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EDITORIAL

Ethical standards, truths, and lies

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A lie will go round the world while truth is pulling its boots on.

—Spurgeon (1959, p. 155)

Falsehood flies, and truth comes limping after it, so that when men come to be undeceived, it is too late; the jest is over, and the tale hath had its effect: like a man, who hath thought of a good repartee when the discourse is changed, or the company parted; or like a physician, who hath found out an infallible medicine, after the patient is dead.

—Swift (1710, p.2)

Jonathan Swift, in his *Gulliver's Travels*, conjures up a number of worlds that test the imagination. In a similar vein, imagine a dystopian world where few tell the truth about sexual assault and child abuse. The social contract has been broken. You cannot believe scientists about memories or the validity of their research (Steen, 2011). You cannot believe national news reporters about issues surrounding abuse and the credibility of victims, whether overstating (e.g., the *Rolling Stone* article by Erdely, 2014) or, more frequently, understating issues of abuse and sexual assault (Sommers, 2014). You cannot believe religious leaders' or scout leaders' claims about how they have handled reports of child abuse. You cannot believe university officials about their responses to campus sexual assault. When not lying, people use cover-ups as commonplace strategies to avoid telling the truth. When a lie has been embedded in the public consciousness, the truth has a difficult time making itself known. Only those who continue to tell the truth, however unpopular, protect us from such a dystopian world. Trauma therapists and researchers strive to continue to tell the truth about trauma, child maltreatment, and their sequelae in the face of incredible professional and media pressure to do the opposite (Herman, 1992).

This is an editorial about recent social and professional ethical developments that may signal attempts to arrive at truth about critical aspects of trauma after decades of lies and cover-ups. The first development came with the release of the Hoffman Report (Hoffman et al., 2015a), an investigation of the American Psychological Association's (APA) complicity in abusive, traumatizing interrogations of political detainees, with one particular reference of

note to this discussion. Another development was the publication of *The Witch-Hunt Narrative* by Ross Cheit (2014), which challenges widely held misconceptions about victims of child abuse and their credibility perpetuated since the preschool child abuse trials of the 1980s.

The ethical standards for International Society for the Study of Trauma and Dissociation (ISSTD) members are derived from the ethical guidelines of national and professional groups (ISSTD, 2015). For psychologists who are members of the ISSTD, the APA provides ethical principles (APA, 2010), including general principles and ethical standards. Not only did some powerful people within the APA fail to follow its principles and standards, but, as noted in the Hoffman Report, it was the APA ethics director who was among those complicit in this failure.

The Hoffman Report

The Hoffman Report was released in July 2015, with a revised report issued in September 2015 (Hoffman et al., 2015b). In this report, commissioned by the APA Board of Directors and prepared by the law firm of Sidley Austin, LLP, the APA was found to be responsible for a number of unethical practices. The inquiry related to the APA's issuance of ethical guidelines for psychologists participating in interrogations of alleged terrorists at Guantanamo Bay and other locations (Hoffman et al., 2015b, p. 2). Key APA officials, including APA Ethics Director Stephen Behnke, were described as having colluded with U.S. Department of Defense officials to issue loose, high-level ethical guidelines that did not constrain the Department of Defense regarding abusive interrogation practices (pp. 9, 12). During this time, APA officials were said to have strong reason to suspect that abusive interrogations were occurring but avoided taking steps to confirm these suspicions (p. 9). In addition, the report concluded that "the handling of ethics complaints against prominent national security psychologists was handled in an improper fashion, in an attempt to protect these psychologists from censure" (p. 10). In effect, this was a cover-up. How does this relate to trauma, child maltreatment, and their sequelae?

The conventional wisdom on the part of a group of vocal skeptics including research psychologists, defense attorneys, and the media is that victims of sexual assault and child abuse cannot be believed. Victims are too prone to false memories (Loftus & Ketcham, 1994). They are too suggestible. Victims' claims and the ramifications that follow, they say, amount to a witch-hunt. Regarding the first assumption, that victims are prone to false memories, the primary and oft-quoted researcher is Elizabeth Loftus. The Hoffman Report noted that:

the (APA) Ethics Office was not insulated from outside influence and the nature of the process allowed for manipulation at times. Koocher¹ told Sidley² that Raymond Fowler³ manipulated the adjudication process when there was a complaint filed

against Elizabeth Loftus, a high-profile psychologist who did work on false memories. When Fowler found out there was an ethics complaint pending against Loftus, he reached out to her and told her she should resign her membership before a case could be formally opened against her. He later denied that he had done so and appointed one of his deputies to “investigate” how Loftus had found out about the complaint. (Hoffman et al., 2015b, p. 484, emphasis added)

Koocher (2014) himself discussed what he referred to as “the mysterious resignation of Elizabeth Loftus from APA” (p. 7) in an article in the *Journal of Interpersonal Violence*. “In 2002, Fowler acknowledged to the former APA President Norine G. Johnson and me in a private conversation that he had ‘gotten word’ to Loftus about the potential ethics complaint prior to her resignation” (p. 8).

There were two ethics complaints filed in late 1995 by Jennifer Hoult and Lynn Crook, each of whom had prevailed in successful civil suits against their parents for abuse (*Jennifer Hoult v. David P. Hoult*, 1993; *Lynn Crook v. Bruce Murphy and Lucille Murphy*, 1991). In each of the ethics complaints that stemmed from these civil suits, Hoult and Crook alleged that Loftus incorrectly portrayed the facts of their legal cases in published articles to the benefit of the false memory position. Loftus resigned from the APA in January 1996, shortly after the complaints were filed. Since her resignation, Loftus has repeatedly sworn under oath that *she had no knowledge of the existence of the ethics complaints prior to her resignation from the APA* (Cheit, 2015). One of the APA’s ethical standards is that psychologists may not make false or deceptive statements regarding their publications and research findings, nor may they engage in fraud, subterfuge, or intentional misrepresentation of fact, according to the general principles. The two women who filed the ethics complaints were proven to be victims of child abuse, and they sought justice from the APA, yet it appears that the APA protected a psychologist who was accused by two people of an ethics violation. The Hoffman Report shows that the APA let down the profession and the victims in the matter of prisoner interrogations and shielded the psychologists involved. If the allegations about the reason for Loftus’s resignation are true, the APA also let down the profession and the victims in the matter of child abuse by neglecting to investigate the inaccurate portrayals of successful cases against abusers.

The Witch-Hunt Narrative

Another recent professional and ethical development is the publication of *The Witch-Hunt Narrative*. In *The Witch-Hunt Narrative*, Cheit (2014) demonstrates how reporters and some academics have created a myth of false accusation and false persecution of child abusers. Cheit provides compelling evidence about victims of child abuse and their credibility, particularly related

to the investigations of child abuse in child care centers. His research counters rhetoric that victims are suggestible and that efforts to investigate and prosecute credible claims of child abuse amount to a witch-hunt.

The current (as opposed to historical) definition of a *witch-hunt* is “a campaign directed against a person or group holding unorthodox or unpopular views” (“Witch-hunt,” 2015). Do the attempts to prosecute child sexual abuse really fit this definition? Is there a campaign against accused child abusers, when it is generally understood that child sexual abuse is underreported, underinvestigated, and underprosecuted (Cross, Walsh, Simone, & Jones, 2003; Sedlak et al., 2010; Smith et al., 2000)? Cheit (2014) is persuasive that a group of journalists, academics, and defense attorneys believe that the term *witch-hunt* fits these cases, yet he proves that this characterization is inappropriate and inaccurate. In his list of those promoting the witch-hunt narrative, he includes journalist Debbie Nathan and defense attorney Michael Snedeker and their book *Satan’s Silence: Ritual Abuse and the Making of an American Witch Hunt* (Nathan & Snedeker, 1995). Academics include Stephen Ceci and Maggie Bruck and their book *Jeopardy in the Courtroom: A Scientific Analysis of Children’s Testimony* (Ceci & Bruck, 1995) and Elizabeth Loftus (Loftus, 1995).

The Witch-Hunt Narrative illustrates in exacting detail how in the area of child abuse involving day care centers “falsehood flies, and truth comes limping after it” (Swift, 1710, p.2). This book demanded 15 years of research on day care child abuse cases, including reviewing original documents, court transcripts, and medical reports to find the inaccuracies. Cheit (2014) presents three cases in full chapters: McMartin, Kelly Michaels in New Jersey, and Frank Fuster/Country Walk in Florida. He analyzes and presents in short form dozens more cases. He found that in spite of mistakes in the management of some cases, there was no epidemic of witch-hunts in the 1980s. The claim of the witch-hunt narrative was that there were hundreds of cases just like McMartin. Instead, there were a handful of such cases. In many of the cases held up as witch-hunts there was credible evidence of child abuse.

Consider the Fuster/Country Walk case from 1985. Frank Fuster was convicted based on a spontaneous disclosure of child sexual abuse and additional statements from children not subjected to repetitive interviews. Fuster’s son tested positive for gonorrhea of the throat, and Fuster had had a recent conviction for sexual assault on a minor (Cheit, 2014, p. 285). This case resulted in a successful prosecution with testimony from young children, yet the witch-hunt narrative considers it a miscarriage of justice. Since then, Fuster’s lawyer has stated that if the case had been tried 10 years later, Fuster would not have been convicted because of heightened public doubt about the validity of children’s claims of abuse (Cheit, 2014, p. 354).

If Fuster would not be convicted in today’s environment, this is a dream for defense lawyers representing accused abusers. In fact, defense lawyers are key in promoting the idea that many convicted of child abuse are innocent. The

National Center for Reason and Justice (NCRJ)⁴ provides legal assistance and other support to defendants in child sexual abuse cases that it claims were injustices. Its current president is Michael Snedeker, the defense lawyer who coauthored *Satan's Silence* with Debbie Nathan. Snedeker and Nathan argue that satanic ritual abuse cases were proliferating in the 1980s and 1990s as part of a moral panic, subjecting hundreds of people to state-mandated persecution that in many ways compares to the Salem Witch trials, in their opinion. Nathan is on the NCRJ Board of Directors. According to the NCRJ website, this nonprofit group continues to sponsor the Fuster case (NCRJ, 2015a).

Nathan and Snedeker included a list of the supposedly unjustly accused, including Fuster, in their book. A similar list was compiled by Charlier and Downing (1988) in a newspaper story that was a critical source that fueled many witch-hunt advocates. Cheit's (2014) research indicates that both lists are filled with exaggeration regarding satanic elements. According to Cheit, most of the cases on these lists have nothing to do with satanic ritual abuse claims. For example, Charlier and Downing characterized abuse allegations as "ritualistic" in nature if activities occurred in a basement when the child care center itself was situated in a basement, or if abuse took place in a bathroom (Cheit, 2014, pp. 93–94). In addition, both lists of so-called witch-hunts feature cases in which there was substantial evidence of guilt. Cheit's research on 17 of Nathan's 21 "satanic" cases found only three that really fit their definition of a witch-hunt (Cheit, 2014, p. 117).

Cheit (2014) also addressed the scientific underpinnings of the witch-hunt narrative offered by memory researchers Ceci and Bruck. These authors provided samples of supposedly leading questioning by the psychologist who assessed the children in the Michaels case (Ceci & Bruck, 1995, pp. 116–118). Cheit compared Ceci and Bruck's version of interview transcripts of supposedly leading questioning with the actual prosecutor's office transcripts of the interviews and found that although Ceci and Bruck claimed to have lightly edited the transcripts, they excerpted and combined pieces from different interview days and sometimes altered the chronological order of excerpts. They also omitted critical responses from the children that made the abusive nature of interactions much clearer (Cheit, 2014, pp. 255, 258). This editing inaccurately portrayed the interviews and cast doubt on the prosecution's case, thereby supporting the witch-hunt position. The Michaels case was a tragic turning point in that it seems to have cemented the notion in the public's mind that children are highly suggestible and that their recollections are not credible.

The APA contributed to the promulgation of the perspective that victims are unreliable if it protected a psychologist who was accused of ethical violations related to the false memory position rather than conducting an investigation that could have been more supportive of abuse victims. If the APA did not heed its own ethics standard, the lapse has become amplified in

that the false memory perspective is now commonly held by many lay and professional people. The APA's lapse is likely having an even broader impact because the false memory perspective has become so pervasive that it now dominates many psychology textbooks (Brand & McEwen, 2014; Kisse, Isaacson, & Miller-Perrin, 2014; Wilgus, Packer, Lile-King, Miller-Perrin, & Brand, 2015).

In the conclusion of his book, Cheit (2014) details the legacy of the witch-hunt narrative, including the following:

- (1) An effort to keep children from testifying in court based on their presumed suggestibility, even in cases with strong corroborative evidence of abuse.
- (2) A view that delayed disclosure of sexual abuse, a common phenomenon with victims of child abuse, undermines the credibility of reports of abuse.
- (3) An effort to undermine the professionals, frontline workers, and institutions who assist victims of child abuse. (p. 407)

All of Cheit's conclusions with regard to the legacy of the witch-hunt narrative apply to sexual assault victims as well and are promoted by journalists, academics, and defense attorneys. From this unbalanced perspective, victims are vulnerable to implanted false memories (Vitelli, 2012), repressed or delayed memories cannot be trusted (Sacks, 2013; Schafran, 2015), and those who would help them are criticized and undermined (Lilienfeld, Lynn, & Lohr, 2015).

We appreciate the 15 years of meticulous research that was required in writing this book. There are many who, like Cheit (2014), speak the truth, and we encourage them, and you, to continue. We suggest that you read the Executive Summary of the Hoffman Report and the footnote about Elizabeth Loftus on page 484, as well as Cheit's book *The Witch-Hunt Narrative*. Do these two developments herald a change in how we as a society view victims of sexual assault and child abuse? They at least help us decide whom to believe. We urge the APA to authorize an independent investigation of the two victims' allegations that Loftus behaved unethically. Spurgeon warned, "A lie will go round the world while truth is pulling its boots on" (Spurgeon, 1959, p. 155). The victims of child abuse and sexual assault need the APA and all of us to hurry up and pull on our boots.

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Notes

1. Then APA President-Elect Gerald Koocher.
2. Sidley Austin, LLP, investigators for the Hoffman Report.
3. The APA's Executive Vice President and Chief Executive Officer from 1989 to 2003 (APA, 2015).
4. "NCRJ is a 501(c)3 non-profit organization that educates and advocates for child-protective laws and criminal justice practices based on science, fairness, and good sense; and supports people who are falsely accused or convicted of crimes against children" (NCRJ, 2015b).

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