The Witch Hunt Narrative: Rebuttal


Instead, Cheit says, a conspiracy of journalists, defense attorneys, social scientists, and critics of the criminal justice system invented a “witch hunt narrative” (WHN), manipulating the facts to link a few, disparate, anomalous cases of convictions on outlandish sex crimes charges to make them look like a mass hysteria. The resultant suspicion of children’s testimony, he says, has gravely harmed efforts to protect children from sexual abuse.

In seeking to prove that the witch hunt never happened, Cheit uses the classic tactics of a witch hunt:

- He denies major documented cultural trends and historical events.
- He perpetrates countless factual errors, distortions, and omissions, and traffics in unproven innuendo to re-prosecute the innocent and those who defend them.
- He turns agreement among eminent scientists and legal scholars on an issue—for example, that children’s testimony (like adults’) can be confabulated and that memories can be distorted—into conspiracy.
- While accusing the alleged conspirators of having a bias toward innocence—a bias shared, one must note, by the U.S. Constitution—Cheit uncritically advances a bias toward guilt. He adopts the prosecution’s narrative in virtually every case, pooh-poohing or excluding exculpatory evidence.

NCRJ cannot—nor do we not want to waste our resources trying to—rebut every one of Cheit’s errors. We offer only a few samples. You can read more about our cases here or donate to help NCRJ free the innocent and educate the public about criminal injustice and the still-reverberating sex panic.

- **Cheat turns agreement** among scientists, journalists, and legal scholars into conspiracy. The malevolent and naive perpetrators of the WHM include but are not limited to: journalist Debbie Nathan and attorney Michael Snedeker (authors of *Satan’s Silence*, the definitive book on the daycare and satanic panic cases); the Memphis Commercial-Appeal reporting team Shirley Downing and Tom Charlier; eminent research psychologists Maggie Bruck and Stephen Ceci; PBS *Frontline*, *Harpers*, *The New Yorker*, judges of the New Jersey Supreme Court, and the Centers for Disease Control.

- **Denial of history**

  Cheit argues there was no satanic or daycare abuse panic in the 1980s and ’90s. “A few lightning strikes do not create a national lightning epidemic,” Cheit writes (WHN 88). “[T]he grains of truth in the WHN do not prove a major social trend.” (WHN 195) He claims there “are no national data” of a widespread sex panic or witch hunt (WHN 150).

In fact, if daytime television did not persuade you of a national scare, the research data overwhelmingly do:

1. **Even trained skeptics accepted bizarre claims.**

   - In 1984 two Congressional subcommittees held hearings on daycare abuse. In its report, the *New York Times* said that Kee MacFarlane “stunned the audience” with her testimony about “a conspiracy, an organized operation of child predators designed to prevent detection” that “may have greater financial, legal, and community resources at its disposal than those attempting to expose it.” The *Times* identified MacFarlane, one of the architects of the daycare panic, as “nationally recognized expert in the treatment of sexually abused children.” No Congressperson or witness challenged her claims. Neither did the *Times* reporter.

2. **Professionals nationwide encountered such claims.**

   - A study by sociologist David Finkelhor and others identified 270 substantiated daycare cases involving both ordinary sexual abuse and a substantial percentage of “satanic ritual” scenarios, and 382 accused perpetrators—in just three years’ time.
   - The American Bar Association surveyed prosecutors in 1993 and reported that more than a quarter had handled at least one case with elements of ritual abuse.[i]
   - In 1998, the *Seattle Post-Intelligencer* noted that from 1980 to 1992 in 48 states, at least 311 “child sex rings” had been investigated by authorities.[ii]
   - In a 1995 survey of clinical members of the American Psychological Association, American Psychiatric Association, and National Association of Social Workers, conducted for the National Center on Child Abuse and Neglect, 31 percent of respondents said they’d encountered at least one ritual or religion-related abuse case, and some had seen hundreds.

3. **There was no evidence of cult-like satanic abuse.**

   - The U.S. Dept of Health and Human Services spent over $400,000 from 1989 to 1993 surveying thousands of health professionals, district attorneys, police departments and social services agencies nationwide. Of the 12,000 accusations of group cult sexual abuse based on satanic ritual reported, the investigation found not one shred of physical forensic substantiation.

4. **Yet public credulity persisted.**

   - A 1994 survey of 500 people nationwide by the women’s magazine Redbook found that 70 percent “believe that at least some people who claim they were sexually abused by satanic cults as children were telling the truth, and 32 percent thought police were ignoring the evidence.”[iii] The most recent ritual abuse convictions date to as late as 2010.

**Chiet’s factual errors, distortions, and omissions include:**

1. **Denying that satanic abuse trials were about satanic abuse.** In many cases, Chiet reports (sometimes accurately) that the accusations began with credible stories of unsensational child sexual abuse. He claims that the charges always emerged spontaneously from children. He argues the conspirators ignored these early reports and exaggerated the role of satanic charges in the trials and convictions to advance the WHN.

   - In the case of Frances and Daniel Keller, convicted in 1992 of satanic abuse at their daycare in Austin, TX Chait writes: “[T]he outlandish claims were not part of the original criminal case against [Fran and Dan Keller], and they apparently involved only a small number of the parents and children who were interviewed in the case.” (WHN 145)

In fact, satanic ritual abuse was at the heart of the criminal allegations against the Kellers and dominated the investigation and trial. Donna David Campbell, the therapist who reported the first allegations from the three-year-old girl in the case, was a confirmed believer in satanic ritual abuse and sought out a supposed expert to advise her. At the Keller trial, the prosecutor put psychologist Randy Noblitt on the stand to persuade the jury that satanic ritual abuse was real and widespread and that the children in the case showed evidence of having been ritually abused. After the trial, an “American Justice” television episode interviewed
the police and sheriff’s deputies who had investigated the case and reported lurid details suggestive of ritual abuse.

2. Reliance on discredited forensic medicine.

Chait acknowledges that medical knowledge has advanced over the past generation when it comes to accurately diagnosing child sex abuse while avoiding false diagnoses. Yet in page after page WHN refers to discredited medical findings as valid evidence that ritual sex abuse defendants were guilty. **A few examples:**

- **In the McMartin Preschool** case (Manhattan Beach, Los Angeles County, Calif. 1983) (WHN 59-69) the first child accuser spent weeks suffering from a red, excoriated and sometimes bleeding perianal area. Swabs were taken during his sex abuse exam. Their test results were attached to hospital records Cheit was provided years ago by NCRJ board members and Satan’s Silence authors Debbie Nathan and Michael Snedeker. The results indicated the preschooler harbored staphylococcus and streptococcus in his rectum. Today, pediatricians recognize that these organisms, especially in young boys, are common and can cause a skin condition known as perianal strep dermatitis, unrelated to trauma or abuse. The condition’s many symptoms are identical to those observed by doctors who examined the McMartin child, during a time before strep dermatitis was widely recognized by pediatricians. Doctors examined the boy after his mother told the police he had been sodomized, and they accepted the claim. Cheit either is unaware of newly identified, non-sex-abuse-related conditions such as perianal strep dermatitis, or he ignores them.

- **In the case of Frank and Ileana Fuster**—owners of Country Walk daycare in Florida—the only strong medical evidence that Frank had engaged in assaultive sexual behavior was one positive test for gonorrhea of the throat, performed on Frank’s six-year-old son, Noel. Based on data from a medical article published in 1983, a year before the Fuster case surfaced, Cheit wrongly claims nearly 100 percent accuracy of a confirmatory test for throat gonorrhea, done after a swab from Noel’s throat was cultured. A former gonorrhea expert for the Centers for Disease Control later characterized that article as showing the test, called RapID NH, could produce a significant rate of false positive results. Since then three studies, published in 1985, 2005, and 2010, confirm the same, particularly when the sample being tested comes from a child’s throat. One U.S. researcher specifically cites the Fuster case as a cautionary example of the “serious legal ramifications” of a “misidentification of an STI in a child.” Cheit denounces the CDC expert for his conclusions and mentions none of the subsequent studies. (WHN 328-9)

- **In his discussion of the Kniffen/McCuan** cases (Kern County, Calif., 1982-5), Cheit insists that examinations conducted by Dr. Bruce Woodling, the prosecution’s chief medical witness, showed “a very strong indication of sodomy” in one of the two boys allegedly abused. (WHN 121). In fact, Dr. Woodling testified that he found no evidence of scars, tears, fissures, or previous trauma in either this child or his brother.[iv] Furthermore, Woodling’s testimony was firmly undone by Dr. David Paul, a registered practitioner at the Department of Forensic Medicine at Guy’s Hospital, London and former chair of the medical section of the British Academy of Forensic Sciences[v]. Paul reviewed photographs Woodling took of the four child witnesses’ anal and vaginal areas and testified that there was nothing in any of the photographs that evidenced penile penetration.[vi] Woodling based his conclusion—and the prosecution, its case—that the boys had been sodomized solely on the “wink response” he elicited in all four children.[vii] He was referring to the idea that if a child’s anus dilated rather than contracted when stimulated, that was incontrovertible proof of chronic sodomy. Cheit acknowledges that the “wink response” has been thoroughly discredited as forensic evidence of abuse. Normative studies of children’s anal areas show that over half of non-abused children will have the same response.

3. Dismissal of the contaminating effects of suggestive questioning of children—from which every false allegation of ritual abuse originated.

- **Chiet singles out for particular contempt the cognitive psychologists Drs. Stephen Ceci and Maggie Bruck** (e.g., WHN 355 ff), whose work has been instrumental in understanding how suggestive and coercive questioning of children operates and in exposing its use in the daycare and satanic abuse prosecutions. In the case of **Margaret Kelly Michaels**, convicted of satanic abuse in a
Newark, NJ, daycare, for instance, he seeks to discredit a Concerned Scientists amicus brief for the defense based on such research, because it “did not distinguish between interviews after a child had made a disclosure and interviews before that.” (WHN 356) That is, he suggests that all accusations of child abuse related to the authorities by parents arose spontaneously from the children and were true. In fact, as later research has shown, parents also may subtly encourage or manipulate children into making false accusations, while mistakenly recalling that they have not done so.[ix]

But stopping his investigation in the early 1990s, Cheit ignores two decades of scientific research confirming Ceci’s and Bruck’s early findings and showing how not only state investigators, prosecutors, and judges but also parents—at times wittingly but more often unwittingly—can lead, and have led, children to make false accusations of abuse. These studies include analyses of specific cases and experimental replication of techniques used in those cases;[x] and many, many laboratory studies on suggestibility and memory.[xi]

4. Omission of expert witnesses’ own recantations of earlier medical testimony.

• In the Keller case, Cheit contends that “the emergency physician found medical evidence that was unusually strong for a sexual abuse case” (WHN 144). However, the doctor, Michael Mouw, publicly repudiated his conclusions on three occasions: first in a 2009 Austin Chronicle story and twice in 2013, in an affidavit filed with an Austin court (more than a year before the publication of Cheit’s book) and six months later, under oath in a habeas corpus hearing. Largely due to Mouw’s new opinions, the Kellers’ conviction was overturned and they were released after 20 years in prison.

5. Minimizing the outlandishness of satanic abuse accusations and the unreliability of accusers.

While acknowledging that some of the reports of abusive acts defy belief, Cheit nonetheless consistently plays down the patent madness of the accusations by wrongly representing some accusers as perfectly sane.

• In the McMartin case (Manhattan Beach, Los Angeles County, CA)—the first, prototypical case—he denies that Judy Johnson, mother of the first child to make a complaint, was mentally ill during the early days of the case, in late 1983. He does not say that in 1985 Johnson was committed to a mental hospital after authorities found her barricaded in her home, exhibiting psychotic and assaultive behavior with guns. She was diagnosed with acute paranoid schizophrenia.[xii] He claims that Glenn Stevens, a former assistant DA on the case, has said Johnson was mentally stable in 1983 and 1984. In fact, Stevens told the New York Times in 1990: “Judy Johnson was psychotic before she filed the first police report.”

Equally important, Cheit fails to detail here or in the other cases the way that accusations of satanic abuse grew increasingly bizarre (and in many cases, came to include a wider circle of alleged perpetrators). In McMartin, Johnson first told police that she had asked her little boy Matthew if Ray Buckey, a teacher at the preschool, had molested him with his penis. When the boy repeatedly said no, Johnson pressed on until he allowed that Buckey “took his temperature.” Johnson concluded the “thermometer” was Buckey’s penis. She called the police to make the sodomy accusation. Within days and weeks after that accusation, the charges grew: Buckey put a bra and makeup on her son. Buckey sodomized the child while wearing a mask and sticking the boy’s head in a toilet. Buckey made her son ride naked on a horse and molested him while dressing as a cop, fireman, clown, and Santa Claus. Then equally improbable accusations spread to a middle-aged female McMartin teacher and Ray’s mother, 58-year-old Peggy McMartin Bucky.[xiii]

• Of the Kniffen/McCuan case in Kern County, CA, Cheit claims that to advance the WHN, the defense focused on what he says was the non-existent mental instability in the first accuser, the McCuan girls’ grandmother Mary Ann Barbour. In fact, Barbour had serious mental health problems for years prior to 1980, going back to when her name was Mary Ann Castro. It was the revelation of these past records that led to the abrupt dismissal of an 88-count indictment against Betty Ann Palko, a social worker whom Mary Ann disliked, for precisely the same charges of which the Kniffens and McCuans had been convicted. Barbour was hospitalized in 1980 after a psychotic break during which she attacked her husband with a knife.[xiv]

6. Logical sleights of hand in connecting crimes to satanic cults.
Cheit argues that because there have been documented instances of a child sex crime somewhere, such as the making of child pornography in a daycare, then the same crimes cannot be ruled out in other cases—even when there is no evidence (WHN 163 ff).

In seeking the direct evidence of satanic activities, however, his logic goes awry and his sources get shaky. Closely critiquing a list of examples of the satanic panic compiled by journalists Charlier and Downing, he discusses a 1984 investigation in Spencer Township, OH, where the sheriff and deputies dug up a swamp where 50 to 60 people were alleged to have been buried in satanic rites. No bodies were found and no arrests made. “What the authors neglect to acknowledge is that the search was prompted by a confirmed kidnapping case,” says Cheit, as if murder by a satanic cult would be the logical theory as to what happened to the girl (she was found two years later in Huntington Beach, Calif., with her grandfather, the original kidnapping suspect). “Charlier and Downing never mentioned what was uncovered in the swamp,” Cheit continues: “a headless doll with nails driven through its feet and a pentagram attached to its arm, a nine-foot wooden cross with ligatures attached,” hatchets, knives, and an anatomy dissection book.” (WHN 92-3) His source for “what was uncovered”: a book called Satan Wants You: The Cult of Devil Worship in America, by Arthur Lyons, published by Mysterious Press.

o Cheit turns agreement among scientists, journalists, and jurists into conspiracy.

- In the Kelly Michaels case, Cheit concocts a conspiracy of psychologists Ceci and Bruck, the scientific amici for the defense, the press, and the New Jersey Supreme Court. Ceci and Bruck, he says, duped the court into overturning the conviction by perpetrating a myth of scientific consensus on suggestibility in the early 1990s, when the concept was still in dispute. Not only does he ignore all the research affirming their findings, he claims the signers of the Concerned Scientist amicus brief were predisposed to agree with Ceci and Bruck because “they had already been told so by the media” (WHN 357)—Wall Street Journal reporter Dorothy Rabinowitz, who had written skeptical articles about Michaels’ and other satanic abuse cases, and unnamed “television programs repeating [WHN] claims.” (WHN 357)[viii]

o Confirmatory bias toward guilt

Chiet condemns the alleged WHN conspiracy for neglecting to explore inculpatory or suspicion-raising facts about defendants. For one thing, this is untrue for many writers, journalists and researchers: see, e.g., Satan’s Silence, Chapters 1, 3, 8).[xv] But Cheit himself behaves more like a prosecutor than a scholar.

1. Building cases of guilt, excluding all exculpatory evidence.

- Cheit marshals extensive minutiae to “prove” that Nancy Smith, a middle-aged, white Head Start bus driver in the 1980s, was guilty as convicted: that she joined with a black ex-con Joseph Allen to take the children from Head Start and ritually molest them at Smith’s and Allen’s homes. But he deletes the exculpatory evidence contained in a clemency petition for Smith, filed in 2012 by the Ohio Innocence Project. Cheit glancingly refers to the petition (WHN 150), but not to its meticulously documented contents.

For instance, he goes on at length about the accusing children’s knowledge of a pink dress Joseph Allen allegedly wore while molesting them (WHN 149-50). He does not say that the children were told about items in Allen’s home before they were questioned—so it’s no surprise they could describe the dress to the police. He does not mention that in the Allen lineup, only one of four of the alleged victims picked Allen. The rest picked other men. Parents can be seen on video whispering into their child’s ear while the child was picking from the lineup.[xvi] One even moved their child’s arm toward Allen. Cheit omits the letter from initial lead investigator Tom Cantu to the Ohio Innocence Project (Jan. 25, 2007) stating that he had interviewed the children involved in the complaints and that they all denied that Nancy Smith had done anything to them. Cantu, now a sheriff’s deputy in Las Vegas, said he never believed charges were warranted and told his superiors as much.

And Cheit neglects the most glaring piece of evidence of Smith’s and Allen’s innocence: Head Start attendance records, attached in an appendix to the clemency petition, show the children were at preschool on the days and times they were supposedly at Smith’s and Allen’s homes being molested.
2. Admitting no misconduct by prosecutors or trial judges, even where mistrials have been declared on appeal.

- The Kern County District Attorney’s office was so worried about the McCuan girls recanting that it obtained a court order giving itself (not even child welfare) both physical and legal custody of Bobbie and Darla McCuan, ensuring there would be no communication between them and the defendants, including their accused parents. The prosecutors failed to disclose this fact to the trial court for many months.[xvii] In a book filled with complaints about dominant and dishonest defense teams, Cheit did not find this peremptory move worthy of notice.

- In Kelly Michaels, Cheit notes that the New Jersey Supreme Court ultimately sent the case back to the prosecutors for retrial (they took a year and a half to decline doing so, and Michaels was released after almost seven years in prison). He does not quote the Court’s findings about the lack of judicial impartiality, including:

  “The trial judge . . . in the televised-view of the jury, played ball with the children, held them on his lap and knee at times, whispered in their ears and had them do the same, and encouraged and complimented them.

  “The judge also unduly interfered with defense counsels’ cross-examination of the children and often took charge of the questioning, which in many instances was overly suggestive. For all appearances, the State’s witnesses became the judge’s witnesses. The atmosphere became such . . . that a jury considering a verdict in favor of the defendant might feel that it was personally offending the judge.”[xviii]

IV. Unsubstantiated innuendo to discredit the WHN conspirators

- In the Kern County case, Cheit uses a typical tactic to discredit the defense’s expert witness Dr. David Paul. He writes that Paul “made many dubious statements” but does not identify them. He suggests that the doctor made things up: He “used eccentric terms like ‘frenulum’ and ‘vaginal bulge’ [which] do not appear anywhere in the medical literature.” (WHN 440, 132). In fact, both these terms do appear in medical literature, as can be confirmed by anyone with access to the Internet. And while casting aspersions on Paul—an internationally published expert working in the area of child sexual abuse since 1956[xix]—Cheit’s relies heavily on the “400 pages of trial testimony”(WHN 439, note 124) of Dr. Carol Squyres, a local physician and friend of Mary Ann Barbour, the first accuser. From a single brief external examination of one girl and conversations with Barbour, Squyres concluded that there had been “penile penetration” in “multiple and chronic” assaults.[xx]

- Cheit suggests dishonesty at the National Registry of Exonerations, a joint project of the University of Michigan and Northwestern University law schools, whose data on false convictions, including those of child sexual abuse since 1956[xix]—Cheit’s relies heavily on the “400 pages of trial testimony”(WHN 439, note 124) of Dr. Carol Squyres, a local physician and friend of Mary Ann Barbour, the first accuser. From a single brief external examination of one girl and conversations with Barbour, Squyres concluded that there had been “penile penetration” in “multiple and chronic” assaults.[xx]

  “This is false, and inexplicably so,” writes Registry editor and UM law professor Samuel R. Gross. “The definition of ‘exoneration’ that the Registry employs can easily be found on our website. The short version is: In general, an exoneration occurs when a person who has been convicted of a crime is officially cleared based on new evidence of innocence.” Gross also notes that “we have excluded many cases of defendants from the Registry even though they had been cleared of a crime for which they had been convicted, and regardless of the likelihood that they were innocent, solely because the process did not involve new evidence of innocence.”

- Most seriously, Cheit alleges professional misconduct among his nemeses. He writes that Snedeker and Nathan “do not disclose that Snedeker was representing the Kniffens and McCuans at the time. It would be a violation of Snedeker’s ethical obligations to clients, especially during their appeal, to incriminate them. This demonstrates an inherent limitation when a defense attorney co-authors a book that analyzes cases that involve his clients.” (WHN 122) Snedeker did not represent the McCuans at the time. Their lawyers on a successful habeas corpus petition were Dominic Eyherabide and Michael Dellostritto, now a Kern County judge. Snedeker did represent the Kniffens, whose interest could well
have been to find guilt in their co-defendants (the McCuans), he now notes. He would have had no professional-ethics reason to leave inculpatory material out of Satan’s Silence.

Sam Gross, of the National Registry, adds: “I am surprised and deeply disappointed that neither the author nor Oxford University Press took the trouble to check such an easily ascertainable fact before publishing the claim the book makes.” That sentiment serves as an apt summary to this entire NCRJ response.


[iv] People v. Scott Kniffen, Brenda Kniffen, Alvin McCuan and Deborah McCuan, Kern County (Calif.) Superior Court No. 24208, reporter’s transcripts, 808, 811-814.

[v] Ibid., RT 10305, 10317.

[vi] Ibid., RT 10402-10406 (Darla McCuan); 10416-17, 10447 (Bobbie McCuan).

[vii] Ibid., RT 848.


[xiii] Manhattan Beach Police Department supplemental report on Matthew Johnson (pseud.), DR no. 8304288.

[xiv] *In re Scott and Brenda Kniffen*, Kern County (Calif.) Superior Court No. HC 5092 A&B, Petition, Exh 93 (chart of Mary Ann Barbour’s behavioral parallels in 1980 and 1982); Exh 88 (10/21/84 declaration of Kenneth I. Schwartz re: defense based on the mental condition of Mary Ann Barbour); Exh 90 (12/17/84 minute order of Judge William F. Stone); Exh 91 (1/2/85 ruling on defendants Palko and Walker’s motion for discovery); Exh 95 (2/4/85 in camera declaration of K. Schwartz); Exh 96 (3/28/85 minute order re: discovery of MAB’s medical records); Exh 97 (3/22/85 minute order to dismiss case).


[xvi] [http://magazine.uc.edu/content/dam/magazine/docs/xml/2012-04-06-nancy-smith-clemency-petition-filedx.pdf](http://magazine.uc.edu/content/dam/magazine/docs/xml/2012-04-06-nancy-smith-clemency-petition-filedx.pdf)


[xix] *People v Kniffen*, 10315-17; 10319.

[xx] *Kniffen* petition, Exh. 5.