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Kern County Sex Rings

A Case Study

By Kenneth E. Blackstone

Abstract:

On 17 September 1997, at the 300th anniversary of the Day of Fast and Repentance, Dr. Richard A. Gardner described what he called the three great waves of social hysteria in America: the Salem Witch Trials, the 'Red-Scare,' which culminated in McCarthy-ism, and the "third wave" being America's response to the issue of child sexual abuse. Some say the third wave began with the 1974 passage of the Mondale Act, officially titled the "Child Abuse Prevention and Treatment Act," some point towards the publication of "Michelle Remembers" in 1977 and some point to events in Kern County (Bakersfield), California in 1980. In that county alone, between 1983 and 1986, a total of eight "sex ring" cases were investigated and a total of 39 persons were convicted as a result of these investigations. The first of these cases, the McCuan and Kniffen Case, was the first large Multi-Dimensional Offense (MDO) child sexual abuse case in modern America.

The McCuan and Kniffen Case

In 1980, adolescent Becky McCuan told her mother Debbie that her grandfather, Rod Phelps, had touched her inappropriately while she visited his house in Atascadero, California. Becky was examined by a medical doctor in Bakersfield and it appeared that she had been molested. Phelps was not arrested due to differing jurisdictions, and Debbie McCuan arranged for her daughter to obtain counseling. Debbie's step-mother, Mary Ann Barbour, a woman with a history of mental illness, was enraged that Becky was molested and she became even more distressed when she learned that Alvin and Debbie had taken their daughters on a supervised visit to see Rod and Linda Phelps.

Barbour complained to social services that the McCuans were unfit parents and told them that Debbie's childcare practice was unsafe. Social Services investigated Debbie McCuan's business and Mary Ann Barbour's anxiety increased when social services found no problem. She then called on a local child advocacy group called "Mothers of Bakersfield." The spokesperson for the group, Jill Haddad, had political and police connections and urged Becky to file for custody of Becky and her younger sister Dawn. Charges of child endangerment were filed against Alvin and Debbie McCuan.

This led to an argument between Debbie and Mary Ann, and Debbie made the mistake of telling her stepmother that Alvin's friends Scott and Brenda Kniffen would be character witnesses for them and say that she and her husband were good parents. The next day Mary Ann Barbour's claim went from 'they're bad parents' to "There is a group of people involved in molesting the girls. They are all in on it!" She suffered a psychotic episode at this point, resulting in some time in a psychiatric ward. After a telephone interview, social services decided she had recovered from her "illness" and in March 1982 she was granted custody of her step-daughters.

At this time Kern County was in turmoil. Several judges, prosecutors, defense attorneys, and executives, including the newspaper's publisher, were under the public microscope, supposedly part of a network of closet homosexuals known as the "Lords of Bakersfield."

The District Attorney's office was also under scrutiny with respect to its handling of the torture/murder case of 14-year-old Dana Butler. The victim's blood and hair were found in the bathroom of a former police commissioner but he (Glenn Fitts) was not arrested. Many feel that Barbour's claim was seized by the county because of the distraction it provided.

The authorities focused unusual energy on Barbour's claim, repeatedly interviewed the two girls and fed their disclosures to the news. The girls eventually told of being abused by their parents and over a six-month period of questioning their disclosures became more and more bizarre. The girls "disclosed" that they were hung from ceiling hooks, beaten with belts, rented to strangers in motels and forced to perform in "kiddy-porn" movies. They described a twelve-member "sex ring" composed of their parents, grandparents Rod and Linda Phelps, and their father's brothers Larry and Tommy McCuan, Scott & Brenda Kniffen, Betty Palko, the social worker who reported the McCuan child care service safe, and her boyfriend Larry Walker. Walker happened to be a co-worker of Scott Kniffen, and two other welfare workers were named.

On April 8, 1982, Scott and Brenda Kniffen were arrested and their sons, six-year-old Brian and nine-year-old Brandon, were put in a county shelter. They were repeatedly interviewed and promised that they could go home again if they cooperated. When questioned separately, each was told (falsely) that their brother had disclosed abuse by both the parents and the rest of the sex-ring. The Kniffen boys finally said that abuse had occurred. Scott and Brenda both took polygraph tests to verify their denial and they were non-deceptive (truthful) on their tests.

A defense attorney was allowed to talk to Becky and Dawn and they told him their grandmother had told them to implicate their uncles Larry and Tommy. The DA then dropped the charges against Larry and Tommy McCuan. In 1982 Betty Palko and Larry Walker were tried together in a different venue and when their lawyer introduced Ms. Barbour's medical records into the trial the DA dropped all charges against them. After these four dismissals the Court would not allow the defense to interview the alleged victims and would not allow Mary Ann Barbour's medical records to be used as evidence.

In the 1983-84 trials of the McCuans and Kniffens Dr. Bruce Woodling testified that his "wink response" tests on the children proved that sodomy had occurred. In this test, the anus is touched with a swab and a reaction is a sign of anal sodomy. His testimony was the only physical evidence of sexual abuse and it was unsupported by any empirical evidence. More recent controlled tests show that anal winking occurs in both abused and non-abused children. The McCuans and Kniffens were convicted in 1984 on multiple charges and given a combined sentence of over 1000 years.

In 1985, after seven other "sex ring cases" were prosecuted by the same District Attorney's Office, the Attorney General of California was compelled to investigate the procedures for questioning the children. A direct cause of the investigation was an FBI dig in Atascadero that was based on disclosures made by Becky and Dawn McCuan during group therapy. The girls alleged that Rod Phelps and his wife Linda had forced them to witness satanic murders near their home. There were no bodies and no sign of disturbed earth and the District Attorney acknowledged that these stories were made up.

California Judge Baca then said he was concerned for anyone imprisoned based on the testimony of these children. In 1986, the Attorney General's Office concluded that "there was both a shortage of corroborating evidence and that some alleged victims were simply parroting what they were told in questioning or what they heard other children say." This conclusion did not result in any further action by the Court.

Ten years later, in a special hearing in August 1996 Brian Kniffen testified before Judge Steubbe of the Kern County Superior Court: "I believed them...when they promised I could go home if I just said it all had happened. So I did. ...And I never did go home . . . He (prosecutor Andrew Gindes) would slam books down, yell when we wouldn't cooperate. He was demanding and scared us and wouldn't take no for an answer...I wish I could talk to him now and ask him... why, why did he do that to me?" Brandon Kniffen also testified before Judge Stuebbe that he had never been molested by his parents and that he only agreed to say so after many grueling interviews. On August 12, 1996, Judge Steubbe vacated the convictions of both the Kniffens and McCuans, and ordered their immediate release after 14 years of incarceration.

Judge Steubbe's decision was based on the fact that the "the interviewing techniques used to obtain information from the minors were fraught with undesirable consequences" and Kern County prosecutors made no attempt to retry these cases.

Becky and Dawn McCuan have had no contact with their parents since 1983 and have never recanted their court testimony. Some believe that their original accusations, obtained through improper interrogation methods, may have coalesced into false memories.

Conclusion

In Arthur Miller's play "the Crucible" about the Salem Witch Trials, John Proctor said "If you search my house for a five-legged dragon you will find one." There is no record of any dragon being found in Proctor's house, but Proctor was hanged on Gallows Hill on August 19th 1692. In a broadcast regarding Senator Joseph McCarthy's anti-communism techniques, journalist Edward R. Murrow stated "there is a fine line between investigation and persecution." As we review the McCuan and Kniffen case we hear an echo of these statements and see a common thread of hysteria running from Salem to Kern County.

Today's inquisition against sexual offenders is constantly fueled with real events and it continues to grow and cloud the judgment of investigators and prosecutors involved in child sexual abuse cases. It doesn't matter what century you are in -- an investigation without objectivity has no integrity and is therefore not an investigation; it is an effort to convict someone.

About the Author:

Mr. Blackstone is recognized as an expert in the fields of sexual offense investigation, proper forensic interviewing techniques and pre and post conviction testing of alleged offenders. He is a polygraph examiner, forensic consultant and expert witness regarding the proper use of polygraph in civil, clinical and criminal testing settings with a focus on child molestation and child abuse. With over twenty-seven years of experience, over fifteen thousand examinations and more than one hundred court appearances as an expert witness, Mr. Blackstone's expertise is well respected.