

David Stoll: A rush to judgement?

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Editor's note: This commentary is by David Stoll, who is a professor of anthropology at Middlebury College. His books include "El Norte or Bust! How Migration Fever and Microcredit Produced a Financial Crash in a Guatemalan Town" and "Rigoberta Menchú and the Story of All Poor Guatemalans."

Seven years ago, Americans were horrified to learn that a retired Penn State football coach had molested children on an almost industrial scale. Jerry Sandusky recruited thousands of potential victims, then groomed dozens of them, by running a program for troubled boys called Second Mile. His machinations unraveled after he was discovered having sex with a 13-year-old boy in a Penn State shower. The scandal was so large that President Obama called it "heart-breaking" and added that "the entire country [should] do some soul-searching."

Sandusky was tried, convicted and sentenced to life in prison. Penn State University has paid at least \$109 million to his victims. A Penn State president has lost his job and been convicted of participating in a cover-up. The statue of Sandusky's boss, coach Joe Paterno, has been removed from the Penn State campus. Yet Sandusky has always claimed to be innocent and is petitioning for a new trial.

Now Vermont science writer Mark Pendergrast has exhaustively re-examined the evidence against America's most infamous serial pedophile. His conclusion? Media reports were seriously misleading and Sandusky is probably innocent — the victim of a sex panic like the one that jailed seven teachers at the McMartin Preschool in California, until eventually they were exonerated.

According to Pendergrast's new book, "The Most Hated Man in America: Jerry Sandusky and the Rush to Judgement," the central fallacy in the Sandusky prosecution was victim testimony obtained through repressed-memory therapy. What could be wrong with a therapeutic technique? The idea of recovering lost memories dates back to Sigmund Freud, who held that experiences can be so traumatic that the victim completely forgets about them.

Nowadays, such claims are regarded as junk science by psychologists who do scientific research on memory. Memories of a severe trauma are precisely the kind of memory that is almost impossible to erase. On the rare occasions when a severe trauma is completely forgotten, it is usually because of brain injury, as in the 1989 rape of Central Park jogger Trisha Meili.

In the view of critics, repressed-memory therapy should have been discredited by the collapse of the McMartin Preschool indictments and similar cases. But it wasn't. Its assumptions continue to

feel like common sense to many Americans. These include, not just (some) therapists, but survivor networks who still believe in Freudianism. They reason that childhood sexual abuse is the cause of a wide range of psychological symptoms. Certainly, this can be the case. But if sufferers cannot recall any such abuse, should therapists focus on encouraging them to recover memories of same? Not if you look at laboratory experiments which show how easily sincere but false memories can be fostered by authority figures, social pressure and self-interest.

Pendergrast has been part of this psychology debate since the 1990s. He even published a book which has now been updated and reissued as “Memory Warp: How the Myth of Repressed Memory Arose and Refuses to Die.” In his new parallel book on the Sandusky case, Pendergrast reviews all the publicly available testimony against the Penn State coach. Judging from what he can find, no victim ever made a sexual accusation against Sandusky until one troubled boy was put through three years of therapy by a psychologist who believed in repressed memories.

As for the famous sex in a locker room shower, contrary to media reports, this was not based on eyewitness evidence. At the time of the incident, the witness reported only suspicious sounds; the alleged victim insisted that he and Sandusky were merely snapping towels. As for the witness’ memory that he had actually seen a sexual act, this came only a decade later. Yet once media alarm bells forced the police into action, their interrogators pressured several more youth to confess to sex with Sandusky. As soon as million-dollar liability payouts became a possibility, tort lawyers produced still more victims.

What about Sandusky’s defense team? It consisted of two hometown lawyers who were so overwhelmed that they tried to resign — the judge ordered them to continue. Neither they nor Sandusky had ever heard of repressed-memory therapy, so this never came up in his trial.

Repressed memories, it should be emphasized, are very different from the memories that brought down Hollywood producer Harvey Weinstein, as well as sports doctor Larry Nassar, and that continue to be expressed by the #MeToo movement. Weinstein’s and Nassar’s victims did not require therapy to recall what had been done to them.

Unlike the #MeToo movement, sex panics are driven by suspicions and accusations that fail to withstand close inspection. Most sex panics target a stigmatized out-group such as a racial or sexual minority, not a mainstream figure. Yet Sandusky was the founder of a widely acclaimed program to provide father figures for boys. He was also the parent of six adopted children, all but one of whom vouch for his innocence, as does his wife of more than 50 years. How could a guy like this provoke a sex panic?

In “The Most Hated Man in America” (a perilous title given other obvious candidates), Pendergrast points to the role of Sandusky’s uninhibited body language. When Sandusky was growing up in the 1940s and 1950s, his parents ran a recreation center in which it was considered normal for adults and kids to rough-house and shower together. Sandusky kept both in his repertoire, along with full body hugs and a hand on a boy’s knee while driving a car. When objections arose, Sandusky was slow to conform to the mounting paranoia about physical contact in American culture.

At my local public school in Vermont, parent volunteers are explicitly forbidden from touching the children they help. As Americans swing back and forth between our fascination with pornography and our demand for surveillance, our demands for liberty and our demands for protection, it will be interesting to see if Pendergrast's book helps Sandusky get a new trial.

Comments

Steve Carlson • 2 days ago The issues here are extremely important. Kids need adult mentors, and for boys, those are often sports coaches, scout leaders, men who enjoy interacting with them. Back when I was growing up, almost all such mentors were capable of joining kids in locker rooms with towel-snapping and similar horseplay. Every verified incident with Sandusky fits that mold. He was undoubtedly a little slow in understanding the changes in expected behavior. But every accusation of criminal behavior came after prodding by a counselor who would train kids to recite "memories" they did not hold before the counseling. And of course, some "memories" were enhanced by the promise of million-dollar settlements.

The day-care panic of the '80s and '90s made it dangerous for any adult to work in the field of day care--the lives of so many caregivers were destroyed by false charges. Sandusky clearly dedicated his life and his resources to mentoring at-risk kids. His fate makes it unlikely that any other adult will go as far as he did for such an important cause.

Mark Pendergrast is a recognized authority on this subject--his book "Memory Warp" is the definitive history of the repressed-memory and day-care scandals. Neither he nor anybody else can absolutely prove Sandusky is innocent of every charge, but his thorough research creates doubts that are certainly reasonable, and scary.

James Baker • 5 days ago Duke Lacrosse ?

rosemariejackowski • 6 days ago Good article. This case has many similarities to the McMartin case.