

## Confessions of a Whistle-Blower: Lessons Learned

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In 1988 I began a report on the accuracy of expert testimony in child sexual abuse cases utilizing Ralph Underwager and Hollida Wakefield as a case study (Wakefield & Underwager, 1988). In response, Underwager and Wakefield began a campaign of harassment and intimidation, which included multiple lawsuits; an ethics charge; phony (and secretly taped) phone calls; and ad hominem attacks, including one that I was laundering federal grant monies. The harassment and intimidation failed as the author refused demands to retract. In addition, the lawsuits and ethics charges were dismissed. Lessons learned from the experience are discussed.

Key words: whistle-blowing, sexual abuse, libel, pedophilia

In 1988 the first of a series of events occurred that ultimately changed my beliefs and expectations regarding the nature of the backlash against child sexual abuse. In that year I obtained a small grant from the New England Association of Child Welfare Commissioners and Directors. The purpose of the grant was to study emerging claims that standard interviewing techniques of children were leading and suggestive and were resulting in false accusations of child sexual abuse.

This was 1988, and the backlash against child sexual abuse was relatively new. No one really knew how seriously to take these claims, and I thought they should not be rejected out of hand or accepted out of hand but deserved careful scrutiny.

I agreed that at the conclusion of my study I would make some recommendations to the New England Child Welfare agencies regarding changes in interviewing techniques in those areas in which I thought changes were needed. I also agreed to prepare materials that could be used to rebut attacks on the credibility of children in court in those areas in which it was clear the concerns about suggestibility were not warranted.

There was an emerging but not terribly voluminous literature on suggestibility and child sexual abuse at the time, and many of the claims were being made by a very few writers. I eventually focused on the work of two authors: Ralph Underwager and Hollida Wakefield. They cowrote a book called *Accusations of Child Sexual Abuse* (Wakefield & Underwager, 1988). At that time Underwager and Wakefield were considered to be leading spokespeople for the claims regarding leading and suggestive questioning, and their book was being cited as the academic scaffolding for the growing backlash.

This was before Underwager and Wakefield's famous interview with the Dutch pedophilic magazine *Paidika, The Journal of Paedophilia* ("Interview," 1993), in which Underwager stated that the choice of being a pedophile was "responsible" and urged pedophiles to "boldly and courageously affirm what they choose" (pp. 3-4). Underwager went on to recommend that pedophiles not be so defensive about their behavior; he felt they should assert that pedophilia was about "intimacy and love" and was, in fact, "God's will" (p. 4).

That interview resulted in Underwager's resignation from the False Memory Syndrome Foundation Scientific and Professional Advisory Board and radically diminished his and Wakefield's credibility in general. In 1988, however, Underwager and Wakefield's views on suggestibility were widely cited and given great credence.

I reviewed their book on false accusations as an academic tract and went back to the original sources because the work extensively relied on the research of others. I was quite surprised at what I found. I found systematic misrepresentations of that research.

There were instances too numerous to cite. For example, a study by Graesser, Woll, Kowalski, and Smith (1980) was described by Wakefield and Underwager as follows: "This research suggests that older children, when trying to revive a particular memory enmeshed in a general script, may produce more inferences, both correct and incorrect, than younger children" (Wakefield & Underwager, 1988, p. 72). The study, in fact, was a study of college students, and there were no children in the study. In addition, the study was not on adding information to stories but on memory for typical and atypical actions.

When Underwager and Wakefield rebutted my critique in writing (in the context of a court case they later brought against me), I was, at least, equally surprised to discover that none of the problems with their book had an adequate explanation. For example, their defense with regards to the Graesser et al. (1980) study was not that they had accidentally cited the wrong study, as I thought might have happened (although I could not find a study that matched their description) but instead that their description of the study was accurate (*Ralph Underwager and Hollida Wakefield v. Anna Salter and Patricia Toth*, 1993, Response to First Request for Production of Documents to Plaintiffs).

Wakefield and Underwager asserted their description was correct because college students were, in their opinion, children, and there were numerous studies

of college students in the research literature. Specifically, they stated: "When we use the phrase older children to describe the study sample we are following the conventional usage within the science of psychology" (*Ralph Underwager and Hollida Wakefield v. Anna Salter and Patricia Toth*, p. 48).

They also pointed out that Achenbach's Child Behavior Checklist included 19-year-olds and that the adolescent Minnesota Multiphasic Personality Inventory norms were used for college students. Wakefield and Underwager went on to note that they had checked the entire 1980 volume of the *Journal of Experimental Psychology: Human Learning and Memory* (in which the Graesser et al., 1980, study appeared) and found only one study that did not use college students.

That may well be true, but each of those studies accurately identified their sample as college students, not as younger and older children. The facts that they had described the Graesser et al. (1980) study as of younger and older children and also described it as being on a different topic from the one it was on were not addressed. More important, the fact that they used the article as part of an attack on the credibility of children's testimony in comparison to adults—when in reality they were using a study of adults—was not addressed.

Had this been all, I would not be writing this article. I expected a back-and-forth academic exchange, vigorous no doubt, and even biting (although I did not expect a response as silly as the one cited previously), but played out on a field I understood, with research as the context and logic as the tool. Instead, a very different process emerged.

It began with phony phone calls. On two occasions individuals called, misrepresented who they were, and asked for my help in combating testimony by Underwager. At the time I thought the calls were genuine, but events shortly revealed they were phony and the conversations were taped. For example, after the first one, I received a transcript of my comments in the mail from Underwager with a demand that I retract and hints of legal action if I did not.

Phony phone calls were subsequently made to the offices of the Association of New England Commissioners and to Sage Publications, in which a private detective that Underwager later admitted under oath that he hired, misrepresented himself and tried to elicit information about me (*Ralph Underwager and Hollida Wakefield v. Anna Salter and Patricia Toth*, 1993, Deposition of Ralph Charles Underwager, April 15th, p. 93).

Wakefield and Underwager attempted to introduce the first phony phone call in an ethics charge that Wakefield made against me with the American Psychological Association in the spring of 1989. The irony of attempting to use a phone call made by a woman who lied about her name, gave a phony story, and clandestinely taped the conversation in an ethics charge was evidently not appreciated.

The essence of the complaint was that I thought Dr. Underwager guilty of an ethical violation (presumably in regard to misrepresenting the research) but had failed to notify him of such. Along with a tape of the phony phone call, Wakefield offered as evidence comments that I made in rebuttal of Wakefield and Underwager

at a meeting of the Tennessee Association of Criminal Defense Lawyers on December 10th, 1988.

Among the oddities of the ethics charge was the fact that at the previously cited meeting, Dr. Underwager and Ms. Wakefield were sitting in the audience when I made my comments. It appeared to me, therefore, that they were informed at that time of my concerns (which was the first time I had spoken publicly about my work in this area), but apparently they disagreed.

Even stranger, the ethics charge misrepresented my comments extensively. In an affidavit signed by Ralph Underwager on March 14th, 1989, and forwarded to the APA Ethics Committee he stated that at the conference

The woman, now identified as Anna Salter, Ph.D. ... said that a group of people in New England were so agitated by my reprehensible behavior and bad science that she had gotten a grant from the New England Commissioners of Child Welfare to examine my work and prove that I was doing bad work. She repeatedly made negative ad hominem remarks about me in the course of her purported rebuttal. (Salter, 1992, p. 64)

Solely by chance, I had taped my comments, as part of taping the entire meeting (with permission). A transcript of the tape supported my contention that I had made no ad hominem comments at all. In actuality, I began my 5-min comments by stating that although I disagreed with Dr. Underwager on many points,

I do want to make it clear that those disagreements are not based on the point of view that he [represents]<sup>1</sup> because I do believe you can raise some very valuable questions about some of the interview techniques that are used today, particularly leading questions, also multiple interviews and, in fact, some folks really are using some very coercive interview techniques that are likely to lead to error. I also agree with him about behavioral indicators of sexual abuse. I have a chapter in my book on that. They're just not specific enough. But, as an academic, I really get agitated with what I believe are just sort of misstatements of fact about the professional literature and since I only have five minutes to talk with you, I'll only give you a few examples. (Salter, 1992, p. 65)

I then went on to comment on the literature on prevalence and on the plethysmograph. I then summed up as follows:

Let me just say in summary that there has been so much concern among professionals about the statements that Dr. Underwager makes and their accuracy in the literature that I have been given a grant to develop rebuttal materials—to go through his literature and sort out what is accurate and what is inaccurate and make that available to everybody. (Salter, 1992, p. 67)

<sup>1</sup>This word is inaudible in the tape but in context should be either *represents* or *endorses*.

In support of my contention that I had made no ad hominem comments of any sort throughout the conference, I forwarded to the Ethics Committee a transcript of the few brief questions and comments I had made from the audience through the course of the 2-day conference. Again, there were no ad hominem comments.

In addition to the ethics suit and the phony phone calls, Dr. Underwager accused me in various forums of a variety of unsavory acts—most notably, laundering federal grant money. The following exchange occurred in a deposition Underwager gave in a Hardin County, Texas case in 1992.

Q. Who funded Anna Salter's research?

A. Who funded it?

Q. Yes.

A. The National Center for Prosecution of Child Abuse. They gave money through—they tried to launder it and she has claimed that it was the New England Commissioners of Child Welfare that gave her the grant, but the New England Commissioners of Child Welfare say "We don't give any grants" and nobody at the office of the New England Commissioners of Child Welfare knew what Anna Salter was doing other than they said, "We think she's supposed to be putting up little libraries around New England on child abuse, child sexual abuse, but the money went from the National Center for Child Abuse Neglect to the National—no, the Offices of Juvenile Justice and Delinquency to the National Center of Prosecution to the State of Alabama to, oh, Kramer's place in Huntsville, Alabama, and I don't remember the name, and then to Salter.

Q. And why are all these people in a conspiracy against you, sir? (*J. G. v. T. B. and M. B.*, 1992, Deposition of Ralph Charles Underwager, February 24, pp. 128–129)

Underwager eventually sued me several times as well. In his deposition of April 15, 1993, in the Wisconsin case he brought against me, he finally admitted under oath that he had absolutely no evidence to support his contention regarding laundering federal money. He claimed that a private investigator he hired to investigate me told him I had laundered the money but had provided no evidence. Underwager stated that the investigator had not even submitted a report to him (*Ralph Underwager and Hollida Wakefield v. Anna Salter and Patricia Toth*, 1993, Deposition of Ralph Charles Underwager, pp. 93–98).

Between the phony phone calls, the lawsuits, the ethic suits, and the slanderous (although silly) comments about laundering federal grant money, I think it is fair to state that a campaign of intimidation and harassment began against me in 1988 that lasted for several years. All of these attempts at intimidation and harassment eventually failed. In a letter dated July 5, 1989, the APA Ethics Committee informed me that "the Committee voted unanimously not to find you in violation of the Ethical Principles and to dismiss the complaint as entirely without merit" (Salter, 1992, p. 68).

Subsequently, lawsuits in Wisconsin and California were dismissed at the summary judgment level, and in a decision by the U.S. District Court, Southern District of California, issued on December 9th, 1993, Underwager was "perma-

nently enjoined from prosecuting and/or commencing any causes of action or claims against Dr. Salter in any and all other federal courts or in the courts of any state, including but not limited to Maryland, Virginia, Indiana, and Texas" for any of my comments in my monograph or on "60 Minutes Australia" (*Underwager v. Munro, Vaughn, Peters, Salter, Oates, and Schlebaurn*, 1993).

Underwager appealed the dismissal of his lawsuit against me in Wisconsin, and the U.S. Court of Appeals for the 7th Circuit ruled on his appeal on April 25, 1994. His appeal was rejected as the court found no evidence on my part of malice. The court noted that

Both Salter and Toth [my codefendant] came to believe that Underwager is a hired gun who makes his living by deceiving judges about the state of medical knowledge and thus assisting child molesters to evade punishment. Persons who hold such opinions cannot be expected to look kindly on their subjects, and the law certainly does not insist that they shut up as soon as they are challenged. ... Underwager and Wakefield cannot, simply by filing suit and crying "character assassination!", silence those who hold divergent views, no matter how adverse those views may be to plaintiffs' interests. Scientific controversies must be settled by the methods of science rather than by the methods of litigation. (*Underwager and Wakefield v. Salter et al.*, 1994, p. 11)

As regards my opinion of Underwager's work, the court noted that all of the reviews of *Accusations of Child Sexual Abuse* (Wakefield & Underwager, 1988) appeared to agree with me, as had several courts.

My study was eventually completed. It was titled "Accuracy of Expert Testimony in Child Sexual Abuse Cases: A Case Study of Ralph Underwager and Hollida Wakefield," and it was made available to interested parties by myself and by the Center for the Prosecution of Child Abuse (Salter, 1992).

What is interesting, however, about the situation described here is not simply the harassment that occurred or the fact that I was vindicated. What is interesting is the meaning of the events that transpired and what can be learned from them.

As an undergraduate at the University of North Carolina, I majored in philosophy and was used to vigorous, even vicious academic debate. Philosophy, like chess, is an arena in which combatants constantly go for the academic jugular. I expected a vigorous counterattack from Underwager and Wakefield, but I never expected taped phone calls, private detectives, systematic lying, frivolous ethic charges, bogus lawsuits, groundless charges of laundering grant monies, and so forth.

To this day, I read claims by Underwager and Wakefield that the courts found I had defamed them, despite the fact that the test of summary judgment is whether the plaintiff would have a case if the plaintiff were correct about matters of fact. To apply that test, the court must temporarily assume that the plaintiff's claims are true and asks the question of whether in that instance the plaintiff would have a claim. This assumption for the sake of deciding summary judgment is not the same thing as a factual finding that the plaintiffs were defamed. It is not a finding of fact at all.



In musing on all that occurred in the course of the several years of harassment, the error I decided I made, and others frequently make, is to assume that we are all academics trying to sort out intellectual issues. The False Memory Syndrome Foundation is a political organization composed primarily of individuals who have been accused of child sexual abuse and those who support and defend them, sometimes for considerable sums.

Such people are not going to be swayed by the research. They start with a fixed point of view—the need to deflect threat. That threat comes in the form of public exposure, loss of income, monetary penalties, or even in some cases incarceration. I heard a colleague say recently, in referring to the 30 or so studies that document the existence of recovered memory, “You get to the point where you wonder when is it going to be enough.” It is never going to be enough if the point is not searching for the truth but protecting a particular point of view.

There is another dynamic that I feel we in this field have been slow to recognize at our peril. People, in general, tend to project onto others their own state of mind. Well-meaning people inevitably assume other people are well meaning. People who cheat assume everyone cheats. People who deceive assume everybody deceives. “The liar’s punishment,” George Bernard Shaw wrote, “is not in the least that he is not believed, but that he cannot believe anyone else” (Andrews, 1990, p. 183).

Therefore, the person who scores high on measures of psychopathy says to the therapist: “What’s in this for you? You’re looking out for number one just like everybody else. So what’s your game?” The therapist—stung to the quick by such accusations—all too often defends her- or himself, trying hard to persuade the client that he or she is just trying to help. A more appropriate response might be not to argue the point at all but to take the material as diagnostic. Unfortunately, the exchange is diagnostic on both sides.

In projecting onto others their own moral sense, therapists sometimes make terrible errors. Child physical abusers are automatically labeled “impulsive,” despite extensive evidence that they are not necessarily impulsive but more often make thinking errors that justify the assaults. Sexual and physical offenders who profess to be remorseful after they are caught are automatically assumed to be sincere. After all, the therapist would feel terrible if he or she did such a thing. It makes perfect sense that the offender would regret abusing a child. People routinely listen to their own moral sense and assume that others share it.

Thus, those who are malevolent attack others as being malevolent, as engaging in dirty tricks, as being “in it for the money,” and those who are well meaning assume others are, too, and keep arguing logically, keep producing more studies, keep expecting an academic debate, all the time assuming that the issue at hand is the truth of the matter.

However, the argument between the field of child sexual abuse and the backlash against survivors is not an academic debate between two well-meaning groups equally invested in ascertaining truth. It is not an academic debate at all; it is a political fight.

It is a political fight between a group of well-financed, well-organized people whose freedom, livelihood, finances, reputation, or liberty is being threatened by disclosures of child sexual abuse and—on the other hand—a group of well-meaning, ill-organized, underfinanced, and often terribly naive academics who expect fair play. Why do we expect fair play? Because we project onto others our own moral sense, and we do not want to face the existence of malevolence any more than the American public does.

For every group, malevolence is always somewhere else. Maybe we understand at this point in history that it can occur at night in darkened rooms where small children sleep. However, surely not in academia. Surely lying and deception do not occur among people who go to conferences, who write books, who testify in court, and who have PhDs.

At one point I complained to a Florida judge that I was astonished to see an expert witness lying on the stand. I thought one had to tell the truth in court. I thought if someone didn't, she didn't get her milk and cookies. I thought God came down and plucked someone right out of the witness stand if he lied in court. I thought a lying expert witness would step out of court and get hit by a bus. A wiser woman than I, the judge's answer was, "Silly you."

I was not alone in my naiveté. Many of us assumed that we are all looking for the truth and that truth will prevail. However, truth only prevails in true academic debates and then only sometimes. It does not win political fights. What wins political fights is organization and stamina and a refusal to be intimidated.

Where does that leave all of us who have been targeted for harassment by the backlash and those who will be? We must understand more than the research on suggestibility and recovered memory to comprehend what is happening today. We must know something about malevolence, about how to recognize it, and about how not to make excuses for it. We must know that we cannot expect fair play.

That is, perhaps, most crucial of all. Those of us who practice in this field must face the implications of the fact that we are dealing with sexual abuse. Child sex offenders—people who exploit children's bodies and betray their trust—are not going to hesitate to lie outright. This is obvious but nonetheless frequently seems to catch people by surprise.

The people who support and defend those accused of child sexual abuse indiscriminately, those who join organizations dedicated to defending people who are accused of child sexual abuse with no screening whatsoever to keep out those who are guilty as charged, are likewise not necessarily people engaged in an objective search for the truth. Some of them can and do use deceit, trickery, misstated research, harassment, intimidation, and charges of laundering federal money to silence their opponents.

Those of us who are the recipients of bogus lawsuits and frivolous ethics charges and phony phone calls and pickets outside our offices must know more than the



research to survive such tactics. We must know something about endurance and about the importance of refusing to be intimidated.

It is important to refuse to be intimidated. That refusal must not be based simply on a calculation of the odds of succeeding. At times, in my case, multiple lawsuits and an ethics charge seemed overwhelming, and the fact that I knew my work to be accurate and responsible was only partial solace. I was well aware that court, like the National Football League, is an arena in which, on any given Sunday, anybody can win.

The refusal to be intimidated must come, in the end, not from a sureness of succeeding but from a knowledge of the cost of scurrying for shelter through fake retractions and disowned truths. It is a question, in the end of self-respect. Joan Didion (1968) described it well:

There is a common superstition that "self-respect" is a kind of charm against snakes, something that keeps those who have it locked in some unblighted Eden, out of strange beds, ambivalent conversations, and trouble in general. It does not at all. It has nothing to do with the face of things, but concerns instead a separate peace, a private reconciliation. (p. 147)

Who among us could, in good faith, ever face a survivor of childhood abuse again were we to run for cover when pressed ourselves? Children are not permitted that choice, and the adults who choose to work with them and with the survivors they become cannot afford to make it. It would be a choice to become, through betrayal and deceit, that to which we object.

Our alternative, then, is not to hide, not to refuse to treat adult survivors, not to refuse to go to court in their defense, not to apologize and retract statements we know are true, but to cultivate endurance and tenacity as carefully as we read the research.

As for me, I take to heart a poem by Margaret Atwood (1996) called "Solicit." She is writing about her daughter, but we should listen too when she says,

How can I teach her  
some way of being human  
that won't destroy her

I would like to tell her, Love  
is enough, I would like to say,  
Find shelter in another skin.

I would like to say, Dance  
and be happy. Instead I will say  
in my crone's voice, Be  
ruthless when you have to, tell  
the truth when you can. (p. 43)

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