

Criminal Injustice (Movie review)

Contributed by Michael Kilian
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'McMartin Trial' indicts overzealous prosecutors for pressing unsubstantiated case

NEW YORK--It was the longest, most expensive criminal trial in U.S. history, and one of the most scandalous--feeding a media frenzy and national hysteria that has lasted to this day.

It lacked the glamor attendant upon the O.J. Simpson and Menendez brothers murder trials, but struck the hearts of parents everywhere with something far more chilling--the specter of sexual molestation of children by their teachers, and others charged with their care.

The searing story is told in a new made-for-TV movie, "Indictment: The McMartin Trial," starring James Woods and Mercedes Ruehl and airing at 7 p.m. Saturday on the HBO cable network.

The news broke in shrieking tabloid fashion in February 1984: Peggy McMartin Buckey, the operator of a preschool in Manhattan Beach, Calif.; her grown children, Ray and Peggy Ann Buckey; their grandmother, Virginia McMartin; and three of the McMartin school's teachers were charged with raping and molesting more than 100 of their pupils over a 10-year period. Lurid details leaked out of bizarre naked rituals and satanic rites in cemeteries, on yachts and other weird locations.

The relentlessly hard-hitting film, all about real people, not fictionalized characters and events, may come as a stunning revelation. Because of the initial uproar in the national media, some people believe the McMartin defendants were convicted. "Indictment," like the court record, finds they were not.

Local prosecutors spent six years and \$16 million trying to prove guilt on as many as 65 charges, but dropped charges against five of the defendants. Of the two who faced trial, Peggy McMartin Buckey was acquitted and charges against her son were dismissed after two juries deadlocked.

For all the uproar, hysteria and hate campaigns, no concrete evidence to support the allegations was ever introduced. According to producer and co-writer Abby Mann, all the evidence turned out to benefit the defense, including the prosecution's own videotapes.

"I was very concerned about this case from Day One," said Woods, who plays defense attorney Danny Davis. "I used to talk to my mother about it quite a bit. . . . I think this is one of the greatest tragedies in the history of this country because, if this take on the rule of law, on due process, were to continue, or to evolve in the negative direction that was set forth in the McMartin case, this country would cease to exist." From dubious beginnings

The sorry saga began when the alcoholic, mentally ill mother of one of the preschool children complained to police that her little boy had been sodomized by Ray Buckey. The local prosecutor found no evidence to justify a case, but police sent letters to 200 parents of McMartin preschoolers asking if their children had been sexually molested.

Hysteria erupted, taken up by the Southern California news media and then the nation's. With the cooperation of police and the district attorney, a social worker named Kee MacFarlane (played by Lolita Davidovich in the film) and employed by Children's Institute International began using controversial puppet methods to extract accusations from the children.

Without examining all the videotaped footage of these interrogations, the district attorney's office brought charges against Mrs. McMartin, the Buckeys and the other teachers, and all were thrown in jail, where Virginia McMartin Buckey was to stay for more than two years and Ray Buckey for five.

As Mann noted, the parallel is not with the present O.J. Simpson case but with the child accusers in the 17th Century Salem witch trials made famous in the Arthur Miller play 'The Crucible.'

"I was like anybody else," Mann said. "I had seen the defendants on television and thought, God what scurrilous people running this place. They looked tired. They looked dirty. They looked suspicious. And here were all these children making

these comments."

After an 18-month preliminary hearing, the district attorney dropped all charges against five of the defendants, leaving only Ray Buckey and his mother in jail. Mann heard daughter Peggy Ann Buckey interviewed by Geraldo Rivera on radio. She complained that the charges and evidence had been the same for all. Mann said to his wife and co-writer, Myra "Something really stinks here."

Myra Mann spent 2 1/2 years covering the trial.

"I sat there waiting to hear if there was any evidence, evidence of anything specific," she said. "One juror said later, 'I don't know what I would have done if I had heard just one detail of someone witnessing sex.' "

But there was none. The lead prosecutor, Lael Rubin--cynically played by Ruehl--continued to press the case to a conclusion in hopes of somehow getting a guilty verdict, but one of her assistants, Glenn Stevens, resigned his office in disgust after two years on the case because of doubts that the defendants were guilty. He disclosed material that had been withheld from the trial, such as claims by the mentally ill original accuser that people had flown through windows. killed lions and had sexual encounters with giraffes.

The tapes, said Mann, revealed numerous contradictions between the children's bizarre, unproved statements--such as having mass sex parties in car washes and airports--and indications they had been coached until "the questions became the answers."

Two of the major networks expressed interest in the Manns' project but wanted to equivocate on guilt or innocence, Mann said. He then went to HBO, which agreed to tell the story as it was after vetting the script with lawyers. Victims on trial

Some of the most poignant moments of the film come in the jail, where Peggy McMartin Buckey (veteran actress Shirley Knight) and daughter Peggy Ann (Alison Elliott) are put into the same cell in hopes they'll say something incriminating.

One scene required Knight to disrobe before the cameras for a chilling re-enactment of the strip-searches the mother was forced to endure every day during the trial.

"I'm so pleased to be a part of this project," said Knight, "but I was reluctant to do that scene. I'm overweight and it was embarrassing. But my daughter Kaitlin's fiance [actor Judge Reinhold] said, 'Do it as a tribute to the woman you're playing, for what she went through,' so I did."

Elliott, currently starring with Peter Gallagher in the sultry, Texas-set film "The Underneath," is a bewildered innocent as the young teacher who had dedicated her life to children. After the charges against her were dropped, Peggy Ann Buckey sued to get back her teaching credentials. In granting them, and restitution of \$180,000 from the state in lost teacher's pay, the judge found the children's statements so lacking in credibility as to not constitute evidence. Married, with two children,, she now teaches extreme-case disadvantaged children in a special school in Anaheim, Calif. A difficult role

Actor Henry Thomas probably has the most difficult part in Ray Buckey, who had an arrest record for drunken driving and drug use: and whose sexual peccadilloes [none involving children] were brought out in the trial.

Thomas, who was the little boy Elliott in the megahit "E.T." and stars as Brad Pitt's heroic brother, in "Legends of the Fall," said it was difficult doing such a part after so many wholesome roles.

"Despite the connotation of being some kind of monster under the bed, Ray was a very scared character, very much alone, and a very odd person to begin with," Thomas said. "He was not really a sexual deviant but he had no sexual history besides sleeping with one woman and he was into pornographic magazines and things. I really had a hard time making the film because I didn't want to pass any kind of judgment on the character. I didn't see that as my place. I kind of bandied back and forth between guilt and innocence He definitely wasn't guilty of molesting children, but I think there was something dark he wanted to keep hidden. That's the kind of person I perceived, and that's how I portrayed him."

After the charges were dismissed, Ray Buckey went on to finish college and is now preparing to enter law school.