

The McMartin Preschool Abuse Trial

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Background

The McMartin Preschool case was one of the earliest and largest child sexual abuse cases in this country. Although none of those charged were ever convicted, the 28-month trial was one of the longest and costliest criminal prosecutions in U.S. history, with seven years and \$15 million spent investigating and prosecuting the case. The McMartin case is often cited as triggering a wave of preschool sexual abuse cases during the mid-1980s. In its wake, the McMartin case left hundreds of emotionally damaged children, as well as ruined careers for members of the McMartin daycare staff. Ray Buckey, one of the principal defendants in the case, spent five years in jail awaiting trial for a crime that today he is widely acknowledged to have never committed.

The McMartin case originated with a call to police in Manhattan Beach, California by the mother of a young boy who briefly attended the McMartin Preschool. The mother reported that a school aide, Ray Buckey, had molested her son. Despite the fact that the young boy was unable to identify Ray from photos, and medical investigations of the boy showed no signs of sexual abuse, Buckey was arrested.

The mother's reports of misbehavior at the McMartin Preschool became increasingly bizarre. Eventually most prosecutors came to recognize her allegations as the delusions of a paranoid schizophrenic. The District Attorney's office handed a major portion of the continuing investigation over to Kee MacFarlane, a consultant for an agency for the treatment of abused children known as CII. Parents were encouraged to send their children to CII for interviews, and 400 children were interviewed. Children generally denied seeing any evidence of abuse at first, but eventually many gave MacFarlane the stories that she clearly wanted to hear. In addition to interviews, 150 children received medical examinations. Conclusions that 80% of the children examined had been molested were based not on physical evidence, but on medical histories and the examiner's belief that "any conclusion should validate the child's history."

Ray Buckey and six others were indicted on 115 counts of child sexual abuse. Two months later, an additional 93 indictment counts were added, as the DA pursued a strategy of hyping the McMartin case to boost his chances in an upcoming primary election. By September 1985, and well over a year into the preliminary hearing, some members of the prosecution's team began to express doubts about the case. The decision was made to drop charges against all defendants except Ray and Peggy Buckey, Ray's mother.

On November 2, 1989, after nearly thirty months of testimony, the case went to the jury. The jury spent two-and-a-half months deliberating. Peggy Buckey was acquitted on all counts, and Ray Buckey was acquitted on fifty-two of the sixty-five charges against him. Of the thirteen remaining charges against him, the jury announced that it was hopelessly deadlocked. The jury foreperson said, "The interview tapes were too biased; too leading."

Child protection groups and parents pressured prosecutors to retry Ray Buckey. The second trial was a much more focused proceeding. The jury deadlocked. Following the mistrial, the DA chose not to retry Buckey a third time and all charges against him were dismissed.

The Panelists

Tonya Craft was born and raised in Chattanooga, Tennessee, by two wonderful parents. Immediately following high school, Tonya attended the University of Tennessee at Chattanooga with the desire to become an educator. Tonya obtained her Bachelor of Science in Education and began teaching at the middle school level, but soon found her niche with elementary students. Soon, Tonya faced life as a single mother and created a personal training business and took a position as a literacy trainer with UT Chattanooga. As a single mother, she worked and went to school full-time, graduating with a Master's Degree in Education with a reading and literacy specialization. She soon began teaching kindergarten in Northern Georgia. In May of 2008, however, Tonya's life would change forever. Falsely accused of child molestation she lost her home, her career, her reputation, her financial stability, and most importantly, her two children. Years of struggling with the judicial system educated Tonya more than any textbook, professor, or seminar ever could. She eventually won her court case, acquitted on all 22 counts. Since then, Tonya has served as a consultant on a variety of child molestation cases. She is pursuing a law degree and is committed to helping others trapped in similar situations. She lives near Chattanooga with her two children.

Dawn Deaner is the Metropolitan Public Defender for Nashville-Davidson County, and was most recently reelected to that position in 2014. Before becoming the Public Defender in 2008, Dawn spent 11 years as an Assistant Public Defender in Nashville, and a year at the Metropolitan Department of Law. She also taught Trial Advocacy at Vanderbilt University Law School for many years. Dawn earned a Bachelor of Arts degree in English from Columbia College in 1993, and her law degree from George Washington University Law School in 1996. In addition to membership in several legal organizations, Dawn serves on the Family Reconciliation Center Board, the Mayor's Criminal Justice Steering Committee, and the Davidson County Community Corrections Advisory Board. She was recently elected to the Executive and Steering Committees of the National Association for Public Defense. She is a member of the 2015 Leadership Nashville Class, the 2009 Tennessee Bar Association Leadership Law Class, and the 2010 Leadership Donelson-Hermitage Class.

Steve R. Dozier was appointed by Governor Don Sundquist, on December 12, 1997, to fill the unexpired term of the late Thomas H. Shriver. The appointment was made after Judge Dozier's name was submitted to the Governor by a statewide bipartisan Judicial Selection Commission. Prior to his appointment, Judge Dozier had been an Assistant District Attorney General for nine

years and had served as a Team Leader in the Criminal Courts. Judge Dozier also practiced for five years in the law firm of Williams, Smith & Dozier. Judge Dozier's career includes twenty years of service in the General Sessions and Criminal Courts of Davidson County, which includes serving as law clerk for the Honorable J. Randall Wyatt, and an in court clerk for retired Supreme Court Justice Adolpho A. Birch. Judge Dozier has experienced criminal cases from the perspective of a prosecutor, a defense attorney, a clerk and a judge. He has presided over high profile nationally televised criminal cases. Judge Dozier is married to Lisa Jackson Dozier. They have three daughters. He is a native Nashvillian, receiving his undergraduate degree from Vanderbilt University and his law degree, with honors, from the Nashville School of Law. He currently teaches Evidence at the Nashville School of Law, is a member of Nashville Bar Association and Harry Phillips Inns of Court.

Dr. Bradley Freeman is an Assistant Professor of Clinical Psychology Vanderbilt University. He completed a fellowship in forensic psychiatry as well as child and adolescent psychiatry. He is board certified in general psychiatry, child and adolescent psychiatry, and forensic psychiatry. Dr. Freeman is also a member of Vanderbilt Forensic Services, which provides psychiatric expertise to legal situations. In addition, he consults with the Eating Disorders Team at Monroe Carell Jr. Children's Hospital at Vanderbilt, leads an inpatient child and adolescent treatment team, and works with the Center of Excellence providing consultation for children in state custody. Dr. Freeman also participate in the teaching of both adult psychiatric residents and child and adolescent fellows.

Sandy Garrett is Chief Disciplinary Counsel for the Board of Professional Responsibility of the Supreme Court of Tennessee. Sandy has been with the Board of Professional Responsibility since October, 1992. She earned her J.D. degree from Vanderbilt University in 1989. She is the former Chairperson of the Tennessee Bar Association Young Lawyers Ethics Committee and Co-Chair of the American Bar Association Young Lawyers Section Ethics Committee and is currently a member of the Harry Phillips American Inn of Court. Sandy has supervised the Board's litigation section and was instrumental in developing and implementing the Board of Professional Responsibility's diversion program.

Demetria Kalodimos is an award-winning broadcast journalist, a documentary and music video producer, and a lifelong and patient fan of the Chicago Cubs and Bears. Demetria anchors Channel 4 news at 6, 6:30 and 10, and is the longest continuous evening news anchor in WSMV history. In 2007, Demetria was awarded an Honorary Doctor of Humane Letters from Illinois Wesleyan. She began her TV career at WICD, Champaign, Ill., as an anchor/reporter. In 1984, she was chosen in a nationwide search to join Dan Miller on the anchor desk at WSMV. At Channel 4, Demetria has won 15 Emmys, two National Headliner Awards, two Investigative Reporters and Editors National Awards, the Edward R. Murrow Award for Investigative Reporting and two national citations from American Women in Radio and Television. In 1996, she was chosen Tennessee Associated Press Broadcaster of the Year.

Victor S. (Torry) Johnson III served as the elected District Attorney General of Metropolitan Nashville and Davidson County, Tennessee for more than twenty-six years before retiring at the conclusion of his third full term in August of 2014. He received his undergraduate degree from Hamilton College and returned to Nashville to attend Vanderbilt University Law School. After

graduation, he was a law clerk to the Hon. William E. Miller of the United States Court of Appeals for the Sixth Circuit. He then joined the District Attorney's Office in Nashville where he spent six years handling a wide variety of criminal cases. He established and headed up the Special Prosecution Unit that focused its efforts on the arrest and conviction of career offenders. After three and a half years with a local law firm, he re-joined the District Attorney's Office until his appointment as District Attorney. As District Attorney, he developed special units that focused on child sexual and physical abuse, domestic violence, complex drug cases, drunk driving, quality of life crimes, and cold case homicides. He also devoted considerable resources to help and support crime victims while in the court system. During his career as District Attorney, he held leadership positions with the National District Attorneys Association and the Tennessee District Attorneys General Conference and was a member of the Boards of Directors of both the Tennessee and Nashville Bar Associations. He served on the American Bar Association's Task Force on the Federalization of Criminal Law and has been a part of other task forces and commissions dealing with various topics of criminal law and sentencing. Over the years, he has been recognized with a number of awards for his contributions to victims' issues, and the legal profession. In April of 2014 he received the Distinguished Service Award from Vanderbilt University Law School.

Kristen Menke is a member of the MMRS Law firm. She is a former prosecutor and experienced trial lawyer. Kristen is a graduate of the University of Tennessee and the University of Memphis Cecil C. Humphreys School of Law. She began her career with Family and Children's Services, working as an advocate in the then newly established Relative Caregiver Program. After law school, she immediately began work as a judicial law clerk with Judge Thomas Woodall, Tennessee Court of Criminal Appeals, laying the foundation for her future as a prosecutor in the District Attorney's Office. While at the D.A.'s Office, Kristen specialized in the prosecution of child sexual and physical abuse cases, including child sexual exploitation cases in the increasingly complex era of digital and social media. Kristen has an extensive family practice: divorce, alimony, parenting plans, child support, property disputes, adoption, same-sex legal rights, as well as long-term personal and family business relationships. Her practice also includes criminal defense work. Kristen is also listed as a Rule 31 mediator.

Additional McMartin Case Resources

University of Missouri-Kansas City, Famous Trials: The McMartin Preschool Abuse Trial, <http://law2.umkc.edu/faculty/projects/ftrials/mcmartin/mcmartin.html> (contains transcript excerpts, analysis, interviews, and related research).

Clyde Haberman, *The Trial That Unleashed Hysteria Over Child Abuse*, NEW YORK TIMES, March 9, 2014, <http://www.nytimes.com/2014/03/10/us/the-trial-that-unleashed-hysteria-over-child-abuse.html> (article and documentary).

Robert Reinhold, *The Longest Trial – A Post-Mortem; Collapse of Child-Abuse Case: So Much Agony for So Little*, NEW YORK TIMES, January 24, 1990, <http://www.nytimes.com/1990/01/24/us/longest-trial-post-mortem-collapse-child-abuse-case-so-much-agony-for-so-little.html?pagewanted=all>.

CBS Los Angeles, *30 Years Later, Key Figures Reflect On McMartin Preschool Case*, August 4, 2014, <http://losangeles.cbslocal.com/2014/08/04/30-years-later-key-figures-reflect-on-mcmartin-child-abuse-case/>.

Kyle Zirpolo (as told to Debbie Nathan), *I'm Sorry: A long-delayed apology from one of the accusers in the notorious McMartin Pre-School molestation case*, LOS ANGELES TIMES, October 30, 2005, <http://articles.latimes.com/print/2005/oct/30/magazine/tm-mcmartin44>.

EDGAR BUTLER, AND HIROSHI FUKURAI, JO-ELLAN DIMITRIUS AND RICHARD KROOTH, *ANATOMY OF THE MCMARTIN CHILD MOLESTATION CASE*, University Press of American, 2001.

John Earl, *The Dark Truth about the Dark Tunnels of McMartin*, ISSUES IN CHILD ABUSE ACCUSATIONS, Vol. 7, #2, 1995, http://www.ipt-forensics.com/journal/volume7/j7_2_1_1.htm.

PAUL AND SHIRLEY EBERLE, *THE ABUSE OF INNOCENCE: THE MCMARTIN PRESCHOOL TRIAL*, New York: Prometheus, 1993.

DEBBIE NATHAN AND MICHAEL SNEDECKER, *SATAN'S SILENCE: RITUAL ABUSE AND THE MAKING OF A MODERN AMERICAN WITCH HUNT*, New York: Basic Books, 1995.

INDICTMENT: THE MCMARTIN TRIAL (Mali Films, 1995) (Oliver Stone, dir.).

Related Resources

INDELIBLE: THE CASE AGAINST JEFFREY WOMACK (Genuine Human Productions 2012) (Demetria Kalodimos, writer/reporter/producer), <https://vimeo.com/55902286>.

TONYA CRAFT, *ACCUSED: MY FIGHT FOR TRUTH, JUSTICE AND THE STRENGTH TO FORGIVE* (BenBella Books 2015).

Tyler Jett, *The last chapter of the Tonya Craft case*, CHATTANOOGA TIMES FREE PRESS, Sept. 7, 2015, <http://www.timesfreepress.com/news/local/story/2015/sep/07/last-chapter-tonycraft-case/323817/>.