she took advantage of that trust.

A: Yeah.

Q: So you said that if you would have known that there was a court record, you would have had recourse. Tell me what kind of recourse.

A: All I had to do was tell anybody. He was on probation.

Q: Tell anybody like a policeman?

A: Anyone: a schoolteacher. A relative.

Q: And you think what would have happened?

A: Since he was sentenced to three years at Sing Sing, but he was given five years' probation, anybody knowing it could send him to jail.

Q: It was a suspended sentence?

A: Yes.

Q: When you were pregnant at age 12, did you have an abortion?

A: That depends on how you want to say that. My father did it in the bathroom.

Q: Your mother was aware of that?

A: Yes. It was the night he got out of jail.

Q: Did the doctor know you were pregnant?

A: He had done some tests. One came out positive and one came out negative.

Q: You had a follow-up?

A: Yes.

Q: And?

A: By the time he got around to the second test, I wasn't pregnant.

Q: They didn't ask any questions? Is there a way to talk about the trauma of that experience?

A: When we went in to have the physical examination, the whole experience was really very strange to me. When my mother reported it, I can see that they had a preconceived notion about me, because they came into the room. I was crying the whole time, "Oh, oh, oh, I've been so wronged!" And to me, they handled me as a prostitute. And nobody ever approached me in any way, nor were they eager to deal with my feelings. And when they didn't, I felt very responsible. When they took me to the doctor, it was with two detectives and my mother and myself, and apparently the doctor interviewed my mother, and spoke to her. He never interviewed me. And then I was told to take off all my clothes. That was great, you know. Here I am disclosing sexual abuse, and the doctor wants me to take off all my

clothes. So I took off all my clothes, and I come out in this gown that was hanging onto the floor because it was meant for an adult, and the doctor looks at me and he says, "So, I heard you've been touched," and I look at him, and I don't know what he's saying. He said, "You know, down there." And I just nodded. He said, "Get up on the table." I get up on the table, which was huge to me, because I was very small, and he does an examination that really hurt. And I didn't know why it really hurt, because it shouldn't have. Now I know why—when I read the review. He did a rectal examination, not a vaginal examination, and that hurt a lot. "Okay, get dressed," but his dealing with me said to me that I was really spoiled, and that I was the only one responsible. My father wasn't responsible, my mother wasn't responsible, I was responsible. They always kept me, you know, two paces behind them. They all walked together and I was way behind them. I found that very hard to deal with. My father went to jail at that point, and all the relatives came over. My mother sat on the couch and she was crying, and one by one the relatives passed me, and during that time they were saying just terrible things. "How could you do this to your mother?" I did this to my mother? I thought it was done to me! But I felt very responsible. And my father was in jail for five days. On the fifth night, when he got out, it was in the evening and he came home. The bathroom was connected to the kitchen—not directly, but there was a wall, and because of the tile, the way it was, you could hear so clearly between the walls. You could hear what was going on in the bathroom, or if you were in the bathroom, you could hear what was going on in the kitchen. I have this very bad habit. When I'm frightened, I hold my breath. So as soon as my father walked in, I held my breath, because I heard him and he hadn't been home in five days. I didn't know what was going on. Nobody told us what was going on. So he came home, and my mother tells him I'm pregnant. And my father came up to the bathroom, and made no bones about it, no whispering, no nothing. Opens the bathroom door, puts his hand on his hips and says, "So! Your mother tells me you're pregnant!" And I was really frightened because he was talking so loud! And that frightened me, because I was always used to the whispering, and the hiding, and all that stuff. Whenever he changed, it always frightened me. So, he closed the bathroom door, and he got this syringe out, a douche thing, with a bulb attached. He turned on the hot water and he waited and he waited. And when the steam started coming out, he filled the bulb up with water and he inserted it, and then he couldn't insert it anymore, so he gave one big shove, and of course it went through the cervix, and he entered the bulb in my body. And then he left. And I remember pulling my legs very tightly because I hurt, but the one thing you never showed was fear, and you never showed emotion because if you showed any emotion, you'd be phys-

ically abused. I remember closing my legs very tightly, trying to conceal the pain, and I tried to get out of the tub, and as I did, the blood started just to fly. And I was really scared. I was afraid they were going to find out. And that there's all this blood and the mess. What if I make a mess in the bathroom, then I have to clean it up, and the whole bit. So I tried getting out of the tub without unclosing my legs, and that didn't work. So I didn't tell anybody, and when I opened the door my mother said, "Eileen, is that you?" That's a stupid question. My first thought was, That's really dumb, and my other thought was, Where are you when I need you? And I went to bed that night, and when I woke up there was blood everywhere. And my feeling was, I'm going to get in trouble because look at all this mess on the sheets, and I remember my mother going into the bathroom in the morning, and I just stood behind the door and I waited for her to come out, and then I whispered, "Mommy, there's blood all over my sheets." And she said, "Good." In other words: the task is completed. And again I was so startled because the reaction that she gave me was not one that I had perceived, and that was very important to me because I always looked ahead at how somebody would deal with this, how somebody would deal with that, and I always felt that I was one step ahead of them. So when she didn't react the way I had expected, she knocked me off my feet, emotionally, because I thought I was really going to get it. And I was shocked when it didn't happen.

Q: Whew. [*Pause.*] So, at 31, you recognized all this, and then what?

A: Not recognizing all of this per se. I recognized my inability to deal with it. And this was so shocking to me, and to read it from somebody else, when I didn't know it myself, was a shock to me. Then to read all the [court] papers, and to see how many people really knew what was going on when I thought, it was kind of—nobody knew, and then to know nothing was happening really threw me for a loop, and that's when I started seeing a psychologist. Then what began to happen was I started remembering everything all at one time. Everything I *could* remember I started to remember, and I couldn't deal with that because no matter how hard I tried to keep things back, because I didn't want to remember, they were very anxious to come forward apparently, and that was a terrible year for me.

Q: What happened after that?

A: I had one seriously very bad year, and then I was okay for a few years, then it started coming back. That's what seems to happen: you go through all this psychological growth or whatever, and then you can live a normal life up to a point, but then something else comes in, because your mind is ready to deal with it, and it's still happening. And I'm apprehensive about

the future, because I don't want to remember anymore. I want to just put it aside because I don't want to be hurt anymore. And that's how I deal with it—I guess I feel hurt.

Q: When did you start seeing a psychiatrist?

A: This year in October—no, in September.

Q: What made you decide to make that move?

A: I was suffering from severe depression. Normally it hits just about November and it lasts until the springtime, and I didn't realize this but this is the way depression goes. It has a cycle, and most everybody has the same cycle. I thought, Oh, I'm so unique. But I am not. This is the way it is, and it starts out with insomnia, it starts out with confusion and an inability to deal with anything, and having very quick thought patterns—so quick that nobody can keep up with it, but you can't concentrate on any task at hand and you can't complete anything because you're always ten steps ahead of it. And I recognized that this was going to be a bad year, if it's starting in September. So I mentioned it to my boss, and I said, "Would you know anything about it?" because he's very knowledgeable about a lot of things. And it just so happened that he did. . . . I finally got a telephone number of a psychiatrist and he takes insurance, so that's been beneficial. See he treats it with drugs, which is the normal thing. Apparently my body manufactures a lot of adrenaline, because as a child I had to have all this adrenaline to survive. But the body doesn't know when to stop; it just keeps doing it. So this is what happened.

Q: So you thought that a psychiatrist would be better able to help to deal with this?

A: No. I had hoped never to have to deal with it again. I had contacted a psychiatrist and I hoped that all he would do was prescribe the drugs that I needed and just leave me alone. (In order to prescribe drugs, he has to be a psychiatrist.) Unfortunately, that's not working. He's trying to get into it, and I'm trying not to get into it. We always seem to be locking horns. We don't really get along, that's one thing, and he seems insensitive. He's probably ignorant to this extent. He asked me, on more than one occasion, did I like it? He said, "In sixteen years, you didn't like it? Not even once?" That's a dumb question. You should never, no matter who, you should never ask a question like that. If a man was mugged, would they ask him what he was wearing? If he was mugged twice, would they ask him if he enjoyed it? No. They would perceive him as a victim of crime, but here for some reason they have to make it light, and I don't like that. Another thing he asked me was, did I ever receive favors, or did I

ever want favors in exchange for sex? And that was another stupid question. I never had the opportunity, but it's not wise to ask questions like that. It's not wise to make a victim responsible for the actions of somebody else. And they only seem to do this with women.

Q: I've certainly read accounts by women who have gone through incestuous experiences where they talk about how they feel greater complicity because at times they did enjoy it, and at times they did exchange favors for certain rewards, so I don't have any desire to defend this guy, but . . .

A: What you're saying is true, but in no way should a child be placed in a position of being responsible. The women I have met who have had these experiences where they did receive some pleasure have a tremendous amount of guilt, much more than I would, because I wasn't, there was no enjoyment.

Q: That's my point. Is it possible that the psychiatrist, far from attempting to further victimize you, was attempting to get at associated guilt that you may feel, et cetera?

A: Okay, but blatantly he should come right out and say that.

Q: Why do you continue to see this guy?

A: Because he's a pharmacologist and I need one.

Q: What has been your experience with counseling personally, and what's your view of it generally?

A: It depends on the person doing the counseling, and I think that you really need somebody who is a good mother, more than anything, because this is what is required—and [someone who] isn't fearful of that kind of dependency, because it takes a long time for a person to come from [being] a victim, to become stronger.

Q: You mean the therapist has to be someone who's good at—

A: Mothering, because that's what's missing.

Q: And [he must] not [be] afraid that you—or the client—will become dependent for a long period of time before you're ready to—

A: Graduate into adulthood.

Q: How important has the counseling you've received been to your survival?

A: I think paramount. I don't really think I could have progressed at all without good counseling.

Q: Is it the single most important factor in your ability to—

A: It's one of the most important. The other one is having a family that really can support that kind of emotional need also.

Q: What would you recommend for others who have gone through experiences like yours, who are looking for answers?

A: I would say that the self-help groups are one of the best ways for them to get the validation they need. And they are the most successful way of getting it. Actually, I would not prescribe anything for any one person. I think that deep down we all know what we need, and that you have to progress to a point where you can deal with what you need. But that's much more difficult than it sounds, because you deny your feelings for so long, you don't even know what your feelings are anymore. I wouldn't prescribe any set thing for anyone, but I would hope that they get the strength that they need to deal with what they have to deal with. And to progress how exactly they need to do, not me or somebody else, because we all have different ways of dealing with things, and for me to say, "You should do this, and you should do that," means I'm not listening to that person. I would hope that there's somebody who can listen to them, and who can empower them to do what needs to be done themselves.

Q: What about people who have limited financial resources? What are the options?

A: That's one of my biggest problems, and I feel so angry sometimes. I feel that my parents are getting away with all this and I'm the one who's financially responsible. We constantly have to pay for this ourselves, and that's a high bill. To see a psychiatrist is \$100 a week, and they usually want to see you more than once a week. And I feel really angry with [my parents], because the statute of limitations has prevented me from suing my parents—or anybody else—[to force] them to carry the burden of emotional support. There's really a lack of good services that survivors can turn to and some of them are very expensive.

Q: So you've considered suing your parents.

A: Oh yes, I did.

Q: When?

A: About five years ago. I had an attorney look at it for me and he found out that the statute of limitations had expired. Because there was so much physical damage to me and emotional damage, they thought that they could have a strong case in trying to overturn that statute of limitations [if the statute] read three years after the point that a person realizes that they're being troubled because of it. It doesn't read that way now.

Q: How can we ever know that counseling or self-help groups or any of the services or treatments that may be available have beneficial effects, since it's impossible to know what would have happened in their absence?

A: The best thing that you can do is wait about ten years and then take a survey, and find out those who did some treatment, or services and those that did not. And I think that's the only way you're going to know.

Q: What should the survey ask them?

A: How quickly, how much more quickly the child reentered childhood, because once a child is victimized in this way, childhood ends. Those people who return to childhood, those are the really successful people. Those that didn't were not successful.

Q: One thing that occurred to me is that we could look at people who went through periods with and without [counseling]. You're one. You went through a period where you did not seek any special help, correct?

A: Right.

Q: And then at a certain point in your life, fairly recently really, you decided that you did need help. It's not exactly the same as comparing someone who did and didn't. If you had gotten help earlier, you might not have been ready for it, too.

A: Definitely. Definitely. That was my point of dealing with it. It was the only way I could, with that distance. But I can also safely say I wouldn't be alive unless I did.

Q: Why?

A: The suicide rate for people that have had my background is very high.

Q: Have you ever attempted suicide?

A: No, but I have certainly thought about it quite a bit.

Q: What concrete—if you can answer this in concrete terms—what concrete changes have you seen in yourself and in your life since you sought help?

A: I think I'm a better mother now than I was before. I think I am much calmer than I've ever been before. I've been able to set a goal for myself and attain it.

Q: Can you give me some examples of the ways in which you feel you're a better mother?

A: Before this I had little knowledge about what a child deals with and what these children are going through, and I had no patience for them. I

had unrealistic expectations of what the child should be doing at a certain age. I knew nothing about children. My 2-year-old, I'd tell him, "Get up and help yourself, get up and have breakfast, or get up and do this." That was unrealistic, very unrealistic, and I think now I have a better understanding of what the child is supposed to be capable of at a certain age.

Q: From groups? I mean how, where did you get this?

A: From counseling. From counseling period. It made me much more aware that what was done to me seems to be repeating itself. As my parents were very unrealistic in the way they dealt with me, this was my frame of reference.

Q: So you would talk to your counselor about the problems you were having as a mother, and you recognized that some of the problems were directly related to the fact that you didn't have proper models when you were growing up and you were repeating the models, however inappropriate they were, that you had experienced.

A: Exactly.

Q: You say you're calmer. Can you give me some—

A: I was off the wall a few years ago, absolutely. I was hysterical constantly, I cried constantly. I hid. I moved in order to get away from something. I would not deal with whatever feeling was at hand. I just wanted to run away. I wanted to be numb or I wanted to be dead, because I just didn't want to deal with it anymore. All I had dealt with was I was not successfully handling this, and I was very hard on myself for that. I think counseling helped me recognize that I was punishing myself when it was my parents I had been angry with, or upset with, instead of myself.

Q: What are some of the goals you've set and now attained?

A: There are normal goals that people would set for themselves [like] in ten years I want to own a house, in five years I want to do this. My thing is being home when I'm upset. Believe it or not, that's a goal because whenever I'm upset I run away from home, never run to it, because I felt the most threatened in the house, or more confined, and I couldn't deal with those feelings so I would constantly run away. Now I can do it. I can be home and be upset and deal with it fine. I also can tell somebody that you're responsible for your feelings. And if you're upset with something, I shouldn't be responsible for your feelings. I shouldn't placate you because you're angry. That's what I did to my father. I knew how angry he was, and I always placated him because otherwise I'd be beaten. That was something else that changed. Whenever somebody was very angry, not

only did I feel responsible, I felt the fear of death. This person is really upset, he's going to kill me.

Q: Even when it didn't have to do with you.

A: Exactly. Anything that went wrong, I was somehow to blame or my life was at stake.

Q: You said that your goal at one time was to be numb. When people feel that way they often turn to drugs or alcohol. Did you?

A: No.

Q: Why not?

A: Because my father was an alcoholic and I hated it.

Q: What are the most positive changes that you've seen in the area of child sexual abuse over recent years?

A: The acknowledgment that it's wrong. Plain and simple. Somebody is now saying, "It's wrong." That's something we've never done before.

Q: Let me ask you a couple of quick questions that refer to things that you said. One is something you said just a little while ago—that for the child's sake, the child should be told that your father loves you, he's a nice person, but he needs help. In some cases, does that not simply perpetuate the fantasy that is not true, has never been true, and never will be true? In other words, there are cases in which the father is neither a nice person nor loves the child, and through all these experiences the child has tried desperately to believe that [the father is nice and loves her], and in fact, it's the last illusion the child cannot give up. Her family has never been and will never be a real family and she cannot change that.

A: You know what? You're one of the first people that I have ever heard that recognized that. That's true. In most incestuous homes, there'll never be a family. So I don't understand why all the state programs deal with keeping the family intact. What family? What are you talking about?

Q: If you had sued your father, there would have been publicity. Would that have been of concern to you?

A: Yeah. I don't know why I feel very protective of my parents.

Q: That's what I'm trying to get at. On the one hand, you're angry at them and you're willing to—you were actively considering suing them, which would have brought them publicity, and forced them to be financially accountable, as well as publicly accountable, in a way that they probably hadn't been. On the other hand, you are protective of them.

A: I recognize how this is a conflict, but it is a conflict that I face all the time. On the other hand, I have to recognize that they are also victims. It's a conflict that I have in myself that I have not been able to deal with appropriately.

Q: You don't harbor any illusions that [your parents] will ever come knocking at your door and apologize, or do you?

A: It's a dream.

Q: But you know it's a dream now.

A: Yeah, I know it's a dream now.

Q: When did you first know it was a dream that wouldn't come true?

A: I think when I was in counseling.

Q: Just a few years ago?

A: Yeah. I had to face the fact that it was my mother who was trying to kill me and not my father, and that was hard to deal with.

Q: How could they ever repay you?

A: I don't think they ever could. There's so much damage that was done. When abuse happens from infancy on, it really impedes psychological growth. There's nothing they can do, there's no way to repay. I'll never have parents. I miss that more than anything. I'll never have parents. There's no way to repay me, because there's no way to undo all this damage.

Q: How do you feel during, like, Mother's Day and Father's Day?

A: My parents used to—my mother would always ring my phone and hang up on Mothers Day. She would never do it on Fathers Day. Her birthday, her anniversary, my birthday, my anniversary, she used to ring the phone. I feel a great sense of loss—almost a mourning. It's really funny, but I feel like I'm mourning for my parents constantly. If they would die, I think I'd be more happy simply because it would be over with. But to mourn them for thirty years—it's just devastating.

Q: Does that really make you feel like a freak when—

A: Yeah, and people do it all the time. When people get together, they always talk about their childhoods and what they did, and I have to sit and say nothing because if they found out what my childhood was like . . . You know what happened that was really strange? I was a member of the PTA and I went into Albany because they had a big convention, and I was always pushing for personal safety curriculums, and there was a man there

who taught at a college, and he said more than anything he would like to get a person who had been victimized to talk to his kids because he felt that that's the person who could make a greater impact on them. I said, "Oh, I'm a victim of sexual abuse and I would love to!" He backed away, and I never saw him again. He was talking to me all during the whole thing because he [also] came from Suffolk County. He never spoke to me again. He took two steps back and said, "Oh, that would be fine," and that's it. And I feel like that happens all the time. I feel like a freak, I really do.

Q: Why do you think that happens?

A: When you talk about child sexual abuse it really raises some very strong issues with people, and they have preconceived notions that all victims are in psychiatric wards someplace, and are falling apart and could never have survived it, and all perpetrators are in jail, drooling, you know? It's hard to deal with a person who's a real person, is tangible, and is close to you.

2. ROBERT RHODES, NAMBLA spokesman. Interviewed May 1, 1986.

The North American Man/Boy Love Association, better known as NAMBLA, was founded in December 1978. According to Rhodes, there are three active chapters—in New York City, Los Angeles, and San Francisco. About 350 members subscribe to the organization's newsletter, Rhodes said, while 80 more receive complimentary subscriptions in prison. Rhodes joined in March 1979 and has appeared as a spokesman in a variety of settings, including radio and television talk shows, gay groups, and college classes—about thirty to forty appearances in all, he estimated. At the time of the interview, Rhodes was 40 years old. Although he is a lawyer admitted to the Massachusetts bar, he lives and works in New York City. He declined to say where he is employed other than to say he is "a bureaucrat."

Q: Do you believe NAMBLA to be aligned with any other gay groups now?

A: What do you mean by aligned?

Q: Do you believe that all other factions of the gay rights/gay liberation movement have divorced themselves from NAMBLA, or is there an alignment?

A: Oh, I see. Basically I think NAMBLA is highly controversial in the gay movement. The groups that tend to emphasize the gay liberationist approach tend to support NAMBLA, although they themselves may not be particularly interested in this issue. Some of the ones that are seeking to be accommodationists have denounced us. Certainly as an organization, NAMBLA has been active in the gay movement. NAMBLA is a member of the International Gay Association and last year at the International Gay Association Conference [in Toronto], we were the only voting gay organization from the United States.

Q: Do you see yourselves as advocates for children?

A: Yes. Considering the legitimacy of sexual relationships with children, there's two main theories that you can work from. One was the classical Greek theory—that is to say that the older partner in a sexual relationship served as initiator and tutor of the younger partner. You can also take a children's liberationist's viewpoint—that is to say that children insofar as is possible—and it's far more possible than the current structure allows—

should be given liberty to run their own lives as they choose, including the ability to determine how and with whom they should have sex. Again, that's spelled out in great detail in our position papers.

Q: Let's talk about the age of consent. Do you think there should be any age of consent law on the books?

A: No.

Q: Do you think that all children can handle sex?

A: At some level, probably. Certainly they can handle the idea of sex. The actual content of their sexual experience, if any, would probably vary absolutely enormously from none to quite torrid affairs. But if they were allowed to determine their own conduct, their own level of involvement, and proceed from there and to withdraw from it if they found it painful and so on, yes, I think they could handle it.

Q: How about incest?

A: NAMBLA's never taken a position on incest. I personally view incest as the most problematic of that sort of relationships simply because any relationship where you're so involved with the other person that you can't get out of it—certainly it's almost impossible for an external observer to tell whether it's truly consensual or not. The dynamic of most incestuous relationships is extraordinarily different from the dynamic of man/boy love things. We're talking here about the stereotype form of the father/stepfather-daughter incest. The dynamic in those sorts of situations is actually solidification of the family structure—that is to say, normally you have a mother figure who is withdrawing from the sexual arena for various and sundry reasons and somewhat acquiesces in the thing frequently and the result of the thing is actually to make the nuclear family more introverted and tightly involved. Normally where the damage comes in is where the daughter realizes that this is an atypical sort of situation and she feels extraordinarily betrayed that the father or mother did not explain how this situation would be viewed externally. Now man/boy relationships are most frequently, I would say, the result of the boy's exploration of his sexuality and encountering an adult male and developing a relationship from that. Usually it follows and doesn't precede sexual exploration with age peers.

Q: The situation you described as common in incest relationships—could it not be duplicated in a relationship between a man and a boy in that the boy may not understand how this is going to be viewed externally in the same way that the daughter may not in an incestuous relationship?

A: Yeah, well, if you assume that both partners are relatively strangers—at least they aren't living in the same place—the boy certainly has a choice

of getting involved, which is different from the incestuous relationship. Now the degrees of knowledge about it vary a lot. I don't think anyone that hasn't been through it realizes exactly how horrible police involvement is in these cases—for everybody concerned except, perhaps, the police. But certainly most boys are aware that sex is in some sense considered bad or wrong or is a forbidden area and that they are deliberately exploring what they know to be a somewhat forbidden area. If the adult partner was wise, if he in fact knows himself—some people are extraordinarily naive about legal implications—they would certainly explain to the younger partners exactly what's involved.

Q: Are you saying that that's what adult partners should do?

A: Yes. Right now the situation of man/boy love in America is quite analogous to the situation of Jews in Nazi Germany before it crystallized. That is to say, they're not rounding us up and throwing us in concentration camps merely for existing, but certainly if they have any excuse they're certainly doing horrible things. And in among that you have the horrible situation of the younger partners who are brutalized by the police to extract confessions frequently; psychologically traumatized by what they view as their betrayal of their adult lover, and plus dealing with their relations with their families and friends, depending on how much publicity the thing receives. And of course the adult's career is usually destroyed even if he's not convicted in a legal proceeding.

Q: Do you consider a 3-year-old boy capable of consent?

A: By and large I would say probably a 3-year-old would not be interested in sexual relationships. They'd possibly be interested in playing doctor, but probably nothing beyond that. And certainly I think any sort of genital relationship involving penetration would be utterly inappropriate.

Q: Let's talk about fondling. Would it be in any sense inappropriate or wrong for an adult to fondle a 3-year-old boy?

A: If he objected to it, certainly. Now you've got to realize that the United States' cultural prejudice against fondling is again relatively new, historically speaking, that there are a lot of cultures including southern European ones—Italians—that believe in masturbating infants as a way of quieting them down and letting them sleep. Also infants masturbate a lot themselves if they're not suppressed by their parents. That was one of the reasons that circumcision became popular in the nineteenth century. And in memoirs of Louis XIV, his court physician was telling how the young prince went around displaying his genitals and various people fondled them without thinking it a sexual act with particular implications.

Q: So the answer is a 3-year-old—

A: If it causes him any sort of anxiety or problems, yes, it should not be done.

Q: But if it doesn't—if he seems to enjoy it, then it's okay.

A: Yes.

Q: Now the argument that's often on the other side is a 3-year-old, 4-year-old, 5-year-old, and indeed even a 10-, 12-, 14-year-old is not capable of understanding the implications that the activity is going to have on the individual's life.

A: We can separate this into two things: those sort of reactions that are intrinsic to the act itself, and secondly the sort of societal reactions that will become related if in fact the act becomes known. And certainly I don't see that the act itself has any particular major league implications. In other words, I don't see whether or not a boy masturbates or is fondled has any particular implications to his psycho-sexual-social development of itself—absent legal interference.

Q: Given the world we live in, is it not reasonable for a person to predict that engaging in sex with a child has a reasonable likelihood of causing unhappiness to that child at some point?

A: Actually, if anyone were to ask me, "Should I have a relationship with a boy?" I would probably say, "In the present environment, no, don't." However, the question is seldom if ever presented to me in that fashion.

Q: Why?

A: Because these are people who are already involved in relationships. What you're speaking of is a very broad, very abstracted, denatured sort of consideration. Normally, as these situations present themselves to individuals, they are a particular boy and a particular situation.

Q: Would you say that these relationships are emotionally bonding relationships?

A: In many cases, yes. Like any other human relationships, they run a whole gamut between very unpleasant sorts of things and highly desirable sorts of things.

Q: But if someone were to say, "If these men cared—really cared—about these boys, they would restrain themselves because of what is likely to result from this relationship," what would you say to that?

A: I would say that that shows a highly abstracted and unreal view of the way people behave. You can make an argument that everyone ought to

restrain themselves sexually before a legal marriage after having attained a sufficient income to support oneself, one's wife, and one's prospective 2.3 offspring. People very seldom behave in that fashion, and to expect them to is to just not be real.

Q: Is NAMBLA involved in any activities designed to change the laws?

A: Specific lobbying? No. About the closest we've gotten is we were consulted and our declaration on youth liberation was used as part of the basis for the Green party in Germany's platform on children. That's about as close as we've ever gotten to actual politics. The question right now is so far out of the mainstream that basically what we're attempting to do is simply survive as a group disseminating a distinctly nonmajoritarian opinion on the subject, and basically present a rational alternative. There's no reasonable expectation at this time of that becoming even a sufficiently large minority position to be acceptable within the political arena.

Q: What would have to happen for the laws to change in accordance with your philosophy? Can you imagine anything happening in your lifetime that would—

A: I don't know. Changes in sexual mores are always unpredictable. The thing I find most difficult in discussing with people is the tremendous fear and terror that the whole idea of sex generates. These irrational fears are by far the most difficult things to deal with. We need to get to a point where people are in fact capable of dealing with sex rationally. Now what it takes to get to that point, I don't know. Right now, of course, we've had for a number of years—though it's weakening after overreaching somewhat but probably has a few last spasms—is an antisexual movement which seeks to arouse by fear and hatred and demagoguery all sorts of primordial passions on the subjects of pornography, homosexuality, what's labeled child sexual abuse, and all of those things.

Q: Do you avoid saying things in [your newsletter] so as to avoid prosecution or harassment?

A: No. We do avoid certain things. For example, in certain respects it would be desirable to have a pen pal service in the bulletin. We've avoided doing that simply because of the potential for misuse by law enforcement agencies.

Q: Or classified ads or something. You don't do them.

A: No way.

Q: Is that one of the reasons?

A: Yeah. That's one of the reasons.

Q: Are there laws currently on the books concerning children, adults, and sex that you agree with?

A: Ones that we would agree with totally? No. Certainly we would support laws relating to harassment and assault.

Q: You said you support sex education for children as young as 5 and the concept that you have control over your own body?

A: And you have the right to say no, but we'd go beyond that to say, "You also have the right to say yes." Our whole problem with the current system of laws is that they don't work very well when they depend on outside intervention. The best way they work is when the child perceives a problem and can go and do something about that problem himself.

Q: What could a child do?

A: In an appropriate situation, he could leave home, go to a shelter, and then not be required to go back until the situation had been adjusted to his satisfaction or not at all. Any adult who notices a situation should attempt to deal with it. The more people can do on their own, the more likely it is to get done correctly. Once you start involving any layers of bureaucracy, you start getting their agendas entangled with it and this does things very badly in most cases.

Q: You don't break the law?

A: No. And indeed we can be seen not to break the law because I think it would be intuitively obvious that we are under considerable scrutiny. Not only do we say we don't break the law, it can be fairly well seen that we don't. If in fact one were considering criminal conspiracy, one of the less intelligent things to do would be to announce yourself, attempt to publicize yourself, go on speaking engagements, conduct interviews, write books, et cetera.

Q: Do the relationships that NAMBLA members engage in with children break laws?

A: If in fact NAMBLA members—well, it depends. If in fact their relationships are such that one of the two partners is underneath the age of consent in the relevant state, yes. As to how many members of NAMBLA might be violative of laws, I have no idea and certainly do not wish to know. Certainly among NAMBLA activists I would suspect the number to be extraordinarily small—again, because of the level of scrutiny. In many cases they choose between being activists in NAMBLA and having any

sort of sex lives. In other cases their partners happen to fall above the relevant age of consent.

Q: What about “kiddie porn”—does NAMBLA have a position on that?

A: We do not believe that sex is a bad thing, therefore we don’t believe that visual depictions of sex is a bad thing. We are opposed to any form of exploitation and wish that the privacy rights of individuals involved be respected.

Q: What price have you paid to be a member of NAMBLA?

A: The only problem I’ve had is incipient paranoia and the fact that my apartment was raided by the FBI in December of ’82. That’s been my only personal price, and I think it’s been more than compensated by the privilege of associating with some people I regard as truly outstanding.

Q: What if you found out that one of your members had used force in a relationship with a child? Would that in some way violate a rule and lead to the expulsion of a member?

A: This situation is not the sort of situation that is likely to come about simply because there would be no point in discussing sex lives as part of NAMBLA and a great deal of reason not to. This is one of the reasons why I find Mr. [David] Techter [of the Lewis Carroll Collectors’ Guild] to be something of a sleazoid. In his appearance on [the NBC broadcast] “Silent Shame,” he was telling about having relationships with two young girls and how he had coerced them into remaining silent by attempting to play on their own guilt feelings. I regard that as despicable and I would not wish to be associated with Mr. Techter in any sort of fashion whatsoever.

Q: Would he be denied membership in NAMBLA if he applied?

A: Yes, I would certainly hope so. Again, I’m not on the steering committee this year so I wouldn’t be the person making the judgment, but I certainly would hope the steering committee would make that decision.

3. PAUL HANNA, therapist and clinical coordinator for the Intra-Family Sexual Abuse Program of Polk County (Iowa). Interviewed May 30, 1986.

Hanna, who was 35 years old at the time of the interview, has a Master's degree in counseling and has been employed by the Department of Psychiatry at Broadlawns Medical Center in Des Moines since 1977. In 1980, when the IFSAP pretrial diversion program was initiated, Hanna was asked to treat offenders. "I had no idea what I was getting into, but I agreed," he said. He has been doing it ever since.

Q: How has the program changed over the years?

A: It's totally different now than it used to be. When we started, the emphasis was on individual therapy, because that's what we mainly do here, and with some marital therapy and some family therapy at the end and with the idea that we were going to change the family systems, and that's what we were trying to do. We have since changed that whole philosophy a great deal in that we now emphasize working with the offenders and we put them in groups and we do a lot of really intensive confrontation and work at changing their—we're working with their sexual fantasies, their sexual autobiographies, their sexual preference, how they see women as objects and we're really trying to change some significant things in their personality. As an adjunct to that, we also work with the families, but we feel we have to do a lot of changing with these men in order to feel safe with them outside. And I think that's really made a big change in the product we're coming out with—with the people as they leave therapy. They seem to have changed more. I feel pretty good about that. We have a lot of problems with the mothers. The men we have less problems with because we have so much hanging over them in terms of they can't go back to live with their families until they've made changes, they have criminal proceedings going on, which means they could go to prison if they don't do well—that kind of stuff. But mothers: the most we have is juvenile court and some of the mothers don't care if they lose their kids. They'll fight every inch of the way, but that isn't that big a deal to them. So we have a lot of problems with the mothers and we're trying to do our best to tighten up that part.

Q: How comfortable do you feel when most of the men walk out of here?

A: We can tell you when they leave how comfortable we are. There are some men who do real well and we feel for a fairly extended period of time

they ought to be pretty safe because they've done a lot of changing and we've done a lot of changing in the family so that there's all these other safeguards built into the system they're in. Other men don't do much—either they're limited in terms of intellectually or their defenses were so strong that they could only make limited changes. Then we don't feel as comfortable. Then we try to build in as many safeguards as we can in terms of extending the aftercare or putting some things in their probation that will give us further assurance—that sort of thing. So it varies from man to man and you can't even tell when you first see them which men are going to be the toughest or which ones are going to work the best. In terms of follow-up and knowing whether they are going to remolest, I really can't say that anybody in the country could really give you an idea of how many would because the only way you're going to find out is if they get caught again. So being real honest, I don't think any—unless you could get maybe some sort of data from psychological tests, I don't think that you could really demonstrate that these people are safe and I don't think that the data exists on psychological tests. I don't think that there's testing instruments to prove that they are safe again.

Q: Some of them walk out of here and you gulp and knock on wood?

A: Yup.

Q: How do you feel about that?

A: Well, we've done the best we can. Undoubtedly they've gained stuff, but they're still a risk. You hope that they don't get associated with a—say that they're divorced from their wife and you hope that they don't go find another woman that they can dominate and get into another situation where they have access to kids.

Q: Is that good enough? Not for you, but the system?

A: It has to be for us. We just can't do any more.

Q: Is there a problem with a system that leaves you gulping and knocking on wood when these guys walk out the door?

A: Well, I don't know how else you could do it. I suppose you could say that's a problem and it's something we just kind of live with, but in our whole area of therapy, that's the way it always is—with every population we deal with, so it's not unusual for us. I treat somebody for depression. They're suicidal. I don't know if they're going to commit suicide. I try to guess when they're most likely to do it and get them in the hospital in a safe environment, but it's kind of like I've got to live with the idea that they might go out and do it. Or the physical abusers—the same thing. Abuse their wives or kids.

Q: Do you subscribe to the belief that these guys are like alcoholics: they will never be cured, they can only learn to control their behavior?

A: Definitely. Definitely. And that there are certain factors that can throw them back into old behavior.

Q: Do you have a sense of a percentage of men who return to the family situation intact—that is, a reunited family as a result of the IFSAP program?

A: Of the people referred to us, I would say about 50 percent end up, after treatment's over and, say, give a few more months for kind of a settling out, I'd say 50 percent do go back. Occasionally there might be one of the children that doesn't go back for one reason or another—it may be because the child is 17 and has elected to do something else—they're almost an adult anyway. We won't allow the man to go back if we think it's going to hurt the kid.

Q: Do you feel better when they leave here not going back?

A: There's two ways of looking at that. If we've done significant work with the family and they go back to the family, the family might be a safer place for them to be because we have all these safeguards built into the system. If they start acting funny or doing funny things, then the daughter or the mother might confront them or let us know or do something about it. If they're divorced, sometimes that's easier for the kids—if there's a lot of damage done and the kids aren't that close to the father anyway (that's the other side of the coin)—maybe it's easier for the kids sometimes if the divorce occurs, but where does that offender go? These guys don't go and live alone and not meet other people, and so they're likely to go meet someone else and who knows what's going to happen there. So we don't feel like we have as much control over that. So there's two ways of looking at that.

Q: If the mother calls up and says, "My daughter told me something's happening again," what would you do?

A: Well, beyond reporting it, they probably wouldn't get back into treatment. It would be investigated. If it was something really blatantly sexual, like if there was fondling or some sort of approaching the daughter and saying, "Let's go to bed," or if it was actual sexual intercourse with penetration or any of those kind of things after they've been in the program, they go to prison. Period. If it was like, "Daddy kissed me funny," or "Dad opened the door on me when I was taking a shower," we would probably pull him in and start doing some more family therapy.

Q: Because all of the family members are undoubtedly acutely aware of the potential for prison, the likelihood of those controls leading to a report is quite slim, wouldn't you say?

A: I understand what you're saying. That could reduce the possibility that they would report, but at the same time hopefully we've changed this mother so that she's much more supportive and so she puts her kids first and she's real clear with the offender that "hey, you don't get away with this and if you do this, I'm going to somebody who's going to do something about it." With mothers who haven't done much change, who haven't done much work, who are still on that old system where they're saying, "My husband comes first, my kids come second," then you're really dealing with some problems there in what you're saying. I agree with that.

Q: Wouldn't it be more likely that women who have really come to believe and act on the belief that their kids come first and their husbands come second will be divorced at this point?

A: No. Not necessarily. They might divorce after this action, though. Many times the kids want them back and the mom might even be fighting the kids when she divorces the husband, so it isn't quite that cut and dried.

Q: Doesn't, additionally, the fact of jail looming over everyone's head make statistics all the more suspect?

A: Yeah. I can see your point. The problem is, if you don't have that leverage on these people—and we've had people who didn't have the criminal charges against them—without that, they just don't change or they don't change as much. Sometimes you can get some change, in terms of them admitting to what they did and saying they're remorseful for it and accepting responsibility for it, but then they don't go out and change all these other behaviors that surround it—like the alcoholism. They have a whole set of attitudes and behaviors that go along and reinforce this alcoholism. They call it a "dry drunk" when an alcoholic stops drinking but he still has all these attitudes that reinforce his drinking so sometime in the future he's likely to start drinking again, or he still keeps the family in the same system that it was before. And so, as with the dry drunk, we feel we also have to change these attitudes that surround the abuse. Just stopping them and getting them to accept responsibility is only the first step. It's very important for the victim to see that—very, very important—but it doesn't change the system that the victim lives in.

Q: What do you think about Giarretto saying that there's a 1 percent recidivism rate among his population?

A: I don't see how he could say that. I mean that's wishful thinking. The individuals you're treating vary so much that I don't see how you could say that, taken as a whole, they're not going to reabuse. Some are more likely to reabuse than others—that's as clear as day if you've spent a lot of time with them and are realistic about what you see. Some just have so many more strengths than others, or their family is stronger and they can work together so much better, and others have nothing. We have people who live in missions that come here and as long as they're in a mission atmosphere, they're certainly more likely to reabuse than somebody who has a strong family that's going to help him change and keep those changes in place.

Q: Maybe it's also political thinking—for funding?

A: True.

Q: Is funding also an issue for you, like: "See what a great job we do? Look at our stats!"

A: No it isn't—in that sense. In terms of respect, in terms of working together as a team, getting other people to work with us and to feel good about referring to us and accepting our recommendations, that's very important; but in terms of funding, it isn't. We don't have much for statistics—it's not really built into our program because we don't have the staff time to devote toward it. We're a county hospital, which is probably a really unique situation. There may not be very many of them in the nation. We're the hospital that treats the indigent people in Polk County, where the people don't have the money to pay, who don't have insurance, who the county more or less foots the bill on. We also will treat other people who have insurance or who are paying themselves, so we have kind of a tier system. Depending on how much money you earn, they charge you a certain rate. So I think our system's real different from other systems. But one thing that that does is we have to go to the board of supervisors or to people in the county government and get our funding, so every staff member we have has to be clearly needed and they have to pay their way. Now that's not that unusual, maybe, for other organizations, but we don't have much leeway and I, as coordinator, do a lot of treatment. I do coordination kind of on my own on the side, so there really isn't time for me to do much statistic gathering. I think it would be a useful thing to do if I could do it, but they don't feel like that's the critical item right now so I do what I need to do.

Q: I understand that you initiated a pretty thorough screening process in the last two years. Can you describe what the process is and how it has changed what you do?

A: We were getting people who maybe fit the minimum criteria, but then came in and didn't work—didn't do anything, were people who just weren't motivated to do any work in treatment and so we faced the problem of what to do with them. Once they're in the program, it's hard to send them to prison. They may not know that, but it is hard. It's hard to identify how they fail. Someone attends all the appointments, they answer your questions in one or two words—when the court asks, “Well, are they attending regularly?” They don't ask you how well they're doing in terms of how they're working, and it's so hard to describe that in some sort of objective way—to quantify their participation. So what we wanted to do was screen up front, so we see them for approximately three to five hours. We'll sit down and go through what they did and get all kinds of information in terms of social history—that kind of thing. We have them do a sexual autobiography. They start that right at that point. So they're bringing in all this information to us so that we can get a handle on what degree of sexual attraction to kids they have, what kind of personality pattern we're dealing with, is this somebody who's extremely rigid, obsessive, that sort of thing. Are they showing remorse? Are they denying a lot of stuff? Are they minimizing a lot? They all minimize a certain amount. They all deny a certain amount. They all probably have some type of personality disorder, but are they too much for us to be able to treat on an outpatient basis? So we're looking for their attitude towards what they've done and towards treatment as a whole. And we're also giving them assignments so they're going to have to already show us that they're willing to go home and do some work. Basically, we're also trying to screen out people who are going to be a risk. So if they're going to be a significant risk to molest while they're in treatment, or to be dangerous either to therapists or to their family or to someone else, then we don't want them in our program.

Q: So what personalities are you screening out?

A: We're not necessarily screening out whole personalities; what we're doing is the extremes of them. The antisocial who doesn't care about anything but himself—we treat antisocials, but they have to be willing to work. We aren't saying we won't treat them, because I have a couple who have done really good work. But others who are only concerned about themselves, they're not concerned about what happened to the victim—they may have had anal sex with their son and not really cared or understood the pain they inflicted on the child. It's important for them to get a handle on that because they've got to come out with feelings, they've got to understand how they hurt somebody; they've got to open up their feelings to people in the group and in individual [therapy] and that sort of thing. You won't see it all, but you've got to be able to see a capacity for that. So, some of

the antisocials, we get some narcissistic people, but it's really hard for me to say which ones won't make it. We clearly won't take somebody who's mentally retarded at too low a functioning—maybe [an I.Q. of] sixty-five or less we wouldn't take them. Organic [brain damage]—that can be a problem. We will take some organic people because we get a lot of substance abusers and a lot of them have some organic damage from all the drinking they've done. But if it's too extensive, they're probably not treatable, so we do a lot of psychological testing if we think that's the case. If they're schizophrenic, we probably wouldn't take them. If they're having all kinds of delusions and they're psychotic, we probably wouldn't want to take them, even if they get to the point where they weren't psychotic anymore. But then again they might not have to face charges. They might be able to get by. We get a number of passive-aggressive personality disorders, the schizoid personality where they're really away from people, distant from people—that's a frequent one.

Q: Do you ever take people who have victimized children other than their own (that come through the IFSAP program)?

A: Yeah. We'll take a few of those.

Q: Would that be a reason not to take someone? If it looked like it was an out-and-out pedophile who was not simply regressive but chronic, repetitive, compulsive—

A: Okay, we don't use those words anymore. *Regressive*—we don't use that. We see sexual attraction to kids as being in degree. We don't see it as being fixated or regressed. We don't use that because we don't feel that those categories actually exist in any kind of pure form at all. And we don't use the word *pedophile* much, either, because we see them as—all our men are sexually attracted to kids, all of them period. Even the men who are very physically aggressive when they are sexually abusive. The theory was they do it out of power. We say they're still attracted sexually to kids. We find with every one of them that they are. When they're in treatment they all admit that they had fantasies about it. It varies a great deal in degree and it varies in what age you're looking at. Some offenders are attracted to kids from 10 to 13, some are 2 to 8; it varies a lot in that. But when you start using the word *pedophile*, I see you start separating out the ones who are interested in kids that are out there and the incest population that are interested in the kids that are in the home. We don't see that much of a difference. We just think that it's more available, that it's easier for those people to molest inside the home. If they ended up staying somewhere and there were kids there, they might be a danger there, too, even though those aren't their kids. We don't see that sharp a distinction, although people

who have a high degree of sexual attraction to kids are more likely probably to go get a neighbor kid and do it to them and to go hunting, cruising, that sort of thing. So I guess that would be more of what other people would call the pedophile. At that extreme range, we would feel uncomfortable with their coming into our program because they don't have the controls necessary to come into an outpatient program and be safe. We can't have them come into our program and molesting out there, so that's why we would want to exclude those—not because of how they think, how they act, or what we're treating, because we feel it's pretty close to the same thing, especially the group work and the individual work we do.

Q: But you don't feel confident that you can say, "This is a guy who has molested his kids and is really not much of a danger to other children?"

A: No. If he was in a situation where he had access to someone who developed a trusting relationship with him, or he could develop a trusting relationship, we would be afraid of that, too.

Q: Isn't it valid to draw a distinction between men who are a risk to all children and men who are a risk only to their own?

A: I think we're fooling ourselves if we do. It's kind of like these are worse than these. And we don't see them as being worse, so much. Because when you go out and talk to people, they either have in their minds that incest is worse or pedophiles are worse, and I don't know which—depending on who you're talking to. And in terms of whether they're treatable, we don't see that so clearly that way. Right now the program is set up so that we treat intra-family, and that's how we make a distinction. I think it's mainly a way for us to limit our numbers so that we have reasonable numbers and for us to have some controls over these people, but not so much because of treatability.

Q: Would there be any difference in the way you treat an incest offender from a man who chronically abuses children indiscriminately and compulsively?

A: The difference would be in terms of control. This person who is doing it with all these people obviously has very poor control over his sexual behavior, whereas the other one has some control over his behavior, so we would differentiate on the basis of control. It probably would be harder to treat number two, who has had all those experiences. This guy may be a sexual addict. We divide it up into three categories. We don't have a clear distinction, but we see the kind of passive/dependent people, we see power and control people, and then we see the sexual addicts. There's a mixture in there sometimes, but the sexual addicts are very, very close to the al-

coholic who just wants that sexual high and just is looking for more and more and more wherever he can get it. I think the sexual addict is the highest risk because then you're really dealing with somebody who's like the alcoholic—it's so easy for him to slip back.

Q: Do you screen them out?

A: No.

Q: Are those the guys you gulp and knock on wood when they leave?

A: Well, yeah. Actually all three of them will have some people in them that we will gulp and knock on wood. The power controlling—I just had one leave who I think did a lot of work in treatment and did a lot of changing but he's so aggressive still—we couldn't take that out of him—and he was abused repeatedly as a kid and you can talk about that and work on that, but at some point it's still part of him and that anger is always in there and he's so much better at dealing with people and he's so much more gentle and he deals with his kids so much better—he ended up divorced, but nonetheless he still sees his kids—but he is somebody who is so aggressive that at some point you could see him again slipping back into old behavior and becoming sexual in terms of how he's dominating other people. It's very possible, so he's kind of a gulper, although he did a lot of work and he changed a ton of stuff.

Q: What percentage of your patients have been abused as children themselves?

A: Oh, close to 50 percent, I'd say.

Q: Any follow-up on the men who have completed your program?

A: Of our earlier groups of men that went through, seven of them remolested between 1980 and the middle of 1985 [out of a total of about one hundred twenty to one hundred forty] and none have remolested since that time that have successfully completed the program—that we know of. We have had approximately two hundred to two hundred twenty offenders go through treatment since 1980. We have fifty-one in treatment now. [Screening began in 1984.]

Q: What happened to the seven who remolested?

A: They were brought back on charges. From what I remember, I think they were sent to prison—I think all seven were.

Q: How many didn't successfully complete the program?

A: I don't know. [No way to get statistics, he said.] And it's changed so much. It's really hard. You know, statistics back then of what is successful

completion and what is successful completion now is totally different. I mean they go through so much more now than they used to.

Q: What do you think of the Giarretto IFSAP model?

A: Well, it's a place to start, I suppose. I think it might be pretty good for aftercare—the Parents United model for somebody who went through treatment and they want to stay thinking about sexual abuse and stay in tune with all that they've learned. I'm not all that sold on it. I think it may be a little too soft [on offenders].

Q: What effect does that have?

A: Being too soft on offenders? They aren't going to change enough because they're going to avoid that in every way they can all the way through. You have to push them every inch of the way. Only maybe 5 or 10 percent of them are really going to go in here and do the work and all you have to do is guide them.

Q: Think more of them should be in jail? I mean a long time in jail.

A: [Pause.] Yeah. They get off pretty easy sometimes. I don't know if the jail system is adequate to handle all the people that we could send there.

4. LAWRENCE DALY, detective,
King County (Washington)
Department of Public Safety.
Interviewed August 7, 1986.

Daly, 32, had been a police officer in Seattle for ten years at the time of the interview. He was assigned to the Special Assault Unit (handling adult and juvenile cases) in 1984 and began specializing in cases involving child victims in 1986.

Q: When you initially got into Special Assault, what made you decide you wanted to do it?

A: I think it was the curiosity of not knowing a lot about it. Secondly, I knew that they were complicated cases, and I knew that it would be good experience because eventually I want to go to homicide.

Q: It seems that among all the agencies that get involved in child sexual abuse cases, the two that perhaps have the hardest time getting along are CPS [child protective services] and the police.

A: That's true, and I can tell you why if that was going to be your next question. The ideologies of CPS people and law enforcement are different, they're distinct. CPS is not concerned with prosecution; they're concerned with making sure that the child is safe. We on the other hand are interested in securing the safeness of the child by prosecuting. What happens is CPS is doing what they think is right, we're doing what we think is right, and what eventually happens is conflict. They're social workers. They're educated for that. The other thing is, everyone's guilty. If they get a report, he must have done it. They don't reason the facts as well as we do. We are just fact takers. I mean, we go out and we look at a case. The first objective is—in any investigation—is to always to keep an open mind because the suspect is innocent before he is guilty. Vice versa with CPS. I argue with them daily. This guy did not commit this act. Yes he did. No he did not. Bullshit. That's what it turns into, and then that's where the conflict comes in, because they instantly believe the child. That's bullshit. If anybody instantly believes a kid, right there they've already focused in: he is guilty, the kid is right. That doesn't work all the time. I'm not saying that we shouldn't believe what the kid's saying, but if you instantly take that and move on, I mean—and that's where the problems are.

Q: What do you think the solutions are? These conflicts are everywhere.

A: The solution is to keep an open mind. That's so important. There are so many allegations. A perfect example are the divorce cases, where you have Mom and Dad conflicting over the child, family court's becoming involved, because now they're going to have to decide about custody. It's common for us to get a case where the child has spent the weekend with the dad and all of a sudden, she's been molested. And then you bring the kid in and the kid says, "Well, he was giving me a bath and he did touch my vaginal area." Oh. Now everyone overreacts. You've got CPS saying, "Oh, he's a pervert!" you know? And then I say to them, "Well, wait a minute! I gave my daughter a bath and she's 3 years old; am I a pervert?" Be open, do not lead, and listen, because a lot of people don't listen. A lot of the people don't listen to the witnesses, they don't listen to the suspect, but there's a lot of circumstances when you're talking to suspects that you have to look at. I mean I usually know, 99.9 percent of the time. A suspect comes in, is he appropriate or inappropriate? I mean, they don't fool you too much. They have a classic personality.

Q: Describe that personality.

A: The personality of a child molester is a person who, I believe, is insecure, is insecure with his feelings with adult people. A child molester—see there's a difference. There is no such thing as pedophiles. *Pedophile* is clinical/psychological terminology for a person who relates better to younger children. A child molester is a person who is basically a pedophile in that he relates to younger children, but he desires them, so the characteristics would—there's your individual characteristics where you have a man who is married, but he marries because he wants to be close to children. It's an access route. He has a sexual relationship with his wife, but he enjoys the children, and you've heard this before. So the thing is, his characteristics are going to be pretty obvious when he comes into the room. He's going to have conflict in his marriage. His children are going to be deadly afraid of him. His behavior in the office is going to be nervous. He won't look at me exactly in the eye when I talk to him. He will be evasive about answers, or he will place blame on the wife. I mean those are most of the things. They always place blame. But if you can eliminate the blame, and allow them an escape route, meaning giving them an alternative on how to confess, what do you call it, an easy way out? Like the alcoholic who comes in and says, "God, you know, I was intoxicated and I don't remember what happened." But the 9-year-old girl—you touched her? Is it possible? "God, it is a possibility." So what you do is you attack the alcoholism and not the individual, and then you allow him to admit to it finally. Those are key things. Each person's going to have an individual trait, and when you see that trait, you have two minutes, I figure two minutes when a suspect

comes in on a child molestation case, to evaluate him. If you evaluate him wrong, you've screwed your interview. So what happens is when you evaluate him, you've got to take advantage of it and lead him down a path of confession, I call it. I know my suspects. I teach profiling at school, I teach interview techniques at our academy here in the state of Washington. I mean, that's my specialty, is interviewing, and I explain to them that you've got ninety seconds. How are you going to interview me? Establishing a rapport with the suspect is the most important thing you can do in an interview. You just can't sit down and say, "You have the right to remain silent," because I don't do that. I don't advise rights until I want to talk with them about the crime. Some people say that's dangerous because the guy could yell, "I did it!" I'm still going to advise him of his rights. If he doesn't say, "I did it," I can't use it.

Q: In your criminal investigations, who interviews the child?

A: The prosecutor. The problem with that is that they have different techniques in interviewing than we do. They are not trained interviewers. It's really hard to clarify it, but the prosecutor has a way of interviewing somebody on the stand. We have a way of interviewing in the field which is totally different. I've never been able to put my finger on it, but I go into interviews with these prosecutors and there are some up in our prosecutor's office that are great interviewers, but then on the other hand there are some that are just terrible. So what happens is you wait until they get done and then you ask the questions that they missed. I mean like Becky [Roe] and those people, they're excellent in what they do because they've interviewed so many kids. I mean, you've got to get good. Practice will make perfect. But I think that their system is appropriate, I think that it is least harmful to the victim. Sometimes, in a case like I just recently had where a stranger raped a girl, they wanted to set up a joint interview and my comment to them was, "If you want the interview, you call the victim, and you set it up. I've already talked to her. I've already taken her statement. I don't need to be present during the interview." That really made them mad. That's okay though. It won't be the last time they're mad at me.

Q: Now, I understand that there's considerable turnover among prosecutors who handle these cases. They don't stick with these kinds of prosecutions for that long a time. Is that true?

A: That's true.

Q: Maybe about a year?

A: Not even that. Six months to a year—and justifiably so. They work their asses off. I mean, I don't know how they do it.

Q: That means that the people that you have in this joint interview doing the interview with the child in most cases do not have a great deal of experience interviewing children.

A: That's right. They come from district court, juvenile court, they're given one training lesson, then they go, and that's the problem. See, that's where we, as the police, have to teach them how to interview.

Q: How do you do that?

A: After they've watched a couple of interviews, they'll come in and—like let's say this is their first interview by themselves. And they'll go through A through Z from what they've learned from the two interviews. Now—

Q: They watch a couple of interviews that you do? Is that how it works?

A: They go with a prosecutor who's experienced. And whoever the officer is, they watch. Then you come in and you say, "Who's my prosecutor?" And they say, "Pat." And you say, "Okay, who's Pat?" Because now they've made a change and you go, "Oh, great. Here we go." So you go in there and you let Pat lead the—usually they're appropriate, do everything right, but they miss key things that are so important. They miss—and this is where the prosecutors have to be careful. I had several rape cases when I was working the adult side where the victim was lying. No doubt in my mind she was lying, and they wouldn't confront her. So it was my turn, and I just turned around and said, "You're lying!" And they just—I mean the prosecutor, [and King County] Rape Relief [were shocked]. "How dare you challenge a rape victim!" That's crapola. If I didn't ask that question, who's going to ask that question? The defense attorney is going to get her on the stand and make her look like an idiot. Now how do we alleviate that? We have to confront the victim with the inconsistencies. A new prosecutor who's never tried a rape case, because they've just come to the unit, doesn't know those kind of things that they're going to get surprised with. Me, who's been to several trials, who's been through several interviews, who's been through da-da-da-da-da, knows that those questions have to be asked. So some people get a little shocked when you say, "I ain't buying it. I ain't buying this story." Especially with teenage girls. We have a lot of problems with veracity, and that's what the defense attorneys attack.

Q: So you think that that protocol works reasonably well?

A: I think it's great, I really do.

Q: How long does it take you on this unit to get good at investigating child sexual abuse cases?

A: Well, I've got to clarify it in two ways. If you come like I did—I had a year and a half experience as a burglary detective, so coming into the unit was not difficult at all. It took maybe a month to understand the mode. For a person that comes out of patrol, I would say six months to a year, depending on your previous experience. Like we had a female detective who never had any detective experience, so her empathy towards the victim—I mean because a detective has a different empathy than a patrol officer. Patrol, it's a quick one: you're here, "Sorry this happened," and then you leave. A detective always has to remain in contact with the victim. It's a consistency of empathy. She had difficulty with that because she didn't know when to show the empathy, she didn't know when to turn it off, and it really became a problem. In fact she got a couple of complaints on it from victims. But it took experience. Now she doesn't have that problem. So it matters on the background.

Q: But it doesn't take that long to get reasonably competent in investigating these cases?

A: I'd say six months. But we have a training phase here. You usually train with somebody, and if they don't know, like—I seem for unfortunate reasons, I don't know why, but I seem to be the leader of our group. So if they have a question, they come to me, and they say, "Let me throw this at you." And if they don't feel comfortable with that, they go to the sergeant, or they go up and talk to the prosecutor. So you always have resources you can move to.

Q: What kind of training is involved?

A: None at first. Myself, I read every handout I could get upstairs [in the prosecutor's office], I went to profile schools on rapists, I went to several training courses they've had on victims of rape and advocacy. I've attended many [network] meetings. The department doesn't do it. The department does not provide specific training, and to ask this department for any specific training is like pulling teeth because of the money allocation. It's another government problem. There's a school back in Chicago that's going on this week, I think—\$1800. But boy would it have been beneficial to go to. The department doesn't have that kind of money.

Q: Would you like to see training formalized at the beginning and, you know, along the way?

A: I think so. I really do. I think you have to know—well, let me explain this to you. Physical evidence is a big thing in a lot of these cases. I was an evidence specialist on this department. I've done many homicides, et cetera, et cetera, and I've done some rapes before I became a burglary

detective, and then I dealt with specific evidence in burglary—fingerprints, and body fluids mostly. And then you come into this unit, and people start talking about Pap smears, pubic hairs, sperm, and if you don't know anything about that, you have no idea of how to correlate it to the crime. When you get a report from the hospital, what does it mean when they say there was a laceration, or there was something on the vaginal tract, or what does it mean when on the anus there's a scar at the twelve o'clock high? You know, those types of things. You ain't just gonna pick it up. So there should be some formal training.

Q: Are all kids taken for medicals?

A: Only if the circumstances indicate that evidence may be possible. We do not want to put them through medical examinations because it's so traumatic. So if it indicates that there possibly was some type of penetration, some type of continuous abuse where there was penetration, then we would have them examined.

Q: Many people say that CPS should err on the side of safety—that is, take the kid out for a while, if they need to, to be sure that they have a safe environment before returning the kid. They're not in the same position as the prosecutor, where if they don't have a case that they can prove, they can't file. But then there are other people who say, well, although that may sound somewhat reasonable, when you look at what happens to people who are accused—they get stigmatized, they lose custody of children for longer periods of time than one might think, because this is a bureaucracy and because there may be antagonism between the social worker and the family—there are a lot of families that are being abused by the intrusion and intervention of child protective services. Those are the two sides. Which side do you take?

A: If there's any doubt or any question in my mind that leaving the child in the home—if there's a possibility that the child could be in danger in any manner, I would remove the child. Not because I question Dad or Mom, because when there's a question, safety does become the importance. I mean, what if we're wrong? I think that we have a duty to a child to remove them until we know for sure that the actions of the parents are appropriate. That's the side I take.

Q: Okay, but that flies in the face of what you were just saying about innocence, when you were looking at the criminal side.

A: I think that criminally speaking, you have more—if you want to use the word—defamation to somebody, such as the thing you saw on TV [the local news] last night—the basketball coach. Hell, he's guilty already. I mean, they've got him on every charge in the United States.

Q: What's he been charged with?

A: Molesting his basketball players. So the thing is, like his attorney said on TV, he's defamed. But let's say one of the basketball players was in his home, and it's a question if he was being abused or not, physically, let's just say physically, and CPS found out and said, "Hey look, Coach, we're just going to remove him for a couple days until we get things straightened out." The media's not going to pick up on that. Nobody's going to pick up on that.

Q: I'm looking at sexual abuse, though, and the media will pick up on sexual abuse.

A: That's right. And they will defame. That's the problem with the media, but we have a right in the community to know who we should be careful with, who's a threat to our children, you know? I'm glad they're there. I guess you're damned if you do and damned if you don't, because I believe that the safety of the child is the most important and if the parents get upset—I'd be mad. I look at it that way. I'd be mad if somebody came out and told me they were removing my 9-month-old child, and I have a 3½-year-old too, from my home, because they heard something that was bullshit. I think I'd be contacting a lawyer and suing some people. I think I'd be quite upset, unless they could substantiate that to me why. Why this has to be done. I'd be real upset, and I guarantee you I wouldn't be working here anymore. I'd be owning this place. So I understand what you're saying, but the safety of the child is the most important.

Q: According to your protocol, CPS never does full investigations [in criminal cases]?

A: They have to do the same things we do, but they don't do it in the context of how we do our investigations. I mean, they want to get the facts against these people if they've done something wrong. They get the medical reports, they take photographs of the injuries if they're the first person out there. They take terrible photographs, they're not trained in evidence, they're not—see it's a difference in the training. They're there to make sure the child's safe. We're there to make sure that we can collect all the evidence and prosecute the suspect—and make sure the child is safe. They have one goal, we have numerous. Recently we attacked CPS and we had a right to. They weren't reporting properly, they were making big errors and we wanted them to know. I got tired of it. I got tired of getting a fractured skull on a 9-month-old three months after the incident occurred! Who am I going to interview, the sink? I mean that's crap. Getting a report that I've got a kid half dead up at the hospital when it should've been reported on the night of the incident? That's crap. And that's what they were doing.

They became the investigators. They wanted to do the job, but they're not investigators! We're the investigators. We're the ones that are going to make sure that this did, or didn't, occur. CPS is there to make sure the child is safe.

Q: Do they agree?

A: Oh to a point. I think they agree to the point that they would like to believe that they are investigators. I think the problem is that they're frustrated police officers, and we're frustrated social workers. I really do.

Q: What's the solution to that?

A: The solution is training, education, more meetings with law enforcement to show that it is a cooperative effort, but to understand their lines of responsibility and to understand our lines of responsibility.

Q: If they get more training in evidence, isn't it more likely that they will see themselves as police?

A: We hope that that isn't what the education is for. We hope that the education is for them to understand that if they see evidence, they notify us and tell us that it's available, that it's there. That's the reason.

Q: I talked to Teri Perry [a child protective supervisor], and she said that there had been these breakfasts set up for CPS and the police.

A: We've had some breakfasts with them, yes.

Q: Have those been productive?

A: Yes, they have. We have an investigation to do. We have to contact so many people. We have to do this, we have to do that. I mean, you can't really screw that up unless you're an idiot. CPS, on the other hand, has certain responsibilities to lead us to that investigation. If they fail, we can't do anything. So what we were explaining to them at that meeting is that your referrals are not coming in on time, you're not calling us and asking us this. You are doing this, this, this, this. And when the meeting was over it was over. There wasn't one complaint ever lodged against us, except please keep us informed. And they're right; we were not keeping them informed. The Seattle Police Department wouldn't talk to those people. The Seattle Police Department [not to be confused with the Department of Public Safety, for which Daly works] wouldn't talk to Rape Relief because of the breakdown. I see them as a useful tool in that goal towards protecting the child and prosecuting the suspect. If we don't utilize them as a resource, we're defeating the purpose.

Q: The statement that there's not much we can do wrong—I don't know. There are a lot of mistakes made by policemen in a lot of cases. I'm not talking about Seattle, necessarily, but I mean, what can be done wrong? Well—

A: You name it.

Q: Yeah. I can rattle off a whole bunch of things that police officers have done wrong in specific cases.

A: Oh, I understand that. Well, look at the one in California. But anyway, I know what they did wrong there. But that wouldn't happen here, because we learn from our mistakes. And I just did a case just like that, and the thing is even when I talked to my sergeant, even though it wasn't important, I wrote it in my log—because of the McMartin case. You learn from it.

Q: What did you learn from the McMartin case? And what happened in this case that you just had?

A: I learned that if you're going to do a major investigation, that it is so important that everything you do is listed. What comes out of the effort is listed. Meaning that if you went out and talked to Sue Smith, what did Sue Smith have to add to that investigation? The investigation I had, as I'm sure you're going to read in *The New York Times*, I'm investigating a church that is sexually repressed, and now they are coming out of their shells. Unfortunately they're molesting children, they're molesting each other, divorce rate's, suicide rate's high. You're writing a book on this—you could write another book on that. And I learned how to be methodical—you have to be in an investigation like that. If you're not, you're real stupid, and that's what happened in the McMartin case. I think that they got too much too fast, not enough organization. But what I was saying, back to your point there about police officers making mistakes, is that we don't make mistakes reference to CPS when we talked about, like, sometimes we might not refer a case back to them, okay? It's really hard to make a mistake in reference to them, but if they don't give us an investigation, what can we do? We don't know about it. That's where the big error comes in. That was the big concern. But the thing you have to understand is that I don't believe that I should be calling CPS and telling them every move of my investigation. That's not my responsibility. I don't have any responsibility to them. I have a responsibility to the victim, and that was where the concern came. And our protocol, and I missed it—you know, things have to be pointed out to you sometimes, you have to be slapped a few times in the face. It does say that we will notify them for the joint interview. So every time, now, I notify them for the joint interview. It was a result out of the breakfast meeting.

Q: Leading questions. This is raised a lot.

A: And it's true and it drives me crazy.

Q: Who asks them, how?

A: Frustration causes leading questions. I won't say that in the two years I've been doing this job that I've never led a kid. I'll never say that because I think we have a tendency to get frustrated and lead, but because of the leading nature of an interview, we decline to prosecute. I'll say that much. But what concerns me, and it's kind of a personal thing, is you've got a victim who's 3½ years old, there's a custody battle going on, and Mom says, "Dad abused my daughter." So we say, "Okay, take him to the hospital." No medical evidence. So they say, "We better put this kid in counseling." Eight months goes by. Not a disclosure, nothing. Then out of the blue: "Daddy touched me." Now you're telling me that after eight months of asking if Daddy touched me that that isn't leading? For eight months you're telling this kid? And then they call someone and make a report. And I say bullshit. That's—you've got tainted evidence there. First of all, was the kid traumatized? There's nothing to indicate the kid was traumatized. The kid is acting out behavior that he's been told for the last eight months every time he's being interviewed by this counselor! Did your daddy ever do this? Did your daddy ever do that? If the questions were never asked, they'd never come out. That's leading to me. That's crapola. Another thing is the CPS caseworkers' not being good interviewers. Leading, and then it's a conjecture. I mean, I've had [CPS] reports that have come in and say, "Victim said this and this and this." The kid's interviewed [by the police] and the kid doesn't say anything. So you call the CPS worker and say, "Did you have to lead this kid?" "Well, we don't do that!" Right! I think—and this is what really makes prosecutors mad—I think they ought to be required to videotape every interview, and I think that that interview should speak for itself.

Q: You mean they being CPS? Or—

A: No, what I'm saying is anytime—that's not a bad idea—anytime a child is interviewed by anybody, that child should be put on tape, because then you eliminate suggestiveness, leading, any type of—I don't care, sometimes you have to pull teeth to get [information] out of kids. But you can do that without being leading. You don't take out a doll and say, did your dad touch you there? Because that's leading, and now what happens in the focus of that child is the child says, "Yeah, Daddy touched me there." What if Daddy didn't touch her there? Now, you can pick up the doll and say, "Does Daddy ever touch you?" "Well, hey, he touches me here." Okay great. But if you've got that on video, it shows integrity, it shows honesty,

it shows that you've got nothing to hide. They will not do it because of the leading natures of the interviews. They're never going to do that. There's a lot of guilty people that might get away with it, but there's a lot of innocent people that are getting hammered that don't deserve to be hammered. See that's why it's so important to keep an open mind in this job. You have to keep an open mind. They don't play fair! Counselors don't play fair, CPS don't play fair, prosecutors don't play fair, even the cops. But I do, and that's what's important. And I don't put up with leading crapola questions, because I'll put it right in the statement: CPS caseworker asked—we interviewed the child, and CPS finally decided to talk to the child and had to lead the child into saying these things. Leading. I put it right in there.

Q: Now, I talked to Judge [Robert] Dixon. He said when you've got a young child, sometimes to get a story, just to get an account in a case, you have to ask some leading questions.

A: You do. But I'm talking about where you pick up the doll, an anatomically correct doll, and you say, "Did your Daddy touch you here? Did your Daddy touch you here?" That's crap. You can talk to the child and say, "Are these your feet? Is this your nose? What do you call this? What do you call this? Do you call this anything?" But as soon as you suggest, the child responds because they think that you want that answer. I mean, I remember being 10 years old and Dad saying, "Come on, son, let's go play baseball. Did you clean up your room?" And you think to yourself, "If I say no, then he's not going to be happy with me." It's a suggestive type thing, so you have to be careful. But you can lead the kid a little bit. "Were you in the bedroom with your Daddy?" Well, if Daddy didn't do anything wrong in the bedroom, the next question's going to be, "Did anything happen in the bedroom?" That way you can lead, but you don't say, "Did Daddy touch you there in the bedroom?" But they do that, and that's bull.

Q: What about cases where the allegations involve threats, very serious threats, and children are very, very fearful. Is it okay for an interviewer—I'm thinking like a McMartin type case. If we believed everything that has been alleged in McMartin, we've got kids who saw animals killed before their eyes, et cetera, right? And this has been going on for a long time and they're very scared and they're very young. Is it okay for an interviewer to say something like, "It's okay to tell us if anything happened." Something like that?

A: Yes.

Q: How supportive can an interviewer be?

A: I'll tell you—and I really appreciate the prosecutors up here, don't get me wrong. There comes a time when they need to lead. The prosecutors up here explain to the child why they're there. Let's take an infant 6 years old. We explain to that 6-year-old why they're there, who I am. Sometimes I give them my badge and let them play with it.

Q: What would explaining why they're there include?

A: What we tell them is we say, "We heard something bad happened to you and we'd like to talk about that, but first we want to find out about you." That's how you interview. I mean it isn't, "We heard daddy touched you." No way, no way. Because what happens is one thing leads to another, such as you say, "Well, who do you live with?" "I live with my mommy, my daddy, my brother." "Well, do you like your brother?" "Yeah." "Do you like your mommy?" "Yeah." "Do you like your daddy?" "No." "Why don't you like your daddy?" "He touches me in places." Great interview right there. "Where does he touch you?" Okay? See, that's where you develop. But there's some guys who'll say, "You don't like your daddy? Why?" Here we go! "Does he do things that bother you?" And we get it, then comes the leading. And you try, and really those prosecutors really try. They really do a great job.

Q: Have you seen prosecutors starting to do that when you were there?

A: Oh yeah.

Q: What have you done?

A: What have I done? Just told them at the end of the interview, "We don't got nothing." And they agree. But the thing is, though, I'm not always there. When my cases come, I tell the parents, I tell CPS, "Nobody—nobody—is to talk to this child until the joint interview. After the joint interview, you can counsel him, whatever." It is not uncommon for me to get a call back from CPS saying, "She disclosed something on the way home to me." I could give a shit, because I know what the CPS worker did. "Are you sure your daddy didn't stick his finger in your vagina?" "Yeah." The CPS worker calls and says, "She told me that daddy stuck his finger up her vagina." That's a sore subject with me.

Q: Have you seen CPS workers in court get called to testify?

A: Yeah.

Q: And what happened?

A: See, we haven't been hit with one of those cases yet. But it's going to come, because not everyone's going to follow guidelines. There are some CPS caseworkers that I've found inappropriate. But see, we don't—I would say that there are some law enforcement people that do it, but we don't interview them. I mean, CPS and the prosecutors do. We sit there and just take the statement, follow the guidelines.

Q: Now what about in a case where there are alleged to be multiple victims. Would it be okay to say, "We've talked to other kids, and they told us bad things happened to them, and we wanted to talk to you."

A: That's right. That's okay. There's nothing leading about that. You're not suggesting that they should say, "Henry touched me on the vagina." What you're trying to do is ease them into a conversation.

Q: What about if you say, we already know about X, Y, Z, A, B, D?

A: Wrong. That's leading. I wouldn't allow that, and if they did it I would jump all over the prosecutor for doing it, because then you have tainted evidence.

Q: What about, "Johnny told us that this happened to you, did it?"

A: No, that's not right.

Q: Do you have any suggestions to make to other police agencies elsewhere, or any other components of the system dealing with these cases?

A: A couple things. One, if the money is available, then the training should be allowed. I mean you should have that training available: evidence specifically dealing with child abuse, psychological things. Also, you should establish a rapport with the people who you work with: CPS. And don't be afraid to tell them that they're full of shit. I don't know how you do that—see, I have a personality that's very open, candid, and sometimes arrogant. But those people know when I call on the phone I mean business. I'm not here to play games. I'll joke with them, but goddamn it, this is serious, we've got a child here who's suffering and we're going to take care of this kid. And I am not going to play your stupid games. Did you lead the interview? What did you really find out? I see here what you've got here in black and white, what the hell's going on here? Don't feel that there is a reason not to ask the appropriate question. If you feel a victim is lying, tell the victim you think they're lying, but tell them the reasons why. A lot of prosecutors and cops won't do that because they feel that Rape Relief or they feel CPS or somebody is going to say, "You can't question the victim." If you don't, the defense attorney will and you will look like an

idiot, and I don't care what anybody says. The other thing is to keep an open mind. Don't make a judgment against the offender until you have all the facts, because what appears to be something might be something else. And always show empathy towards that victim, even though sometimes it's hard.

5. WALTER URBAN, defense attorney.

Interviewed July 29, 1986.

Urban, 41, is a Los Angeles attorney who has practiced law for twelve years. He represented one of the defendants in the McMartin case through the pretrial hearing, following which charges against her were dropped. He hired Lee Coleman to review the videotaped interviews in that case, and he spoke at VOCAL's First National Conference in Minneapolis.

Q: Why don't I start out by asking you when you became involved in the McMartin case, how you became involved, and to briefly describe what your involvement was throughout.

A: I was retained on the day that the seven defendants were brought into court after they were arrested. The family retained me. I went down to talk to her in jail—my client's name is Betty Raidor—and then made my first court appearance the following Tuesday trying to get her released on bail. The publicity had already begun and I knew that the case was unusual, the way it was being handled in the press, and then from that point on I was virtually in court every day for the next eighteen months until the case was finally dismissed.

Q: Why did Mrs. Raidor hire you? What's your background?

A: I'm a criminal defense attorney, former public defender, trial lawyer. I deal exclusively—well, essentially criminal defense work.

Q: Had you had experience defending people charged in sexual abuse cases before?

A: Yes.

Q: A lot of experience? Can you guess how many cases over how many years?

A: Oh, it's hard to say. If you're asking me if that's my specialty, no. It became—that case became my specialty, as it did for every lawyer involved, because it was just all-consuming.

Q: Would you say defending someone in a child sexual abuse case is very different from other sex cases?

A: You know what happened—when the McMartin case broke, it was the first time that this new kind of so-called therapy was used and the first time we saw this medical evidence, this so-called medical evidence, so that

was new, novel. It was the first time it was directly attacked also by the defense. It had been used in other cases. Are you familiar with dependency cases? Do you know what they are? Okay, I've done tons of those too.

Q: You mean juvenile court proceedings—the kid is declared a dependent of the court and protective action can be taken.

A: Yeah, right. You have trials in those courts too, but they're all done in front of a judge with a real low standard of proof. The only issue is did something happen and usually they're believed. So, the medical evidence that was used in the McMartin case has been used in those courts earlier and had never really been addressed, had kind of been accepted. So we for the first time had to address that.

Q: Is this colposcope evidence?

A: Yeah, and Dr. [Bruce] Woodling and his crew of doctors who see things that other doctors don't see. And of course the interview techniques of the Children's [Institute] International, Kee MacFarlane and crew—they had been used extensively in the dependency courts, but never in a large sex abuse case before. That was new. But if you're asking, Is a child sexual abuse case different or more difficult to handle, we never had preschool mass molestation cases before. There weren't any. There was no precedent. There were a lot of new issues being addressed in this case, coupled with political overtones, a lot of people's careers on the line professionally—the therapists, the medical people, certain D.A.s. It was a real unusual combination.

Q: Was it exciting to be involved in?

A: Oh yeah, extremely exciting for a while. But then after a while, it just became extremely grinding. The case—I think anybody involved in the case would say it's too bad we didn't do this, it's too bad we didn't do that. Some of the early decisions made by the prosecutor were bad, were just a classic case of bad lawyering.

Q: For example?

A: Well, the size of the case, for example. The only reason the case was that big, in my opinion, is that they wanted to make sure those people stayed in jail. The original indictment wasn't that big of a case. When they later filed the second case, and made it in excess of two hundred counts, that's just not manageable. It's unnecessary. What they should have done is they should have selected, after doing an investigation, what we call the strongest counts and proceeded that way. They should have gone after one defendant or two defendants first, and then, doing whatever they could do

in those cases, proceed later. But taking all of the counts, all of the children against all of the possible defendants at one time was just outrageous.

Q: Define the word *outrageous*.

A: Well, unmanageable, let's say that. When you go into court and you have three or four defendants, each of them have an attorney, just on a one-count case it's longer than average. Now you figure two hundred and some counts, figure seven defendants, seven different attorneys, and the press there—every time you turn around you've got a camera in your face—it just wasn't going to be handled at all. Everybody was posturing. The whole thing kind of broke down. It would have been nicer to have had more experience on the prosecutor's side, more experience for the judges involved. By that I mean, our judge was relatively new, never handled a case of this magnitude. It would have been nice to have someone a little more experienced. She was constantly under the glare of the camera, and I think she was pressured, so it would have been nice to have had separate cases, had defendants treated separately in different courts. But they had a program that they decided on. I think the D.A.s were really, really under—well, they still are—under a lot of pressure from the parents, who had become convinced early on that the molest occurred. And I've seen the evidence—been on the case a long time. Those molests did not occur. It's really tragic.

Q: You're convinced that nothing ever happened to any kid there?

A: Yeah. You see, that's my opinion, sure. And that's not because I'm just a defense attorney. If you say molest occurred, you have to believe all of the evidence, and to believe the stuff that came down just in court is just impossible. And then if you—

Q: I just don't follow that statement.

A: Let's back up. The use of so-called medical evidence—you referred to as a colposcope, all right? Is that reliable, number one? Legally it's not reliable. At some point that will be addressed in some other court. It already has been addressed in other cases in other courts. I think you'll see more of that in the future—where the medical evidence will be addressed, what it really is. Right now we have doctors who are aware of leading medical evidence, who will say that, at the very least they'll testify that sure, that's consistent with sexual abuse, but it's also consistent with a parade of things, all of which are innocuous type of injuries that we're talking about, can be sustained many different ways. That's the evidence. The other is the so-called disclosure interviews where the children are seen on videotapes. Those, if you see them and really spend some time with them, you'll see

that there weren't any disclosures made. Disclosures were put into the minds of the various children.

Q: With all the interviews you say?

A: Yeah.

Q: How many interviews did you have access to?

A: Well we had access to forty-one. I don't know how many else there were.

Q: The question that's got to linger on everybody's mind is, If nothing ever happened, how could this story be told by so many children?

A: What story?

Q: The story of being molested.

A: Is that what your understanding has told you?

Q: My understanding is that a number of children said they were molested.

A: Well, do you understand the process of how that was reached? How it got to that point?

Q: Different people could probably give me different explanations of what that process was.

A: Generally, the case began when one parent accused a teacher, Raymond, of molesting her child. He was arrested. He posted bond, was released, then this big investigation begins. Manhattan Beach sent out a letter to parents, and the kids start being grilled: "Have you been molested, have you been molested?" Graphic details. Most of the parents respond in writing that nothing happened. Somehow or other Children's Institute International gets involved and kids start getting referred there. A lot. They went through four hundred to five hundred kids, past, previous, whatever. McMartin students. And they had a little routine that they sent them through, and one of the things they did was they had the parents fill out a long questionnaire about the kid. They did that and again, for the most part, there's nothing in there, no disclosures. Then when they get them into the videotaped interview, they have a certain script which they followed, and the script is ultimately the so-called disclosures. They were taken out of context. The parents were going to be shown—usually, that's how the thing went. The parents were then brought in. The therapist tells the parents, "Your kid's been molested. And we have it on tape. Now we'll go to the tape." Fast forward to various segments where people say something, fast forward it further, "See we've got the proof now. Would you please take this list

of referral counselors, therapists, and then have your kid go in there.” And that’s what they did. They got into group sessions of parents and abused kids. Certain people encouraged them to file lawsuits, and form organizations, and pass laws, and on and on and on. It just got completely out of control. By the time it got into court, you’ve got a kid that has been to counseling for something that may not have occurred and is used to discussing it, because he’s going on a weekly or biweekly basis in which they were encouraged to talk about the molest. So by the time you get a kid into court, you don’t know what you have in terms of what the testimony is, what the kid says, or how reliable it is. But they’re not telling all the same story, to answer your question. And the story they do relate is, for the most part, just too fantastic. Remember, there’s no confessions by the people accused, no adult witnesses to any of these acts. There’s also a large segment of kids who went to the McMartin Preschool who said nothing happened. You don’t use the number. Understandably.

Q: How do you explain—you sort of imply what your explanation is, but why don’t you go ahead and state it further—how the children who did say they were molested and did claim that other things happened to them came to tell those accounts?

A: I’m saying quite simply you could send any kid in there and he would have come out saying he was molested—because of the process.

Q: In that case, why didn’t every kid who went in there say the same thing? Or say that they were molested?

A: Okay, your problem is that you haven’t seen the tapes [access to the tapes could not be obtained by the author].

Q: And that’s something that I’m willing to do anything I can to—

A: I know, I know. And you haven’t seen the transcripts of the interviews.

Q: It’s true, is it not, that not every child who was videotaped and interviewed by MacFarlane, for example, said he or she had been abused?

A: We only had access to forty-one of the videotapes, and there were some four hundred who went through the system. I don’t know what the others said. The ones that I was exposed to, in my opinion, any kid who went through would say something that they could construe to be that they’ve been molested.

Q: How did you handle cross-examination during the pretrial hearing?

A: First of all, the D.A. objected to nearly every one of our questions. You’ve got to remember there’s seven, okay? That means each one of them

has the right to cross-examine each child. That's routine. They insisted that we were harassing the children, and that our method to win the case was to scare the parents and the kids out of the case and all that kind of stuff. So they objected and we would have to argue the objections. It was unbelievably time consuming, painstaking. One of the defense attorneys kept a child on the stand for a long time. Didn't make the rest of us look too good.

Q: Which attorney was that?

A: I'm not going to mention names. Everybody knows who that is [Daniel Davis]. There was disagreement among the defense attorneys.

Q: What were the areas of disagreement?

A: I didn't think it was necessary to continue to question the children. I didn't think it was getting us anywhere. I wanted to speed the case up. I felt that the best thing that could happen for anybody and everybody involved was to get the thing to trial right away, get it in front of a jury once and for all. That's what's fortunate—those people in the Scott [County] case [better known as the Jordan, Minnesota, case] were very fortunate that it got to trial right away. They separated two of them out, they tried two: acquittal. I'm sure the prosecution was shocked by the acquittal. They reevaluated their position and then wound up dismissing all the rest. That's the way a case is normally handled. In our case, they created this monster and it developed a life of its own. There was no one in control.

Q: Were there strategies where there was disagreement?

A: Generally, when you have a client when there's a lot of evidence against them, shall we say a guilty party, the common tactic for a defense attorney is to try every possible procedural effort to hopefully win on a technicality—delays, that kind of thing. The posture is, "I'm going down fighting." That's generally the posture because you know that once the trial begins, then it's kind of all over. I'm talking about a case where we have a signed confession, or a videotaped confession, eight eyeball witnesses, fingerprints—that kind of case. Well, then you might luck out and get some procedural victory for the guy. In our case, these people are innocent—factually and legally. There's no reason to delay. That's my point. I say, let's get the thing rolling. Let's move it right now in front of a jury, and it'll answer a lot of questions, because other cases similar in nature in the South Bay that went to trial, once they went to trial, the community would live with it. Whatever the jury decides, the court decides, fine. They had a lot of cases with hung juries, later dismissed, that kind of thing. Once a jury decides, it's in the courts, people can live with it. Now, when you

delay like the *McMartin* case, no one knows. It's in a state of limbo. And when the D.A. is dismissing, that's still in a state of limbo. It leaves too many unanswered questions.

Q: Would you have preferred it if the D.A. had not dismissed the charges against your client?

A: Oh, heck no. I can't say that. I'm still representing my client. I'll take a dismissal any day. Any attorney would. However, it would have been nice to go to a jury a year and a half ago, say, and show the public through the jury trial what evidence there really is.

Q: How could the protracted pretrial hearing have been avoided?

A: The D.A. could simply have said, "Go ahead and have a trial." The preliminary hearing is supposed to function as a screening process, after a complaint has been filed in a municipal court. It's an opportunity also to get discovery. Okay, that means we can cross-examine. You see a bare bones kind of a case put on, just enough to "bind them over." Did a crime occur, and is there a reasonable suspicion that this guy sitting over here did it? That's all they have to prove. You can waive the preliminary. You don't have to have one. If both sides agree, you don't have to have it. Five of the seven [defendants] kept saying, "We don't want a prelim, we want to go to trial," and [the prosecutors] said, "Sit down, you're going to ride along," because they made a strategic decision, the D.A.s, to keep everybody together, because then the children would only have to testify one time. And they would only have to testify and be videotaped at the preliminary hearing, and then at the trial level, the plan was that they would introduce the videotaped testimony, so the children would be exposed to the courtroom only once, one time only.

Q: If it had gone to a trial for the seven—well, even for the two remaining defendants, are they going to be able to introduce videotaped testimony in lieu of the appearance of the children?

A: We'll see. I don't know what they're going to do. I'm sure they're going to try to do that. Who knows what they're going to do. In a way, the videotapes are good evidence for the defense because the kids say all sorts of inconsistencies. It's not really good prosecution kind of evidence, and for them to introduce the tapes, some of those kids were on the stand seven days, eight days. One was at it for fourteen days, so how can you expect the jury to pay attention to that kind of thing—a videotape that long? They probably will wind up with live witnesses.

Q: If they had severed [the cases], then they could have had preliminary hearings with two, and they could have gone straight to trial with five.

A: Yes.

Q: And they chose not to do that?

A: Yes.

Q: And you think that was a mistake for everybody?

A: Yes. They should have severed, they shouldn't have filed that many counts, they shouldn't have tried to keep everybody together. They should have been a little more selective. And they should have done their investigation before they filed, also. That would have been nice. They filed two hundred and eight counts and then went out and did their investigation. They formed the Child Abuse Task Force during the preliminary hearing to run down the leads that developed after the case was filed. In other words, the filing act itself occurred and they hadn't done what they normally—what's expected to do before they file. They'd done a real cursory job. You figure a case of that nature, it would be real nice if the prosecutor was a little more careful in filing.

Q: Which prosecutors, according to you, made mistakes? And what is the explanation?

A: Hard to say.

Q: Do you think it was inexperience in handling something like this?

A: I can only speculate, you know. I know the experience level of the three D.A.s and they're not, at the time that the case began, they certainly weren't the most experienced trial lawyers in the D.A.s office.

Q: What was the experience level of the three when the case started?

A: They averaged about seven years, maybe—seven or six years, something like that.

Q: There are more experienced people?

A: There are more experienced people, certainly.

Q: Do you know the other people in the office, either by reputation or personally, from experience?

A: What other people?

Q: The other D.A.s in the office.

A: Sure. I deal with them on a daily basis.

Q: Were there others who would have seemed to you more appropriate to handle this case?

A: Yes.

Q: Why would they have been more appropriate, in your opinion?

A: Experience.

Q: Anyone have particularly a lot of experience in this area, however?

A: What area, in child abuse?

Q: Yeah.

A: You know, a child abuse case is no big deal as far as a criminal prosecutor or defense attorney. It's just another type of case. It doesn't require a special knowledge. It's not a special—a real specialty. Some lawyers specialize and do nothing but these kinds of things, but really, in terms of being a prosecutor, I think anybody, any D.A. with say, ten, fifteen years in the office could certainly handle the case. I keep repeating myself, but the basic rule is if you make your case too big, you're creating too many areas of potential problems. They decided to go "no bail." That was a new law they were testing. So my client was—they said, "You're staying in. You're not going to be allowed to have bail." She was 64 years old and never even had a traffic ticket. All of a sudden she got a no bail hold like she's a master criminal. And then they said, "You have to have a preliminary hearing," and we said, "Well, fine, we're not going to waive our rights to a speedy trial." And they said, "Yes you are." You're not supposed to be able to do that. They can't force you to do that. It's one of the fundamental constitutional laws. So we had to take that up on appeal, and it resulted in my client being released early on, which then they turned around and filed another complaint, forcing her to stay in, and we filed other writs. It was just—a case that large is going to have a lot more problems than a real simple bare bones kind of case.

Q: What could the judge have done to prevent—or what did the judge do to create—chaos?

A: I don't feel real comfortable blaming her, or blaming anybody in particular. I think that the organism that they spawned out of the D.A.'s Office, no matter where it would have gone, it would have been problematic. I mean you can say maybe she should have controlled the attorneys a little bit more, or maybe she should have done this or that but, you know, we were sitting in court, we never knew whether they were going to add more counts or whether they were going to arrest more people. It was a real bad climate for at least a year, real bad. I mean the tide was definitely against us. We were stuck.

Q: Are you talking about the public opinion tide?

A: Yeah.

Q: And how did that affect you in court?

A: How did it affect us in court? Well, we had the public there all the time—we had the media there all the time. We averaged about fifteen, twenty members of the media there most of the time, okay? And when you have that kind of scrutiny, people don't act normal. Cameras on them a lot. They turn the cameras on in the courtroom, all of a sudden posture improves, speeches are longer. The first fight we had, one of the first fights we had was access to the tapes, which [the judge] granted us, and then she withdrew it, and then she granted it, and it was back and forth. Every time there was a ruling there was an opinion, immediately. So is she, or are we, pressured by all the publicity? You know you can't just ignore it. It certainly has a lot of effect. Cases are traditionally handled, not necessarily quietly, but supposedly in the courtroom, so that things will be as objective as possible. When you've got the media commenting—it was the lead story every night, for weeks and weeks and weeks: another twist in the McMartin case kind of thing. The D.A. stood up one day and said, "Aha! We've discovered corroborating evidence to the children's stories." They had no physical corroborating evidence to any of these charges, okay? They discovered corroborating evidence to the satanism stories. They've got a witch's cape, they've got rabbit ears, the kids said that they were mutilating animals and they said they found it. They announced it. Of course, boom: headlines, big story. D.A.'s got the evidence. We said the same day we'd like to see the evidence. Discovery again, please. It took us a week to force them. It took us a week to get the damn evidence into court. They brought it into court and it turns out it wasn't what they said it was: it was a toy cape, it was a hare's ears, clearly the victim of a buckshot, they weren't hacked off, and the candles, which were supposedly part of the ritual, were just ordinary candles. They then begrudgingly admitted no, they are not corroborating evidence. But by then, of course, the story was out and talk to John Q. Public: well, they've got corroborating evidence, don't they? The impression that's conveyed is that they've got evidence. And that's the kind of thing we were fighting all the time. They said they've got tapes, they said they've got photos. We found out two months later there's nothing.

Q: What kind of responsibility do you fix on the media for all this? What should the media do, what shouldn't the media do, and how do you assess what they did?

A: That's a long question, requiring a longer answer. I think careers were on the line in the media, too. I got the impression that certain members were benefiting professionally in covering the story, at the beginning at

least. The new Manson kind of case, horror story: animals being mutilated and kids being sold into prostitution. You know the media reporting on stuff, they just take whatever the D.A. says. Now, okay, so they're supposedly naive. If we can't believe the D.A., who *can* we believe? Well, when you start hearing the stuff that they're talking about and then, number one, there's no evidence to support this stuff—they didn't question that. They would then accept the next explanation, and report that. And then the D.A. would be found to be misrepresenting that, and then they'd accept the next version. See that "Believe the Children" thing there [*pointing to a small sign in his office*]? That question mark I put on [so that it reads "Believe the Children?"]. That's a bumper sticker which parents of the children involved and a number of other people put on their cars in the South Bay area. The reason for that is because the kids' versions, or the kids' stories, became impossible to be believed. Such as: "I was molested." Where did it occur? "In a hot air balloon over the desert." "In a ski boat, where sharks were all around, and they told us that we were going to be thrown to the sharks if we didn't agree to be molested." That kind of stuff. And you think, *what*? Where did this occur? "Well, it occurred in a tunnel." Where's the tunnel? "Underneath the school." So they dig underneath the school. There's no tunnel there. There's no nothing. So, the therapy group said, "Well, okay, that's true. Those are fantasy stories, and the reason is because they're children testifying. But what you have to do is whittle away at that kind of material, and believe the core, and the core is they're disclosing that they've been molested." So what you do is you believe the kid whatever they say. And some members of the media would be accepting that kind of thing and reporting it. So you think, "What could the media have done?" Well, they've got resources. They should have conducted an investigation on their own, instead of just accepting everything. You could see them down there every day. They'd be down there, the D.A. would be asked a question, we would be asked a question, and then zingo, it would be on the news that night. I mean, just editing, just nothing. They didn't know what they were doing. There had never been a case that big where there was no evidence. Never been a case that big of falsely accused people. The system of media, as a system, in reporting crime stories and criminal cases didn't know how to handle it. Slowly, over time, certain members became skeptical. Sort of a chipping-away process. I allowed my client to be interviewed right from the very beginning. She was on television all the time. My position was we had nothing to hide, she's innocent, but because of the preliminary hearing it's going to be a year and a half before we put in defense evidence. Since the case is being tried in the media anyway, we might as well put our case on the media too. And once she was exposed to the so-called hard-hitting journalists, they would say privately, "No way.

She can't be guilty. No way." Those kind of doubts evolved among certain members of the media, and then you started seeing the coverage change. What could they have done differently? They should have done their own investigation.

Q: Are you involved with any of the civil lawsuits?

A: Yes. I'm defending my client because she is being sued by a number of parents. I'm also—my associate has filed plaintiff's action against the city, the county, the state, Children's Institute, ABC, Mr. [Robert] Philibosian [the D.A. at the time the case was filed], and a number of other people.

Q: Do you feel the system here is fair to defendants?

A: When? Where?

Q: Let me ask the question this way: Is the McMartin case representative enough of how the system works to judge the system on the basis of that case?

A: No.

Q: Why not?

A: First of all, the scale. I don't think there's ever been a case with that kind of press coverage over that long a period of time. Other cases get publicity, but they have a beginning and an end. This one never seemed to end. It was an unfortunately unique group of people involved, the principals involved, which caused problems. Another group of lawyers—just a few changes in the lawyering involved—and it would have been a different case entirely.

Q: On both sides?

A: Yeah.

Q: All right, you've tried these cases before and since, you're involved in a trial right now. Do you think that the system in general treats defendants in these cases fairly?

A: If you're talking about do they get a fair trial, they can. It varies from judge to judge, it varies from lawyer to lawyer, that kind of thing. It's certainly possible in the system. But I think what you're really getting at is, Will the McMartin remaining defendants get a fair trial?

Q: No. You answered that part. You said you can't judge the system on the basis of the McMartin case, so let's just look at the system, then.

A: Okay, well, I'm getting at whether the system can ensure a defendant charged in this kind of case a fair trial, and the answer is, yes, it can.

Q: How about child victims—and I'll use that word without saying *alleged* victims; let's talk about a case in which there really is a victim. Does the system adequately protect a child victim—the mental health of a child victim?

A: See, we went through a lot of that in the *McMartin* case. We heard from a lot of so-called experts about the trauma of testifying in court, and they were trying to get closed circuit testimony—we had closed circuit testimony, and all the justification for that. Who knows whether it's good or bad for a child to testify in court? There's no one really, in my mind, that knows the answer to that question.

Q: And they can't get the same answer for every child, either.

A: Certainly not, so there's no real hard and fast rule. I would say that most—the person in charge is the judge, and most judges treat children—they protect them quite well. If a kid breaks down and cries, everything stops. If it becomes obvious that the child can't testify, then fine, it stops. To justify closed circuit TV, they tried to introduce all these studies showing the children suffer irreparable damage if they have to repeat in public court the nature of the abuse. Well, maybe there are cases like that. But I think generally it's also therapeutic, other experts will say, for a child to testify in court, knowing that they're in court and this is the judge, and the judge is going to—you tell this, and the bad man, or whatever, will be punished. This is the way the system works, so maybe it instills some values in the kid at an early age when he sees that his testimony will be respected and will result in what is appropriate. And what about the cases where the kid testifies and the guy's acquitted? Well, fine. I don't know. I don't know the answer. I generally do not believe that the system abuses anybody—witnesses and whatnot.

Q: A whole lot has been said—it seems like there's less said now than there was at one time—but a whole lot has been said about cross-examination by defense attorneys. You have seen other defense attorneys cross-examine and you've already made some criticisms of some that you've seen. What do you try and do when you cross-examine a child? And I'd like you to answer the question [as it relates to] preliminary hearings and whether there's any difference in preliminary hearings and [trials] in front of a jury.

A: It varies from case to case, but there are some attorneys who say that we've got to destroy the kid, okay? We've got to grind that kid and really get him terrified and confused, and all that kind of stuff. And they do it by being forceful. I personally never do that. I will be cross-examining that kid just like any other witness and I'm not about to get that kid pissed off at me. Because it's not necessary. If you have any experience with kids,

you don't have to give a hardened look to get whatever information you want out of them. You don't have to be tricky. It's best to be as straightforward and simple as possible. If you're going to do it in front of the jury, I mean what's the value of attacking the child in front of the jury? You're going to run the risk of angering some jurors.

Q: How about when there is no jury [as during a preliminary hearing]?

A: Well, when there's no jury, the judge is going to stop you, in most cases. Attorneys aren't allowed to just tear into kids routinely. That's nonsense. That's just propaganda from the prosecutor's office. It just doesn't happen. In those cases, in the rare case when it does happen, I would say I'm sure it backfires.

Q: Aren't there cases that one can imagine where it would be useful to scare a child, or to intimidate a child?

A: To scare them? Into what?

Q: Inconsistencies, saying wrong things.

A: You mean trick them into being inconsistent? Let's say that you've got a kid on the stand who says that she was molested in the bedroom of her apartment. You get an investigator to go to the apartment, and you have a photo of the room and you start asking questions about the room. And you get the kid to say that the window's here, the window's there, whatever the facts are, and you know that that's not true. Then if you confront the child: "Is this a picture of the room—the one you just told me about?" "Yeah." "Well, where's the window?" Is that scaring a kid? I don't think it's necessary to scare. I think it's much more effective to just not let the kid know what you're getting at or where you're going. That's true about cross-examination of any witness. You just ask questions, and they don't know what you want or where you're going and you don't tell them. You never let them know, and you stop when you think it's appropriate. I don't know if you've ever testified. I have. It can be unnerving. I didn't know what was going on. I felt—you're up there in the chair, all these people looking at you, and all of a sudden, the simple question becomes, "My God, wait a minute!" You're asking a question of style in cross-examination. Each lawyer has his own style, but, there's no reason to intimidate children.

Q: Is there any ethical consideration that leads you to adopt this style with children?

A: My style?

Q: Yeah.

A: No. I've discovered that that's an effective style.

Q: Is there anything unethical about adopting another style?

A: Unethical in what sense? For me to do what?

Q: Is it unethical for a defense attorney to intimidate a child?

A: See, I don't know what you mean by intimidate. I'm not trying to be a lawyer with you. It's—I mean if you're talking about sitting in court and the kid walks in and you stand up and say, "I'm going to get you, you little so-and-so, as soon as you hit the stand," or let the parents know, "Boy, you're not going to have the same kid again."

Q: To raise one's voice, to ask questions in an accusatory tone and phrasing in an accusatory manner. Let's take the stereotype. Whatever his name is—Berger, Perry Mason's opponent [in the TV series]? You know, to play the archvillain type of attorney. Is there anything unethical about that?

A: I don't know if *unethical* is the right word.

Q: Are there any ethics that should govern the way a defense attorney cross-examines a child in a sexual abuse case?

A: None—the ethics are the same for any witness. You're asking whether kid witnesses should be given special treatment, or held to a standard, or there should be special ethics rules? No. The law says that a witness is just that, a witness. Once a judge rules that they qualify to act as a witness, that's it. Same rules apply to everybody.

Q: What has been the personal cost to you, the personal benefits and personal costs to you, of having been involved in the McMartin case?

A: Who knows, it's not over with. It was a grueling experience, personally.

Q: Is the media largely responsible for that? Or do you have other contact with people outside that made it difficult?

A: No, just being in court every day with the same case, and getting nowhere on the case is exhausting. It would have been nice to be proceeding at a snail's pace. I would have liked that, but it was almost going backwards in time on a daily basis. With no end in sight.

Q: How did your friends and acquaintances and other contacts you had with the general public—how did that go?

A: By the end of the case, especially when the dismissals were rendered, everybody's mind changed—public opinion and mood drastically shifted. They were all guilty before that. They had been tried and convicted in the

media, and, you know, I'd hear, "You? How could you represent those guilty people? They're the worst scum of the earth," that kind of stuff. I'd say, "Well, they could very well be innocent." "Oh yeah, yeah. Well, you're the lawyer. You're paid to say that."

Q: Close friends would say this?

A: Sure. Everybody is exposed to the media, every day.

Q: Did it have an effect on some of those relationships?

A: No. My professional life doesn't necessarily affect my social life. If there's someone who would choose to disassociate themselves with me because of a case I'm handling, well, fine. I don't need to be around that person anyway.

Q: What changes, if any, would you like to see in the system?

A: You know, these kind of questions, they irritate me in a way—I don't mean personally.

Q: Too broad?

A: It isn't that. System. The word itself: what we really have is sort of an agreement among all parties. It's like a game: here are the rules, let's play by the rules. The rules change from time to time. You know it's like in any sports. Look at pro football. Rules change as we discover that there's too many points being scored by this and whatever. There's a lot of so-called experts in judicial procedures and judicial administration who are saying, "Well let's do this, let's do that." There's always pressure to change because there's people involved, so there will be changes. Are there any changes which are really, really overdue? I'd say, no, I don't see them. If you're referring to the changes as we dealt with the McMartin case—should the system have handled the McMartin case differently? Oh yeah, yeah, a lot differently.

Q: How?

A: Well, I already told you that number one, they shouldn't have filed that big a case with that many people; number two, they should not have tried to keep everybody in jail; number three, they should have done their investigation before they filed. You know, those are basics. I hope the D.A.'s Office is aware of this. There'll never be another McMartin case. I hope they learned their lesson as lawyers that they should never do that type of case in that type of fashion. They were flying by the seat of their pants, okay?

Q: The changes that you just suggested strike me as not so much changes in any system as decisions that were made by individuals.

A: Well, the system is made up of individuals.

Q: Right.

A: And you talk about, like, the role of the judge. I mean a judge has a wide area of discretion. You can take one case in front of one judge and get one ruling, and the same exact case next door and get a different ruling. I mean you know that. That's just the way our system is. The bottom line is people.

Q: I could conceive of changes in rules, or procedures, that one could advocate.

A: Such as?

Q: Well—

A: Remember that I'm in the system, okay? I don't think it makes any sense for me to advocate a change in the system, because from case to case it varies. In one case I want a speedy trial, in this case I don't want a speedy trial. In this case I want to do this, this case I don't want that. This case I want them to turn over discovery, and this one I don't want them to. I mean, remember as an advocate, I'm sort of—

Q: Maybe that answers the whole question. You don't have any problems with the system as long as the system adequately protects your interests, and you feel it does.

A: My client's interest.

Q: Yeah.

A: And I think that system provides an opportunity for an individual to have his rights protected, yes. Okay? The McMartin case, for example, did result in dismissals eventually. That was done by the system. That was done after a judge had found evidence, was done bravely by the District Attorney's Office, who said, "Hey, wait, we really don't have a case. We better get out of this thing now." That's the system. Of course the system created the thing, too. As long as the system remains flexible, then I think we're in good shape.

Q: What do you think about VOCAL?

A: I don't know, it's a grass roots, kind of typically American organization. It's apparently still going on. They had a convention last year. I was at it—the national convention.

Q: What did you think of it?

A: I spoke at it. It was impressive to see that many people. It's a good opportunity to show the common threads among all these cases. We have to get organized. The need for organization is pretty clear, and I'm sure it will continue.

Q: Think it's going to have a positive effect on—

A: I think it already has. You figure that any legislator that's approached by a group of—child molesters are getting organized these days? I mean, it's like robbers or burglars forming a group, and saying, "Hey, we're the burglars, and we don't think we're getting a fair shake." But they're saying, "Hey, we're accused, we're falsely accused."

Q: Any misgivings you have about the organization?

A: Such as?

Q: Some people say that there is no way to know who is falsely accused and who has been properly convicted in that organization.

A: I don't know. You mean are there real pedophiles in the group?

Q: That's a misgiving that some people have about—

A: There's pedophiles in the D.A.'s Office, there's pedophiles who are policemen! There's pedophiles who are parish priests and this stuff. You can't really be that harsh about VOCAL.

Q: Maybe a difference that could be drawn between a D.A.'s Office and VOCAL is that—actually, what I was going to say I can see some holes in, but I'll say it anyway. VOCAL is set up to support people who are falsely accused, and give them at least information and assistance in that respect. If they are providing the same thing for people who are properly accused, who are really guilty, they could be getting criminals off.

A: Nah. I think that's remote. First of all, they don't have the resources. It's really usually educational more than anything else.

Q: But isn't part of the education giving the person information that could be used to get an acquittal when one shouldn't come down?

A: You're entitled to whatever resources you can get to provide a defense for your case. There's nothing wrong with that. The same information could be obtained elsewhere—other sources.

Q: Do you think there are legitimate reasons for people to be concerned about child sexual abuse in this country today?

A: Well, there's always been legitimate reasons for that.

Q: Do you believe child abuse is on the rise?

A: No. My understanding of the statistics, whatever they are—I don't know how valuable they are—but there's a guy (what's his name?) who says that apparently the reports of child abuse have gone way the heck up—dramatically increased. At the same time, the unfounded, or unsubstantiated complaints—

Q: Douglas Besharov.

A: There you go. Since you know who he is, you know about what I'm saying.

Q: Yeah. How about comments about [Dr. Lee] Coleman and [Dr. Ralph] Underwager. What do you think about them?

A: I know them both. They're both excellent professionals. At the very least their opinions—they're both respectable opinion givers in terms of evidence—that's what we're talking about. You mentioned Dr. Summit in the beginning of this conversation. Dr. Summit has his opinion, and that's the way our system works—that he's rendering an opinion. Okay, let's hear another opinion.

Q: What do you think of Summit?

A: I've known him, known of him, for a number of years. What do I think of his syndrome, you mean? It's opinion, let's put it that way. Does it have scientific validity? No, I don't think so.

Q: Do you have respect for him as a professional in this field?

A: No more than any other doctor.

Q: Do you have respect for any professionals who are on that side?

A: What do you mean by do I have respect for them? Well, I respect them as human beings, you know. I wouldn't be screaming at them.

Q: Do you consider anyone like Summit, who testifies as an expert in court and who is considered by others in that profession an expert, do you consider him an expert?

A: Well, you know, if enough people call you an expert, all of a sudden you're an expert.

Q: Do you consider Coleman an expert?

A: He's as much an expert as Dr. Summit. He's a child psychiatrist and has been in practice. He's testified as an expert on psychiatric issues in other cases, unrelated to child molesting. So he's got the credentials, yeah.

Q: How about Underwager?

A: I've never had him on the stand. I've met him a couple of times. Apparently he's testified. He's got a doctorate. His credentials qualify as an expert witness, yes.

Q: So you don't have a personal opinion about the—

A: My personal opinion about whether they're good experts or bad experts—it really doesn't make much sense. If you're asking me how would they testify in court as an expert witness, I think I'd definitely use Coleman. And I would definitely use Underwager. That's routine. And if you're trying a liability case involving, you know, a glass bottle that breaks up, you're going to get an expert. You're going to find out the other side that you're suing or you're defending or whatever, that they have experts who say that your side, you're full of hot air.

Q: One of Coleman's long-standing arguments is that there should not be mental health experts used in this kind of fashion, and he includes child sexual abuse cases. What's your opinion about that?

A: That's why I like Coleman, basically. I think that adds to his credibility. One of the things you've asked about is the change that they try to advocate in the experts who come to court and testify that abuse occurred, so that the child never has to take the stand. The expert will just be rendering an opinion, and they wanted to have the case presented in that fashion. I think that's really, really bad. It's fundamentally wrong. There's a real abuse of the mental health professionals who are used in court. That's one of the things they've tried to push for a long time.

Q: What's your objection to that?

A: Well, basically, you know, we're supposed to have trials with live witnesses so that we can confront and cross-examine the accuser in this. If you're going to stick somebody in jail for a number of years, you might as well let them have a trial too. That's the American way—Anglo-Saxon jurisprudence—and it's worked for a number of years.