

Los Angeles

McMARTIN: A Case of Dominoes?

(Abridged version)

August 1989

By Mary A. Fischer

It was the moment everyone had been waiting for. Last July, principal defendant Raymond Buckey was finally taking the witness stand in the McMartin Preschool child-molestation trial. Camera crews and cable lines jammed the hallway.

Prosecutor Lael Rubin grilled Buckey about games that were played in the nude, the stabbing of horses, and the raping of little girls. Yet Buckey remained calm, speaking in an assured monotone, he denied every charge against him.

Rubin hammered away, asking about the former McMartin Preschool teacher's habit of keeping adult erotica in his bedroom. Specifically, Rubin asked if he had ever affixed photos of preschoolers onto the sexually explicit pictures of adults.

"I know I never did that," Buckey said emphatically.

"How do you know this?" Rubin asked.

"Because I know what I do and what I don't do," he shot back.

"And what is it you don't do, Mr. Buckey?" she baited.

Defense lawyers voice loud objections, cutting off the exchange, but Buckey wouldn't be stopped. He'd waited nearly six years to make this statement. Indignantly, he leaned forward in his chair, glaring at Rubin.

"Look. Ms. Rubin." Buckey said. "I've spent five years in jail for something I didn't do. I know what I do and I know what I don't do. And I don't molest children."

When the McMartin case is mentioned these days, most people are understandably confused. It first burst on the scene in February 1984, and within a few short months eight South Bay preschools had been closed and seven defendants charged with allegations of everything from sodomy and oral copulation to satanic rites and animal sacrifice. Yet today, as the longest trial in United States history comes to a close at a cost of \$16 million - all that is left are two defendants facing 64 counts of child molestation and one count of conspiracy. And unless a mistrial is called over juror disqualification, Peggy McMartin Buckey, 61, will most likely be acquitted, and her son, Ray Buckey, 30 -at the very worst – appears headed toward a hung jury.

What went wrong? What became of the crime of the century that six years ago shocked the world?

The answers lie partly in secrets long withheld from the public but known well by those close to the case. Previously sealed court documents recently made available tell part of the story. But mostly, as the facts come to light, the answer appears to be that there was never any case at all

Indeed, in the end it may all come down to the actions of six individuals, who, for reasons of ambition, vested interest or simply bad judgment, created their own domino effect when no credible evidence ever existed against the defendants.

At the very least, it is a blueprint for preying on public fears and, as Los Angeles District Attorney Ira Reiner charges, blowing a criminal case out of all proportion. It may also be the story of how a case was simply invented.

The Mother

She was 12 when her mother died of cancer, but Judy Johnson never fully recovered from the blow. Cheery on the outside, she hid her problems from friends until it was too late.

In March 1983, after the birth of their second son, and due to fierce squabbles over money, Judy Johnson's husband Bernard walked out. Broke and alone, Johnson got a job selling lamps, and she needed to find a nursery school to look after her young son. Of all the preschools in the area, Johnson knew the McMartin Preschool, founded by Virginia McMartin, and later directed by her daughter Peggy McMartin Buckey, to be the most desirable. In business since 1958, the school had a proven track record, with a long history of satisfied parents.

When Johnson called McMartin to inquire about enrolling her son, she was told there was a long waiting list. So on the morning of May 12, 1983, she simply dropped the two-and-a-half-year-old off at the front gate and drove off. None of the teachers knew who he was - he was still preverbal, unable even to give his name, and there were no tags on his clothes or on his lunch bag. But, reasoning that a parent would eventually come for him, they took the child in for the day. After speaking with Johnson later, McMartin Buckey said she "felt sorry" for the woman and enrolled the boy that June. That decision would prove to be the worst one of her life.

On July 11, Johnson visited a health care clinic. According to medical reports, she told a physician that her son's anus was "itchy." Believing the problem was with the mother, the doctor didn't feel it was necessary to examine the boy.

On August 11, Johnson's son returned to the McMartin preschool. By that day, he had been to the preschool a total of 14 times. The teacher supervising the afternoon play session that day was Ray Buckey, the grandson of Virginia McMartin. Johnson's son had never been in Ray's class.

The following morning, Johnson called the Manhattan Beach police and was connected with juvenile officer Jane Hoag. She told Hoag that her son's bottom was red and that he had blurted out something about a man named Ray at his nursery school. It was this call to Hoag that sparked the biggest mass-molestation case in history, but for Johnson, it was another in a series of steps toward madness and an early death from an alcohol--related liver disease.

It wasn't long before Johnson's accusations took on a life of their own. Within six weeks of her call to Hoag, according to previously sealed police reports, Johnson was accusing Buckey of wearing a mask and sodomizing her son while he stuck the boy's head in a toilet. A few months later, she claimed he had taped her son's mouth, eyes and hands, and stuck an air tube in the boy's rectum. On subsequent days, she said Buckey made her son ride naked on a horse and then molested him while dressing as a cop, a fireman, a clown, and Santa Claus.

By February 1984, Johnson's allegations turned increasingly bizarre, in phone calls and letters to the district attorney's office, she said that her son had been sodomized by an AWOL marine and by three models from a health club. In one letter she said that the family dog may have also been sodomized, as it "had some hair missing." She wrote that McMartin teachers jabbed "scissors into his eyes and staples in his ears, nipples, and tongue"; Ray pricked her son's right finger and put it in a goat's anus: and Peggy (Ray's mother) killed a baby and made him drink the blood."

Then in 1985, shortly after her divorce was final, Johnson retreated into paranoia. According to her brother, she met him at her front door one day with a 12-gauge shotgun. Police dragged her to a patrol car, and she underwent a 12-day psychiatric evaluation. Diagnosis: acute paranoid schizophrenia. Her ex-husband was eventually given custody of the boy,

Four months before the trial started in 1987, Johnson died. She was 44. Police found her lying naked and face down in her son's bedroom, her phone off the hook and the Yellow Pages opened to "Liquor Stores." But by then the McMartin case had no further need for the woman who had started it all. The dominoes had already begun to fall against the defendants.

The Cop

Jane Hoag went to work as a detective in the Manhattan Beach Police Department when she was 22. She was assigned to the sex abuse and juvenile beats and had the reputation in the community of being brusque and zealous in the pursuit of her cases. Hoag once told a reporter that it was not unusual for her to work 15 hours a day, though she was married with two young children.

Based entirely on a telephone call from Judy Johnson she became obsessed with the alleged guilt of one man. Nothing could sway her - not an extraordinary lack of evidence, not the few other suspects she subsequently interviewed. Nor could she consider another possibility: that there had been no crime. On August 12, 1983, Hoag had listened to Johnson's complaint about a McMartin teacher named Ray. She told Johnson to have her son examined at a health clinic. A doctor there noted redness around the boy's anus, but was unable to determine the cause.

Apparently unsatisfied with the results, Hoag sent Johnson to UCLA Medical Center five days later. Two doctors, one an intern, determined that the boy's condition was "consistent" with being sodomized. Later, the intern confided "she didn't know anything about sexual abuse," a former LAPD detective said. The other physician confirmed her evaluation in testimony, but her ability to recall details was challenged when she maintained the boy had been circumcised, though, according to his father, he had not.

Hoag visited Johnson's home three times in August to interview the boy. When she couldn't get him to talk, she concluded "he didn't understand the concept of the word "name." (In fact, according to court reports, the boy never spoke at all to Hoag.) Then, hoping to get the boy to identify Buckey visually, she showed him class photos that included Buckey, but the boy was unable to identify him.

During searches of the Buckey home, officers seized attendance records, a Polaroid camera, rope, yarn, and class photos. They were looking for a video camera and child pornography photos, but came away empty-handed. They also seized a rubber duck from Peggy McMartin Buckey's beachside home, Virginia McMartin's diaries, and even Peggy Ann Buckey's USC graduation gown, which prosecutor Rubin would later claim was a satanic robe.

The parents of one preschooler told Mrs. Buckey that Officer Hoag had called her repeatedly and said: Your child has been named as a victim. And if you really love your child you'll ask him these questions . . . Others gave similar accounts of the telephone calls.

In 1984 Haag won the "Officer of the Year" award for her work on the McMartin investigation.

The Social Worker

Attractive and vivacious, Kee MacFarlane had been a program administrator with the National Center on Child Abuse and Neglect for several years. In LA, she joined the staff of Children's Institute International (CII), an agency that cared for abused and neglected children.

MacFarlane interviewed the first McMartin preschooler on November 1. She used undressed, anatomically detailed dolls in a playtime setting to elicit responses. By mid-1984, nearly 400 children had been interviewed. Of those, MacFarlane and other CII social workers filed reports indicating their suspicions that 369 children had been molested. Of those, many attended the preschool long before Ray Buckey even began working there, some, in fact, while he was still in high school.

What's not commonly known is that with the exception of one child, all of the former preschoolers denied being molested at the school until after they were interviewed at CII. "The case was made at CII, not at the preschool," said Buckey's attorney. That child who made a claim was dropped from the case because her allegations were considered too bizarre.

Expected to be the foundation of the prosecution's case, MacFarlane's interviews would actually wind up being a boon for the defense because of the nature of her questions. The following exchanges were taken from official transcripts of the video-taped interviews. In the interview, the boy — a witness in the McMartin trial — is holding an alligator puppet, and the two are discussing a game — Naked Movie Star — that investigators alleged Ray Buckey played with the children.

Boy: "Well, I didn't really hear it [Naked Movie Star] a whole lot. I just heard someone yell it from out in the..."

PAUSE: "Maybe, Mr. Alligator, you peeked in the window one day and saw them playing it, and maybe you could remember and help us."

Boy: "Well, no, I haven't seen anyone playing Naked Movie Star, I've only heard the song."

MacFARLANE: "What good are you? You must be dumb."

Some of the litany of accusations coming out of CII seemed absurd, at least on the surface: children digging up dead bodies at a cemetery with pickaxes larger than they were: children jumping out of airplanes over Palos Verdes: horses beaten to death with bats and machetes: children molested in car washes and grocery stores. During this time, according to a defense investigator, MacFarlane urged parents to drive around town with their children to pinpoint possible perpetrators. The result was pandemonium. Soon children were pointing out community leaders, gas-station attendants, and store clerks. Hoag kept busy interviewing some of these candidates, but not one person, other than the McMMartin teachers remained suspects.

A former 20-year juvenile-division investigator said of the CII process: "It was certainly different from how we would have handled it. It sure seemed stupid. When we interview kids suspected of being abused, we try to get the truth from them and not put words in their mouths."

In the end, seven McMMartin teachers were indicted on more than 200 counts of child molestation. The defendants included Ray Buckley, his mother, grandmother, and sister, plus former McMMartin teachers Beny Raidor, Babette Spitler, and Mary Ann Jackson.

The Politician

Robert Philibosian was appointed District Attorney for Los Angeles County when the former DA became Attorney General in January 1983.

In September of that year, Philibosian shifted into gear as a politician. He faced an election in 1984 and needed a strategy. The one he adopted became one of the most critical developments in further cementing the McMMartin case.

In early September, Philibosian commissioned a public-opinion poll. When asked which issue concerned the citizens the most, child abuse rated number one. George Young, Philibosian's campaign manager, called the poll "a shopping expedition" for something the district attorney could take advantage of."

Within six weeks of the poll, Philibosian's office was in control of the McMMartin case. Despite an ongoing investigation by Manhattan Beach police, however, no credible evidence had been discovered. In spite of that fact, Philibosian was able to obtain a grand jury indictment of all seven of the defendants.

Despite Philibosian's efforts to address the public's alarm over child abuse, he lost the election in December 1984. Within eight months of taking office, the new DA dismissed the charges against five of the McMMartin defendants, saying the evidence was "incredibly weak."

Philibosian responded: "Who was Reiner [the new DA] to come along with no felony prosecution experience and prune this case? This was not a rose bush to prune away the bad experiences of children. All of the defendants should have stood trial."

The Reporter

Investigative reporter Wayne Satz was described by his former college roommate as "the kind of guy who wanted to get ahead." Satz's bold, sensational stories prompted one KABC news employee to confide that "he seemed more interested in making news than reporting it." Some media sources joked that Satz was on his way to the Geraldo Rivera School of Journalism.

In an FBI document, Kee MacFarlane stated she told KABC reporter Satz, that he would have an exclusive on the McMartin story in February, a period that coincided with the important ratings-sweep week. On February 2, 1984, Satz brought the McMartin story to the world. His report told of dozens of "alleged" acts of oral copulation and sodomy with "little" children. In time, Satz and MacFarlane, his primary source, struck up a romantic relationship.

Although Satz covered himself by using the qualifiers "alleged" and "reportedly," his newscasts, one reporter said, "set the tone that these people were monsters." In June 1984 Los Angeles Times television critic Rosenberg noted: "It was like calling Hiroshima an alleged bombing." And the Satz style helped to stir up hysteria and establish in the public's mind that the defendants were guilty. In one segment, while he reported on the alleged mutilation of rabbits, live bunnies were used as an on-camera backdrop to illustrate the charge.

Most of the coverage for the next two years carried the same frenzied slant. Reporters were swept away by the horrifying charges, reinforcing what most of the public already believed about the defendants. Chris Woodyard, who covered the case early on for the Herald Examiner said: "There was very much a mob psychology operating in those days." An April 1984 People story carried the incriminating headline: "The McMartins: The 'Model Family' Down the Block that Ran California's Nightmare Nursery." It wasn't until three years after the case broke that the press calmed down and reporters "began to think for themselves." Woodyard said.

Satz ultimately won two Golden Mike awards for his reporting on the McMartin case, though he was later criticized for the conflict-of-interest relationship he had with MacFarlane.

The Prosecutor

Lael Rubin had the reputation in the DA's office of being a "tough and tenacious" prosecutor. Once she became lead prosecutor on the McMartin case in March 1984, Rubin, along with two co-prosecutors, became acquainted with Johnson and her increasingly bizarre allegations. Glenn Stevens, one of the co-prosecutors, said he received increasingly strange telephone calls from Johnson. And then there was her hand-scrawled letter to the DA accusing various men of sodomizing her son and the McMartin teachers of jabbing scissors into his eyes and staples in his ears, nipples, and tongue.

Eventually, child pornography surfaced as the official motive, igniting a massive, national and international hunt by Interpol and FBI agents to track down pictures of the McMartin children. None were ever found. A Huntington Beach archaeological research team was hired to make a painstaking search for alleged underground secret rooms and tunnels where the children claimed they'd been molested. The researchers tore up the preschool floor and used an electronic scanning

device to try to locate the secret passages. Investigators dug up the vacant lot next door to the school and analyzed the found pieces of chicken bones to determine if they had been tortured.

The results? "You can boil everything down to zero," prosecutor Stevens says. Still Rubin remained steadfast in her determination to prosecute the Buckeys. Just because they didn't find any (child pornography) doesn't mean it doesn't exist," Rubin told a reporter.

"It was as if this case was Lael's star vehicle," Stevens says, "And she wasn't going to let the facts get in her way,"

By the time Stevens openly expressed his doubts about the guilt of the defendants, hysteria had risen to a witch-hunt pitch in the South Bay. Seven other preschools closed down under the weight of suspicion. At least one parent openly vowed to kill the defendants if they were released from jail. Residents turned into vigilantes. One spray painted "Ray will die" on a wall of the preschool. Later, the preschool was set on fire.

"Wherever the words child abuse came up, all of a sudden there was a presumption of guilt," notes public defender Hank Hall. "And rather than the investigations taking into account evidence that pointed to the innocence of a suspect, the investigations were bent on building cases."

Even after Reiner, Rubin's boss, dismissed all charges against five of the women, Rubin insisted that hundreds of children had been molested at the preschool. "I believe in this case; I believe all of the crimes occurred. And that's what I intend to argue to a jury," she told Mike Wallace on 60 Minutes.

As we go to press, the trial has lost all six jurors and is feared headed toward a mistrial if one more juror drops out. The prosecution and defense have rested their cases and are moving into final arguments, which are expected to last a month. Judge William Pounders says he hopes to get the case to the jury for deliberation by December 1.

Epilogue

Ray Buckey and Peggy McMartin Buckey were not convicted of any of the charges.