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CASUALTIES OF FALSE SEXUAL ALLEGATIONS

After the announcement of a compensation payment to David Dougherty (reprinted below), Peter Williams QC, one of our Advisory Consultants, was heard to criticise aspects of the government's statement on it. We asked him if he would care to clarify this for us, His response follows.

'NEGLIGENCE OF INPUT' OF CROWN-EMPLOYED FORENSIC SPECIALISTS

The concern I have in relation to the compensation payment to David Dougherty is in respect of the negligence of the input into this matter by the forensic specialists employed by the Crown.

It is clear that David Dougherty is completely innocent of the sexual allegations against him and this was finally established by the scientists employed by the defence. Unfortunately, the scientists employed by the Crown were less than frank in this matter and it is highly unsatisfactory that the Government scientists were affected by prejudice in favour of the Police.

DNA comparisons have now become a major tool in criminal investigations but if the public is to repose its trust in the scientists involved, particularly those employed by the Police, then it is perfectly plain that these scientists must display - uniformly - objectivity and honesty.

It is my view that the conduct of the Government scientists in the Dougherty case demonstrated selectivity and a lack of objectivity and if the Government, particularly the Justice Department, is doing its job properly, a thorough investigation would be carried out with a view to eradicating such mal-practice.

It may be that this lapse by the scientists employed by the Government in the Dougherty case was excusable in the circumstances or it may be the conduct was negligent, to say the least.

It could all be ironed out in a proper inquiry and the public would then have the benefit of some type of assurance that future DNA testing would be carried out more lawfully and honestly. **Peter Williams QC**

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The official statement made to announce the compensation is in the following block.

COMPENSATION ANNOUNCEMENT FOR DAVID DOUGHERTY

The following is the text of a media statement by Hon Phil Goff, Minister of Justice, on 11 July 2001

Cabinet has accepted a recommendation that \$868,728.80 be paid to David Dougherty as compensation for his conviction and more than three years imprisonment for a crime he did not commit.

"David Dougherty was convicted in 1993 for abduction and rape of an 11-year-old girl. He was subsequently acquitted on retrial in 1997 when it was found that DNA evidence left on the girl's clothing could not have come from Mr Dougherty but belonged to another man.

"Stuart Grieve QC was commissioned to assess Mr Dougherty's eligibility in accordance with the interim criteria established in 1997. Mr Grieve confirmed that Mr Dougherty was innocent of the charges and recommended that \$868,728.80 should be paid to compensate for the losses and suffering incurred because of a wrongful conviction.

"The Government acknowledges the wrong done to Mr Dougherty and what he suffered as a consequence.

"Pecuniary losses were assessed by Mr Grieve as \$168,728.80 in lost income and the legal and other costs incurred by his conviction.

"Non-pecuniary losses including loss of liberty, loss of reputation, loss or interruption of family and other personal relationships and mental and emotional harm were assessed at \$700,000.

"Calculations of this sum took into account that no aspect of the investigations carried out by the Police and ESR could be regarded as aggravating or contributing to the wrongful conviction and detention of Mr Dougherty. The convictions were the result of the mistaken identification of Mr Dougherty by the complainant.

"The amount payable was also reduced to take account of Mr Dougherty's previous convictions and imprisonment in line with New Zealand case law on false imprisonment. It should be noted however that the offences for which he had previously been convicted were less serious and did not involve sexual or violent offending.

"We are fortunate in New Zealand that by and large we enjoy a criminal justice system which operates fairly and effectively.

"However, mistakes are possible in any system which relies on human judgement. When such mistakes are made and result in wrongful imprisonment, it is our responsibility as a society to acknowledge that wrong and to endeavour to set things right including by payment of fair compensation.

"I acknowledge and apologise to Mr Dougherty for the wrong done to him. Mr Dougherty was entirely innocent of the crime for which he was convicted and imprisoned. The payment made to him is a practical expression of society's obligation to make up for what he lost and what he has suffered.

"There is however, no simple answer as to how much compensation should be paid for wrongful conviction and imprisonment.

"On one hand the impact on a person's life is traumatic and cannot be minimised. At the same time, it is important to remember that others adversely affected by the criminal justice system such as those acquitted of offences, and victims frequently receive no compensation at all. The additional guidelines which will apply in future aim to strike an appropriate balance and give some certainty about the amounts which will be awarded as compensation for wrongful conviction.

"Such payments will be in line with previous court decisions and are likely to be less generous than the two cases recently decided.

"Payment of the compensation will be conditional on this being in full settlement of any claims arising out of Mr Dougherty's wrongful conviction and imprisonment," Mr Goff said.

The Minister will publicly release Mr Grieve's report once the Ministry of Justice has made any deletions necessary due to privacy considerations. This process is expected to be completed by next week.

The result is some gratification for Dougherty, and those who worked for this outcome in his case

ACC Sensitive Claims: available figures signal mainly rises, this year

The following table and data are copied from a page at the ACC web site as of 4/9/2001

Number and Cost of New and Ongoing Paid and Accepted Sensitive Claims (ie, claims for alleged sexual abuse) by Year [see table]

What proportion of the claims are ones that contain false allegations even in extreme detail, perhaps worked into stories that contain some true information, we sadly cannot tell.

	New		Ongoing	
	Number of Claims	Cost of Claims (\$000)	Number of Claims	Cost of Claims (\$000)
1994/5	5,065	3,363	7,759	11,576
1995/6	4,629	3,009	9,105	10,576
1996/7	3,752	2,561	9,808	12,241
1997/8	3,150	2,153	9,110	12,429
1998/9	3,490	2,140	7,894	12,507
1999/2000	3,664	2,524	7,855	13,397
2000/1 Q1-Q3	2,958	1,715	7,134	11,158

Source: <http://www.acc.org.nz/injurystatistics/12.1%20Sensitive%20Claims/Sensitive%20by%20Year.html>

The figures for 2000/1 are as yet incomplete: 'Q1-Q3' stands for the 1st to 3rd quarters of the year.

Based on figures so far, the bad news is there will be **more new claims than last year** (3,944 compared to 3,664, a 7% increase), but the good news (relatively) is that **they may cost less** - c. \$2,285,000 compared to \$2,524,000, a 9% drop (in line with an irregular trend down in new-case-claim costs since 1994/5).

Ongoing-claims numbers are trending sharply up (9,512 compared to 7,855 last year, 21% up), and **ongoing-claim costs are also trending up but by less than the ongoing-claims numbers** (c. \$14,875,000 compared to \$13,397,000, an 11% rise).

Costs may be the highest in the 7 years, \$17 million.

COUNSELLING: A DISSONANT TIME IN NEW ZEALAND

This item is based around excerpts only, from "Counselling in contempt" by Val Aldridge (Christchurch's 'The Press,' 14/4/2001, p WE 11).

Counselling? It seems now that counselling is mandatory for just about everything. There is research indicating good counseling benefits most who seek it, some remain un-

changed, and a percentage are harmed. But plenty of people are ready to give counsel, whether they're trained inadequately or not at all.

And there can lie the tragedy, because in counselling a little knowledge can indeed be a dangerous thing. The meddling of amateurs out of their depth was strikingly evident in the recent case of psychiatrically ill and religiously

obsessed Brian Aporo. He slit the throats of his two small children and stabbed a neighbour to death. He had been advised by religious mentors not to commit himself for psychiatric treatment.

Since tentative beginnings in 1974, the New Zealand Association of Counsellors burgeoned from a support group of school guidance counsellors into a fully-fledged organisation, with entry qualifications, a code of ethics, supervision, and a complaints avenue; it is seeking professional registration from the Ministry of Health.

In 10 years membership grew from 300 to 2200, with unknown numbers outside the organisation adopting the title counsellor. The counselling movement found fertile ground in the flow-on from the economic, political, and social changes of the '80s.

But it was the 1992 revision of the Accident Rehabilitation and Compensation Insurance Act that turbo-charged counselling: this was the advent of the so-called sexual abuse industry, when ACC stopped lump-sum compensation for survivors of physical or sexual abuse and emphasised counselling. Huge third-party funding became available for counselling of all sorts. ACC, Work and Income, the Family Court and Child, Youth and Family, for example, all use counsellors. CYF's counselling and therapy budget for the current financial year is \$14.5 million, up from the nearly \$6 million in 1994, the earliest comparable figure.

From 1991, it took just 2 ½ years for membership of the NZAC to jump from 400 to almost 1000, of which 419 were in private practice (double the figure at the start of the 2 1/2 years). Before 1997 it seems anybody with some sharing-caring experience of life could count themselves a counsellor. Former president Carol White, now acting convenor of the Ethics committee, said: "There were those joining who said they did a little bit of counselling". Its like "saying that doing a bit of computing makes you a computer expert."

'Critics say grabbing a piece of the action has become the first preserve of an increasing

number of counsellors, "**skilled conning instead of skilled counselling**" as an insider has referred to it', the article states.

A lot of money has gone into mental health but much of it into well-meaning, but inexperienced, community organisations.

In 1996, the NZAC, swamped by applications, suspended appointing new members until it put together guidelines on qualifications, supervision, ethics, and a complaints procedure. But by that time, it already had many members of dubious ability who were not easy to get rid of.

Former Ethics committee convenor Janet Irwin warned at the 1997 conference: "There are some pretty appalling things happening out there in the name of counseling, some of them are ... by our own members."

Over the years there has been a feminisation of counselling, about a 70/30 split in favour of women, and it is women who mostly seek or accept counselling. By far the most common cause is depression.

Janet Irwin said there is some concern that we are being over-counselled. Some counsellors who have to give ball-by-ball reports to funders in order to get funding can push clients too far and "all hell can break loose". She said "Some counsellors don't know when they are out of their depth."

"A wide body of knowledge" is required to use counselling skills properly, she said. While counselling skills are basic to a lot of social work, psychotherapy, and mental health treatment, this wide body of knowledge is required to use those counselling skills properly.

Sue Webb, immediate past-president of NZAC, and senior lecturer and co-ordinator of the counselling programme at Massey University, rejects suggestions counsellors look to create their own work, saying society is getting good value from them, and they are cheap compared to in-patient care and 'lengthy involvement in the legal system'.

In some instances, she said, counsellors are still mopping up after World War 2 when many men returned suffering from post-traumatic

stress disorder and 'were sometimes violent and withdrawn, and unable to relate to their families in a normal way. These relationship patterns did enormous damage through generations', according to the article.

Authors of a book *Good Counselling*, Judi Miller and Robert Manthei, lecturers in counselling at the University of Canterbury, described counselling as they saw it - a collaborative process of sharing thoughts, feelings and experiences with someone who is trained to be understanding, insightful, analytical, reflective, and skilled at 'drawing you out' as they listen to you.

Social Services Minister Steve Maharey announces new Social Workers Registration Bill

Steve Mahary, Social Services Minister, has announced that a new Social Workers Registration Bill will 'see us protected from poor Social Workers'. He expects they all will be registered within 6 years, subject to a code of conduct, and accountable through the establishment of a complaints and disciplinary process.

- *The Press*, 5/9/01 p 6.

PENDERGRAST DECRIES ABSENCE OF RMT IN BOOK ON THERAPY HISTORY

In therapy we trust: America's obsession with self-fulfilment by Eva S. Moskowitz (Johns Hopkins University Press), is an enlightening history of the "therapeutic gospel," according to reviewer Mark Pendergrast.

Pendergrast notes

"The kind of therapy that America loves, psychodynamic therapy, is linked to ideas generated as early as 1889 when New Thought psychologist Elizabeth Barnett said: "You will never be perfectly well until you have brought forward those thoughts and dispositions as lie quiescent in the past and even buried in oblivion."

The backward-looking focus as a mode of approach to seeking the goal of happiness, and one of its descendants, RMT, have something in common, Pendergrast noted, but unfortunately Moskowitz did RMT a dis-service by not mentioning it in the book.

Atlanta Journal, 3/6/01

Mark Pendergrast is the author of 'Victims of memory: sex abuse accusations and shattered lives,' and other books.

FAMILIES FOCUS

Politician decries fatherlessness

"Fatherlessness" causes many of society's ills, including child abuse, crime, drug addiction, suicide, and even unemployment, Muriel Newman, ACT party list MP for Whangarei said recently, speaking to a public meeting of about 50 people in the town. She said Family laws which "promote family breakdown, parental alienation, and fatherlessness" must be changed.

Dr Newman is pushing for a law giving parents equal custody rights, and says the lack of a father figure has been described as "the major cause of many of society's ills; child abuse, crime, drug addiction, suicide, educational failure, unemployment".

A sole-parent household headed by a single woman "is the most dangerous family environment in which to raise children", she said. "Such children are 32 times more likely to be abused, and 75 times more likely to be killed, than if they were living in a family" with their married natural parents, Dr Newman said. It was estimated that for every 10% increase in family breakdown, there was a 17% increase in violent crime.

Changes to family law in recent years had made the problem worse, "significantly contributing to increasing fatherlessness", she said. The result was that thousands of ordinary, loving fathers were prevented from having any meaningful relationship with their children, exacerbating the growing problem of fatherlessness, Dr Newman said.

'Lack of dads blamed for social blight,' ('The Press' 5/6/01 p26);

Christchurch, Whangarei being used as testing-grounds over children's evidence service Courts Minister Matt Robson launched a service that aims to make criminal courts less intimidating for children who give evidence.

For young people, children in particular, court was frightening, he said. Up to 4000 youngsters gave evidence there each year but understood little about the court process.

"The provision of educational material and information decreases their stress and increases the accuracy and credibility of their testimony," he said.

The new service concentrated on educational material: an existing revised booklet, a new booklet for older children, and an activity booklet. With these were pamphlets for caregivers, siblings, and young witnesses of serious violence.

Trained court victim advisers would give the material to the child's caregiver, and through them the youngster would be familiarised with what would happen. Queries would be answered. The system was to be tested at the High Court at Whangarei and district court, Manukau District Court, and the High Court at Christchurch and district court.

'Courts to befriend kids,' reprinted for educational purposes from Christchurch's The Press, 4/8/01

Comment: We hope this is not just an opportunity to entrench false notions and confirmatory bias.

FAMILY COURT LOOKS AT RELEASING MORE CASE DETAILS

A sub-committee of MPs reported to Parliament that the Family Court is working on being more pro-active, after considering a report on these matters by Chief District Court Judge Patrick Mahony.

Judge Mahony said releasing details of cases had to be done carefully because NZ comprises mainly small towns, giving rise to a high risk of compromising privacy.

Judges do have power to control the openness of the Family Court by giving permission to media to report on cases, but the media has been interested in cases that were unimportant in terms of the potential contribution they could make to public understanding. So there had been little gain.

A bill to allow media coverage of the Family Court was introduced in February by Muriel Newman, but was defeated 66-53.

'Family Court looks at releasing more...'
Press, 4/8/01

Nation-wide magazines have been running pieces on the topic of fathers and fathering during 2001, raising the heat on the subject. The opposition has not been backward in coming forward.

'No gender bias' in Family Court' (Christchurch Star, 18/7/01, p A3), for example, contained the information that Christchurch Family Law Court spokesperson Mary O'Dwyer said there was no evidence of a gender bias in the family courts as alleged. A good dialogue existed - between men's groups and lawyers, psychologists and other professionals working within the Family Court system - through the Family Court Association. Lawyers are debating the issues and results are filtering through to cases. The way it is working in Christchurch is so good it could potentially act as a model for the country.

The same article said Wellington lawyer Simon Maude, deputy chair of the Family Law Section of the New Zealand Law Society, defended the Family Court system too, and said lawyers were disturbed by the current campaign to disparage it. He said comments about the adversarial nature of the court were unjustified, backing this assertion by reference to the counselling and mediation associated with it. He somewhat speciously argued that debate existed before the court process, as it came into play only when people disagreed.

Comment: The criticism may actually be that the Family Court does not discover terrible lies

and false allegations, including false sexual allegations, in cases, it only entrenches them.

Another item was 'Family Lawyers write in support of family court' ('Scoop' 20/7/01 at www.scoop.co.nz/mason/stories/PO0107/S00077.htm . The writers said

"We a group of senior family lawyers who practise throughout New Zealand. We view with concern the recent attacks upon the Family Court and the Judges appointed to the Court, much of it ill-founded and ill-informed. They went on in this vein, signing as 'Family Lawyers'; they were: Anita Chan (Family Law Section Chair) (Dunedin), Simon Maude (Deputy Chair Wellington), David Burns (Auckland), Fiona Mackenzie (Tauranga), Mary O'Dwyer (Christchurch), Maureen Southwick (Auckland), Gray Cameron (Auckland), Pete O'Donnell (Christchurch), Fenella Devlin (Wanganui), Anna Skellern (Auckland), Norman Elliott (Auckland), Deborah Hollings (Auckland), Stephen Coyle (Tauranga), Stephen McCarthy (Auckland), Simon Mitchell (Auckland), Rosemary Riddell (Dunedin), Adrienne Edwards (Christchurch), James Wildling (Christchurch), Dorothy Bogers (Hamilton) Penny Clothier (Palmerston North) Kathryn Buchanan (Dunedin), LaVerne King (Manukau City), and Isabel Mitchell (Christchurch)

HAGUE CONVENTION RESISTED - BY CHILDREN ?

A gut-wrenching custody case recently reported involved a mother and three children in London and a father in New Zealand. The children allegedly used cricket stumps and a knife to threaten court officers sent to return them to the father.

The confrontation came in May after the Court of Appeal ruled the children should return to New Zealand for their futures to be decided by courts there, because allowing them to

remain in Britain defied the Hague Convention, a global pact against child abduction.

Dame Elizabeth Butler-Sloss, president of Britain's High Court Family Division, cowered in the face of the children's actions, saying that the courts were powerless to act. The High Court of which Dame Elizabeth is a member had previously ruled in favour of the mother, but the Court of Appeal had then reversed the decision.

One of the children, a 13-year-old boy, became very articulate when he said that English justice had let them down. He alleged the judges or lawyers were heartless and just wanted the money.

The court officials whose job it was to pick up the children apparently were trying to buck the Court's decision: they said they would prefer not to be involved in any further attempts to remove the children.

The mother would not say why she fled, but stated "The reasons why I left New Zealand are personal. A horrendous series of events were harming the family, harming all of us. I thought it was in the best interests of the children to remove them out of a situation in which I didn't feel safe."

'Children refuse to return to NZ - Courts reluctant to enforce order' (Press 30/5/01 p 5)

International custody and Hague convention: US/NZ case

A newspaper reported another distressing access and custody-related case where children were removed from their mother by police.

The seizure was said to be the latest event in a bitter custody battle between Robin McLaughlin and the children's father, reportedly in an American prison "following convictions for abuse", clearly disputed.

The children were to be sent back to Virginia, in the US, in accordance with New Zealand's obligation to comply with Hague Convention rules on alleged kidnapping.

Ms McLaughlin said that the saga started in the US when she allegedly “discovered that her wealthy lawyer husband was abusing three of their four children” according to the report, and he was sentenced to 13 years in prison but maintained his innocence.

Ms McLaughlin “fled to New Zealand with her children to be safe” the report said.

Ms McLaughlin said she would have taken the children back herself, but she was not believed.

She said she would be following the children to the US to continue the fight for custody.

- ‘Police seize kids from mum’, reproduced for educational purposes from *The Press* 31/8/01 p 3

We might think that people such as the signatories to the letter from the Family Lawyers perhaps could be people who might fear for their jobs if they showed a chink of doubt about sexual allegations in any cases. A retractor, writing on witchhunt recently about the American situation, identified the matter, and in doing so put her finger on something important. She said it like this (slightly paraphrased):

“Everyone is afraid to express the wrongness of some sexual allegations, for fear they will lose their job”

FEMINISMS: THEN AND NOW

Back ‘Then’, who first said it - made the mistakes, the misrepresentations..?

“Rush ... an unlikely star for such a gathering ... a middle-aged social worker, who had never been raped ... outlined statistical studies suggesting that sexual abuse of children, including incest, was a more widespread problem than was generally recognized.

It was Rush’s conclusion that electrified her audience: “The family itself is an instrument of sexual and other forms of child abuse,” Rush declared.

She added, “[this abuse] is permitted because it is an unspoken but prominent factor in socialising and preparing the female to accept a subordinate role.

In short the sexual abuse of female children is a process of education that prepares them to become the wives and mothers of America.”

- *Florence Rush on 17 April 1971, at a New York Radical Feminists conference (quoted in “Sex, Lies, and Audiotapes” by Rael Jean Isaac)*

What is the result, as of now ... ?

“Rather than feminists ending child abuse by abolishing the patriarchal family which they thought was its “cause,” they instead launched a child abuse hysteria in which pseudo-science flourished, where both men and women have been its victims.

From an essay by Rael Jean Isaac, Sex, Lies, and Audiotapes, in the Summer 2001 edition of The Womens Quarterly at <http://www.iwf.org/pubs/twq/Summer2001c.shtml> .

TWQ is an initiative of the ‘Independent Women’s Forum’ that distances itself from other feminisms.

WHY BELIEVE ANYTHING SO PAINFUL AS BEING SEXUALLY ABUSED, IF IT ISN’T TRUE?

Three approaches to why people make sexual allegations that are false, and how come they believe them?

1. Why/how people make, and believe, false sexual allegations in families, contemporaneous with separation and divorce: Motivations and mechanics

This item is loosely based on Dean Tong’s site at <http://www.abuse-excuse.com>, and expanded from that.

In separation and divorce cases, false sexual allegations, usually against the husband or male partner, have such functions as providing a vehicle that allows the accusing mother (or parent) to displace or transfer her internal

distress about her breaking relationship and very likely her antagonism for her spouse, onto something about their spouse, something very specific and terrible: child abuse. The allegations will tend to paint the woman - possibly via allegations induced in their child by any means - as good (and as entitled to feel mis-used) and their male partner - the accused - as bad (as having irredeemably-horrible behaviour). Dean Tong:

Some accusers use the psychological phenomena of projection and transference to convince the "abused" child ...Daddy touched you in bad places!

However, in a separation and divorce, although there is discord, there may be no 'culprit' for it: it is hard to realize that things contributed by both parties in the relationship, by their behaviours, have led to their marital breakdown.

The accuser may in fact feel guilty about something, and consciously or unconsciously make a pre-emptive allegation to divert focus from this, to cover themselves ('just in case'). Tong writes:

Susan Smith and the Menendez Brothers used the "cry wolf" defense mechanism in their attempts to evade punishment for their wrong doings ...[E]mployers of the abuse-excuse, will not assume culpability for their own actions. They ... may suffer from BPD, or some other mental health disorder.

Sexual allegations will tend to work as a usable weapon for the accuser, in the battle for friends' and professionals' sympathy and collusion during separation negotiations on any subject - children or assets. And any people hearing the stories of the mother may find it hard not to be enmeshed into the scenario if it contains allegations that are possible (even though for the purposes of this discussion, as in real instances, they are false).

Alleging sexual abuse has the effect of getting the parent supporting the allegations - where these are supposed to have come from

a child - that child's support, which will be relevant during custody negotiations.

Alleging sexual abuse during the course of a marriage break-up will be arguably risk-free, or will not necessarily entail a risk of being challenged - such as by people working in the environment of the family court and its attendant counselling. This is because of the 'believe the child' and 'believe the woman' dogmas or principles. Social support and reinforcement even for false allegations is widely available (confirmatory bias), moving the focus of the mother away from the pain of separation, household and asset disruption, and shattered dreams. Tong says:

Recent studies conducted by Ceci, Bruck, McBrien, and Dagenbach have shed light on two highly probable reasons for the vast number of unfounded and erroneous child abuse reports; i.e. [firstly] confirmatory bias (whereby social services and the authorities have a pre-conceived notion the abuse already occurred when they undertake an investigation) ...

The support may even supply the beginnings of replacement social settings.

Alleging sexual abuse during separation may happen also because the mother may genuinely begin to believe in abuse that is alleged, even though if s/he were in a more calm state of mind she would not have jumped to that wrong conclusion. For example, when their child called their father "a wanker", instead of working on the idea that the child meant their father abused them, they might have made an alternative 'diagnosis', and realized that the child was not talking about abuse that had literally happened to him, but expressing anger, hostility, or vengefulness towards the father for any reason.

The fact that a child has exhibited behaviour that if replicated by an adult would be an expression of their sexuality, or has used sexual words, may wrongly be taken by a mother or even a professional, to mean they've been abused. However, some such activities are normal for children aged 2-12 (see 'Kids are

curious' p. 1 of COSA Newsletter 9, or see www.pediatrics.org/cgi/content/full/101/4/e9. Tong states:

... [Recent studies conducted by Ceci, Bruck, McBrien, and Dagenbach have shed light on two highly probable reasons for the vast number of unfounded and erroneous child abuse reports; i.e. [...secondly] source misattributions ... whereby the children and professionals misattribute the source or origin of the so-called abuse ...

The capacity for wrong 'diagnoses' of abuse does exist. The capacity may be made more likely to produce false allegations if there is a mixture of several of the factors likely to be capable of contributing to their creation, - eg, ignorance about children's behaviours, with confirmatory bias, and with a stressed and polarized environment.

Further, there will be an even greater capacity for wrong 'diagnosis' if a party for some other reasons has a diminished capacity to understand what is real. Dean Tong's web site states:

Recent research indicates that most unfounded claims of sexual child abuse are fostered by "delusional" accusers. Hickman & Reynolds in their paper entitled "Effects of False Allegations of Sexual Abuse on Children and Families," believe delusional accusers, usually mothers, may suffer from a mental health condition such as Borderline Personality Disorder (BPD), and they will shop for an expert to confirm their child has been abused, and will not take NO for an answer!

A child's behavioural problem from an entirely different cause can be in the mix, too.

We can be sure we will see some of the social supporters of 'accusers' in action when "City Possessed" - about Christchurch's so-called creche case - is released in October! This is the book one person has said will be the biggest event in NZ's publishing history !

A flier on "City Possessed," including a timetable of media events on it scheduled for 30 September and several days in October, is included with this edition of the Newsletter (paper version only).

2. WHY DO SOME ADULTS GET FALSE 'MEMORIES'?

16 'psychological' reasons why some adults get false 'memories'

From: "Diagnosis for disaster: The devastating truth about false memory syndrome and its impact on accusers and their families" by Claudette Wassil-Grimm, M.Ed. Overlook Press, NY, 1995.

1. Because it explains why she cannot meet the modern social demand to manage careers, marriages and children without the support of appropriate social programs (such as quality funded day care or paid, released time from work for essential parent/child bonding).
2. Because it is a simple, neat explanation for a lifetime of inner turmoil and disappointment that has not been caused by any known or acknowledged trauma.
3. Because it provides a compelling a guilt-free reason for separating from his or her family and ends those awful feelings of ambivalence (Note: there is information about a disputed matter called 'covert incest').
4. Because it provides a sense of belonging and acceptance that he has been searching for all of his life.
5. Because someone in authority has said that belief is the only road to mental health.
6. Because no questioning of the treatment is allowed. Clients are judged not competent to decide whether their "memories" are true. Doubting is regarded as proof of the "denial" and resistance to getting well.

7. Because it is a socially sanctioned excuse for escaping responsibility for one's own mistakes or for failing to grow up emotionally.

8. Because he feels trapped, punished and isolated in an inpatient program and believes he must play the "repressed memory game" in order to gain his freedom. 9. Because the therapist has used coercion and his or her aura of expertise to override the client's perceptions and convince the client that her memory cannot be trusted.

10. Because many therapists have failed to study the history of psychiatric practices, theory and past grave errors, and these therapists do not realise that they could be mistakes. 11. Because he or she finds focussing on a fantasy of satanic abuse to be less painful than the mundane reality of parental neglect and emotional abandonment (p 187);

12. Because it provides one, simple, graspable reason for being unhappy when he or she "has it all".

13. Because it is less painful to blame someone else than to examine one's own personal failings and do all the arduous work of changing from within.

14. Because she has an undiagnosed mental condition, such as post-partum depression, that has impaired the "adult child's" judgement and made it difficult for her to accept appropriate help.

15. Because his or her unresolved and unfronted conflicts with significant others have built up to a crisis level, and the adult child has an unconscious need to create distance until he or she can learn better conflict resolution skills.

16. Because she has become isolated and depressed due to current life problems, but an honoured authority told her repressed memories of incest are

the most common cause of deep unhappiness.

Claudette Wassil-Grimm concludes:

"It is time for therapists to make judgements again, and voice their disagreement with bad therapy, and the fact that it abuses women. Therapists should do so by attending to legislation about training standards, regulation, and licensing."

3. AN INTEGRATED THEORY OF WHY: WRONG IDEAS PLUS

SOCIAL/CULTURAL SUPPORT

Based on "Multiple identities & false memories: a socio-cognitive perspective" by Nicholas Spanos (1996, 371pp; published by the American Psychological Association, Washington)

Spanos confronts the 'recovery' of false 'repressed' memories of fictitious childhood physical and sexual abuse, and dissociation, by looking at its frequent 'accompaniment' (particularly in the US), the psychiatric diagnosis of the so-called "Multiple Personality Disorder." MPD is also known as Dissociative Identity Disorder or DID.

Rather than regarding MPD, dissociation, etc. as diagnostic for severe, forgotten, childhood sexual abuse as in one or more schools of thought, Spanos says MPD is just a contemporary phenomenon where behaviours are being expressed because they are congruent with views, held simultaneously by doctors and patients, about ways in which distress may be legitimately expressed. Or, MPD is produced because certain distressed patients have made their symptoms 'congruent' with what is 'allowed' by their subculture.

Spanos believes that neither childhood trauma nor a history of severe psychopathology is necessary for the development and maintenance of multiple identities, and multiple identities are established, legitimated and altered through social interaction.

The same social processes that validate our usual conception that we hold of ourselves

as unitary selves can be used by a culture or subculture to validate the alternative conceptualisation that people consist of multiple selves. This can happen if the groups concerned are provided with:

- the idea of doing so,
- models from whom the rules and characteristics of multiple identities can be learned, and
- legitimation for multiple self-enactments.

These conditions have been met through certain therapy, working in combination with erroneous and partly political beliefs about sexual abuse (such as that it is very common, and that it is part of the patriarchy).

He says **selective memory** is a name for the ordinary occurrence, instances where recall does not occur - and we might say "I can't remember". This is not an argument for the existence of dissociation, because we can recall the material under other circumstances, whereas in 'dissociation' there is supposedly a complete unawareness of some 'memories' in the person, until a therapist helps the 'memories' 'come out'.

Part of the problem is the far-reaching impact of the psychoanalytic approach in Western European and American thinking, disproportionate to the small number of professionals who actually use it in their practice. Almost all of the stripes of such therapy assume the validity of the proposition that adult problems stem from early experiences with parents and others. These therapies frequently aim at helping the client to reorganise and reorder their biography so as to make current concerns and problems intelligible in terms of a new understanding of the past. The client gains "insight" or overcomes "resistances" to the extent that he or she views his or her biography in the light of what is considered appropriate by the therapist. In some instances that involves the partial invention of the past; and some of the 'new past' may be 'new memories', and, he claims:

these ['new memories'] may be unadulterated fantasies; in some cases an undecipherable mix of fantasy and reality.

The discovery of child sexual abuse as a social problem and the notion that it is often perpetrated in the family led to pervasive changes in the functioning of legal and social welfare agencies, one way that legitimation of even false sexual allegations was made more easily possible.

Sane people can generate complex, vivid, detailed, emotionally charged fantasy experiences, and confuse those fantasies with memories of real occurrences, Spanos says, although it seems counterintuitive: it happens because the fantasies are shaped to fit the shared construals that client-therapist duos can develop.

Glossolalia - 'speaking in tongues,' is sometimes explained as being caused by something outside of a person coming somehow to inhabit the person. However, it is really an enactment of something in the person that comes out in the form that it does because the group culturally-supports that behaviour. 'MPD' is a parallel to that, Spanos says, and in both cases the groups involved are using what he calls local theories to explain the matters. By the very nature of their profession, psychiatrists are using a disease approach to MPD, while the 'glossolalians' are using a 'spiritual' approach. Both 'explanations' de-emphasise the social and strategic nature of multiple identity enactments and the roles played by the institutionalised contexts that encourage, shape and legitimate these enactments, Spanos says.

The 'MPD' diagnosis has had marked changes in its symptomatology over the years: since the 19th Century the number of personalities per patient has jumped from 2 to frequently over 20, sometimes into the 100s. Spanos says this clearly illustrates the role that social factors play in shaping MPD displays. At the same time, the frequency of reports of child abuse have gone from occasional accompaniments, in early cases, to frequent accom-

paniments - cause for suspicion in itself - and even to accompaniments of alleged 'ritual satanic abuse'. The latter, when it is unsupported in fact (such as by many police investigations), means it is a fantasy: but 'memories' of alleged sexual abuse arise in the same way, which does nothing to support the idea that all 'recovered memories' of sexual abuse must be real, and nothing to support the idea that what explains MPD is sexual abuse. Spanos gives as his explanation for 'satanic ritual abuse':

the recent association of MPD with reports of satanic ritual abuse are much more likely to reflect therapy-induced confabulations generated by the infusion of fundamentalist Christian ideology into the MPD movement than the existence of a massive 50 year old secret conspiracy that has murdered thousands of people leaving no trace of evidence.

Spanos finally argues that because the theory that MPD is generated by sexual abuse is unable to provide a general account of this phenomenon, it is time to abandon this current and merely local theory of MPD, and time to view the phenomenon of multiplicity from a sociocognitive perspective.

Nicholas Spanos was professionally involved in many studies that formed the basis of the theoretical conclusions in the book. These studies were reported in around 250 scientific articles and chapters of books, and 2 previous books authored or co-authored. Nicholas Spanos died while the MS of the book referred to above was being processed for publication.

THE BIZARRE COLUMN

Gender, age, and sex allegations: false (NZ)
AUCKLAND - Police have dropped sex charges against a 47-year-old man after discovering that the so-called victim was not a 16-year-old boy but a 30-year-old woman.

The man, of suburban Meadowbank, faced 27 charges and spent five weeks in custody before police realised they had been conned.

The woman could face prosecution and the man is considering seeking compensation.

The man's lawyer, Ron Mansfield, confirmed the circumstances of the case yesterday.

According to the police summary, the man had picked up the woman in central Auckland in November and met her on a semi-regular basis until March this year. However, defence inquiries showed the initial meetings claimed by the complainant were not possible, as the man was in jail then.

The complainant's credibility was demolished when it was discovered that she was a woman and not a teenage boy.

Charges were dropped when police found the complainant had given a false birth certificate.

Mr Mansfield said the woman had fooled not only the police about her gender but also health professionals. She had previously had her breasts removed.

Mr Mansfield said his client may seek compensation for time in custody.

- NZPA 'Police drop sex charges', Christchurch's Press, 27/7/01 p 3

Parents (and children?) wish them to stay in rehab centre despite alleged abuse (Samoa, Aus, Can, US)

APIA - Most of the parents of 23 North American teenagers taken out of a Samoan rehabilitation centre amid allegations of abuse want the children to stay in the special school, an academy spokesman says.

In what is becoming an increasingly bizarre story, Pacific Coast Academy official David Parker said yesterday that the teenagers were "liars, manipulators, drug addicts, and you don't expect them to tell the truth".

On Saturday the United States embassy took custody of 22 Americans while the Australian High Commission, acting for Canada, took custody of a Canadian teenager.

"We have received a number of allegations over the past three weeks that were very serious and were coherent, credible and consistent," said the US charge d'affaires ad interim, James A. Derrick.

He said the allegations included claims of "physical abuse, mental abuse, and sexual abuse" and that the students were free to return to the academy if they wanted.

But Mr Parker showed reporters a court injunction that ordered Samoan police and health authorities to return the students to the academy.

"They were instructed by the court, the same day (the embassies) took the kids, to take the kids back to the academy. Unfortunately because of diplomatic immunity they won't allow anybody in there and they're keeping the kids there," Mr Parker said.

He also displayed faxes from 21 parents and guardians saying their children should return to the academy.

"The most important thing about these kids is they want to go back home. If you ask a kid 'Do you want to go home?' most of them would say 'Yes'," he said.

Pacific Coast Academy, founded in 1999 with US directors, offers therapy and education for troubled American teenagers.

- AFP 'Abuse claim more bizarre,' *The Press*, 24/7/01 p 14

THE FRINGE - REPORTS THAT RAISE QUESTIONS, DOUBTS

'Children's Court' call by social worker (NZ)

AUCKLAND - A child counsellor concerned that paedophiles who abuse preschool children are not being prosecuted is calling for a new "children's court" to be set up.

Lorraine Jans, who has worked with sexually abused children for the past 11 years at New Plymouth's Safer Centre, says the court system is not able to cope with young children testifying.

"Over the past 12 months I've worked with 72 children under the age of five who have been victims of sexual abuse, and many of these cases are not going to court because the children are too young."

New Zealand's court system was daunting and paedophiles knew children under five were unlikely to talk about the offending, she said. A children's court was needed to provide a more reassuring environment.

A senior advocate at the office of the Commissioner for Children, Trish Grant, said discussions were being held with the Department for Courts on ways to improve the court system for child victims.

She said convictions were rare when the victim was under five.

"We're not saying that people are getting off (criminal charges) ... but there needs to be strong consideration given to a new way for supporting children who are giving evidence."

- NZPA 'Call for new 'children's court' - a *Timaru paper*, May 2001

Comments: New Plymouth with its rural area has 8271 children under 5, so the abuse rate for the age-group Jans reports is 0.87% per year - that's just those seeing her! But according to a contact, **Jans's diagnoses have been known to be incorrect**. We wonder if she ever disconfirms abuse allegations, or uses someone qualified, who would consider an approach using differential diagnosis? But perhaps she has experienced this in action though, and has had her nose put out of joint?

DIS-PARENTS (NZ)

WELLINGTON - A Petone father has been convicted of kidnapping his own children after he was forced to choose between them and his mentally ill wife.

Mohinesh Narayan, 36, appeared in the Wellington District Court exactly a year after he took the law into his own hands, picked up his children aged six, seven, and 10 from school and kept them for six days.

Judge John Dalmer sentenced Narayan, an accountant, to 12 months supervision and ordered him to pay \$500 towards the costs of the prosecution.

A jury had earlier found Narayan guilty of three counts of kidnapping. Judge Dalmer said that on the evidence he had heard, which he acknowledged was incomplete, the Child, Youth and Families Service decision to cancel Narayan's access to his children was harsh from Narayan's perspective.

Defence counsel Louise Sziranyi said Narayan's wife had severe mental health problems and CYFS wanted her to leave the family home. She left for a time, but returned and CYFS expected Narayan to reject her.

Ms Sziranyi said he found it an ordeal, and CYFS stepped in and took the children under an interim custody order.

Narayan and his wife were to have separate supervised access for an hour or two a week, alternating the weeks each saw the children.

But Narayan's behaviour during access visits resulted in a warning from Barnardos [a services provider contracted by CYFS], which supervised the visits. The warning was not enough for CYFS, which cancelled Narayan's access.

NZPA 'Father kidnaps own children,' Press, 27/7/01 p 2

SNIPPETS FROM OVERSEAS SOURCES BY SUBJECT AREA

Black Studies

Black woman speaks out ... to recover (US)

Robin D. Stone in "Essence" writes on the issue of black women survivors of sexual abuse beginning to heal their pain by speaking out; she is to write a book on the subject. She observed: "The fear can be so overwhelming that many victims of abuse actually repress the memory as a way of coping." Her piece mentions several disguised people recalling their sexual abuse as children (essence.com - Stone is its editor-in-chief - Aug 2001; also in print at p 123).

A witchhunt message-poster said in introduction to this item:

Although Ms Stone used the word repress, she did not mention examples of repressed memories. It may be that she meant to say that she consciously avoided dealing with known and unpleasant memories, in which case the right description for the avoidance is "suppression," rather than repression or as it is sometimes called, "dissociative amnesia". It appears far fewer black women and men fell victim to the false memory craze.

CIVIL RIGHTS

Rebalancing 'racial' and 'equality' equations: advocacy writer (US, Wash.)

A writer and campaigner, Paul Craig Roberts, argues in an article that (in the US) people's civil rights have been replaced by caste, using as an example a case where police did not react when black people attacked white people, but they reacted when white people attacked black people. Then he links the police's differential response to the prevalence of 'Marxist doctrines that explain society in terms of ... groups - whether classes races or genders - fighting for suzerainty ... [where] ... morality resides in the oppressed'. In this way he links the police's behaviour in that example with feminist theory and the problems created by the US Justice Department's handling of false sexual allegations. See

www.townhall.com and search for Roberts' article "Replacing Civil Rights with Caste".

FALSE SEXUAL ALLEGATIONS:

GROUPS, INITIATIVES

Alliance against false sexual allegations (UK)

"In a couple of weeks the United Campaign Against False Allegations of Abuse - a justice network in this field in the UK of which the British False Memory Society (BFMS) is also a founder member - is holding a national conference."

The members of the group include a consultant psychiatrist and expert witness, two former prisoners (one with an OBE), a former CID police officer, a TV and print medium journalist, a QC and Recorder, and a former prison governor.

The conference is scheduled for later this month.

Internet msg of 5 September 2001 to private recipients

ESSAY AFTER '1997 DAY OF CONTRITION' SEMINAR IN SALEM (US, MASS)

Carol Reid, simply an interested person, wrote a personal essay after the 1997 event in Salem, Massachusetts called "A Day of Contrition: Revisited": in commemoration of the 300th anniversary of the Day of Contrition in 1697, when the citizens of Salem remembered 'that great injustice', the Salem witch hunts.

Speaker Richard Gardner said, there, that our time is

the third great wave of hysteria and by far the worst in our country's history.

The event attracted parents accused of 'satanic ritual abuse or just years of regular incest', and celebrities of the cause, such as Kelly Michaels (of a New Jersey day-care centre case), Ray Buckley (one of those accused in the McMartin case), people from Miami in whose case the later-but-now-ex US Attorney General Janet Reno played 'an awful role', people affected by the Amirault case of Fell Acres, and another accused, Jenny Wilcox of Ohio.

Wilcox hoped one day to get author Arthur Miller's autograph of his play on Salem, *The Crucible*: and at the conference she was presented with exactly that, as well as seeing a video of Miller speaking about the subject of false convictions to interviewer William Styron. (Arthur Miller had been instrumental in freeing a man who falsely confessed to a murder in the 1970s.)

Reid said of false sexual abuse allegations:

The problem is that this is a "politically incorrect" issue of the highest order.

The ISSD had decried the conference, she wrote - they had said:

"The conference is a platform for continued indiscriminate attacks on abuse survivors and those who are dedicated to healing them",

and the American Coalition for Abuse Awareness had caused an organization, the Peabody Museum, to publicly rue their plans to be its host.

See Witchhunt message of 2 June '01

NEW COSA-LIKE INITIATIVE (CANADA)

A Canadian email writer has set up a group like COSA - for those falsely accused of sexual allegations in general, rather than a group just for recovered memory cases as the Canadian group for False Memory is. They named their organization CAFAs - Canadian Association for the Falsely Accused. Their new web site is at <http://www.davidprichard.net/cafa/>. A site referenced there, <http://www.homestead.com/familyjustice/files/welcomebaxter.html> is well worth a visit - it is a story of a Canadian minister and his case. The owner of the site also talks about "currently having a satanic sexual abuse scandal in a nearby town".

WITCHHUNT VARIETIES AND SIMILAR

We have already mentioned the witchhunt discussion group in previous newsletters, but at least one other witchhunt entity exists on Internet.

<http://www.witchhunt.org/index1.htm> is a site that not only has links to a variety of web pages of relevance to people affected by false sexual allegations, but also has case histories of people in jail, and sections such as on psychology and law, false memory, legal eagles, professional licensing databases, and a directory of experts. It also has links to sites more associated with the ideas that have helped generate the problem of false sexual allegations, ie, on trauma and dissociation, cult ar-

chives, and associations for survivors. There is also a photo album.

Another site is <http://users.cybercity.dk/~ccc44406/smwane/English.htm>.

Here, someone has assembled data on a number of cases, people or angles on the saga of false sexual allegations over recent decades. COSA's computer operator has not studied this. Would anyone like to do this? Send your opinion on the site to cosa@i4free.co.nz if you can do this.

Seminar hosted for judiciary, officials and 'child advocates' (US, Tex)

A writer advises us that 125-150 people, including judges, attorneys, psychologists and child advocates attended a seminar in Houston, Texas. This was addressed by Dr Stephen Ceci, author of "Jeopardy in a courtroom." The writer's spouse is incarcerated on the basis of children's fanciful stories, a plight that was part of the reason why the seminar was organised.

The writer noted that the audience included some not willing to accept the notion of recovered memories, and certain other sexual allegations, as ever being false. The event was sponsored by the Harris County Criminal Lawyers Association.

BESST group (UK, North Wales)

The British support group Bryn Estyn Staff Support Team (BESST) has a web site that grew out of allegations in a residential school and the arrest of 17 former members of staff by the North Wales Police in 'Operation Antelope' in March 1992.

Their page at www.besst.org.uk states:

The ages of the staff support team now range from 50 to over 80, many having medical problems and the constraints of age. Since the start of the police investigation in 1991, seven staff have died. In our opinion these deaths have been premature and hastened by the stress and trauma of false allegations.

One man who was convicted always maintained his innocence. He decided to appeal, but died in prison before the process could begin.

The health, career prospects and public perception of those involved have been severely damaged by the allegations. Members give each other moral support and help relating to the false allegations of child abuse.

BESST works to raise public awareness of the full story. While 17 people were arrested, 4 brought to trial, 3 convicted and 2 acquitted (1 of those convicted was acquitted of sexual offences but pleaded guilty to physical abuse), they want the real truth of the matter discovered and accepted.

"Justice: Denied" (US)

Clara A. Thomas Boggs and the Justice Denied staff put out the Internet resource at www.justicedenied.org, and "The Magazine for the Wrongly Convicted". The magazine, also available in print form, includes stories of and from people in the US wrongly convicted "according to the information they have given us". Some items are: The Exonerated Seek Safeguards Against Injustice; The Wrongly Convicted in the News; Senate to Debate the Innocence Protection Act of 2001, Was the Eyewitness Wrong, Framed by Vengeful Police, and Europeans Decry Use of the Death Penalty. Go there. The cover art by a man convicted of a drug offense is strong: eg, <http://www.15yearstolife.com/15tolifw.htm>.

See also 'Arguments for compensation' in the Law, legal issues - remedies section of this Newsletter digest: it is a short introduction to an article written by Prof. Susan Sarnoff for "Justice: Denied".

FORENSICS

DNA evidence under scrutiny (US, Oklahoma)

Jim Yardley says Jeffrey Pierce, 39, was freed after 15 years behind bars in Oklahoma, because new DNA testing refuted crucial earlier

DNA testimony that convicted him on a rape charge. The chemist, Joyce Gilchrist, who carried out the earlier testing of DNA, which she did from scalp hairs, pubic hairs and semen, has long been accused of shoddy work. She is now the focus of one of the most wide-ranging investigations into a police laboratory, the writer says. She was described as overstating the certainty with which hair comparisons could be used to identify a single person, and as failing to obey a court order to forward any of the hair evidence to a private laboratory hire by the defence. Then when she did send a package it leaked. She had already been reprimanded by one professional organization and expelled from another. Officials in the relevant District Attorney's office are blamed, too. (New York Times 9 May 2001).

GOVERNMENT - EXECUTIVE

Child interviews, videotaping etc. by police and social services (US)

Dean Tong writes that while the UK has policies and laws requiring joint investigations by social services and police, and child interviews conducted by videotape, not all US jurisdictions require videotaping of child interviews, although many are conducted at Child Advocacy Centres nationwide. 'Taint hearings' are now needed in these cases to determine whether there is evidence of confirmatory bias, leading and closed-ended questions, scripting, stereotype induction, and guided imagery, which potentially cause source misattribution errors.

Dean Tong says "interviewer accountability of allegedly molested children is essential".

Dean Tong works as a guest expert, consultant and Speaker and is an 'internationally-known family rights and forensic consultant on child abuse, domestic violence, and child custody cases'. His book "Elusive innocence: Survival guide for the falsely accused" is due for release; see www.abuse-excuse.com for his web site.

Psychological group reminds Minister that Judicial inquiry is sought over recovered memory convictions (Canada)

The past-president of the Canadian Psychological Association, Vancouver, Peter Suedfeld, in a letter responding to a recent editorial in the paper entitled 'Inventing Memories,' noted that the Canadian Psychological Association in June 1998 had called on the Minister of Justice to conduct a special inquiry into people convicted of offences based solely upon the testimony of recovered memories (National Post of 19 June 2001 pA19).

Victims of crime compensation (Australia)

Roderick Campbell reports in front page news that the ACT (Australian Capital Territories) is pursuing over \$45,000 paid to compensate two victims of crimes that it says never happened (Canberra Times 25 May 2001 p 1).

The extraordinary matter of the alleged crimes goes as follows. In 1999 a boy aged 14 alleged he had when aged 9-10 been the victim of a number of sexual offences by his stepfather, who was a detective sergeant. The boy received some money because of that, and his mother, who claimed to have suffered Post Traumatic Stress Disorder on hearing of the supposed offences, received some too.

That is the money sought back.

The accused man, had been acquitted in 1998. Despite this, however, he was sacked, and despite his acquittal, following further comments from the judiciary about the boy's lack of convincingness, the ACT still accepted applications from the mother and the boy for criminal injuries over the allegations. (As in NZ, a conviction is not necessary before compensation can be awarded.) The Supreme Court gave the boy \$32,000 and the mother \$13,000.

Then within 12 months the boy had written to the stepfather recanting. The letter was passed to the AFP (Federal Police?) and the man was reinstated to his job. However in May 2001 the ACT Government Solicitor's Office (it handles the compensation) became aware

of the case and froze the amount of the boy's award which it still held control of. It asked the mother to repay the amount she had received.

Now she claims she is still a victim, but possibly not of a crime committed by her former spouse but rather one of fraud committed by her son.

The Internet writer who posted on this item to us, added: "Simple - just swap perpetrators!"

Thanks to the forwarders of the above article

Suicide-murder arose after daughter's false memories (Canada)

A petitioner, Ms Claudette Grieb, in a verbal submission, related to a Parliamentary committee in Ontario her harrowing story of her daughter's murder of her own child, Ms Grieb's grandchild, and her daughter's suicide immediately following. She attributed these to her daughter's therapy that resulted in her belief in false memories of sexual abuse obtained by recovered memory therapy. In fact her daughter was schizophrenic and bi-polar, and the stories she told were false, but inadequately conversant therapists didn't recognize the problem and went ahead as if the daughter's recovered memories could be believed.

See witchhunt message of 13 June 2001; or Houston Chronicle, 19/7/01 by Michael Hedges.

LAW, LEGAL ISSUES:

CASES, LEGAL ACTIONS

Supreme Court to be used to tackle Board of Mental Health (US, New Hampshire)

A writer in witchhunt wrote that he is taking up the task of the exposure and bringing to accountability of the New Hampshire Board of Mental Health Practice through the State's Supreme Court (witchhunt 26 June). The same man wrote earlier wrote (witchhunt 18 May), over an item that had revealed official 'ineptitude or worse':

The problem making its way to center stage is a growing public awareness that criminals have infiltrated our police departments, forensic labs and prosecutor's offices ... It is time we recognized criminal behaviour by public officials for what it is ... Let us investigate each instance of false conviction as thoroughly as we would a plane crash or train wreck to sort out honest mistakes from criminal negligence and cold-blooded destruction of life.

Another Wenatchee lawsuit settled (US)

A Spokane County jury (Washington State) found that the city of Wenatchee was negligent against eight plaintiffs and that Douglas County was negligent against six plaintiffs, arising out of prosecutions and convictions and other events in Wenatchee in 1994-5.

The jury ordered Douglas County to pay \$3 million to Honnah and Jon Sims. The other plaintiffs, including Pastor Roby Roberson, his wife Connie, and Donna Rodriguez, received no monetary damages. However, Pastor 'Roby' Roberson succeeded in receiving a decision he had suffered harm in the suit, which was brought over claims officials failed to protect the Pastor from harm while he was incarcerated in the regional jail.

Roberson had settled a previous suit in December 1999 against the state in exchange for \$850,000.

A third suit accusing the City of Wenatchee and Douglas County officials of conducting a negligent investigation against the Robersons and other parties accused during the fiasco, is scheduled to be heard shortly.

A report says at last count 14 people have lawsuits pending against the city, state, Chelan County and others. Many allege officers were untrained and guilty of misconduct and that the legal system failed to protect the innocent.

Other parties, including children who were once thought to be victims and who were separated from their parents, are expected to file claims too, a report said. A claim is a precursor to a lawsuit.

Since 1997, 18 people have had their original criminal convictions in the sex abuse cases

overturned by higher courts or reduced as part of plea bargains. Only one person out of the 43 arrested remains in prison.

- *Various sources including Stephen Maher "Expert: Verdict ups ante for public entities" in The Wenatchee World, 5 Aug 2001. Also see www.wenworld.com and search*

Lawsuit settled after stage-hypnotism induced "memories" (UK)

A woman who was hypnotized on stage at a social club took out a lawsuit against the hypnotist and won (25/5/01 Associated Press LONDON). The woman, Lyn Howarth, said she was age-regressed, and although she went onto the stage 'normal, happy, healthy, and energetic,' she came out 'a zombie'. She claimed it reawakened memories of sexual abuse by an uncle when she was 8. She later suffered panic attacks and depression and twice attempted suicide.

Couple may sue deceased daughter's therapist over recovered memories (US)

Christena T. O'Brien wrote in "The Leader - Telegram" (Eau Clair, Wisconsin on 11 March, 2001) that a couple, parents of a daughter who developed recovered memories, would sue their late daughter's therapists in Eau Claire County Court.

The couple, from Motley Minnesota, tried five years earlier to sue their now-deceased daughter Nancy Anneatra's therapists, accusing them of negligent treatment involving false memories. That time it was dismissed, but the couple appealed, and the case went to the Wisconsin Supreme Court. In 1999, almost three years after the case was filed, the state's high court ruled the couple could sue. Reportedly, officials say its outcome could have state and national impacts.

LAW - INNOCENCE PROJECTS

Law students reinvestigating allegedly rigged cases and falsely based convictions (Aus)

Law students at the University of Technology, Sydney (UTS), have begun reinvestigating two contentious criminal convictions as part of a course that has kick-started an Australian version of the US celebrated "innocence projects".

Six law students are to research the evidence surrounding the convictions of Neil Heuston, who was sentenced to a minimum of 10 years in prison for armed robbery and sexual assault in 1994, then a further five years for assault and use of an offensive weapon the following year. He lost an appeal in 1995 and a petition for a judicial inquiry last August, but alleges the complainants set him up to avoid their own prison sentences for drug offences.

In all, 20 second and third year students will re-explore the convictions of several New South Wales prisoners as part of their advanced criminal law elective at UTS.

- *Sydney Morning Herald 29/801, 'My Career' p 3*

LAW, LEGAL ISSUES:PUBLIC EDUCATION

Harvard Law conference on Day Care Sex Abuse Phenomenon (US)

A 1-day conference held in November 2000 on the day-care sex abuse phenomenon, attended by about 200 people, was sponsored by the Criminal Justice Institute of Harvard Law School, and co-sponsored by the Massachusetts Bar Association and the Massachusetts Association of Criminal Defense Lawyers.

Carol Clairmont Weissbrod writes at that there were 3 panels - first 'Stories of the accused'; second 'The role of culture, the legal system, and the experts'; and third 'Where do we go from here?' The conference included eminent personalities and allusions to well-known cases. One speaker was not optimistic about the future. The phenomenon of false sex allegations in divorce was recognized as the growth field - "happening in at least twenty percent of divorces". Speakers pointed out that videotaping is often too late, because the child **has already been coached.**

Themes identified as being common to day-care cases and false allegations in divorce are prosecutors and juries not using logic, poorly trained investigators, bogus "expert" witnesses, and assumptions of guilt until proven innocent. *see*

www.justicedenied.org/harvardlawschool.htm

LAW, LEGAL ISSUES - REMEDIES

Remedies open to citizens whose convictions have been overturned on appeal

"Compensate the wrongfully convicted!" is an article by Susan Sarnoff in "Justice Denied" Vol 2 issue 1 (2001), describing the various remedies available to US citizens whose convictions have been overturned on appeal, as established by precedents. In the piece, Sarnoff collects and discusses the types of remedies that are either established or might be, under these categories:

- tort law,
- pardons,
- public policy, and
- civil litigation.

Sarnoff says those released from prison after pardons or similar are often offered compensation in exchange for agreeing not to litigate for further compensation; eg, Jenny Wilcox was offered \$300,000 if she would not litigate against the state for other damages. But automatic compensation should not - or may not - prevent individuals from filing tort suits.

Sarnoff argues that a well-crafted plan would give timely financial assistance to help people rebuild their lives. That might reduce anger and the likelihood of revenge lawsuits.

The compensation, Sarnoff finishes, might be applied when a former inmate was pardoned for reasons of cause (as opposed to reasons of mercy).

The full article can be found by searching for it at <http://www.justicedenied.org>.

Prof. Sarnoff, who offered us the article we refer to, is Assistant Professor and Graduate Chair at Ohio University Department of So-

cial Work. She is the author of 'Paying for Crime: The policies and possibilities of crime victim reimbursement' and a forthcoming book 'Sanctified Snake Oil: How junk science distorts public policy' pub. by Praeger. Her interest in New Zealand is that it is the first country to have introduced a scheme for compensation for the wrongly convicted. We have recently been notified that in New Zealand ACC paid out to someone for the damage of false rape allegations made against him.

MEDICAL RESEARCH

Incidence of false sexual allegations (Ireland)

An author Edward P Hernon from Britain/Ireland wrote in witchhunt that he asked the Department of Health in Ireland to make available statistical breakdowns of nationally reported cases of suspected or alleged child abuse collected by the Department for the years 1992-2000. After hassles in obtaining these he has made a careful consideration of some of the various results he came by. He was able to conclude at least 40% of all accusations of alleged child sexual abuse reports are false. His article describes many more interesting facts he came across while gathering the data. (Witchhunt msg 6 June 2001).

MENTAL HEALTH

Short therapy gaining ground (UK)

A writer Liz Bestic says that brief therapy, focusing on the future, not the past, is gaining ground.

See www.thetimes.co.uk and then find the article "A short cut to analysis" (12 June 2001).

NUMERACY

Getting numbers right (US)

Joel Best is the author of "Telling the Truth About Damned Lies and Statistics" at <http://chronicle.com> (a news magazine "Chronicle of Higher Education"), an essay extracted from his new book ("Damned Lies and Statistics:

untangling numbers from the media, politicians, and activists" just published by the University of California Press). The article quotes a thesis proposal containing the whopper

Every year since 1950, the number of American children gunned down has doubled - WRONG

Best notes that the writer of that mis-statement possibly might have meant:

The number of American children killed by guns in 1994 is double the number killed by guns in 1950.

Figures are problems for all, he says, including those fighting the wars over sexual allegations, where getting reasonable statements out of some 'research' and 'statistics' is sometimes a lost battle. Getting better-educated, in order to be more articulate about number problems and suchlike, is what this writer is focusing on, and he helps readers to be educated about this.

POLICE - STUDIES OF

Demise of police investigative function (US)

Advocate and writer Paul Craig Roberts writes in 'Saved by an investigation' that in Maryland an accused teacher and coach was saved by an investigation, after 7 6th graders made up stories about him: when questioned, the girls involved "undid their air-tight story by over-embellishing it".

Roberts goes on to background the demise of the investigative function of the police in child sex abuse allegations, which had a number of causes he said. A mass abuse hysteria case in 1994-5, centred around a group of poor families in Wenatchee in Washington state, gave the focus for a response in that state. They included a local newspaper assigning investigative reporters, the state university law school organising The Innocence Project with volunteer lawyers, and the state chapter of the American Civil Liberties Union investigating. The latter discovered that kids had been locked away in mental asylums and

given mind-altering drugs in order to produce false accusations.

Creators Syndicate 2000; witchhunt msg 18/5/01

PSYCHIATRY

Psychiatrist guilty of misconduct (Canada)

The Ontario governing medical body has found a Toronto psychiatrist Dr Raymond Danny Liebl guilty of charges stemming from sexual improprieties with patients and such practices as prescribing vodka to aid in the recovery of memories. He was found "incompetent and unfit to continue in practice" by the College of Physicians and Surgeons of Ontario.

He pleaded not guilty to the charges although he conceded to most of the allegations, defending them saying they were done in the best interests of his patients.

He used reparenting therapy, and with one patient spent up to 33 hours a week together - far more than is recommended in most psychiatric circles. He diagnosed her with MPD, used sodium amytal to bring out repressed memories, and when that did not show results, used vodka - up to 20 ounces per session, putting her in a near-comatose state. She stayed that way for nearly 10 years, and became addicted to the sodium amytal, which is highly addictive, and to alcohol.

He awaited sentencing.

SCIENCE EDUCATION: SCIENCE LITERACY

Memory on the block: 7 sins (US)

Interviewer Daniel Gross spoke to author Daniel Schacter in the US recently about memory functions and malfunctions as detailed in Schacter's new book "The Seven Sins of Memory" ("Fresh Air"; 12:00 Noon PM ET, 15 May 2001). Schacter, who is chair of the psychology department at Harvard, clarified some of the sins of memory as types of forgetting - Transience, Absent-Mindedness, Blocking (when we know something but can't

retrieve the information - eg, a person's name), and another that he called Suggestibility.

Mark Pendergrast, author of "Victims of Memory: Sex Abuse Accusations and Shattered Lives", also reviewing Schacter's book, clarified the sins of memory, explaining:

The first three are sins of omission, but the other memory distortions - bias, persistence, misattribution and suggestibility - are sins of commission, where memory is present but incorrect.

(See *The Atlanta Journal*, 22 July 2001, p 4C.)

Comment: The phenomenon of 'selective memory' described elsewhere in this issue (see item on sociocognitive work by Spanos) may fit somewhere: perhaps into Schacter's third so-called memory sin, ie, 'blocking'?

SCIENCE ACHIEVEMENT

Scientific award for memory research (US)

The American Psychological Society, in awarding scientist Elizabeth Loftus the William James Fellow Award for contributions to science, says the award shows that this memory researcher, whose work somehow annoys recovered memory proponents, is a respected scientist, regardless of the fact that the topic she researches is controversial.

Press release from American Psychological Society, Toronto, 14/6/01 - witchhunt msg of 20 June

SOCIAL WORK

Social workers' heartbreaks lead them to crusade (Canada)

Donna Laframboise has been inspired to see a comparison between social workers' over-reaction to sex abuse allegations, and a current trend to over-react to spanking. They are alike in that both are a crusade-like reaction that comes about from

working in a heartbreaking profession where idealistic people unfortunately can end up channelling their desire to help people, into wrong-headed work that gives them a sense of purpose, crusades ...

This mistaken 'crusading reaction' is currently being expressed as interventions in families who admit to spanking of any form, she says
National Post, 12 July 2001 p A19

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