

## **2 Acquitted of Child Molestation In Nation's Longest Criminal Trial**

By **ROBERT REINHOLD**

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LOS ANGELES, Jan. 18 — The former director of a preschool and her son were acquitted today on 52 counts of molesting young children at their school, bringing a dramatic end to the longest and costliest criminal trial in American history.

After two and a half years of hearing a case that set off a national wave of concern over child abuse six years ago, a jury here rejected the bulk of charges against the director, Peggy McMartin Buckey, now 63 years old, and her son, Ray Buckey, 31, who was a teacher's aide at the family-run school in suburban Manhattan Beach, Calif. But the jury deadlocked on 12 molestation charges against Mr. Buckey and a single count of conspiracy against both.

The verdict was the final leg of a legal marathon that drew national attention, not only for its extraordinary length and complexity but also for the difficult questions it raised about the prosecution of child molestation cases, the reliability of children's testimony

and whether the news media stirred emotions when the charges surfaced.

Jurors said after the verdict that they believed the youngsters were molested, but that they could not find sufficient evidence to prove that it was done at the Virginia McMartin Preschool, which is no longer open.

### **Criticism of Interviews**

They were particularly critical of videotaped interviews of the children done by Children's Institute International, a Los Angeles-based child advocacy group, saying it appeared the children were coaxed into charging the Buckeys had raped and sodomized them and had touched their genitals. [Page A12.]

Prosecutors contended that the two sexually molested 11 children over a period of five years at the preschool. Nine children testified that they were molested and photographed, then frightened into silence with threats and

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Associated Press

The longest and costliest criminal trial in American history resulted in the acquittal of Ray Buckey and his mother, Peggy McMartin Buckey, shown listening to the verdict, on charges of molesting young children.

# Longest Criminal Trial Ends as 2 Are Cleared of Molesting Children

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bloody animal mutilations.

The accounts told of being forced to watch a rabbit sacrificed on a church altar, seeing a parakeet squeezed to death, being taken on an airplane ride and being molested in the bathroom of a car wash. One child said Mr. Buckey dressed as a witch in a satanic ritual and two boys said he killed a pony in front of them.

The defense lawyers attacked such testimony as bizarre and unbelievable.

But Lael Rubin, a Deputy District Attorney who was one of the two prosecutors in the case, argued that children seldom lie about sexual abuse and insisted their stories were a way of dealing with the "awful things" that happened to them.

The tall, lanky 31-year-old Mr. Buckey, who spent five years in jail before he could raise the \$1.5 million bond last February, held back tears after the verdicts were unsealed in a crowded courtroom. He left the courthouse without speaking, but his mother, who spent 22 months in jail before being released on bail in January 1986, voiced bitterness at the prosecution. "I've gone through hell and now we've lost everything," she said. "My concern was for my son and what they've done to him."

When the bailiff pronounced the words "not guilty," a collective gasp arose from the audience and a woman in the second row began sobbing loudly. Mr. Buckey's lawyer, Danny Davis, smiled at Mr. Buckey and put his arm around his shoulders.

Judge William F. Pounders declared a mistrial on the 13 unresolved counts after the jury foreman said there was little chance of agreement. District Attorney Ira Reiner said prosecutors would decide by Jan. 31 whether to retry Mr. Buckey on those counts after consultations with the parents of the children. The foreman, Luis Chang, said that as of Wednesday the panel was split on the first count by 8 to 4, but did not say which way it was leaning.

Lawyers who have followed the case marveled at the jury's capacity to endure and reach a verdict in a case that saw 124 witnesses, produced more than 60,000 pages of transcript and cost the taxpayers about \$15 million. The trial had been teetering on the brink of mistrial for months because there were no alternate jurors left.

## Judge Praises the Jurors

"You have served in the longest criminal trial in history," Judge Pounders told them. "You have endured where all else has failed. There is really no way I can thank you for your service." To loud laughter, he excused them from all future jury duty.

"I am not surprised by the verdict," he said. "Any decision the jurors made was justified by the evidence they saw."

The Buckeys were charged with performing lewd and lascivious acts on the 11 children over a six-year period in games they called "naked movie star" and "horsey."

Parents of some of the children who came to hear the verdict were outraged. "To hear that bailiff say 'not guilty' was the most devastating two words I heard in the last six years," said a woman whose daughter claimed

## A History of the Molestation Charges

**Aug. 12, 1983:** The mother of a child at the McMartin Preschool calls the Manhattan Beach Police Department and says she believes her 2½-year-old son was molested by Raymond Buckey, who worked at the school.

**Sept. 7, 1983:** Mr. Buckey is arrested then released for lack of evidence. The police send letters to 200 parents naming Mr. Buckey as a child molesting suspect.

**Fall of 1983 to spring of 1984:** Nearly 400 children are interviewed and 41 are listed as victims in a complaint filed by the state.

**March 22, 1984:** A grand jury indicts Mr. Buckey; his mother, Peggy McMartin Buckey; and five others on charges of abusing children over 10 years.

**March 24, 1984:** Mr. Buckey and his mother are held without bail.

**April 20, 1984:** The defendants plead not guilty.

**June 6, 1984:** A preliminary hearing begins.

**Jan. 22, 1985:** The first child witness in the preliminary hearing testifies that he and other pupils played "naked games."

**Dec. 19, 1986:** Judy Johnson, the mother who

Mr. Buckey stuck a foreign object in her vagina and anus. "Six years out of our lives out of our lives for nothing. It does not tell our kids much about our legal system. This is the most awful thing that could happen."

"When so many hundreds of kids say the same thing, it obviously could not have been invented," said Arvin Collins, who said his son Chris was molested at the school but was not involved in the trial. Another parent, Marymae Cioffi, said her children still are still afraid at night.

Friends of the Buckeys maintained they were victims of mass hysteria among parents and the news media. "There was not one scintilla of hard evidence," said Abby Mann, a Hollywood film maker who has written a

## Is children's testimony reliable?

book on the case, "The Naked Movie Star Game," to be published by Random House. "Their lives have been destroyed."

Mr. Mann claimed that an overzealous prosecutor, Ms. Rubin, and a "cottage industry" of child-abuse psychologists were responsible for bringing unsupported charges and that the case would undermine future legitimate prosecutions.

Mrs. Buckey's lawyer, Dean R. Gits, said the case had become more of a "phenomenon" than a legal prosecution. "At the early stages, they were tried and convicted and sentenced by the media," he said.

Mr. Gits said his client now "wants to

piece her life together — she really has lost everything and she hopes to move away and eventually build a house, settle down, and be left alone with her family." The school property was deeded to the lawyer to pay legal fees.

Ms. Rubin called the verdict "a great disappointment" and said she appreciated the "strength of fortitude" of the parents. "We have to remember that the families and the children cannot be forgotten," she said.

In addition, she defended the controversial interviews by Children's Institute International. "The interviewing techniques may have been overly leading but it was the only way to get them to talk," she said. "Psychologists say that kids in such situations need some vehicle."

Some of the jurors said they were dubious about whether Mr. Buckey had told the truth. But the seven jurors who spoke to reporters after the verdict seemed to agree they were swayed in favor of the defense by the prosecution's use of the tapes on which the youngsters were given anatomical dolls and urged to show how they were molested, even if they denied it at first.

## Juror Says Tapes Hurt Case

"I believe the children believed what they were saying was true in the courtroom," said one juror, Brenda Williams, a telephone company service representative. "At C.I.I. I could not tell from watching the tape that the children were telling what actually happened to them or if they were repeating what they were told by their parents or other people." She said that "we would have believed the children's story a little more if there were no C.I.I. tapes."

Keel MacFarlane, the social worker who performed the interviews at the institute, defended the prosecution. "I hope people will see this as the anomaly that it is," she said. "That parents

made the first allegations against Buckey, is found dead in her home at the age of 44. The coroner says she died of an ailment common in alcoholics.

**Jan. 17, 1986:** Citing insufficient evidence, the state drops the charges against all the defendants except Mr. Buckey and his mother.

**Jan. 23, 1986:** Mrs. Buckey is released on bail.

**April 20, 1987:** The trial begins with jury selection.

**Feb. 15, 1989:** Mr. Buckey is released on \$1.5 million bail after nearly five years in jail.

**April 27, 1989:** After two years and four days, the trial becomes the longest criminal proceeding in history, surpassing the Hillside Strangler trial of Angelo Buono in 1982-83.

**May 16, 1989:** Peggy McMartin Buckey takes the stand for the first time and denies she sexually assaulted her students.

**July 26, 1989:** Mr. Buckey takes the stand and denies he has ever molested children.

**Nov. 2, 1989:** Jurors begin deliberations.

**Jan. 18, 1990:** Acquittal on 52 counts. The judge declares a mistrial on the 13 others.

won't be afraid to bring their children forth, that prosecutors won't be afraid to prosecute."

With the verdict came new calls for legal revisions to shorten trials. "The very idea that a case in trial for two and one half years can lead to a rational result is preposterous," said Mr. Reiner, the district attorney. He said he advocated legislation to give California judges a stronger hand in speeding trials and a controversial initiative that might appear on a June ballot reducing the rights of the accused.

The verdict marks the end of a trial that has raised questions about the reliability of child witnesses and doubts about whether justice can be served in such drawn out proceedings. In its final months, the case teetered on the brink of a mistrial after 6 of the original 18 jurors dropped out for health and financial reasons, leaving the minimum 12.

But on Nov. 2, with an album of Polaroid photographs to help recall the testimony of 124 witnesses, a list of more than 800 exhibits and 60,000 pages of transcript, the eight men and four women begin deliberations.

## Case Began in August 1983

The case began in August 1983, when a mother complained that her son had been sexually abused by "Mr. Ray" at the preschool. In all, seven employees at the preschool, including its founder, Virginia McMartin, were charged with child molestation.

Charges against five of them were dropped after an 18-month preliminary hearing, leaving Mr. Buckey facing 53 counts of child molestation and his mother facing 13 counts.

"What these teachers did to these children is really unfathomable," Ms. Rubin said in her closing arguments.