

## What I Learned From the Edenton “Little Rascals” Sex Abuse Trial

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During the late 1980s and early 1990s, allegations of sexual abuse and satanic sexual abuse ravaged child day-care centers, their directors, and their staff. Many were convicted and jailed. As the psychiatric expert for the defense in the Edenton, North Carolina “Little Rascals” trial, I had access to mountains of data. As a result of my total immersion in this case and several earlier ones, I came to appreciate the massive irrational effect that mass hysteria exerts on parents, children, and professionals. Even the judicial process was affected, to the extent that only years later was the defendant’s conviction unequivocally reversed, citing several basic judicial errors.

From this experience, I focus on some concepts that may structure understanding of these events. I develop the concept of *created reality*, review the making of an *honest liar* child witness, and consider the role of the prevailing authorities in creating reality, fostering regression in children, parents, professionals, and social networks, and finally how these ingredients contribute to mass hysteria. In this instance, the mass hysteria was a vital component in securing a guilty verdict—a verdict that I consider to be a gross miscarriage of justice.

With DNA testing, many on death row have been proven innocent of the crimes of which they were convicted. Often, the passage of many years is needed for a miscarriage of justice to be clearly recognized. In recent years (the late 1980s), we saw examples of national and local mass hysteria. Day-care workers and directors<sup>1</sup> were accused of multiple counts of child sexual abuse, including varying degrees of satanic sex rituals.<sup>2</sup> Many were convicted and served prison time before the appeals process reversed their convictions. The most prominent reason for reversal was that the police, social workers, and therapists used forceful, prolonged, coercive, and suggestive interview techniques with the children.

From my vantage point as the expert witness for the defense in the “Little Rascals” Edenton, North Carolina trial, I will attempt to show how the prevailing mass hysteria (1) fostered the cre-

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<sup>1</sup>Peggy MacMartin, Ray Buckley, Los Angeles, 1984; Margaret Kelly Michaels, New Jersey, 1985; Parents in Jordan, Minnesota, 1984; Bob Kelly, Edenton, North Carolina, 1989. These have been briefly summarized in reporter Debbie Nathan’s 1990 article for *The Village Voice*.

<sup>2</sup>At their most bizarre level, these rituals included killing babies and drinking their blood.

ation of false created realities by therapists who utilized untherapeutic and perhaps unethical measures, (2) fostered parental anxieties so great as to grossly interfere with adequate parenting, and (3) how it led to the creation of *honest liars* in the child witnesses that, in turn, were experienced by the jury as incredible, yet totally credible, witnesses—all of which resulted in a quick jury verdict of “guilty.”

A miscarriage of justice is not a Court decision that one believes to be wrong, stupid, or offensive to our political views. For want of a better definition, I would suggest that a miscarriage of justice can be defined<sup>3</sup> by two criteria: (1) an error of massive proportion that impacts on both individual and society, and (2) egregious procedural errors in the judicial process. I would consider the Little Rascals Daycare Center trial of Robert Kelly<sup>4</sup> in Edenton such a miscarriage. Incidentally, this trial was the longest and most expensive in North Carolina history. ~~Another expert witness for the defense, Maggie Bruck, wrote a very personal account of her experience at this trial (Bruck, 1998).~~

#### HOW SEX ABUSE ALLEGATIONS ARISE

With the detailed scrutiny of death penalty cases, many found guilty at their trial are now shown to be innocent. Some have had inadequate legal counsel, some were the victims of prosecutorial misconduct (i.e., use of perjured witnesses, hiding of exculpatory evidence, coerced confessions, manufactured evidence, etc.), or in some cases judicial errors were made of such magnitude as to require reversal. Similarly with allegations of sexual abuse, innocent people have been found guilty, jailed or deprived of seeing their children. In the past, society and those in power tended to deny or cover up<sup>5</sup> instances of blatant and prolonged sexual abuse and incest, but now the backlash of hyperawareness and hyperalertness prevails.

Many false allegations of child abuse arise in cases of high-conflict divorce, where one party believes they will secure a more favorable custody decision by the Court if the other party is seen as a sexual perpetrator. Allegations previously ignored or denied by professionals are now accepted and acknowledged more readily. Aphorisms to the effect that even the youngest of children is to be believed because “children don’t lie” about these matters have become accepted fact. Other truisms developed: (a) The masturbating child or sexually curious child “learns” this from an adult sexual perpetrator; (b) doll play with sexually explicit dolls is an accurate and reliable replica of the sexual abuse perpetrated by an adult; (3) persistent questioning by a parent or therapist can overcome the child’s fear of disclosing the abuse; and (4) if the child repeatedly denies being abused, it is a result of the abuser creating fear by threatening harm to the child and/or his loved ones. I attempted to address these issues in my letters to the Editor of the premier child psychiatric journal (Shopper, 1989; 1991), since there were many in the field who held these erroneous beliefs. The other widespread belief that gives energy and credibility to these aphorisms is the belief that ritual satanic abuse is a real entity and may be occurring in our very own neighborhood. The

<sup>3</sup>The definition offered by Blackstone’s Law Dictionary (2001) is similar but not as impassioned.

<sup>4</sup>The formal name of the case is State of North Carolina v. Robert F. Kelly, Jr. #933SC676.

<sup>5</sup>The recent disclosures of sexual abuse of children by Catholic priests and its cover up and denial by the church hierarchy has made extensive local, national, and international headlines.

presence of Satan has been legally and personally confirmed by the mayor of Inglis, Florida who proclaimed, "Satan is hereby declared powerless, no longer ruling over and influencing our citizens."<sup>6</sup>

These aphorisms are understandable reactions to the decades of actual sexual abuse within and outside the family, abuse that was denied recognition and validation. In addition, the denial was compounded by often chastising the victim for voicing such allegations. This degree of denial, which has become institutionalized in our social, legal, and professional structures, may have been, and may still be, deemed by some as necessary to contain the fear, anger, and vengefulness so readily provoked by an adult's sexual abuse of a child. I believe that these intense affects and the ubiquitous fantasies of child-adult sex, present in both the child and the adult, contribute to the paranoid orientation that externalizes and projects<sup>7</sup> evil into the personification of Satan and satanic cults. When this occurs in a sufficient number of individuals within a well-established social network, such as exists in many communities, a regression from objectively verifiable truth occurs, especially when well-regarded individuals and leaders in that community remain silent or are themselves swept up in the regression. As the regression encompasses more and more social networks, it culminates in a state of mass hysteria. The mass hysteria both creates and magnifies a sense of overwhelming fear: Rumors replace facts; allegations become convictions; fantasies become proven realities. The usual trustfulness that is the fabric of social interaction is undermined. Mass hysteria undoes the rules of previously established realities, the rules of social interaction, and may even influence judicial procedures and the judicial system as a whole.

I fully realize that it is difficult to be certain of the existence of mass hysteria at the time of the trial, much less to measure its impact on trial proceedings. Yet the legal system is not unaware that emotions can invalidate established legal methods of evaluating credibility and weighing the reality of evidence. To lessen or eliminate this influence, a change of venue is often granted when the nature of the crime is such as to be widely discussed and the public has a strong emotional reaction (reaching the degree of prejudice) to the crime and to the alleged perpetrator. Judging from the appellate court decision that reversed the guilty verdict of the trial in the "Little Rascals" case, the judicial and procedural errors were, in my opinion, of such magnitude that a competent judge and jury, not caught up in the mass hysteria of the Edenton community, would have not made these very basic procedural errors.

For many on the jury, as fantastic as the children's testimony often was, they nevertheless believed the children. According to English common law, a child below the age of seven is not considered to be a credible witness. However, if a child's testimony could be impeached merely on the basis of age, how would sexual perpetrators ever be apprehended and found guilty? If the child is the only witness to his sexual molestation and abuse, and the child, under seven years of age, could not give legally credible testimony, then neither law nor child would be well served.

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<sup>6</sup>*New York Times*, March 14, 2002, p. 1 and 22. Although almost humorous, it typifies a widespread societal belief that sexual abuse of children is an issue of morality along with adultery, out-of-wedlock pregnancy, and AIDS, all of which are regarded as evidence of the presence and power of Satan. Elaborate fantasies and urban legends (Victor, 1996; Nathan and Shedecker, 1995) have created a belief in the existence of secret organizations that worship Satan, abuse children, and kill babies. "Scientific" conferences have been held to discuss satanic ritual abuse (SRA) of children despite the FBI's foremost expert on the matter, Kenneth V. Lanning (1991-1992), stating repeatedly that there is no corroboration of such organizations or any evidence that SRA has occurred.

<sup>7</sup>For a detailed discussion of the differing mechanisms of externalization and projection see Novick, & Novic (1996).

### THE PRESCHOOL CHILD'S CONCEPT OF TRUTH AND HOW REALITY IS CREATED

It is probably beyond the preschooler's cognitive abilities to administer an oath to tell the truth. Judges paraphrase and modify the oath to "What is true?" and "What is a lie?" However, here too, both concepts are based not on a higher level cognitive concept of truth, but rather on the child's level of reality testing. For example, a judge will ask the child, "If I say I am wearing white robes, would that be true or a lie?" Although most preschoolers can distinguish their colors, the preschool child is still at a stage where the distinctions between truth, i.e., *reality* and *fantasy*, are still in formation. That is, the child is learning to distinguish reality from fantasy more and more. The child's appreciation and knowledge of reality is, in turn, dependent on the adults who define and/or create that reality for the child. For example, the parent defines reality when a child is told, "This is our house; we own it; it is ours" or "It was an accident; your brother really loves you." Reality is created when the child is told that "Grandpa now lives in heaven," or that "Mrs. Jones is a nice person and loves you." When reality is defined by parents and reinforced by therapists and others in the community, namely that "Mr. Bob (Kelly) did bad things to the children at Little Rascals Daycare Center," this then becomes the child's *created reality*.

Of course, depending on the age and cognitive/emotional maturity of the child, some preschoolers tenaciously and autonomously maintain their own sense of reality and resist a created reality. Others oscillate, get confused, or become so conflicted that they regress and become symptomatic. Many children, identified by other children as having been abused, were too uncertain and vacillating about their supposed abuse to be used as witnesses. The prosecution carefully selected the child and used only a selected sample of the named abused children, i.e., those children who were now believers in their created reality and would make reliable credible witnesses. Their reliability would be checked and reaffirmed by having the children attend *Court school*, a program designed to familiarize the child with the awesomeness and strangeness of the courtroom.

What was striking in "Little Rascals" children is how long many children maintained their own version of reality, namely that no sexual abuse had taken place with Mr. Bob. This was despite parents' and therapists' prolonged insistence to tell the "secrets," namely that sexual abuse actually had taken place. Interestingly, these tapes were erased, destroyed, or missing, and were not available to the defense.<sup>8</sup>

#### IN THE BEGINNING...

It all started in Edenton, North Carolina, when a former police dispatcher, Brenda Toppin, attended an educational program on satanic ritual abuse. When her close friend's three-year-old child, Kyle, started showing confusion and upset because he did not know whether he was going to Little Rascals, a babysitter's, or someplace else, and started having bathroom accidents, Officer Toppin expressed the view to the mother that he might have been abused. As a result, the mother

<sup>8</sup>In other jurisdictions, the destruction of the tapes of these initial interviews with the children or other methods of making them unavailable to discovery by the defense may provide sufficient grounds for reversal. This technique of prosecutorial misconduct often goes undetected and unchallenged, even though tapes and documents may contain crucial and exculpatory evidence for the defense.

questioned her child and focused more and more on Mr. Bob Kelly, the director's husband and the only man at the center. Six days later, Officer Toppin determined that sexual abuse had occurred at Little Rascals, even though neither she nor social service workers had interviewed a single child. Although the tapes of her repeated questioning of Kyle were "lost or destroyed," she did acknowledge that her interviews lasted over two hours.<sup>9</sup> As she continued to question him about the involvement of other children, more and more names were gathered. Ms. Toppin advised those parents to interview their children in similar ways and to keep a written record of the results.

The children were encouraged by their interrogators to be "police helpers," and were questioned suggestively and persistently by their fearful and anxious parents. Despite the parents' dread of hearing of the sexual abuse, they did not believe their children's reports of no abuse. Instead, they regarded it as symptomatic of the fearfulness engendered by the threats of the abuser. As the parents expressed their fears and concerns and reported to each other on their investigations, fantasy and reality became indistinguishable. As a result, parents became more and more convinced that the abuse was an actuality. One parent, a close friend of Betsy Kelly, the accused Director, called to indicate her disbelief in the abuse and to voice her support for Betsy Kelly. However, after her child was named and interrogated in her presence by the police, she completely changed her mind about the abuse, even though her son denied that any abuse had taken place. I believe this is a clear example showing that parental authority and parental reality testing had now regressed, was no longer autonomous, and was supplanted by that of the police, the therapists, and the prosecution. This regression is a typical finding in mass phenomena where one's autonomy, conscience, and reality testing are set aside and replaced by the current leader/authority, in this instance, the prosecution team.

The named children were then sent to predominantly four therapists.<sup>10</sup> The therapists were not only overzealous and, in certain ways, inadequately trained, but proceeded in an unethical fashion with the children. Reporting frequently to the district attorney's office, they provided more names of children and adults and more specific allegations of abuse. These were not spontaneous names and allegations, but data specifically and persistently introduced by the therapists. The personal and familial issues that the children brought into the so-called therapy were ignored. When the therapists addressed these issues, it was done in a most simplistic and unhelpful way. The overall effect of the therapy was to instill fear in child and parent. From my review of the therapists' notes of the 17 children who testified, it was clear to me that the therapists were not involved in treating these children psychotherapeutically, but were, in effect, agents of the prosecution in preparing children to testify falsely with credibility. Significantly, those parents who took their children to therapists in other communities or avoided these four therapists had no allegations of sexual abuse and their children were symptom free. In contrast,

<sup>9</sup>One of the attorneys preparing the appeal brief for Mr. Kelly found a tape of an interview with a child that had been taped over with another interview, but retained the last five minutes of the child interview. The appellate attorney opined that Officer Toppin's "interviews were not only suggestive, but coercive to the point of brutality. The child's crying and pleas to stop are met only by Ms. Toppin's promise to stop when the child said what she wanted to hear" (p. 105 of Defendant-Appellant's Brief # 933SC676 filed April 21, 1994). The audiotape interview of the child was typed up and included as an addendum to the appeal. My reading of the transcript leads to shocking agreement with the appellate attorney, especially shocking because Officer Toppin denied under oath that she was coercive, suggestive, or leading in her interviews.

<sup>10</sup>Betty Robertson, Ph.D.; Judy Abbott, Susan Childers, Ph.D.; and Michelle Zimmerman, R.N.. The therapists kept extensive notes on every session with each child. As the defense expert, I was given access to these notes, as well as the parents' notebooks of their own inquiries of their children and their comments and observations of their children's behavior.

the children who provided stories of sexual abuse became increasingly symptomatic over time and their behavior became more disturbed.

### THE SEPARATION OF FORENSIC AND THERAPEUTIC ENDEAVORS

For many reasons, the therapeutic function is distinctly separated from the forensic. The former is based on confidentiality and sensitivity to the patient's perceptual viewpoint, however based and distorted. Although the therapist is not specifically an advocate for the patient, the information gained in the therapeutic relationship is used exclusively for the benefit of the patient. In addition, a therapist might be seen, and perhaps should be seen, by the Court and/or jury as aligned with the patient and, to that extent, an unreliable resource for factual, objective information. Ethically, the therapist is beholden to do the patient no harm, and it is the patient who is the therapist's employer.

In contrast, the forensic evaluator works for the Court or for one or the other side of an adversarial conflict, and has the right and duty to examine other significant people, significant records, and to consult outside sources for verification and validation of data. The therapist is concerned with the patient's perception of truth and reality, that is, his *psychic reality*, but the forensic examiner attempts to ascertain to the highest degree possible the *actual truth* and the *actual reality*. The functions, goals, and even methods of the two are strikingly different and distinct. Accordingly, assuming one professional role precludes the other. In fact, it is considered by many to be unethical when one person fulfills both roles sequentially. The four therapists to whom the children were sent were considered and acted as part of the prosecution team. I am emphasizing this point to highlight the deviance of the four therapists from this accepted dichotomous model. However, from my standpoint as a clinician, the worst offense was their monoideational approach, which assumed that satanic ritual abuse occurred, and then subsuming their therapeutic skills to suggesting and coercing the children to provide or create names, places, and horrific details for the prosecution's case. These therapists ignored actual emotional issues (i.e., possible impending death of a grandparent, hostility to mother, frequent separations, etc.) and did not address them even when repeatedly brought up by the child. Psychological issues were either totally ignored or subsumed under the sequelae of child sexual abuse.

### THERAPY VIGNETTES REFLECTING THERAPEUTIC DERAILMENT BY THE THERAPIST

Seven brief vignettes culled from the 17 therapy records I reviewed are offered here. These are not chosen for being outlandish or bizarre, but rather as typical. As well as supervising well trained therapists, I have supervised many child therapists who were naive and inexperienced. These vignettes indicate to me that the four therapists are in a class of their own.

"Mr. Bob put hot sauce on L.'s (sister) tongue and eyes." This occurred in "outer space." She (the child) was taken there by Miss Betsy (owner of the daycare center and wife of Mr. Bob) and Mr. Bob "in a hot air balloon." The child, seeing a painted frog shirt on a chair, asked about it. The therapist indicated that it was for J. The child asked if J. comes here to feel better. The therapist answered "yes." The child then continued that J. was with her in outer space and that Mr. Bob killed babies in outer space. When asked how she knew that, she said that she had seen them but would not tell more, be-

cause she was too scared. The therapist then showed the child five pages of signs and symbols of the occult, asking the child to draw a circle around any that she had seen before.

That the child was "too scared" was accepted unquestioningly by all therapists as a confirmation of the reality of the sexual abuse and thus precluded any questions about the distinction between reality and fantasy.

B. was afraid of Mr. Bob. When asked what would help her to feel better, she said that she wanted to see for herself that Mr. Bob was in jail. The therapist said this could not be done, but offered an alternative: The sheriff would give B. the key to the cell, which she could wear around her neck, so "that whenever she got scared she could see the key and know that Mr. Bob could not get out." The therapist then met with B.'s father, explained that they would use any key, but offer it to B. as the sheriff's key to the cell. In this way, B. would feel safe and be able to concentrate in school.

For a parent or therapist to lie to a child is not good technique, and is considered unethical. Even more crucial is that an adult lying to a child serves to regress both parents and child to blurring the lines between fantasy and reality.

Another example of magic that masqueraded as therapy occurred when the parents were complaining about G.'s "bad behavior." The therapist set out to work with G. about this by helping G. draw the "bad behavior" on paper. The therapist then went to her car and returned with a box into which G. was to place the "bad behavior," that is, to get rid of it in that way.

Although magical thinking is not uncommon in young children, for the therapist to rely on it as a major therapeutic technique raises questions of therapeutic competence. For the child, it certainly favors regression, fosters primary process thinking, and blurs the line between magic and reality.

When the child expressed fear of any of the accused, the therapist frequently put the child through a recitation of safety procedures. Many of the children responded to this so-called "empowerment" with fearfulness, even to the extent where the child felt responsible for rescuing others from the accused. In addition, the therapists repeatedly offered many unasked for reassurances that the child is "safe now."

These spontaneous, out-of-context reassurances did not reassure the child, because they also carried a distinct implicit message that there is danger. Assurances of safety, if inappropriate and programmed, have a paradoxical effect, namely, they create a sense of impending danger and fearfulness. For example, when B. indicated that she did not want to go to dancing class because she was afraid of Miss Betty and that Miss Betty would get her, the therapist "taught" B. how to "ask mother nicely" to get out of the class. When mother was called into the office, she acquiesced to B.'s "nice" request. Despite the reassurances of her safety and the therapist's safety training, B.'s life became more constricted and more frightened, and her behavior more intolerable at home and at school.

Accounts of events, no matter how fantastic, were accepted as reality because satanic sex abuse purportedly involves unusual and bizarre practices. However, when children's accusations spread to the teacher at a prior day-care center, as well as to the current Sunday school teacher in the church, it seemed that the therapist realized things had gotten out of hand. Her technical approach was to ignore these allegations and divert B. to focus on her current "bad behavior" at Sunday school.

The possibility that the bad behavior might be related to the child's created reality, that is, she is in the hands of another abuser, her current Sunday school teacher, was not considered.

The child's opportunities for spontaneous play were few, but when they appeared, they were tolerated, and then ignored. No particular significance or interest was attached to the child's play. The therapist was reviewing with R. those things that make her angry, happy, and sad. R. said that she would feel sad when her Grandma dies. In response, the therapist tells her to love her grandmother now and tell her grandmother how much R. loves her, so they can enjoy the time they have together. The therapist then introduces a new line of interrogation, asking whether Miss Shelly and Miss Robin (two of the accused daycare workers) ever had friends visiting the daycare center. R.'s repeated replies were, "I don't know."

The child's concern about her grandmother and reality of grandmother's health were not subject to inquiry. The therapeutic message was that the child's concerns and the child's agenda are of little importance. Instead, the child must accommodate to the therapist's agenda, namely that of obtaining allegations and expanding the lists of adults involved.

Transference manifestations were essentially ignored. G. wanted to go home with the therapist and have the therapist go home with her. G. wanted to become a therapist and do what she does. The therapist had no idea how to deal with this idealizing maternal transference. B. then initiated teasing and playing behavior, saying the absurd and expecting it to be accepted as real, for example, that she is 80 years old, or that she is age 15 and in eighth grade.

Six months later, the mother called to complain of B.'s "ugly talk" to her mother. The next session, when B. entered the therapist's office, she stated, "Mommy's dead." The therapist was shocked and proved to B. that her mother was alive since mother talked to the therapist on the phone that morning and the mother helped B. to get dressed that morning. After undoing the mother's demise, the therapist chided B., adding that her mother is very concerned about her and loves her. B. objected, saying that her mother could not love her since mother gets mad at her. The topic was then arbitrarily changed by the therapist "to talk about Thanksgiving." When B. expressed further hostility toward her mother, the therapist "dealt with it and sent B. out of the room to apologize to her mother."

The remainder of the session was devoted to an issue initiated by the therapist, the "fact" that one of the accused daycare workers hurt and punched B.'s sister in the eye. As a result of the therapist's interventions, mother and therapist were now rendered *good*, and the anger was affixed to the daycare worker, who is *bad*. The issue of the child's anger at her mother was ignored and denied, as were issues of sibling rivalry.

#### SINCERE DISTORTIONS OF REALITY—THE "HONEST LIAR"

A considerable body of research, summarized by Loftus, Korf, and Schooler (1989), indicates that another person's inaccurate accounts of reality can enter our memory recall system without our awareness of their presence or influence. For example, when adult subjects were exposed, after an event, to misleading or false information about that event, they often accepted this information and wove it into their existing memory, with as much conviction as the real information. Such subjects even recalled a barn as being present when the stimulus picture had no such barn. The conviction with which some subjects maintained their misguided memories was striking. Loftus et al. (1989) conclude: "We seem to be masters at weaving information from various sources into a coherent memory whose patchwork is neither evident to ourselves or others. Finding the threads that reliably disentangle the facts is a challenge that has yet to be fully overcome" (p. 170). Orne (1979)



discusses recall under hypnotic age regression. Although there is some improved recall, there is also increased confabulation, but so vividly described that it was initially accepted as factual data until compared with actual records. Students who were vividly recalled as classmates in grade school were found not even to have been in that class. The hypnotic suggestion to recall a past event accompanied by questions about specific details

puts pressure on the subject to provide information for which few, if any, actual memories are available. This situation may jog the subject's memory and produce some increased recall, but it will also cause him to fill in details that are plausible but consist of memories or fantasies from other times. It is extremely difficult to know which aspects of hypnotically aided recall are historically accurate and which aspects have been confabulated [p. 317–318].

“There is no way, however, by which anyone—even a psychologist or psychiatrist with extensive training in the field of hypnosis—can for any particular piece of information, determine whether it is an actual memory versus a confabulation UNLESS there is independent verification” (Loftus et al., 1989, p. xxx).

Orne (1979) notes that the apparent increase in recall is a result of the hypnotized subject's decrease in critical judgment. This permits the subject to accept counterfactual suggestions as real and to accept approximation of memory as accurate memory. Events relived during hypnosis are accepted as though they actually happened, regardless of the confabulations, errors, and filling in of memory gaps. These *pseudomemories* are now reported with consistency and conviction. If, in addition, they are reasonable and plausible, it is impossible for the subject or jury to determine their actuality/reality. If the hypnotist has beliefs about what actually occurred, “it is exceedingly difficult for him to prevent himself from inadvertently guiding the subject's recall so that he will eventually ‘remember’ what he, the hypnotist, believes actually happened” (Orne, 1979, p. 322).

Spiegel (1980) notes that hypnosis of an eyewitness to a crime or accident can be helpful in enhancing memory recall in the investigatory stage of evidence gathering. However it is also possible to so “contaminate the memory of the subject that he confuses hypnotic implantations with his own knowledge. Then, by so fusing them he cannot tell one from the other” (p. 79). Spiegel labels this the *Honest Liar Syndrome*, a term not frequently used, but one readily applicable in the current rash of sex abuse trials. In conclusion, Spiegel believes that all data obtained under hypnosis may suffer from memory contamination whether deliberately induced or inadvertent and untended.

Loftus (1989), Orne (1979), and Spiegel (1980) all refer to adult subjects. The case is even stronger with the preschool child, who, although not in a manifest hypnotic trance is, from a developmental standpoint, highly vulnerable to suggestion from parents and authorities, and, under their suggestions and input, can create vivid pseudomemories, ultimately becoming an honest liar. The Little Rascals children's allegations of sexual abuse were believable to the jury and determinative in the guilty verdict. The allegations, presented sincerely and with conviction, were enhanced by a “booster” from Court school, the prosecution team, the therapists, and the parents. Credibility for even the most fantastic allegations was enhanced by the prosecution's innuendos of satanic ritual abuse and sexual and sadistic practices by networks of coconspirators and cobelievers. A guilty verdict was a shock, but not a surprise. What was a surprise was the sentence: 12 consecutive life sentences, the longest in the history of North Carolina and greater than that given to serial murderers.

## PARENTAL REGRESSION

It would not be unusual for parents to regress under the impact of the emotional stress of possible sexual abuse of their child. Compounding this is the added regression that is part of the mass hysteria that often overtakes a community in distress. The boundaries between rumor, innuendo, suspicion, and reality become blurry and easily breached. The distinction between an individual's inner fears and fantasies, and their possible replication in the outer reality become blurred. Once the ogre of satanic ritual abuse is invoked as a possibility, nothing is too unusual, bizarre, or sick that it could not have actually occurred. Reality testing is often the first casualty of such allegations, particularly so since the child is the only witness and is silenced by fears and threats not to reveal the secrets. Under these circumstances, it is understandable that anxious parents will not only allow lengthy coercive interrogations of their children, but that they also become the interrogators themselves. However, in becoming inadvertent agents of the police and the prosecutors, the parents bring police interrogation techniques (which they have observed) to their children, as well as the prosecutor's bias that the abuse has occurred. In effect, the parents' own reality testing and reality validation are suspended and replaced by those of law enforcement and the children's therapists.

## ILLUSTRATION OF PARENTAL REGRESSION

Several months after the closing of Little Rascals, the grandmother of another Little Rascals child tearfully suggested to H.'s mother that H. should be "evaluated" concerning the daycare. When the mother questioned her daughter, her replies were negative, despite the mother telling H. that two other children had "told" about the scary things at naptime. When H. and her sister had a difficult time falling asleep, the mother saw no relationship between H. having a new drop-off babysitter, H.'s father being away from the home at professional school, and as it later turns out, mother's own fear of sleeping alone. Two days after the grandmother's warning, H., age 4 years, 10 months, symptomless, was sent to be evaluated.

For the next month, the therapist had the mother read to the child at every bedtime, the stories of *Tillie Cat*, *Boots*, and *Patty Rabbit*. The essence of these stories is that the main character is threatened with danger by a wicked person, but is saved when the secrets are told to everyone. With the telling of secrets, the bad person no longer has the power to hurt the main character. Five weeks later, the mother and father came in with H. Her parents prompted her to tell the therapist what H. told her father last night, namely Mr. Bob pee-peed in her mouth. This allegation was made by another child seeing the same therapist and had been overheard by H. according to the parents' dated log. The father offered encouragement, saying, "It's okay, Miss T. loves you, you can tell her anything" (sic).<sup>11</sup>

Despite the child's adequate verbalization abilities, the therapist introduced anatomical dolls. The mother, holding the penis of the adult male doll, asked if the penis was hard or soft and if it was erect or not. Later, the mother undressed the female adult doll. Interspersed are the therapist's comments about "the family being safe," "they are safe even though H. told the big secret," "You

<sup>11</sup>I think the term "anything," rather than the more commonly used term "everything," is a subtle, and perhaps unconscious, communication that "anything" goes, that is, no concern for reality. The term "everything" would be used to encourage completeness in the telling. A small point but, perhaps, a significant one.

have been scared, but there is no need to be scared.” The therapist concluded by saying, “I won’t let anything happen to you or your family.”

For the first five weeks of meeting with the therapist, B. played at having picnics. There were no allegations or mention of daycare. Sometime after her allegation, at her dance lesson, H. lay down on the studio floor (in keeping with many other regressive behaviors at that time). When asked to explain, she spoke of digging for a treasure. The next day’s allegation to her “therapist” was that Mr. Bob made them dig up his treasures of gold, and “that’s where he would bury the dead babies—the ones he found run over on the road.” Since H. mentioned that the digging was done on “yellow ground,” a few days later mother and child went to look for the place in the fields where the digging occurred.

Although the parents were motivated to be helpful to their children, their acceptance of, and identification with, the interrogators’ role was, in the long run, harmful. The parents accepted the agenda of the therapist and law enforcement and, in so doing, created a reality for the child that, I believe, had no reality foundation. I believe that the programmed reassurance about “being safe from harm” had the opposite effect, especially when parent and therapist acted as though the very presence of a day-care staff member was dangerous, and that the dance studio staff and other parents present in the dance studio would not be sufficiently protective. Although Mr. Bob was in jail, the child felt vulnerable to everyone.

The parents’ willingness to believe B.’s allegations, despite their improbable, implausible, or incredible nature, undermined the child’s reality testing to the point where her fantasies were readily confused with, and often replaced, reality. The programmed bedtime readings, combined with the taped bedtime interrogations by mother and father, brought the whole issue of sex abuse into her bed, into her thoughts and dreams, and truly interfered with her home being a safe place where she could relax and grow.

### MASS HYSTERIA

The personal pathology, that is, the creation of an honest liar, the parental regression, the use of therapists as agents of the prosecution, all would not have occurred with such intensity and duration were it not for an overriding atmosphere of mass hysteria in the community of Edenton, North Carolina. Judge Alan M. Rubenstein,<sup>12</sup> commenting on the entire groups of notorious daycare sexual allegations stated, “People like to believe these things, we’ve had witch hunts for hundreds of years.”

During the Middle Ages, witch hunts were supported by a religious and judicial system that used the torture chamber to force confessions of witchcraft and to force the implications of others: the naming of names. An excellent historical review is presented by Bartholomew and Goode (2000). Although torture, as such, has been officially outlawed, the concept of coerced confession and the implication of others (victims and/or perpetrators) continues to this day. Only the means of

<sup>12</sup>Rubenstein was the District Attorney of Bucks County, PA, at the time that allegations of child sexual abuse and satanic ritual abuse were made at the Breezy Point day school. Having earned the reputation of a “lethal prosecutor,” he set out to corroborate the allegations, but after a long and thorough search found the allegations to be baseless. He is quoted as saying that “the proudest moment I ever had was the case I didn’t prosecute” (quoted by Bob Chatelle, who summarized Rubenstein’s remarks at the Harvard Law School Conference on the Day Care Child Sex Abuse Phenomenon, November 17, 2000).

attaining these results has changed. Now we have the repeated, forceful, and coercive interrogation techniques used with preschool children who were previously relatively asymptomatic and unknowing of any sexual abuse at their daycare. From the children's perspective, the interrogators (parents, police, and the prosecutor's office) represented trusted and powerful authority.

Although physical torture was not an issue, the psychological impact of repeated assaults on the children's reality testing, compounded by a continuing demand for more allegations and more named perpetrators was tantamount to a prolonged and powerful psychic traumatization of the preschoolers. The problem for this later day version of inquisitors is that when the children developed symptoms as a result of their questioning and therapy, the symptoms were considered proof of the reality of the sexual abuse and its traumatic impact (Shopper, 1991).

This is not too dissimilar from the Middle Ages, when torture "was viewed as a way of communicating with God" to ascertain the truth (Klairs, 1985, p. 152). According to Klairs (1985, p. 152), the "strangest feature of the witch trials was the near-universal acceptance of coerced admissions as genuine." The popular belief was that God would protect the innocent, and that torture was a test that would determine a person's innocence or guilt. In Edenton, the preschoolers' symptoms developed as a result of the traumatic impact of the inquisitorial process, which could not be distinguished from the symptoms of child sexual abuse, much less the symptoms that often beset children in response to deaths in the family, divorce, geographic moves, two working parents, and birth of a sibling. The prosecution, confined by its own monoideational thinking, could only look at the symptom picture and see it as confirmation of its original thesis: satanic sexual abuse with multiple perpetrators in conspiracy with one another. Although I did not collect evidence of the mass hysteria that overwhelmed portions of the Edenton community, I can only report its near palpable state during my nine-day stay in my role as expert witness.

### CONCLUDING REMARKS

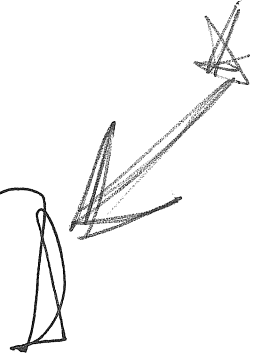
Museum curators are often embarrassed and shocked when one of their prize art treasures is found to be a clever forgery—obviously, authenticity cannot be settled by rolling back time to look over the shoulder of the painter. Today's investigators carefully examine the materials and the process of the painting, such as canvas, pigment, brush strokes, and design elements.

Similarly, how do we decide that a specific event occurred in our patient's past—when we cannot roll back time and look over his shoulder? Are we simply offering *narrative truth* or an *analyst's storyline* (Spence, 1982; Schafer, 1983)? Professional historians appreciate the impossibility of accurately reconstructing the past, particularly on sparse evidence. Nevertheless, historians have developed a scientific methodology with an evidentiary standard. Similarly, in psychoanalysis, a carefully used analytic methodology helps to reconstruct the past even though the specific incident or trauma is not specifically uncovered and become part of conscious memory (Arlow, 1991).

In Edenton's Little Rascals case, the allegations of sexual abuse as a fantasy, a product of mass hysteria, influenced young suggestible preschoolers. I have shown samples of the evidence, how and why it was obtained, and the general emotional atmosphere prevalent at the time. From a psychoanalytic standpoint, I would speculate that the Little Rascals children who testified were severely traumatized, that is, overstimulated children who had lost parental protection from adult

sexuality, and whose omnipotent, grandiose, and hostile fantasies were excited and accepted as valid.

In addition, and perhaps most important, the reality sense and reality perceptions of these children were ignored, and ultimately replaced by the community's collectively created reality. Modell (1991), referring to Ferenczi's (1933) paper, "Confusion of Tongues Between Adults and The Child," focuses on the trauma that ensues "when there is a marked divergence between the child's construct of reality and the construction of reality that is communicated to the child by the caretakers" (p. 227). Ferenczi noted that when the child compliantly accepts the adult construction of reality, there is a loss of trust in the child's won ability to assess reality. From the standpoint of clinical practice, Modell notes that some patients, who have learned to be distrustful, and even rejecting, of their parent's view of reality, may, in the transference, do likewise with the analyst. I would speculate that, following Modell's observations, these children, now and in the future, would question their own reality perception and reality sense, readily accept that of others, but, perhaps at the same time, retain an ever-present suspicion and resistance to believing anything told them by others, fostering a severe resistance to learning. Their future health will depend on the ability of the parents to come to their senses and acknowledge, with the child, the horrendous trauma perpetrated not by the defendants, but by the law enforcement prosecutors, therapists, and parents. Time will tell.



PERSONAL ADDENDUM

Prior to my actual testimony, I spent more than a week with the two defense attorneys discussing a strategy of dealing with the massive amount of clinical data (therapists' notes, parent journals, medical and police reports). As we approached the day of my testimony, I was almost overwhelmed by a growing sense of futility, namely that the judge and jury had already arrived at their guilty verdict and that my testimony, rather than shedding light on the issue, was merely *pro forma*. After testifying, I felt that I did not say all I could and wanted to say. I had wanted to subject to scrutiny the therapists' bias, their lack of understanding of children's communications, the absence of any therapeutic efforts to address the emotional and parental issues raised by the children, and, finally, how the therapists, as professionals, had been coopted by the prosecution. However, this was not to be a part of the defense team's strategy.

In my testimony, I felt like a feeble voice trying to be heard against the roar of an airplane engine. I felt that all my diligence, experience, and massive preparatory efforts were in vain. A guilty verdict was a palpable presence in the courtroom. Unlike Maggie Bruck (1998), I did not feel roughed up by the prosecutor. I was not depressed about the outcome, but enraged. However overwhelmingly negative this experience was on a personal level, it was counterbalanced by my respect for the devotion and diligence of the two court-appointed defense attorneys. Despite personal and professional sacrifices, they did a magnificent job. When the Court of Appeals reversed the conviction, it was their victory, albeit at great cost to their clients, whose lives are permanently scarred and altered. The trial pointed to a tangible flaw in the legal apparatus, that the perjured testimony of a police officer, the unprofessional conduct of the therapists, and the questionable legal tactics of the prosecution all went unacknowledged and unpunished. All in all, a dubious learning experience.



## HISTORICAL ADDENDUM

Examples of mass hysteria abound in the scientific literature. That a similar sex abuse allegation ran rampant over an entire community and eventually enveloped a nation and had international repercussions was, indeed, surprising. In the small village of Oude Pedela (pop. 8000) in the Netherlands, a mother brought her five-year-old child to the family physician when she noted some blood on his underwear. The doctor found a slight anal injury apparently caused from the sexual play with another five-year-old who attempted to put a twig in the other's anus. However, the doctor suspected that a stranger had raped the child. Together with the city council, the police, and a psychiatrist, the 300 parents of the village were told that dangerous child molesters were at large in the village and that their own children might have been abused. During the following months, parents, police, school teacher, and social workers interrogated the children almost day and night, motivated by the knowledge that they would be helping the child to deal with the trauma of abuse if only the child would feel safe to acknowledge it.

Attaining national attention, other communities became fearful of the master criminal pornographers and abusers who could operate in their communities disguised as clowns, etc. As in Edenton, formerly asymptomatic children were now wetting their beds, aggressive at school, extraordinarily fearful of strangers, and engaging in much sexual play. The police found the allegations inconsistent and confused, and declared that it was a case of mass hysteria. Right-wing elements then accused the police of a cover up, at which point The Hague responded by appointing a psychiatrist to interview the children. Unfortunately, he used what would now be considered faulty interview methods, and thus reported that the children's allegations were not only true but probably, in actuality, even worse than described. The community was now polarized into the believers and those who adhered to the diagnosis of mass hysteria (Rossen, 1989).

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