

Posted 9/3/11

THE “WITCHES” OF WEST MEMPHIS

Outraged citizens called them killers. They were wrong.

By Julius (Jay) Wachtel. On August 19, eighteen years after their conviction for the gruesome murders of three eight-year old boys, three not quite middle-aged men [walked out of an Arkansas prison](#). Two, Jason Baldwin and Jessie Misskelley, had been doing life. The third, Damien Echols, the reputed leader of a local witches' cabal, was on death row, awaiting the same end that befell his forerunners in Salem some three centuries earlier.

The bodies were found on [May 6, 1993](#), in and next to a creek in West Memphis. James Moore, Steven Branch and Christopher Byers had been missing for a day. Each bore the marks of a savage beating. They were lying naked, in fetal positions, their wrists bound with shoelaces, their bodies covered in wounds. One child's genitals were missing.

The unspeakable crime carried all the hallmarks of a ritual killing. Really, it could be nothing else. Who in the deeply religious community of 27,000 could do such a thing?

In 2008 the actor Sean Penn produced “[Witch Hunt](#),” a feature-length documentary about one of the most remarkable miscarriages of justice in modern American history. During the early 1980's authorities in Kern County, California became convinced that uneducated transplants from the Ozarks had been engaging in the most unsavory practices. During a frenzied, two-year period [prosecutors filed charges](#) accusing forty-six defendants with raping and molesting as many as sixty children.

In the first case, in 1983, ten defendants, including two couples, Alvin and Debbie McCuan and Brenda and Scott Kniffen were accused of sexually abusing and torturing the McCuan's two girls, going so far as to rent them out to producers of kid porn movies. Based on the children's testimony the Kniffens and McCuans were convicted. They got 240 years.

Cabals of child molesters were turning up everywhere. [John Stoll](#), the film's central character, fell into the whirlpool when he failed to make child support payments. An inquisitive social worker asked his ex-wife if she thought that he could be one of those horrible abusers. Her reply, that it was possible, led authorities to interrogate six kids, including Stoll's son. Stoll and three acquaintances were charged with a variety of unspeakable acts, including sodomy. Stoll was convicted. He drew 40 years. In a similar case [Jeff Modahl](#) and six others were convicted on the testimony of his two daughters, aged ten and twelve. One tried to recant after the trial but to no avail. She first attempted suicide two years into her father's 48-year sentence.

In short order authorities had uncovered eight rings of molesters and sent thirty adults to prison. And still they weren't done. In 1985 deputies opened an investigation into the alleged ritual murder of twelve

children by an 80-strong Satanic cult. They searched everywhere but couldn't find the bodies. Finally the state attorney general stepped in and the madness abated.

For a while there was no helping Stoll and the others. But as the children started passing into young adulthood the prosecutors' house of cards began to crumble. Former "victims" offered devastating, heart-rending accounts of the pressures placed on them by investigators. "I was scared they were going to take my mom away," said one. "They kept pushing and pushing until they got the answers they wanted."

Appeals courts eventually ruled that the accounts of abuse had been implanted into the minds of scared and impressionable kids. Nearly every conviction was reversed, but not before some of the defendants had served long terms. The Kniffens and McCuans did twelve years; Modahl, fifteen. Stoll, the last one released, was in for nearly twenty. [Settlements and jury awards followed](#). Scott and Brenda Kniffen got \$275,000. Modahl and his codefendants shared \$4.75 million. Stoll got \$700,000 from the state, then in 2009, \$5 million from Kern County.

A decade later it was déjà vu all over again. During 1994-95 [forty-three persons were charged](#) with sexually abusing sixty children in Wenatchee, Washington. Among the accused were pastor Robert Roberson and his wife Connie; Honnah Sims, a Sunday-school teacher; and parishioners Harold and Idella Everett. Many including the Robersons and Sims held fast and were acquitted. [But seventeen were convicted](#). Most were poor, uneducated or, like the Everetts, mentally retarded, thus easy prey for police and prosecutors. Harold pled guilty and got 23 years; his wife, four.

Just like Bakersfield, the "facts" were produced by suggestive interviewing. Some of the children were patients in a psychiatric hospital. One, a 16-year old girl with suicidal tendencies would later ask, "Why did almost all my treatment...deal with me having to remember sexual abuse that never happened?" (Her parents, originally charged with 1,000 counts of rape, were each convicted of one. Each got ten years.) Another girl, whose parents sent her to be treated for behavioral problems, complained that police and caseworkers pressed her to say that "my parents did things to me and to my sisters...and if I didn't, I wouldn't get out...They had their own ideas of what happened in my family. When I disagreed and said they were wrong, they said I was lying...I was a prisoner...."

Her father, a bipolar man, confessed and was sentenced to 47 years. His wife got forty-six.

Appellate courts soon stepped in, and within five years every conviction had been overturned. Threatened with retrial, a few of the more susceptible defendants pled guilty to minor, unrelated charges and walked away with nothing beyond a shattered life and a prison record. Others who fought back got sizable settlements. Among the largest was [\\$3 million to Sims](#) in 2001 and [\\$700,000 to Robert Robeson](#) in 2007.

Bakersfield and Wenatchee weren't the only examples. At the time of the killings in West Memphis hysteria about child abuse [was sweeping the country](#). It was no surprise that suspicion fell on Echols, whose Wiccan tendencies and fondness for dressing in black had raised plenty of eyebrows.

Police interviewed Echols and his best friend Baldwin but both steadfastly denied any involvement. Authorities offered a reward. Soon two youths stepped forward. One said that he actually saw Echols, Baldwin and Misskelley kill the boys. But he couldn't identify the suspects from photographs. Still hoping to cash in, his mother secretly taped a meeting with Echols. He said nothing of interest. Another youth told police that Echols confessed while drunk. But he later recanted.

Determined to make their case, [detectives turned to Misskelley](#), a developmentally disabled youth who was close to Echols. After twelve hours of relentless interrogation the cops had what they needed. Misskelley admitted belonging to a cult that mutilated animals and held orgies in the woods. He, Echols and Baldwin had enticed the victims to the creek, forced them to commit sex acts, then killed and mutilated them.

What happened next was widely reported. [There have been two documentary films](#), the widely-acclaimed "Paradise Lost: The Child Murders at Robin Hood Hills" and a follow-up, "Paradise Lost 2: Revelations." A third is supposedly in the works. At least two websites specialize on the case. A nonprofit, [wm3.org](#), is funded by the defendants' vast contingent of supporters. A second, [sponsored by TruTV](#) offers an exhaustive account of the investigation and trial.

We'll use the latter to summarize. Misskelley was tried separately. [He had already recanted his confession](#), but it was nonetheless admitted as evidence. Two defense experts took the stand to convey what seemed obvious – that police manipulated a frightened, intellectually challenged youth into making implausible admissions that were riddled with inconsistencies. But the judge disallowed their most pertinent criticisms. Lacking that, Misskelley's conviction was virtually assured.

Echols and Baldwin were tried together. They had a rough go of it. [Three witnesses testified seeing them at the crime scene](#); three more swore that they confessed. Defense lawyers poked holes into each account. What they didn't learn until later was that one of the witnesses to whom Echols supposedly confessed had only learned of the case from his counselor at juvenile hall. (Horrified at the boy's testimony, the man volunteered to testify. He was turned away.)

Indeed, prosecutors brought in a great deal of questionable evidence. [Common fibers present in a wide variety of clothing](#) were used to place the defendants at the scene. A medical examiner testified that the boys' wounds could have been caused by a serrated knife that was found in a lake near the home of Baldwin's parents. Echols, a witness said, had a similar knife. But perhaps the most damaging testimony came from [a self-styled cult "expert"](#) who concluded that the murders were part of a Satanic ritual that was consistent with Echols' pagan beliefs.

And that's not all. During deliberations [the foreman made sure](#) that jurors knew Misskelley had confessed. That wasn't known until recently, when an attorney who once represented the foreman let it out of the bag.

Thanks to the films and a devoted retinue of skeptics the convictions gained a lot of notoriety. Highly qualified lawyers came in pro-bono to take over the appeals. Forensic experts re-examined the physical evidence. They concluded that the killings didn't take place where the bodies were found and that the victims' wounds were caused by animals. Such views, of course, are fundamentally at odds with Misskelley's confession.

Advances in DNA also [made it possible to analyze two hairs from the scene](#), one stuck in the bindings that secured the wrists of victim James (Michael) Moore, and another found on the ground. Neither was consistent with the defendants' DNA. However, one hair was consistent with the DNA of Terry Hobbs, the stepfather of victim Steven Branch, and the other was consistent with the DNA of David Jacoby, a friend of Hobbs. A new witness has also come forward to say that despite Terry Hobbs' past denials, he had in fact met with the boys on the afternoon of their disappearance.

Considering all the new evidence, the Arkansas Supreme Court [ordered that an extraordinary hearing](#) be conducted this December to determine whether to hold a new trial. As of two weeks ago those plans are off. Echols, Baldwin and Misskelley entered "[Alford](#)" [guilty pleas](#), in which accused maintain their innocence while agreeing that there is sufficient evidence to convict. They were resentenced to time served plus ten years of unsupervised parole. (Interestingly, Alford pleas had also been used in the Wenatchee cases, where the only crimes that took place were in the imagination.)

For prosecutors it was a win-win situation. A negotiated plea dodged the huge embarrassment that an acquittal would bring and protected the state from paying immense damages. The defendants also got something. Had they failed to win a retrial, much of their leverage would have disappeared, and along with it their prospects of release. If they went to trial there was always a chance that critical witnesses or key evidence might have become unavailable. And who can predict what jurors might do?

These are not risks to be taken lightly. Yet one nonetheless wishes that the West Memphis 3 would have rolled the dice. Indeed, that's what Jason Baldwin said he would have done. But the deal was for all or none, and his friend Echols had already been in solitary confinement *for ten years*.

As for the D.A., he seems desperate to slam the doors shut on a case that is destined to occupy a prominent spot in the annals of miscarriages of justice, right alongside the Dreyfus affair. "[We don't think there is anybody else](#)," he insists.

No one, that is, but the killers of three eight-year old boys.