THE DOUGLAS COUNTY GRAND JURY PROCEEDINGS

DATE: March 19, 1990

WITNESS: Patricia Flocken

INTERROGATORS: Mr. Samuel Van Pelt
Mr. Terry Dougherty

COURT REPORTER: Ms. Antonette Schneckenberger

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MR. VAN PELT: Ladies and gentlemen, I'd like to call as our first witness Patricia Flocken, or Pat, as I understand it.

EXAMINATION

BY MR. VAN PELT:

Q. Well, first, why don't you state your name and address for the record.

A. Patricia Flocken, Rural Route 1, Box 317, Fort Calhoun, Nebraska 68023.

Q. And you have executed the proper subpoena and return and oath; and, I believe, for the record, you just handed that to the foreman of the grand jury; is that correct?

A. That's correct.

Q. Very well. Pat, I'm going to have to ask you to speak up. We are going to get a microphone, but we don't have it yet and probably will not have it for the remainder of the afternoon.

I'd like to have you state your present occupation.

A. I'm an attorney. I'm deputy county attorney for Washington County, Nebraska.

Q. And how long have you been the deputy county attorney in Washington County?

A. Since June 1st, 1988.

Q. And prior to that, were you engaged in a private practice in Washington County?

A. Yes, I was.

Q. And in that capacity, do you on occasion serve as a guardian ad litem for minors?

A. That's correct. That would have been the major part of my practice.

Q. And could you tell us with specific reference to Wally Webb, when you first became involved in legal matters involving Wally Webb?

A. I believe it was, approximately, June 1985. It was summer, 1985. I was appointed by Washington County Court as guardian ad litem for Wally in a juvenile matter.

Q. And I might state that you have some notes, and you are free to refer to any of your notes as you go along.

Could you just tell, perhaps in narrative form, to the best of your recollection what initially happened respecting your contact with Wally Webb?

A. During my initial interview with Wally, and after having obtained initial reports from the Department of Social Services, I learned that Wally had run away from home and had alleged physical abuse and emotional abuse by his adoptive parents.

Q. And who were his adoptive parents?

A. His parents were Jarrett and Barbara Webb, and they resided in the south -- south Washington County.

Q. Could you describe in more detail some of the things that Wally told to you as far as the abuse?

A. Wally alleged, and this was later confirmed with other children, that there was some sort of an instrument like a -- They referred to it as a railroad something or other, and I don't recall the exact terminology.

Q. Would railroad prop be the --

A. Railroad prop. I can remember the picture of it that the children drew. It was somewhat oval shaped with little holes in it.

Q. What substance was it made out of? Did they describe it?

A. To the best of my recollection, it was a leather like substance -- rubber and leather.

Q. And what did he say was done with that item? How was it used?

A. It was used to physically punish him on the buttocks, on the body. Generally, places where it wouldn't be observable with short sleeve shirts.

I don't recall if he ever alleged that it was on the facial area. At the time he was removed from the

home, I did not see his body myself, but Department of Social Services said that there were bruises on his body at that time.

Q. And did he say anything about the use of this instrument on other children in the Webb home?

A. He alleged that all of the adoptive children within the Webb home it was used on. The Webbs had a biological daughter in their home that was, I believe, a Down's syndrome child or something. This was a birth daughter that Wally nor none of the other children ever alleged that this child was physically abused. It was just the adopted children.

There were older biological children of the Webbs that did not reside in the home at the time I became involved.

Q. Did Wally say anything to you about any knowledge that he might have of any sexual abuse either on himself or the other siblings in the home?

A. No, he did not, not to me; and I have no knowledge as to whether he did to anyone else. But he -- To me, it was physical abuse, emotional abuse. He stressed emotional abuse strongly.

Q. What sort of examples did he give to you of emotional abuse?

A. Not being able to sleep, being made to stay

awake as punishment, standing in an upright position in one place for several hours, going without food on occasion, not being able to enter certain parts of the home. That sort of thing.

Also, Wally was upset that he was not allowed to engage in any activities at school outside of the school hours nor with the other children within his neighborhood; that is, social interaction outside of school hours was strictly limited to the Omaha area.

Q. After your initial interview with Wally, what happened as far as the progression of the case in court?

A. In the time frame, it's difficult for me to remember. It's been quite a long time. Wally was placed in foster care, I believe, it was either his first or second placement, I don't recall which it was, with a woman by the name of Kathleen Sorensen in Blair, Nebraska.

Mrs. Sorensen is now deceased from an automobile accident. Wally alleged while he was in Kathleen's home, that he was very concerned about his adopted siblings; that since he had made allegations regarding physical abuse, that he was fearful that it would be taken out on the other children that were remaining at that time.

Q. Did he make these statements to you or to

Mrs. Sorensen or to whom were they made?

A. He made them to me. I know that I discussed it with Kathleen Sorensen in the past and that he had, and I know he had, as well, with the caseworker with the Department of Social Services and that's -- His allegations of fear for the other children were one of the reasons why we were keeping a very close eye on the family in terms of how were the other children.

Q. Could you tell us just exactly what happened, and chronologically, in terms of the legal proceedings in which you acted as guardian ad litem?

A. Wally, in foster care, and I believe it was in Kathleen Sorensen's home, started having really serious behavioral problems. I believe he was shoplifting; he was rowdy, he was skipping school, that sort of thing.

I believe he was placed with The Omaha Home for Boys at that time, and Wally and Mr. and Mrs. Webb, Barbara and Jarrett Webb, were working together with a counselor from Omaha Home for Boys by the name of Shelly Gillum (phonetic). I don't recall the spelling, but phonetically, Shelly Gillum. Miss Gillum met with them, I believe, on several occasions for therapy; did not believe that therapy was going well; and would not recommend reunification of Wally with Barbara and Jarrett Webb.

At some point, again I believe this was probably -- Oh, it would have to have been spring of 1986 before the parents, Barbara and Jarrett Webb, voluntarily relinquished their rights to Wally, their parental rights to Wally. But I believe this occurred at the same time as the relinquishment of the other two children which were involved in a second case.

Q. Okay. We'll talk about those in a minute, but before we leave Wally, who -- Did the Webbs have an attorney in this proceeding?

A. Yes, they did. His name was Gary Randall.

Q. And I think perhaps you stated this; but again, who was the county attorney for Washington County?

A. At the time the county attorney was Patrick Tripp.

Q. And who was the county judge or the juvenile judge before whom these proceedings took place?

A. In terms of Wally, it is Judge F. A. Gossett, III.

Q. And after the relinquishment of the parental rights by the Webbs, to your knowledge, what, if anything, happened respecting Wally?

A. I know Wally ended up eventually in Boys Town. I didn't see Wally again. I did receive a high school graduation invitation from him, so I know he did graduate

from high school from Boys Town. And I --

Q. And did judge -- Excuse me.

A. But I didn't see Wally again.

Q. And did Judge Gossett enter some sort of an order then pursuant to the relinquishment by the Webbs; do you know?

A. At the time --I believe it was Judge Brodbeck at that point at the relinquishment hearing.

Q. And when that was done, did that terminate your responsibility then as the guardian ad litem?

A. I thought it did. I was told -- I was informed the day of the relinquishment hearing of the three kids that -- I was informed by Patrick Tripp that once parents voluntarily relinquish their rights or they're involuntarily terminated, then you are no longer the guardian ad litem.

That's what I was informed, and that's what I believed.

Q. Can you think of anything else respecting your service as guardian ad litem of Wally Webb that you'd like to tell the grand jury that we haven't talked about?

A. Only that the allegations that Wally made of physical abuse were later determined to match those of other children within the family home.

Also, at the time that Wally was removed or ran

away from the Webbs' home, there were foster children placed in that home as well.

I don't know their names. I was not personally involved with those children, but through a Department of Social Services caseworker, I was informed that the children removed to Douglas County made allegations very much like Wally's in terms of his physical abuse.

Q. Do you recall the names of any of those children?

A. Sir, at one point I was told the names by Department of Social Services, but I never worked with the children because they were foster care children placed from Douglas County.

Q. I understand. Let's talk then about Lisa and Tracy Webb. I understand that you did have some direct involvement with those two children; is that correct?

A. That's correct.

Q. And what was the date of your first involvement in that case?

A. That's about the only exact day I can remember. It was January 2nd, 1986.

Q. And what happened on that date?

A. All right. I had been informed by the Court by telephone on December the 31st, which was a holiday, that there had been a juvenile hearing for Lisa and Tracy Webb

and that I had been appointed guardian ad litem and that the children were placed at the home of Kathleen Sorensen.

So I called Kathleen's home, made an appointment to see the girls at her home, and because it was a holiday weekend or a holiday period, I don't recall whether it was a weekend or not, I didn't go to see them until the day after New Years. It would have been January 2nd of '86.

Q. Okay. And could you tell us just what happened during that visit?

A. I met with Tracy and Lisa together, and Kathleen Sorensen was present most of the time as well, and the girls, Tracy and Lisa, discussed the very same sort of physical abuse that Wally had described and that the foster care children had described.

They also, at that point, I thought, were going off on some kind of a tangent talking about they were frightened; they were frightened of Gary Randall; that they knew Gary Randall; that they were in danger, and I was in danger and everybody involved in the case would be in danger because there was a very political -- politically powerful person involved with the Webb family, which would have been Barbara Webb's cousin.

Q. Did they give you the name of that person?

A. Sir, I don't recall that they did at that time. I do know it was a cousin.

Q. Let's go back for a minute to the things that they said were similar respecting physical abuse to the statements made by Wally. Did it refer to this leather or rubber object?

A. To this -- to this prop, the railroad prop or drop or whatever it was. I just remember railroad. They described exactly the same thing, and I believe Tracy, the younger girl, also drew a picture at that time which is like the one that Wally had drawn.

Q. Did they say that they had been hit with it or beaten? Just more specifically what sort of things did they say the Webbs did with it?

A. They beat them with it on the buttocks, on the parts of the body where it didn't show, very much the same thing that Wally had alleged, the same sorts of emotional abuse, the same sorts of punishment, if you will, that wasn't physical, the same estrangement from their -- social estrangement from the school and the community.

Q. Very well. And what other things did they say about Mrs. Webb's cousin and powerful people and that sort of thing?

A. All right. They insisted that Mrs. Webb had a

cousin who was a very, very powerful person; and he was involved in Republican politics, that they'd gone on all sorts of fancy trips; they'd been on airline trips --

Q. Do you remember -- if I could interrupt -- any specific places that they said they had been at that time?

A. I remember it being someplace exotic. To me, it seemed exotic, but I don't recall. I think that probably I have read something since that time, but at that point I don't recall that they named the place.

Q. That's all right.

A. They talked about designer clothing, that Mrs. Webb had not sent with them to Social Services, and I recall that quite clearly because I was sitting in a pair of tennis shoes and sweats and a plastic handbag meeting with them, and they were talking about Gucci bags and that sort of thing, you know, designer clothing, and it seemed to me kind of odd coming from a couple of girls sitting at the kitchen table with jeans on and T-shirts.

I mean, their story seemed really fantastic about the sort of the things that they did, the kind of places they went, the sort of things that they were involved with.

Q. Can you think of any other specific things that

they said about the lifestyle or any of the experiences that they had had in that regard?

A. Specifically, no. Perhaps they did.

Q. Did they say anything then about telling any of this to their teachers or their friends or anybody like that?

A. Both girls and Wally had mentioned that they couldn't discuss the abusive situation with their school teachers because every time they reported something, any kind of an incident, that the teacher would go to the school superintendent, Mr. Deward Finch, and the school superintendent was a very close friend of Barbara and Jarrett Webb and --

Q. Did the children say that?

A. Uh-huh. Yes, sir.

Q. Very well. Go ahead.

A. And that the school superintendent would either call or go to the home of the Webbs and tell them what the child, whatever particular child it was, had said in school, and then they would be further punished. They were frightened to tell their teachers anything.

Q. You mentioned the attorney, Gary Randall. What other -- What things did they say about him, if anything?

A. They said that Gary Randall had a brother who was a homosexual male that was having an affair or a

liaison with this rich powerful cousin and that that's how they knew him, that's how they knew Gary Randall, and that's why they were frightened of him, and that's why they thought they were in danger from him and powerful people that he was connected with.

Q. Did they give any more of a specific basis as to their knowledge that Gary Randall's cousin was involved with -- excuse me -- that Gary Randall's brother was involved with Mrs. Webb's cousin?

A. If I recall properly, it was they had been to the same social occasions where Gary Randall and his brother and the cousin had been, and at that time, I don't recall the date, that they discussed what sort of a social occasion it would have been.

Q. What else happened during this visit or this initial conversation at the Sorensen house that you can think of?

A. After the first hour or so with Tracy and Lisa, Kathleen Sorensen told me that Lisa wanted to talk to me without Tracy being present in the room, and Lisa was the older one and Tracy was younger.

Q. You anticipated my next question. What were the approximate ages?

A. I think at that time Lisa was probably about 16. She might have been 15, close to 16.

Q. This was in 1986; is that right?

A. Uh-huh, yes. And Tracy was about 13.

Q. Very well. Go ahead then about the fact that Lisa wanted to speak to you alone.

A. All right. So Tracy went off and did her thing, and Kathleen and Lisa and I sat down to talk together. Lisa started making allegations of sexual abuse by her adoptive father, Jarrett Webb.

Q. And specifically, can you just go through item by item the sort of things that she said?

A. Whenever she was punished, she was punished in the naked state with the railroad strap by him, the railroad prop, whatever it was; that he had approached her bodily in her bedroom. There had never been any penetration, but that he fondled her, her breasts and her vaginal area.

Q. On how many occasions did she say that he did that; do you recall?

A. If I recall, it had been ongoing for some time. It seemed to me that she said since she was about nine years old, and I just remember that because of the other little girl that's coming along next.

Q. Did she say that's when it started, or she recalled a specific incident then, or what did she say about nine years old?

A. I don't recall if she said a specific incident. I recall that it was around the age of nine, thereabouts, that she had been either fondled or -- by Mr. Jarrett Webb.

Q. Did she say anything about, at that time, about any abuse by anyone else? by the cousin? by any friends of the Webbs or anything like that?

A. No. When I talked to her, the only allegation she made of a sexual nature were regarding the adoptive father, Jarrett Webb. She never mentioned another soul having been involved in it, not to me.

Q. What -- Could you describe Lisa when she was telling you these things? Was she emotional? What was her manner when she told you about these things?

A. I think I was kind of amazed at the time because I had worked with so many kids her age that had been sexually abused, and usually they can't look you in the eye. They usually kind of go into a fetal position.

Lisa just sat there with tears streaming down her face and talking about what Jarrett Webb had done to her. She had really good affects. She was upset, but she was so believable and so honest, and she looked you right straight in the eye. She didn't fold up like a lot of sexually abused kids do when they're relating the story.

Q. Did you have any further conversation then on that date with either Mrs. Sorensen or with Tracy after this conversation with Lisa?

A. Not that I recall. I probably talked to Kathleen for a few minutes, but I wouldn't remember the context.

Q. After this meeting on January 2nd, what was the next thing that happened in terms of who did you talk to? Did you file a report? What happened next?

A. Well, I always file guardian ad litem reports with the Court as soon as I can after I've been appointed to tell the Court basically what's going on, my initial reactions to what the children have told me and my recommendations as to how to proceed.

I did file a report with the Court referencing the allegations of sexual abuse by Jarrett Webb against Lisa. Somewhere -- I didn't go into a great deal of detail because we -- at that period of time at Bar Association meetings, there had been a lot flying around about how specific can you get in a GAL report that you turn into the Court, but I did make reference to the sexual allegations.

I don't believe we had a hearing in regard to that report until the voluntary relinquishment hearing, but somewhere in the meantime, Lisa had made similar

allegations to the Department of Social Services that she did to me, also to Kathleen Sorensen, and I'm not sure what triggered it. I don't remember what triggered it.

But Lisa was given a couple of polygraph exams that were administered by the state patrol. They had a female state patrol investigator.

Q. When did this take place?

A. This would have been before the relinquishment hearing, which I think was in the spring. It would have been early spring of '86.

Q. Does the name Jane Tooley, does that sound familiar?

A. It's Tooley something like that. She was, I believe, from Norfolk or Grand Island or something. She was with the state patrol and worked with child abuse investigation. I believe she's with the Governor's office now.

At any rate, Lisa was given the polygraph. I was informed by the caseworker from the Department of Social Services that Lisa had passed the polygraph, that they were scheduling a meeting in Patrick Tripp's office.

I attended and two caseworkers in the Department of Social Services, Patrick Tripp and this Jane Tooley.

Q. And when would that have been, the meeting in

the county attorney's office?

A. That would again have been before the termination hearing on the girls.

Q. And what took place in that meeting that you can recall?

A. Miss Tooley, or Trooper Tooley, discussed her belief that Lisa was telling the truth; that she had worked with a lot of teen-agers that had made allegations of this nature. She thought she was very believable.

I was informed that she had passed, if you will, the polygraph exam. I never saw a written report from that, from the state patrol, and I did not request one either, and that's a negative behavior on my part. I should have requested one.

Everyone present at the meeting believed that Lisa was telling the truth except Patrick Tripp.

Q. And what did Mr. Tripp say during the meeting; do you recall?

A. He said that he had believed -- he believed, after information he had been given by Gary Randall, that this child was so rehearsed in her story that she really believed it and that it was possible for her to pass a polygraph exam because she had somehow psyched herself into believing that it was all true.

Q. What then happened? What was the next thing

that happened after the meeting?

A. The next thing that I recall happening would have been the relinquishment hearing where I was notified shortly before the relinquishment hearing, which I thought was going to be a full-blown trial, and I'd already started calling witnesses.

I was informed by telephone by Gary Randall that the parents had decided to voluntarily relinquish their rights to Lisa and Tracy and, I believe, Wally was at the same time.

Q. That was the next question. We talked about him earlier, and you believe that all three of those children came up at the same hearing; is that correct?

A. The reason I believe that, sir, is because all three of the children, these three children, went by the name Webb. Wally Webb had been Wally Webb for -- since he was three years old or something.

Lisa and Tracy had discovered, apparently, their biological family in Omaha and knew that their birth name was Washington, and I believe that Lisa and Tracy were old enough to remember their birth name of Washington.

So I asked the judge -- the parents, excuse me, the adoptive parents in their papers that were filed with the Court, asked that the birth names of all three

children be returned to them. I don't recall what Wally's birth name was. Tracy and Lisa were given back their birth name of Washington.

I asked Judge Boadbeck to please consider the fact that Wally didn't have any family and didn't have any other name; and that if they changed his name, they were taking away his identity, so Judge Brodbeck allowed Wally to keep his name. Changed Lisa -- Lisa Webb became Eulice Washington and Tracy became -- I don't remember. Tracy Washington, I think, there was a different name in there.

Q. And who did they go to live with after that relinquishment?

A. Immediately -- Immediately, I believe that Wally went back to Omaha Home for Boys and that the girls, I believe, were still immediately with Kathleen Sorensen.

Q. With Mrs. Sorensen?

A. Uh-huh.

Q. To the best of your knowledge, was any criminal action filed against either Mr. or Mrs. Webb as a result of these allegations that were made by either Wally or Lisa or her sister Tracy?

A. No. No criminal charges filed at all.

Q. Did you ever have any discussions with

Mr. Tripp about the filing of any criminal actions?

A. In regard to Lisa, yes.

Q. And when did those discussions take place?

A. It would have been about around the same time when we had the meeting with Jane Tooley.

Q. And to the best of your recollection, can you recall what Mr. Tripp might have said?

A. Just as I stated earlier, he did not believe her. Mr. Randall, the parents' attorney, had talked to him, given him some information that wasn't shared with me; but Mr. Tripp believed that Lisa believed this and it really wasn't true.

Q. Is there anything about the cases of those two children, of Lisa and Tracy, that you'd like to tell the jurors that you haven't stated?

A. The only thing that would have come up would have been like ten minutes after the relinquishment -- excuse me -- the relinquishment hearing, Lisa came up to me and said: Pat, what should I do with this deposition? And I said: What deposition? She says: Well, Pat Tripp and Gary Randall said I have to go give a deposition; so does Tracy. I said: What are you talking about? Nobody's told me anything about a deposition.

So I went up to Tripp, Patrick Tripp, and I said: Hey, what's going on here? These girls are

telling me that they're scheduled for a deposition like in 30 minutes, and I didn't get notified. And he said: Well, you just -- Parental rights were just terminated a few minutes ago, and you're no longer the guardian ad litem, so you didn't need to have any notice.

I didn't know whether he was right or not. I'd never heard of this, but I thought, you know, he had a lot more experience than I did. But I told him: Okay. If I'm not the guardian ad litem, I'll still go to the deposition and represent the kids with no cost to the county for doing so. I did go to the deposition.

Q. And was there -- When was the deposition taken?

A. It was like a half hour after the relinquishment hearing for those three kids, the same day. And I know there in my files somewhere that would have the date, and I don't remember the date, but it was exactly the same date that they were relinquished.

Q. A deposition, I think, is always taken in connection with litigation. Do you recall in what litigation they said the deposition was being taken?

A. I never saw. I never had notice. It wasn't discussed with me. I know -- Vaguely I can remember the context of the deposition. Nothing -- I think what they were trying to do at that point was keep Tasha, the little sister, in the home.

Q. What sort of questions did they ask the two deponents; do you recall?

A. Gary Randall asked all of the questions in regard to were they telling the truth: Isn't it true that you're lying about this? Isn't it true that you'd do anything you can to get Tasha out of the house? Isn't it true, Lisa, that you've made these allegations up? that sort of questions.

I believe at that time one of the questions was: Isn't it true that you read all of this in a book, Lisa? That was an allegation that Gary Randall had made to me prior to their relinquishment.

Q. And what did she say in response to that?

A. No. That she hadn't read it in a book, that she didn't make it up.

Q. Okay. You mentioned the sister, Tasha, who, I believe, was then ten years old. When did you then or next become involved with her legally?

A. Again, sir, I -- The time frame, I'm really rusty on the dates. It would have been spring, early summer, of '86, I believe. Tasha and Robert were removed by the Department of Social Services at the same time.

Q. And who is Robert?

A. Robert is another adoptive child. He would have been somewhere between Wally and Lisa's age, I

believe. Wally was -- Lisa, Tracy and Tasha were biological siblings adopted.

Q. And they were -- We could call them Washingtons, right?

A. Washington, yeah.

Q. How about Robert? Do you recall his biological name or was he related in any --

A. (Witness shakes head.)

Q. -- You're indicating for the record a negative response.

A. I'm sorry.

Q. Was he related -- Was Robert related to any of the other children who were in the Webb home that you know of?

A. No, no. Just the Washington children. They were adopted, but the Washington children were siblings. Robert and Wally were adopted separately and not related.

Q. Okay. Well, then tell us about your next chronological involvement with Tasha and Robert.

A. Well, at the time -- Gosh, it's hard to remember which came first. The children were not permitted to visit with Barbara and Jarrett Webb other than in a supervised setting. I believe that was by court order.

Q. When you say "children," are you referring now

to Tasha and Robert?

A. Tasha and Robert. The other kids were already out of the house, and it was just Tasha and Robert left. The Department of Social Services caseworker, the law enforcement investigator that was working with the case, nobody was getting along with the Webbs.

They couldn't agree on anybody to supervise the visitation, and the Webbs wouldn't agree for anybody to supervise the visitation except me, so I picked up the two kids from the Sorensen's. I believe they were at the Sorensen's at that time.

Q. Time-wise, can you recall when this was?

A. Chronologically, no.

Q. Sometime in the spring or summer of '86 would it have been?

A. Yes, sir. I believe it would have been in that area.

Q. Okay. Go ahead and tell us. You picked up the two children, and you went for a visitation?

A. Right. I took them to the Webb home, and I had been warned not to let the children become separated from me based on allegations the kids had made about being threatened, that Mr. and Mrs. Webb had threatened them that if they told anybody about anything that was going to go on -- going on, that they were going to be in big

trouble.

So I listened, I got to the Webb house. Mrs. Webb was there with her mother, and I don't remember the mother's name. Jarrett Webb was in a downstairs room. She took me, first, down with the children to show me where the kids slept downstairs.

We came back up. Jarrett called the two kids, he said: Come here kids; give me a hug. I'm with Mrs. Webb; I'm in the living room; her mother is there for two hours. The kids were downstairs with Jarrett Webb; and I'm in the living room with Barbara Webb and her mother for two hours.

Q. I want you to tell about that, but first describe, if you can, the Webbs' home to the best you recall.

A. It's very nice. I would call it an upper middle class home. It's on an acreage in rural Washington County, Nebraska, right as you come over the Douglas County line. Inside the furniture is very well-appointed, immaculate, plush. It sort of matched Mrs. Webb. I mean, she was very well dressed and immaculate.

Q. Describe her. How was she dressed? How did she appear?

A. Mrs. Webb was a quite large woman and

impeccably dressed every time I ever saw her with these real long porcelain fingernails, I think, you call them. Fur coats, lots of jewelry, what looked to me to be diamonds. I don't know if they were or not.

Very -- I only interacted with her when she was feeling somewhat belligerent, so I don't know anything about her personality except she came over as very frightening, not only in what she said but in her appearance because she was quite a large woman.

Q. Tell us about the conversation that you had with her and her mother.

A. She talked specifically about Wally. She really seemed brokenhearted about Wally, about how much she loved him and how much she regretted what had happened and how much she regretted that he had lied and that what came to pass came to pass.

She -- We talked in terms of, well, maybe when Wally is grown up, he's 19, he'll come back and visit you. You know, the ties just because they're broken now doesn't mean they're going to be broken when he's an adult.

In terms of Lisa -- Actually, she didn't talk about Tracy at all. In terms of Lisa, she was angry with Lisa, very angry. No love expressed. She took me to a -- to the dining area where there was a very large China

cabinet. It had a great big silver collection inside it and crystal over the top of it, and then there was a buffet with silver -- silver all over the dining area, telling me: If Lisa hadn't done this, if Lisa hadn't lied, this would have all been hers. Every bit of it would have been hers. It was in my will that it was going to be hers, but now she's out because she's told all of these lies.

She told me about trips that she had gone on with Lisa.

Q. To what locations?

A. Again, I don't remember. I don't remember where she said that they went. I just do not recall.

Q. Did she describe what they did on the trips?

A. Just airline trips where Lisa was exposed to interesting, educated people. Moved in a, you know, a nice circle of friends that she wouldn't otherwise have been exposed to. She was real pleased that Lisa had been exposed to politics which a lot of children hadn't been exposed to. She talked in length about the shopping trips that they made, buying these designer clothes for the child.

Q. Where did she say they went on those trips?

A. I don't recall, sir.

Q. Okay. Go ahead.

A. I recall that there was -- It was a multiple, we're talking multiple trips. Basically, she was discussing what a very good life that she and her husband had given to Lisa and that Lisa was, because she had been tainted by talking to her Washington relatives in Omaha, that Lisa was throwing it all away; that she was lying; that she was ruining the Webbs' name and reputation.

She talked about -- I don't believe it was Mrs. Webbs' mother. I believe it was a grandmother that had had a children's home at one time out where they lived, and that they had been commended for it. Their family had been commended numerous times for providing homes for children.

Q. How long did this conversation take place with Mrs. Webb?

A. About two hours. The visitation was two hours, and she never -- She had no interaction with the girls at all. I mean, with Tasha and Robert at all.

Q. Were they present during this conversation?

A. No, they were downstairs with Jarrett.

Q. Can you remember anything else that went on during the conversation then that you haven't covered of significance?

A. I'm sitting here pouring coffee in elegant crystal and, you know, with cloth napkins with

embroidery, and the whole thing is just elegant and coming across as a person that had just tried to do something nice for some children and that she's being kicked in the teeth by it all.

Q. How did the conversation terminate? Did you terminate it, or did the children come back upstairs, or do you recall what happened?

A. I terminated it because it had been two hours, and I was ready to go home. If I recall, it was on a Sunday, and that's generally when the kids' visitations were set. I called the kids. They came back up. That's one thing interesting that -- It's not really important, but each one of the kids that had been out of the home said they were not allowed to walk into the living room. There was like an imaginary line in the hallway to the living room, and they couldn't step over that line, and those kids didn't. They just stood there right outside of the living room and would not come through the doorway.

Q. What, if anything, did the children say to either Mr. or Mrs. Webb in parting?

A. Good-bye.

Q. Did they hug them or kiss them or --

A. No.

Q. -- anything like that?

A. No. I believe Mrs. Webb hugged Tasha and Mr. Webb patted Robert on the back, told them to be good and remember their manners, to remember what they'd been taught.

Q. Then I take it you got in the car with the children and left; is that correct?

A. That's correct.

Q. What happened? Did you have any discussion with the children after you left?

A. Tasha said: Pat, I thought you weren't going to leave us alone, and I said: Well, I was talking to your mother; I was talking to Mrs. Webb.

And she said that Jarrett had told them that they were not to talk about anything that had gone on. They were to go back to their foster care situation and to Social Services and tell them that they'd lied; that they wanted to come home; that none of the things that they'd alleged in terms of abuse ever happened.

Q. Jarrett told this to them when they were down in the basement; is that correct?

A. Right.

Q. What else did they say Jarrett had said, anything?

A. I don't recall.

Q. Do you recall anything that you said to them or

anything that might have happened of significance in your trip back with them after you left the Webbs' home?

A. Not -- Not in conversation with them, no.

Q. Did you have -- Did you prepare any sort of a report as a result of this visit or anything?

A. Yes, I'm sure I did. It would have been part of a guardian ad litem report that I don't have right now.

Q. Then what was the next thing that happened either in your contact with Tasha and Robert or any court activity? What was the next thing that happened after that visit?

A. I -- I'm not sure whether it was before or after Tasha and Robert were terminated that the parents, the Webbs, voluntarily relinquished. As to those two children too, not a lot went on with their case. It went pretty rapidly.

Q. But you -- Are you saying that this relinquishment hearing did not take place at the same time as the one involving Wally, Lisa and Tracy; is that correct?

A. Right.

Q. How much -- How long afterwards did it happen; do you know?

A. I don't think it could have been more than a

couple of months.

Q. And do you recall, were you present at that hearing?

A. Yes, sir.

Q. And who else was present; do you recall?

A. Mr. and Mrs. Webb, Patrick Tripp, Judge Brodbeck, Laurie Ahman, a caseworker from the Department of Social Services, and, of course, Robert and Tasha, Gary Randall.

Q. Do you recall anything that took place or that was said by anyone at that hearing that was of significance?

A. I remember immediately afterwards Mrs. Webb threatened Laurie Ahman.

Q. And again, tell us who Laurie Ahman was and who she was with.

A. Laurie Ahman was a child protective service worker with the Department of Social Services, and she was very pregnant at that time. Her baby was due like in a week and a half at this hearing.

And when everybody stood up, Mrs. Webb came across the room right at Laurie with those great big long porcelain fingernails and stuck it right on her abdomen and said: I hope this baby dies, and something to that effect. She just threatened her in regards to the baby:

I hope you suffer the way I'm suffering.

That's written down again in a report, but I don't have it. But she did threaten Laurie Ahman, and Laurie Ahman was quite upset.

Q. Do you recall anything else that was said at that time?

A. Not at that hearing.

Q. Did you have any further contact or involvement with those two children then?

A. By telephone with -- in the beginning, yes --

Q. And how often?

A. -- when they were removed.

Q. How often?

A. I'm sorry. Oh, I'm sorry, I'm forgetting something.

Q. Go ahead.

A. Okay. It was at that hearing, Tasha and Robert's hearing, that before the hearing, before we went into the hearing, when I was with Mr. Randall and Patrick Tripp, Gary Randall said that there was going to be a civil rights suit filed against the Department of Social Services by Barbara and Jarrett Webb.

He never stated what the reasons were for that, but said that there, indeed, was going to be a civil rights action filed. He stated the same thing to Judge

Brodbeck during the hearing and said that he wanted the children's case supervision transferred out of Washington County and into Douglas County.

Judge Brodbeck, after Gary Randall's argument, agreed to transfer the children's cases to Douglas County, and it was probably within a month after that that all of the children were moved out of Washington County.

At first, the Department of Social Services refused to knuckle under. There is a Joan Albin (phonetic) -- Albin, who's the chief muckety muck something or other for Social Services out in Norfolk.

At first, she refused to go along with this blackmail, if you will, and move the kids out of Washington County, but I believe after consultation with Michael Rumbach (phonetic) and other powers that be in the state, they decided to go ahead and move the children, and it was at that point, shortly after that point, that all the kids were moved and I lost them.

Q. And I take it that would include those who had been with Mrs. Sorensen; is that correct?

A. Uh-huh. Yes, sir.

Q. Now, at some time thereafter, and I'm not sure when, Mrs. Sorensen was involved in a tragic automobile accident. Do you recall the circumstances of that or

when that happened?

A. As part of my job as deputy coroner, the county attorney and myself both responded to the -- to the call for a coroner, so I was there.

Q. When was it? What was the date of that?

A. I'm sure it was before Christmas.

Q. Was it that same year, 1986?

A. No, no. This would have been just this past year.

Q. Just the last year of 1989?

A. '89, right.

Q. Okay. So it was just last year, and just generally -- I realize we're jumping ahead, but I want to just talk about that while we are on it. What happened as a result of that incident?

A. Kathleen?

Q. Correct.

A. There was a two-vehicle collision. An 18-year-old girl with a one-month-old baby, I believe, crossed the center line. This would have been south of Arlington, Arlington, Nebraska.

Q. This is in Washington County, is it?

A. Washington County, right. I believe Kathleen had a foster child with her. I didn't know that foster child, but she had one with her in the car that she was

taking, I believe, to Fremont for an appointment of some sort. It was a doctor or family.

The 18-year-old girl with the baby was coming, I guess, from Fremont, crossed the center line and hit Kathleen's car, and I saw her, and she was -- she was killed instantly. There was nothing left.

Q. Now, let's go back again to 1986 in the spring in relationship to Lisa and Tracy. After they were removed, at some point they went to Boys Town; is that correct?

A. Wally went to Boys Town. I don't know where the girls went.

Q. At some point, I believe, you had some contact or involvement with a woman named Julie Walters; is that correct?

A. That's correct. That's true. I believe that the girls were still with Kathleen at that time. This would have been March.

Q. Who is Miss Walters; do you recall?

A. I received a call from Julie Walters who said that she was a counselor with Boys Town and that also, she was a friend of Kathleen Sorensen's. That Kathleen had had her talk to the children and that serious allegations of a sexual nature had been made that involved or might involve Boys Town students or residents

or boys that might have lived there before.

She asked if -- if I would be willing to meet with her to discuss it to compare notes. I refused to do it until I had someone confirm for me that she was, indeed, who she said she was. I received a telephone call from Father Val Peter.

Q. Did he call you or did you call him to initiate the confirmation?

A. He called me.

Q. Okay.

A. And --

Q. And what did he say?

A. And I verified with Kathleen also that Julie Walters was who she said she was. He said that there was, indeed, an investigation going on in Boys Town in which the Webb children might be involved and that Miss Walters was doing an investigation, and Boys Town was very concerned about it, and would I please cooperate with Miss Walters.

Q. Did Father Val Peter indicate to you what his relationship was at -- with Boys Town?

A. No, I knew who he was.

Q. And who was he at that time?

A. He's the head of Boys Town, was the head of Boys Town, a director, I guess. I don't know what the

proper title is. Director, I believe.

Q. What happened next after this telephone conversation with Father Peter?

A. I had a couple of introductory conversations over the telephone with Julie Walters, mostly in terms of arranging a time and place to meet, and I met with her, and this would have been either mid to late March of 1986 at Boys Town. We met for about two hours. I brought my file with me concerning the children.

When I arrived there, she gave me a Xerox copy of a stack of notes about yea thick (indicating) in her handwriting. They were her confidential notes; and the copy I had, had a little yellow sticker up in the corner that said "Confidential notes of J. W." We started going over the report that she had and she gave me.

MR. VAN PELT: Before we go any farther, I'd like to have the court reporter -- Could you mark this as Exhibit 1.

(Exhibit No. 1 marked for identification.)

Q. (By Mr. Van Pelt) Miss Flocken, handing you the document that's been identified as Exhibit No. 1, I'd like to have you look at that for a moment, and see if that appears to be a copy of these handwritten notes that were given to you by Miss Walters at the time that you

just mentioned.

A. It looks like it, except I had written on the copy that I gave to Miss Walters in my own handwriting, and I don't see it here.

Q. That may be a copy that was obtained from her or some other source that would not have your handwriting? But other than --

A. Yes, it looks --

Q. Other than your own handwriting, does that appear to be a copy of the notes?

A. Yes, it does.

MR. VAN PELT: Very well. For the record, I'm offering into the record the document that's been identified as Exhibit No. 1, and I might tell all of the jurors that I believe that's in your notebook.

Q. (By Mr. Van Pelt) Well, go ahead and then tell us what happened. Would you like to have Exhibit 1 in front of you for reference or --

Just go ahead and take it. If you don't need it, you don't need to refer to it. But go ahead and tell us what happened thereafter in your conversation and meeting with Julie Walters.

A. Well, through our comparing notes, I briefly, you know, read over the first few pages of this before she and I started talking. I gave her some notes that I

had in my file, and it was kind of like for me, gee whiz time.

I mean, this stuff that the kids had been telling me about the parties, about the cousin, the rich cousin, about the traveling and all of the things that I had been so skeptical about and really honest to goodness didn't entirely believe when the girls told me, were all here in the report, and the cousin had a name.

I was informed that the cousin's name was Larry King.

Q. And who informed you of that?

A. I cannot remember whether the kids ever told me his name. If they did tell me his name, it would have been like saying Joe Smith to me because it was a common name I had no knowledge of.

Q. But I take it at least when you saw this report or you talked to Julie Walters, you then knew the name?

A. Right. I then knew the name. I then knew about the Franklin Credit Union. I then knew that so many of the things that the kids had told me were true. I then found out that Jarrett Webb was on the Board of Directors of Franklin Credit Union.

Q. How did you find that out?

A. I believe that was also from Julie.

Q. Very well. What else do you recall from your

conversation with Miss Walters at that time?

A. We're talking since March 1986, and I can't remember except changing notes back and forth, verbalizing things that had been said to each one of us, trying to put things together, trying to fill in any holes that she might have had in her report and her requesting me to -- to see if I could think of anything else myself, to go home and write out something. See if I could remember anything myself that I didn't have in my files. We met for a couple of hours. I took --

Q. Go ahead and tell us what you did after the meeting.

A. She gave me a copy, like this (indicating). I wrote, made notations all over my copy, marked different pages that stood out to me in terms of my recollection of what the kids had told me.

I took the -- We agreed to meet again at some unspecified time. I went home. I took the copy of the report. I sat down and read it that evening, and I got scared. I thought: Hey, this stuff is just too heavy for a country lawyer to be dealing with.

I mean, the names that were in the report, the allegations in the report matching the allegations the kids had told me. I figured: I need some help from somewhere; I need some advice.

Q. So what did you do?

A. So the next day, I went up to the courthouse and asked to talk privately with Judge Gossett. He was the judge in Wally's case, the first case, and so I knew he would at least know who I was talking about when I said the Webbs.

And he advised me that since I was guardian ad litem that discussion of matters concerning a juvenile might be construed to be a breach of ethics, which it might very well be here today too. I don't know whether I'm going to be disbarred over this or not.

But at any rate, that was the statement that he made. Further, that since the boys that Boys Town was concerned about either were current residents or had been residents at Boys Town in Douglas County, that I should leave -- I should just back off from it, leave the whole investigation up to Boys Town, and let Douglas County pursue it.

At -- I believe it was the next day or maybe even that same day. I called Julie Walters back; and I told her what the judge had said; and for that reason, that I wasn't going to meet with her again.

Q. And did you ever have any further meeting with her?

A. Never.

Q. Were you ever advised in any way of the results of any investigation that was conducted by Boys Town?

A. No, I wasn't. I to this day do not know whether they kept going with this ball or whether they dropped it at that point. I don't know how far Boys Town went with it.

Q. After that, what, if any, contact did you have with any of the Webb children? Did you have any either direct or by phone calls or reports or any such thing?

A. No. Kathleen Sorensen -- I believe Lisa kept in touch with her. Occasionally, Lisa would call her, and she let me know the problems that she, through Lisa, was having. And then the invitation I got from Boys Town for Wally when he graduated;that's been my only contact.

I did try to contact Lisa in -- it's been fall of '87 because of again the ethical considerations of her being a juvenile, as soon as I knew that there was an investigation going on, I wanted to get her permission to let me talk.

I was never able to get ahold of her. I wrote a letter to her biological grandmother's address and asked her to get ahold of me, but she never did.

Q. How about with the authorities or the Department of Social Services or the Foster Care Review Board or anybody? Did you have any contact with them?

A. I put the report and everything else away, and then, I think, it was in fall of 1987, the Foster Care Review Board sends out to the guardian ad litem kind of like an update requesting updates on situations for the kids, permanency planning, outlining their comments. Either they agree with the Social Services plan, they disagree, they wish the guardian ad litem would do this or the judge would do that, that kind of thing.

I received a report regarding one of the children, one of the Webb children, and I don't remember which one it was. Again, it would probably be in my files. The Foster Care Review Board was concerned about the situation with the children. I called Carol Stitt, who is the director of the Foster Care Review Board whom I'd talked to many times before regarding other children, so it wasn't like we were total strangers.

We discussed the case. I told her I was concerned about where the kids were; that I had lost them; that I'd tried to make contact with Social Services in Omaha; that I'd written to Gary Randall about did he know because he was supposed to tell me who the caseworker was; that Social Services hadn't responded to me about in terms of where the kids were and who was the caseworker.

I started telling Carol this stuff after a

couple of conversations regarding the family after she'd done some checking. Eventually I told her about this Boys Town investigation and this report. She asked me if she could have it at that point, which would have been in the fall of '87, I believe it was fall of '87, and I said I'd have to think about it because I thought it was not something I would want just floating around anywhere.

In March -- Carol kept calling me and asking me when I was going to send her this report, and I kind of kept putting her off. In March of '87 -- excuse me -- it would have been March of '88, Investigator Scheckler (phonetic), Paul Scheckler --

Q. Who is he? What agency is he with?

A. He's with the -- He's the deputy sheriff with Washington County Sheriff's office.

Q. Okay.

A. He called me and asked if Lisa had ever said anything to me in regards to pornography. I told him I didn't recall that she had, but if she had, it would be in this report, and I wasn't going to give it to him. I wasn't going to give him anything until I checked with his boss and made sure there really was an investigation.

So I called Sheriff Wayne Flora (phonetic). He had only been on the job himself a few weeks. I asked him if there was an investigation going on. He said:

Yes, there was an investigation going on.

Deputy Scheckler came to my house in a cruiser, picked up the report, took it back to the police station, I guess. I told him I wanted it back the next day. I got it back the next day, and I don't know whether he copied it or not, but I don't think so.

Q. But in any event, he gave you -- You got the copy back?

A. Yeah.

Q. Did you ever hear anything more out of the Washington County Sheriff's office in connection with the matter?

A. No. And I didn't ask.

Q. Did you have further contact with Carol Stitt after that?

A. Yes, I did. I informed Carol that I'd given a copy to the sheriff's department, or given my copy and gotten it back. She called me and said: When are you going to give me the report? You know, I'm going to go see the Governor; you've got to give me your report.

I said: Okay. But I'm not going to put it in the mail. If you want the report, you're going to have to -- either I've got to bring it to Lincoln or take it to Lincoln for you, or you've got to come to Blair and get it from me because I'm not going to mail it. So she

did. She came to my office.

Q. When was that?

A. I'd been at my job about three weeks, so it would have been about the third week in June of '88.

Q. Very well.

A. And then she took the report; and the next thing I know, I'm reading in the paper and things are going on. The next person to visit me was Inspector Vlahoulis from the -- I believe he's from the attorney general's office, and I discussed with him pretty much what I said here today. Gave him my personal file which is a real messy looking blue thing about that thick (indicating) with telephone numbers all over it. He has that file. Carol Stitt has this, and I have nothing left other than what I prepared for you.

Q. Can you think of anything in relationship to this that you'd like to tell us that we've overlooked?

A. Well, hindsight is 20/20, and you have a tendency to put things together that may be forgotten. During this whole period of time, Kirstin Hallberg, Kathleen Sorensen and Sylvia Wolff knew really more about what was going on than I did.

Q. How did you -- How did you know Kirstin Hallberg? What was your connection with her?

A. Well, through -- through Kathleen Sorensen and

Sylvia Wolff. Kathleen Sorensen and Sylvia Wolff had been foster parents for other kids that I'd had before that weren't -- that weren't the Webb children. It would have been before the Webb children. I got to know -- Let's see four -- three -- three kids that I represented, represented and lived with and still do live with Sylvia Wolff in Fort Calhoun.

Q. How does she spell her name? Is it W-o-l-f or f-e?

A. W-o-l-f-f,

Q. Thank you. She lives in Fort Calhoun?

A. Right. She had three of the kids that I had represented, and she and Kathleen and Kirstin were very close, very spiritually close too. They had a prayer group meeting that went every Tuesday evening that they got me involved in a couple of times except I couldn't stay awake that late.

But Kirstin was -- had apparently had some children or relatives in her family that had been sexually abused and had spent a lot of time studying child sexual abuse, so all three of them were very -- very involved and knowledgeable about what was going on, and I'm sure Kathleen nor Sylvia nor Kirstin ever did anything regarding any children without discussing it with the other one. So I'm sure that Kathleen told them

that her friend Julie Walters at Boys Town was having this investigation.

Q. Okay. Well, I appreciate this, and I promised these folks this morning that I wasn't going to make them sit for any longer than an hour and a half, and they're right up against that.

We're not quite through with you. Mr. Dougherty may have some questions, and these folks get to ask you any questions. But I think that we will do that after the break, and we'll take a, let's say, a ten minute recess and come back in. And you folks can be -- formulate any questions that you might have, and we'll resume at that time.

(Recess taken at 1:20 p.m. to 1:35 p.m.)

MR. VAN PELT: Okay. We're ready to continue, and as I stated initially, all of you have a chance to -- to play lawyer in this proceeding.

First, Mr. Dougherty, do you have any questions you wish to ask of this witness?

MR. DOUGHERTY: Yes, I do.

EXAMINATION

BY MR. DOUGHERTY:

Q. Miss Flocken, who is the present county attorney in Washington County that you work for?

A. John Samson.

Q. And how long has he been county attorney?

A. He's the same day as me, June 1st, 1988.

Q. Okay. We have referred from time to time up to this point about a concept known as being a guardian ad litem, and I don't think we should assume anything that we have here a jury panel of non-attorneys.

Could you define for us what it is that a guardian ad litem does?

A. In the context of juvenile court, an attorney is presented to represent the child or the children whatever the case may be. The State is represented by the county attorney or a deputy. The parents can have their own attorney if they want one.

In some sections the statutes require that a guardian ad litem, an attorney, represent just the children's interest so you're not, you know, working too closely with the State or too closely with the parents. You're just working for the kids.

Q. And that was the capacity that you were serving in in connection with your contact with a Wally, Lisa, Tasha and Tracy --

A. And Robert.

Q. -- Webb; is that correct?

A. Yes.

Q. And you have talked about Robert. Would it be that his given name was Martin? Does that ring a bell?

A. Uh-huh, that's right.

Q. So Robert Martin-Webb was one of the other children involved; is that correct?

A. Right. And he was at the last relinquishment hearing with Tasha, and he did get his name back, Martin, at that time.

Q. Now, also you talked about that in this proceeding involving the Webb children when it was first started in the county court there in Washington County, it was being heard by Judge Gossett; is that correct?

A. That's correct.

Q. But later a different county judge, a Judge Alan Brodbeck was brought in; is that correct?

A. That's correct.

Q. And Judge Brodbeck, I believe, practices up in the O'neill, Nebraska, area?

A. Yes, that's correct.

Q. Do you have any information, Miss Flocken, as to why Judge Brodbeck was brought in at some stage to handle the proceedings involving the Webb children?

A. I was informed later by the Judge, much later, that it was because he goes to Reno. There's a judge's school in Reno or something, where he was either teaching

a class or taking a class.

I was informed by a member of his staff that he was -- just didn't want to represent those Webb kids anymore. But from the judge himself, it was that he was going to a school in Reno.

Q. So Judge Gossett had a problem continuing to handle the case because he wanted to leave and go to judge's school in Reno?

A. Yes.

Q. And so Judge Brodbeck was brought down to hear the balance of the court proceedings involving the Webb children?

A. That's correct.

Q. When you first began your association with Wally Webb in mid 1985, it was because he had run away from the Webb home; isn't that correct?

A. That's correct.

Q. Was there anyone else who went with him when he ran away; do you remember?

A. If I recall, there was another child, but I don't recall which child it was or even if it was within the same family.

Q. Okay. There was -- There were also other children in the Webb household at this time with the last name of McChristian; is that correct?

A. Now that you mention the name, I remember that name. They're the foster children I referred to earlier that confirmed the allegations of abuse, but I was never involved with their case.

Q. You never served as a guardian ad litem on behalf of the McChristian children?

A. No. I believe they had a guardian ad litem here in Douglas County because they were placed -- their foster care placement was from Douglas County Social Services.

Q. All right. I think it's very important in this case to make sure that we have all the players identified. So if we want to talk about the kids who were in the Webb home, we have Lisa Washington-Webb; and, I believe, you testified that as part of this juvenile court proceeding, she ended up being named Eulice Washington?

A. Right.

Q. And then you had Wally Webb, and you had Tasha and Tracy Washington-Webb; is that correct?

A. Correct.

Q. And then there were three McChristian children; is that correct?

A. I don't recall if there were two or three, but they were removed at the same time as Wally. When Wally

ran away and Social Services took custody of Wally, it's my understanding that these children, these foster care children were within the home. I never personally had contact with those children, but I was informed that their allegations of abuse matched those of Wally's and the other kids.

Q. And then the final foster child in the Webb home was Robert Martin Webb; is that correct?

A. Correct.

Q. Now, when you first met with Tracy and Lisa Webb on or about January 2nd of 1986, they complained about being subjected to physical abuse similar to that type of abuse that was reported by Wally; is that right?

A. That's correct.

Q. And also emotional abuse; is that correct?

A. That's correct.

Q. When you were first talking with Tracy and Lisa on the 2nd of January, 1986, when they were both in the room together, were there any allegations of any sexual abuse of any nature?

A. Not when they were in the room together.

Q. Did I understand you to say that they did talk about the fact that they were taken on trips to other towns or other states?

A. That's correct. They were discussing that with

me in the context of their fear of Gary Randall, for one; that he had been following them around; that they'd seen his car outside school, et cetera. In terms of their family, the Webb family, being involved with very powerful people that, you know, that's the context that they discussed it in.

Q. When they were describing these trips to other cities and other states, did they indicate to you at that time that there was any physical or sexual abuse that was a part of those trips?

A. Not when they were in the room together, no.

Q. Okay. Then at some point in time, Lisa asked for Tracy to be excused from the room and that took place; is that right?

A. That's correct.

Q. Now, when Lisa and you and is it Mrs. Sorensen?

A. Yes.

Q. Okay. The three of you were in a room by yourself; is that right?

A. That's correct.

Q. That's when Lisa first began to describe these incidents of sexual advances by Jarrett Webb; is that correct?

A. That's correct. That's the first I heard of it.

Q. While Lisa was alone in the room with you and Mrs. Sorensen, did she describe any physical or sexual abuse occurring while she was on these trips to other cities or other states?

A. No, she did not.

Q. Okay. So that conversation about going to other cities or other states was more in the context that this cousin was very powerful and that type of thing?

A. Right. That I should understand. They said: Pat, you have to understand these are powerful people. That was when we were all together.

Q. Okay. With respect to the allegations of physical and emotional abuse, did either Tracy or Lisa ever describe, or Wally for that matter, ever describe any of these events taking place outside of Washington County?

A. Not that I recall.

Q. These were things that would have taken place within the Webbs' home in Washington County?

A. As I recall, yes, it was within the home.

Q. When Lisa was describing the sexual advances made by Jarrett Webb, my notes reflect here that you said that she did not indicate there was any penetration. Is that a correct statement?

A. That's correct.

Q. So the sexual contact or the sexual advances would have been touching or fondling of the exterior portions of the body?

A. That's correct.

Q. And no complaints of any penetration of any body cavities whatsoever?

A. No.

Q. You indicated already for the benefit of the jury that Lisa told you these started when she was about nine years of age. Did you ever get any idea as to when the last time this would have happened, say, prior to January 2nd of 1986?

A. I don't -- I don't recall. I just recall that it was around nine because she was so concerned about Tasha when Tasha was still in the home. She said that now that I'm out of there, he's going to do the same thing to Tasha because she's the same age that I was.

So that's the reason I remember around age nine. It would have been around that age because she was concerned that Tasha was at that age, and she said that Tasha looked like her too.

Q. Uh-huh. Would there have been any comments about sexual advances or sexual abuse, say, in the last six months of 1985?

A. I cannot answer that. I don't -- I don't

recall the time frame.

Q. Because as I understand your earlier testimony, you put some of these facts about sexual abuse down in a report which you then turned into the Court?

A. Right, guardian ad litem report.

Q. Okay. And that was an actual court document that you filed --

A. Yes.

Q. -- with the county court sitting as a juvenile court in Washington County?

A. That's right. It went there and to all parties involved: The county attorney, the -- Gary Randall and the Department of Social Services.

Q. Do you have any knowledge as to whether or not there is a copy of that report maintained in the court records anyplace in Washington County?

A. I would imagine it would have to be part of the juvenile court record in Washington County.

Q. Have you, yourself, ever been interviewed by any members of law enforcement here in the State of Nebraska? The State Patrol?

A. Yes.

Q. Who has done that?

A. The first one, I believe, was Mr. Vlahoulis who was from the attorney general's office, I think.

I believe the next one was Peter Brady, who was with the FBI. Jerry Lowe, I spoke with him. Gary Caradori, I think is how you say his name.

Q. Gary Caradori?

A. (Witness nods head.) I met with him.

Q. Were you ever asked to appear either at a public or a private session of the Legislative committee investigating the Franklin matter?

A. No, I wasn't. I was given to believe that it was a possibility. I called -- My mother was dying, and this was in December of '88, and I did call Ernie Chambers at his home to tell him that I was leaving town, and I didn't want him to think I was trying to get away, you know, from the Legislature by not being here, but I gave him my parents' number in Ohio and that I was going to see my mother who was terminally ill, but I was never subpoenaed.

Q. Do you know the name of the person at the state patrol who actually administered the polygraph test to Lisa Washington-Webb?

A. No, I don't. I just assumed that it was someone working with Jane Tooley, either she or a partner or something. I don't know who did it.

Q. Uh-huh. And again for the benefit of the members of the grand jury, when we talk about polygraphs,

that's a name for lie detector?

A. Right.

Q. Who all was present at the meeting when you discussed these polygraph examinations and Mr. Tripp gave his opinions about Lisa's credibility?

A. As I recall, it was Jane Tooley from the state patrol, myself, Patrick Tripp, Laurie Ahman from the Department of Social Services, and, I believe, Laurie Ahman's supervisor might have been there, but I don't recall.

Q. And do you know his or her name, the supervisor?

A. I don't remember.

Q. Do you know if the Webbs still continue to reside in Washington County even up until today's date?

A. I don't know.

Q. Do you have any knowledge as to whether they have any foster children at this time?

A. The only knowledge I have came from the Department of Social Services that said that they had applied for a license and were turned down.

Q. Do you know when that was?

A. I think it would have been since this whole mess started, probably somewhere -- somewhere around the fall of '87.

Q. Now, you testified about the fact that Lisa and Tracy each gave a deposition within a half an hour after the relinquishment hearing. Was that something that was taken down by a court reporter just as the proceedings are being taken down here today?

A. Yes. It's Judge Quist's court reporter. Her name is Julie Ann Plugge, P-l-u-g-g-e.

Q. Did someone request that that deposition be transcribed after it was completed?

A. I don't -- I don't know.

Q. I take it you never saw a transcription of the deposition?

A. No, I didn't.

Q. Did I understand you to say that with respect to Tasha Washington-Webb and Robert Martin-Webb that Jarrett and Barbara Webb also voluntarily relinquished their rights to them?

A. That's correct. And that one came relatively fast.

Q. Did you, yourself, ever hear any allegations of physical or sexual or emotional abuse from Tasha and/or Robert Webb?

A. From Tasha, the physical and emotional and Robert physical and emotional, but never from them anything to do with sexual abuse, nor from Tracy.

Q. With respect to any of the Webb children, did you ever hear them, I mean, yourself, personally, hear them make allegations of sexual abuse by Larry King?

A. No, I did not.

Q. By anyone other than Jarrett Webb?

A. No, I did not. Not to me.

Q. Do you know the whereabouts of any of the Webb children at the present time?

A. No. I believe the last I heard that Robert was in Lincoln, I believe. I don't know where the other children are. Wally graduated from Boys Town, and I don't know where he went, and I haven't known where the three Washington girls have been since they came to Douglas County.

Q. When was it that you actually delivered the Boys Town report to Carol Stitt?

A. It would have been, I believe, the third week, about the third week in June 1988 because I had my job for about three weeks.

MR. DOUGHERTY: That's all the questions I have. Thank you very much.

MR. VAN PELT: Mr. Flanagan, do you have any questions?

JUROR 11: Yes, sir.

EXAMINATION

BY JUROR 11:

Q. The age of the children that we're talking about, and I guess we're talking about primarily five here. We're talking about Wally, Lisa, Tracy, Tasha and Robert. That's the five we're basically discussing right here.

Could you tell me basically what the ages were when you first came into this picture, and what time when you basically exited it?

A. With Wally, I believe Wally was probably around 16. Lisa was 15 going on 16, I believe. Tracy was 13. Tasha was 10, or 9 going on 10; and Robert, I'm not sure of his age. I think he was somewhere between -- maybe between Lisa and Tracy's age. Maybe he was around 14.

Q. And you were involved with this family for a period of a year or two years?

A. About a year.

Q. About a year?

A. Uh-huh.

Q. It sounds to me like Lisa's story is fairly believable by everyone. It seems you believe her; Kathleen Sorensen pretty much believed her; and anyone that has been involved with their story that she has some credibility to her story even though she's saying it fairly forthright but emotionally, right? Am I correct?

A. Right.

Q. However, you did state that a Patrick Tripp did not appear to believe her; is that correct?

A. That's correct.

Q. And who is Patrick Tripp?

A. He was, at that time, he was a Washington County attorney. He is no longer there.

Q. Any reason why you think he might not have believed her, or why he stated that he might not believe her?

A. He stated that, as I testified to earlier, that he had spoken with Gary Randall, and Gary Randall had filled him in on some details regarding Lisa that made Patrick Tripp believe that maybe she wasn't really lying but she had convinced herself. She was psychologically psyched out is, I guess, the best words I can think of.

That the only reason that she had passed the lie detector test was because she had sincerely believed it was true, but that he, Patrick Tripp, after conversations with Gary Randall, didn't believe it.

Further, he didn't believe it because Gary Randall, the Webb attorney, said that the parents had found a book of some kind which had a story line just like Lisa's. I never saw the book. I don't know if there really was a book, but that's the reason Mr. Tripp

stated that he did not believe her.

Q. Okay. At this point, the only one of the five prime children we're talking about that we can say that there was any sexual abuse would be Lisa?

A. The only one that allegations were made to me. I don't know about the other children's allegations to other people.

Q. But the physical abuse allegedly involved Wally, Lisa and Tracy that we know, or did it also include all --

A. All five.

Q. -- all five?

A. Right.

Q. Okay. And the emotional abuse was all five also?

A. All five.

Q. Okay. The only King connection that we apparently have at this point in time is where the children were saying that the Webbs had a cousin who was very powerful, was politically involved and that they, the children, were frightened of him; they were frightened of this connection?

A. Right.

Q. Okay. And the other -- the only other connection that I have been able to glean out at this

point in time is some liaison between -- a sexual liaison between Gary Randall's brother and a cousin of who?

A. Gary's -- The children, the girls, Lisa and Tracy, said that there was a sexual liaison between Gary Randall's brother and this rich cousin.

Q. Oh, and the rich cousin?

A. The rich cousin.

Q. Which would allude to being King himself?

A. Using deduction at this point, yes, uh-huh.

Q. Okay. Barbara Webb, she seemed to be the picture of some very cool, standoffish almost an elitist-type woman. She doesn't seem to be -- She doesn't -- She didn't appear to me to be a particularly maternal type individual.

A. No. No way.

Q. On to the accident of Kathleen Sorensen, and maybe I've watched too many late movies, but you're not suspecting any foul play in the accident?

A. Well, I didn't. Again, sir, I was there as deputy coroner. Kathleen was my boss's cousin, as a matter of fact, John Samson who is the county attorney now. Kathleen was his first cousin.

We both responded to the call from the dispatcher, the sheriff dispatcher, to a one -- to a two-vehicle accident south of Arlington. We both -- He

got there before I did, Mr. Samson. When I got there, he said: Pat, my God, it's Kathleen.

All right. The state patrol were there. We were there for quite a long period of time. Their investigation revealed, and I did see the report, that the other person, the 18-year-old woman's car, crossed the center line and hit Kathleen's.

We did not prosecute that case. We had to have a special prosecutor because for two reasons: Kathleen was my boss's cousin, number one; and she was a friend of mine, number two.

I did -- I am aware though that the other driver did plead no contest to a Class I misdemeanor motor vehicle homicide and was sentenced to probation.

I am aware from my friends that I mentioned before, Sylvia, especially, Sylvia Wolff, that a lot of Kathleen's friends were concerned that there was some involvement, I mean, that someone might have caused it because Kathleen had a lot more to say than I did. She lived with the children.

For myself, what can I say? It looked like an accident. It looked like the woman went over the center line.

Q. Well, it seems that there were, you know, there were more players involved than just the young woman that

hit the Sorensen car. The young woman also had a baby with her, her baby?

A. Yes. The young woman was 18 years old. She had a one-month-old baby in her car. Kathleen was driving, and she had a foster child in her car. I don't know the foster child. I've never met her. I've not been involved in her case, but I do know that the foster child was being taken to Fremont by Kathleen for an appointment and that the mother with the baby was coming from the opposite direction and they collided.

Q. Was anybody else killed in that or just Kathleen?

A. No. The baby and the foster child, I believe, were taken out on Life Flight helicopter, and they were just taking off by the time I got there.

The driver of the other car, I believe, was taken by rescue squad to the hospital in Blair; and, of course, Kathleen was just -- She looked to be killed immediately.

Q. It sounds like it was pretty much just an accident even though I think a lot of times, the people that were familiar with the story may have built an emotional side to it, but it sounds like an accident, wouldn't you say? Do you agree?

A. Sir, I believe anything is possible, but to me

it looked like an accident. But I'm not a police investigator, but the investigator stated that it was an accident.

Q. Back to this railroad prop or drop or whatever it was. It was used to punish, and we'll say, all five of the children. Would you say that the punishment at this point was more than what we -- when you get a spanking?

A. Yes, sir, I would. And I've got to admit a failing that I have. One thing I learned a long time ago when working with children of whatever race or ethnic origin is that you've got to look at their cultural backgrounds, and maybe my idea of what's appropriate punishment might not be, say, a Chinese idea of appropriate punishment or an Indian idea of appropriate punishment. So I always thought about that in terms of this case, in terms of the Webb children.

Maybe there was something in the cultural background that I really didn't understand and maybe I thought it was just too severe, and Social Services thought it was too severe, and the doctors thought it was too severe, but maybe we were all, you know, not looking at it properly.

Q. Were there doctors involved in this?

A. I'm talking in terms of therapy.

Q. Oh, I see. Well, it sounds like she was quite a disciplinarian even over and above the physical and emotional side. You say that they could not step into the -- into the living room. And I guess I wouldn't take that as being particularly unusual because the way you describe the living room, she had a lot of nice things there.

A. Right.

Q. And it's probably not unusual to say to the kids: You are not to go into this room.

A. Right.

Q. But it would point out also that she had strict rules and that they had to be adhered to?

A. The thing that really struck me about it, sir, was not so much their being able to go into the living room, it was that I saw with my own eyes the story of all five children being corroborated just in a small way, in the same way that they drew pictures of the punishment device. It was just like one other little cog, if you will, that they're telling the truth about.

If they're telling the truth about these little things that aren't important, then probably they're telling the truth about the big things that are.

Q. Are you satisfied with the status of what -- of the Boys Town report and proceedings, or are you kind of

in a hands thrown up situation?

A. Was I --

Q. As far as you --

A. I was quite satisfied with the way it was proceeding until I was out of it, but I don't know what happened after that.

Q. And that's where we stand right now. No one knows where we stand with it?

A. I suppose that Boys Town personnel would know, but I don't know.

JUROR 11: I have a question on the, and I'm going to ask the Judge here, on the deposition where the children were deposed. Isn't it normal to have someone review the copy of the deposition primarily to see if everything is factual, and then have somebody sign it?

MR. VAN PELT: Normally, the witness has the right to review it and sign it; and if it was a minor in any litigation, there should have been a guardian or someone protecting them and protecting that interest. That would be the normal procedure.

JUROR 11: And it would sound like probably then this Gary Randall --

THE WITNESS: Randall.

MR. VAN PELT: Gary Randall.

JUROR 11: -- Gary Randall would have been the one that would have been the reviewer?

MR. VAN PELT: No. Gary Randall would not have been representing the children.

Go ahead.

THE WITNESS: May I address this?

MR. VAN PELT: Sure.

THE WITNESS: You know, now that some things that you're asking and everyone is asking kind of triggered my memory. I do recall that Lisa and Tracy refused to waive the reading of it, of the deposition.

JUROR 11: Oh.

Is this anything that it's possible for us to see?

MR. VAN PELT: We will try to do that. These are the sort of things that if you say you want to see them, we will try to find them. Certainly.

JUROR 11: You've made some -- some comment about your records, or it's in your files or something like that.

Do you feel that we may, Judge, that we would want to look at her records?

MR. VAN PELT: It will be the guardian ad litem reports, and that's something else that we will attempt to find. We may have those among the materials

submitted by the attorney general, but these are things that if you let us know what you would like us to find, we will attempt to do that.

JUROR 11: Let me take one look here.

Thank you. I believe that answers my question.

MR. VAN PELT: Okay. I'm going to go through each of you in numerical order to see if any of you have any questions.

Number 1?

EXAMINATION

BY JUROR 1:

Q. Well, I was wondering, now Lisa had been abused for six years, and this is the first she ever said of it?

A. That's the first that I had heard of it. The children were kept rather socially isolated. They were afraid to tell the teachers.

Normally, in my experience, you go -- Who's the first person you go to? You go the teacher if you have a problem. They were kept socially isolated. They -- The school personnel did report back to Barbara and Jarrett Webb whenever the children made a complaint of any nature.

MR. VAN PELT: Number 2?

EXAMINATION

BY JUROR 2:

Q. Miss Flocken, you described the Webb home, you know, especially the living room was very nice, elegant. Did you often see the children, the area where they played, things like that? Did they have, you know, the typical toys that children play with?

A. I was only shown the downstairs room where a couple of kids slept. I didn't see the other bedrooms. I was not taken through the rest of the house. The downstairs room that I was in had a couple of beds in it, and I think there was a TV and a table and chairs. I don't recall seeing toys.

Q. You don't recall things like coloring books or just the typical kid things?

A. No. No, I don't. Again, I was not given the opportunity to go into all the bedrooms.

JUROR 2: Okay. That's all I have.

MR. VAN PELT: Number 3?

JUROR 3: No.

MR. VAN PELT: 4?

EXAMINATION

BY JUROR 4:

Q. What were the Webbs' occupation?

A. Mr. Webb, I know he had been an employee of like 25 years of OPPD, but I don't know what he did for OPPD.

Mrs. Webb was -- I guess you'd call her a homemaker. She did -- They did receive a significant amount of money per month in terms of subsidized -- subsidized adoption and foster care payments in the amount of about $3,000 a month from the State, so I think she was pretty busy administering the family finances and children.

Q. And what were the nationalities of the children?

A. They were black.

Q. All black?

A. Yes, ma'am.

MR. VAN PELT: Do you have anything further?

JUROR 4: No.

MR. VAN PELT: Excuse me. Number 5?

EXAMINATION

BY JUROR 5:

Q. When you took, I believe it was Tasha and Robert to see the Webbs, and you had talked about that you weren't going to leave them or you were told that they weren't supposed to be left alone, but then you spent two hours talking to Mrs. Webb and her mother, and then afterwards Tasha said, why did you leave us there, why were the children left alone with him?

A. The entire time I was in there, and believe me I kick myself thinking about it, but the whole time I was there, I was worried about them. But again, the situation was so touchy, and I was dealing with a minority family. I didn't want to appear to be rude in the face of graciousness.

I was concerned about it, but I just didn't get up and say: Mrs. Webb, I have to have the kids here, and I should have but I didn't. So that was -- That was an error on my part, and I was trying to maintain dignity for the Webbs and dignity for myself, and the kids and I didn't handle it properly.

Q. Okay. When -- After you met with Julie, Julie Walters, and you went back and you talked to the judge in your county, and he said that you should just stay clear of it, would it have been -- I'm not -- I guess I'm not sure how to word this, but could you have gotten in trouble if you hadn't, and do you wish that you had stayed in contact with her?

A. I probably very much could have gotten in trouble. I probably could have been disbarred depending on who wanted to push it, and that's still the case probably.

Also, the consideration there was that these new allegations of crime or abuse were pertaining to

Douglas County. Our county attorney had already decided there wasn't enough to charge on what allegedly occurred in Washington County.

MR. VAN PELT: Number 6?

EXAMINATION

BY JUROR 6:

Q. When you took Tasha and Robert for visitation, did the children want to go or --

A. No. No, sir, they had to go.

Q. Okay.

A. The parents had requested visitation. They were granted supervised visitation. I decided that -- to do it within the family home partially because I wanted to see a little bit of what kind of a family situation they had and what kind of a living situation they had because there before -- Before I was visiting with them at that house, all I had to go on was what the kids were telling me in terms of how nice their house was.

Q. Did the children ever express to you a closeness to the Webbs?

A. No. Not at all. As a matter of fact, Wally wasn't adamant about it but Lisa and Tracy, the very first time I met with them, I always when I'm talking to the kids that I'm guardian ad litem for, I'll refer to Mom and Dad.

And I'd say: Well, now what is -- Did Mom do this? And she'd say: Mrs. Webb, please. She's not my Mom; she's Mrs. Webb. They wouldn't let me call them Mom or Dad.

From that very first meeting on. I was only allowed to refer to them as Mr. and Mrs. Webb. There was never any sign of affection that they felt -- verbalized or showed towards them.

Q. Okay. In talking to the children, do they ever describe who gave the punishment?

A. Both.

Q. Both.

JUROR 6: That's all, Judge.

MR. VAN PELT: Number 7?

EXAMINATION

BY JUROR 7:

Q. Did you get the impression that Mr. and Mrs. Webb wanted the children to refer to them as Mr. and Mrs. Webb rather than Mom and Dad or --

A. No, I didn't. No, I did not.

Q. You said that Lisa and Tracy, when they gave their depositions, basically, they were not represented by an adult; is that true then?

A. I was there.

Q. Yeah, you were there. Did you count, though,

as being a representative when they said you were actually no longer involved in the case?

A. Even though there was a question about whether I was guardian ad litem, I still -- I still remained an attorney, and I did stay there voluntarily and represent them, which I did.

Q. Did the girls sign their depositions?

A. I recall Lisa not wanting to waive the signing of her deposition. I don't recall -- I didn't see it if she did after that.

Q. I don't quite understand what you mean by waive the deposition.

A. Waive the reading of the deposition.

Q. What does that mean?

A. In other words, the court reporter who's taking notes here types it up, and then the person who is giving the deposition reads it and then signs it.

MR. VAN PELT: I might explain. Or they can make any corrections. They can go through and say: This isn't right, I didn't say this, and make corrections, or they can sign it and say that it is correct.

JUROR 11: Can a minor waive that right?

MR. VAN PELT: Probably not, no.

Q. (By Juror 7) Did they sign that then or didn't

they sign it?

A. I don't know. I did not see the depositions in hard copy form myself. I was present at the depositions. But once they were transcribed and typed, I didn't see them.

MR. DOUGHERTY: I think one thing you have to understand about the process. What the court reporter takes down is language that only court reporters can understand, so they have to take it then and type it out in a regular typewritten form and that takes a period of time. So they would not have still have been at the courthouse by the time the court reporter prepared the typed transcript and --

JUROR 7: They would have to do that later?

MR. DOUGHERTY: -- they would have to come back on another day if they didn't waive the reading and signing of it and, in fact, do the reading and signing of or change their minds --

JUROR 7: So we actually have no way of knowing if they did or didn't at this point?

MR. DOUGHERTY: Apparently, through this witness we don't.

MR. VAN PELT: Excuse me. Do you have anything further?

JUROR 7: No.

MR. VAN PELT: Number 8?

EXAMINATION

BY JUROR 8:

Q. Was Lisa the only one that received a polygraph, and did you know anything about the contents of the polygraph? Not that we know anything about it ourselves. You might know more about it than we do.

A. Lisa was the only one to my knowledge while I was involved in the case that was given a polygraph exam because she was the only one at that time that had made allegations of sexual abuse.

No, I did not see a written report concerning the polygraph, but I was informed by the state patrol investigator, Jane Tooley, that she had passed the polygraph exam. And if I recall, there was more than one given, but I didn't see their reports, sir, no.

MR. VAN PELT: Number 9?

JUROR 9: No.

MR. VAN PELT: 10?

JUROR 10: I've got a question for you, Judge. Does the waiving of the reading of the deposition, does that imply that the kids agreed with everything that they said, and they didn't have to reread it?

MR. VAN PELT: I don't think you can necessarily assume that because they are minors. So the fact that they were minors bothers me. Normally, if a person waives the reading of a deposition and the signing of it, I think that does imply that they agree with it or that they trust the reporter. I mean, they haven't seen it at that time, it's just that they trust the reporter.

JUROR 10: So that would be unusual for a minor to do?

MR. VAN PELT: I feel that it's unusual.

THE WITNESS: May I make a comment, sir?

MR. VAN PELT: Sure.

THE WITNESS: The girls did not waive the reading. They did not waive it.

JUROR 10: Okay. So --

MR. DOUGHERTY: Before you go on, can I --

MR. VAN PELT: Go ahead.

MR. DOUGHERTY: -- can I say something? You have to understand that the whole purpose of reading and either signing or waiving that isn't to give you a chance to change your answers or anything like that. That process is set up so that the witness can essentially verify that the court reporter has accurately taken down and transcribed what was said.

And when you're presented with your deposition, if you go through and read it, you are given a page upon which you can make notations of things that you think perhaps are incorrect and should be corrected, but you can't change your answers.

But if there is a normal process, I guess the normal process for any witness in my experience is that they waive the reading and signing of it because they feel the court reporter is competent to take down and transcribe what is said.

But I'm not sure that we want to leave you with the impression that their unwillingness to do that necessarily calls in the question of the court reporter's competence or that there's going to be anything improper about the transcription of that deposition.

Apparently, one or more of these girls simply wanted to see what was said and sign it before it was forwarded on to anybody else for use.

Q. (By Juror 10) Okay. You described Wally describing his emotional abuse, for example, nonfeedings and standing in one place and having restricted movement within the house and even outside of the house, like no extracurricular activities.

Did the girls or any of the other children describe similar?

A. All of the children described an almost identical situation. In all three cases, their stories were the same. And I might add that when Wally -- Wally was the first case, all right? He had no interaction with Lisa and Tracy after he was out of the home, and they came in as case number two, the girls, having had no further interaction with Wally with substantially the same story, you see. So it wasn't that they were comparing notes or anything because they hadn't seen one another.

Q. Was there any physical evidence as far as physically being able to say that the kids hadn't eaten or that they had been deprived of sleep or anything like that?

A. Not at the time we got them. The children were very well cared for. With Wally, again, I was informed that he did have bruises at the time he was removed, but he was a male child so I didn't -- I didn't, of course, examine him.

But I believe that the Webbs were very careful after Wally was removed.

JUROR 10: That's all.

MR. VAN PELT: We've heard from Number 11. Number 12?

EXAMINATION

BY JUROR 12:

Q. I just want to understand better your role as representative of the Webb children. Why is it you became a representative, or how did that come about?

A. Under the Juvenile Code, the Juvenile Law in Nebraska, children that are in juvenile court under certain circumstances like this, abuse or negligent, or other circumstances, have a right to have what's called a guardian ad litem, and that just means they have a right to have an attorney. And the Court appointed me to do that. The Court appointed me on each of these three separate cases to serve as the attorney for the kids.

Q. Originally because Wally ran away and made these accusations?

A. Right. That was the first case, yes. I was appointed three separate times. These are three separate juvenile cases.

JUROR 12: That's all I have.

MR. VAN PELT: Number 13?

EXAMINATION

BY JUROR 13:

Q. Mrs. Flocken, I was wondering, is it common practice for the foster care people to put three children all from the same family into foster care?

A. Into foster care?

Q. Yeah.

A. I think it's a common practice both in foster care and adoption --

Q. To keep the family together, in other words?

A. -- to try and keep them together as much as you can.

Q. So in this case, there was actually two separate families of three kids living at the Webb home?

A. Well, there was three Washington girls and then Wally and then Robert. Those were the adoptive kids. And then there were the McChristian foster children, and then there was one of the Webbs' birth children who's a Down's syndrome child that was within the home. So it was a pretty large group.

Q. Is that common? I mean, is there laws or requirements for having so many kids under one roof?

A. I believe that --

Q. Is there a limit you can have?

A. I'm not a caseworker, but that, I believe, that foster families and adoptive families have to meet some certain minimum criteria in terms of number of beds.

Q. Square footage or something like that?

A. I don't know if square foot comes into it, but I know in terms of beds.

MR. VAN PELT: You might save that question for Carol Stitt when she gets here because she's the head of the Foster Care Review Board, and perhaps she could answer that. I can't answer it but --

Q. (By Juror 13) I've got one other question. In regards to Lisa and Tracy, you had said that the school superintendent was a personal friend of the Webbs, so they were afraid to go talk to them about any abuse that may have been occurring --

A. Right.

Q. -- in fear of it getting back to their parents maybe like the same day or something?

A. That's correct. That's the information that the children gave me and was later confirmed.

Q. Would they go to the teacher and they would go to the superintendent or --

A. Yes.

Q. -- or how did the school structure up there work that?

A. I believe it's typical. I don't know if it's that way in Douglas County, but the three high schools that we have in Washington County, you go up either to the teacher or the counselor; and from there it goes to the principal; and depending on what the situation, is then to the superintendent.

Q. So the end result was that all the kids knew the superintendent was a friend of the family?

A. Yes.

Q. So they were reluctant to report anything?

A. Right. They had made some reports that -- of that.

Q. What kind of grades did these kids have in school? Did they carry C's or above average or below average?

A. Wally was, I believe, an average student. Lisa would -- I would put her on the high average. She was a very intelligent young lady. Tracy was a good student. I think she worked hard, but I think she was average as well. Tasha was little. I mean, she was doing all right in school.

Robert was, I believe, diagnosed as borderline educably retarded. I don't mean retarded, but educably retarded, and he had quite a few difficulties with school and was in a special resource program.

Q. A special education type plan?

A. Yeah.

JUROR 13: I think that's all I have.

MR. VAN PELT: Number 14?

JUROR 14: Judge, I need to ask you, who's responsibility would it have been to cut off these foster

children coming in? Is that Child Protective Services or the Social Services?

MR. VAN PELT: I'd say it was both the Department of Social Services with some overview from the Foster Care Review Board.

JUROR 14: Okay. And the guardian?

MR. VAN PELT: Well, the guardian has some input, but it's the other agencies that really make the decision. And then the court; the county court can make some decision.

EXAMINATION

BY JUROR 14:

Q. Mrs. Flocken, I'd like to go back to the superintendent. As their guardian, did you talk to him about these allegations that the children had made yourself?

A. I didn't talk to him about the allegations of anything except about physical abuse, and I talked to him -- This was after Lisa and Tracy were out the house. The three kids were out of the house at that time.

I had talked to him before that in terms of Wally's grades. I always made it a practice to call whatever school was concerned to see how the child was doing in school. Did you notice any behavior problems in the classroom or any, you know, peer interaction

problems, that sort of thing.

Q. Well, in keeping with the notes here from -- I'm thinking of the notes from the Boys Town counselor. The fact that it was so abnormal, the school had to be aware of the fact that the children were not allowed to use the phone, didn't take part in any activities, didn't play with their neighbors and those things, even in '85 and '86, were -- we as principals were made very conscious of that, and it was a state law that we even report those things. So I'm having a hard time seeing how this --

A. How it can happen?

Q. Yes.

A. Is that what you're asking?

Q. Yes. And did you go to anybody else? If you didn't feel that you got to first base with Finch, that he was a friend, did you report that to anybody else?

A. I didn't know that Mr. Finch was a family friend until quite some time into the case. I knew that Mr. Finch was a strange person from having had other children that went to school at the same school and having had interaction with him before.

I had met him on several occasions. I knew he was an extremely bitter person. He detested women, I know that.

Q. Uh-huh.

A. He was not the kind of person that you think of in the educational setting. But in terms of my going to someone else, I don't know whom else it would have been. He was the number one in the school system. The county attorney was involved. The state patrol was involved. I don't know who else it would have been that I went to in terms of Mr. Finch.

Maybe I'm not understanding your question.

Q. No, that's all right. You did communicate, though, somewhere down the line to Social Services or Child Protective Services that, you know, you didn't feel comfortable?

A. Oh, they knew. We worked together like this (indicating) with Social Services. They're the ones when I appointed or when I was appointed guardian ad litem on any case, they'd give me the name of the person. The first thing I'd do would be call Social Services because they're the first ones that get reports of abuse, the Department of Social Services.

Q. Then I guess you've answered the question about leaving the two children alone.

The last thing, could you have prevented any further foster children from being put in that home from your report? I'm thinking that --

A. Oh, sure. Could I personally have done it?

Q. Yes.

A. I personally was guardian ad litem for the children that were out, but I knew that when Wally was out, that Social Services pulled the foster kids out of that house the same day, the McChristian kids. The foster kids the same day were out of there, and I knew that their license was being pulled, license to have foster children.

So I didn't have to prevent anyone, you know, any other children coming into the house. Social Services was doing it.

EXAMINATION

BY JUROR 15:

Q. Did any of the children ever mention the type of behavior that they were punished for?

A. Messy rooms, being outside when they weren't supposed to be outside while Mr. and Mrs. Webb weren't there. Mr. and Mrs. Webb used to unplug the telephones when they left the house so that the kids wouldn't use the telephones.

I know Wally got in trouble for going to a neighbor's house and using the phone as did Lisa. That sort of thing, communicating with the outside world.

MR. VAN PELT: Number 16?

JUROR 16: Nothing at this time.

MR. VAN PELT: Number 17?

EXAMINATION

BY JUROR 17:

Q. I just have one question about mentioning the subsidization that they received for having these children. Do you think the children were given a fair return on the money that was coming in? I know you mentioned that they ate well.

A. Based -- Based on what they said about their clothing, what I saw in the house, the fact that they didn't look physically deprived, I -- I would imagine, yes, in terms of the basic necessities of life, yes, they were.

JUROR 17: That's all.

MR. VAN PELT: Number 18?

EXAMINATION

BY JUROR 18:

Q. The thing that I'm curious about is how long were these Webbs foster parents? How long had they had a license? Had there ever been any investigations before?

A. Ma'am, I -- I don't know. I can't answer that. I think probably Carol Stitt or someone from the Department of Social Services could answer that. I really don't know.

I think Wally had been adopted at age three, so he'd been there several years. But I don't know if they had other foster children before or even during the time.

Q. Well, isn't it a practice of Social Services to investigate these homes? I mean, you can have children looking really great but they are not cared for.

A. I think that's an important question. Yes, it is the Department of Social Services who does have to investigate the families; and, I think, sometimes some of them slip through the cracks; and, I think, that might -- In my own opinion, it's due to there aren't enough caseworkers, probably a lot of reasons, but once in a while some kids slip through the cracks, and I think that's what happened here.

MR. VAN PELT: Number 19?

JUROR 19: I have nothing.

MR. VAN PELT: Okay. Thank you very much, and you are excused, and we can call this or any other --

MR. DOUGHERTY: May I ask just one question?

MR. VAN PELT: Excuse me. Go ahead, Mr. Dougherty.

EXAMINATION (continued)

BY MR. DOUGHERTY:

Q. When the foreman was asking you questions, he

asked for your opinion about whether or not you believed the allegations of sexual misconduct that were related by Lisa.

With respect to those allegations and what you believe her to be saying and what you believe to be correct, based on your own experience in this case, when you say you believe her, does that relate only to those allegations of sexual abuse or misconduct by Jarrett Webb?

A. No, sir. I believe her in terms of my involvement in that. I believe what was said in the report. I believe everything the child has said.

Q. Okay. But your only personal experience with her, though, relates to what she told you about Jarrett Webb?

A. That's correct.

Q. But there was enough similarity or commonality about the Boys Town report that you've also gone ahead and chosen to believe her on that particular regard?

A. I believe that because there was so much commonality.

MR. VAN PELT: Okay. Again, I want to thank this witness. If any of you think of any other questions, we can later on, depending on all of the other things that come up, call Miss Flocken back.

She appeared voluntarily, and I appreciate that. We do have another witness that I'd at least like to see if she's here and we can get started on even though we're running perhaps a half-hour behind.

While we do that, we'll take a ten minute break.

(Proceedings concluded at 3:45 p.m.)

C E R T I F I C A T E

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

I, Antonette Schneckenberger, a Court Reporter and General Notary Public within and for the State of Nebraska, do hereby certify that there came before me on the 19th day of March, 1990, at 1:15 p.m., Patricia Flocken, who was duly sworn to testify the truth in relation to the matters in controversy between the parties hereto;

That said grand jury proceedings was taken in stenotype by me at the time and place hereinbefore set forth and was thereafter reduced to typewritten form under my supervision by means of computer-aided transcription, and that the same is a true and correct transcript of my stenotype notes then and there taken;

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein, nor otherwise interested in the outcome of this action.

IN TESTIMONY WHEREOF, I have placed my hand and notarial seal this 4th day of October, 1990.

_____
GENERAL NOTARY PUBLIC