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Hearing on Child Molestation Legislation - April 24, 1981

Joint Committee for Revision of the Penal Code

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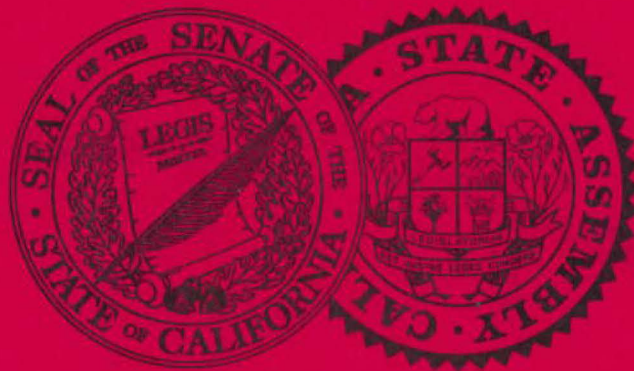
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JOINT COMMITTEE
FOR
REVISION OF THE PENAL CODE

Hearing on
CHILD MOLESTATION LEGISLATION
SB 276, SB 277, SB 278, SB 586, SB 587, SB 588.

Friday, April 24, 1981
San Francisco, California



SENATOR OMER L. RAINS, Chairman
Assemblyman Terry Goggin, Vice Chairman

Members of the Assembly

Elihu Harris
Mel Levine
Dave Stirling
Cathie Wright

Senators

Robert G. Beverly
John Doolittle
Robert Presley
David Roberti

Edward R. Cohen, Project Director
Jennifer A. Moss, Consultant
Nancy E. Marshall, Executive Assistant

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JOINT COMMITTEE FOR REVISION OF THE PENAL CODE

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8 HEARING ON

9 CHILD MOLESTATION LEGISLATION
10 SB 276, SB 277, SB 278, SB 586, SB 587, SB 588

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14 FRIDAY, APRIL 24, 1981

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19 San Francisco County Health Department
20 Auditorium
21 101 Grove Street
22 San Francisco, California

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TRANSCRIPT

TESTIMONY TAKEN

ON

FRIDAY, APRIL 24, 1981

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1 CHAIRMAN RAINS: If I might have your attention, I
2 would at this time like to call to order this meeting of the
3 Joint Legislative Committee for Revision of the Penal Code. I
4 might indicate preliminarily that the comments today are being
5 transcribed, and that whatever is said will be reduced to
6 transcript form, similar to what I have in my hand. Those of
7 you who wish, at the conclusion of this hearing, to secure a
8 copy of the transcript, if you will so advise us, we will see
9 that you get one, once it is, in fact, prepared.

10 Before going further, I would like to introduce, to my
11 immediate right, to your left, Mr. Edward Cohen, who is the
12 Project Director on this whole area of child molestation,
13 Mentally Disordered Sex Offenders, and also is the Chief Consul-
14 tant, Chief Attorney to the Joint Committee. To my left, at
15 this time, is Jennifer Moss who is a Consultant and Staff
16 Attorney to the Joint Committee. Seated to her left, is Nancy
17 Marshall, the Executive Assistant to the Joint Committee, and
18 also, Lucio Lopez. Lucio, is a Sergeant of the California
19 Senate. And should, at any time today, anyone present wish to
20 have a message relayed to me, if you so advise Lucio, he will
21 see that I get it. Senator John Doolittle will be joining us
22 shortly. We were awaiting his arrival, but given the time
23 constraints, we are going to proceed at this time.

24 I would like to begin by reading a prepared opening
25 statement before we hear from our first witness. I want, first
26 of all, to welcome to today's hearing on child sexual abuse and
27 molestation, all of you. This is the third in a series
28

1 of hearings being held by the Legislature's Joint Committee
2 for Revision of the Penal Code.

3 The alarming increase in reported cases of child
4 sexual abuse in California resulted in the Joint Committee
5 holding a hearing last December to determine the scope of the
6 problem and the areas in which legislation might be needed in
7 order to help reduce the high incidence of child sexual abuse
8 in this state.

9 The Joint Committee's findings have, thus far, been
10 most disturbing. California's laws in this area lag far behind
11 other states which have revised their laws to deal more
12 efficiently and effectively with persons who molest children.
13 For example, there are no courtroom procedures in California
14 designed to lessen the psychological harm done to the victim
15 during the prosecution of a case. The psychological effects
16 on the victim caused by present courtroom procedures and
17 prosecution methods are frequently every bit as serious and
18 long lasting as the criminal act itself. Peace officers are
19 not being trained to deal with child sex exploitation cases.

20 Agencies such as Big Brothers, which select people
21 to work closely with children, are not allowed access to
22 information to determine if the applicant has a record of
23 convictions for sex offenses. Yet, it is common knowledge to
24 those who work within the criminal justice system that child
25 molesters gravitate to jobs or avocations where they come in
26 close contact with children.

27 Some common types of child molesting situations,
28 especially those involving family members, are those where

1 the same child is victimized over a period of several years.
2 By the time the crime is reported, it is often too late to
3 prosecute because the statute of limitations has expired.

4 In certain instances under present law, a convicted
5 child molester who has been determined to be a mentally
6 disordered sex offender, that is, one whom we refer to as MDSO
7 in California, can receive probation and out-patient mental
8 treatment. The effectiveness of this rehabilitation program
9 has been widely disputed. Convicted offenders while on
10 out-patient status have committed serious molestations, a
11 particularly outrageous example being the murder of two and
12 one-half year old Amy Sue Sietz by Theodore Frank.

13 As Chairman of the Joint Committee for Revision of
14 the Penal Code, I have introduced a comprehensive package of
15 six bills designed to place California in the forefront by
16 taking the legislative steps necessary to reverse the increase
17 in child molesting crimes, and to make California's child
18 molestation laws the toughest in the nation. All six bills
19 passed the Senate Judiciary Committee, another Committee which
20 I chair, on Tuesday, April 21st.

21 On April 10th, I chaired a hearing in Los Angeles to give
22 concerned citizens in southern California an opportunity to
23 comment upon this specific legislation. Today, we have invited
24 more expert witnesses, and concerned citizens in northern
25 California to give us the benefit of their comments and
26 suggestions in connection with these bills. All have been
27 given advance copies of the legislation to review, and today,
28 they will share their thoughts with us.

1 Our first witness will be Dr. Carolyn Swift, who is
2 Director of Prevention Services, Southwest Community Mental
3 Health Service, from Columbus, Ohio. Dr. Swift, if you would
4 please come forward. It is a pleasure to have you with us.
5 You are a recognized expert throughout the nation, and I am
6 sure that your testimony is going to be very, very informative.

7 DR. SWIFT: Thank you, Senator Rains. I am very
8 pleased to be here. Members of the Committee and Staff, and
9 the interested members of the audience. This is an extremely
10 important area, and one which needs attention across the
11 nation. Unfortunately, it's not getting the attention it
12 needs. And I continue to be amazed at what you are doing here
13 in California.

14 If this package of bills is passed, you will be the
15 most progressive and outstanding state in the nation in
16 protecting our children against child molesters.

17 Across the nation, there is a tendency to deny what
18 is happening to children, and part of this denial on the part
19 of the public and law enforcement results in a fantastic
20 under-reporting of this crime. It is estimated that less than
21 ten percent of the incidence of child molestation and abuse
22 is ever reported. And when one thinks of that, that 90 out of
23 100 cases of child molestation are probably not reported, and
24 then one looks at conviction rates, less than one percent of those
25 end up in any kind of conviction rates, we realize that our
26 children are really unprotected.

27 Research has shown that up to one-third of our
28 entire population is the unwilling victim of a sexual

1 experience during their childhood. Now, that's shocking.
2 That's one-third, not only of the females, but one-third of
3 the males in our nation, according to research, indicates
4 have had some experience of this sort. Now, the surprise
5 in that, for most people, is that boys or males are also
6 victims of sexual abuse.

7 The media, television, newspapers, magazines, often
8 tend to sensationalize any kind of sex crime. And when sex
9 crimes against children are featured in the media, very often,
10 it's little girls who are commonly shown as victims.

11 I would like to present to you today that boys are
12 not only victims of equal risk of child assault, sexual
13 assault, but that this is very significant for the
14 perpetuation of this crime across generations. Nicholas
15 Groth, who submitted testimony in the previous hearing, but
16 who is not here today, has done the definitive research in
17 this area, indicating that a very high proportion of little
18 boys who are sexually abused grow up to be sexual abusers
19 themselves.

20 It is a common statistic in the area of child abuse
21 that children who are abused grow up to be abusing parents.
22 And it turns out that this is the case with sexual abuse, as
23 well as with other kinds of abuse. I would hasten to say here
24 that correlation is not one-to-one. In the last hearing there
25 was a witness who had been abused as a child, a male witness,
26 who took offense to my saying that. He felt that somehow, I was
27 saying that he would be an abuser, and he was not an abuser.

28 What I am saying is that for convicted child

1 molesters, who are, by the way, 98-99% male, a great many of
2 them, a much higher proportion than in the general population,
3 have had victimization as children.

4 Now, the importance for that, then, is that if we could
5 identify this when it happens, and help those boys who are
6 sexually abused, and intervene at that very young age, then we
7 could, perhaps, prevent a whole cycle of sexual abuse that would
8 occur in later generations. This is why this is important.

9 I come from the mental health profession. I am a
10 psychologist. It has been the vogue over some decades that we
11 can treat a great many mental problems, emotional problems and
12 so on. Many of the public feel that we can treat sexual offend-
13 ers. The fact of the matter is that when it comes to sexual
14 child abuse, there is no established treatment that is effect-
15 ive.

16 There have been some promising programs with regard to
17 sexual abuse of children, where the abuser is a family member.
18 You have right here in California, through Hank Giarretto's
19 program, and the Parents United Program, a very promising
20 program which is, in fact, being modeled across the country.
21 The jury is not yet totally in on that program, as those of you
22 know, who work in the area of law enforcement, recidivism takes
23 several years to get any good data on. You don't release a
24 person from a program, and say, six months later, that person
25 has not committed another offense. You need at least two years,
26 three years, a five year, a longitudinal kind of study to say
27 whether or not that's effective. The early data from
28

1 Dr. Giarretto's program is very promising. So, that your
2 legislation, I note, differentiates between the family offender,
3 that is, the male in the family who commits incestuous sorts of
4 acts, and the stranger to the child.

5 I would like to say here that there is a common myth,
6 you know, that sexual child abuse is the dirty old man syndrome,
7 the stranger in the bushes with the trenchcoat that hops out and
8 offers the child candy. The fact of the matter is, that at
9 least in 80% of the cases of child molestation, the offender is
10 well known to the victim. This means that the offender is a
11 family member, is a neighbor, is a Scout Master, is a school
12 teacher, a gym teacher. In 80% of the cases, the child knows
13 the offender. This is one of the things that makes it so
14 difficult to report. As you can imagine, in the case of the
15 family member, there are all sorts of pressures on the child not
16 to get daddy in trouble, not to rat on your brother. In fact, I
17 was here three years ago at a conference in which I did a
18 workshop on sexual abuse of children. I was approached by a
19 reporter, a San Francisco reporter, afterwards, who asked what
20 promising measures we had toward preventing this. I said one
21 thing that was discussed was perhaps a hotline where children
22 who were being abused, or who thought something funny was
23 happening to them could call and talk to someone. The reporter
24 was incensed about this, and said, "You mean, you are really
25 suggesting that children fink on father?" This shock was that
26 the father might, in some senses be betrayed. He was not
27 advocating for the child.

28

1 What I very much like about this legislation, and
2 your whole approach here is your advocacy for the child victim.
3 I have found that rare, and I am extremely impressed by it.

4 I would like to say, then, in just expanding a bit
5 on the offender, we talk about the fixated offender and the
6 regressed offender. The fixated offender is the pedophile.
7 That is the adult male who prefers children as sexual partners,
8 when given choices, prefers children. This is the offender
9 for which we have no treatment at all. The disturbing
10 fact is that all over the nation, these offenders are being
11 released over and over again on probation. There's plea
12 bargaining so that they continue to be free in our society to
13 molest children. The legislation you have here would address
14 that issue.

15 It also addresses the issue of the regressed offender.
16 And by that, we mean the offender who prefers adult females
17 as sexual partners, but under stress of one kind or another,
18 and sometimes just in terms of a particular opportunity that
19 presents itself, may victimize one of his own children. We
20 are looking toward treatment for this offender because of the
21 complexity of this situation with regard to the victim. It's
22 clear that when a stranger sexually attacks a child, separating
23 that stranger both from the child and from society is a good
24 solution. But, when the person who molests the child is the
25 father, then the separation brings about a number of
26 complications, often the loss of support for the family, often
27 the blaming of the victim that goes on among other members. The
28 mother may abandon the child if she thinks she has to choose

between the child and the father, and so on.

1 So, because of that very complicated situation, we are
2 looking for other alternatives, and I think that the Parents
3 United Program is a good one. What your legislation does with
4 regard to this case is set out certain criteria which will
5 permit the judge to put the offender on probation, or to have
6 other sanctions aside from imprisonment if these criteria are
7 met.

8 Let me say more about why this is such an underreported
9 crime. Not only is the child basically inarticulate in capacity
10 to complain about what has happened, in the case of a five or
11 six year old child, or as we heard earlier this morning at the
12 press conference, this example of the two and a half year old
13 girl, these children are in no position to explain to other
14 people what has happened to them. Very often, they do have the
15 words to talk about what parts of their body were attacked, what
16 the sex acts were. Not only that, the two people involved in
17 the crime, the offender and the victim, neither of them are
18 going to talk about it much. Certainly, the offender not,
19 because that incriminates himself, and the child often because
20 they don't know where to turn, who to turn to, or the words in
21 which to express the victimization. (Very often, the people to
22 whom they turn to deny it, sometimes the mother, if it is an
23 interfamily situation.) Shockingly enough, teachers who are
24 often recipients of this information, don't know what to do with
25 it, so they do nothing with it.

26 Let's say that the child does report it, and it success-
27 fully gets into the criminal justice system. Then what often
28

1 happens is a continual traumatization of the child through
2 having to repeat and repeat and repeat the story to one person
3 after another, after another. These people who
4 interrogate the child very often have had no training in this
5 area. They feel embarrassed and awkward in trying to ask the
6 child very direct questions about what parts of the body were
7 involved, and what the acts were. So, that as a professional
8 here, I feel it important to say that many children suffer
9 more trauma, sometimes, from the investigation and the
10 procedures following the original act of victimization than
11 they did with the original victimization if it was a non-
12 forcible, non-coercive, and no bodily harm was done.

13 There is some research that shows that children who
14 complete the court process by testifying and so on are more
15 severely scarred afterwards in life, in terms of psychological
16 hangups and trauma than children who are prevented from going
17 through that process.

18 That's why I am very pleased at the bill which
19 permits video taping of the child's testimony. That's S. B.
20 587, where the child victim's testimony is permitted to be
21 video taped, and introduced into evidence in the subsequent
22 trial. I think this would encourage parents, perhaps, to
23 permit their children to report this. And, as a psychologist,
24 I think it would be much less traumatic for the child for this
25 to happen.

26 I participated in one such session previously, and
27 was able, with this procedure, to elicit testimony from the
28 child, whereas, in previous hearings with the same child, the

1 child had been so overcome by the courtroom and the procedures
2 that the child had not been able to even speak. So, I think this
3 will be both helpful in encouraging reporting being less
4 traumatic for the child, and in obtaining convictions.

5 To speak a moment about the effects of child sexual
6 molestation on the victim in later life, first, the severity
7 of the effects, of the trauma seem to revolve around three
8 variables. How much force was used, that's the first. If
9 the child, of course, was battered at the time of the sexual
10 incident, then there is much more trauma than if this was a
11 non-coercive, non-assaultive incident.

12 The relationship between the child and the offender
13 is a significant variable. Interestingly enough, the closer
14 the relationship, the more traumatic the experience. If
15 you think about this for a minute, you can see why this is
16 true. We build into our family trust between the child and
17 the parents. One of the Ten Commandments is, "Thou shalt
18 honor thy father and thy mother." This is built into the whole
19 fabric of our society, so that when father says, "Go to school,
20 you can't stay home today," the child does that. When father
21 says, "You can't go out to play," or, "Go to your room,"
22 because of punishment, the child obeys that. We all
23 reinforce that at every level of our society.

24 What then happens to the child when the father says,
25 "Go into the bedroom and take off your clothes and lay down on
26 the bed and submit?" This violates the relationship of trust
27 that is established between parent and child. When that
28 child grows up to understand how she or he was victimized, you

1 have serious psychological effects. We are still dealing
2 across the nation with the effects of this kind of relationship.
3 A very high proportion of teenage prostitutes were sexually
4 molested within their own families. A high proportion of
5 runaways, both male and female, are running away from
6 situations of family sexual victimization. High incidence of
7 drug abuse, particularly in women, turns out to have followed
8 a history of sexual victimization.

9 So, there are very serious side effects of sexual
10 assault of children.

11 I would like to address each of the bills, and give
12 my opinion on what the impact of this is. First, on SB 586,
13 with regard to your definition of sexual crimes against
14 children. This is excellent. It is quite comprehensive.
15 Many states simply talk about acts of penetration, oral-genital
16 acts of penetration. Your definitions address not only those
17 obvious acts of penetration, but also the exploitation of
18 children for the sake of sexual titillation of another,
19 sexual arousal of another. I think this is extremely
20 important that the definitions be as you have them.

21 The mandatory prison terms for persons who commit
22 this crime, I think, again are excellent, and go back to the
23 point that we do not have an effective treatment. So that in
24 the past, an offender perhaps has been mandated to treatment,
25 and then, after a certain period of time, attending a certain
26 number of sessions, passing a certain number of tests, will be
27 released again to society, without undergoing a sentence,
28 without fulfilling a sentence, but simply completing some

1 sort of treatment. We have found that this is not effective, so
2 I very much like the mandatory prison sentence.

3 CHAIRMAN RAINS: I would like to inquire at this point.
4 We, of course, want to think that psychotherapy has advanced to
5 that point where we can, in fact, enjoy great success in treating
6 these people.

7 DR. SWIFT: Right.

8 CHAIRMAN RAINS: It has been my observation that, in
9 fact, that is not the case. You seem to be saying the same
10 thing.

11 DR. SWIFT: Right.

12 CHAIRMAN RAINS: Do most of your colleagues now agree
13 that perhaps the science is not as exact as perhaps they had
14 hoped it might be by this time, and that, in fact, mandatory
15 prison terms, if we are, in fact, to protect society, are called
16 for? This is a very harsh provision in this bill, to be sure.

17 DR. SWIFT: Yes, it is a very harsh provision. Let me
18 say that most of my colleagues in the mental health profession
19 who have familiarity with this area, with this field, and with
20 these offenders would agree. Unfortunately, just as there is a
21 lack of training in law enforcement around how to deal with sex
22 crimes and sexual offenders, there is very much a lack of
23 training in schools of psychiatry and psychology and so on with
24 the fixated sexual offender. So that if you were to talk with
25 many people, say, in family and children's clinics across the
26 nation who have had no training, and maybe have had one or
27
28

1 two cases of this in their entire professional career, they
2 might have a philosophy about whether treatment is better than
3 prison sentences. It is their own lack of sophistication, I
4 think, that would bar them from the consensus.

5 I think the significant reponse there is, that for
6 those of the professionals in the field who are familar with
7 this area, I think there is a concensus. Nicholas Groth, for
8 example, and some of the people who testified at the earlier
9 hearing who are experts in this area. I think the experts do
10 agree.

11
12 CHAIRMAN RAINS: That's interesting, because in
13 addition to those you mentioned, Dr. Summit feels the same
14 way. And it would appear from what you are saying that those
15 who enjoy the greatest respect around the nation seem to some
16 degree unanimity concur.

17 DR. SWIFT: I think that is true, and I think it is
18 a case of having to improve training for other professionals
19 in order for this to be a common concensus across disciplines.

20 The extention of the statute of limitations, which
21 Bill 276 would bring about, is again, very good, because so
22 many times the child is threatened when this happens to them.
23 If you tell someone, "I'll hurt you, I'll kill you," and so on,
24 that the child, it's only when the child becomes a little
25 older, and begins to develop a sense of self-respect that they
26 realize they were exploited and they want to tell somebody.
27 And at that point, when they do tell somebody, perhaps the
28 statute of limitations would have expired, and there is no way

1 of dealing with that offender, who continues -- then is free
2 to continue to molest young children. So, the extension to
3 five years is certainly a step in the right direction with
4 that.

5 CHAIRMAN RAINS: As a matter of fact, we have now
6 amended the bill and raised it to six years.

7 DR. SWIFT: Raised it to six, very good. Very good.

8 CHAIRMAN RAINS: Yes.

9 DR. SWIFT: Then, Bill 277, that makes it harder for
10 known child molesters to gain access to victims is also a
11 significant step toward progress in this area. I think the
12 literature is replete with instances where leaders in youth
13 groups, leaders in Boy Scouts, gym teachers, have molested
14 children. I would like to repeat here, I think, an example I
15 gave at the earlier hearings, the case in which I have personal
16 knowledge, in a midwestern state, where, on an in-patient,
17 residential facility for children, disturbed children, where
18 maybe there were 20 children in that particular ward, most
19 of whom had been admitted to protect them from sexual abuse
20 at home.

21 CHAIRMAN RAINS: Doctor, have your studies evidenced
22 that child molesters tend to gravitate toward those programs
23 where they are placed in supervisory or disciplinary,
24 authoritative positions?

25 DR. SWIFT: Absolutely, they do. And this is the
26 case, yes. And in this particular situation, the custodial
27 person in that institution had sought the job, and asked to be
28 on the ward with children. And it turned out that he had been

1 molesting the children on that ward over a 12 month period.
2 And one or two of the children had complained, but they were
3 on a psychiatric in-patient ward, and the therapist thought
4 they were fantasizing that, that it had happened at home to
5 them, they were removed from home and brought into a protective
6 situation. They were being revictimized in the protective
7 situation, and even the professionals could not recognize this.
8 After 12 months, it was recognized. The man's previous history
9 was then checked, and it was discovered that he had been
10 convicted of sex crimes in another state. He had moved out
11 of that state into this state, and
12 actively sought a job where he had authority over children,
13 and continued the victimization.

14 So, I think this is very important that you would
15 have access to prior victimization records with children,
16 extremely important.

17 The training that S. B. 588 would provide for law
18 enforcement agencies is extremely important, as well. And
19 that deals with the trauma the child suffers through repeated
20 interrogation, and sometimes, really verbally abusive kinds of
21 interrogation about this. I have sat in, not here in
22 California, in other states, I have sat in on interrogations
23 where the child is attacked verbally, "You are lying, aren't
24 you? You are really making that up, aren't you?" So that
25 the child then becomes very silent. And we end up not being
26 able to prosecute this crime. I am very happy about this, and
27 I think officer Goldstein, who will testify later, has an
28 excellent program projected to deal with that sort of training.

1 CHAIRMAN RAINS: To the extent that peace officers
2 and other specialists receive more training and become more
3 sensitive to some of these problems that confront the child
4 victim, and to the extent that we have, for illustrative
5 purposes, the possibility of video taping in the courtroom,
6 do you think that given this type of approach, that we might,
7 in an indirect fashion, because this is one of the purposes
8 we are trying to achieve, encourage people to come forward and
9 to report to a greater degree than is now the case, that is
10 to the extent that we can lessen the psychological harm done
11 the child victim?

12 DR. SWIFT: Yes, I do. I think the whole thrust
13 of this legislation will accomplish a number of things, both
14 increase the reporting because of the reduced trauma to the
15 child. Then, of course, the humane aspect of reducing the
16 trauma to the child, and perhaps preventing the kind of
17 emotional scarring that has occurred so often in the
18 prosecution. So, I think your assumption that
19 perhaps this can increase reporting is a good one, it is good.

20 That is pretty much of a summary of my response to
21 this package. I think it's an excellent package. Again, I
22 would repeat, in my experience, it would be the most progressive
23 in the country toward advocating for our children and for
24 child victims of this crime.

25 CHAIRMAN RAINS: I have a few more questions, Doctor.
26 You made the comment that in your opinion, about one third of
27 all children in our society are molested, and you factored into
28 that equation males and females, if I understood you correctly.

1 DR. SWIFT: Right.

2 CHAIRMAN RAINS: Is that based upon any kind of
3 empirical study?

4 DR. SWIFT: Yes.

5 CHAIRMAN RAINS: Could you relate that to us? I
6 have heard that statistic before, from a number of experts.

7 DR. SWIFT: Most of those figures are based on
8 retrospective reporting surveys, that is to say, if I were to
9 pass out a survey to people here in the room, the question
10 would be, "Were you ever the unwilling participant in a sex
11 act with an adult when you were a child?" "When you were a
12 child, were you ever forced into a sex act with an adult?"
13 And when these studies have been done, they were done with
14 Landis, I think 1956, is one source for this. And he was one
15 of the first who found this. But, the Kinsey Institute, in
16 Indiana, found a fourth to a third women reporting this.
17 Landis' survey found the equal victimization of cross-sex.
18 Then, a researcher named Walters also found a fourth to a
19 third victimization. Now, what is interesting about this to
20 me is that there are so many sanctions against reporting, and
21 against saying that it happened. And we have psychologically
22 reasons to repress that if it happened to us, that I think even
23 this admission, being able to recall that when you are an
24 adult, this is based on retrospective recall, has the flaw of
25 defective kinds of distortions of memory.

26 Freud pioneered the whole philosophy around
27 repression, that we tend to repress unpleasant things, and
28 we tend to repress particularly sexual incidents that are

1 unpleasant. Freud, himself, was amazed at the number of his
2 female clients who reported incest experiences. In the
3 beginning, he published this. And he was so pilleried by his
4 peers that at one point then, he said -- his peers were saying,
5 during Victorian times, "Gee, these marvelous Victorian fathers
6 couldn't be doing this to their children. They must be making
7 it up." And he then, in print, came to the conclusion that
8 perhaps his female victims or clients were fantasizing. Since,
9 it has been proven, and established, and now accepted that his
10 female victims were not fantasizing. They were reporting the
11 truth, and even at that time, being further victimized by not
12 being believed.

13 CHAIRMAN RAINS: You know, I have now heard that
14 statistic a number of times, and I was absolutely startled the
15 first time I heard it. I thought it can't possibly be that
16 high. And yet, again, those who enjoy the most respect in the
17 field seem to all say around 30 to 35 percent. And I guess
18 what crosses my mind is, I've got to believe that if the
19 studies evidence 30 to 35 percent, that in fact, it's probably
20 higher because one thing you have pointed out, there is
21 sometimes, we all know, repression to such a degree, that it is
22 not recalled, because a person just doesn't want to. And the
23 second thing is, that however confidential the report may be,
24 however confidential you may try to make the person being
25 questioned believe the study will be, I'm sure that there are
26 those who still won't make the admission.

27 DR. SWIFT: That's true.

28 CHAIRMAN RAINS: For fear that perhaps it really

1 won't be confidential.

2 DR. SWIFT: That's true.

3 CHAIRMAN RAINS: And that leads me to believe that
4 maybe it is even more pervasive.

5 DR. SWIFT: I think it is. I think an important
6 thing to remember here is part of the incidence figures will
7 be a function of what your definition is. And in the Landis
8 study, for example, exhibitionism was included, to ask if you
9 were ever the unwilling participant in a sexual experience with
10 an adult when you were growing up, may include being exposed,
11 in his study, being exposed to nudity. I think that's a
12 questionable definition. For our purposes, most of what you
13 have talked about involves physical contact, your definition,
14 a great part of that. And subsequent studies have used a more
15 stringent definition, and not talked about exhibitionism. But,
16 even so, they have found a third. A third seems to be a
17 general kind of a figure. Let's see, it
18 was the San Francisco Police Department figures, in 1976,
19 showed a third of the victims who reported this as a crime in
20 the police statistics, a third of those were male. And in
21 Kansas City, for that same year, we corroborated that. Again,
22 when one is aware of the sanctions against little boys
23 reporting this, one is sure that the figures are much higher,
24 because when a little boy reports being victimized, there is
25 a double taboo there. It isn't just that a sexual act has occurred,
26 which is taboo, like an adult male with a female child, but
27 there is the fact that it is same sex victimization. So, there
28 is the taboo of homosexuality. And very often, the child is

1 given the message, the little boy, if that happens to you, you
2 don't dare tell anybody about that. So, I think that's a
3 particularly underreported kind of crime.

4 There are statistics, again, the Landis study, shows
5 that of the third of males and females who reported this, in
6 later years, in the retrospective study, they were all asked,
7 "Did you tell anybody at the time it happened?" And almost
8 half, it was in the 40 percent, of the women who had
9 victimized, did tell somebody. But, only 16 percent of the
10 boys who had been victimized, ever told anyone. So, we have
11 differential reporting by sex of this, too.

12 CHAIRMAN: Doctor, I would like to introduce you and
13 others present, or introduce to you Senator John Doolittle, who has
14 arrived. He represents a goodly portion of the City of
15 Sacramento and other environs. And, John, much of Dr. Swift's
16 early testimony focused on one part, in fact, the only part
17 of SB-586 with which I think you have expressed some difficulty
18 in the past. And please correct me if I misstate your
19 position. Senator Doolittle's feeling, I believe, is that we
20 ought to have mandatory prison sentences across the board,
21 whether it be incestuous, whether it be in-family, there should
22 be no exceptions whatever. Is that basically accurate?

23 SENATOR DOOLITTLE: Yes.

24 CHAIRMAN RAINS: SB 586 is, of course, I the toughest
25 bill. If passed, it will be the toughest law in the nation.
26 But, we do try to draw distinctions, keeping in mind the child
27 victim as well. And I wonder if you might, without going as
28 extensively into it as before, address that once again, because

1 he may have some questions that he would like to pose. And it
2 is a long drive from Sacramento, and it is for that reason that
3 he was not here earlier.

4 DR. SWIFT: I have an understanding of the problems
5 that you have with that section, partly because, I had just
6 said, one of the variables that leads to increased trauma
7 later for the victim is if the relationship with the offender
8 was a close one. Does a betrayal of the trust between the
9 father and the child, and in some senses, there are those who
10 say, "Why should that person, who is not only offended against
11 the child, like the stranger did, but offended against his
12 own child, why should that person have a lighter treatment
13 from the law?" It has to do, for me, with the very complicated
14 set of effects that come about when the child becomes the
15 cause of the father's being removed from the family, and the
16 essential breakup of the family.

17 What we have found in the mental health profession
18 is that when the father is removed and imprisoned for this,
19 very often, the mother turns against the child. "You put
20 daddy in prison." There is the loss of support, you know,
21 the breadwinner of the family. It may lead to not just a
22 breakup of the family as it has been known, but the child then
23 will often come, who is in therapy, and beg us to do something to
24 get the father back because everyone has disowned her at this
25 point. It is a very complicated situation. And I think our
26 approach is, if it is possible to have treatment in this case,
27 and to maintain the integrity of the family, it would be the
28 most productive for all involved. And the program you have

1 here in California, through Parents United, and Hank Giaretto's
2 program, is again, the light of hope in this area.

3 Now, I did say that the jury is out on this. There
4 are very good early statistics indicating 90 percent
5 effectiveness, in the 90th percentile of the program. But, my
6 caveats about that have to do with the fact that when you
7 measure recidivism, you have to have a period of time in
8 which to do that. Six months is not good.

9 My second problem with it has to do with the fact
10 that offenders, once discovered, tend to move out of that
11 area. So, you may have the hardcore people who are
12 recommitting these crimes picking up their families and moving
13 them to another state. Until there are good statistics which
14 really have good followup across the board over a long period
15 of time, we won't know. And I guess I would say, since the
16 jury is out on this kind of a program, the legislation you
17 have here permits the possibility of maintaining the integrity
18 of the family. There are provisions that would protect the
19 child, if force has been used.

20 CHAIRMAN RAINS: We still have mandatory prison in
21 that case, even within the nuclear family.

22 DR. SWIFT: Right. And then it's at the discretion
23 of the judge. And also there is a provision that says if the
24 child is in any danger for this to be recommitted, you know,
25 of this sort of crime, then the man would be removed. So, I
26 think that it is an attempt to try to balance here the harm
27 done to the child by the sex act itself, and the harm done to
28 the child in the family by the way society treats that. And

1 I don't know that we have a perfect answer, but I think that
2 it's a good one, I think it's the best one in the nation at
3 this point.

4 SENATOR DOOLITTLE: I don't think there is a perfect
5 answer to a complicated situation like this. And I know it's
6 a close question. And I don't, by my lack of support, completely,
7 for this bill, it's not to criticize, really, Senator Rains,
8 or the people that support it, because I know it's a
9 complicated issue. I guess I come down more on the other
10 side. But, as I have indicated to Senator Rains, his bill
11 is certainly preferable, I think, to what we have now, and I
12 have supported all of the other bills in this package. And
13 I may end up being on the losing side of this other issue.

14 What concerns me in the bill is that we don't limit
15 it just to the parents, but it is anybody there who is related,
16 living within the household, as I recall.

17 DR. SWIFT: I see. In other words, it isn't just
18 a father offender.

19 SENATOR DOOLITTLE: Right.

20 DR. SWIFT: And you don't object to that as much as,
21 maybe, if it were an uncle or a brother?

22 SENATOR DOOLITTLE: Yes. I think the narrower it gets,
23 because I think if there is going to be a tendency, where there is
24 not force used within the home, to find a meeting of those
25 four criteria. And therefore, non-prison types of treatment,
26 mandatory prison, you know, makes it 100 percent, and on the
27 other hand, this other way, if it is, as I am suspecting, a
28 loophole that you could drive a truck through, possibly, then

1 we are not going to see much treatment that way for these
2 other individuals. So, if there is a narrowing, at least of
3 the classes of individuals to whom that could apply, say, it's
4 limited to the parents, or the father, I guess the mothers
5 aren't often guilty of this crime, that would be more
6 satisfactory to me.

7 DR. SWIFT: More acceptable to you. I can understand
8 that point. I think there is a provision here that says that
9 if an exception is made, and the judge does not impose the
10 mandatory sentence, then the judge must put in writing what
11 those reasons are. And I would hope that there would be some
12 very rigorous monitoring of this to see that, in fact, that is
13 not a loophole which a truck is driven through, and that
14 everyone is being let off through an almost cursory use of that
15 particular section. But that when an exception is made, that
16 there is a very careful review of the case, and a thoughtful
17 going through of all the criteria involved. And then the
18 judge is held accountable for that. I think that that is
19 extremely important. And then, in fact, your concern is a
20 concern I shared when I first saw this legislation. I said,
21 you know, here is something that could be a loophole. And I
22 think that this is something you would want to monitor and
23 see whether it becomes such or not.

24 SENATOR DOOLITTLE: I've just got to persuade my
25 fellow brethren on the Judiciary Committee to help me hold
26 those judges accountable.

27 DR. SWIFT: I think that's extremely important,
28 extremely important. I mean, you can do so much with

1 legislation, but it can be undone.

2 CHAIRMAN RAINS: And that's a very legitimate
3 concern, because, to the extent that magistrates or judges
4 do not adhere to the legislative intent, then to that same
5 extent, any law, no matter how tough it is, does not achieve
6 what we would like to have it achieve. But, as you pointed
7 out earlier, we have done our balancing act.

8 DR. SWIFT: Right.

9 CHAIRMAN RAINS: It's a very tough balancing act.
10 We have come down on the harsher side of the coin. It's not
11 100 percent, which is a position that can be argued with some
12 cogency. But, I would daresay there ought to be very, very,
13 very few exceptions.

14 DR. SWIFT: Right.

15 CHAIRMAN RAINS: But, when that exceptional case
16 arises, it seems to me as though we have got to recognize it,
17 in being cognizant of the need to care about that child victim.

18 DR. SWIFT: It seems to me it would be very good if
19 this, you know, when this becomes effective, that there be some
20 setting of a point, one year hence, 13 months hence, in which
21 there would be a review of the cases and how many of these
22 cases that came to the attention of the court fell into this
23 exception clause, and how many used what reasons. I mean, I
24 would really like to see a study done on that.

25 SENATOR DOOLITTLE: I would hope that however it
26 turns out, that a study is done so that we do have that
27 information.

28 DR. SWIFT: Right.

1 CHAIRMAN RAINS: I have a question here about the
2 pedophile, that came from the audience, that might marry a
3 woman just in order to molest a child. That comes under a
4 provision in SB-586, the so-called stranger clause that does
5 call for mandatory prison sentences.

6 Thank you very much, Dr. Swift. That was very
7 enlightening testimony. I might make one comment, because
8 I think we are somewhat proud of the work they have done, that
9 you made a number of complimentary statements about Parents
10 United. And you are probably aware of this, but if you are
11 not, Parents United started right here in the Bay Area, in
12 Santa Clara County, Hank Giaretto. And in fact, Elizabeth
13 Coby will be one of our witnesses today. And they have had
14 a great deal of input. And we have listened very carefully
15 to their concerns as we drafted this legislation.

16 DR. SWIFT: Thank you for the opportunity.

17 CHAIRMAN RAINS: Thank you. The next witness, in
18 fact, will be Elizabeth Coby, who is counsel for Parents
19 United, and involved in the child sex abuse treatment training
20 program.

21 MS. COBY: Senator Rains, I first just want to say
22 that I am very impressed by Dr. Swift's eloquent testimony.

23 CHAIRMAN RAINS: It was very eloquent, indeed. Very
24 insightful.

25 MS. COBY: I think that her description of the
26 nature and dynamics of child sexual abuse we wouldn't change
27 at all. I think she has dotted all the "i's" and crossed all
28 the "t's". And I don't want to belabor certain points.

1 I would like to go on and point out, though, a few
2 practical problems that have come up and how we have dealt with
3 this on a day to day basis. I would also point out that we
4 have now been going ten years, and our recidivism rate is
5 still barely minimal. It's even lower than Dr. Swift
6 indicated, at this time. So, I am hoping that the jury will
7 be coming in.

8 CHAIRMAN RAINS: So, you are suggesting that it is
9 lower than ten percent? I think that she felt it was around
10 ten percent in your program.

11 MS. COBY: No, it is lower than five.

12 CHAIRMAN RAINS: Lower than five percent.

13 MS. COBY: What we can ferret out is less than one
14 percent. But, we suspect it is between three and five percent.
15 What we have been doing is keeping in contact with those
16 families, many now for eight or nine years.

17 CHAIRMAN RAINS: Even if they move from the area?

18 MS. COBY: Not the ones that have moved, but that
19 many are no longer leaving the county because they no longer
20 have the need to do that. They can now keep their jobs. They
21 can maintain themselves in the community, and there is no
22 longer a need to run and hide from this problem.

23 One of the things Dr. Swift is right about is the
24 overwhelming numbers of cases that happen of in-family abuse.
25 And quite frankly, we don't have enough prisons to lock up
26 20, 25 percent of the male population in California, and have
27 whatever percent guard them while they are there.

28 The other thing that I would be concerned about with

1 mandatory prison, not that these fathers don't deserve it,
2 our program is victim oriented. We don't want to send them
3 to prison only because that child needs that father. She is
4 the one that is going to bear the guilt, and she needs to
5 reestablish that trust basis with him if she is going to be
6 able to distinguish sex from affection as an adult.

7 By developing our program, last year, in Santa
8 Clara County alone, we had over 400 families come forward
9 voluntarily, that's half of our cases just in Santa Clara
10 County, because they knew that they could get help, that the
11 father might do a period of time in county jail, but they were
12 willing to take that kind of a risk, because they knew they
13 could get help, and they knew the family would not be
14 destroyed.

15 CHAIRMAN RAINS: Do you think that there would have
16 been fewer families come forward if there had been absolutely
17 no exception whatever? I mean, we have very limited
18 exceptions.

19 MS. COBY: There is no question about that. These
20 decisions are very often family decisions, and also, very
21 often the decision of the father, himself. When we began the
22 program, there were around 30 reported cases a year in Santa
23 Clara County. Now, there are 800 reported cases. And, yes,
24 there are literally thousands of children who are no longer
25 being abused, because those families felt safe to come forward.

26 CHAIRMAN RAINS: So that's what, over a 2,000
27 percent increase?

28 MS. COBY: That's correct. I think the others --

1 reality, I understand that feeling about distinguishing the
2 father from the rest of the molesters who turn out to know the
3 child. The distinction that we want to draw in our society
4 is what kind of relationship that child feels she has with that
5 man. If that man has been her stepfather since
6 she was one year old, it doesn't make any difference to her
7 that he is a stepfather, than a real father. He's her father
8 figure. And her response to what she does, when she goes
9 ahead and reports this, and how she feels about the molest is
10 the same. And it is on that basis that we wanted to have all
11 in-family members mentioned within that when there is a case.

12 We have had two cases where pedophiles have married
13 women in order to get to their children. That also was very
14 clear, very quickly. These men were not accorded the same
15 kind of treatment in the program. We went to the court, we
16 said, "They are pedophiles. We cannot work with pedophiles,
17 just as anybody else cannot. And we cannot say to you that
18 you should not lock this man up." And in fact, that has
19 happened in those two cases.

20 In theory, sometimes it's difficult to distinguish
21 often the pedophile from the in-family molester. But, in
22 practice, it is really very easy. And those kinds of cases
23 now would go to prison in Santa Clara County, because that is
24 what happens to out of home molesters, the predator, the
25 pedophile. And that would continue to happen, because at the
26 time of sentencing, we would tell the court -- in fact, we
27 usually tell the court way before that, that this man turns
28 out to be a pedophile, and we need to protect society from him.

1 One of the things that I think is very important
2 about your bills that hasn't been mentioned in too much detail
3 is the need for police training and district attorney
4 training. The San Jose Police Department now has over a
5 90 percent confession rate. And most of the others, when they
6 are sent to Parents United come back and confess to the
7 police later on, anyway. These cases can be handled
8 successfully. These prosecutions can be done successfully,
9 and it is simply a matter of training. And we are very
10 pleased to see that that kind of problem is addressed.

11 For that reason, we are also very happy about the
12 video taping provision, because testifying in a courtroom is
13 very traumatic. I would like to indicate, because our
14 policemen are so well trained, we don't go to preliminary
15 hearings. We haven't had a trial from a program case in eight
16 years. And we only have a handful of preliminary hearings
17 every year.

18 CHAIRMAN RAINS: You have not had a trial in this
19 area, in Santa Clara County in eight years?

20 MS. COBY: No, not in a program case.

21
22 CHAIRMAN RAINS: And you are saying that the D.A.
23 has been aggressive?

24 MS. COBY: The District Attorney has been aggressive.
25 The charges have been filed.

26 CHAIRMAN RAINS: But, it has been because of pleas?

27 MS. COBY: It's because the police know how to
28 interview well.

1 CHAIRMAN RAINS: Oh, no, I'm sorry. I said pleas,
2 p-l-e-a-s.

3 MS. COBY: Yes, pleas. Yes, the first thing with
4 fathers, the uncles, the brothers must do is take
5 responsibility for their acts, and plead guilty, and save that
6 child from having to go on the stand and go through that
7 further trauma.

8 CHAIRMAN RAINS: Based upon my own experience as a
9 former prosecutor, that is quite a statistic, because that is
10 not found in most places.

11 MS. COBY: That's right. And when our cases are
12 handled well, that child is interviewed once and only once.
13 Her testimony is taped, unbeknownst to her at that time, and
14 she never has to go inside of a courtroom.

15 SENATOR DOOLITTLE: Mr. Chairman?

16 CHAIRMAN RAINS: Yes, Senator Doolittle.

17 SENATOR DOOLITTLE: How do you feel about the issue
18 of, whether it is limited to the natural parent, or even maybe
19 an adoptive parent, but what about a step-parent or a relative,
20 a member of the victim's household is a live-in boyfriend, right?

21 MS. COBY: We apply the same criteria, because as I
22 said, to the child, if that man is playing the father figure.
23 We have cases where the father next door is the father figure
24 because her own father ignores her. As far as the child is
25 concerned, that is her father, and she has those guilt feelings
26 if anything happens to him and has that sense of betrayal.

27 SENATOR DOOLITTLE: But, and yet we are going to send
28 him to prison because he is the man next door.

1 MS. COBY: I would like at some point to keep the
2 man next door out if he, in fact, has that kind of in-family
3 dynamic with the child, and if he is not a predator. Now,
4 once again --

5 CHAIRMAN RAINS: My bill would call for mandatory
6 prison in that situation, though.

7 MS. COBY: That's right. But, I think that those
8 are the kinds of details, when the jury comes in in the
9 Parents United program, what happens in many of the counties
10 is that these people are all sent to us, and then they are
11 screened out. And those distinctions are made.

12 CHAIRMAN RAINS: I have a question from the audience
13 that I think the person would like me to ask you. Isn't it
14 true that you found in the child sexual abuse treatment
15 program that many offenders feel that they should do jail time
16 in order to pay for what they have done?

17 MS. COBY: Absolutely. And most of our offenders
18 do go to jail. That is a necessary part of the entire
19 rehabilitation process.

20 CHAIRMAN RAINS: So, your findings lead you to
21 conclude that most pedophiles do, in fact, have guilt feelings?

22 MS. COBY: No, in-family molesters. Was that
23 pedophiles or in-family?

24 UNIDENTIFIED SPEAKER: In-family.

25 MS. COBY: In-family.

26 CHAIRMAN RAINS: Well, this doesn't distinguish.

27 MS. COBY: No, most in-family molesters in our program
28 go to jail, they need to.

1 CHAIRMAN RAINS: You intended to focus on in-family?

2 MS. COBY: Yes. They need to go to jail. Quite
3 frankly, the process that the father has to go through is very
4 painful, very frightening. And he will not do it unless he is
5 forced to, through the coercive means of the criminal justice
6 system. We have had many cases now, probably three, 400
7 that have gone through our program that have not been
8 prosecuted. And in every single case, that family has dropped
9 out, disappeared, and then what happens is we pick up the
10 children years later as runaways. And the criminal justice
11 system and the involvement of the juvenile justice system are
12 essential to this entire rehabilitative process. It's not
13 easy, it's not nice, it's not pleasant.

14 CHAIRMAN RAINS: At one time, Ms. Coby, we were
15 informed that you were going to try to bring with you today
16 a victim, a victim's mother, victim's father. Were you able
17 to do that?

18 MS. COBY: Yes, I am.

19 CHAIRMAN RAINS: Are they willing to come forward
20 and testify?

21 MS. COBY: They are willing to come forward, but
22 they would request that the television cameras remain outside,
23 so that they will not be identified.

24 CHAIRMAN RAINS: I don't believe we have any on right
25 now.

26 MR. WILLIAMS: Yes, I'm Ben Williams of Channel Five
27 News. That's perfectly all right with us. We have already
28 talked to the principals involved, and we would not show their

1 faces. We would like, however, to request permission shoot
2 them as she is sitting now, from the back, as they testify,
3 and I am sure that they wouldn't mind that.

4 CHAIRMAN RAINS: Would there be any objection to
5 that?

6 MS. COBY: There will be no objections as long as it
7 is not shown in a revealing manner.

8 CHAIRMAN RAINS: Yes, okay, fine.

9 MS. COBY: Senator Doolittle, the only other thing
10 I want to make, point that I want to make is that we don't
11 include, or want included stepfathers and uncles and cousins
12 to be nice to them. We want them included because if we don't,
13 it is the child who is going to suffer.

14 CHAIRMAN RAINS: Thank you very much. For obvious
15 reasons, I won't ask that you identify yourselves. I don't
16 know which of you would like to begin.

17 MS. COBY: Perhaps the mother would like to begin
18 first.

19 MS. BRAWNER: I have no problems in identifying
20 myself. I am very open about who I am and my involvement with
21 Parents United. My name is Sharon Brawner. I have been with
22 the program for a little over ten years. I feel it really
23 necessary that I be here, because my case is one of the
24 examples. My daughter and her victimization is one of the
25 examples of what happens to children who are involved in the
26 judicial system from the very beginning, and it is not treated
27 in a proper manner.

28 In my daughter's case, I found out about her molest

1 by reporting her as a missing person. I found out after having
2 reported her missing, I finally got a call, and was notified
3 that she had been molested and taken to the hospital. I was
4 given no details.

5
6 CHAIRMAN RAINS: So, this was a case of forceful
7 molestation?

8 MS. BRAWNER: No, it was not. This was her father.
9 But, this was how she was picked up and taken to the hospital.
10 She was at the hospital with uniformed officers for about three
11 hours before I found out and was able to get to her. We were
12 informed that we were going to have to be interrogated. We
13 were taken to the police station and interrogated again for
14 another two and a half hours.

15 Now, I know my daughter was already feeling trauma,
16 she had to have been just from the molest. But, when we
17 walked out of that police station, I know that I felt like I
18 was as much a criminal, if not more so, than my husband, just
19 by virtue of the kind, and the quality of interrogation that
20 we went through.

21 In following that interrogation, my daughter was
22 unable to talk beyond her survival needs for, "I'm hungry, I
23 want to go to bed," some acting out.

24 CHAIRMAN RAINS: How old was she at the time?

25 MS. BRAWNER: She was a month short of nine years
26 old.

27 CHAIRMAN RAINS: Almost nine?

28 MS. BRAWNER: Yes. About six months into the

1 process, after having been questioned over and over and over
2 again, drug in and out of the courtroom, of which I was not
3 allowed to be with her, she had no advocate, or anybody with
4 her. She was taken into the courtroom by a bailiff, put on
5 the witness stand, and required to testify. This went on for
6 ten months.

7 CHAIRMAN RAINS: And the judge excluded the parents,
8 or the mother?

9 MS. BRAWNER: I was not allowed to be in the
10 courtroom at any time, under any circumstances.

11 CHAIRMAN RAINS: What was his justification or her
12 justification for that?

13 MS. BRAWNER: I was told that it was a closed court
14 hearing, and because of that, I was not allowed in the
15 courtroom. When I was told by the district attorney,
16 I demanded that I be with her, at least sit in the room with
17 her. And he told me that I couldn't be, and I threw a temper
18 tantrum, and I was told that I would be held in contempt of
19 court if I didn't obey whatever their rules were. Had I known,
20 really, the extent of the trauma that my daughter endured
21 during that time just by being by herself, I think I probably
22 would have gone in contempt of the court and demanded to be
23 there with her.

24 CHAIRMAN RAINS: That's outrageous. I mean, with the
25 experience I have had, I have never heard of that, where the
26 mother --

27 MS. BRAWNER: I don't know what happens in other
28 courtrooms, I'm just citing my example.

1 CHAIRMAN RAINS: No, no. And I am glad you are,
2 because if that is happening, that is --

3 MS. BRAWNER: I can tell you that in other --

4 CHAIRMAN RAINS: I mean, that's something I don't
5 address in my bills, and perhaps should. I mean, that's
6 absolutely outrageous.

7 MS. BRAWNER: I agree with you, it is. And the result
8 of that, I can tell you later. At this point I'm not ready to
9 yet. I'm getting to that point. One of the reasons why I am
10 here is in support of the two bills, one requiring that those
11 people involved in interrogating the victim in the family be
12 especially trained. They have to be. And can you imagine,
13 in my daughter's case, and I know that it is still continuing
14 in other communities throughout California where people are
15 not trained, she was sitting in a very sterile room, across
16 the table, while he sat there, across from her with his gun
17 and his holster, and kept fingering his gun the whole time he
18 was interrogating her. Now, I have to state that this was
19 before Parents United was off the ground, and before we could
20 reach those different police departments within Santa Clara
21 County. Since that time, that does not happen because each
22 police department has a specialized unit of officers who have
23 gone through training, have been taught how to interrogate, and
24 they understand how crucial that trauma is if it is not handled
25 properly. And the victims are now usually interrogated once,
26 and that's all that's necessary, primarily because they have
27 been trained in knowing how to interrogate the victim.

28 CHAIRMAN RAINS: That's only in Santa Clara County?

1 MS. BRAWNER: To my knowledge, yes. I would like
2 to say that my daughter was again molested four years
3 later, by a different man, who, I am grateful to say is in prison,
4 and I am in whole support of that because his molest on her
5 was extremely violent, threatening with a gun. It did
6 continue for two years, with drug abuse and other forms of
7 violence perpetrated on my daughter. However, when my daughter
8 finally got enough guts to come and tell me what was happening
9 to her, her one plea was, "Mama, I don't want to go to court
10 again, please don't make me go to court again." And in my
11 ignorance, and my wanting to protect her, I tried to remove
12 her and myself and my son without going through the judicial
13 system. I moved my children out of state. It did ultimately
14 get reported. And because of my wanting to protect my
15 daughter, and trying to fight against the system, it didn't
16 go very well for either one of my children. My daughter has
17 since then been on the run, and has continued to be on the
18 run. She refuses any form of counselling. She has been into
19 drugs, is still using drugs. My last contact with her was
20 that she was in the state of Texas. I don't know what she is
21 doing. We have no family in Texas.

22 CHAIRMAN RAINS: How old is she now?

23 MS. BRAWNER: She will be 18 in May.

24 CHAIRMAN RAINS: For how long has she been on her
25 own?

26 MS. BRAWNER: Since she was 14, since it was reported.

27 CHAIRMAN RAINS: So, at that point in time, when it
28 was reported, she fled the state of California?

1 MS. BRAWNER: I took her and her brother out of the
2 state to protect them from further violence from this man and
3 placed them with relatives in another state.

4 CHAIRMAN RAINS: Oh, I see.

5 MS. BRAWNER: And it was from that point on that my
6 daughter continued to run. She refuses any form of
7 counselling. Of course, her behavior is self-abusive,
8 evidenced in the drugs that she takes all of the time, and
9 the things that she does, her promiscuity.

10 CHAIRMAN RAINS: While it is on my mind, I want to,
11 you have really raised something that we have not been
12 discussing, and I want the staff to take note, and I want to
13 specifically instruct staff to look into provisions, whether
14 it be in a different bill, or amending one of the bills
15 before us, whereby, it is made absolutely clear, without any
16 equivocation whatever, that a judge or a magistrate must allow
17 a parent or other custodial relative to accompany a child into
18 a courtroom anytime that child victim is going to testify, or
19 otherwise be obligated to appear. I am really stunned to
20 hear about this particular case.

21 MS. BRAWNER: Well, again, I don't know that it is
22 that particular --

23 CHAIRMAN RAINS: Well, even if it happens only with
24 great infrequency, it ought not to happen at all.

25 MS. BRAWNER: I agree.

26 MS. COBY: Senator Rains, maybe I can shed some light
27 on this. The District Attorney, traditionally, I think when
28 people -- well, that includes me and Hank Giaretto, don't have

1 a lot of experience, it is hard for us to realize that the
2 mothers did not know what's going on. And so often, the
3 mothers are considered witnesses, or potential witnesses,
4 and they are kept out of the room, out of the courtroom while
5 the child testifies on that basis. The child is usually
6 allowed to have an adult, there is a statutory provision for
7 her to have an adult of her choice.

8 CHAIRMAN RAINS: Well, that was my recollection, but
9 apparently, it didn't happen here.

10 MS. COBY: No.

11 CHAIRMAN RAINS: If the child was forced to go in
12 alone. I thought that we had --

13 MS. COBY: The child was forced to go in alone
14 because at that point, Sharon, the first time that this
15 happened was back in 1971, when Dr. Giaretto had first come
16 alone. You were one of the first three mothers that worked
17 with Dr. Giaretto, and at that time, there was nobody to
18 protect the children, nobody to be a child advocate, to go to
19 court and say, "Your Honor, you know, there is this law, this
20 statute."

21 CHAIRMAN RAINS: There was no other neighbor, no
22 other relative, no other person who had --

23 MS. COBY: Nobody informed the family that that was
24 a possibility at that point.

25 CHAIRMAN RAINS: Because, my recollection is that we
26 have a specific provision --

27 MS. COBY: We do, we do.

28 CHAIRMAN RAINS: In fact, yes, 868.5 of the Code of

1 Civil Procedure dictates that an adult is afforded the
2 opportunity to be present. But, apparently, you weren't
3 advised of that.

4 MS. COBY: Well, that's right. Now, Sharon makes
5 sure that the new families coming in the program, for those
6 handful, the one or two percent that go to preliminary hearing,
7 she makes sure that those families know that that child has
8 a right to have an adult in the court.

9 CHAIRMAN RAINS: Okay.

10 MS. BRAWNER: In conclusion, why I am sharing what
11 has happened in my particular case is to show you what I know
12 is going on in other communities, perhaps not in the exclusion
13 of an advocate for the child in the courtroom, but certainly,
14 the kinds and quality of their interrogation that goes on, and
15 how much it really, really does severely traumatize the
16 victim, who is already traumatized. My daughter, quite
17 honestly, didn't feel that there was anything wrong until the
18 police got involved. She knew there was something that was
19 maybe not okay, but she really, truly didn't feel like there
20 was anything wrong until she had gone through the whole
21 judicial process. And then, for her, the wrong was because she
22 had told, because her daddy was going to go to prison. So, in
23 support of that, I am really, really advocating the training
24 of anybody who is involved in interrogating a victim, and the
25 video taping of a victim to be presented if there is a
26 possibility of that particular hearing going to court.

27 CHAIRMAN RAINS: Thank you very much.

28 MS. COBY: I think next we will hear from our victim,

1 a member of Daughters and Sons United.

2 CHAIRMAN RAINS: Maybe we can call you Susy, or is
3 that okay?

4 ANONYMOUS: No, my name is Shannon.

5 CHAIRMAN RAINS: Oh, we don't have to have a real
6 name.

7 ANONYMOUS: That's okay, it doesn't bother me.

8 CHAIRMAN RAINS: Okay. Was it Sharon?

9 ANONYMOUS: Shannon.

10 CHAIRMAN RAINS: Shannon, okay.

11 ANONYMOUS: I was molested by my stepfather for
12 four years, from the time I was nine to 13. I trusted this
13 man. He had been in my life since I was a year old. So,
14 anything he said was gospel, I guess. I -- when he first
15 began to molest me, I was nine. I didn't think anything was
16 wrong. I didn't know that these things didn't happen in every
17 household.

18 CHAIRMAN RAINS: Lucio, could you get her some water,
19 please.

20 ANONYMOUS: I was scared, but I trusted him, so what
21 I thought he was doing was okay. At school, when they started
22 talking about sex and stuff in school, I began to realize that
23 what he was doing was wrong. But, I didn't know where to turn
24 to. I didn't know who to tell. I was afraid to tell my mom
25 because I didn't -- I didn't think she would believe me, even
26 though we were very close. I was afraid of breaking up the
27 family. I was afraid of -- I didn't know what would happen
28 to him. And then, what I thought -- I thought maybe he would

1 go to prison and I didn't want that. I needed -- I began to
2 realize that he needed help, prison wouldn't help.

3 When it finally was reported, my sister told my mom
4 because I couldn't, I didn't have the guts to tell her. My
5 mom and I immediately reported it.

6 CHAIRMAN RAINS: Is your sister older than you or
7 younger?

8 ANONYMOUS: She is older, four years, five years.

9 CHAIRMAN RAINS: Had she been molested by your
10 stepfather as well?

11 ANONYMOUS: Yes, but she had gotten married and moved
12 out after she graduated.

13 CHAIRMAN RAINS: And was she aware that -- when she
14 filed the report, did she file the report that she had been
15 the victim, or that she knew that you were being victimized?

16 ANONYMOUS: No, she told my mom, and my mom filed
17 the report.

18 CHAIRMAN RAINS: Did she know that you were being
19 victimized by your stepfather?

20 ANONYMOUS: Yes.

21 CHAIRMAN RAINS: Had you told her?

22 ANONYMOUS: My sister?

23 CHAIRMAN RAINS: Yes.

24 ANONYMOUS: She knew. She was there part of the time.
25 My stepfather would make us do things together to him,
26 everything. It was very extensive.

27 The reporting was really good -- it was good for me.
28 The people -- it was in another county. It wasn't Santa Clara

1 County. They were very supportive, and I only had to go
2 through telling my story one time. And they had someone from
3 social services there with me, to give me the information of
4 Daughters and Sons United, and that there was a place. I
5 thought I was the only one that had ever been molested. And
6 nobody had ever talked--I had never heard of it before. I had never
7 heard the word incest before. So that week we went to Parents
8 United. And I was so surprised. I walked into the room and
9 there were like 30, 40 other girls sitting there. I just
10 couldn't believe it, you know, they were all there for the
11 same reason, and I wasn't alone. And they made me feel at
12 home. They came up and put their arms around me, and said,
13 "Don't worry, we are going to help you and everything is going
14 to be okay."

15 My step-dad was taken to jail, and he was in there
16 for five days. I felt really bitter, because he took part
17 of my childhood away from me.

18 CHAIRMAN RAINS: When you say he was there for five
19 days, was that as detention prior to the time of arraignment,
20 or was that a short sentence that he served as part of a term
21 and condition of probation?

22 ANONYMOUS: It was for arraignment.

23 CHAIRMAN RAINS: Did he serve any jail time at all
24 upon conviction?

25 ANONYMOUS: No.

26 CHAIRMAN RAINS: Was he convicted.

27 ANONYMOUS: He was convicted, but his -- if I am not
28 mistaken, it was five years probation, and he had to have some

1 kind of counselling. And he did see Hank Giaretto, and he
2 went to Parents United. He attended Parents United. And he
3 had, I think, a year suspended sentence.

4 CHAIRMAN RAINS: One year of prison suspended?

5 ANONYMOUS: Right. So, I guess that means that if he
6 did something in the following year that he would immediately
7 get sent to prison.

8 CHAIRMAN RAINS: Yes.

9 ANONYMOUS: So, I haven't had any contact with him
10 in about five years. I moved out of state. That's what I
11 want to do now. I want to get ahold of him and tell him how
12 I felt, how he cheated me, how he betrayed my trust in him,
13 and he ruined my childhood. But, I am dealing with that, and
14 Parents United really helps you a lot. It's the best program
15 in the whole world. And I want to tell him how I feel now.
16 And I honestly do forgive him for what he did.

17 CHAIRMAN RAINS: Shannon, how old are you now?

18 ANONYMOUS: Nineteen.

19 CHAIRMAN RAINS: You are 19. So, it has been six
20 years since you were last molested.

21 ANONYMOUS: Yes.

22 CHAIRMAN RAINS: This person was your stepfather,
23 but he had been in the family household since you were one?

24 ANONYMOUS: Yes.

25 CHAIRMAN RAINS: So, for all intents and purposes,
26 I take it you trusted him as your natural father?

27 ANONYMOUS: Yes.

28 CHAIRMAN RAINS: And probably felt as anyone would

1 toward her father?

2 ANONYMOUS: Yes. Before they were married, he was
3 like an uncle to me.

4 CHAIRMAN RAINS: Um-hmm.

5 MS. COBY: Shannon, did the subject of jail or
6 prison ever come up?

7 ANONYMOUS: Yes. I got to admit that when I first
8 found out that he might go to jail, I wanted that, I wanted
9 him to go. And then, you know, after talking to my mom and
10 Hank, I realized that it wouldn't help him. He -- it -- they
11 just go through the same thing, even if they do make it out,
12 they might -- he will probably molest again. And the group,
13 he needed help.

14 CHAIRMAN RAINS: Let me ask you a very hypothetical
15 and maybe it's impossible for you to answer, but, at that
16 point in time, when you were 13 years of age, and your father
17 was on trial because of things you had said about him, and your
18 sister had said about him, how do you think it would have
19 affected you in later life, at that time and in later life,
20 had he gone to prison?

21 ANONYMOUS: I know I would feel guilty, because I
22 know he wouldn't be getting the help that he needed in prison,
23 and that this group has to offer. He was molested as a child,
24 when he was young, and then when he was a teenager, I think,
25 15, by his stepmother. And he never got the help then. And I
26 knew that he had been molested. And that I figure, you know,
27 he would finally get the help he needed if he didn't go to
28 prison. I would have felt so guilty.

1 CHAIRMAN RAINS: Do you have any questions, Senator
2 Doolittle?

3 SENATOR DOOLITTLE: Well, just one. Who is this
4 Hank?

5 ANONYMOUS: Hank Giaretto.

6 CHAIRMAN RAINS: Hank Giaretto.

7 SENATOR DOOLITTLE: And who is that?

8 MS. COBY: He is the founder and director of Parents
9 United.

10 SENATOR DOOLITTLE: Well, it's just that I find
11 missing in this an element of punishment. I mean, yes, we
12 are trying to rehabilitate the person, but yes, we must punish
13 him, also. And that's my concern. This man was a step-parent.
14 When did he marry your mother? How long did that --

15 ANONYMOUS: I think I was eight or nine, eight.

16 SENATOR DOOLITTLE: So, he married her and then
17 started molesting you, it sounds like, isn't that right?

18 ANONYMOUS: Yes.

19 SENATOR DOOLITTLE: About nine years old. I just
20 think this, you know, again, I'm going to vote for the bill
21 if this is all we have got to offer. But, again, I guess I
22 just, I don't go along with this philosophy. I think
23 punishment is important.

24 ANONYMOUS: They do get punished.

25 SENATOR DOOLITTLE: Well, this man didn't even serve
26 any jail time, it sounds like.

27 ANONYMOUS: That was a long time ago, though. They
28 do now. And I have a surrogate father in the program now. And

1 we are very close. And a lot of the -- I talk to the fathers,
2 and they have a group now that I am going to go into as soon
3 as I can get into it, a recontact group to tell how they felt.
4 And a lot of the fathers that I have talked to, I think that
5 they have been punished.

6 SENATOR DOOLITTLE: Well, hopefully, they are
7 punished just by the recognition of the wrongfulness of their
8 own act. But, I think society demands more than that as
9 punishment. That's just -- you know, I am really pleased to
10 hear your testimony. And you may differ with me on this, but
11 I think there are victims out there someplace that feel that
12 prison might be an appropriate punishment. I
13 don't think I have heard any come up here and specifically
14 address that. I mean, the few that have have felt the other
15 way. But, I think that is important. Anyway, that is an
16 observation, and I appreciate your testimony.

17 CHAIRMAN RAINS: Well, I don't think anyone would
18 disagree. I think prison frequently is appropriate. I guess the
19 only question is, is it invariably, without any exception, the
20 most appropriate punishment?

21 SENATOR DOOLITTLE: And that is a hard question to
22 resolve, because it is hard to write the law that way. I mean,
23 you try to set standards, but whether they are narrow enough,
24 I suppose, is open to question, and trial and analysis.

25 MS. COBY: Senator Doolittle, I think that perhaps
26 the education that the judges have had in Santa Clara County
27 can perhaps serve as a model. The courts are well aware of the
28 fact that these fathers do need to be punished, that they do

1 need to go to jail. It's done on a work furlough, because,
2 if the family loses its house, that child feels guilty, and
3 then she gets punished by the mother and the other siblings
4 for having done this. The program has never felt any
5 reluctance to say that this man is not working in the program,
6 he is not putting in effort, we think he is a con artist, he
7 is a pedophile, and we think he ought to go to prison. Or, he
8 doesn't care, he has no sense of guilt, and the only thing we
9 can do is lock him up. And I think that's one reason the
10 program has credibility, because we are not easy with these
11 people. We are not, you know, saying sorry is not enough. And
12 we don't have a problem in locking up those people.

13 CHAIRMAN RAINS: Shannon, I have, again, a question
14 from the audience. The person is interested in knowing
15 whether or not the stepfather is still married to your mother?

16 ANONYMOUS: No, they got -- my mom -- they had been
17 talking about a divorce before the molest was reported. So,
18 that was the last straw. My mom immediately filed for divorce
19 that same week.

20 CHAIRMAN RAINS: Do you know whether or not he has
21 remarried?

22 ANONYMOUS: Yes, he has.

23 CHAIRMAN RAINS: Does he have children, either
24 adopted, or natural by the other wife?

25 ANONYMOUS: Not as far as I know.

26 CHAIRMAN RAINS: He does not?

27 MS. COBY: Do you know?

28 ANONYMOUS: I don't think so. I know he can't have

1 kids, himself. But, I don't think they have adopted.

2 CHAIRMAN RAINS: Why is it that he cannot?

3 ANONYMOUS: He had an operation.

4 CHAIRMAN RAINS: Vasectomy?

5 ANONYMOUS: Yes. He had that a long time ago,
6 before he molested me.

7 CHAIRMAN RAINS: Okay. Shannon, thank you very much.
8 It takes a lot of courage to come forward, but unless people
9 like you have that courage, then people like us cannot learn
10 and try to do something that is better for society. Sir.

11 ANONYMOUS: My name is Jim. I molested my daughter
12 for a two month period just about a year ago, between April
13 to about June of 1980. The knowledge of the molest came out
14 through our pastor in our church we were attending. My wife
15 had no knowledge of it.

16 CHAIRMAN RAINS: I'm sorry, Jim, through what kind
17 of trip?

18 ANONYMOUS: Through the pastor of our church at the
19 time.

20 CHAIRMAN RAINS: Oh, the pastor of your church.

21 ANONYMOUS: And my wife had no knowledge of the
22 molest. And when it became known, we sought counselling help
23 up there. The molest occurred up in Eugene, Oregon. We sought
24 help through a counselling organization there within Eugene.
25 They were, I felt, at the time, no help. They knew of an
26 organization that dealt with sexual molesters down in Santa
27 Clara. They did not know the name of it, but it was founded
28 by Hank Giaretto. And that was the only information that we

1 had to go on.

2 CHAIRMAN RAINS: Were you living in Eugene, Oregon
3 at the time?

4 ANONYMOUS: Yes. We were residing in Eugene, Oregon.
5 We owned a home. We had lived up there for four years. We
6 subsequently moved down within two weeks, down to Santa Clara.
7 We contacted, by anonymously, Parents United, within three
8 days of moving down, on a Friday. We met with them. We
9 anonymously called on a Friday, and met with three staff
10 people. And the following Monday, we subsequently reported
11 to the San Jose Police Department the molest.

12 And I want to emphasize that my family has supported
13 me. They moved down with me, my wife and my daughter. And
14 subsequently, it has entailed actions of myself moving out of
15 the home, and now am awaiting prosecution and whatever legal
16 matters from up in Oregon. It is on the D.A.'s desk right now.

17 CHAIRMAN RAINS: So, you moved to Santa Clara County
18 specifically in order to secure help that you felt you might
19 need?

20 ANONYMOUS: Definitely. I felt a real lack of
21 control, and lack of help to correct the problem, because I
22 knew it was a problem. And I knew that I love my daughter
23 very much, and I knew that I had to get whatever help and
24 whatever avenues of correcting my aberrant behavior to have a
25 healthy relationship with my daughter. Because, my daughter
26 was only five at the time, and I feel that there is still a
27 real strong chance of a very strong father and daughter
28 relationship in the future.

1 CHAIRMAN RAINS: She was five. How old were you at
2 the time?

3 ANONYMOUS: Twenty-seven.

4 CHAIRMAN RAINS: Did you molest on but one occasion?

5 ANONYMOUS: I molested her on five occasions, I
6 believe. That's my recollection.

7 CHAIRMAN RAINS: Within what period of time?

8 ANONYMOUS: A two month period.

9 ANONYMOUS: How did this become visible? Did you
10 just openly admit it, or were you confronted by somebody?

11 ANONYMOUS: Well, apparently my daughter, I have
12 not found out what exactly happened, but apparently, my daughter
13 talked to a Sunday school teacher, or whatever, and it came
14 through my pastor. That was the avenue, and the pastor
15 confronted me. And I was to a point that I readily
16 acknowledged that, yes, this was happening, and yes, I wanted
17 to change it. We went to the counselling there, and
18 subsequently moved down to Santa Clara. And I am currently
19 involved in individual and also group counselling sessions.

20 CHAIRMAN RAINS: You say the charges are pending.
21 Are they pending in the state of Oregon or the state of
22 California?

23 ANONYMOUS: Yes, pending up in Oregon. They are on
24 the D.A.'s desk in Eugene, Oregon right now.

25 CHAIRMAN RAINS: Felony charges?

26 ANONYMOUS: Yes. From my understanding, from the
27 brief counselling session up in Oregon, that it is a mandatory
28 prison sentence up there.

CHAIRMAN RAINS: You were allowed to come out of state?

ANONYMOUS: We moved out of state before the incident was reported.

CHAIRMAN RAINS: No, but at this point in time, you are awaiting trial?

ANONYMOUS: Yes, we are awaiting prosecution, awaiting extradition.

CHAIRMAN RAINS: Are you fighting extradition?

ANONYMOUS: No, I am not fighting extradition right now. The extradition papers have not been filed within Santa Clara County to extradite myself, right as of yet. And I, as of right now, would not fight it. I am willing to go up and face whatever legal consequences are involved.

CHAIRMAN RAINS: Did you ever molest a young person other than your daughter?

ANONYMOUS: Yes. There was another victim involved.

CHAIRMAN RAINS: Was she a young girl?

ANONYMOUS: She was age eight at the time of the molest.

CHAIRMAN RAINS: Was it somebody that you knew well, that trusted you?

ANONYMOUS: Yes. She was within the concept of an extended family. Her mother moved up to Oregon at the same time that we did in 1976. Her mother had just gone through divorce proceedings. When her husband left, I was more or less in the role of the father image within that family also.

1
2 CHAIRMAN RAINS: So, that child reached out to you
3 for love, for affection, for trust?

4 ANONYMOUS: Right.

5 CHAIRMAN RAINS: Did these incidents of molestation
6 take place at or about the same time you were molesting your
7 own daughter?

8 ANONYMOUS: Yes.

9 CHAIRMAN RAINS: Were you, yourself, ever the
10 victim of a molestation as a child?

11 ANONYMOUS: Not by an adult.

12 CHAIRMAN RAINS: Could you be more specific when
13 you say not by an adult?

14 ANONYMOUS: I feel I was victimized by an older peer.

15 ANONYMOUS: How much older was that individual than
16 you?

17 ANONYMOUS: I believe he was about three years older.

18 CHAIRMAN RAINS: Another boy?

19 ANONYMOUS: Yes. And my family situation, well, my
20 mother was a paranoid schizophrenic, that I had no role models
21 as far as in-family affection and sexual behavior. My father
22 and I shared a bedroom while my mother had her own separate
23 bedroom. So, that is kind of the input.

24 CHAIRMAN RAINS: But, you were never molested by your
25 father?

26 ANONYMOUS: No.

27 CHAIRMAN RAINS: How old were you at the time this
28 incident took place, when you were molested by another boy

1 three years older than you?

2 ANONYMOUS: Fifth grade, ten, 11, somewhere in that
3 area.

4 CHAIRMAN RAINS: And the boy was in his early teens,
5 the other boy?

6 ANONYMOUS: Yes.

7 CHAIRMAN RAINS: Do you have any questions, John?

8 SENATOR DOOLITTLE: I was just going to observe, as
9 I recall, the person who identified himself as a pedophile
10 also indicated he had never been molested. This was in Los
11 Angeles.

12 CHAIRMAN RAINS: At a hearing in L.A., we had a
13 pedophile come forward and give testimony. And he made the
14 statement at that time that he had not been molested as a
15 child.

16 MS. COBY: Senator Rains, I think this case is a good
17 example of what may happen if we have mandatory prison
18 sentences in these cases. There is a reluctance to prosecute
19 by the people up in Oregon, because when you prosecute, it
20 means you send somebody away. And so, a number of the people up
21 there in the criminal justice system have sort of said, "Well,
22 maybe we can sit and hope that the juvenile courts' hold over
23 this family in San Jose will maybe do it." It would have been
24 much more efficacious for the family, had they been able to
25 charge Jim, had they been able to go through the criminal
26 justice system, including his time in jail, and his probation,
27 rather than hanging in limbo, and not having that process
28 happen to him. Instead, that family has been, as I said, in

1 limbo, and the little child has been just -- has become very
2 withdrawn, in fear that her father will go to prison. And she
3 will not talk about that, and that's become a very big
4 obstacle, living with that fear, day by day, which is what --
5 how she has taken it. I mean, something that we have tried to
6 do is to work very closely, for her to not think of that all
7 the time, not to say, "Hey, your daddy is going to end up
8 in prison." But, she has grabbed onto this because she loves
9 him so much, and because she feels that she has really done
10 something horrible by talking.

11 CHAIRMAN RAINS: Jim, are you living -- or is the
12 fact that you are living separate and apart from your family
13 at this point in time volitional, or is that by virtue of a
14 court order?

15 ANONYMOUS: Both. There is a matter of the courts,
16 juvenile probation court. But, there is also the matter of ---
17 I want to feel safe when I go back into that home situation.
18 And it is a gradual process that I am feeling a whole lot
19 stronger about being able to go back into that home and be a
20 father that will never molest my daughter again, or never
21 molest another victim again.

22 CHAIRMAN RAINS: Do you fear, as you sit here, that
23 at this point in time, you might molest her were you living with
24 them?

25 ANONYMOUS: There is a potential, but a much less
26 potential than there was back in August when I started the
27 program. And, there is a -- my goal is that--there is a court,
28 juvenile court hearing scheduled for August 14th -- that --

1 CHAIRMAN RAINS: That's a California hearing?

2 ANONYMOUS: Right, with the juvenile probation --
3 has been set up as a time goal to reunite our family. And so,
4 I am working really hard on gaining my own self-trust.

5 CHAIRMAN RAINS: I have a question here. I am not
6 sure I understand it, but I believe the thrust of it is, do
7 you think that it might help your child were you to talk to
8 her about jail, incarceration, and --

9 ANONYMOUS: I have already done that. I have
10 already confronted that with her, to say that I would not like
11 being separated from the family, but am willing to do my time
12 and then come back to reunite with the family.

13
14 CHAIRMAN RAINS: What was her reaction to that?

15 ANONYMOUS: She is not really vocal on the issue.
16 She, as Elizabeth has articulated on, does not want to even
17 talk about it, which is real hard for me to take, but she is
18 involved with individual counselling also.

19 CHAIRMAN RAINS: Do you see her at all right now?

20 ANONYMOUS: Yes. I am allowed very liberal
21 visitation rights. There are two days during the week and
22 all day Sunday. All day Saturday and all day Sunday, are
23 supervised.

24 CHAIRMAN RAINS: Are you always in the presence of
25 another adult, with the mother?

26 ANONYMOUS: Definitely. My wife is an approved
27 supervisor. And I am not allowed to be left alone with my
28 daughter. That is one of the stipulations on the visitation

1 rights.

2 SENATOR DOOLITTLE: Again, just an observation, but
3 if we can counsel someone to get over the trauma of having been
4 molested, it would seem to me we ought to be able to counsel
5 them to understand that it is not the child who placed the
6 father in a prison, it is the father by his act that placed
7 himself in prison.

8 MS. COBY: I wish we could do that, too. That
9 doesn't seem to be the reality. It seems that the only person
10 who can take that mantle of guilt from the child is the father,
11 and he can't do that until he gets sufficiently rehabilitated.
12 Believe me, when we started the program, we assumed that one
13 would send all of the molesters away. We were a program set
14 up for that child. It was the last thing we expected to find
15 was that it was the child who was going to suffer if that
16 father went to prison. And what his daughter has been going
17 through is a very good example. She has had excellent
18 counselling. An enormous amount of work has been done on this
19 child, partly because she's such an exceptional child. But,
20 she is a really clear example of what we are talking about
21 when we talked about guilt, because she can't -- she loves him
22 so much that the sense of betrayal, it's not -- it can't even
23 be talked about. That's something that she carries around
24 inside of her, like a personal cross. And that's what we have
25 found in cases. We have had hundreds of women who were
26 molested as children in the program. And those women who did
27 testify against their fathers, whose fathers did go to prison,
28 the women that we have in the program, those are the ones that

1 suffer the most. Those are the ones that have suffered the
2 most because they had to carry that extra burden around. This
3 was not our orientation at all.

4 CHAIRMAN RAINS: Ms. Coby, I have a question for
5 you, again, from the audience. I guess it's a statement, and
6 then followed by a question. The statement the person writes
7 is, "An offender in state prison cannot participate in the
8 local child sexual abuse treatment program. But, an offender
9 in county jail can. Is this an important consideration?"

10 MS. COBY: Yes, it is a very important consideration.
11 And that's one reason why all of the men in jail in most of
12 the counties where we have programs, they all are allowed to
13 come out to the counselling, the group work, and the other
14 self-help activities. That's critical, because we need to
15 have father rehabilitated as soon as possible so that he can
16 then deal with the child, take responsibility for what
17 happened, and reestablish that healthy trust bond as soon as
18 possible.

19 CHAIRMAN RAINS: Why could not that type of program
20 take place in prison? Why must they be released to receive
21 that kind of rehabilitative treatment?

22 MS. COBY: Well, quite frankly, because one of the
23 things that is very effective is when the men have to deal with
24 the women, their wives, women who were molested as children,
25 as well as their own children, because they have to confront
26 the fact that this is what my daughter may be like. We have an
27 80 year old woman. And she has gotten to the most hardnosed
28 recalcitrant fathers that we have had in the program, because

1 they have to confront that, then. And that can't go on in the same
2 way in a prison setting. Also, the parent involvement in the
3 program is not just one Wednesday evening a week in an hour
4 of counselling. That involvement takes up as much time as
5 possible, when people are not working or asleep, because they
6 have to learn communication skills. They also have to have a
7 safe place to practice out new ways of viewing with the world,
8 and the place to do that is around, in this very safe
9 environment with everybody else. It is a little difficult for
10 a construction worker to try go back to the site and start
11 talking feelings to another construction worker. I mean, you
12 know he is not going to try that again for 20 years. And this
13 kind of constant involvement is necessary. It is not an easy
14 program. I think -- that's when we said that I think during
15 the first two weeks, the other Parents United families spend
16 42 hours with that new family coming in. And it's this constant
17 day-in, day-out process.

18 MS. BRAWNER: I would like to make a statement to
19 that in terms of the fathers' involvement. Going back to my
20 daughter's involvement, and her process in the system. When
21 I made the statement that she was unable to talk. She was
22 talking in terms of conversation, her survival needs. But, I
23 am talking in terms of talking, what was going on with her.

24 CHAIRMAN RAINS: Yes, that was what I thought you
25 meant, that you were saying.

26 MS. BRAWNER: When she was able to talk, the first
27 thing that came out of her mouth when she was able to breakdown,
28 she started sobbing, and she said, "Is my daddy going to jail

1 because I told?" And I had to really look at that. I mean,
2 after everything else she had experienced, the one thing that
3 was prevalent on her mind was, was her daddy going to go to
4 jail because she told. In his particular instance, I fought
5 very hard to keep him out of penitentiary, not out of county
6 jail, but out of penitentiary, because of the burden of guilt
7 that she was carrying for everything that was going on with
8 the family.

9 I have a father that -- my position with Parents
10 United is, I am the one that has primary first contact with
11 the fathers. Sixty percent of my telephone calls are people
12 calling anonymously, and after spending an hour, maybe two
13 hours on the phone with them, I am able to convince them to
14 self-surrender. And I go in with them, usually, to the jail.

15 One father has been involved -- one father in
16 particular, who is new to the program, has been involved with
17 his daughter for approximately 11 years. And he told -- I
18 don't know what the outcome of his trial is going to be, or
19 if it goes to trial. He called me from a counsellors office
20 wanting to self-surrender, went in that afternoon, self-
21 surrendered, made a statement to the police department, brought
22 his wife into our group, and the first thing that came out of
23 his mouth, he says, "If I had known that I could have told
24 somebody and not had somebody slap me in irons, or call me a
25 dirty sex maniac," he says, "I would have stopped this a long
26 time ago. I would have had a place to go." And I hear that
27 repetitively from almost every family that comes into the
28 program. If they had a place to go, if they had known that they

1 could have told. And I think that says something for the
2 safety that these people feel, and the ultimate safety for
3 the victims, knowing that they have somebody that is going to
4 stand up for them and protect them.

5 CHAIRMAN RAINS: Thank you very much, each of you.
6 That, I suspect, will be from an educational standpoint, for
7 those of us on the Committee, and those who will be reading
8 the transcript, no doubt, will be the most important thing we
9 hear today.

10 MS. COBY: Thank you for the opportunity of
11 testifying before you.

12 CHAIRMAN RAINS: Because, at least in my case, I
13 have a plane to catch, I am going to have to ask that the
14 remaining witnesses be perhaps more succinct than otherwise
15 would be the case, because I do want to give everyone an
16 opportunity to be heard, who wishes to testify. Bob Dunn,
17 Executive Director of Big Brothers of East Bay.

18 MR. DUNN: We'll come up together to save some time.

19 CHAIRMAN RAINS: Okay. Could you each identify
20 yourselves?

21 MR. DUNN: Yes. I am Bob Dunn.

22 MR. ROBSON: Wayne Robson, Executive Director of
23 Big Brothers and Big Sisters of the Penninsula.

24 CHAIRMAN RAINS: Okay.

25 MR. DUNN: I would like to first of all thank you,
26 Senator and Committee members and staff members for having this
27 public hearing, but especially for putting together this packet
28 of proposed legislation, which I feel is definitely needed, and

1 which I support. I am really here to limit my comments to
2 one particular aspect, and that is Senate Bill 277, which I
3 am here to speak generally in favor of. But, I have some
4 concerns, particularly since it has been amended.

5 As a background, I would like to take a few moments
6 to speak a little about our programs. I am currently the
7 Executive Director of Big Brothers in the East Bay, which
8 serves Alameda and Contra Costa Counties. And I have been
9 involved in Big Brother/Big Sister work both at a local level
10 as I am now, and with the national organization since 1970.

11 We have, historically, been desirous of being
12 allowed access to criminal records as part of our screening
13 process. So, support of this bill was a natural extension of
14 that desire. But, I have been disturbed by some of the
15 misconceptions that have been heard at various public hearings
16 around the state.

17
18 CHAIRMAN RAINS: If I might interrupt and advise
19 those present that I think what you are referring to is
20 probably the pedophile who came forward in Los Angeles and
21 made the comment that in his opinion, a percentage perhaps as
22 high as 95 percent of those involved in the Big Brothers
23 program were child molesters, which I think stunned all of
24 us. And that's, I suspect, the statement to which you were
25 referring?

26 MR. DUNN: I was not present at that hearing, but I
27 did hear about it, as I am sure a lot of people did.

28 CHAIRMAN RAINS: I am sure you did, yes.

1 MR. DUNN: And I am referring to that, and some
2 other things that I have heard. And it does seem logical to
3 assume that pedophiles, because of their sexual attraction for
4 children, will seek places and organizations that are child
5 oriented. To carry that logic to an assertion that such
6 programs are therefore a haven for pedophiles, I believe, is
7 an erroneous and damaging extension.

8 Our interests in supporting this bill did not arise
9 because of a large number of child molesters in our programs,
10 rather, because of our extensive screening of volunteers, and
11 ongoing supervision of those volunteers, child molestation has
12 been statistically insignificant. In our program in the East
13 Bay, which goes back to 1962, we have not had a known incident
14 of molestation.

15 Our concern, therefore, is that even one case is
16 very significant to the child who is molested. And to that
17 child, statistics are meaningless. Therefore, we feel it is
18 our responsibility as a child guidance agency to provide every
19 screening safeguard that we possibly can.

20 I would like to read a very brief newspaper article
21 from the Capital Times, which is a newspaper in Madison,
22 Wisconsin. And I bring that up because I was a director there
23 in Big Brothers from 1970 to 1976. And this is a clipping
24 that I received about two weeks ago. "Roger Engroff was
25 charged Monday with first degree sexual assault for allegedly
26 engaging in homosexual acts with a foster child. Engroff, a
27 Madison Cub Scout leader, was released on \$5,000 signature
28 bond and ordered to have no contact with the child. According

1 to the complaint, the victim, who is now 12, had lived in
2 Engroff's home for three years. During that time, Engroff
3 engaged in homosexual sexual activities with the boy."

4 My reason for reading this is that Roger Engroff
5 applied to become a Big Brother with our agency in 1972, and
6 was rejected. He reapplied in 1980 and was rejected. Dane
7 County Social Services, which has a reputation of being one of
8 the better agencies nationwide, did, in fact, accept this
9 person as a foster parent. And I don't make this point to
10 fault that agency, rather, because we feel that the screening
11 efforts that we're making is very successful. It currently
12 involves about eight to 12 hours of staff time prior to the
13 acceptance of a volunteer. The ratio that we experience in the
14 East Bay is that we accept -- we net one out of every five
15 applicants, whether by our choice or their choice, they don't
16 become a Big Brother. So, I appreciate the opportunity to
17 lead off by defending our program.

18 And now, I will get into specifically some of our
19 concerns. And that has to do with at least my understanding
20 of the ramifications of the amendments.

21
22 CHAIRMAN RAINS: Before you go on, I hope that you
23 appreciate that we are not trying to hurt your program, but
24 rather, to help it, by providing you access to this information.

25 MR. DUNN: That's why I have been so supportive of
26 this bill. We are very happy with the screening process we
27 have, but we feel that our hands have been tied by the law in
28 not having access to criminal records. And I am sort of just

1 touching on that briefly because Wayne will address that issue
2 directly. But, I did want to make that clear at the
3 beginning.

4 But, it has been the -- the subsequent information
5 that I have received that has caused us some concern, and
6 particularly, regarding the requirement that fingerprinting
7 of volunteers in order to allow us access to criminal records.
8 Fingerprinting tends to have very negative connotations and
9 such a process may discourage otherwise acceptable and good
10 volunteers.

11 If the process of fingerprinting involves sending
12 the potential volunteer elsewhere, out of our agency to such
13 as to the police department, I think we can conservatively
14 assume that we will lose 50 to 60 percent of the volunteers.

15 CHAIRMAN RAINS: Can you tell me what you think the
16 amendment does? Because, the bill that you have before you
17 was, in fact, amended in Committee last Tuesday, but it may
18 not do exactly what you think it does.

19 MR. DUNN: That's probably true.

20 CHAIRMAN RAINS: I was neutral, incidently, on the
21 amendment. I had mixed feelings.

22 MR. DUNN: I did call and try to get some thoughts on
23 what the amendments mean, and I think there was some confusion.

24 CHAIRMAN RAINS: Let me read the language to you.

25
26 MR. DUNN: My concern is, if the amendments do not
27 provide -- even if they do not require, themselves, that
28 fingerprinting be taken, or define the procedures that will

1 allow us access to the criminal records, the omission of such
2 a definition is of concern to me. Does that help?

3 CHAIRMAN RAINS: Not entirely. First of all, that
4 particular amendment is discretionary with the organization.

5 MR. DUNN: Yes.

6 CHAIRMAN RAINS: The word "may" rather than "shall"
7 is used.

8 MR. DUNN: Okay.

9 CHAIRMAN RAINS: And I just wanted to make sure you
10 understood that distinction.

11 MR. DUNN: Yes.

12 CHAIRMAN RAINS: So, we aren't requiring that any
13 organization fingerprint every single person, and that they
14 go through this regimen. Quite frankly, we would hope that
15 most do, because to the extent that you want to ferret out the
16 child molester, then it is going to require acting in concert
17 with the State Department of Justice, and others who do have
18 records of criminal activity.

19 MR. DUNN: Well, I am happy that the legislation
20 would not mandate that voluntary agencies have to do such a
21 screening.

22 CHAIRMAN RAINS: No, that is not being mandated.
23 And that's the reason I asked the question, because I thought
24 that based upon your preliminary remarks, that perhaps you
25 thought the amendment required that.

26 MR. DUNN: No. I think I misstated what I meant.
27 In order -- even though you are not mandating it for us, our
28 agency would be desirous of getting criminal records. Now,

1 how do we go about doing that? How do we find out if an
2 applicant was convicted as a child molester? It was my
3 impression early on that we could do that by submitting a
4 name and a date of birth, or perhaps a social security number.
5 Now, I understand that that is not possible.

6 CHAIRMAN RAINS: That is possible. The problem that
7 former Chief of Police Ed Davis, now State Senator Ed Davis,
8 brought up, and as I former prosecutor, I certainly see this
9 point, is that if you send the name Ed Davis in, you may well
10 get back a rap sheet on someone other than State Senator Ed
11 Davis. That frequently does happen, especially with C.I.I.,
12 and indeed with F.B.I. records. And to the extent that you
13 may well cause grievous harm to an innocent individual, it was
14 a concern expressed by many that we ought to be certain that
15 we are talking about the same person. And if, in good faith,
16 the person wants to involve himself or herself in a program
17 such as yours, that person generally is not that concerned
18 about being fingerprinted. All teachers in California have to
19 be fingerprinted. I mean, it is a very common thing in many
20 professions.

21 MR. DUNN: I would like to just look at finger-
22 printing from a couple of different aspects. One, I stated
23 earlier that it tends to have negative connotations. I think
24 we can overcome that tendency. I think it is important enough
25 for our agency to have access to these records that if that is
26 the only way we can do it, then we will do it. I am also
27 recognizing that just looking at the number of volunteers that
28 came through our program last year, that that will cost us

1 about five or \$6,000 if the figure that I heard of \$15 per
2 check is accurate. We are also willing to spend that money.
3 We feel it is very important to get these records. I think
4 what is of concern to me is not that issue. What's concerned
5 is procedurally, how is that going to be done, and will the
6 procedures that are set up and established effectively block
7 the changing of the statutes? If the procedures are so
8 complicated, and are so discouraging to volunteers that they
9 are not easily implemented, then we are going to face a
10 tremendous loss of volunteer Big Brothers.

11 CHAIRMAN RAINS: But, if in fact, you find that this
12 has a chilling effect on your program, again, it is
13 discretionary with respect to whether or not you participate.
14 I mean, I understand your concern. You want people coming
15 forward.

16 MR. DUNN: Let me answer both of those. Yes, it is
17 theoretically discretionary. Let me present to you a
18 hypothetical situation. As the law now stands, our agency is
19 not allowed to have access to criminal records. If a person
20 matched in our program would molest a child, and it was
21 subsequently discovered that that person had, in fact, a
22 criminal record for child molestation, we would not, as an
23 agency be held negligent because we legally had no access to
24 that information. If the law changes, and the procedures for
25 us to get at those criminal records are complicated to the
26 extent that we, in a practical sense, cannot adopt the policy,
27 then, in the same situation, we would be held negligent,
28 because there was an option available to us that we chose not

to exercise.

1 CHAIRMAN RAINS: Yes. I understand your concern, and
2 it may well be legitimate, but, it certainly would not auto-
3 matically be the case that you would be found negligent. I
4 mean, that would depend upon the factual situation in each and
5 every case.

6
7 MR. DUNN: It's never automatically, but we would be
8 more likely to be found negligent. We would be more vulnerable
9 to lawsuits.

10
11 CHAIRMAN RAINS: More vulnerable than under existing
12 law, yes.

13 MR. DUNN: But, I think, that our concern is more that
14 we would like to get the records. We would like to get them as
15 easily and as quickly as possible. We would like to get them
16 without losing otherwise good volunteers. The question that I
17 asked, which perhaps you have an answer for, is how will this be
18 done? Can we have our own staff trained to do the fingerprinting
19 and sent in, in which case, I think it would be a very plausible
20 process that we could build in. In Oakland, you have probably
21 heard that Measure A was voted down, but there are certainly a
22 large number feeling, probably within the police department,
23 particularly, that there is a shortage of police officers. The
24 process of sending a volunteer down to the police department to
25 be fingerprinted would probably successfully deter a large
26 number of otherwise good volunteers. So, I am more concerned
27 with the procedure.
28

1
2
3 CHAIRMAN RAINS: The Project Director, Mr. Cohen,
4 would like to respond to that. Mr. Cohen.
5

6 MR. COHEN: For the record, I have talked to Mr.
7 Dunn about this, and his point is quite valid. In the
8 amendment, I took care of one of your concerns, which is that
9 we say this shall be on a form approved by the Attorney
10 General, which means you do not have to go to the Attorney
11 General to get the form, so you people could reproduce it.
12 Your second question on the fingerprinting, I have tried to
13 contact the Attorney General's staff to see whether there
14 would be any problem in having your people do the finger-
15 printing, and whether we had to put that in the legislation.
16 To this time, I have not been able to make contact with them,
17 in spite of numerous phone calls. And to be fair, it has been
18 a rough week, since Tuesday, for everybody concerned in the
19 Legislature. I am trying to get, and as soon as I do, if there
20 is a problem, then, I will get back to you and we will
21 straighten it out. But, I think your request is legitimate
22 and from my experience in talking also to some of the peace
23 officers, I don't see why it wouldn't be possible to have you
24 people do the fingerprinting. But, until -- and that is the
25 basis we are going on, is that you should be able to do it
26 unless somebody comes up with an awfully good reason,
27 technically, as to why it wouldn't work.

28 MR. DUNN: Thank you. So, I will turn over to Wayne.

1 I did not address myself to all of the reasons that I want to
2 add my support to your proposed legislation. I think the
3 testimony that you have heard has been very good. I am sorry
4 that I am bringing up one concern, and it perhaps sounds like
5 I am a little negative. But, I appreciate your looking into
6 that.

7 CHAIRMAN RAINS: Thank you, sir. Okay, Mr. Robson.

8 MR. ROBSON: My name is Wayne Robson. I am the
9 Executive Director from Big Brothers and Big Sisters of the
10 Peninsula. In 1977, we had a boy molested by, an unknown to
11 us, but a known sex offender in the California criminal
12 justice system. Had we had access to records, this man
13 certainly would have never been accepted. But, it was real
14 interesting to me that his first offense was when he was in
15 college. And when he came to us, he was 24 years old. He
16 had a teachers credential, a graduate of Davis and UOP,
17 presented himself very well, was involved with three other
18 youth organizations, was the trainer for a Pop Warner football
19 team, had a handicapped children's swimming program, and
20 wanted to become on a one-to-one basis a Big Brother, because
21 he had worked with groups of children, would be -- wanted to
22 get involved on a one-to-one thing. So, he came to our
23 program, had impeccable references. We accepted him, and
24 within two weeks, he had molested his little brother. We
25 came to find out later that he did -- it was the same method
26 of operation that he had used on another boy and girl that he
27 had molested. And we went through the court process. The
28 police, I felt, handled it fairly well, considering that they

1 didn't have, I don't think, an awful lot of experience in
2 dealing with a situation like this. It wasn't a terribly
3 traumatic thing for the child. There was one day spent in
4 court, which I spent with the family. I went through the
5 family with everything that happened, and I spent a lot of
6 time with the family from the point that I found out about
7 the molestation, up until probably 12 months after that,
8 seeing the child on a regular basis, twice a week, and to
9 help him over the hard time that he had.

10 I feel that it is imperative that we are able to
11 get at least records on anyone that was a sexual -- a child
12 molester, a sexual offender. If we couldn't get the whole
13 criminal record, I think we could live with that. But, I think
14 it is imperative that we at least have access to records of
15 past sex offenders, because I really believe, and we have
16 screened, you know, hundreds and hundreds of volunteers. And
17 I truly believe if someone wants to get by you, if their
18 intent is getting in your organization to molest a child, they
19 will most likely be able to do it. You know, we have built
20 in safeguards, we have different interviewing steps. We go to
21 the volunteer's house from time to time to interview them.
22 But, I think that if someone really wants to get by you and
23 get in your organization to molest a child, then they will
24 probably be able to do it. Luckily we found out very soon
25 after it started happening. As I said, I don't feel that the
26 child was traumatized by it. I have seen him since then,
27 since, you know, the first initial year we spent together, a
28 couple of times a week. And I think he is doing very well.

1 And it hasn't been, you know, child molestation in
2 our agency, which has been operating since 1968, and there have
3 only been two known cases since 1968. And that's out of over
4 probably 1,500 Big Brothers and Big Sisters that have been
5 involved. You know, we are very proud of the work that we do.
6 But it only takes one or two cases such as I have just talked
7 about to hurt our organization, but more to hurt a child. And
8 when people come to us, they are coming to us for a service for
9 a role model. And I think it is important that we have every
10 screening tool that we can possibly get, and this would be a
11 very important one for us. That's all I have to say.

12 CHAIRMAN RAINS: Thank you very much, sir. Is
13 Cheryl Barns here? Cheryl Barns, with the Child Sexual Abuse
14 Treatment Program. Thank you for coming, Ms. Barns.

15 MS. BARNES: Thank you for inviting me. I have with
16 me, and I know you are pressed for time. I would like to be
17 brief and I asked part of our team to join us. My job is
18 Coordinator of Marin County's Child Sexual Abuse Treatment
19 Program.

20 CHAIRMAN RAINS: Yes. If there are other witnesses,
21 could they join you at the table right now because of our
22 time constraints?

23 MS. BARNES: Yes, okay. Joining me are Officer John
24 Childress from San Rafael Police Department, who would like to
25 speak to the issue of training of officers, and also why I
26 brought the dolls. And also, Ann, who is a mother in our
27 program, one of the members of Parents United. And her
28 daughter was the victim of an extrafamilial child molest.

1 In terms of these hearings, we support your bills
2 very extensively. In Marin County, our population is only
3 220,000, and we are receiving referrals at the rate of two to
4 four a week, of child molestation, both intra and extra-
5 familial.

6 Part of our program is an extensive outreach into
7 the schools to educate children. And, in that process, we
8 always do a survey in the classrooms. And one of the things
9 that we are -- it is an anonymous survey, and one of the things
10 that we are finding is that at least a fourth of all the
11 children in each classroom have been molested. That is
12 astounding to us.

13 CHAIRMAN RAINS: At least one quarter are willing to
14 admit it?

15 MS. BARNS: At least one quarter, yes. What we have
16 them do is write on a piece of paper if they are male or female
17 and then yes or no. That's all.

18 CHAIRMAN RAINS: What age group?

19 MS. BARNS: So far, we have been reaching the ninth
20 grade through college level. One college class, 15 out of
21 30 students had been molested. We are just now getting into
22 the elementary level. It's pretty extensive.

23 CHAIRMAN RAINS: So, that would tend to corroborate
24 the testimony of Dr. Swift?

25 MS. BARNS: Yes, it would, very much so. Okay, in
26 terms of extending the statute of limitation, SB-276, one of
27 my responsibilities as coordinator of the program is often to
28 assist the police in interviewing children. And what we are

1 finding is that they often don't report until many years after
2 the incident.

3 Two days ago, I had the opportunity to interview a
4 16 year old child. The molest took place when she was 12. She
5 had been in and out of the system, Marin County's juvenile
6 hall system for four years, and had never reported the molest.
7 Obviously, we can't prosecute.

8 In terms of SB-277, group access to records of past
9 offenders. We have a current case now of a male pedophile
10 who was on the list of a community resource, which is a
11 babysitting type program and day care center. His name was
12 given as a babysitter for a family. He then molested their
13 seven year old son.

14 In terms of SB-278, I want to come back to that and
15 have Ann speak to that. We currently have several people in
16 the county who are going through MDSO proceedings in terms of
17 the extrafamilial molest. We feel very differently in our --
18 not differently, we feel the same as Santa Clara, and I want
19 to make sure that the point is made that jail and prison are
20 two different things. We feel strongly, as Santa Clara does,
21 about pedophiles having prison time, but that for intra-
22 familial molests, that's fathers, people close in the family,
23 that local jail time is very important. And we push for that.
24 We are just now beginning to be successful in Marin County.
25 Oftentimes, molesters have been left in the community. And by
26 local jail time, that would allow the person to go to work in
27 the day, come back to the honor farm at night, and be a clear
28 message to them that this was a crime against a child and

1 society. And it is a clear message to our victims, who always
2 feel that somehow it is their responsibility. This would say
3 to them, you are not the one at fault.

4 I like your definitions in SB-586 of redefining. I
5 support that. Video taping, SB-587, wow. We have some very
6 sad cases of children who have been traumatized in the
7 courtroom, and just the mere presence of a judge in a black
8 robe sitting up higher. One of the instances was a nine year
9 old who was on the stand for four hours. And in asking her
10 whether -- she wanted to have her parents in the courtroom,
11 and the judge's comment to her was, "You don't mind, do you,
12 if your parents aren't sitting in the courtroom, do you?"
13 And this little nine year old looked up at the judge and said,
14 "No, it's okay." And later in her counselling appointment
15 with her counsellor was very upset that she had no support.
16 And the counsellor said, "Well, why did you allow that to
17 happen? Why didn't you tell the judge what you wanted?" And
18 she said, "That man was scary, and that room was scary, and I
19 knew what he wanted, and I wanted to do what he wanted." That's
20 only one example of, you know, how scary the courtroom is.

21 Lastly, on training, one of the reasons that we
22 brought the dolls, these are our anatomically correct dolls
23 that Channel 7 recently filmed. We have several sets of these
24 that we use when we are talking with very young children.
25 Children that are younger than five years old often cannot
26 tell the story. It's too traumatic, they don't have the
27 vocabulary. And so what we do is allow the children to play
28 with the dolls, and to show us what happened. And they are

1 very graphic. Last week, we had a case of a three year old
2 who was involved in oral copulation with mother and mother's
3 boyfriend. She couldn't tell us about it except in her very
4 child-like language, but she could show us on the dolls. And
5 we feel that most police officers wouldn't have that
6 understanding that would allow them -- they would try to
7 question a three year old or a five year old, and we feel that
8 training would be very essential for them to understand how
9 you talk to children at different ages.

10
11 CHAIRMAN RAINS: Excuse me, Ms. Barns, Senator
12 Doolittle has a question.

13 MS. BARNs: Okay.

14 SENATOR DOOLITTLE: Both parents were involved in
15 this?

16 MS. BARNs: Yes.

17 SENATOR DOOLITTLE: How often does that occur in
18 your experience, where both are knowledgeable?

19 MS. BARNs: We seem to have more of those cases in
20 Marin County than the other 50 chapters of Parents United and
21 the Child Sexual Abuse Treatment Program. It is still a rare
22 number. Currently, we have about 35 families in the program.
23 I would guess, possibly in five cases both parents were
24 involved. Oftentimes, we don't find that out until months
25 later, through counselling with the child.

26 The other sad thing about that case is that we can't
27 prosecute it. Our D.A. in Marin County will not prosecute,
28 because he will not put a child on the stand who is under

1 approximately six or seven years old. That would be another
2 reason for extending the statute of limitations, because if
3 this were extended for six years, this child would be nine,
4 and could then go on the stand to testify.

5 Currently, the only way we have the family in
6 treatment in the program is through the juvenile courts. We
7 have obtained a 300D petition on the child, and they are
8 involved in treatment through that. That still doesn't give
9 any punishment for what this child has gone through.

10 SENATOR DOOLITTLE: Just one more question. I am
11 sure this has been talked about, and I don't recall the figure,
12 though, the percentage of in-family molests to out of family
13 molests.

14 MS. BARNS: Yesterday, I was checking our statistics.
15 In March and April of this year, we have had three referrals
16 a week, out of those, 21 were intrafamilial. The other three
17 were extrafamilial. That's a fair estimate of the way it has
18 been going. Our program is three and a half years old.

19 SENATOR DOOLITTLE: Let me ask you just one other
20 question, if you know, of the 21 intrafamilial, how many of
21 those involved a natural parent versus a relative, or some
22 other member of the household?

23 MS. BARNS: In Marin County, as you may know, we
24 have a lot of single, divorced families. We have a lot of
25 situations where a boyfriend is living with mother, and
26 assumes the role of stepfather, or a parent figure. And so,
27 we have a higher ratio because of the single parent families,
28 or divorced families in Marin County. I don't know if it would

1 be fair to say statewide. But, most of the cases -- I'm
2 trying to think, I would guess maybe, oh, 75 percent, 60 to
3 75 percent, just in Marin County alone. Now. Santa Clara has
4 a different statistic. Each of the 50 chapters of Parents
5 United, of course, would --

6 SENATOR DOOLITTLE: I wouldn't think Marin would
7 be typical, but I am just interested.

8 MS. BARNS: It's not.

9 CHAIRMAN RAINS: I want to make sure I understand
10 your answer. I'm not sure I do. 75 percent is where the
11 natural father is involved?

12 MS. BARNS: No, no, sorry. It's where there is a
13 boyfriend or other member of the family.

14 CHAIRMAN RAINS: Okay, that's what I wanted to clear
15 up.

16 MS. BARNS: Right. Lastly, in terms of training,
17 and I would like John Childress to talk about that more. But,
18 we have had occasion recently to offer some training to some
19 police officers, and their statement in support of training
20 is that in one such case, their emotions, when confronted with
21 a child molester were so intense that they felt that they
22 fouled up the investigation, and therefore, the case could not
23 be prosecuted. After going through the two day training that
24 we offer, they felt that they would like a chance to go back
25 and reinvestigate that case, that they could then do it, having
26 dealt with some of their emotions. And I wish, somehow, it
27 could be extended to District Attorneys offices, too. Our
28 County is being more open about that now, but we have had some

1 sad cases of lack of sensitivity in our District Attorneys
2 office with children and child witnesses. And, you know,
3 they need some training also.

4 CHAIRMAN RAINS: I might add, that is part of
5 SB-588, yes.

6 MS. BARNS: Oh, is it, okay, good. Is there any
7 provision for funding? One of the things that we run up
8 against with the police department is they are all in favor
9 of it, but they have no funding to replace that police
10 officer when he is off duty. Is that -- would that be
11 included?

12 CHAIRMAN RAINS: Not to replace the police officer
13 while he is off duty, but the training program itself will have
14 funding from what we call P.O.S.T., Peace Officer Standard
15 Training, which is a state appropriation.

16 MS. BARNS: Okay. That's one of the problems we are
17 running up against is, they have no replacement for the
18 officer who is in a week or two day training, whatever.

19
20 Maybe, John, could you talk about the police
21 officers.

22 CHAIRMAN RAINS: Could you identify yourself,
23 please?

24 MR. CHILDRESS: John Childress, with the San Rafael
25 Police Department. Basically, my experience is about 12 years
26 of law enforcement work, and just about July of 1980, our
27 department decided to make a specialized position available
28 to us for the investigation of crimes where kids are the

1 victims. Up until that time it had been handled.

2 CHAIRMAN RAINS: I really commend you. There are
3 very few police departments, even very large ones that have
4 done that. L.A. is definitely an exception, and San Rafael
5 is probably the smallest city that I have heard. I was not
6 aware that you had.

7 MR. CHILDRESS: We have got 46,000 population. And
8 as far as I know, we are the only one, definitely the only one
9 in Marin County. Entering into this field, I thought that I
10 had enough experience, and that I had enough knowledge and
11 technical know-how to be able to do the job, and rapidly found
12 out that I was lacking. I have since attended a 40 hour
13 school in Sacramento, through Police Officer Juvenile Officer
14 School, the Delinquency Control Institute School on Child
15 Abuse, and also the Institute for Community Extended Family
16 School, through Hank Giaretto's program in Santa Clara County,
17 and still don't feel like I have enough. We still don't have
18 any way to reach the guys on the street, who are the first ones
19 that deal with these kids.

20 CHAIRMAN RAINS: When you say the guys, you are
21 talking about the officers on the beat?

22 MR. CHILDRESS: Absolutely. They are the ones who
23 are going to get the call at 2:00 in the morning and have to go
24 out and deal with them. It's hard enough for me, with the
25 training that I have got, to be able to go out and know what
26 questions to ask, and how to ask them. For the average
27 patrolman, we don't have anything.

28 We don't know how to gauge the effect we have on the

1 child. And we don't know how to deal with the effect that
2 asking the questions has on us. I'm about six foot seven,
3 and I walk into a room with a little three year old girl and
4 have to ask her what mommy has been doing to her, or daddy.
5 It is hard for me to ask, and it is hard for her to be able
6 to answer those questions. We need to know how to deal with
7 that sensitively.

8 We need to know how to be able to do those questions--

9 CHAIRMAN RAINS: Excuse me, Officer, Senator Doolittle
10 has a question.

11 MR. CHILDRESS: Sure.

12 SENATOR DOOLITTLE: How often are females the
13 molesters?

14 MR. CHILDRESS: Since the year I have been doing
15 this, one, the one that Cheryl was talking about was my case.

16 SENATOR DOOLITTLE: That's pretty unusual, is that
17 right?

18 MR. CHILDRESS: Yes, sir.

19 MS. BARNS: In Marin County our program, as I
20 mentioned earlier, is three and a half years old, we have had
21 five women molesters.

22 MR. CHILDRESS: The problem with -- we are talking
23 about how to deal with this sensitively, is also to be able
24 to deal with it sensitively, but be able to gather the material
25 to present our case to the District Attorneys office. If we
26 go in there and don't, get wrapped up in our own feelings, or
27 don't know how to ask the questions properly to be able to
28 obtain the answers, then we are not going to have a case to

1 present to the District Attorneys office. It's another part
2 of the whole dynamic of being able to deal with this
3 investigation. I can't tell you how much we support this
4 program, really. We need your bill.

5 CHAIRMAN RAINS: Thank you very much.

6 ANONYMOUS: My name is Ann. And both of our
7 daughters were molested, ages seven and nine, last fall, by
8 a pedophile, a man that lived up the street. There were four
9 children involved.

10 Mainly, what I would like to say is about SB-278.
11 The offender is still in the court process. He was declared
12 MDSO, and now they are deciding whether it should be
13 in-patient or out-patient treatment.

14 In preliminary hearing, he was bound over on 11
15 felonies, and six misdemeanors, and pled --

16 CHAIRMAN RAINS: Eleven felonies and six misdemeanors?

17 ANONYMOUS: -- pled guilty to five felonies and four
18 misdemeanors. And now they are deciding whether it should be
19 in-patient or out-patient.

20 CHAIRMAN RAINS: See, that's outrageous, and that's
21 what we are trying to get at.

22 ANONYMOUS: True.

23 CHAIRMAN RAINS: How much time, if you know, did that
24 person serve, having suffered five felony convictions and four
25 misdemeanor convictions?

26 ANONYMOUS: How much time has he served?

27 CHAIRMAN RAINS: Yes, for his prior convictions?

28 ANONYMOUS: Oh, there were no prior convictions.

1 This is in this case. There were four children involved.

2 CHAIRMAN RAINS: Oh, I'm sorry. Had there been
3 any prior convictions?

4 ANONYMOUS: No prior convictions, but there were
5 prior offenses which were brought out in his MDSO hearing,
6 which were brought out by the defense, to help prove that he
7 had a pattern and was indeed MDSO. He has never been
8 prosecuted.

9 CHAIRMAN RAINS: In other words, the defense was
10 coming forward, making admissions in order to get the person
11 into an MDSO program?

12 ANONYMOUS: In order to go to the hospital instead
13 of prison.

14 CHAIRMAN RAINS: Exactly, the Department of Mental
15 Health.

16 ANONYMOUS: Yes. One of my major concerns is that
17 one of the things that he used was he carried a hunting knife
18 all the time, and he, you know, would shave places on the
19 childrens' arms while he was saying, "Don't tell, you know, or
20 I will be in a lot of trouble." And he never out and out
21 threatened them, per se, verbally. But the knife was in
22 evidence all of the time. That never came out in
23 the testimony. The D.A.'s attorney said it was because it
24 wasn't needed. So, it is not in testimony now that there --
25 when they are considering whether it is to be in-patient or
26 out-patient treatment.

27 CHAIRMAN RAINS: The molestations, were they,
28 although perhaps not violent, were they under duress, menace?

1 ANONYMOUS: Yes, they were definitely under duress.
2 They were not violent. There was a lot of coercion, a lot
3 of what he thought he was doing was educating these children,
4 four girls, from seven to nine.

5 CHAIRMAN RAINS: So, clearly, the type where our bill
6 would call for mandatory prison?

7 ANONYMOUS: Yes. And also, they were all terrified.
8 You know, my children still have nightmares, although not
9 as many.

10 CHAIRMAN RAINS: Are they both daughters?

11 ANONYMOUS: They are both daughters.

12 CHAIRMAN RAINS: Both girls.

13 ANONYMOUS: All four of the children were girls.
14 And I spent weeks driving them to and from school, and them
15 waking up screaming in the night and terrified for their lives.

16 CHAIRMAN RAINS: Can you give us the various ages?

17 ANONYMOUS: Yes. One seven year old, one eight year
18 old and two nine year olds, one of whom lived in the home. He
19 was a live-in boyfriend. But, the molests started as soon as
20 he moved in.

21 MS. BARNS: I would like to add that in the MDSO
22 proceedings, one psychiatrist ruled that he was MDSO. One
23 said he was not, and their testimony, Ann sat through, and
24 heard the one psychiatrist who said he was MDSO clearly state
25 that after all, the children must have enjoyed the experience
26 if they let it go on for some time. The court then appointed
27 a -- no, I'm sorry, the man's attorney asked for a third
28 opinion, and the psychiatrist who then evaluated the man had

1 been investigated for --- by our program for child sexual
2 abuse. He ruled MDSO, also.

3 ANONYMOUS: The other thing that I would like to
4 mention is that the children were on the stand at the
5 preliminary hearing for three and a half hours, to an hour and
6 45 minutes was the shortest time. No parents were allowed in
7 the courtroom. I was told by the prosecuting attorney that
8 they were not to be allowed, and it was the first child who
9 was the in-home victim, was asked if it was all right if her
10 dad left the room. Her dad was an attorney, and her dad was
11 not the parent she was living with. And she said, yes. And
12 partially because she had never talked to him about it. And
13 it is excruciatingly embarrassing for these children.

14 CHAIRMAN RAINS: This was one of your own daughters?

15 ANONYMOUS: No. No, this is the child who lived in
16 the home with this guy.

17 CHAIRMAN RAINS: Oh, I see. I'm sorry.

18 ANONYMOUS: The offender. My two children were
19 next. The prosecuting attorney came out and told me that the
20 parents were not going to be allowed. Our's was not a case
21 where the parents were potential witnesses. I asked her to
22 go back in and make a motion or whatever attorneys do to ask
23 that we be allowed in, and she went in the courtroom --- this
24 was during a break, and came back out and said that she had
25 asked, and that it was denied. It was a closed
26 hearing. I later read the transcript, and there was no such
27 question ever asked recorded in the transcript. What I have
28 been told is that the prosecution does not want the parents

1 there because they think the children are likely to give more
2 graphic details if the parents are not there. The defense
3 doesn't want them there because they think the children will
4 be more intimidated, which they certainly are, and will be
5 likely to give less evidence. But the fact remains that we
6 were not allowed to be in the courtroom at all.

7 CHAIRMAN RAINS: Thank you. I might add that what
8 you just informed me about, the psychotherapist, the one
9 psychiatrist --

10 MS. BARNS: Psychiatrist.

11 CHAIRMAN RAINS: Yes. The psychotherapist,
12 generally it is a psychiatrist, one saying that the person
13 is MDSO, one saying that the person is not MDSO, happens to
14 be the rule rather than the exception in MDSO proceedings.
15 And that's one reason -- because you can always find a
16 psychiatrist to testify either way, I assure you.

17 MS. BARNS: That's right.

18 CHAIRMAN RAINS: In any case, because I have gone
19 through them myself, as a prosecutor. And that's the reason
20 that I am determined to eliminate the MDSO program as it now
21 exists in California.

22 ANONYMOUS: I would like to say one more thing, if
23 I may, and that is that I am also told that if this man is
24 given in-patient treatment and goes to the state hospital,
25 that the situation with pedophiles is they are usually returned
26 as not responding to treatment or untreatable, and that in
27 Marin County only one --

28 MS. BARNS: None that I am aware of.

1 ANONYMOUS: None that she is aware of, one -- I have
2 heard that there was one who had actually been sentenced
3 after that, when they are sent back to the county for
4 sentencing. It's just not done in Marin County, since they
5 are not treatable --

6 CHAIRMAN RAINS: It's not most places in California.

7 ANONYMOUS: They go back on the street.

8 CHAIRMAN RAINS: Here, they are going back to the
9 Department of Corrections, to prison.

10 MS. BARNS: Good. We support that.

11 CHAIRMAN RAINS: Thank you very much.

12 MS. BARNS: Thank you.

13 CHAIRMAN RAINS: Jessie Kloppenberg. Ms.
14 Kloppenberg, for those of you who don't know her, is
15 president of an organization called S.L.A.M., which is one of
16 the most active, I think, not just in California, but
17 throughout the United States. And again, we have worked very
18 closely with that organization, as with others, and they have
19 done so much good, and have raised the consciousness of so
20 many people, especially in Southern California, but elsewhere,
21 also. Thank you.

22 MS. KLOPPENBERG: Thank you. Yes, I wanted to
23 mention just a few things today, to talk about what we have
24 been talking about already, the child molester, the child
25 sex, one of society's oldest taboos, the betrayal of children.

26 CHAIRMAN RAINS: Ms. Kloppenberg, let me interrupt.
27 I have to leave by one to catch a plane. I thought Senator
28 Doolittle could stay longer. He informs me he has to leave by

1 one as well.

2 MS. KLOPPENBERG: Okay.

3 CHAIRMAN RAINS: So, I guess I am going to have to
4 really ask each of the remaining witnesses to be short.

5 MS. KLOPPENBERG: It is an unpleasant problem. The
6 public doesn't want to know about it, they are ignorant about
7 it. They don't realize how prevalent it is. People throughout
8 the state are shocked when we go in to talk about it, inform
9 them about it, and then they are outraged.

10 Throughout the year, when we have talked about the
11 problem, and brought up the case of the Amy Sue Seitz, who
12 was tortured, mutilated, raped, and finally killed, people
13 are outraged. And we have tried so hard to promote public
14 awareness. We have grown to 41 chapters. We have gathered
15 100,000 signatures asking that the laws be changed, be
16 strengthened, that mandatory sentences be given. We have
17 brought this crime out of the shadows into the light.

18 These bills are some of the most encouraging steps
19 that we have seen toward recognizing that the child is the
20 victim and not the criminal. For too long has the laws been
21 focusing on the criminal and completely forgetting about the
22 victim. SB-277 which is so important to be able to check the
23 background of these people that work with our children, that
24 are in trust positions. I was so pleased that the finger-
25 printing came up, that we can fingerprint these people. Even
26 the block parent programs that are in different cities
27 throughout the state fingerprint, and look into the background
28 before they are given the responsibility of being able to work

1 with children.

2 I have an item here that I wanted to read a little
3 to you, that's just an example of how people get into the
4 system and work with children. "A former Alameda County Child
5 Psychologist, Arthur Workman, who had a homosexual affair
6 with a young sex offender, who ultimately murdered a young
7 boy was once legally adjudged a sexual psychopath and treated
8 at a hospital for the criminally insane. The Oakland Tribune
9 has learned this. But, despite his incarceration at the age
10 of 26 in the old Mendocino State Hospital on a child molesting
11 conviction, Workman managed to earn a doctorate in educational
12 psychology, get a job as the county psychologist, receive a
13 state license to practice psychology, and win promotion to
14 head of the psychology staff of the Alameda County Juvenile
15 Hall. It was as chief of the guidance clinic at juvenile hall
16 that Workman began counselling, and having sex with James
17 Fisher, the Piedmont child molester. In 1974, Fisher
18 murdered a five year old boy while on a weekend furlough recommended
19 by the doctor. The killing and the decision to allow Fisher
20 the weekend pass in the first place caused an uproar at the
21 time of the crime. Nevertheless, Workman remained in his
22 post until 1977, when he was forced to resign after being
23 charged with molesting his 11 year old step-son. A review of
24 court documents and official records on the Workman case also
25 indicated the State Board of Medical Quality Assurance knew
26 that Workman's conviction and treatment, knew, as a sexual
27 psychopath, the only term for what the law now calls a
28 mentally disordered sex offender when it issued him a license

1 to practice psychology. A confidential county report, written
2 after Fisher was arrested for murder, says that Workman had
3 opined that Fisher had improved considerably sexually, and
4 was not a danger to others. After the murder, Workman
5 testified at a juvenile court hearing in an unsuccessful
6 attempt to convince authorities not to send Fisher to adult
7 court for trial. A 1978 state investigation produced
8 information indicating that in addition to Fisher, Workman
9 had homosexual relations with at least one other of his
10 charges at juvenile hall. Howard Levy, Chief of the
11 Psychology Division of the State Licensing Board said the
12 file of Workman's application indicates the examining committee
13 was aware of his criminal and psychiatric record, which
14 stemmed from his molesting a retarded boy while a special
15 education teacher in Shasta County in 1951." And this is only
16 one of many, many, many cases that I could tell you about.

17 CHAIRMAN RAINS: Could I have a copy of that?

18 MS. KLOPPENBERG: Sure. I would also like to say
19 that S.L.A.M. completely agrees with Dr. Swift, and Senator
20 Doolittle, that we are not sure that these programs work with
21 children. And if there is going to be an exception, that
22 somehow, we manage to monitor the program to see what is going
23 on and to check on what is happening with these children.

24 CHAIRMAN RAINS: What if we had some sort of
25 monitoring device with some agency or entity specifically
26 charged with the responsibility of reporting back after a one
27 year period or a two year period?

28 MS. KLOPPENBERG: I think that would be fantastic.

1 That would be great.

2 CHAIRMAN RAINS: I think that's probably a sound
3 amendment, although, based upon everything I have read and
4 learned and heard, I think the bill is sound in its present
5 form. I certainly don't pretend to be certain about anything.

6 MS. KLOPPENBERG: Yes.

7 CHAIRMAN RAINS: And this is the area, this is a
8 type of area where we ought to reexamine our position
9 constantly to make sure that, in fact, we are doing the right
10 thing.

11 MS. KLOPPENBERG: I agree.

12 CHAIRMAN RAINS: I am going to instruct
13 the staff to prepare an amendment along those lines. I am
14 going to have to give some thought to what the appropriate
15 agency would be, for monitoring what the time period ought to
16 be.

17 MS. KLOPPENBERG: Okay. And I wanted to say, on
18 SB-278, it's excellent. We will halt the exodus of pedophiles
19 into our communities, to continually prey on our children.
20 California truly has the opportunity to become a pioneer in
21 the protection of our sexually abused children. And I am so
22 happy. Thank you.

23 CHAIRMAN RAINS: Thank you, Ms. Kloppenberg, not
24 just for today, but for everything that you have done over a
25 long period of time. You are right, we are behind certain
26 other places, and I am determine to see that we go into the
27 vanguard, the forefront of good sound laws in this area.

28 MS. KLOPPENBERG: It is a pleasure to see that our

1 Legislature can work and can do the job. Thank you.

2 CHAIRMAN RAINS: I just hope we enjoy the success
3 in the other House that I think we are going to enjoy in the
4 Senate.

5 MS. KLOPPENBERG: Yes, so do I.

6 CHAIRMAN RAINS: Mr. Seth Goldstein, with the
7 Berkeley Police Department, California State Juvenile Officers
8 Association, and certainly one of the most recognized people
9 in law enforcement in this field.

10 MR. GOLDSTEIN: Thank you, Senator, and thank you
11 for inviting me here today. I think what I will try to do
12 is try to at least limit my time by submitting a letter which
13 I sent to one of your staff members.

14 CHAIRMAN RAINS: Yes. And, I will review the
15 letter.

16 MR. GOLDSTEIN: Yes, yes. But, to
17 embellish upon that, let me speak about a couple of other
18 issues very quickly. The package quite clearly addresses
19 the concerns raised by many of us who testified at the
20 hearings in Southern California, and last year. And I want
21 to salute you for putting in print our concerns, because I
22 feel that they are very adequately and very sensitively
23 addressed.

24 The Northern California Juvenile Officers Association,
25 of which I am the Chairman of our Committee on Sexual Abuse
26 and Sexual Exploitation of Children, conducted a survey of
27 Northern California -- pardon me, Northern California agencies
28 dealing with juvenile justice, mostly police agencies, some

1 district attorneys office staff, and members, and found that
2 over an almost across the board, there was very little
3 training or understanding of the problem of sexual abuse and
4 sexual exploitation of children in law enforcement.

5 What I will basically address my comments to today
6 is Senate Bill 588. You have heard a couple comments today
7 made about the emotions that befall the officers who
8 investigate these cases, and how they didn't or weren't
9 adequately prepared to deal with them. And this is true. I
10 can understand that. And I think the training in that area
11 is very important.

12 Let me just quickly draw an example of how our
13 system, and particularly training, failed in another sense of the
14 word. We had come in contact with one of the Freeway Slayer
15 victims in the City of Berkeley who was a young boy who was a
16 runaway, was involved in a criminal act, and not only because
17 the system wasn't prepared to deal with it, nor was the
18 officer, or were the officers who investigated it prepared
19 to deal with it. And this manifested itself by the child
20 being released out of the system back to his home in Southern
21 California. And the mother was never told of the connection,
22 how the boy was involved, perhaps in some activities with a
23 pedophile. The mother was never told. At that point, six
24 months later, she found her -- or perhaps it was six weeks
25 later, excuse me, she found that her son had been murdered,
26 was told that he was a victim of the Freeway Slayer. About a
27 year later, I testified before this Committee in Southern
28 California and met her, having only discussed the incident over

1 the telephone with her, prior, on another occasion not related
2 to the original incident, as I wasn't involved.

3 And in talking with her, I learned that not only had
4 she not been informed with the child was initially brought into
5 our system about what was going on, but she had never been told
6 when she found out that he was killed by the Freeway Slayer.
7 And we spent a good ten or 15 minutes crying together about
8 just that very thing, that she was totally shocked, and I felt
9 like, you know, I had stuck the biggest foot in my mouth I had
10 ever done, because I didn't realize she didn't know about it.

11 This is what we are talking about, how these
12 officers need to understand where it is that the children are
13 coming from, and how it is the parents are going to react to
14 it and why. I think it needs to go further than just the
15 specialist, as the police officer testified previously to me,
16 today, from San Rafael. It needs to go to the academy where
17 the officers who are learning about this type of thing
18 recognize it. Again, I will give you a personal example, where
19 I had been on the street for a period of a little less than a
20 year, and I came to an individual whom I had no contact with
21 before, after arresting his son, walked into -- or his
22 alleged son at this point -- walked into his house and found
23 photographs on his wall of nude boys. Well, I just thought
24 it was just some kind of a weirdo, no big thing, the guy was
25 an artist or something, or a photographer and dismissed it. And
26 right now, we are still working on making this guy as not only
27 a purveyor of pornography, but perhaps running a prostitution
28 ring, which was -- has implications not only within the state

1 boundaries, but perhaps nationally. The point being, I didn't
2 recognize it. I didn't know what it was. And it wasn't until
3 four or five years later that I was sent to a special school
4 that I learned what it was. And, we had been investigating
5 this guy for, again, alleged contacts with children. We didn't
6 realize the implication of what it was that was happening.

7 I will summarize by simply saying that the total
8 package certainly addresses the issue of pedophilia, that it
9 outlines very clearly in its definitions what offenses
10 constitute the mandatory sentence requirement which we agree
11 with in terms of pedophilia, where a person who is inclined
12 to do these offenses is involved, and it adequately delineates
13 the incestual or intra-family situation, which we feel also
14 needs to be addressed, as it does.

15 CHAIRMAN RAINS: In other words, it is your opinion
16 that there ought to be a distinction between the two?

17 MR. GOLDSTEIN: Yes.

18 SENATOR DOOLITTLE: If I may just ask.

19 CHAIRMAN RAINS: Yes.

20 SENATOR DOOLITTLE: Well, do you feel that live-in
21 boyfriends ought to be included in this exception?

22 MR. GOLDSTEIN: I think the issue has to be
23 motivation, and this is where the difference and the
24 investigation should concentrate. That is, one must look at
25 why the crime was committed, what was in the mind of the
26 offender, what motivated him to commit the offense. If it is
27 a pedophile, through the investigation, and the correct
28 questioning of the people involved, of the examination of the

1 facts, you will find out whether or not the man who has
2 committed this offense, or woman, as we have had instances of
3 that, was after that child because, specifically, it was a
4 child, or specifically because it was a particular child
5 within a family situation, and perhaps, what -- as we have
6 talked about, the stressing situation, or a family breakdown,
7 or the dynamics within the family of -- been eroded to the
8 point where the sexual attraction turns to the child.

9 SENATOR DOOLITTLE: It seems to me the justification
10 we have heard for allowing boyfriends in this exception is
11 that they stand in the shoes of the parent. I don't know what
12 the exact statistics are, but I am under the impression that a
13 high percentage of these live-in arrangements are rather
14 transitory things, and in fact, they do not stand in the shoes
15 of the parent, and would therefore, if that be the case, not
16 be entitled to this exception.

17 MR. GOLDSTEIN: The problem with -- I think it was
18 alluded to before, it is a very complicated problem, and one
19 can't address all of the issues. It becomes incumbent upon
20 the investigators to find that, find out what has been in the
21 past, what kind of a record the individual has.

22 CHAIRMAN RAINS: Well, I might also add that, if in
23 fact, you have a transitory situation, then there can be no
24 finding of family breakup, and there would be mandatory prison
25 called for under SB-586.

26 MR. GOLDSTEIN: That's very true, yes. Thank you
27 for your time.

28 CHAIRMAN RAINS: Thank you, sir, very much. Jill

1 Haddad, President of Mothers of Bakersfield. Again, one of
2 the most active people in the state in assisting us in the
3 drafting of this legislation and raising the consciousness of
4 people with respect to the gravity of, and pervasiveness of
5 this situation. Again, we thank you.

6 MS. HADDAD: Thank you. I am Jill Haddad from
7 Bakersfield. And I would like to say that I do support this
8 comprehensive package, all six bills. And I thank you,
9 personally, Senator Rains, for not having our cries fall on
10 deaf ears, once again, when you took the ball and ran with it
11 in your county. I don't think that you will ever have to
12 apologize for the fact that we have the strongest legislation
13 in the country to protect our children.

14 I would like, just briefly to go back to two weeks
15 ago when we were in Los Angeles.

16 CHAIRMAN RAINS: I just want to add one caveat, that
17 I am going to need your assistance, and that of Ms.
18 Kloppenberg, and that of Ms. Coby, and a lot of others who
19 have the tenacity and determination that I know you have,
20 before this becomes law. Our toughest fights are ahead, I
21 assure you.

22 MS. HADDAD: The fact that we are tenacious, I am
23 glad you notice that.

24 CHAIRMAN RAINS: The Committee I chair was out
25 easiest step.

26 SENATOR DOOLITTLE: We need the Vice Chairman of this
27
28

1
2
3 Committee here, I think, Mr. Chairman.

4
5 MS. HADDAD: Yes. I would like to go back to our
6 hearing in Los Angeles when we brought the pedophile forward,
7 and to caution this Committee that in case I didn't bring
8 it up at that time, I think I brought it up to you privately,
9 Senator.

10 CHAIRMAN RAINS: Yes. Your comments after the hearing
11 were very interesting, very enlightening.

12 MS. HADDAD: Yes. Now, I know this man very well,
13 and several other pedophiles very well. I spend a lot of
14 time talking with them to try and find out what goes on in
15 their mind, so that I can tell you how they seduce your
16 children.

17 Now, I don't know if it was recognizable to the
18 Committee, but this man was very articulate. He has attended
19 college, he is 38 years old. When you are talking about other
20 pedophiles, and he isn't really too crazy about other
21 pedophiles. In fact, he is an informant, and spends a lot of
22 time turning in scoutmasters and Big Brothers, and what have
23 you. But, the minute that you people -- I think Senator
24 Doolittle was the one that questioned his sexuality, he
25 immediately reverted to age nine, and started explaining to
26 you what a nice guy he was, because these children didn't have
27 shoes, they didn't have clothing, they didn't go to school,
28 they never got to go to Disneyland, they never had steak and

1 lobster until he came along. And then you noticed how they
2 threw him on the floor and seduced him. So, you were talking
3 to a nine year old for about 30 minutes that day, and I hope
4 this Committee recognized that, and when he jumps up and says
5 that the Big Brothers and 95 percent infiltrated, that's his
6 thinking.

7 Now, surely, we all know that a pedophile will seek
8 employment and seek volunteer organizations, not just the
9 Big Brothers. It's where the children go, so go the pedophiles.
10 If something happened to my husband tomorrow, where would I go
11 to look for companionship? Where would I go to look for a
12 sexual partner, a potential husband? I wouldn't go to the
13 Big Brothers organization or the Boy Scouts of America because
14 I am not a pedophile. I would go where adults congregate. I
15 just wanted to point that out because this man was talking to
16 you at two different levels that day, and I wanted the
17 Committee to pick up on that, because I spent hours talking
18 with this man and others who think like he thinks. He never
19 grew up sexually.

20 I was very, very impressed with Dr. Swift's testimony,
21 simply because we have some common ground for agreement. The
22 state of Washington is in very, very extensive programs with
23 their victims, and their offenders. I am sure Mr. Cohen has
24 researched that extensively. I talked with Bill France, in
25 the state of Washington, last week. And when we were
26 talking about -- I was talking about in-house versus out-of-
27 house. I am not familiar, or that -- I don't have any
28 expertise in the in-house situations. I deal with sexually

1 exploited children, and we have learned to divorce the two
2 here in the state of California. He had absolutely no idea
3 about what I was talking about. He says, "What do you mean
4 in-house and out-of-house?" And I tried to explain to him
5 incestuous as opposed to the nice man down the street. And
6 he says that anyone who receives their sexual gratification
7 from a child is a pedophile, which is 180 degrees from my way
8 of thinking, simply because of Roland Summit, Lloyd Martin and
9 the people that I have been trained by.

10 Therefore, we need some grounds for common
11 agreement nationwide. Pedophiles aren't different because
12 they live in Oregon versus California. It is a universal
13 problem.

14 I would like to say that I don't understand why the
15 courts or why the Legislature allows the courts to bring in
16 anywhere from three to five psychiatrists to testify that a
17 person is MDSO or isn't MDSO, or how this person will best be
18 served, or how the community will best be served when one of
19 the leading experts in the nation in this area is Dr. Roland
20 Summit, and he will be very quick to tell you that out of 12
21 years of schooling, he received less than one hour's worth of
22 training on all sex offenses combined. That there just -- there
23 is no training in these areas. And he has stated that to me
24 privately, and he has stated it publicly. As far as training
25 for officers, there is a class being held next week in Eureka,
26 at the Police Academy, College of the Redwoods. We will all
27 be in attendance. I am hoping that the police agencies, and
28 the District Attorneys offices, the Child Protective Services

1 will send their people. Lloyd Martin is the instruction.
2 Roland Summit will be teaching one day, and a pedophile will
3 be there one day. And if we could get these agencies to send
4 their people to be trained, you know, it is possible that our
5 victims wouldn't suffer the trauma of a police officer on the
6 beat, that isn't a bad police officer, they just don't
7 understand the problem. It is not that they are bad people.

8 I want, again to caution the Committee about the
9 people, Jessie and I, Seth, Lloyd, Roland, we have all worked
10 very, very hard for children. There are other people in this
11 community, and nationally that are also working for children
12 mentally. They are trying to convince us that they love
13 children and are working for children. Such organizations as
14 the Pedophile Information Exchange in London, once again,
15 this is their publication, you send them a check, they will
16 send you a child, mail-order children.

17 The Rene Guyon Society, once again, whose motto
18 is "Sex by Year Eight, or Else it is Too Late," based in Los
19 Angeles, 5,000 members. And I read into the transcript two
20 weeks ago what this organization wants the laws to say. They
21 recommend immediate law change so that children can have
22 bisexual sex with whom they want, regardless of age, starting
23 at about age four, on and on.

24 NAMBLA, the North American Man-Boy Love Association,
25 based on the east coast, they have thousands of members. Books
26 such as the Child Lovers Handbook, Guide to Better Child
27 Loving," that tells every pedophile in the world how to get
28 a child into your car, into your home, how to pick one up at

1 the theatres, how to get one at the park, at the schools, where
2 the young ones are, which lists 338 places around the nation --

3 CHAIRMAN RAINS: Is that garbage commercially sold?

4 MS. HADDAD: Well, it's sold underground, yes. This
5 publication, "Where the Young Ones Are," it had no dirty
6 pictures.

7 CHAIRMAN RAINS: But, not in regular commercial
8 establishments?

9 MS. HADDAD: No, no. "Where the Young Ones Are"
10 sold 70,000 copies at \$5.00 each, in 13 months. This man is
11 in prison right now. It lists 338 places where travelling
12 child molesters can pick up victims around the United States.

13 Again, to close, I will mention just a few of the
14 rap sheets that I have, such as Theodore Frank's, Rodney
15 Alcala's, and the one that I read in L.A. Penal Code Revision,
16 yes. The state of Washington, "The Sexual Abuse Victim's
17 Story: He told me not to tell." "Child molestation in the
18 Criminal Justice System," out of the Legislative Investigating
19 Commission in Illinois, which is also excellent. "The Sexual
20 Exploitation of Children," out of the Illinois Legislative
21 Investigative Commission. They did a three year research
22 project. They went so far as to set up a phoney summer camp,
23 called, "I Like Children," and advertised for instructors and
24 camp counsellors in magazines such as the Broadstreet Journal,
25 another child molesting magazines, and then published the
26 letters that the pedophiles wrote back, who wanted to be camp
27 counsellors and instructors.

28 I am on the Board of Directors of the Foundation

1 for America's Sexually Exploited Children, and our motto is
2 "A crime against a child has no equal." To us, it is worse than
3 a homicide to kill a child's spirit. And I thank you for your
4 efforts.

5 CHAIRMAN RAINS: Thank you, Ms. Haddad. I am going
6 to have to really rush. I know that Senator Doolittle must
7 as well. There is one further witness, a Mr. Bruce W.,
8 I believe it is, from Berkeley, who would like to testify. I
9 am going to ask the Project Director, Mr. Cohen, to assume
10 the responsibility of concluding this hearing. As I depart,
11 I will say that even though the bills have now emerged from
12 the Policy Committee in the House of Origin, that does not
13 mean they are in perfect shape. I think that we each are
14 trying to continue the learning process. I have become
15 convinced that we do have to have some sort of Sunset
16 provision on portions of SB 586, and certainly, the monitoring
17 type of program that, for example, Ms. Kloppenberg spoke to.

18 These hearings, although I think I went into them
19 knowing perhaps more than the average person because of my
20 own professional background, I realize now just how ignorant
21 I was, and perhaps how ignorant most of the people in our
22 society are with respect to the gravity of this situation and
23 just how very pervasive it is. So, I thank those of you who
24 attended today. I thank you especially for helping the
25 educational process which hopefully will result in better
26 legislation in the long run.

27 So, although, Mr. Windrem, I am going to have to
28 leave, and not hear your testimony, I will be afforded the

1 opportunity to read it as soon as it is transcribed, which
2 should be within about a week. And I appreciate you coming.
3 There may be others as well who wish to testify, and if so,
4 again, that will be part of the transcript, not only for my
5 review, but for the review of others who will be analyzing
6 and voting upon these bills. Thank you very much. Ned.

7 MR. W.: My name is Bruce, I have known
8 ever since junior high school, I have been, let us say, turned
9 on to junior high age girls. While I can understand people's
10 sympathy, I feel like I am being legislated out of existence.

11 It is hard for me to value other people's romantic
12 happiness, if what I value is considered a crime by people,
13 degrading, painful. I wish I could -- I wish I could be
14 honest. I can tell you that I can't be -- I can say as much
15 as I can right now, because I don't know what good it will do,
16 but if it throws light on the picture, and if it can help me,
17 why -- I have tried to learn to like older women. I have been
18 able to -- let's put it this way, would you be willing to give
19 up sex with your wife for the good of the community? Would
20 you be willing to give up being around somebody you feel fond
21 of because of the community? I have never been convicted of
22 any crime against a child. But, still, I feel like what is the
23 percentage of being law-abiding? What gain do I get? What do
24 I enjoy?

25 I wish I knew what to tell people, except -- I wish
26 I knew what to say, except that I wish that I could at least be
27 honest with the girl involved, and not wind up going to jail
28 just for being honest. I would not want to -- I don't like to

1 fool people.

2 But, if legislation like this passes, especially the
3 one in 588 that says you don't have to penetrate, you just have
4 to get involved in lewd and lascivious conduct. I have never
5 penetrated a child. I have gone to private and semi-private
6 agencies. I have not felt like I have benefited from them.
7 I think maybe the community would benefit, but not me.

8 For whatever reason I have, I am what I am. If you
9 produced a boy that wound up like me, would you say it would be
10 better if he had not been born? I have been born, I am here
11 now, I am going to defend myself as much as possible.

12 MR. COHEN: Excuse me, Mr. W., you said you were
13 attracted to high school girls, what age?

14 MR. W.: Eleven through sixteen.

15 MR. COHEN: That's a fairly wide range. The girl
16 you are dating, how old is she?

17 MR. W.: Would you repeat that?

18 MR. COHEN: The girl you are dating, how old is she?
19 You made a reference that you were having relations with some--

20 MR. W.: I have been -- I have dated women
21 mainly in their mid-30's up to early-40's. I am 39, myself.

22 MR. COHEN: Well, in other words, what you are saying,
23 you have an attraction to younger -- to girls 11 to 16. But,
24 I thought you also made the statement that you had had sexual
25 relations with girls in that age bracket, is that incorrect?

26 MR. W.: I would rather not answer that question.

27 MR. COHEN: I understand. What I mean, what
28

1 I am getting at is, the legislation at hand would apply to
2 children under 14.

3 MR. W.: Well, from --

4 MR. COHEN: Your other statement, I think, that you
5 were going to defend yourself, I don't think that it is the
6 intent of the State Legislature in passing this legislation or
7 even getting into this area, to deny your existence or to say
8 that you are not a person, which, I think is what your reference
9 was.
10

11 MR. W.: Well --

12 MR. COHEN: But that conduct does do harm to children,
13 expecially under 14, which is the basic line for this legis-
14 lation, and that the purpose of this is to show or to encourage
15 people to try and change if they have the feelings that you do.
16 Now, are you saying that there is just absolutely no way that
17 you think you could ever change?
18

19 MR. W.: I don't think so. To me, I feel com-
20 fortable. That's the way I feel. I would not want to -- I
21 think that the girl ought to be willing, and ought to be
22 informed. I would not want to do it against her will or be
23 tricked. There is nothing here involved with - was it all
24 right with her? Did she know what she was getting into?
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2 I think there ought to be a allowance made on
3 the idea that she knew what she was getting into, that the
4 guy was level with her, that the guy did not use force or
5 threats. In that case, I think there should be arrangements
6 made.

7 MR. COHEN: I think the area, sir, that you get into
8 a problem with is, there has been a long discussion of sexual
9 activity with teenagers who have reached maturity. I guess
10 that comes under what is called the statutory rape law. But,
11 we are not talking about that. We are talking about people
12 who have not reached sexual maturity, often have not reached
13 biological maturity. And it is the duty of the public to
14 protect those people, because later on, we know that when this
15 does occur --- we heard the testimony of Dr. Swift, that they
16 suffer serious psychological consequences.

17 MR. W.: I was molested when I was 11 years
18 old, when I was in a boys institution. I was in this boys
19 institution from the time I was ten until I was 13 years old.
20 I was out of contact with girls during that period of time.
21 When I came back the boy-girl situation had completely changed.
22 At that time, too, the school was not very good. It was an
23 institution. It was not --- and a lot of the boys there were
24 not all that good academically. And so it was not --- and I had
25 a lot of catching up to do, so that I had a great deal of
26 catching up as far as homework, and school work, and I took a
27 very heavy student load because I wanted to be an engineer.
28 That interfered with time spent trying to see -- trying to

1 take out girls, or do anything with girls. I had no -- my dad
2 was not a man that I could -- he did the best that he could,
3 but he did not have experiences with girls, in some human
4 relations. He did the best he could, but he was lacking.
5 Whatever I had to do, I had to do on my own. I found out that
6 oftentimes younger girls were more comfortable with me than
7 older girls. So, I felt like there was a kind of a two-way
8 rapport.

9 If you are going to set a line about what the line
10 is for molestation, I think we are going to have to set a
11 definition of what social maturity is, what an understanding
12 of the implication is, because I think there are people who
13 are immature in their 30's, and there are people who can be
14 mature by 14, in certain ways. They are not educated, but
15 they have a certain amount of sense. I think setting an
16 arbitrary line of age is going to be political, and it is not
17 going to --

18 MR. COHEN: It has been the law in this state since
19 1872, that child molestation is under the age of 14. Since
20 1872, in the State of California, it has been child molesting
21 to have any sexual activity with a child under the age of
22 14. This is not new.

23
24 MR. W.: Okay. However, peoples' physiology is
25 new. It is -- boys and girls have been maturing earlier and
26 earlier. And I wish I could be able to state, without getting
27 graphically, the feelings that I have felt and not had been
28 able to carry out, as a 13 and 14 year old boy, and the way I

1 felt like that girls were responding to me. I had only the
2 basic rudimentary sex education. I did not have friends who
3 were very proficient at dating. I feel like, in a lots of ways,
4 I have been retarded, but where do you catch up? How do you
5 catch up? Does this mean that some guy, because he has not been
6 in contact -- does this mean that a --

7 MR. COHEN: Have you ever heard of the Parents United
8 Program before today, Hank Giarretto's program? The program
9 that was mentioned here by Elizabeth Coby?

10 MR. W.: I have heard of a program. I didn't know of
11 its name, yes. I am not a parent. I am not married. I do not
12 have children.

13 MR. COHEN: The name is Parents United. But I think
14 that they do provide services to people who may have the feel-
15 ings that you do. I would suggest that, I will be quite frank,
16 the State Legislature is not going to lower the age of molest-
17 ation below the age limit of under 14.

18 MR. W.: I can understand that. But, the point is,
19 that how is one person going to be able to value other people?
20 If one person has not been able to get his or her sexual what-
21 ever, interests met, how is he or she going to be able to value
22 other people? How is that person going to be able to have
23 respect for other people?

24 MR. COHEN: We all have emotional needs, we also have
25 physical needs. If you take your point to its logical con-
26 clusion, you could then end up arguing that unless a person, as
27 they existed, had all their emotional and physical needs met,
28 that they would not longer have any obligation to anybody

1 in society. We would then really have no criminal laws. We
2 would not have a society. Everybody would just be doing their
3 own thing. Unfortunately, it doesn't work quite that simply.

4 MR. W.: I understand that. But then, you go to the
5 other extreme, too, that it everybody went along with society,
6 or with a set rule of play, nobody would have their emotional
7 needs met.

8 MR. COHEN: You are absolutely right, you can go too
9 far, and then everybody is in a straight-jacket, and you can
10 have a very repressive society.

11 MR. W.: Okay. Well, to me, that is a society that I
12 would be more comfortable with than the other one, because then
13 everybody would be able to understand me.

14 MR. COHEN: Thank you for your testimony, Mr. W..
15 This hearing is adjourned.

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