

**From the Quarterly Journal of the False Memory Syndrome Foundation (e-mail edition)
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FATHER MacRAE

**A Reminder That There Are Still Many People in Prison
Based Only on Accusations of Recovered Memories**

Although there is no doubt of the Catholic Church's irresponsible handling of thousands of reports of clergy abuse, there are also a growing number of cases in which priests appear to have been wrongly convicted. The case of Rev. Gordon MacRae, which was detailed by Dorothy Rabinowitz in 2005 in the Wall Street Journal,[1] appears to be one of them.

In May 1993, Rev. Gordon MacRae was arrested for sexually assaulting three New Hampshire boys when he had been a priest there a decade earlier. The early 1990s were heydays for accusations of sexual abuse based on new-found memories and just about everything that could go wrong for the defense did go wrong. Among the problems was a letter from Florida informing local police that MacRae was a suspect in a murder/sex crime there. This was the final bit of tinder for a hyper-zealous detective who then repeatedly interviewed many young people who knew MacRae and even attempted a series of "stings." By the time that the Florida case was declared bogus, there was no stopping the effort to convict MacRae.

Prosecutors offered various plea arrangements to MacRae, who is serving a life term, but he refused them all, declaring his innocence. Indeed, Fr. MacRae would have been released after one to three years if he had taken a plea or would have been released on parole if he confessed. (The "Catch-22" of prison is that those who do not admit guilt will not receive parole.)

At the criminal trial, witness Thomas Grover's testimony verged on the bizarre. He had accused MacRae of abusing him during counseling sessions. When asked why he continued to go to the sessions, Grover explained that he had 'out of body' experiences and completely forgot between sessions that he had ever been sodomized.

Even the judge's rulings appeared biased. According to Rabinowitz: "Throughout his testimony, [accuser] Thomas Grover repeatedly railed at the priest for forcing him to endure the torments of a trial. He would not have much to fear, in the end, in these proceedings, whose presiding judge, Arthur D. Brennan, refused to allow into evidence Thomas Grover's long juvenile history of theft, assault, forgery and drug offenses.

In New Hampshire, where juries need only find the accuser credible in sex abuse cases, with no proofs required, this was no insignificant restriction. The judge also took it upon himself to instruct jurors to "disregard inconsistencies in Mr. Grover's testimony," and said that they should not think him dishonest because of his failure to answer questions. The jury had much to disregard."

To read more about this case: www.gordonmacrae.net

[1] Rabinowitz, D. (2005, April 27). A priest's story: Not all accounts of sex abuse in the Catholic Church turn out to be true. Wall Street Journal. Retrieved on 4/30/05 from <http://www.opinionjournal.com/extra/?id=110006630>.

SIDEBAR

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| "If memory is the diary we carry about, then it is likely to |
| include truths, halftruths, gaps and falsities." |

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| "Like true memories, false memories can be held with great |
| confidence, can be detailed, can be vivid, can have behavioral |
| consequences, and can even be emotionally rich. But the fact that |
| a particular memory is confidently held, detailed, vivid, |
| consequential or emotional, or even all of these, cannot |
| guarantee that the memory is real" |

| Wade, K.A. & Laney, C. (2008) |

| Time to rewrite your autobiography? |

| The Psychologist, 21 (7), 588-592 |

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The FMS Foundation is located at 1955 Locust Street, Philadelphia, PA 19103-5766.
Telephone: 215-940-1040, Fax: 215-940-1042. Office hours are Monday through
Thursday from 9:00 am to 4:00 PM.

Who runs the FMS Foundation?

The Executive Director, Pamela Freyd, oversees the Foundation's programs and the fiscal and day-to-day operations of the Foundation. The Foundation's seven Directors set policy during quarterly meetings. The Scientific and Professional Advisory Board is composed of prominent researchers and clinicians from the fields of psychiatry, psychology, social work, law, and education. This Board advises on issues of memory, therapy and research. It also helps set future direction for the organization.

How is the Foundation financed?

The Foundation is funded by membership dues and contributions from families and friends. Dues constitute less than half the income. Because the FMS Foundation is a 501 (c) (3) institution, contributions are tax deductible. Several small foundation grants have been used to support professional advisory board seminars and three major conferences. The Foundation's staff is small, and the organization could not exist without volunteers who devote significant time and effort. A financial report is available in the FMSF office. What are the goals of the FMS Foundation?

- to seek the reasons for the spread of FMS that is so devastating families,
- to work for ways to prevent it,
- to aid those who were affected by it and to bring their families into reconciliation.

WHY WOULD SOMEONE CONFESS TO A CRIME HE DID NOT COMMIT? Kassin, S.M. (2008)

False confessions: Causes, consequences, and implications for reform. Current Directions in Psychological Science, 17(4), 249-253.

Why would people say they had been abused if it were not true? Why would people confess to a crime if they had not done it? We know that these things happen, but it is difficult for most people to really understand such behavior. We know that 20 to 25% of the exonerations that have taken place with DNA evidence have involved people who had confessed to a crime that they did not commit. Although FMSF families do seem to gain understanding of the reasons that someone can come to believe in abuse that never happened, many feel that it is difficult to explain to others who have not been falsely accused. Even for FMSF families, it is often difficult to understand how a person could confess to a crime that he or she did not commit. Of particular concern is the fact that jurors do not discount confessions even when they are shown evidence that the confessions have been coerced. Some people make voluntary false confessions. They do this with no prompting from police, most often in high-profile cases such as John Mark Karr who confessed to the murder of JonBenet Ramsey in 2006.

Kassin says that there are several reasons why someone might make such a false confession: "a pathological need for attention or self-punishment, feelings of guilt or delusions, the perception of tangible gain, or the desire to protect someone else." This new paper, however, is focused on false confessions that are a consequence of police interrogations. Confessions made in highly coercive environments may be a consequence of someone who wants to "escape from a stressful situation, avoid punishment, or gain a promised or implied reward." Sometimes some vulnerable people who are put in highly suggestive interrogations not only confess but also actually come to believe that they committed the crime in question.

Kassin examines why innocent people are interrogated in the first place, noting that research from around the world had shown that "people are only about 54% accurate in judging truth and deception" and that training does not seem to help. In other words, law enforcement is not especially skillful at differentiating guilty and innocent suspects. The author describes research that has shown that some people are at greater risk for making false confessions. People who are more compliant in social situations, people who are highly anxious, fearful, depressed, delusional, mentally retarded or young are all vulnerable. The author notes that being innocent actually puts a person at risk. "People who stand falsely accused believe that truth and justice will prevail and that their innocence is transparent to others. As a result, they cooperate with police, waive their rights, and speak freely, often not realizing that they are under suspicion."

A major problem with false confessions is that people accept confessions at face value. Even when jurors learn that a confession has been forced and is beyond doubt false, they still tend to make decisions as if the confession were unquestioned. Kassin concludes by noting that a number of problems with false confessions have been identified. He suggests two ways to help solve these problems. 1) there should be "a greater use of expert witnesses to educate judges and juries about the psychology of confessions." 2) police should be required to videotape entire interrogations.