

## **The McMartin Preschool Abuse Trials & The Burden of Proof**

The McMartin Preschool Abuse Trials was a famous case during the 1980s that is one of the most disturbing trials in US history. This legal case got all the national media attention because it was a story about children allegedly being abused sexually at their preschool. There were also allegations that satanic rituals were also taking place at the school. In this paper, I look into the legal aspects of the trial, and I talk about the prosecution's burden of proof, which is one of the reasons why this trial was extremely controversial. The burden of proof in this trial was the most difficult aspect to prove, which led to a hung jury. The defense's strategic legal tactics were successful because the prosecutors could not prove that the defendants were without a doubt guilty.

It all started when Judy Johnson reported that her two-year-old son had been sodomized. The legal system sprang into action and alerted the community. They arrested Ray Buckey and immediately warned all of the parents of what occurred through a letter. Essentially, the letter asked for the children to come forward with information about the school and the teachers to gather evidence. Hundreds of children were interviewed, and many of these children said they were abused and also had described dark satanic rituals that seemed ridiculous and impossible. The burden of proof is held by the prosecution, which is why the McMartin case is viewed as a landmark legal case because the prosecution had evidence, but the evidence was not good enough to get a conviction.

The McMartin case has so many dark and haunting stories attached to it that it was hard to prove these things were actually happening. However, the prosecutors had the impossible task of proving that these stories were true. The prosecutors have to prove guilt beyond a reasonable doubt, which also meant they had to prove that flying witches were real, along with other crazy

sounding things. The evidence was based on the children's testimonies, which would end up helping the defense because now the defense could undermine the evidence. These testimonies were filled with inconsistencies and obvious coaching from parents or law enforcement. The defense was able to use this against the prosecution by bringing into question the interview techniques by the police with the children, and the parent's desire for lawsuit money.

The defense did a good job of poking holes in the prosecution's evidence, and also created a sense of conspiracy that the interviews were not being objective. The defensive strategy was to show that the investigation was compromised from the start. They made it a point to talk about the letter that was sent to all the parents as a fear and panic tactic that created hysteria among the parents and community. The letter itself becomes a focus point for the trial because it starts a national hysteria of children being abused at preschools across America. They discredited the methods that were used to gather testimonies. They pointed to the lack of physical evidence, and they used legal tactics to make it extremely difficult for the prosecutors to prove the defendants guilty without a doubt. The defense was able to shift the narrative for the jury by constantly questioning the integrity of the evidence.

After seven years of different trials, the jury would end up acquitting Ray Buckey and his mother, Peggy McMartin Buckey, on multiple counts. The jury's verdict was influenced by the lack of physical evidence and the impossibility of some of the alleged abuses. The McMartin trial shows the importance of reliable evidence and the dangers of using evidence that is based in hysteria. The defense did a good job of painting the prosecution as taking advantage of vulnerable children and making them say crazy things. This case changed many things about how legal experts use a child's testimony, and how that information is gathered.

This trial transformed legal practices concerning child testimony because it is used as a cautionary tale for other prosecutors. In order for the burden of proof to work, the evidence must be collected objectively and not be tainted, which is why this trial was so challenging for the prosecutors.

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