

Destruction of Innocence
The Friedman Case: How Coerced Testimony & Confessions Harm
Children, Families & Communities for Decades
After the Wrongful Convictions Occur

Gavin de Becker
Senior Fellow, UCLA Luskin School of Public Affairs
Author, *The Gift of Fear*

Emily Horowitz, Ph.D.
Associate Professor of Sociology & Criminal Justice, St. Francis College
Director, National Center for Reason and Justice

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Table 1. Friedman Case in Context of Similar Convictions During the Child Sex Abuse Hysteria

Last Name	First Name	Age	State	Sentence	Convicted	Exonerated	False Confession	Perjury or False Accusation	Official Misconduct
Kniffen	Brenda	29	CA	Life	1984	1996		Y	
Kniffen	Scott	28	CA	Life	1984	1996		Y	
McCuan	Alvin	28	CA	Life	1984	1996		Y	
McCuan	Deborah	25	CA	Life	1984	1996		Y	
Aldridge	Robert	24	OH	Life	1985	1997		Y	Y
Algarin	Albert	21	NY	25-50 years	1985	1990		Y	
Baran	Bernard	18	MA	Life	1985	2009		Y	Y
Cox	Richard	47	CA	Unknown	1985	1991		Y	Y
Cox	Teresa	17	CA	10 years	1985	2000		Y	Y
Dill	Grace	50	CA	Life	1985	1991		Y	Y
Dill, Jr.	Wayne	26	CA	Life	1985	1991		Y	Y
Forsythe	Colleen	26	CA	Life	1985	1991		Y	Y
Forsythe	Wayne	28	CA	Life	1985	1991		Y	Y
Grafton	Margorie		CA	16 years	1985	1990		Y	
Hubbard	Donna	30	CA	Life	1985	1995	Y	Y	Y
Miller	Gina		CA	Life	1985	1991		Y	Y
Palomo	Tim		CA	14 years	1985	1990		Y	Y
Pitts	Marcella	29	CA	Life	1985	1991		Y	
Pitts	Ricky	31	CA	Life	1985	1991		Y	
Ramos	Alberto	21	NY	8-25 years	1985	1994		Y	Y
Stoll	John	41	CA	40 years	1985	2004		Y	
Taylor	Ruth	31	CA	6 years	1985	2001		Y	Y
Weimer	Howard	57	CA	42 years	1985	2005		Y	
Wilcox	Jennifer	20	OH	Life	1985	1997		Y	Y
Beauchamp	Franklin	27	NY	25-75 years	1986	1989		Y	
Dove	Gayle	41	TX	Life	1986	1989		Y	
Grady	Nathan	43	NY	45 years	1986	1997		Y	
Modahl	Jeffrey	29	CA	48 years	1986	1999		Y	Y
Snowden	Grant	38	FL	50 to Life	1986	1998		Y	
Torres	Jesus	29	NY	25-40 years	1986	1990		Y	
Amirault	Violet	59	MA	20 years	1987	1998		Y	
Craig	Sandra	37	MD	10 years	1987	1991		Y	Y
Friedman	Jesse	18	NY	6-18 years	1988	X	Y	Y	Y
Michaels	Kelly	22	NJ	47 years	1988	1994		Y	
Broam	Jack Ray	29	NV	Life	1990	1998		Y	
Manning	Jay Cee	28	NV	Life	1990	1998		Y	
Kelly	Robert	40	NC	Life	1992	1997		Y	
Wilson	Kathryn	22	NC	Life	1993	1997		Y	
Cunningham	Henry	46	WA	47 years	1994	1999	Y	Y	
Cunningham	Connie	43	WA	46 years	1994	1997		Y	
Everett	Idella	41	WA	4 years	1994	1998	Y	Y	
Everett	Harold	65	WA	23 years	1994	1998		Y	
Town	Meredith	36	WA	20 years	1994	2000	Y	Y	Y
Christopher	Dayna	16	WA	21-28 weeks	1995	2000	Y		
Doggett	Carol	36	WA	10 years	1995	2000		Y	Y
Doggett	Mark	35	WA	10 years	1995	2000		Y	Y
Gausvik	Ralph	39	WA	23 years	1995	2000		Y	Y
Green	Doris	34	WA	23 years	1995	1999	Y	Y	Y
Rodriguez	Manual	36	WA	5 years	1995	2000		Y	Y
Rose	Michael	25	WA	23 years	1995	2000		Y	Y

**Information for all cases other than Jesse Friedman is drawn from The National Registry of Exonerations, University of Michigan Law School and Northwestern Law School, 2013.*

Table 2: A Sampling of Prosecutions During the Child Sex Abuse Hysteria

<i>Case Characteristics</i>	Kern County (CA)	McMartin (CA)	Baran (MA)	Grant Snowden (FL)	Fells Acres (MA)	Bronx 5 (NY)	Michaels / Wee Care (NJ)	Friedman Case (NY)	Bobby Finjie (FL)	Little Rascals (NC)	Dale Akiki (CA)	Wenatchee (WA)
Year of First Arrest	1982	1983	1984	1984	1984	1984	1985	1987	1989	1989	1991	1995
Year of Conviction	1984	X	1985	1986	1986	1986	1988	1989	X	1991	X	X
Year of Acquittal	2004	1990	2009	1998	1999	1996	1993	X	1991	1999	1993	2000
# Abuse Allegations of PRIOR to Police Investigation	1	1	1	1	1	1	1	0	1	1	1	1
# of Counts AFTER Investigation / Therapy	300+	300+	10	5	18	100+	163	300+	7	100+	52	29,000+
Suggestive Questioning	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Group Parent Meetings			Yes		Yes			Yes		Yes	Yes	
Multiple Adults Charged?	Yes	Yes	No	No	Yes	Yes	No	Yes	No	Yes	Yes	Yes
Multiple Child Accusers?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Outrageous Charges?	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sex Games?	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hypnosis?		Yes		No	Yes			Yes				
Recovered Memories?	Yes	Yes	Yes	No		Yes		Yes	Yes	Yes	Yes	Yes
Medical Evidence?	No	No	No	No	No	No	No	No	No	No	No	No
Physical Evidence?	No	No	No	No	No	Yes	No	No	No	No	No	No

D) Introduction

In the late 1980s, Long Island teacher Arnold Friedman provided after-school computer classes to children at his home. He was often assisted by his teenage son Jesse, and together they conducted hundreds of classes over a three-year period. Students enrolled for the classes again and again, their parents visited often, and other parents attended evening courses in the same classroom.

Having sent so many of its children to these popular classes, the community of Great Neck was stunned when in 1988 the Friedmans, along with a 17-year old high school friend of Jesse's named Ross Goldstein, were charged with hundreds of violent sexual crimes against children.

Nearly two decades later, after Jesse and Arnold Friedman had been imprisoned for years (Arnold died there), and Goldstein had served a shorter prison term, the United States Court of Appeals for the Second Circuit conducted an extensive review of the case. They found "a reasonable likelihood Jesse Friedman was wrongfully convicted," and concluded that his guilty plea had been elicited by a biased judge using strategies that were "impermissibly coercive."

Though barred from imposing a legal remedy, the Court made clear it was unwilling to stand by and do nothing:

"An appellate court faced with a record that raises serious issues as to the guilt of the defendant and the means by which his conviction was procured, yet unable to grant relief, is not obligated to become a silent accomplice to what may be an injustice."

Indeed, the Court was anything but silent, expressing an extraordinary series of unequivocal opinions about the prosecution and conviction of Jesse Friedman:

"In this case, the quality of the evidence was extraordinarily suspect."

"The police, prosecutors, and the judge did everything they could to coerce a guilty plea and avoid a trial."

"The allegations also grew increasingly bizarre, sadistic, and even logistically implausible."

"Detectives generally entered an interview with a presumption that a child had been abused and refused to accept denials of abuse."

"This strategy was designed to force children to agree with the detectives' story."

About such cases of mass child sexual abuse in general, the Court expressed a powerful opinion:

"The prevailing view is that the vast majority of traumatic memories that are recovered through the use of suggestive recovery procedures are false, and that almost all—if not all—of the recovered memories of horrific abuse from the late-1980's and early-1990's were false."

Between 1984 and 1995, at least seventy-two individuals were convicted in nearly a dozen major prosecutions for mass child sex abuse and satanic ritual abuse. **Almost all the convictions have since been reversed.**

Table 1 shows Jesse Freidman's case in the context of 50 convictions that occurred during the hysteria of mass child sex abuse cases. Though the methods of prosecution of these cases match in all substantive regards, Jesse's conviction is the only one that has not been overturned. **Table 2** shows a sampling of similar cases with a more detailed view. Here again the methods of prosecution match, and Jesse's conviction remains the only one not overturned.

To be clear, sexual abuse of children does happen, and with alarming frequency. Author de Becker has spent his professional life working to understand and combat the strategies used by child predators. As his books report, one in three girls and one in six boys will have sexual contact with an adult. It is evident that many real offenders exist, and are committing pernicious crimes.

At the same time, false and hysteria-driven prosecutions like those that swept the nation in the 1980s and 1990s rob resources from prosecutions of actual sex crimes, reduce the public's faith in the legitimacy of such prosecutions, and interfere with the protection of children.

Looking at just the Friedman case, observers face a challenging question: How can the justice system produce a case that alleges hundreds of counts of sodomy, gains guilty pleas and sweeping admissions from the defendants, and ends with convictions and prison terms – and then see that same case completely unravel under later scrutiny?

First, since the Friedman case never went to trial, the allegations were never exposed to the light of an objective judicial process. Absent a trial, even preposterous allegations can be credited without being tested or challenged. Absent a trial there is, in effect, no defense mounted. There is only surrender.

Just as the defendants are forced to surrender, so too are the child witnesses and their parents. The impact on wrongly-imprisoned defendants is obvious, however the impact on hundreds of children has rarely been considered.

Initially sure they were *not* sexually abused, and confident in their perceptions of reality, these children are dragged to a place of confusion, mistrust of adults, and uncertainty about themselves and the world. Many children who were persuaded against their will and against their own perception and intelligence to believe they were sodomized never regained a foundation of confidence in their own perceptions. The Friedman case is rare among the others in that today, there is an opportunity to heal the wounds of confusion and deceit.

II) Background of the Friedman Case

Jesse Friedman was 18 and in his first semester at college when his father Arnold was charged with receiving and sending a pornographic magazine through the mail. After learning of Arnold's arrest in connection with the magazine, and then learning he taught after-school computer classes for children, the Nassau County police launched an investigation to determine if any of the students were victims of sexual abuse.

This was at the height of the sex abuse panic, when many believed that an epidemic of abuse perpetrated in public settings by multiple adults against multiple children en masse (e.g. daycare centers, schools), was sweeping the country. The most famous of these cases, the McMartin Preschool case, started in 1983 and was still being aggressively investigated when Nassau County police began to question students who attended computer classes in the Friedman home. Other highly publicized prosecutions were ongoing or had already resulted in convictions (Kern County, Country Walk, Fells Acres, Bernard Baran, Kelly Michaels, and the Bronx Five).

In the Friedman case, when police visited parents of the computer students and informed them that the teacher had purchased child pornography, panic ensued. Despite the fact that prior to contact with police, no students had ever made complaints of any kind, and despite the lack of any medical or physical evidence, a perfect storm of community hysteria, police, prosecutorial, and judicial misconduct, biased and financially-incentivized mental health professionals, and the use of now-debunked suggestive questioning techniques led to hundreds of false allegations of sexual abuse. In a misguided effort to help Jesse Friedman escape incarceration, his father pled guilty to multiple charges. Soon after, police aggressively coerced Ross Goldstein, a high school friend of Jesse's, to testify against Jesse in exchange for receiving a 6-month jail sentence (a deal on which the judge later reneged, and which an appeals court reinstated after Goldstein had been incarcerated for more than a year, and been diagnosed with cancer). Simultaneously, Judge Boklan improperly threatened that if Jesse refused a plea offer and went to trial, she intended to apply "maximum" incarceration via "consecutive sentences" totaling 50 years -- a technique now found to be impermissibly coercive¹.

Overwhelmed by the idea of going to trial, and facing the probability of a life sentence, 18-year-old Jesse falsely confessed as part of a plea deal. Sentenced to 6-18 years in prison, Jesse served 13 years, and was released on parole in December 2001. To this day, Jesse Friedman remains classified for life as a "Level III Violent Sexual Predator;" a scarlet letter that in practice denies Jesse and his wife Elisabeth the opportunity to have children of their own.

Unlike many of the other people charged with mass sexual abuse during the national hysteria, Jesse's father Arnold actually had ordered pornographic magazines depicting children. Thus, there was some legitimate basis for police to be concerned and to investigate Arnold Friedman. But why Jesse? Why did police and prosecutors commit so much energy to charging Jesse?

The answer is likely a logistical one: Jesse was present at the computer classes in which police allege Arnold abused children out in the open. Since Jesse was present, he must be either a witness or a suspect. If he is a credible witness saying he never saw any sexual abuse, the detectives have no case against Arnold, whom they know bought child porn and taught classes to young children in his home. However, if Jesse is also charged with molesting the children, the case against Arnold is not only intact, but improved. With Jesse as a suspect, neither father nor son could testify to the benefit of the other, and charging Jesse provided leverage that compelled Arnold to plead guilty. In the simplest terms, since Jesse was in the room, he had to be charged.

Renewed public attention to the case came in 2003, when director Andrew Jarecki released the landmark film *Capturing the Friedmans*, an Academy-award nominated documentary that cast

¹ Peter Panaro interview, 6/11/12.

doubt on the prosecution's case. Research conducted by Jarecki and his producer, Marc Smerling, both before and since the release of the film, uncovered new information, including material the prosecution had illegally withheld from Jesse's defense attorney.

The unprecedented ruling of the US Court of Appeals included direction that the Nassau County District Attorney undertake a review of the case to determine if the conviction should be set aside. Presumably to help offset the institutional bias inherent in having a DA's office review a case it had itself prosecuted, the District Attorney appointed a panel that was allowed to review some material in the case. However, the panel was given no decision-making authority, and did not receive key materials in the case, including grand jury minutes.

Of the 480 students who police said were in classes with Jesse Friedman and likely molested, inexplicably only 14 were ever put forth as complainants in the case. As of this writing, Jarecki and Smerling have spoken with 10 of these 14, with striking results: Three of them have recanted their prior testimony outright, one has no memory of ever being abused, and another admits he had no recollection of abuse until after undergoing now-discredited "memory-recovery" techniques including hypnosis. Five additional students who were allegedly victimized were unable or refused to substantiate accusations attributed to them by police.

The filmmakers interviewed 11 additional students who attended computer classes alongside the complainants: Each of these witnesses categorically states that he saw no abuse, even though according to the police version, their classmates had been violently molested "in plain view"² of the rest of the class.

In summary, the statements of these computer students directly contradict the statements of *every one* of the original 14 complainants.

III) Moral Panic About Child Sex Abuse

In order to fully understand the Friedman case, we must view it in the social and historical context of a "moral panic." Sociologist Stanley Cohen (2002), a leading scholar in this arena, includes child sex abuse panic as a classic example of a moral panic (pp. xvi-xix). Legal scholar Steven Grossman (2011) also applies Cohen's moral panic concept to the mass child sex abuse cases of the 1980s/1990s but instead calls them "hot crimes." Grossman argues that the child sex abuse hysteria is a typical "hot crime" – a form of moral panic that emerges when criminal justice problems that have been ignored or underestimated come to the forefront of social consciousness. The crimes suddenly become "hot," causing a surge of public panic.

Child sex abuse was not defined as a social issue until 1977, when the U.S. Congress held its first hearings on the topic. There are two key historical reasons for the emergence of child sex abuse as a major social issue. First, the 1970s saw an increased awareness of all crimes involving women and children, including rape, domestic violence, and child abuse. Second, many more women began entering the work force, a shift that deepened fears about changing cultural values and the role of women in the family.

² Detective Galasso interview, 2/28/01.

A related social change was the substantial increase in the use of daycare services: Between 1940 and 1989, the percentage of children who needed alternative childcare rose from 8 percent to more than 50 percent (de Becker, 1999). Many parents experienced strong feelings of guilt and even fear about giving their kids over to the care of others -- feelings naturally stimulated by stories of child sexual abuse at the hands of a caretaker.

As Nathan and Snedeker note in their groundbreaking study of the child sex panic, social conservatives like Anita Bryant ran public campaigns accusing gay men of being child molesters, and others claimed that gay men kidnapped children, turned them into homosexuals, and produced massive amounts of male child pornography. These terrifying notions resulted in “sex abuse researchers and law-enforcement officials...promoting the idea of rampant, conspiratorial cabals of men bent on sexually abusing youngsters” (Nathan & Snedeker, 1995, pp. 43-44). Researcher Ann Burgess coined the term “sex rings” for these supposedly massive, cult-like, underground networks of men; in the early 1980s, these mythic groups were taken seriously by law enforcement, despite the absence of real evidence. These senseless myths captured the public imagination and persist today, even though we now know that nearly all perpetrators of child sexual abuse are heterosexual men (de Becker, 1999).

Sociologist Joel Best (1990) studies how child-victims first emerged as a “central, visible theme in debates about social problems” (p. 6). Best notes that when the term “child sexual abuse” replaced incest and child molestation, it prompted the evolution of a cadre of experts who saw themselves as advocates for child-victims of such abuse. Soon, he writes, child sexual abuse began to terrify the American public, accompanied by horrifying and unsubstantiated statistics and fiery rhetoric about the extent of sexual abuse and child pornography. He attributes much of this hysteria to the rise of the fundamentalist Christian agenda, which sought to characterize all those outside the family – such as teachers and daycare workers – as threats to child safety and the family (Best, 1990). Nathan and Snedeker (1995) agree with Best, noting that the growth in demonology and myths about the extent of the problem of missing children, cut-backs in social programs that actually benefitted children, as well as the “frustrations of feminists [and] child-protection workers” (p. 50), were the final straws that allowed the country to fall into a full-fledged irrational panic about child sex abuse.

A public that had never seen child sex abuse anywhere started to see it everywhere. Grossman (2011) notes that “reaction turned into over-reaction and remedial measures became excessive (p. 34).” Soon child sex abuse became a focus of research, scholarship, and an area of expertise in both social work and mental health. The first academic articles appeared in 1977 (in the journal *Victimology*), and that same year the journal *Child Abuse & Neglect* was formed, publishing their first articles on child sex abuse in 1979. The criminal justice system soon followed suit. Prosecutors had theretofore been hesitant to prosecute sex crimes based solely upon accounts from child witnesses, but they soon reversed this approach and, as Grossman (2011) notes, launched investigations “with the premise that children never lied about being sexually abused, and that if a child claimed to be sexually abused, the job of the investigator was to verify that fact” (p. 68). For example, the far-reaching McMartin case was triggered by just one allegation – a bizarre, illogical, and unsubstantiated story of child sexual abuse, told by a schizophrenic parent.

As Grossman (2011) aptly concludes, the child sex panic happened when,

...overly eager police with the help of overly eager ‘child therapy professionals’ feed the results of their efforts to crusading prosecutors who charge criminal defendants based on evidence obtained in a highly suggestive manner and often not supported by physical or other evidence. Evidence that points to any conclusion short of child abuse is either ignored or covered up. The media plays up the cases in ever more horrifying ways, inciting the public and leading to even more questionable prosecutions. From such things, societal excess is born and nurtured (p. 42).

When we hear about a case of mass sexual abuse, meaning one in which many children are victimized at the same time in the same place, *in the open*, by one or more adults, and when we hear descriptions of the unbelievable, often ritualistic, satanic, and sadistic things that are alleged to have happened to the children, there is a good reason we are incredulous: It is because we know intuitively (and experts know empirically) that the cases don’t pass the Red Face Test. Child sexual predators do not operate in the ways purported in these cases. The very nature of effective predation is that it requires secrecy, privacy, and a strategy for persuading victims to cooperate.

Every predator able to accomplish sexual assault or rape requires two key advantages: Privacy and Control (over the victim and the environment). Privacy is defined here as isolation or concealment. In the context of child sexual abuse, “a private place is one in which there is little or no chance that a third party will suddenly show up, a place that is out of range of the hearing by people who could detect what is going on” (de Becker, 1999).

The open classroom at the Friedman house meets none of these time-tested criteria. In addition to the fact that the room is full of students, any one of whom might object to mass sodomy and resist it or report it, there is the equally pressing matter of parents who arrive at unpredictable times. Next, there is the fact that there are frequent visitors to the active house, including parents of children attending the computer classes. Finally, there are large windows at ground level that provide a generous view to anyone standing outside or walking past. This situation hardly presents a place that guarantees privacy.

Further, when one places the alleged acts within the four walls of the room, the scenario put forth by police is -- just as the Court of Appeals found -- “logistically implausible.” The indictments describe mass sodomy taking place in this room, including a game of naked leapfrog in which three or four adults allegedly “leap” from small boy to small boy, anally penetrating each one – all in full view of other simultaneous victims, all in view of the windows, and all in an unlocked environment likely to be visited at any moment by parents. The scenarios described in the indictments require us to accept a preposterous situation: A group of naked offenders and a full classroom of child victims, also naked – meaning that to avoid being caught in the criminal act when an unexpected visitor arrives through the unlocked door, everyone would have to get dressed, resume their natural demeanor, conceal any upset, retake their chairs, and return the room to apparent normalcy – in an instant. See Figures 1 and 2 for a rendering of the classroom where such magic would have to occur.



Figure 1: Computer classroom in the Friedman home.

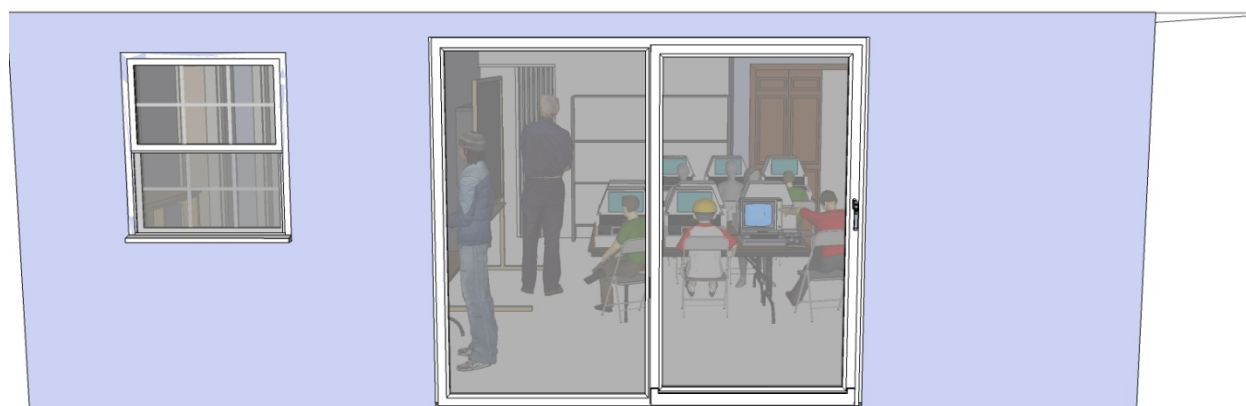


Figure 2. View from outside classroom.

Friedman and its many analog cases describe a kind of sexual predator that does not actually exist, one who molests a group of victims simultaneously and en masse, in an open area, in concert with a group of other predators, doing things that sexual predators do not actually do, and taking risks that sexual predators do not take.

Why are descriptions of these cases always so newsworthy, so extraordinary – and so hard to believe? It is because they do not actually happen. If someone with no knowledge of these cases were asked to review the allegations, they might describe them as being so fanciful and unrealistic, it's as if children invented them. In fact, children did partly invent them. The preposterous nature of the charges derives from the tortured way in which they were elicited: A team of adult police officers unsupervised in multi-hour, multi-visit sessions with a pre-pubescent child, and suggesting sexual crimes children have no language to talk about or understand, cajoling the child to re-articulate the scenarios in his own words. What emerges is a twisted language that is a hybrid of pornographic adult imagery and childish fantasy. In the words of Ron Georgalis, one of the alleged Friedman victims, "The very nature of these charges is so absurd. It seems almost like some kind of grotesque fantasy."³

The reports that result from these interrogations derive from police detectives who are naturally jaded through their experience with adult criminal behavior, and innocent children, naturally creative and eager to please their inquisitors – authority figures the children have been encouraged by their parents to satisfy.

The images conjured up by this process appear warped to us because we are indeed seeing them through a carnival mirror that bears no relation to reality.

Butting up against their inability to resist or understand, and not having the language to satisfy their adult interrogators, the children often draw upon their limited universe of experience, and upon stories they've heard. For example, after repeated visits and hours of questioning by police and parents, one student in the Friedman case finally "disclosed" a story that satisfied police: He suddenly remembered a series of new adult "accomplices" in the Friedman computer classes, including an intimidating man called "Snake," who had visible tattoos.

The story of Snake was as vivid as a Hollywood movie, and with good reason: The popular film *Escape From New York*, released in 1981, some years before the Friedman case erupted, prominently featured an intimidating man called Snake, who had visible tattoos. The character, played by Kurt Russell, gained a cult following that eventually led to production of action figures and comic books, and a parody on *The Simpsons*.

Notwithstanding Snake's fictional origin, the student's fantastical remark resulted in a futile search for this additional adult perpetrator, who was said to have pulled down the pants of a student. The Snake story opened a new chapter in the Friedman case, even though the student named said no such thing happened to him, and recalled no one named Snake.

In California's Modahl case, recordings found years after the conviction shed light on otherwise secret interview strategies, presented in the documentary film *Witch Hunt* (Hardy & Nachman, 2008) and used in this instance on a 6-year old girl:

Interviewer: Okay, did that happen before they tied you down, or after, or do you remember?

³ Ron Georgalis interview, 3/16/02.

Child: It happened after.

Interviewer: After. After he tied you down. What did they do, get on the bed and just put it right in your mouth?

Child: Uh huh.

Observers (including judges and juries) are often impressed by the remarkable detail attributed to children in reports of police interviews. The kids seem to remember times, dates, and places better than adults do; a passage from this interview shows how such detail is sometimes created:

Interviewer: Now Teresa, the last time it happened was in the summer of 83 at grandma's house in Cottonwood. The time before that, when was it?

Child: I don't remember.

Interviewer: Was it like weeks or days?

2nd Interviewer: When I asked you before you told me that it happened often on and off between the first time it started in 1980 until the summer of 83, you told me. Do you remember how frequently you said it happened? You said not every week, but how often?

Child: About once a month (Hardy & Nachman, 2008).

The tape of this interview was proof of the flawed questioning techniques that led to many wrongful convictions. The California Attorney General's Office sent dozens of investigators to review these prosecutions of mass child sexual abuse, and after months of analysis they issued a report citing substantial problems associated with interview techniques. Attorney General Van de Kamp himself has since said:

In a sense the investigators [are] telling the children what happened, and the children saying Yes and whatever, and sort of being led into statements rather than saying: What happened? Did anything happen? (Van de Kamp, September 1996)

The Friedman case also contains many examples of now-discredited interview strategies, including those used on computer student Gary Meyers. A tape recording made by the boy's mother and later transcribed by Jesse's lawyer Peter Panaro, revealed exactly what was said in this revealing interview.

Two detectives, who directed Gary Meyers' mother to leave the room, pressured the boy to admit he was a victim of sexual abuse. Straying disastrously far from simply asking the boy questions, they tried in numerous ways to persuade Gary Meyers to make admissions. The boy's first statement is clear:

Child: I didn't see it. I didn't hear it.

The detectives then take turns making their most persuasive arguments, beginning with: “We've had kids who stated that they saw you and that you're involved, OK?”⁴

This approach has two desired effects: First, by telling the child that others have said it, they employ peer pressure, to make the child feel left out if he doesn't agree with the allegations. Second, by letting him know that he is not the only one to disclose abuse, they are diffusing the responsibility, which might allow a weaker-willed boy to give false statements, comforted by the idea that he is just confirming statements already made by others, not making any novel accusations himself. In both effects, the child is likely unaware the police often lie to elicit a statement, so the children are responding to a false premise.

Next, they told the boy three times that Arnold Friedman confessed in open court, and asked him, debate-style, what he, “as an intelligent human being,” would say to that. They next assured the boy three times that there wouldn't be further charges in any event (another blatant falsehood since the entire purpose of the interview was to elicit further charges), and told him twice “There's no axe to grind here.” Acknowledging that before the investigation, “Not one child came forward” to report abuse, one of the detectives proposed an explanation as to why kids never told anyone: “They were blackmailed.” He explained that if an abuser “took photos and took notes and told you if you said anything to anyone you would be in worse trouble because they would show the picture. What if the person was seven or eight years old... Could you imagine a copy to your mother, a copy to a smut magazine with the name and address to show that you were a pervert?”

When Gary Meyers wasn't persuaded, one detective became angry.

Detective: I think you're very funny... you're reasonably intelligent, I wouldn't say you're a genius but you are reasonably intelligent. Arnold Friedman stipulated in court that he sodomized a large number of children!

Child: No. He never touched me.

Detective: Oh, it happened to everyone else, but not to you?

The detective kept arguing: “You'll find out as you get older that certain things are true, certain things are lies. You denying this doesn't mean it didn't happen.”

When one detective added “A lot of boys seem to have concerns about their own sexuality,” the other picked up the theme more forcefully:

What about a homosexual act over a period of years? Formative years? Would you consider that having an effect on a person's sexuality? Do you think that determines if you are a homosexual? If a person was involved in a homosexual act during preadolescent years after they are forced out of it, do you think they would like it?

⁴ Gary Meyers interview, 5/23/12.

When the boy rejected this argument, the detective escalated to an intimidating and accusatory presentation that included dire warnings about what would happen to the boy if he did not admit being victimized:

Well guess what? You are absolutely wrong. Most children who abuse children have been abused themselves. It's a monster created within you, this little monster inside you, this little voice. And every now and then it rears its ugly head unless the victim knows enough about the problem to get himself straightened out. If suppressed, it's a two-fold problem. One is anger and frustration. And the other is acting itself out. It's a no-win situation unless the person goes and gets help and admits that he was victimized. If something bad happens even though it's not the kid's fault, the child blames himself and feels tremendous guilt. We find with help that they can see it's not their fault. And then they place the blame on the person who created the situation, and then they are a lot better off... You're a super smart intelligent individual. You'd have to be an idiot not to see this.

Eventually, the detectives stopped arguing, and asked a few direct questions. They received direct answers:

Detective: Did you ever see any porn magazines?

Child: No.

Detective: Did you ever go to any other room in the house?

Child: Yes.

Detective: What room?

Child: Jesse's bedroom to play with the Commodore computer. And nothing happened.

Detective: Did you ever see a magazine called *Gallery Magazine*?

Child: No.

Finally, a detective called the boy's mother back into the room, and provided his candid assessment of the interview: "Gary was a wise guy, and I didn't like his answers⁵."

The twisted creative exercise in cases alleging mass child sexual abuse helps explain why we often see similar themes appear in otherwise far-flung cases. When we hear, for example, about a prosecution alleging that devil-worshipping adults practiced satanic ritual and sexual abuse on children, there is recognition from the cases that preceded it. This leads the public to believe that crimes involving sexual abuse and bizarre rituals are common. Police detectives are not immune from believing the same thing, and when they interview young children, this becomes a slight

⁵ Gary Meyers interview, 5/23/12.

variant on the self-fulfilling prophecy: the self-created prophesy. In a sense, when children do little more than agree, their statements can actually become true – if one defines the word true to mean that which is “proven” in a court.

Even the most outlandish stories are sometimes believed. The authors reviewed the case of Frédéric Bourdin, a young man who told an FBI agent he had been abducted by high-ranking military officials, flown to another country, had his eye color changed by chemicals, suffered torture including the breaking of bones, and was subjected to satanic ritual and sexual abuse by many men. The FBI agent later said “I had heard of cases like this,” and indeed she had – only they weren’t any more true than this one. Frédéric Bourdin ultimately admitted he made it all up (Layton, 2012). Like urban legends, which gain credibility solely because of retelling, the persistent conjoining of mass sexual abuse and bizarre ritual found credibility in the 1980s/1990s through the endorsement of police, prosecutors, and judges. And the stories were welcomed and broadly retold by the media.

IV) The Ten Blind Conspirators

In case after case alleging mass sexual abuse of children, the authors observe ten common factors, like ten blind conspirators that create wrongful convictions, and do profound damage to children and communities. There may be some knowing villains in some of these cases, however most individual participants in the system carry just their own cup of water; each unknowingly contributing to the flood that sweeps away the justice they believed they were working toward.

The Ten Blind Conspirators:

1. Police Misconduct
2. Absence of Physical Evidence
3. Absence of Medical Evidence
4. Outlandish or Impossible Scenarios
5. Prosecutorial Misconduct
6. Judicial Misconduct
7. Coercive Interviews by Police and Therapists
8. Improper Relationship Between Police and Therapists
9. The Use of Now-Discredited Memory-Recovery Techniques and Hypnosis
10. Police & Prosecutors Fuel Community Hysteria

1. Police Misconduct

Police officers were not immune to the child sex panic sweeping the country. Often, they saw themselves as child defenders, using any means necessary to secure convictions of evildoers perceived as unworthy of legal protection. In the Friedman case, the police prompted the panic by notifying parents that someone to whom they had entrusted their children had been found to have purchased child pornography. As in most other cases of the time, police told parents their children might be victims of sexual abuse – *before* conducting any other investigation, and *before* finding any evidence that even one child was actually abused.

In the first series of interviews, 30 in all, not a single student alleged abuse.⁶ Nonetheless, police continued to ask other students who attended the very same classes whether they had been abused – dismissing any testimony to the contrary. In fact, the police – who already had an expected outcome in mind – were driven to repeatedly and suggestively interview students precisely because they had no other evidence to substantiate sexual abuse. So complete was their rush to judgment in the Friedman case that lead prosecutor Joseph Onorato stated in a televised interview that it was “The worst case I have ever seen in my 20 years as a prosecutor”⁷ without regard for how such a comment would taint the opinion of the public, including a potential jury pool.

In earlier cases, such as the Kern County cases of *Pitts* and *Stoll* in the early 1980s, police collaborated with child services workers and therapists to get as many allegations of abuse as possible. The stories the children told did not match or make sense (e.g. the times and places alleged by some of the children were different than those alleged by others – even though they were supposedly all abused simultaneously and *en masse*). In *Pitts*, the children changed their stories as the questioning continued, and their stories grew more detailed and extreme, eventually including drugs and videos of children. No drugs or videos were ever found.

As in Friedman, when children in *Pitts* and *Stoll* denied they were abused, police rejected the denials and kept interviewing them. Eventually children broke down and agreed that abuse had occurred. The more they were interviewed, the more new adult offenders were added. Police in the *Stoll* case publicly said children were photographed performing sex acts; again, no such photographs were ever found.

Similarly, Detective Fran Galasso, head of the sex crimes unit, claimed that the most notable thing about the search of the Friedman home were “foot-high stacks of pornography in plain view literally all around the house.”⁸ In fact, her account is proven false by statements of the Assistant District Attorney, present at the same search, the written record of search warrant returns recorded by police, and photographs taken during the search.

Hungry for any remotely incriminating physical evidence, police stretched to create images designed to alarm parents and the public, and make the Friedmans appear guilty. For example, a series of photographs collected by the filmmakers, shows various innocuous items found in the Friedman house (e.g. a Playboy Magazine, two 35mm cameras, and an unused plastic syringe). Individually, these items are innocent enough and found in many homes. However, in a later photo in the same series, we see that police have moved the items and arranged them in a manner designed to make them look sinister: the Playboy Magazine is open to photos of nude women, and the cameras (which had been found elsewhere) are laid out on top of the photographs (as if the cameras were used to take the photos in the magazine), with the syringe thrown in for good measure. The alarming tableau created by police conveyed that the Friedmans were vicious molesters who used their cameras to photograph nude boys, while doing something untoward involving a syringe (Motion, 2004).

⁶ Arline Epstein notes, November 24, 1987.

⁷ Joseph Onorato interview with News 12 Long Island, 3/25/88.

⁸ Detective Galasso interview, 2/28/01.

Police spoke regularly and extensively to the press about details in the Friedman case, inspiring sensationalized media coverage, and creating the presumption of guilt. Police stoked the fire of hysteria by telling parents their children had been photographed performing sex acts.⁹ In fact, Galasso insisted that “to a child” every student had reported having been videotaped or photographed performing sexual acts. Yet to this day, no such videotape or photo has been found – nor did police ever offer any evidence to support this widely publicized claim (Motion, 2004).

2. Absence of Physical Evidence

There was no physical evidence ever offered in the Friedman case.

3. Absence of Medical Evidence

There was no medical evidence ever offered in the Friedman case.

Scott Banks, the law secretary to the judge overseeing the case, and one of the few people to review the grand jury transcripts, described the “lack of any medical...any medical testimony in the grand jury,” and says “it bothered me¹⁰.” (Banks also expressed concern about the fact that the children kept re-registering for the classes year after year, and not one of the complainants ever told their parents they didn’t want to go back.)

Prior to contact with police, no parents had discovered or reported any of the behavioral signs of sexual abuse in children:

Hyperactivity, fear of being alone with certain adults, unusual or exaggerated interest in people’s bodies, wearing excessive amounts of clothing, and inappropriate affection toward strangers (de Becker, 1999).

More significantly, no parents or pediatricians had ever reported that any indicators of sodomy were observed in any of the computer students:

Stomach and digestive problems, difficulty walking or sitting, torn, stained, or bloody underwear, blood in urine or stool, unexplained genital contusions, sexually transmitted disease (de Becker, 1999).

Debbie Nathan, an expert on sex abuse cases, explains that if the Friedman charges were valid, it would be impossible to not find medical evidence:

The allegations were violent sodomy, and sodomizing a child of that age is very traumatic. It’ll actually either rip the anus so that you need a surgical repair, or cause a lot of swelling and a lot of pain... And you’d expect to see all kinds of complaints on the part of the child; all kinds of uncomfortableness that the parents would notice.¹¹

⁹ Arline Epstein notes, 1989.

¹⁰ Scott Banks interview, 5/12/12.

¹¹ Debbie Nathan interview, 3/22/01.

In the Friedman case, no children had made special visits to doctors or reported the kinds of injuries and symptoms that would, by the laws of nature, result from the abuse alleged in the indictments. Given the frequency of normal pediatrician visits by children in wealthy suburban areas, it is reasonable to assume that the alleged Friedman victims were examined many times during the years they attended computer classes – and yet, no reports from doctors or parents of any signs of abuse. One parent, Arline Epstein, took her son, whom police alleged was sexually abused, for regular check ups by his pediatrician, Dr. Eric Gould. No sign of abuse ever emerged.¹²

Thus, the only medical evidence we have points to no abuse having occurred. This reality might partly explain one of the most remarkable facts in the case: ***Police provided no evidence that they ever took any children to be examined by doctors***, even though the boys had supposedly been raped.

Though the information appears nowhere in the case, and was never disclosed to Jesse’s lawyer by the prosecution, Detective Sgueglia confirms in a recorded interview not only that police would routinely take young children for medical examinations when abuse is suspected but that they did so in the Friedman case: We “did medicals on quite a few of them.”

Asked if any medical evidence was obtained during these examinations, this key detective in the case gives a remarkable reply: “I don’t know. I don’t know.”¹³

Since no medical evidence was ever presented in the case, it is fair to assume that the medical examinations did not reveal evidence of rape or other violence. On the broader issue, one cannot imagine any other rape case in which detectives would (a) fail to take even one possible victim for medical examination, (b) be unaware of the results of medical examinations, (c) fail to report the results of medical examinations, and (d) fail even to report that any took place. In Friedman, all these things happened.

4. Outlandish or Impossible Scenarios

To explain why the kids continued to attend the classes again semester after semester, Detective Galasso claims they were threatened and blackmailed, told their families would be harmed if they ever told anyone what was happening to them. She states in a 2001 interview that the children in the class “were also told, ‘If you tell-- I’ll come to your house in the middle of the night, and I’ll kidnap your baby sister, or I’ll kill your parents.’ I mean it-- to-- to kids who were 8 and 9 and 11 and 12, these are very credible threats. You know, they believe all of this. And why shouldn’t they?”¹⁴ The police developed a clear narrative, albeit an unlikely one, that conveniently explained why not a single child out of hundreds, in years of classes, ever told his parents about any abuse.

¹² Arline Epstein email, 3/1/13.

¹³ Detective Sgueglia interview, 5/8/01.

¹⁴ Detective Galasso interview, 2/28/01.

The charges leveled by the police were illogical, unverifiable, implausible, and in some instances, physically impossible. When one child in a class said abuse took place frequently in plain view of others (or even *constantly*, as in the case of Daniel Doe described below), and another child in the same class said he never saw any abuse, ***police considered only the testimony of the child who agreed abuse had taken place.*** For example, the top five children associated with charges account for 322 counts of sexual abuse, about three fourths of the charges in the case. The charges associated with one student, Daniel Doe, amount to a total of 124 counts, including 56 counts from just one class – which would mean that during the 10-week course, he was violently abused 6 times each session, or ***once every 15 minutes.***

Brian Tilker attended this class alongside fellow student Daniel Doe, yet Tilker said in his affidavit that he did not witness any abuse taking place during the class. Daniel Doe, like other complainants, then re-enrolled in the advanced class, where he says he was sexually abused an additional 68 times. Remarkably, according to the indictment, on 11 occasions, it was ***eight-year old Daniel Doe who sodomized a pair of teenagers twice his age, Jesse Friedman and Ross Goldstein.***

Another class included two students who made 96 charges of abuse, yet two other students attending the same class confirm they witnessed no abuse. Student Rafe Lieber says: “Nothing ever happened to me and I don’t have any memories of that stuff.”¹⁵ Gary Meyers attended this same class: “If something was going on in the classes, that I, you know, would have some sense of it and I didn’t.”¹⁶ James Doe, a complainant in the class whom police associate with some of the 96 abuse charges, not only re-enrolled for the next class but also encouraged his younger brother to begin taking classes at the Friedman home.

Computer student Michael Epstein attended classes alongside students responsible for 81 charges against the Friedmans, including sodomy and sexual abuse in plain view of others, yet he stated as a boy and now as an adult that he never saw anything.¹⁷ Detective Galasso told Michael’s mother Arline that other children in Michael’s afternoon classes had testified to being molested, specifically naming Michael as someone they witnessed being abused. Galasso also warned her that “the [Friday] class that Michael was in experienced about the worst there was.”¹⁸

Michael Epstein comments in an interview on the allegations of sex games in which naked boys were supposedly sodomized in plain view of others: “Well it’s not plausible at all. It was a crowded room. There were aisles, but it was a pretty crowded space. And it was messy, just being disks and printouts and stuff. I never felt that those games sounded at all plausible, even as a kid. It just didn’t seem logistically possible. They didn’t seem like something that someone would want to do. I also never thought it seemed at all plausible that they would have done things that involved every kid in the class.”¹⁹

¹⁵ Rafe Lieber interview, 6/4/12.

¹⁶ Gary Meyers interview, 5/23/12.

¹⁷ Michael Epstein interview, 8/5/12.

¹⁸ Arline Epstein testimony to DA, 1/22/13.

¹⁹ Michael Epstein interview 8/5/12.

More outrageous stories about sexual abuse emerged, describing acts that are not documented in known cases of sexual predation. For example, the Friedmans supposedly forced children to measure quantities of semen in their hands, to chew gum covered with semen, and to drink orange juice mixed with semen.²⁰ Interview strategies that combine the understandably cynical ideas of police detectives with of creative and fanciful ideas of children likely explain the outlandish and unrealistic charges.

A *New York Times* article about the *Stoll* case in Kern County describes implausible stories of sexual abuse:

Much of the kids' testimony pushed the bounds of plausibility -- and of anatomy. Chris Diuri, four feet tall, testified that he had to sodomize men two feet taller than him. Asked how he did it, he said: 'I stand on my toes.' Jed, who was 6 years old and so small he had to kneel on the chair to reach the microphone at the witness stand, could not remember how many months are in a year or the names of all the months. But he was positive that his father molested him exactly 19 times (Jones, 2004).

Similar outrageous tales emerged in the other mass sex abuse cases. In the McMartin case, there were tales of child sacrifice and animal slaughter, and children being forced to drink blood. Famously, after the McMartin children described a network of tunnels under the preschool, tens of thousands of dollars were spent trying to unearth tunnels. None were found. In the Kelly Michaels case, children accused her of cutting off genitalia. There was no evidence of any of these activities, yet prosecutors moved forward nonetheless – perhaps all the more.

It is no coincidence that bizarre and outlandish charges lead to extensive media attention – a fact not lost on police and prosecutors of mass sex abuse cases.

For her exposés of dubious sexual abuse prosecutions, journalist Dorothy Rabinowitz was nominated for a Pulitzer Prize in 1996, and won the prize in 2001. She then authored *No Crueler Tyrannies: Accusation, False Witness, and Other Terrors of Our Times*. The first prosecution that caught her attention was the case of Kelly Michaels and the Wee Care Nursery School. Michaels, in her 20s, was charged with 299 counts of child sexual abuse involving daycare students, including that she penetrated their rectums and vaginas with knives, forks and other objects (though no injuries were ever reported, and no medical evidence was offered). Police and prosecutors also made public the accusations that Michaels had forced children to eat cakes made from human excrement, made them play sex games, and forced them to drink urine. Rabinowitz writes:

I thought, How can one woman, one young, lone woman in an absolutely open place like the child care center of the church in New Jersey that she worked for -- how could she have committed these enormous crimes against 20 children, dressed and undressed them and sent -- you know what it is to dress and undress even one child every day without getting their socks lost? -- 20 children in a perfectly public

²⁰ Arline Epstein notes, 1989.

place, torture them for two years, frighten and terrorize them, and they never went home and told their parents anything? ... This did seem strange (2003).

But strangeness, alas, became the norm in the mass sex abuse cases of the 1980s and early 1990s, Whereas generally in life, the more fantastical a story, the less believable we find it to be, experts in these cases tried to explain away our skepticism with the novel idea that children made up fantastical stories precisely *because* they had been molested: “The children had been traumatized and tortured and, as a result, had to construct all sorts of fantasies to defend themselves” (Rabinowitz, 2003).

In the Friedman case, outrageous stories such as nude leapfrog and children forced to chew “cum gum” cemented the tenacious idea that *something must have happened*. Looking back on the case, one can say that Jesse Friedman was convicted of *Something Must Have Happened*.

5. Prosecutorial Misconduct

Like the police, prosecutors also engaged in misconduct in the Friedman case, with the apparent goal of avoiding an actual trial at any cost.

Most notably, they withheld exculpatory information from Jesse Friedman’s lawyer, Peter Panaro, despite being legally bound to provide it. (The law requires that prosecutors turn over to the defense any exculpatory material that comes into their hands.)

Panaro was not told by prosecutors, and did not learn until years later, that some of the children interviewed by police made statements they subsequently recanted. He was not told some students denied anything happened even though other children identified them as victims (Transcript, 1990). Panaro was also not told that most students initially told police nothing happened, and became associated with allegations only after repeated visits by detectives, suggestive questioning, and therapy.²¹ Further, prosecutors did not disclose to Panaro that the overwhelming majority of child witnesses told police they never saw any abuse, including those who had attended the very same classes alongside students who alleged abuse. In fact, it was not revealed until 2013 that Detective Galasso told parents that the first 30 students interviewed by police made no accusations of sexual abuse by the Friedmans. Despite their awareness that any of these children could have been impeachment witnesses for the defense, and despite the fact that the law requires prosecutors to inform the defense, the prosecutors knowingly withheld this essential information from Panaro.

Eventually, police and prosecutors came up with 3 indictments against Jesse. After the 2nd indictment, his father Arnold accepted a plea deal, and, in return for a guarantee that he would not be further prosecuted, agreed to sign a so-called “close-out statement” in which he confessed to molesting every single child who had ever attended the computer classes – ***including students whom police never alleged were molested.***

Thus, to escape the threat of future prosecution, Arnold confessed to crimes that nobody - not even the police - ever alleged he had committed.

²¹ Peter Panaro interview, 6/11/12.

The stated purpose of the close-out statement was to inoculate Arnold from future prosecution. Though the prosecutor agreed to keep the statement confidential, it was instead shown by police to child witnesses and their families, and used to elicit more charges against Jesse and Ross Goldstein.

The Friedman case includes three people who were coerced into providing false confessions. The public naturally assumes that only guilty people would ever confess, yet the criminal justice system knows better: In the past 20 years, 142 convictions have been overturned, 142 people exonerated, because courts found that the confessions of the defendants were false (The National Registry of Exonerations, 2013).

The Third Indictment – more rife with inconsistencies and inaccuracies than the prior indictments – includes charges against Ross Goldstein. Most of the charges in this indictment were attributed to students who reportedly made earlier charges – however now, these same children supposedly recalled *four times* as many incidents of abuse, including 36 times as many sodomies.

At this point, Jesse was facing more than 200 charges of child sexual abuse for which Judge Boklan threatened to sentence him to consecutive prison terms. With Ross Goldstein's testimony against him, and a confession from his father and co-defendant, Jesse was left with no option but to plead guilty. (Ross Goldstein has since stated that he never saw Jesse sodomize anyone and that his false testimony was the result of coercive strategies used against him by police and prosecutors).

6. Judicial Misconduct

Judge Abbey Boklan, who is now deceased, made it clear in 1988 that she believed Jesse was guilty – an opinion she developed and acted upon despite having seen no evidence at trial. As important, however, was her determination in the years following the case to pursue media opportunities and provide inaccurate information that continues to undermine Jesse Friedman's reputation and legal efforts – all in violation of the rules of judicial conduct.

Instead of maintaining an impartial judicial stance, and instead of waiting to see actual evidence at trial, she stated, "There was never a doubt in my mind as to their guilt."²² After the release of *Capturing the Friedman*, she told a CNN reporter, "There was never an issue of whether he was guilty or not guilty."²³ She told Matt Lauer of NBC that Jesse's case had nothing to do with false memories, but rather "with sick games".²⁴ Even after Jesse's release from prison, Judge Boklan continued to voice accusations against Jesse.

The United States Court of Appeals found that "the judge did everything [she] could to coerce a guilty plea and avoid a trial." For example, Judge Boklan told Jesse's defense attorney that if Jesse did not plead guilty, she would sentence him to consecutive prison terms. The Court of Appeals called this threat "impermissibly coercive," and cited it as sufficient to sustain a challenge to Jesse's guilty plea (Appeals, 2008).

²² Judge Boklan interview, 5/14/01.

²³ Judge Boklan interview with CNN, 2/18/04.

²⁴ Judge Boklan interview with NBC, 12/03.

Even the Judge's own law secretary, Scott Banks, describes his discomfort with the way the case was prosecuted. Banks, one of the few people who read the grand jury minutes, was troubled by the lack of medical evidence, lack of "date specificity," and says that he was "bothered" because the children kept re-enrolling in the class.²⁵

7. Coercive Interviews by Police and Therapists

Despite, and perhaps *because of* the lack of physical or medical evidence, police put all their resources into interviews, the fertile ground that eventually produced hundreds of allegations. Working with therapists, they used a range of suggestive and oppressive methods that have since been shown to lead to false memories:

- 1) Presuming that suspects were guilty;
- 2) Repeatedly questioning and interviewing children who had already denied abuse;
- 3) Rewarding and/or punishing children to get certain answers;
- 4) Using police interviewers to intimidate and/or impress children; and,
- 5) Using memory-recovery techniques such as hypnosis and visualization.

Police assumed from the start that the Friedmans were guilty, and ignored all evidence to the contrary. Student Tilker, and his father, both reported in recorded interviews that police bullied Brian to say that abuse took place. Mr. Tilker said police told him they "knew" his son was abused. Brian Tilker finally told police he was hit during class because, he explained, "I feel like when I said that that ended the questioning."²⁶

Another student, Dennis Doe, to whom police attributed more than 50 charges of sodomy and sexual abuse, also says he lied and told police he was a victim in order to stop the questioning: "What I do remember is the detectives putting on me a lot of pressure to speak up...and when I started to tell them things, I was telling myself that it's not true. Like I was telling myself just say this to them in order to get them off your back."²⁷

Joan Blaha, a mother of two students in the classes who often arrived early pick up her kids, told police she never saw sexual abuse or anything out of the ordinary taking place during the computer classes. In a recorded interview she explains that police nonetheless "kept at it and at it and at it. And they kept rephrasing the questions and asking the same questions over and over again in different ways."²⁸

One of her sons steadfastly refused to provide the answers police were seeking, and his mother points out that "a less strong child would say something that maybe didn't happen."²⁹

²⁵ Scott Banks interview, 5/12/12.

²⁶ Mr. Tilker & Brian Tilker interview, 7/11/01.

²⁷ Dennis Doe interview, 8/6/01.

²⁸ Joan Blaha interview, 5/23/12.

²⁹ Jason Blaha interview, 5/23/12.

Another student, Dan Aibel, attended the same classes in which two other students had reportedly claimed 67 acts of sodomy took place. Aibel says he never saw any abuse during the classes, but he remembers the police “were operating as if everyone had been molested, abused.” He reports that police told parents “it was important for parents to confront [the abuse]; the kids would suffer for it later in life if they didn’t...deal with it now.”³⁰ Rafe Lieber – who attended a class in which 96 charges were alleged – says, “I remember the class fondly.”³¹ Another student, David Zarin, was surprised when he learned that his classmate Complainant Dennis Doe had made 50 charges of sexual abuse, because “There was nothing odd going on at all in the classes.”³²

Student Gary Meyers took classes alongside three children to whom police attributed more than 120 charges against the Friedmans; he too never saw any evidence of sexual abuse. In a recorded interview, he says he was always “enthusiastic” about taking the classes, was enrolled for years, and, “if something was going on in the classes, that I, you know, would have had some sense of it. And I didn’t.”³³ In a 1988 affidavit, Meyers reports that Complainant James Doe told him that the police didn’t believe him when he said nothing happened, and that another student, Aaron Golbert, told him police insisted other students were victimized and pressured him to “say that all these things happened to him.”³⁴

Police also provided rewards to cooperative students. Detective Sgueglia admitted he would make friends with children and even “deputize” them in order to induce them to make allegations (Motion, 2004, p. 34). Student Michael Epstein says he saw another student with “a fake police badge, like junior police or something like that, that the, that the police had given him, or the DA or somebody, as a result of having testified.”³⁵

Detective Hatch, another investigator in the case, told children they would suffer psychological problems and even become homosexual or pedophiles themselves if they didn’t admit abuse (Motion, 2004). The mother of Daniel Aibel said she saw no sign or indication that her son had been abused, yet the police told her that if her son didn’t admit it, “he’s going to be traumatized for life.”³⁶ In fact, many of the children who did ultimately testify to sexual abuse appear (in the present day) to be traumatized as the result of interview strategies, therapy, being stigmatized as victims, and being compelled to lie.

Student Gary Meyers also says children were pressured to make allegations against the Friedmans, and it “always felt like they weren’t allowed to say that nothing happened.” When Meyers challenged a friend about the allegations, reminding him he was in the same class and never saw anything, the friend made it clear that he was “getting a lot of pressure.”³⁷

³⁰ Dan Aibel interview, 7/6/01.

³¹ Rafe Lieber interview, 6/4/12.

³² David Zarin interview, 7/27/12.

³³ Gary Meyers interview, 5/23/12.

³⁴ P.I. Deborah Broder notes, 1/26/88.

³⁵ Michael Epstein interview, 8/5/12.

³⁶ Mrs. Aibel interview, 7/6/01.

³⁷ Gary Meyers interview, 5/23/12.

Another detective, Wallene Jones, acknowledges that she and her partner would not take no for an answer – in one case, visiting a child *fifteen times* before eliciting an accusation of abuse. Jones told an investigator that the reason they had to visit the child so many times was because the boy had suffered trauma and had “kept it deep inside.” The police told the mother they wouldn’t leave until the boy told them what happened to him, and that they would stay all night if required.³⁸

One father, an attorney, declined to have his children press charges because he felt they were questioned improperly, that police “were particularly aggressive,” and that police “were suggesting the answers to the kids.”³⁹ The detective who questioned these children states in an affidavit that both children were abused.⁴⁰ However, in a recorded interview, the boy’s father says: “What we saw here was overzealousness. They suggesting answers...they wanted to talk to the kids without adults present.”⁴¹

Two boys who eventually became complainants reportedly told Detective Sgueglia about the presence of sexual computer games in the class, yet *didn’t mention being sexually abused or sodomized until after spending months in therapy*. While the police alleged that the Friedmans provided “pornographic” computer games to students as a way to groom them for sexual abuse, many students have stated that these crudely animated sexually-oriented computer games were commercially available and already in their possession. As Judd Maltin stated in his affidavit, these games “were in common circulation among the community of Great Neck youth.” He states that the Friedmans likely received computer games from him – rather than the other way around.⁴² Michael Epstein agrees, and said in a recent interview, “Those animated computer sexual games were floating around... anywhere there were a sufficient mass of 8-year-old boys you would get things like that... friends would copy them around and show them.”⁴³ Parent Ann Meyers, mother of computer student Gary Meyers, remembers going to a local computer store where she discovered that the same computer games alleged to have been distributed by the Friedmans were openly sold.⁴⁴ Complainant Keith Doe says he never even saw any of the computer games until *after* he moved from Great Neck and stopped attending the computer classes.⁴⁵

Though it is now clear these games were not created or provided by Arnold Friedman, Detective Galasso’s public statements float the notion that the games were intentionally in cartoon form to make them more appealing to the children. In a recorded interview, Detective Galasso claims these games served a sinister purpose, in that they were deliberately given to the children by the Friedmans to get kids “accustomed to dealing with this kind of material, making them complicit so that if anybody finds out, they’re guilty, or they’re made to feel very guilty [as] part of it.”⁴⁶ The police used everything to support their belief that the Friedmans were guilty, and so even video

³⁸ Wallene Jones interview, 1/6/04.

³⁹ Larry Solotoff interview, 2001.

⁴⁰ William Hatch affidavit, 11/24/87.

⁴¹ Larry Solotoff interview, 2001.

⁴² Judd Maltin affidavit, 12/15/03.

⁴³ Mike Epstein interview, 11/01/12.

⁴⁴ Ann Meyers interview, 11/15/12.

⁴⁵ Keith Doe interview, 11/13/12.

⁴⁶ Detective Galasso interview, 2/28/01.

games sold in local stores and traded by the children themselves, watched outside of the computer class, were presented as if part of an elaborate scheme to keep the children from revealing the abuse.

The Friedman case is hardly the only one in which coercive and oppressive interview strategies were used on children, though it is one of the few cases not yet overturned. In a paper called "Suggestive Interviewing in the McMartin Preschool and Kelly Michaels Daycare Abuse Cases: A Case Study," the authors found that interviewers would (a) introduce new suggestive information into the interview, (b) provide praise, promises, and positive reinforcement, (c) express disapproval, disbelief, or disagreement with children, (d) exert conformity pressure, and (e) invite children to pretend or speculate about supposed events" (Schreiber, et al, 2006).

After the California Attorney General's office conducted an extensive review of mass child sexual abuse prosecutions, Attorney General John Van de Kamp said, "At that point everyone believed that what the kids were telling child protective services was true – why would they lie? Children are innocent; if it's being fed to them what to say and so forth, then that's a delicate kind of situation. They had to be treated with sensitivity but at the same time, if they're going to send people away for 10, 20, 30 years, then you have to make sure that they are being corroborated" (Van de Kamp, September 1996).

Alas, the Friedman case included no corroboration for statements attributed to children, statements which arose from flawed and coercive interview strategies.

➤ ***Why Police and Therapists No Longer Use Suggestive and Coercive Questioning***

One reason children in these cases were questioned so vigorously was due to a misapplication of a theory known as the "Childhood Sexual Abuse Accommodation Syndrome" or CSAAS. This now-discredited idea postulates that children will not disclose abuse without being pressured. Under this premise, when children deny being sexually abused, the denial is considered a way of coping with the abuse, and they must be questioned repeatedly for police to gain disclosure (Summit R., 1983). This fractured logic inspired some detectives, therapists, and parents to believe that when a child said nothing happened, that very statement meant something did happen. The more assertive the denial, the more deeply the abuse was "buried." Thus, denial itself became a form of proof, and any response – whether a child agreed that abuse occurred or insisted it had not – meant that abuse had occurred. It became a "maxim" among child abuse experts such as Summit (1983) that children "never fabricate the kinds of explicit sexual manipulations they divulge in complaints or interrogations" (p. 16).

While it might appear admirable to always believe what children say, police and therapists in the mass sex abuse cases consistently *declined* to believe children who said nothing happened. So those who claim children "never fabricate" in these cases are left with the conundrum of calling children liars (or deniers) when they say nothing happened.

In stark contrast, more current research shows that children who have been sexually abused are not especially resistant to disclosure, particularly when the perpetrator is a non-family member. One study found that among validated cases of child sexual abuse, only 5% of children denied the abuse when first asked about it (Bradley & Wood, 1996). ***In the Friedman case, 100% of the students initially interviewed denied sexual abuse when first asked about it.***

A summary of the major studies on sexual abuse disclosure found that “the majority of children disclosed abuse when directly asked.” Further, “only a minority” went on to recant their allegations of abuse. The studies also found that when interviewed by police or therapists there was no need for suggestive questioning, because in these “formal settings” children were even more likely to disclose abuse. “These same techniques, especially when used by biased interviewers, entail a risk of producing false allegations” (London et al 2005).

In 1995, Maggie Bruck and Stephen Ceci wrote an Amicus Brief about the Kelly Michaels case (another mass sex abuse case that started in 1985) outlining the problems with suggestive interviewing in the case. The Michaels conviction was overturned on the grounds that the children were questioned improperly. In this landmark brief, Bruck and Ceci (1995) present guidelines for reducing the instance of false abuse allegations:

- Interviewers should use non-leading questions
- Interviews should be conducted by people who do not have an attachment to the belief that sexual abuse happened
- Interviewers should not pose the same question more than once;
- Interviewers should undertake one interview rather than repeated interviews;
- Interviewers should not give children rewards for confirming sexual abuse happened.

Burce and Ceci (1995) also found that some children are influenced by suggestive questioning in even a single interview, and that unwanted results become “most dramatic” after repeated interviews (p. 309).

According to students in the Friedman classes (whether or not they went on to become complainants), as well as parents and investigators, the techniques used by police and therapists in the case in 1987 and 1988 were the same as those now understood to elicit *false* allegations of abuse. The protocols accepted today for interviewing children were developed in direct response to the rash of false allegations that emerged from the improper methods used in the Friedman and other cases of the time.

Whatever the interview style, there is agreement that *allegations elicited from children should be viewed as only one form of evidence in a much broader investigative process*. When such allegations comprise the only evidence, as in the Friedman case, wrongful conviction is a predictable result.

Research and science aside, it is Detective Sgueglia who gives the clearest look at how police interviewed children in the Friedman case:

You don’t give them an option, really, you tell them that you already know it happened because others already admitted that it happened, so once they realize that other people have come forward – it’s not easy, but it does work.⁴⁷

⁴⁷ Anthony Sgueglia interview, 5/18/01.

8. Improper Relationship between Police and Therapists

The police and therapists in these cases had a relationship that focused on their mutual goal of eliciting allegations of abuse. The police urged parents to place children in therapy. In Friedman, for example, almost immediately after Arnold was arrested, police helped arrange for all children in the classes to receive individual therapy, and began suggesting and making plans for group therapy.

Detective Sgueglia reports that police enlisted therapists to be involved with the investigation from the start: “We recruited a therapist. She got on board. She was there for all the family meetings, and offered free counseling.”⁴⁸ Detective Galasso confirmed to the Long Island newspaper *Newsday* that the majority of charges against Jesse (and the only indictment against Ross Goldstein) originated “during sessions with their therapists” (*Newsday*, 1988).

Arline Epstein recalls a community meeting in which Dr. Arthur Green, a therapist, told parents that all children should have therapy to help them disclose abuse, and that the “biggest problem [is the] kid who says nothing happened.” Dr. Green said the “denial phase is a natural way of adapting.”⁴⁹ Green also made the claim that testifying before the grand jury about the abuse “is a very positive experience.” Epstein says the theme from police and therapists, communicated to all parents, was that every child in every class was a probable victim, and that individual and group therapy were both important to facilitate the all-important disclosure process. Police assumed that every child who took the computer classes had been sexually abused, and Detective Galasso made public that flawed assumption in statements to local newspapers such as the *Great Neck Record*: “Every child that set foot through that door was a victim in one way or another... and it’s vitally important that every parent who hasn’t does get their child help” (1988).

Detective Galasso admits she told parents “your child might be a victim” and asked “do you want to get them some help?”⁵⁰ The result is that children who *might* have been victims received therapy designed to elicit stories of victimization.

In the Friedman case, the therapists told parents they were “very much in favor of children testifying,” and that “testifying is a very positive experience” that would bring children “enormous relief.” Parent Arline Epstein reports that she perceived Detective Galasso and Dr. Sandra Kaplan as “partners” in an effort to get the children to disclose allegations of abuse. In addition, therapists told parents it was good for them to be angry, because it is “good for them to fight the case.”⁵¹

Since the Friedman case, scholars have established specific guidelines for interviewing children, and more to the point, set forth the actions to avoid (all of which actions were taken in Friedman):

When the therapists’ clinical role bleeds into the role of the forensic interviewer, the therapist’s exploration of alleged but unconfirmed abuse increases the risk for the detrimental consequences of interviewer bias, suggestive questioning, and repeated

⁴⁸ Anthony Sgueglia interview, 5/18/01.

⁴⁹ Arline Epstein testimony to DA, 1/22/13.

⁵⁰ Detective Galasso, interview, 2/28/01.

⁵¹ Arline Epstein notes, 1989.

questioning... When therapists directly take on an investigative role, asking questions to ‘facilitate disclosure,’ they may interfere in the forensic investigation. Under such circumstances, the risk is that the child’s memories and statements become so tainted or inaccurate that a miscarriage of justice results (Kuehnle, p. 557).

9. The Use of Now-Discredited Memory Recovery Techniques and Hypnosis

As in the other sex abuse cases, mental health experts, acting in concert with police, used several suggestive methods to elicit allegations from the children in the Friedman case. The therapists began with the premise that the children had been abused and were blocking out memories of trauma. Their job, then, was to “help” the children remember the abuse.

Every one of the first 30 children interviewed in the Friedman case categorically denied abuse had taken place. Many then had assistance from police and therapists in helping them “remember.” Many were then able to “remember” the abuse so clearly that they could provide grand jury testimony against Jesse Friedman, having somewhere acquired a vocabulary for describing the terrible events. As adults, however, many of these same witnesses present a confounding challenge to proponents of recovered memory: They have forgotten again.

Witness after witness interviewed as adults report that they vividly remember the Friedmans, the computer classes, what they learned there, where they sat, who else attended, visits to their home by police detectives, the therapists, and the drama surrounding the case – however they state today that *they have no memory of being molested*, and many believe they were not molested. Consider the conundrum facing proponents of recovered memory. They claim that children block out traumatic events and need help to recover the memories. Then children remember. Then children provide detailed testimony. And then they lose all memories of the abuse, yet retain memory of other contemporaneous and traumatic events (e.g., exposure to unfamiliar and disturbing descriptions of violent sexual abuse, aggressive police interviews, suggestive and insistent therapy).

These child witnesses and their parents were told that the only path to healing was to recall and deal with the details of their abuse. And then they did so – and then they had the therapy they were promised would bring them to terms with what happened, the therapy that was supposedly their only chance for healthy development and a good life. And then we are asked to believe that they lost the memories of abuse again? Why would that happen? Recovered memory proponents are silent on this question, perhaps because no plausible explanation exists. In fact, recovered memory proponents are silent in general these days, and any who might still cling to past beliefs would have to rename the theory. No longer could it be called simply Recovered Memory; it would have to be called ***Recovered and Then Un-recovered Memory***.

The children who were compelled to testify about mass sexual abuse have grown up, and many have in fact recovered an accurate view of reality, recovered confidence in their own perceptions, and recovered their own voices. As such, two key elements that contribute to any effective social research have now been added to the mix: Time and Truth. One result is that it is no longer acceptable to compel children to say they remember that which they do not remember.

We now know that so-called *Memory Recovery Techniques*, including hypnosis, were employed repeatedly in the Friedman case. Dr. Sandra Kaplan, the psychiatrist who worked with many of the children in the Friedman case gave a presentation in 1990, along with Drs. Pelcovitz and Green, and Detective Galasso, at a conference of the *American Professional Society on the Abuse of Children* (AACAP).⁵² The presentation addressed “the individual treatment of these children, group therapy of the children and their parents, and the use of hypnosis in the treatment of dissociation in victims” (Transcript, 1990). The children referred to are children who attended classes at the Friedmans. The abstract further discusses the process of “dissociation” and “amnesia,” noting that 6 of 15 children in a therapy group had “no memories of being victimized even though other group members [supposedly] witnessed their abuse” (Transcript, 1990).

Research (and a basic understanding of human emotion) elucidates that suggestive and insistent therapy can be damaging to children, likely part of why complainant Gregory Doe, as an adult, appears to be so profoundly damaged, at times even delusional.⁵³ In a rare moment of cogency, Gregory Doe describes his very first memory of any sexual abuse at the computer classes: “I went through hypnosis, came out, and it was in my mind. And then I started to talk about it. I know they put me into a deep trance and then I went through hypnosis and that was it.”⁵⁴

Detectives in the Friedman case told reporters in 1988 that therapists “brought out” new information about other suspects in the case, again suggesting that the children somehow buried the abuse but were able to remember it after they were pushed and probed (Motion, 2004, p. 12). One child who first alleged 8 counts of sexual abuse, later “recalled” more than 100 further counts of abuse” (Motion, 2004, p. 15).

Student Michael Epstein tells the stark story of how this kind of therapy eventually breaks down a child’s resistance:

Eventually I just consciously decided to lie and say that I had been abused, and repeat these crazy things I had heard from other kids or in the therapy or from the police. You know, the leap frog, which doesn’t even make sense... I just regurgitated everything I’ve heard from other people, because that was the only way to make it stop. I did that. I told my mom. I told Dr. Pelkovitz. And I guess pretty soon after that, it did stop and we were able to stop rehashing it over and over and over again.⁵⁵

⁵² The authors would like to review this material, however in response to requests for a tape recording of the presentation, AACAP produced only a heavily redacted tape recording from which nearly the entire talks by both Dr. Kaplan and Detective Galasso had been erased. Despite having released this document widely to the public, when asked by Jesse’s lawyers, the AACAP refused to release the full tape unless required to do so by subpoena.

⁵³ Debbie Nathan interview, 3/22/01.

⁵⁴ Gregory Doe interview, 6/6/01.

⁵⁵ Michael Epstein interview, 8/5/12.

➤ ***Why Memory-Recovery Techniques and Hypnosis Are No Longer Used***

By the mid-1990s, former patients were winning lawsuits against therapists who “helped” them remember ritual abuse (Wood, Nathan, & Nezworski, 2009, p. 84). Back in 1987, however, some therapists likely believed they were doing the right thing by using hypnosis and other techniques to help victims recall memories. In the Friedman case, the therapists were clearly influenced by the police and their insistence that all the children were abused; those who said they weren’t abused were perceived as mistaken since others reportedly saw them being abused. It’s clear today that this circular logic cannot lead prosecutors to credible information.

Elizabeth Loftus, a leading researcher in the area of repressed memories, refutes the assumption that traumatic memories are repressed because they are too horrible to remember, and that special techniques are required to uncover them: “In point of fact, there is no cogent scientific support for this repression folklore, and there is ample reason to believe that extraordinarily suggestive and prolonged searches for hidden memories can be harmful” (Loftus, 1996).

In particular, Loftus notes that there is no scientific research showing that victims of abuse are totally unaware of what happened to them. She agrees with Freudian scholar Frederick Crews, who says therapists engaging in recovered memory techniques are motivated by ideology rather than science, and they are detrimental to patients because they result in false allegations and can even destroy families (Loftus, 1996, p. 292). An extensive review of the literature on childhood trauma and memory found that “the core of such events tends to be remembered quite well” (Greenhoot & Bunnell, 2009), and that these memories persist even into adulthood, just like memories of other major events.

Dr. Oliver Sacks, esteemed professor of neurology and psychiatry at Columbia University, and now clinical professor of neurology at New York University, has extensively studied the topic of false memories. Sacks recently wrote in the *New York Review of Books*:

In our present age, descriptions and accusations of childhood abuse have reached almost epidemic proportions. Much is made of so-called recovered memories—memories of experiences so traumatic as to be defensively repressed, and then, with therapy, released from repression. Particularly dark and fantastic forms of this include descriptions of satanic rituals of one sort and another, accompanied often by coercive sexual practices. Lives, and families, have been ruined by such accusations. But it has been shown, in at least some cases, that such descriptions can be insinuated or planted by others. The frequent combination, here, of a suggestible witness (often a child) with an authority figure (perhaps a therapist, a teacher, a social worker, or an investigator) can be particularly powerful (Sacks, 2013).

Of relevance to both the students who were presented as victims in the Friedman case and the young men who were presented as offenders, and ultimately “confessed,” Sacks writes:

From the Inquisition and the Salem witch trials to the Soviet trials of the 1930s and Abu Ghraib, varieties of ‘extreme interrogation,’ or outright physical and mental torture, have been used to extract political or religious ‘confessions.’ While such interrogation may be intended to extract information

in the first place, its deeper intentions may be to brainwash, to effect a genuine change of mind, to fill it with implanted, self-inculpatory memories, and in this it may be frighteningly successful (Sacks, 2013).

As early as 1985, the Council of the American Medical Association issued a cautionary statement: “Recollections obtained during hypnosis can involve confabulations and pseudomemories, and not only fail to be more accurate, but actually appear to be less reliable than non-hypnotic recall” (Scientific Status of Refreshing Recollection by the Use of Hypnosis, 1985).

More than a decade later, the UK College of Psychiatrists came out “strongly against persuasive or suggestive psychotherapeutic techniques designed to unearth sexual abuse of which the patient has no memory” (Pope, 1998).

In 1998, the *American Psychological Association* released a report saying: “Most people who were sexually abused as children remember all or part of what happened to them,” and that while it is possible for memories that have been forgotten for a long time to be remembered, it is “also possible to construct pseudomemories for events that never occurred.” The report emphasizes that hypnosis is “not an appropriate procedure” for the goal of retrieving memories because of the “serious risk that pseudomemories may be created in trance states and of the related risk due to increased confidence in those memories....in those situations in which hypnosis is used, it is necessary to interpret the client’s responses in light of parallel measure of suggestibility and proneness to fantasy” (American Psychological Association, 1998). In this same report, the authors warn that psychologists “are not usually in a position to know the truth.”

Lief and Fetkewicz (1995) surveyed 100 individuals who alleged sexual abuse after supposedly recovering memories via therapy – and then later retracted their allegations. The authors found that suggestion from therapists was the key reason the ex-patients first reported abuse. These people who recanted also said they were seeking the approval they gained from therapists when they said they remembered abuse. These former patients reported that they got favorable attention when they reported more frequent or more extreme instances of abuse. As in the Friedman case, group therapy was used to help resistant children say they had been victimized. In fact, in two of the successful lawsuits against therapists, “improper exposure to support groups” was cited as one reason for ruling against the therapists. According to former patients, group therapy can enhance false memories because it functions as a hotbed of pressure and suggestion.

Considering the overwhelming amount of modern research that has led to the spate of acquittals in cases alleging mass sexual abuse, it is little wonder that the United States Court of Appeals made so decisive a pronouncement in their Friedman opinion:

The prevailing view is that the vast majority of traumatic memories that are recovered through the use of suggestive recovery procedures are false, and that almost all —if not all— of the recovered memories of horrific abuse from the late-1980s and early-1990s were false (Appeals, 2008).

10. Police & Prosecutors Fuel Community Hysteria

As in many of these cases, police in the Friedman case spread panic through alarming statements made to parents and news media. Seeking always to bring in more defendants and bolster the

theme of a “sex ring,” Detective Galasso asked students to look through Great Neck high school yearbooks and to point out anyone they “recognized.”⁵⁶ According to Detective Galasso, that is how they identified Jesse’s high school friend, Ross Goldstein. Soon enough, Goldstein was arrested and placed under intense pressure by police. Indeed, pressure is a required strategy when police have no physical evidence, no medical evidence, and no corroboration for statements elicited from children.

The 17-year old Goldstein named two other friends, who were then arrested and questioned (though never charged). In a telling example of how charges escalate in these cases, Ross Goldstein was accused of 118 counts of abuse, including 79 counts of sodomy – *ten times more than even alleged ring-leader Arnold Friedman*. Though these terrible crimes would carry a 50-year sentence, the DA offered Goldstein a remarkable deal: Just 6 months in the county jail and a sealed record – if he would testify against Jesse Friedman. Ross Goldstein accepted the offer. As Debbie Nathan writes:

The case had clearly been developed as a gay "sex ring"—a police fantasy rampant during the homophobic Reagan years, when Anita Bryant was denouncing gay men as child molesters, and psychiatric nurse Ann Burgess, author of 1988's *Children Traumatized in Sex Rings*, was publishing her first writings on the topic. Child protection authorities speculated about gay men organizing to move boys around the country in order to molest them and make pornography. The sex ring theory was the precursor of the "satanic" day care cases, such as the McMartin preschool in California, and Kelly Michaels in New Jersey (2003).

According to Wood et al. (2009), “Virtually all early media coverage of these so-called daycare abuse cases was uncritical and sensationalistic, [with] television programs and magazine stories credulously reporting electrifying claims” (Wood, Nathan, & Nezworski, 2009, p. 81). Although the first articles critical of these prosecutions began to appear in 1987, it was not until the McMartin acquittals in 1990 that researchers began to seriously question the validity of these cases. At the time of the Friedman case, however, the Great Neck community had no way of knowing that the other cases emerging around the country were not true and would be debunked in the years to follow. In fact, prosecutions in other states (which were subsequently discredited) further fueled the idea that mass sex abuse of children, and outlandish group and public sex games, constituted a real and growing social problem.

Jesse’s friend Judd Maltin remembers that “guilt was everywhere” and “the whole town was against Jesse.”⁵⁷ Computer student Rafe Lieber says today that “There were a group of parents that were kind of leading what I would consider to be a witch hunt.”⁵⁸ Joan Blaha, the mother of two computer students, agrees with this assessment, saying, “Oh, it was crazy...I mean people, people just really jumped on the bandwagon fast.”⁵⁹ Jesse’s lawyer Peter Panaro explains that

⁵⁶ Detective Galasso interview, 2/28/01.

⁵⁷ Judd Maltin affidavit, 12/15/03.

⁵⁸ Rafe Lieber interview, 6/4/12.

⁵⁹ Joan Blaha interview, 5/23/12.

“The parents had formed a group...and they made demands. They wanted Jesse and his father prosecuted. They wanted them incarcerated.”⁶⁰ There was pressure to test Arnold and Jesse Friedman for AIDS. Parents were even more hysterical after Dr. Sandra Kaplan advised them to test their own small children for AIDS, and to continue testing for at least 2 years, because of the disease’s “3+ year latency period.”⁶¹ These unfounded, alarmist proclamations and the inevitable publicity they engendered, contributed greatly to the atmosphere of hysteria.

Prosecutor Joseph Onorato told filmmakers that the case was a “great topic of conversation in Great Neck,” and “one of the biggest things that happened in the Great Neck community in a long time.” Onorato said parents became competitive with each other over how many times their children were abused – “sometimes there would be some minor conversation about, you know, another boy. You know, ‘he was sodomized five times, but my son was sodomized six times’.”⁶²

Though it is natural for parents to be distraught when they believe something terrible has happened to their children, in a climate of community hysteria, something far more insidious takes hold, something particularly helpful to prosecutors. As described by Pulitzer prize-winning journalist Dorothy Rabinowitz, parents became “bound by a common passion to see the offenders convicted; they sought one another out; they shared with one another details of comments they had extracted from their children...they found, in a society of others they saw as victims like themselves, a powerful bond – and in the case itself, a dream that utterly absorbed them. They lived their lives with a focus and intensity previously unknown to them” (2003, p. 232).

Community groups in Great Neck organized letter-writing campaigns, and the federal judge presiding over Arnold Friedman’s case received “maybe 500” letters from concerned citizens. They organized meetings and carpools so parents could attend court appearances. One parent reported that he was asked to help Arnold Friedman have “an accident” prior to his sentencing (Motion, 2004, p. 22). The hysteria in Great Neck added to the pressure Jesse felt to plead guilty. Despite the fact that the case involved underage victims, and one underage defendant, Judge Boklan made Friedman the first trial in the history of Nassau County in which cameras would be permitted in the courtroom. Though she herself characterized the climate around the case as “media frenzy” (Motion, 2004, p. 23), she expressed indifference about whether television coverage would negatively impact Jesse and the case: “I wasn’t that concerned about protecting the defendants. Their pictures, their names were all over the newspapers. So, their reputation at that point was not too good.”⁶³

Judge Boklan could not have more accurately described the predictable result of a relentless campaign by herself, police, and prosecutors to fuel community hysteria.

V) Why The Truth Is Important

Children at the center of these cases are often traumatized by the experience of lying about being abused. As adults, most remember the pressure of being forced to lie about the abuse, but don’t

⁶⁰ Peter Panaro interview, 6/15/12.

⁶¹ Arline Epstein notes, 1989.

⁶² Joseph Onorato interview, 3/20/01.

⁶³ Judge Boklan interview, 5/14/01.

remember the allegations they made. Most remember persistent questioning and pressure from people in positions of authority. Nathan and Snedeker note that children who made false allegations of sexual abuse are similar to those who falsely confessed to abusing children: “The authorities use the same methods to evoke false accusations as they do to win false confessions. Accused and accusers become both victims of the investigative process and victimizers of each other” (Nathan & Snedeker, 1995).

As Linda Starr, a former sex crimes prosecutor, explains in a *New York Times* article about the children at the center of the John Stoll case, “Before I met them, I didn't appreciate that these kids, who had not been sexually abused, would have experienced trauma comparable to kids who had been.” The article interviews Ed Sempley, a child who falsely accused Stoll of abuse. Sempley tells the journalist that he is tormented by his lies, and is still haunted by his inability to withstand the pressure of the police interviewers. As in the Friedman case, he was told that other boys had already accused Stoll of abuse, and that those boys claimed Sempley was also abused. Finally, Sempley broke down and told the police what they wanted to hear. Sempley can't remember his own testimony, and he wisely points out, "You don't remember the lies. You remember the truth” (Jones, 2004).

John Stoll's conviction was overturned in 2004. During his appeal hearing, Sempley and five other boys who had accused Stoll recanted their original testimony and explained that they lied because they were pressured by police. Another boy who recanted his original testimony against Stoll said he spent years in therapy trying to overcome the trauma of the sexual abuse, until he realized that he had no actual memory of being sexually abused (Jones, 2004).

Gregory Doe, the only one of the Friedman complainants with whom filmmakers have spoken who today states that he was abused, admits that he recalled the abuse only after going through hypnosis. He is clearly damaged by trauma despite years in therapy – and likely *because* of years of therapy. Loftus argues that once memories are implanted by therapists, they can often no longer be distinguished from actual memories (2003). Gregory Doe's story of abuse contains dozens of contradictions, inconsistencies, and preposterous scenarios.⁶⁴ In fact, many of the charges he now alleges, were never part of his testimony but, rather, were “borrowed” from allegations attributed to other computer students.

As early as 1995, Bruck and Ceci warned that encouraging children to make false allegations is itself a trauma. After reading the transcripts of the suggestive interviews in the cases they studied, they say it is “the interviewing techniques which we view as abusive in themselves” (Bruck, 1995). They express disbelief that adults in the case were allowed to discuss sexually explicit issues with children in blatant ways. These cases often expose young children to disturbing sexual concepts from which parents have protected children for thousands of years.

Bruck and Ceci express concern that interviewers “would be allowed to bully and frighten the child witnesses” (Bruck, 1995, p. 309), and worry that children will have long-term effects from believing they were the victims of sexual abuse when the only abuse that occurred was the intimidation of the interviewers.

⁶⁴ Gregory Doe interview, 6/6/01.

Dr. Richard Gardner, clinical professor of child psychiatry at Columbia University, wrote in 1994 about children “subjected to interrogations by police, ‘validators,’ lawyers, prosecutors, judges, juries, psychiatrists, psychologists, social workers, and self-styled ‘therapists’ — who may develop a wide variety of symptoms derived from this trauma... I refer to this as *legal process trauma*, because for these people the trauma is not sexual but the legal process” (Gardner, 1994).

In 2005, years after the McMartin case, Debbie Nathan interviewed one of the accusers, Kyle Zirpolo. He told Nathan he isn’t sure why he lied about being a victim of sexual abuse, but theorized that he did it to please his parents and the therapists. “Anytime I would give them an answer that they didn't like, they would ask again and encourage me to give them the answer they were looking for. It was really obvious what they wanted. I know the types of language they used on me: things like I was smart, or I could help the other kids who were scared” (Nathan D. , 2005). Zirpolo contacted Debbie Nathan after seeing the film *Capturing the Friedmans*, explaining that he felt ashamed seeing the impact of false accusations on a family. He told Nathan he wanted to apologize to the McMartins. Children who falsely accused John Stoll did have the chance to apologize to him. Like the McMartin defendants, Stoll doesn’t blame them, and sees them as victims of panic-fueled adults.

Kristin Erickson falsely accused her preschool teachers of sexual abuse after undergoing hypnosis. Six years after she graduated from preschool, her teacher James Toward and the school’s office manager, Brenda Williams, pled guilty to mass child sex abuse in order to avoid life sentences. After their arrest, panic ensued in the community, and psychologists warned parents at public meetings that any child who had ever entered the school was a possible victim and needed help (the same notion that was advanced by police in the Friedman case). When Erickson was 12, she was administered hypnosis to help her remember the abuse that supposedly took place. “After a few intense sessions,” she told stories of abuse. Soon after, a therapist not associated with the case opposed hypnosis and suggested it would be better to wait until the memories “come up naturally” when the child becomes an adult. Erickson then tried to forget about the incident and it became a “dark secret” in her life. As Erikson matured, she “demonized” her abusers, and “blamed my possible preschool abuse for bouts of sadness, anger, and unsuccessful relationships.” The abuse that had never occurred was a harmful ghost throughout her life.

After watching *Capturing the Friedmans*, Erickson contacted several people who believed her preschool teachers to be innocent. Erickson learned there was no evidence in the case beyond the statements of the children. Erickson, now a composer, wrote the 2008 opera *Recantata* about the injustices suffered by the teachers as the result of statements elicited from children.

Erickson has attempted to deal creatively with the trauma she suffered as a false accuser and a victim of “therapy.” Through her statements and her art, she makes clear that falsely accusing others is traumatic and has lifelong psychological effects (Erickson, 2009).

As an adult, Friedman student Michael Epstein has described the years of therapy he had with Dr. David Pelcovitz, who worked closely with detectives. Epstein found that Dr. Pelcovitz “was totally convinced” he had been abused, and saw his job as “trying to get me to remember and/or admit that these things had happened”.⁶⁵

⁶⁵ Michael Epstein interview, 8/5/12.

Though he eventually capitulated and agreed to say he was abused (repeating details he'd heard from others⁶⁶), Epstein reports that when “they asked me if I wanted to testify, I said ‘No, I don’t.’ Because I knew I was lying.”

Epstein only recently told his mother that he lied about being abused by the Friedmans, and that he was never a victim of any sexual molestation. A 2012 email from mother to son contains Arline Epstein’s first response (partly excerpted here):

Dear Mike, Wow this is huge. I’m stunned. In a good way mostly. So much to talk about. I’m very grateful to have this old history cracking open, and that we can talk about and shed some light on what happened and what did not happen. ... Thank you for saying that you don’t resent us. That means a lot. One of the most important things to realize is that once the police and DA were convinced that children were abused by the Friedmans, they, and especially the psychologists, stressed that it would be so much healthier for the kids if they were able to acknowledge what had happened to them. That obviously set up an insidious situation of applying persuasion and pressure on the children to have them speak about it. ... I saw my role as helping you to talk about it in as gentle a way as I could. Yikes, that must have been hellish for you. I am so deeply, painfully sorry for all the stress and distress and confusion and angst, and many other emotions that you went through at that time and in the aftermath. I also terribly regret anything that I may have done to hurt you in any way. Ironically, for the past twenty-five years, one of the greatest regrets of my life was that I didn’t somehow protect you from the Friedmans. So I guess I’d have to say this comes as a relief. Still, I did not protect you from the craziness around what didn’t happen.

Arline Epstein’s email eloquently conveys truths that have led to profound healing in her family – the same healing that could become available to hundreds of other families who were told by police that their children had been molested. She realizes now that her son had no choice but to lie, given pressure from the police, therapists, and even her own efforts to get him to disclose the alleged abuse. She retained a cryptic note written by her then-9-year old son:

“IDWTTAI!”

“IDR!”

“IL !”

25 years later, after revisiting these events with her son, she understands (and he confirms) what he was trying to communicate:

“I don’t want to talk about it!”

“I don’t remember!”

“I lied!” ⁶⁷

⁶⁶ Michael Epstein interview, 8/5/12.

⁶⁷ Arline Epstein notes, 1989.

VI) Conclusions

We now know so many things that were unknown to Jesse Friedman and his defense counsel at the time of the case. A few examples:

- No child ever made any allegation or complaint against Jesse until *after* the police launched their investigation;
- The first 30 children questioned said they had not been abused;
- All charges against Jesse arose from statements of child witnesses – and all were based on statements made after the application of suggestive questioning methods;
- Children who attended classes alongside every one of the 14 complainants saw no abuse in those classes;
- There was *no physical or medical evidence* of abuse;
- Police never found pornographic pictures or videos that they alleged existed;
- All of the above and more was known by prosecutors and illegally withheld from Jesse's defense lawyer, and
- There was clear misconduct on the part of police, prosecutors, and the judge.

Most other mass sex abuse convictions of the time have now been overturned and corrected (to the degree that is possible), but the case of Jesse Friedman is ongoing. It is not resolved, and accordingly, there remains a profound opportunity to begin healing for the many victims of the case. First, there are the people who were compelled as children to testify falsely, children who were persuaded they were victims of sexual abuse, and who were certainly victims of the criminal justice system. There are Jesse Friedman and Ross Goldstein who as teenagers, were forced to plead guilty and go to prison. There are the many families that built their lives on the foundation that their sons had been sodomized. There are police officers and prosecutors who likely now believe their case was profoundly flawed. Even they have a chance to heal. As poet Leonard Cohen writes, "There is a crack in everything – that's how the light gets in."

The Appeals Court judges who reviewed the conviction ruled that there is, in effect, a crack in the Jesse Friedman case – and in the processes that led to it. As of this writing, the Nassau County District Attorney has not completed her review of the case. She has the opportunity to be guided by the light that is now shining on her community – and she is in the best position to heal so many people.

The US Court of Appeals described the "ethical obligation of the District Attorney to seek justice," and they made a pointedly personal comment when they referred to her as "the current Nassau County District Attorney, *who was not responsible for the investigation and prosecution of Jesse Friedman.*"

The Court of Appeals ruling makes clear that this review is meant to be about "***the means by which his conviction was procured.***"

That includes assessing the "quality of the evidence," which the Court found to be "*extraordinarily suspect.*" A fair review will assess the merits of the actual, specific charges brought against Jesse Friedman – and not rest on the notion that "Something Must Have Happened."

Unlike most students of social science, the authors here do not know the outcome of the case that has been central to this study. It is possible, despite the mountain of exculpatory evidence that has emerged in the years since the case was adjudicated, that the current District Attorney will say she found no problems with the case, and will re-affirm the conviction of Jesse Friedman.

More hopefully, she will conclude that the investigation, prosecution, and conviction were flawed, and she will take purposeful steps to correct what happened. Hopefully, she will acknowledge that advances in social science invalidate the old testimony, just as other prosecutors have corrected so many judicial errors by applying the science of DNA.

Jesse Friedman poses no risk to children – but the *idea* of Jesse Friedman as a violent and sadistic sexual offender is currently hurting many people, people who listened to and believed what those in authority told them to believe, way back when.

The sorrowful legacy of the Friedman case endures: Jesse Friedman lives with the stigma of being designated a Level III Violent Sexual Predator. Ross Goldstein lives with some of the same challenges. Hundreds of children grew up with the stigma of being sexual abuse victims. While Jesse spent 13 years in prison, these hundreds of children and their families spent those same years (and more) in another kind of prison. They were sent there by the actions and inactions of police officers, therapists, a judge, and a district attorney.

Today, another district attorney can set them free.

Works Cited

- American Psychological Association, W. G. (1998). Final conclusions of the American Psychological Association Working Group on Investigation of Memories of Child Abuse. *Psychology, Public Policy, and Law*, 4 (4), 933-940.
- Association, A. P. (2000). *Position Statement on Therapies Focused on Memories of Childhood Physical and Sexual Abuse*. American Psychiatric Association.
- Bandes, S. (2007). The Lessons of Capturing the Friedmans: Moral Panic, Institutional Denial and Due Process. *Law, Culture and the Humanities*, 3, 293-319.
- Best, J. (1990). *Threatened Children: Rhetoric and Concern about Child-Victims*. Chicago: The University of Chicago Press.
- Bradley, A., & Wood, J. (1996). How do children tell? The disclosure process in child sexual abuse. *Child Abuse & Neglect*, 20, 881-91.
- Bruck, M. a. (1995). Amicus Brief for the Case of the State of New Jersey v. Michaels Presented by Committee of Concerned Social Scientists. *Psychology, Public Policy, and Law*, 1 (2), 272-322.
- Cahill, M. E. (1977). *Sexually Abused Children - Fact, Not Fiction - Hearings Before the House Subcommittee on Crime*. 95th Congress, 1st Session, May 23, 25, June 10 and September 20.
- Ceci, S. J., & Friedman, R. D. (2000). The Suggestability of Children: Scientific Research and Legal Implications. *Cornell Law Review*, 86 (33).
- Cohen, S. (2002). *Folk Devils and Moral Panics*. Abingdon, Oxon, UK: Routledge.
- De Becker, G. (2000). *Protecting the Gift*. NY, NY: Dell.
- De Becker, G. (1999). *The Gift of Fear*. New York, NY: Random House.
- Erickson, K. G. (2009, January). *Musical Theater - An Investigation: Thesis submitted in partial fulfillment of the requirements for the MFA Degree, Mills College*. Retrieved November 10, 2012, from <http://www.kevyb.com/portfolio/wp-content/uploads/2009/10/RecantataPaper.pdf>
- Friedman v. Rehal, Dennison, and Cuomo, 08-0297 (U.S. Court of Appeals for the Second Circuit August Term 2008).
- Gardner, R. (1994). *The Sex-Abuse Time-Line Diagrams*. Retrieved February 23, 2013, from IPT-Forensics: http://www.ipt-forensics.com/journal/volume6/j6_3_5.htm
- Greenhoot, A., & Bunnell, S. (2009). Trauma and Memory. In J. Mongetta, J. Salerno, C. Najdowski, B. Bottoms, & G. Goodman, *Children as Victims, Witnesses, and Offenders* (pp. 36-56). NY: Guilford.
- Grossman, S. (2011). Hot Crimes: A Study in Excess. *Creighton Law Review*, 45, 33-86.
- Hardy, D., Nachman, D., Penn, S. (Producers), Hardy, D., & Nachman, D. (Directors). (2008). *Witch Hunt* [Motion Picture].

- Harris, S. (2010). NIJ Journal No. 267, NCJ 233282. 267.
- Hershkowitz, I. H. (2005). Trends in children's disclosure of abuse in Israel: A national study. *Child Abuse & Neglect*, 29, 1203-1214.
- Jenkins, P. (1998). *Moral Panic: Changing Concepts of the Child Molester in Modern America*.
- Jones, M. (2004, September 19). Who Was Abused? *The New York Times*.
- Kuehne, K. a. (2010). Child Sexual Abuse Suspicions: Treatment Considerations during Investigation. *Journal of Child Sexual Abuse*, 19, 554-571.
- Layton, B. (Director). (2012). *The Imposter* [Motion Picture].
- Loftus, E. (1996). Memory Distortion and False Memory Creation. *Bulletin of the American Academy of Psychiatry*, 24 (3).
- Loftus, E. (2003). Our changable memories: legal and practical implications. *Nature*, 231-233.
- London, K. B. (2005). Disclosure of Child Sexual Abuse: What Does the Research Tell Us About the Ways Children Tell? *Psychology, Public Policy, and the Law*, 11 (1), 194-226.
- Lyon, T. (1995). False Allegations and False Denials in Child Sexual Abuse. *Psychology, Public Policy, and the Law*, 1 (2), 429-437.
- Maran, M. (2012, September 20). "My Lie": Why I falsely accused my father. Retrieved November 11, 2012, from Salon: http://www.salon.com/2010/09/20/meredith_maran_my_lie_interview/
- McMurtrie, J. (2005). The Role of the Social Sciences in Preventing Wrongful Convictions. *American Criminal Law Review*, 42 (1271).
- Memorandum of Law in Support of Motion to Vacate Defendant's Conviction Pursuant to N.Y. Crim. Proc. Law 440.10, 6710, 67430, 69783 (County Court of the State of NY, County of Nassau January 7, 2004).
- Nathan, D. (2003, May 20). Complex Persecution A Long Island Family's Nightmare Struggle With Porn, Pedophilia, and Public Hysteria. *The Village Voice*.
- Nathan, D. (2005, October 30). I'm Sorry A long-delayed apology from one of the accusers in the notorious McMartin Pre-School molestation case. *Los Angeles Times*.
- Nathan, D., & Snedeker, M. (1995). *Satan's Silence: Ritual Abuse and the Making of a Modern American Witch Hunt*. New York: Basic Books.
- Newsday. (1988, June 23). New Arrest in Child-Sex Case. *Newsday*.
- Olafson, E. (2012). A Call for Field-Relevant Research about Child Forensic Interviewing for Child Protection. *Journal of Child Sexual Abuse*, 21 (1), 109-129.

- Orbach, Y. H. (2000). Assessing the Value of Structured Protocols for Forensic Interviewing of Alleged Child Abuse Victims. *Child Abuse & Neglect*, 24 (6), 733-752.
- Pope, H. G. (1998). Recovered memories of childhood sexual abuse: The Royal College of Psychiatrists issues important precautions. *BMJ*, 316 (488).
- Rabinowitz, D. (2003). *No Crueler Tyrannies: Accusation, False Witness, and Other Terrors of Our Times*. New York: Wall Street Journal Books.
- Sacks, O. (2013, February 21). Speak, Memory. *The New York Review of Books*.
- Scientific Status of Refreshing Recollection by the Use of Hypnosis. (1985). *JAMA*, 253 (13), 1918-1923.
- Summit, R. (1983). The Child Sexual Abuse Accomodation Syndrome. *Child Abuse & Neglect*, 7, 177-193.
- Summit, R., & Kryso, J. (1978). Sexual Abuse of Children: A Clinical Spectrum. *American Journal of Orthopsychiatry*, 48 (2).
- Transcript, A. P. (1990). Health Science Response to Child Maltreatment Conference., January. San Diego, CA.
- University of Michigan Law School and Northwestern Law School. (2013). *The National Registry of Exonerations*. Retrieved from <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>
- Van de Kamp, A. G. (September 1996). *Report on the Kern County Child Sex Abuse Investigation*.
- Wood, J., Nathan, D., & Nezworski, M. T. (2009). Child Sexual Abuse Investigations: Lessons Learned from the McMartin and Other Daycare Cases. In B. L. Bottoms, C. J. Najdowski, & G. S. Goodman, *Children as Victims, Witnesses, and Offenders: Psychological Science and the Law* (pp. 81-101). New York: The Guilford Press.