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Modern-Day Witch Hunts: How the Mental Health Industry Abuses Patients and the Judiciary While Committing Fraud

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EssayIIModern-DayWitchHunts

Argumentative Essay

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Abstract

This paper reviews the continuing history of false allegations made by children and vulnerable adults at the hands of mental health theorists embracing satanic ritual abuse (SRA) beliefs and regressive memory therapy (RMT) misdiagnoses. Through topical books, trials, and the documentary, *Witch Hunt*, (2009) the paper identifies violations of recognized criminal procedure practices and inappropriate interviewing methods resulting in false allegations of sexual abuse. The research addresses theories' origin and subsequent testimonies utilizing trauma terminology in diagnoses of dissociative identity disorder (DID) which the article cites as discredited by Professor Richard McNally. The paper continues through the exoneration history citing former witnesses' explanations of why they made false allegations. Further defined is the relationship of fraud and false claims to insurance and state funding reimbursements. Along with educating on the fraudulent process not often recognized by law enforcement and the courts, regarding abuse of the judiciary, victims of such theories are identified. Independent researcher and author of memory-theory history, Mark Pendergrast, is cited in addition to evidence discrediting mental health beliefs in junk science. This paper gets to the core of the ensuing moral panic originating in misdiagnosing, and its cost to society.

Keywords: exonerations, false allegations, false claims, fraud, junk science, satanic ritual abuse, repressed memory therapy, sexual abuse, wrongful convictions.

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Why would children say that they were sexually abused if they never were? Research supports that inadequate mental health licensees' regulations allow unscientific, theory-based diagnoses of sexual abuse to be cultivated through suspect psychotherapy, or therapy techniques. Theories and therapies, proven detrimental to children and vulnerable adults, negatively impact child protection services and law enforcement interviewing methods. Those imprudent theories and therapies lead to false allegations of sexual abuse, proving the causal connection to wrongful convictions. Affiliated interviewing and interrogation methodology compel more false allegations. Indisputably, the out-of-control mental health industry harms society through misdiagnoses, garnering insurance and state funding while inflating the prison population. The documented pattern of emotional and mental harm leveled against children and vulnerable adults, conjoined with fraud and false claims, is indefensible. Legislators must dismantle this far-reaching abuse of power. Considerable and considerate policy change is essential.

The documentary, *Witch Hunt* (2009) executively produced and narrated by Sean Penn, presents the 1980's Kern County, California criminal investigation of 'Satanic Ritual Abuse' (SRA) and the mental health industry's adherence to theories of children involved in sex abuse rings. False allegations made by children, as supposed victims, were years later proven a result of interviewers' gross abuse of power, and corruption within the judiciary. Ironically, in

sentencing the innocent parents, the judge (having withheld defendants' favorable evidence) stated, "I ask you . . . if a small child cannot trust their mother and father . . . will they ever be able to trust again?" (Penn, 2019). The children, now grown, revealed forced allegations, exposing corruption and manipulating interrogation tactics, stating, "Well, they said that if I don't say that something happened, that this terrible man that has done this to all these people is going to be doing it to more kids" (Penn, 2009). The related book, *Mean Justice*, (Humes, 1999) revealed similarities, "Children questioned by county authorities were coaxed and prodded into accusing . . . leading to a moral panic. . . [h]ysteria slowly gripped the community" (pp 218-219). No industry or department has a right to instill theories that harm, under the auspices of protection, yet children *were* mentally tormented. Justifiably, those children are unlikely to ever "trust again," our sordid and corrupt judicial system, as conveyed in *Witch Hunt* (Penn, 2009).

However, to produce false allegations of sexual abuse, social workers relied on training, as quoted in *Imaginary Crimes*, "[s]ocial workers returned from a training seminar that hyped devil worship as a major element in child molestation" (qtd. Humes 1999). In addition, *Mean Justice* exposed facts, *not* theories, writing, "[s]uggestive interviews that were standard practice at the time" produced false confessions and pseudo memories (qtd. Humes, 1999).

Unscientifically supported theory-diagnosing infected the jury when Kern County's prosecutor espoused technique-induced lies, regarding (innocent) defendants, "All of them would participate together and jointly in sexual acts" (Penn, 2009). There seemed little concern (then) that the emotionally tormented children would grow up; unencumbered by bullying, they *did* tell the truth. One child-victim of authorities related years later the prosecutor's demeanor "He would

slam books down, yell when we wouldn't cooperate . . . scared us and wouldn't take no for an answer" (Humes, 1999, p. 217). There are laws for child endangerment, and mental harm, including MCL 750.136b (1)(g) which defines the crime: "Serious mental harm" means an injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life" yet, no prosecutor has broached the obvious; instead, they imprison the innocent. Relying on theories, rather than facts, creates a provably judicial and social injustice against the defenseless.

The cruel truth exposed interviews more synonymous with interrogations. Perversions tormented vulnerable children (Penn). One child told, "They promised me that no one would get in trouble and go to prison;" tragically, this resulted in an innocent father sentenced to 48 years (Penn, 2009). *Witch Hunt* reveals that the children were literally torn from their innocent parent's arms (Penn, 2009). Child protectors turned family wreckers. The round-up continued as Henry (2017) advised, "Kern County Sheriff's Office had named 40 other suspects and had already taken 21 children into "protective custody"" (Henry, 2017). Emotionally traumatized children, abused by authorities, were whisked away to foster care. The judiciary, negatively persuaded by tactics known to violate criminal procedure, became unwitting accomplices to fraud and false claims. In addition, the prosecution's withholding evidence assured convictions. Outrageous theories and therapies make strange bedfellows when engaging law enforcement as an ally. The process provably discredited the judicial system at taxpayers' expense.

Corruption dominated the trials (Penn, 2009). Formerly concealed audio tapes would later aid exonerations, exemplifying social workers' 'training.' As Bertino (2007) advises, "Kern County Superior Court Judge John Kelley ruled that techniques investigators used to question the children two decades ago resulted in unreliable testimony." An attorney explained the kids' false confessions, saying, "They felt obligated to say what it was that law enforcement and the social workers made very clear to them, they wanted them to say; and, nothing ever happened to them" (Penn, 2009). When exonerations prove 'theories' wrong, the guilty proclaim immunity (Penn, 2009). The lack of discernment and the level of irresponsibility is inexcusable; the aftermath remains, having been spurred on by a vile and irresponsible mantra, "WE BELIEVE THE CHILDREN," appearing on bumper stickers. This clearly defined the witch hunt commitment, increasing wrongful convictions. The slogan not only "became popular," it proved an in-road to the evolving moral panic (Pendergrast, p. 188) making remarkable, eventual exonerations.

Innocent parent-victims, like Kern County's John Stoll, were freed through the California Innocence Project, exposing coercion:

Four of the boys, now men, who testified against John as children recanted . . . their testimony . . . admitted the sexual abuse stories they told as children were lies . . . law enforcement officials, social workers, and prosecutors coerced them into making false allegations against John. (California Innocence Project, 2019)

John Stoll's "wrongful incarceration" burdened taxpayers to the tune of "\$1,624,060" (California Innocence Project, 2019). The National Registry of Exonerations states, "Separately, in 2009, Kern County agreed to pay Stoll \$5.5 million . . ." (Gross, A., 2012), but no amount of money will return his son or reverse the lifelong damages. Misdiagnosing children as victims of sex abuse rings spread beliefs in satanic ritual abuse across the country, only more recently seeing exonerations for the wrongfully convicted.

However, prior to these injustices and the ensuing moral panic, was the Child Abuse Prevention and Treatment Act (1974). That act, as discussed in the textbook *The Repressed Memory Epidemic: How It Happened and What We Need to Learn From It* (Pendergrast, 2017) created a "self-sustaining bureaucracy of social workers, mental health experts, and police officers. . . more cases. . . more funds . . ." (p. 186). Inadequate evidence of sexual abuse in sordid, historic theory cases became a moot point; therapists benefited from federal funding related to "rooting out sex abuse" . . . if anything, the legislative act "encouraged false accusations" (Pendergrast, p. 186). Pendergrast's twenty-five years of research provides a roadmap for continuing education covering satanic ritual abuse, regressive memory therapy, multiple personality disorder, and dissociative identity disorder diagnoses, along with related researched evidence. Examining the satanic panic era, Pendergrast challenges his readers with the most pertinent question, "Why, then did the children in these cases display no ill effects and disclose no abuse until coerced into doing so?" (p. 216). Society need be reflective regarding known byproducts of irrational theories.

The history of those (false) child sexual abuse allegations, responsible for mental harm and wrongful convictions, share a distinct pattern with other falsely accused groups such as day care owners and parents of adult patients victimized through regressive memory therapy. Methods prominent in Kern County infested social services. Suggestive techniques produced the next victims on a soon-to-become infinite list of arrests. The tragic McMartin preschool witch hunt made record as the “[l]ongest, most expensive criminal trial in U.S. history;” one (innocent) defendant spent two years in jail, “I survived four attempts on my life” (Pendergrast, p. 218). Not only are children victims of mental harm at the hands of ‘child protection’ theorists, their parents and others become victims of scandalous theory techniques, at taxpayers’ expense. Wrongfully convicted Texas day care owners, Dan and Fran Keller, lost everything, as Selk (2017) related in The Washington Post, “*Falsely accused of satanic horrors, a couple spent 21 years in prison. Now they’re owed millions,*” giving insight to outcomes of poor regulations within the mental health community. Mandated reporters’ zeal set into motion decades of false allegations and wrongful convictions based on theories. Society cannot afford to ‘repress’ the reality of the destructive and costly travesties.

Regardless, the satanic panic era of corruption continues to bring forth expensive wrongful conviction trials and equally expensive exonerations. It is but a revolving door, as legislators have yet to regulate theory-diagnosing or therapy technique treatments. Further research catalyzed proof of continued harmful therapies within the self-governed and sequestered industry. The bogus story of *Michelle Remembers* offered core evidence of damaging techniques that “spark[ed]s not only “a witch hunt” (qtd. Humes) but showed the mental health industry a

powerful adversary to society. The means by which unregulated therapies repeat a pattern of elicited false allegations is evidenced 36 years later in *Mower v. Children's Center* (2018). *Mower* cited Michigan's *Roberts v. Salmi* (2014) keeping a 'facing-the-giants' scenario moving forward, as another precedent-setting success for states challenging the ethically questionable and problematic billion-dollar counseling community. *Mower* begs future legislative change to correct vague regulations and existing immunity laws, "Baird disregarded standardized test results when diagnosing . . . kept insufficient records . . . served an inappropriate dual role: therapist . . . and investigator for DCFS" (Justia, 2018). Those violations demand legislative action to halt the abuse of power enabled through questionable patient confidentiality laws. Currently and provably, existing laws serve more as a shield to fraudulent treatments and false claims, than they do to protecting patients *or* their privacy.

As history repeats itself, can society surmise that immunity-card carrying child protective services, and sorely regulated licensees, are guilty by default? In criminal law, they could be deemed accomplices to child endangerment. Though there is nothing society loathes more than child sexual abuse, creating memories where none exist, should run a close second. How long will the judiciary or society for that matter, function as flocks of turkeys, turning nostrils to the rain, drowning in their own denial of child abuse by licensees? Three decades of damning theories has shown many in the mental health field less than credible and provably undiscerning. Misdiagnosing sustained, rather than corrected, the 'witch hunt' mentality, mimicking elements endured at Kern County *and* beyond. *Mower* proves the license boards' failure to correct abuse. *Are* the American people in agreement to pay for (speculative, at best, traumatic and life

threatening at worst) diagnoses based on vague theories and therapy techniques? Treatment that provably destroyed so many demands accountability.

To fully appreciate that level of destruction, communities must understand the next stage in the sordid saga; it is no ‘reality show,’ staged production. The repressed memory epidemic is a perverse phenomenon, entrapping vulnerable adults through documented psychotherapy control reminiscent of the SRA techniques. Transcripts reveal hypnosis and group therapy sessions that manifest false memories, using standard ‘therapy skills’ along *with* intimidation, coercion, and suggestive tactics. Pendergrast (2017) noted the irrefutable “[p]arallel mindsets of the repressed memory therapists and child sex abuse specialists . . . as striking” (p. 217). Though some in the counseling sector appear to have distanced to some degree from SRA, many promote the concept of “alters” or multiple personality disorder, renamed ‘dissociative identity disorder.’ Fortunately, industry peers such as Professor Richard McNally, advised, “The notion that the mind protects itself by repressing or dissociating memories of trauma,” he writes in *Remembering Trauma*, it “[i]s a piece of psychiatric folklore devoid of convincing empirical support” (quoted Yoffe, 2019).

That resulting ‘folklore,’ embraced by licensees, is an ongoing experiment in regressive memory practices. Replete with staunch supporters, it became another ‘Kern County.’ However, In *Second Thoughts*, psychologist, Dr. Paul Simpson (1996) advised on his short-lived personal RMT training venture as “seminars,” where “I was taught regression techniques and theory,” being “[a]nything but encouraging,” divulging that the treatment methods harmed his patients (p. 12). Consider that there is no scientific evidence that any one person (regardless

their 'skills' or 'training,' like that engaged by social workers in Kern County, and by Baird, in *Mower*) can factually bring forth accurate memories of child sexual abuse. Contrarily, it *is* factual that with techniques and theories in hand, trained persons can, have, and continue, to commit mayhem against innocent families by implanting pseudo memories. The aftereffect is staggering.

Evidence of abusive methodology continues exposure in trials, documentaries, and multiple books. Patient victims sued, following misdiagnoses for multiple personality disorder and dissociative identity disorder; they were victims of implanted, yet pseudo memories. Many patients committed suicide. For others, the stories multiplied, told by (1) victims of therapy techniques, (2) therapist peers (3) third-party victims or (4) those previously conducting memory therapy. Adult vulnerability abuse is an underlying element in malpractice suits wherein patients are psychologically controlled through regressive memory therapy. Notoriously isolating from their loving families and relying solely on their therapists' techniques, they documentarily regress mentally, emotionally, and physically, some becoming prescription addicts and government dependents due to therapy-induced trauma. With diligent attorneys, those personally injured by therapies and therapists, stood up for themselves. Third-party, falsely accused victims, previously unable to sue therapists due to existing laws, carved out new laws through court of appeals decisions.

However, license boards and the legislature have turned a blind eye to the resulting trial evidence. Victims of 'memory' are afforded absolutely no protection from those creating Post Traumatic Stress Disorder, rather they become the feed trough. Licensees produce a bogus

diagnosis, resulting in false allegations of third parties and wrongful convictions; yet, no other type of trauma is made the villain of wrongful convictions. Society has a plethora of documented evidence justifying legislative change regarding regulations for counselors. Lest we continue the social injustice originating in Kern County, society should move forward requests for policy amendments.

Conclusion

The whirlwind effect of satanic ritual abuse and the repressed memory epidemic points toward licensees' presumptive beliefs of 'memory retrieval.' When so engaged, their self-imposed power brings 'pseudo' memories to life for vulnerable patients. Justice cannot be found where the financial beneficiaries weigh heaviest on the proverbial scale, lining their pockets through false claims, while consumers pay for [mis]diagnoses of non-existing crimes. Conflicting state and federal regulations concerning session notes (Crocker and Crocker, 2017), and the lack of a secure database to thwart record altering, makes effortless, misdiagnosing and false claims. When so procured, is that not aiding and abetting by peer-controlled license boards? When self-governing groups appoint themselves experts, wreaking havoc upon families, expectations of change are justified. After all, they *are* footing the bill. Contrary to the child protection act's intent, society has endured years of bogus diagnosis. Persuading misinformed jurists with emotionally impacting theory [mis]diagnoses creates victims. No one is immune. Banning provably destructive theories makes more sense than continuing decades of abuse and lucrative (though fraudulent) treatments, historically resulting in false claims.

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EssayIIModern-DayWitchHunts

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EssayIIModern-DayWitchHunts

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