Guilty Until Proven Innocent

Over the last decade, because of DNA testing, it has become clear that many who were convicted of rape and murder were innocent. Many of them have been released after years of unjust incarceration. Some were on death row. The cameras flashed in their faces as they walked, blinking uncertainly, into a new life of long-delayed freedom.

They were freed because their innocence could be proven. Someone else committed the crime. Their DNA did not match the DNA of the real criminal.

But what if you have been convicted of a mythical crime? What if there was never any crime at all? No physical evidence? No DNA to be tested? How can you prove your innocence then?

The short answer is – you can’t. The only thing you can do is to maintain your innocence and ask investigators to look closely at your case. That is the situation faced by all too many innocent men and women who have been convicted of child abuse, usually in cases where no abuse actually occurred.

The Daycare Hysteria

Remember the day care sex abuse hysteria of the 1980s? In over 100 such cases throughout the U.S. and Canada – McMartin, Fells Acres, Kelly Michaels, etc. – concerned police, social workers, psychologists, parents, and judges led a crusade that turned out to be a misguided witch hunt. Presuming guilt, they used leading, even bullying interview tactics with young children, getting them to “disclose” that they had been sexually and physically abused, when they had not been.

Fortunately, most – but by no means all – of those early victims of false allegations have been freed from prison, even though none of them could prove their innocence. They were freed because it became clear that the only evidence – the word of children or hearsay evidence of adults – used to convict them was tainted. They were freed because someone finally remembered that in our justice system, you are supposed to be innocent until proven guilty.

The Problems Persist

Yet the same kinds of leading interviews and presumptions of guilt have continued to put innocent men and women in our prisons in cases that have not attracted the same kind of high-profile media attention as the old day care cases. These “run-of-the-mill” cases often stem from bitter divorce or child custody battles, in addition to many other motives or circumstances. The accused are frequently under-educated, poor, inarticulate people who have been badly served by our public defender system. They are convicted, tossed into prison, and the key thrown away. They are then forgotten by virtually everyone outside the prison doors.

As convicted child molesters, they are often singled out by guards and fellow prisoners for vile treatment, inadequate medical attention, and the like. Because they refuse to take part in sex offender programs (in which they would have to admit guilt for something they did not do), they are routinely denied parole.

The National Center for Reason and Justice (NC RJ) is the only organization in the country that lobbies for such innocent prisoners or those who are facing imprisonment for false charges of child abuse. Our board of directors includes investigative journalists, lawyers, and scholars who are experts on the subject.

Ryan Smith with his family. Ryan was falsely accused at 13, sent to prison at 15. He is still behind bars and turned 24 on June 1, 2008.
The Mission of the NCRJ

Like so many other Americans, we are concerned about the failings of our criminal-justice system. The recent exonerations of convicted people via DNA evidence demonstrate beyond all reasonable doubt that many innocent people have been unjustly imprisoned or executed, especially those without the financial means to defend themselves against the state, the media, and other powerful institutions. Most of these innocent people have been convicted because of faulty eyewitness testimony, coerced accusations and confessions, and the acceptance of junk science by the courts.

Especially vulnerable have been those accused of sex offenses — especially sex offenses against children and adolescents. While none of us deny that these crimes occur, those accused nevertheless have the right to be presumed innocent until proven guilty and to receive fair trials. But too often, hysteria reigns and the accused are tried and convicted by the media.

Many innocents, for example, were tried and convicted during the daycare sex-panic that began in the early 80s. Since rational observers now concede that terrible mistakes were made, few realize that a great many of those convicted still languish in prison. Most have no money to fund appeals, and have given up all hope of ever regaining freedom. DNA cannot help them, because no actual crimes were ever committed.

The NCRJ educates the public about current injustices and also facilitates financial and legal assistance for the falsely accused and wrongfully convicted. Currently, we do not have the resources to provide this assistance directly. But we act as a fiscal sponsor of community groups striving to free the innocent. Our Board has approved sponsorship of several of the wrongfully convicted, and will be sponsoring more in the future. The National Center for Reason and Justice is a 501(c)(3) organization and contributions to it are tax-deductible.

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Bernard Baran, the first person sponsored by the NCRJ to win his freedom

The National Center For Reason and Justice

Educating the Public About False Accusations and Wrongful Convictions

The NCRJ
POB 191101
Roxbury MA 02119
617/427-0179
mgr@ncrj.org
www.ncrj.org

We Need Your Help!

The NCRJ is a 501(c)(3) organization and a registered public charity. Contributions to the NCRJ are tax deductible.