DOUGLAS COUNTY GRAND JURY INVESTIGATION

WITNESS: Carol Stitt
DATE: March 20, 1990
LOCATION: Douglas County Courthouse
INVESTIGATORS: Samuel Van Pelt
Terry Dougherty
COURT REPORTER: John Thomas

ORIGINAL

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EXAMINATION

BY MR. VAN PELT:

Q. Would you state your name and your address, please?

A. Yes, I'm Carol Stitt and my address is 5435 Walker Avenue.

Q. Carol, what is your present occupation?

A. I'm the executive director of the state foster care review board.

Q. Can you tell us a little bit about the state foster care review board and exactly what it does?

A. Yes. The state foster care review board was put in place in 1982, and the primary reason for that was to keep track of all children in out-of-home care. By out-of-home care means group home care, foster care, private agency such as Boys Town. A second very important function is that we have citizen review boards across the state. We do have a citizen's review board here in Omaha. They are mandated to review each child's plan in out-of-home care. And then after they make their recommendations, they are sent to the child's guardian ad litem, to the judge and to the agency who has custody.

Q. When you say mandated, whom are they mandated?

A. By the Nebraska legislature.

Q. Thank you.

Could you tell us a little bit about -- you said you're the executive director, but how was the board constituted? I assume it has other board members, tell us about that.

A. Okay. There is a state board and those people are all appointed by the governor. And the state board really is the policy-setting board. And they also react or respond to very serious situations that the local boards bring to them. So they -- that's who I answer to. Those are essentially my bosses.

There are three conventional districts around the state. And then there are, I believe, 22 local boards across the state, and those boards are from Omaha to Scottsbluff.

Q. Let's go back to 1987 and 1988, who are the board members at that period of time? Start first in 1987.

A. Well, I can tell you who the executive committee is, but I would have to look at other information.

Q. Who's on the executive committee?

A. Burrell Williams was the chair of the state foster care review board and Dennis Carlson was the vice chair.

Q. Could you tell us a little bit about each of those individuals, who is Mr. Williams?

A. Mr. Williams is a vice principal from Omaha, from McMillan Junior High School. He served -- I believe he has served ten years -- eight to ten years as a child protective services liaison with McMillan Junior High. He was the person who many times met with the parents to explain allegations. He has an education degree and a long-standing interest in child abuse and what happens to abused and neglected children in the system.

Dennis Carlson, the vice chair of the state foster care review board, at that time works for the bar association in discipline. When there is a charge brought up against an attorney, Dennis is the person who handles that.

Dennis also worked as a public defender and came in contact with many of the children who were in the system and has a long-standing concern about children with regard to foster care facilities.

Q. Do you wish to explain in any more detail the process of how cases come up through the process and come before your review board?

A. Yeah. I think that -- that would be -- would be helpful.

We are mandated to review all children in out-of-home care, but we only have funding to review about half of the children in out-of-home care. We need about twice as many boards to get all of the cases reviewed. So what we do when we review cases is to look for a couple of criteria, particularly in the Omaha area.

We may look at a sibling group to see if children have been separated. We look at younger children to see, for example, if a ten year old is placed in a group home, that would be something that we would be very concerned about and we would try to get those on for review by a citizen board member.

Another thing we would look at, and this is how our tracking system works, if we see children who have been moved a lot, that's a very serious concern when kids get on this track. And those children may be pulled up for review.

What happens is that when we decide which cases will be reviewed, we have to give the agency, public or private, a 30-day notice, and we send out that notice to the agency and they tell us whether the case is closed or whether the children are still there. Then we have staff that go in and fill out a pretty detailed data form and examine -- get the

documents before the board which could include the child's latest psychological, any pertinent information on the parents, why -- exactly why was the child removed, what services are in place. Those are kind of the issues that the board is to look at. It's really an oversight function by citizens -- they pull that, they collect that information, take it to a board meeting and a group of people between five and seven sit down and hammer out some recommendations. Unfortunately, many times they find there is no plan, that the kids have no plan which is exactly what they're put in place to do. I would say that about 20, 25 percent of the cases I would look -- I would have to look those numbers up to be exact, the board would disagree with the plan. But that is the process that we go through when we review cases.

Now, we do get a fair number of special requests. We get special request cases from neighbors of foster children. We get special requests from judges, from senators, from attorneys who may be representing them trying to see if the board would have some idea to serve these children's needs.

Q. Late in 1987 did the board have called to its attention a situation involving a child or children arising out of Washington County?

A. Yes.

Q. Before we talk more specifically about that, could you describe to the grand jury members how you and the executive committee members organized and divided up your responsibilities as far as that particular case is concerned?

A. Well, some of this really happened as we went along. I can't tell you that the first time we sat down with this call that we had any idea what was all involved. We get a lot of these kinds of calls. I should say calls that people have concerns about.

This case was different because I think in the initial call, which would have been December 30, 1987, the guardian ad litem contacted me after receiving a recommendation about the child and told me about that.

Q. Let me interrupt and I would like -- I like what you are doing and my last question was maybe premature. What I would like to have you do is just go through on a chronological basis involving this case and then as you go along when it's appropriate to describe to the jurors how you divided up your work and organized it. Go ahead and explain the call of December, 1987.

A. Right. I received a call and the guardian ad litem alleged -- or said that the children were

alleging -- actually the sister of the girl we reviewed and her sister alleged that they had been abused in a child prostitution ring.

I remember this call very clearly for one thing that it was New Year's Eve and I receive a lot of difficult, I guess, calls when I work, but this seemed like a terrible way to start the new year as it was fairly late that afternoon.

In the meantime, the guardian ad litem and I had a couple of conversations, so I really did not know what to do with this information, so I called an executive board meeting --

Q. Let me interrupt unless you absolutely don't want me to, but this is -- this is all confidential and secret, but -- in fact, I would like to have you tell the name of the guardian ad litem and other names as you go along.

A. Okay. All right. Pat Flocken was the name of the guardian ad litem, the guardian ad litem from Washington County.

Q. You may proceed.

A. Okay. I'm glad that I was called back because when she first called, she said that there were a couple of red flags that the board missed in this case. The first flag was that the case had been

transferred from Washington County to Douglas County and also that the court reviews had stopped and that there was an uncovered case load.

Q. Could you --

A. By case transfer, all that means is that there was a file that was no longer in Washington County, the file appeared someplace else. What an uncovered case load means is that there is no worker on the case. And a lack of a court review, the court is mandated to review these children every six months. All those things had stopped.

Now, unfortunately, many times in the system those things occur. And even if all three of those were present, it wouldn't necessarily be a red flag. That's one of the reasons that the board was put in place because cases get dropped off the docket because when there's a case worker who moves from her position, takes sometimes two or three months to fill a position, et cetera, et cetera, et cetera. So I explained that to her and we talked some more.

Now I'll move on to the executive board meeting which was -- would have been January 25th, 1988. The executive board, again, was composed of Burrell Williams and Dennis Carlson. And what they directed me to do was to have the board review all the

children that we could ever have figured out who were in that group home.

I called Pat Flocken back to inform her of the board's action and she told me that Father Val Peter at Boys Town had conducted his own investigation on Larry King and that she had a copy of this information. And so I immediately tried to get this report from her and we went back and forth and back and forth for several months. And I can say that I felt that Mrs. Flocken was quite intimidated by the whole situation. She has since disagreed with my perception, but that certainly was my perception.

She at one time thought that she was going to take a job in another state and then did hand over the report, which I have a copy here today.

Q. When you say went back and forth, back and forth for several months, what period of time -- I assume we are talking about early 1988, but what period of time was this, do you recall?

A. You know, I found out about the report the end of January and I got a copy of the report finally, let's see if I can find it here, July 15th --

Q. If I might --

A. -- 1988.

Q. -- stop for just a minute and show you a

multi-page document that has already been identified as being in evidence as Exhibit 1. Could you look at that. Does that appear to be the report that you're talking about (indicating)?

A. Let me just check to make sure that we have all the pages here.

Q. Go ahead. I would appreciate that.

A. Yes, it appears to me that you have the full record.

Q. Go ahead.

A. Also if we could back up a little bit.

May of the same year, I was having -- I was walking down the hall with Margaret Bitz of the department of social services and she said to me, "Are you aware of Larry King and his activities with our kids," meaning foster children, just boom out of the clear blue sky.

Q. Can you stop and give us the name of this person again?

A. Margaret Bitz, B-i-t-z.

Q. Thank you.

A. She's a foster care adoption specialist for the department of social services -- now, I should say that my conversations with Ms. Flocken -- Pat Flocken, she did identify her as -- I don't know if I said that,

the prostitution ring was related to Larry King, and she made a very clear point to me that he had friends in very influential places and that people were very, I guess, intimidated by his presence in the community, okay? Then on 5-17 of 1988, the foster care -- I received a call from Kirstin Hallberg, H-a-l-l-b-e-r-g, and she was a previous employee of the Utahalee Girls Village and currently at this time worked for Richard Young Psychiatric Hospital in Omaha. She was aware of Lisa and Tracy's report, and she told me about girls from Utahalee that approached her with similar allegations. She also talked to me about a 20-year-old man -- young man at Richard Young, and that she was also aware of three youths at Boys Town who were also allegedly reporting inappropriate activities with Larry King. She did not, however, give me the names. I explained to her if we could review the files, see if those names were mentioned in the reports, we were trying to compile information -- I think you're probably aware of the strict confidentiality rules, and she didn't feel that she could do that.

She also reported to me that at a recent child exploitation conference in Kansas City, a detective from Kansas City, Lynn Cunningham, asked her when the Nebraska authorities were going to do something about

Larry King. So things were rapidly increasing.

Then on 7-20-88 I received another call from Kirstin Hallberg. She reported a 15-year-old girl at Richard Young who was talking about inappropriate activity with Larry King. And she also alleged that she witness a murder of a young boy who said she was going to report the abuse he suffered. And then Ms. Flocken had just reported another child who she was concerned about, who was this Carrie Seizys who was this other name.

Q. When did she make that report?

A. You know, I do not have the date in my letter. I would have to go back in my notes to locate that. But I say I don't have the date.

This might have been -- I might have obtained this report --

Q. Go ahead.

A. Okay. When I obtained the report and read the allegations and the most information, I guess, we received at that point was in this report, and I immediately called an executive meeting because that's the most I had to go on. I'm trying to figure out here in my calendar if that -- I don't know the exact date that I -- my recollection was the next morning.

Q. Sometime in June then?

A. July.

Q. July. Very well.

A. We received the report the 15th, I believe.

Q. Tell about that meeting.

A. Okay. At that meeting I made copies of what I had and compiled the calls that I had received and took those to Dennis Carlson and Burrell. When Dennis saw the report, he said we needed to turn this information to law enforcement immediately.

There had also been in some of the conversations that we had, some concern expressed, I believe, by Kirstin Hallberg, regarding the Omaha Police Department's unwillingness to investigate these allegations, and I shared that with Burrell and Dennis. Because of those concerns, we turned over our information not only to the Omaha police, but also to the attorney general. And then Dennis called the attorney general directly, and he'll testify about that, and turned over all of the information that we had.

One of the points that I would like to make to you about the information is that I guess different or -- this is different than what was reported at some point, there is very specific information in these reports and there is some consistency with what the

kids reported, not only to Julie Walters who conducted the Boys Town report, but also to Investigator Tooley, which I also have a copy of her report. Investigator Tooley also administered -- sometimes the file talks about three reports and sometimes it says four lie detector tests to the children -- to one of the kids -- excuse me, to Lisa Washington, and she did pass all of those lie detector tests.

Q. Do you have with you the copies of Investigator Tooley's report?

A. Yes, I do.

Q. I'm wondering -- We did not have those previously and anything that you have we'll make copies and give back to you.

A. Her reports are in this area (indicating).

Q. I just as soon have you remove those.

A. I will. I sort of marked these for my testimony.

Q. Rather than doing it now, I guess we can do it later.

A. These are the copies that I made for you.

Q. Did you?

A. I will remove my tabs if I can use them to testify.

Q. That's fine.

Another thing before we go on any farther I noticed in a letter that you sent to me -- excuse me -- on July 20th you sent a letter to the attorney general in addition to --

A. Right.

Q. -- Dennis Carlson.

A. Right. This letter was on top of -- is much of the same information that will be given to you.

Q. I would like to have at this time, though, Exhibit 4.

(Grand Jury Exhibit 4 was marked for identification)

Q. (Mr. Van Pelt) Carol, I'm calling your attention to Exhibit 4, if you would look at that, does that appear to be a true and correct copy of the letter that you sent to the attorney general on July 28 of 1988 (indicating)?

A. Yes.

Q. And the grand jury members will have this, but there's one part of that that I think is particularly important today and that's on the second page where you list all of the names of the children who were in the Webb home together with their dates of birth. How did you obtain that information?

A. We obtained that information through our

review process as well as our tracking system.

Q. Do you believe that that information is correct?

A. Uh-huh, yes.

Q. Could you just read to the grand jury members the names of all the children and give their dates of birth?

A. Yes. Wally Washington Webb, date of birth is 10-26-68; Lisa Washington Webb, date of birth 5-13-69; Tracy Washington Webb, date of birth 1-7-71; Robert Martin Webb, date of birth 7-22-71; Tasha Washington Webb, date of birth 5-17-75; Kevin McChristian, date of birth 1-19-74; Kiya McChristian, date of birth 7-21-75; Askia McChristian, date of birth 7-21-75.

Q. Just tell us what next happened on or about the 20th of July of 1988.

A. There is one thing that we haven't talked about that fits in here. Could I back up to that?

Q. Go ahead.

A. On July 13th I asked for a meeting with Governor Orr and was received by Governor Orr and told her of the types of allegations that we were receiving. If you keep this in mind, I did not get the report -- this report that had a lot more detailed information on the 15th. She at that time told me to

do everything I could to pursue this information and turn it all over to the authorities to get something done.

Q. Did you say she, meaning Governor Orr?

A. Yes.

Q. Did you actually talk to her?

A. Yes, yes.

Q. Can you remember anything else, how long the conversation took place, what did you say to her and what did she say to you?

A. Well, what I took for her was essentially what I have given to the grand jury up until the 7-20 conversation because I wouldn't have had that yet. So I made a list of the calls I received, the types of allegations that I received. At that time they weren't very specific, we didn't have any information. I did tell her I was trying to obtain the report and at the current time it looked like the guardian ad litem was going to hand it over to me, and she said get whatever you can and turn it over to whatever -- whoever it needs to be turned over to get an investigation.

Q. Very well.

A. The next day I met with Senator Chambers with Burrell Williams and we met with Senator Chambers really out of courtesy and because we work very closely

with him. We did not release any confidential information. We told him that allegations have been made of a very serious nature and he said do whatever you have to to pursue these. And so those two meetings were pretty significant in the things that followed.

Q. Go ahead.

A. Okay. So this information -- Burrell decided to turn it over immediately. We put the letter together, made copies, and Dennis met with a representative from the attorney general's office and said -- you know, he'll be talking to you and providing testimony to you about that. So I don't know where you would like me to go from.

Q. Why don't you skip over the things that Dennis did, but keep following through on a chronological basis, but again, mention when Dennis -- or Dennis Carlson and Burrell Williams did something, just state it on such and such date, they did this and then go into your next activity.

A. Okay. We were also told something very significant by Kirstin in the last contact she made with us that Investigator Chris Carmean of the Omaha Police Department had been at Richard Young interviewing a child -- one of the -- one of the youths who made allegations against Larry King. And Dennis

contacted Mr. Carmean to turn over the information to him.

According to his notes, 7-21-88 was when he met with the assistant attorney general, Bill Howland. So the contacts were made very rapidly with both the Omaha Police Department and the attorney general's office.

After that point, Dennis made numerous contacts with law enforcement -- and again, this summary will be provided to you and he'll go into detail with you about it -- but he went with Officer Carmean and Mike Hoch, and that's H-o-c-h, of the Omaha Police Department on July 25th. He also met with the general investigator, Tom Vlahoulis. This goes back to an earlier question that Mr. Van Pelt asked of me.

The way we divided up duties, essentially I took information of people calling and Dennis met with law enforcement people. He was in Lincoln, he had quick access to the reports. Burrell at a very early time, particularly with this report, was able to -- he knew some of the things that had happened in the community and he knew that many of the things that these kids reported were true. So that's a very critical piece of information for you to understand because with his knowledge and information he brought

to us, he lent immediate credence to what other people were really trying to brush off in total.

Q. When you say this report, what report were you referring to?

A. This is the report compiled by Julie Walters at Boys Town.

Q. That's Exhibit 1?

A. Yes, Exhibit 1.

Q. Go ahead.

A. Then Dennis made the contact with law enforcement and fortunately documented those thoroughly and that's something you will see.

I received a call in September -- 21st, I guess, 1988. Actually Dennis might have received the call. Anyway, one -- the girl who was in Richard Young who is ready to open up about the cult activities that she had been involved with, and they were trying to get someone from the Omaha Police Department to go back and interview the girl. The girl was interviewed once and under oath this summer at the public hearing held by the Franklin Committee, Officer Carmean said he did find her credible, okay?

Shortly after that time or sometime after that time, I don't know if it was shortly after, he was transferred to another department and no one ever went

back out to interview the girl. Well, once she was opening up and was in the hospital -- now, this girl was talking about homicides -- and keep in mind she was in a hospital, this wasn't somebody that they had to go to another state and find, I mean she was in a hospital in Omaha, Nebraska, and no one went back to reinterview her.

So that was really a tremendous concern to us. Then on the 11th --

Q. Let me interrupt for a minute. We have had a lot of testimony about a lot of these people. Of course, these proceedings are secret and confidential. Could you tell the grand jury if you know the name of the young lady that we are talking about who was hospitalized at Richard Young?

A. Her name is Shawneta Moore. One thing that I would like to do and I was going to do this when I started, essentially I'm talking about the first group of victims or alleged victims that came forward.

The one set of kids -- the first kids I heard about were the Washington Webb children. They were in the Webb group home in Washington County, okay?

The second girl was hospitalized in Richard Young and earlier she had been at Utahalee. So this girl at one point, I thought, they were two different

kids, but in fact, it was one child, okay, when I got the calls because people didn't get her name. So the first group is the larger -- actually two sibling groups, the names I read to you and the second girl is one girl.

None of the first children were ever in a psychiatric hospital, the kids in the Washington Webb group home, although that's been misreported, they never were, okay, according to our records.

Q. Very well. Thank you.

A. All right. So the contacts that were made -- Dennis continued to contact law enforcement, and another important thing that I didn't say and I should back up, when we turned over the first letter to the attorney general, I had identified who contacted me, the day they contacted me and their telephone number, right? Then when we turned over the information, I called these people and said, "Don't be surprised if you hear from the attorney general." This is what the executive board decision was and we turned the information over.

Well, these people were calling me back saying, "I haven't heard from anybody." And Richard Young was calling me -- they called me -- I have to check the dates, I believe through September to

November of '88, tried to get someone to come back out there and interview Shawneta. I mean, nobody did anything. That's the way it looked to us based upon the telephone calls that we received. So I would call Dennis, then Dennis would call the authorities and say, "Is anybody investigating the allegations?" And he was assured that they were being investigated.

Q. That's fine.

A. I'm looking -- We received a request to review Shawneta's case. The Richard Young Hospital -- Shawneta Moore was not in their care at that time, all right? She was taken as a, like, a private patient. She wasn't at that time under state's care.

We were contacted by the hospital and they asked that we review Shawneta's case. Now, the exact sequence of these telephone calls, I think I can locate that information for you.

Q. Would it have been approximately November of 1988?

A. I think actually it was a little bit before then, maybe a month, but that's the approximate date I have, okay?

Q. That's fine.

A. If I can proceed.

Q. Go ahead.

A. Okay. Anyway, the purpose of the calls -- I think I can find it here.

On 10-12-88, there's a note that they attempted to reach the foster care review board. They had asked us, the foster care review board, if you go back through the process to review Shawneta's case to see if there was any way possible that we could help them with aftercare because the county attorney's office had refused to file on Shawneta and there were some people who were working with Shawneta that were concerned about her safety. And she had met -- She was in the hospital for their maximum amount of care, I believe, either it's under Medicaid. So they were needing to get her placed in some type of place, all right?

Now, if you go back through our process when we review cases, we go through the child's file. And in looking at her file, it was were the alleged cult activities, the alleged homicides had occurred. Now, also the number of contacts that they had tried to get someone to come back out to reinterview her for this information.

The MSW, Andrienne Hardt, her foster care worker, I had asked her in one of our phone calls, "Do you believe these allegations?" And she said, "We do."

Now, I never interviewed Shawneta, I can't respond to that at all. I can tell you that there are specific pieces of information in her file. We also have copies for you. So I sent the supervisor in the Omaha area to review her file because we did not share this information with all of the staff or all of the board members. We really didn't know how to proceed. We had no idea what we would find in the file. This way I'm a little out of sequence because after we saw this information, I asked the MSW if she believed Andrienne Hardt, okay?

Carol Krueger brought this file to Dennis, Burrell and I to review. We were just going to run it through the normal process and Carol Krueger called me and said, "I really don't think -- there's so much information in here, I really think that in the context of this whole case we needed to look at this with the executive board." That's how we proceeded.

Q. Let's stop right there for a minute, Carol. At an earlier time you sent us some material, I think you gave us probably the same thing you're talking about, but I just want to make sure if you could look --

A. Do you have the cover sheet?

Q. No, I don't. I do have the nurse's notes.

What is the next one, doctor's orders?

A. Review, and then the utilization review, and then the nursing notes.

Q. I think --

A. You should have also the cover sheet.

Q. I also have at the end --

A. A letter from Kay Schilling?

Q. That's all right. As long as we can have that, I think what is in your hand is a more complete set, so I think we'll use that. You can still keep it to refer to. I want to mark it right now though.

A. All right.

MR. VAN PELT: Could you mark that as Exhibit 5?

(Grand Jury Exhibit 5 was marked for identification)

Q. (By Mr. Van Pelt) Carol, you have been testifying about obtaining Shawneta's file, and would you look at Exhibit 5 and tell the grand jury if that is the collection of material that you were referring to when you speak of Shawneta's file (indicating)?

A. Yes, this is the information that was obtained from Richard Young.

Q. I appreciate that. You may continue.

A. Okay. November 21st we called -- I called an

executive board meeting to immediately review what Carol Krueger, our supervisor, put together. Burrell and Dennis said that the information -- we needed to turn over the information immediately to the attorney general. We compiled a letter and mailed it -- or delivered it the next day, and said, "Pursuant to what we perceive is our statutory duty, the state foster care review board is reporting to you additional information regarding Lawrence King. As you will recall, on July 20, 1988 we wrote to you regarding our concerns about Mr. King." And we said, "Please find enclosed nursing observation notes from Richard Young Memorial Hospital concerning Shawneta Moore. Shawneta is a 15-year-old patient at Richard Young who has made serious allegations regarding sex, murder and cult activities."

Q. If you want to, as part of relating everything, you can go through that, but I do have --

A. Okay.

Q. -- a copy of that. I think that you have a copy there that you have prepared for us or not? If you don't, I have one that you can use.

A. Everything I have here I have made copies for you.

Q. Let's have the copy.

A. Okay (indicating).

Q. Excuse me, let's mark that as the next exhibit.

(Grand Jury Exhibit 6 was marked for identification)

Q. (By Mr. Van Pelt) Showing you what has been marked by the court reporter as Exhibit 6, is that the letter that you referred to and were reading from that you sent to the attorney general in November of 1988 (indicating)?

A. Yes, that is.

MR. VAN PELT: Then I would like to offer for the record Exhibit 6, and I don't believe I stated earlier, but I wish to offer for the record Exhibit 5.

Q. (By Mr. Van Pelt) Now you can proceed.

A. There was a point last night when I was preparing this that I wanted to be sure and share this with you.

Under the nurse's notes there, there is a date, a summary date, and that date -- this is the very first page at the end of the bottom of the page. I want to read a couple of things: "On 9-24-88, Shawneta says there are more secrets. I'm sure I'm going to help. She fears her mother's rejection if she knows all what happened.

10-4-88, withdrew to room. Dark music, fetal position, she felt helpless.

10-12-88, frustrated over the time in the hospital. She wrote a poem about being homeless.

10-23-88, down, flashbacks about memories." In quotes: "Katie Marchello died in my arms. Denied anger, numb and tired.

10-30-88, wanted to get on with life, sure there will be sacrifice on Halloween." This is the kind of information that was in this report that we submitted. We felt that this information was serious enough to launch a major investigation.

Q. Did you ever see this poem that she wrote that she referred to?

A. I did not know if I read that.

Q. Do you have a copy of it?

A. I don't know if it's in here. I would have to review the file again before I answer that.

Q. You may continue.

A. Yeah. So that information was turned over, and then we began a process of trying to work with the Douglas County attorney to file a petition so Shawneta could be placed in foster care. There were reports submitted to us saying that Shawneta's mother was not able to parent her and had not been able to parent her

for some time, there was a lot of conflict at home, and her mother was an alcoholic.

I did meet with Liz Crnkovich, representing the Douglas County attorney's office, and she did not believe or did not want to file a petition, and she said it was because she had worked with Shawneta and her mother before and they were not cooperative, Shawneta was very much oppositional.

Q. Could you stop for a minute and go back and spell the name of the person you just mentioned?

A. Crnkovich? I don't know if it's in here. What I have in my letters is C-r-n-k-o-v-i-c-h.

Q. What was the first name?

A. Elizabeth.

Q. Very well.

A. Okay. This meeting -- We had talked and corresponded and made many contacts that we tried to do, and finally on February 13th, we tried to discuss an appropriate placement for Shawneta.

Q. February 13th of what year?

A. 1989.

Q. Okay. You covered quite a bit of ground. Well, from November to February, did anything else significant happen during that period or did Dennis or Mr. Williams do anything that you want to just briefly

mention?

A. I would have to go back to Dennis's notes.

Q. Well, go ahead, cover that. Go to February of the following year.

A. Okay. There was a meeting -- We had a meeting with Royce Harper from the attorney general's office. This meeting was attended by Royce, Jerry Oligmuller, Mike Rumbaugh, chief legal counsel for the department, Joe Nanfito, Cindy McConnell, all from the department of social services. Essentially they left the meeting and Ms. Crnkovich said she would not file a petition, she was also present at the meeting. I really tried to plead the case that most of the kids that we deal with are oppositional and that many children who have been abused or even neglected became very oppositional. What Ms. Crnkovich reported back to me and -- an issue here was that they were very concerned, not only about the aftercare for Shawneta, but at this time there was a lot of concern about her safety, personal safety.

Q. When was the meeting, to the best of your recollection?

A. February 21, 1989.

Q. Thank you.

A. Okay. Anyway when I tried to present that argument -- I must say that Mr. Harper had also tried

to present the argument from the attorney general's office.

One of the kind of ironies at this stage of the story is that the attorney general has the authority to file a petition also for this child, but they did not -- they were just trying to coax the Douglas County attorney to do this.

I also noted in this meeting that Adrienne Hardt worked at Richard Young as I mentioned earlier, I also contacted Ms. Crnkovich to tried to get a petition filed for Shawneta to be placed in another group or a therapeutic foster home based upon the information that had been disclosed in the hospital. I also offered my file. Ms. Crnkovich assured me that she had the file and she took the position she did not have sufficient information in the file, and again, she didn't file because the last time Shawneta was in care -- I do not have the time period for that, it was some years back -- that her mother did not cooperate -- or her mother or Shawneta did not cooperate with her.

I also submitted a psychological report or talked about a psychological report, not submitted on Shawneta from Immanuel, dated 12-16-85 which stated that Shawneta was abused by her mother and they described this abuse, and also Shawneta's mother

personally placed her because she did not care for her. And then we go back to Utahalee and the report to the court from Utahalee on 5-15-87 Shawneta was described as a child with depression, low self-esteem, authority conflict, alleged physical abuse, history of sexual assault and curfew violations.

The long and the short of the story is that neither the attorney general nor Liz Crnkovich filed a petition for Shawneta.

Q. Do you have those reports that you just referred to from Utahalee?

A. I don't think I have those reports copied, but I can get copies, but they are in the file.

Q. Okay. Go ahead.

A. So really until I testified before the legislature this summer, that was the majority of my work in trying to get things done, collecting information, providing information to Dennis, who was always working to try to get an investigation conducted.

Q. How about since the public hearing before the legislative committee this last summer, do you have any activity on this matter from that time to the present?

A. I received a phone call about another child where there was some alleged abuse, but the caller did

not name the last name of that child and we were not able to locate him.

I also worked with the investigator for the committee, he has called for information trying to get things in some kind of order, what happened when. And I also responded to senators calls and requests for information.

Q. Again, referring to the material that you furnished me earlier, I would like to have you look at two documents and tell me if these are -- these are the material that you duplicated for the grand jury, and it first indicates that it's a request for juvenile petition (indicating)?

A. Yes.

Q. Then I have another one dated December 18th, 1985, the same title, do you have that document (indicating)?

A. It looks like this one, yes (indicating).

Q. Okay. I think at some point I'm going to want to go through this. I think what I would like to do is go through what you have right there. Let's take it apart and see if some of these things that we already have.

A. Okay.

Q. And I would like to mark these as exhibits and

some of them we don't need.

A. This file is -- as I have prepared for you, the reason I prepared this file was this was exactly what we turned over, I believe, to the attorney general, and I thought that you may want to evaluate what they received and their response to that information.

Q. I think we'll do it that way, even though there may be some duplication.

With that statement, I think that is helpful.

A. Okay.

MR. VAN PELT: Let's just mark this Exhibit 7.

(Grand Jury Exhibit 7 was marked for identification)

Q. (By Mr. Van Pelt) Carol, showing you a multi-page, approximately an inch-thick package of material, could you again state for the record what that is (indicating)?

A. This was from the correspondence with DSS, A through H, a copy of the information that we turned over to the attorney general.

Q. And what date did you do that?

A. This would have been -- the information --

Q. Did Dennis do it in July of '88?

A. Yes, yes. This was the information that

Dennis Carlson turned over to the attorney general July of '88.

Q. That's fine.

A. I want to make sure -- Well, also this information, for the record, is information that we turned over to the attorney general regarding Shawneta Moore, and a letter to Senator Chambers, as well as a written reply to a question from Senator Chambers.

Q. Thank you.

MR. VAN PELT: For the record, I'm going to offer and identify Exhibit 7.

THE WITNESS: Mr. Van Pelt, I would like to hang on to that for the next portion of my testimony.

Q. (By Mr. Van Pelt) That's fine.

A. I do have a couple of summary points I would like to make.

Q. Go ahead, that's fine.

A. I pulled information for you as grand jurors to show you how cases are processed in the juvenile court system so you could look at that yourself. This is information that we use to train our citizen review board to help them try to evaluate the process.

There's also information here, some summary statements that I worked on where I saw the system problems in this particular case.

Last night as I was looking at the case, there were some things that, once again, just jump out at you. I'm sure they will for you too, but I guess these are things I would like to underscore from where I see it.

One of the first -- and I don't -- some of the most drastic concerns that the board had is that children ran away from the Webb home on three separate incidents, and many of the children that ran away reported similar beatings. And the foster mother who took the first two boys who ran away, which would have been Kevin McChristian, who was 12, I believe -- I'm not sure about the ages when they ran away -- and Wally, she reported that the boys had walnut-size mushy bruises on their back. And the boys reported being stripped naked and beaten and talked about the different kinds of punishment that they received.

What I find and I always found extremely troublesome about this is that the first group of kids, the Webb children, had been adopted and received a special-need subsidy from the state to be adopted in the Webb home.

The McChristian children, I believe, at this time were not yet adopted. They were placed in what we call fos-a-adopt care, the adoption was in process.

What concerns me is that there was not an immediate thorough investigation by the department of social services separate from these group home parents, you know, that the children were interviewed by themselves.

One of the people who had not received much attention, and this may be a person that you would like to talk to, is Shelly Gillam, a therapist that tried to work with the Webb family and had some real difficulties with them.

So one of the issues of the local foster care review board that were raised were concerns about -- many cases of the lack of oversight of the group homes and the foster homes. I think in front of you you have a very graphic example of a home that was not -- some red flags should have been pursued by the department, okay? Remember, these were three separate incidents where reports were made by these children to authorities, okay?

Another thing that I would like to refer to that's been very -- I think very frustrating for me are some news reports. The first one I just have down is December, '88, I don't have the exact date, this is from the World-Herald. One of the comments made by the attorney general's office by the attorney general himself, this was in December, we turned our

information over in July, remember, and people are calling me saying nobody has been interviewed, but he's part of the promptness and thoroughness of his office, the state patrol and the Douglas County attorney's office. I will read the quote exactly. "We have not sat on anything, attorney general, Robert Spire, said Monday night. We received some very sensitive information and we acted on them immediately. I'm proud of the promptness and the thoroughness my office, the state patrol and Douglas County attorney's office has shown." What I would like to do is refer to the attorney -- excuse me, the grand jury to is the transcript of the public hearing and have you evaluate how quickly the attorney general's office responded to the information.

The other quote that I have underlined is the police division -- this is by Bob Wadman -- Robert Wadman, the police chief, the police division received some information and investigated as far as they could and it did not result in any substantive charges or information.

There are other articles that I really feel I need to comment on and it is an editorial by the World-Herald, July 23rd, 1989. In here they're saying the new course of legislative hearings make sense in

the Franklin Credit probe. This particular paragraph is troubling. It's about the credibility of some of the child abuse rumors, has for some time, been in doubt. One child who has been under psychiatric care is said to believe that she saw George Bush at one of King's parties. This is the same person whose story of a severed head was looked into. No details could be verified. I would like to tell you that the child who alleged she saw George Bush at one of these parties was never in a psychiatric hospital, nor has she ever, to my knowledge, for my records ever talked about cult activities.

I also know from one of the reporters that the attorney general -- or that the World-Herald had this report. This is either, you know, a direct attempt to discredit the children. It was certainly a misrepresentation of the facts.

The other thing I would like to point out about the girl who went to Washington, D.C., one of the most frustrating things for us as a board is that when the Franklin Credit Union fell, I believe that date was November 4th, many of the things I talked about in here appeared from just the -- the very brief information we had to kind of corroborate -- the one girl talks about being taken to Washington, D.C. for parties, and that

there was very elaborate security. When we found out that Larry King, through the credit union, lived on Embassy Row, you know, but to our knowledge none of these things had been followed up on.

The girl also talked about being removed from school -- taken out of school, and asked people to check the school records. But again, if you look at the transcripts, that didn't appear to ever take place.

The other -- The only other thing I do not have the article directly, but I have heard on television that Ron Staskiewicz of the Douglas County attorney's office, no one ever approached him about any of these kids. I have documentation that we did approach him trying to get protection for Shawneta, trying to get a petition filed for her, and they did have information from the Richard Young Hospital. So that's all, I guess, a matter of our record.

Q. Do you have documentation other than what you have already given us or is that something else?

A. I have a letter -- I think Ron Staskiewicz, Mr. Van Pelt, received a copy of the letter sent to Robert Spire, February 21st, outlining our concerns for Shawneta.

Q. Very well.

A. Okay. The last thing I would like to make is

that the police chief also, in reviewing in these articles, said that there was not enough information to investigate. Again, the kids talked about being taken from school. Was their attendance checked? I don't know -- there were other boys mentioned from Boys Town, kids identified from Boys Town, and the allegations included homicides. Again, under oath, Chris Carmean -- Officer Carmean testified that the children were credible. And those were things that I find probably the most troubling as I try to summarize my concerns to you.

Q. Okay. I would like to go back and just -- a couple of housekeeping matters. You received some sort of a document on how cases progress?

A. Yes.

MR. VAN PELT: I would like to mark that as Exhibit 8.

(Grand Jury Exhibit 8 was marked for identification)

Q. (By Mr. Van Pelt) Handing you a collection of the materials that has been marked as Exhibit 8 and clipped together, would you again tell us what those are (indicating)?

A. This is just how juvenile court cases are processed through the court system. It explains both

where the child is an offender and where a parent has been severely defective, how a child comes into this system and what follows. I thought this was helpful because sometimes I get bogged down in the legal lingo, so you have that in front of you.

Q. Looking at this, it appears that it is really one sheet and the remainder are copies, is that correct?

A. Yes.

Q. That's fine. I'll give these to the jurors.

Then the next thing you refer to, you refer to some newspaper articles, let's talk about those.

A. Yes.

Q. That is the World-Herald?

A. Uh-huh.

Q. The newspaper articles, they follow the editorial -- excuse me, they do not.

MR. VAN PELT: Mark these as Exhibits 9 and 10, 11, in that order.

(Grand Jury Exhibits 9, 10 and 11 were marked for identification)

Q. (By Mr. Van Pelt) All right. Again, calling your attention, first of all, to the document that has been identified as Exhibit -- marked as Exhibit 9, could you briefly tell us what that is (indicating)?

A. This is a news report regarding the attorney general's thoroughness and promptness in investigating the allegations of child abuse.

Q. And Exhibit 10 (indicating)?

A. This is an article that describes some of the abuse -- of the alleged abuse that the children suffered and also just gives a brief rundown of who did what and who turned over the information to who.

Q. Exhibit 11 (indicating)?

A. Exhibit 11 is an editorial by the Omaha World-Herald and it misrepresents information on the alleged victims.

Q. I notice there's some language underlined with the word "lie" that appears?

A. Yes, I did that.

Q. You wrote that?

A. Yes.

Q. Leave it there.

A. Yes.

Q. And then we know who did it.

A. This is one of the most -- I think one of the most different issues is watching how the victims have been dragged through the media.

Q. It now has the word "lie" with some scratch marks on top of it?

A. Yes.

MR. VAN PELT: Again, for the record, I'm offering Exhibits 8, 9, 10 and 11.

Q. (By Mr. Van Pelt) You have some other documents that you wish --

A. Yes. This is what I talked about with you (indicating).

Q. Would you go ahead and explain what that is?

A. I also made copies -- for your grand jurors. I was asked by the legislative committee last summer to put together issues identified in this case as well as some recommendations, problem areas that we see in this system. One of the things that are difficult for us, there are numerous problems in the foster care system. There are numerous problems within the child protective services system from when people make the allegations to how those calls are followed up on and if some of those cases are even followed up on, how they are screened, who does the screening, et cetera. So what I did was outline problems that we have identified -- the local boards have identified in the child protective services system, in the law enforcement system, and basically the question there is there is no way of determining if there has been a proper, thorough investigation of a complaint or report on a child due

to confidentiality. If the police or the department of social services will not do an investigation, who will, and how will anyone know if they don't? The investigation is not required by law, and we just have numerous concerns, as I think I have related.

One of the recommendations that we made around that was that independent monitoring of how the current law and policies are being implemented and how they should be done. There was a committee formed in Omaha of people concerned about this area trying to do just that.

Also, the whole problem with the county attorney, the attorney general system that we have. The county attorney may choose not to file on child sexual abuse cases. They may have very good reasons, they may not have sufficient information, there may be a number of reasons. But many times it is the lack of training, it's the lack of knowing how to work with the child victim. And being a prosecutor, particularly in rural Nebraska, is a poor long-range career choice because comparably it is very low pay. So these were some of the concerns we put together.

We also have a concern about the attorney general's office. And I guess, number one, they haven't really been equipped to pursue these kinds of

cases. They haven't been a lot of funding, nor -- I don't know if they pursued it, there's a bill in this year they were talking about it. But they also don't see it as their role to get involved in these type of cases. I think that will be helpful for you to frame some of that.

Essentially, I think, I'll let Dennis testify as to how it was handled when it was turned over is our concern.

Another thing that happens is frequently in cases, particularly in older abuse victims, that children are filed on as status offenders. They are not filed on as victims because it's much easier to prove that a child is a status offender, it's just that somebody comes up and says they don't listen, they don't go to school, that kind of thing. But to prove abuse of a child is much more difficult. So to protect the child, many times this is done. But again, the treatment of that perpetrator of that child may not follow.

Under the department of social services, I think I made this point strongly and that's the lack of oversight of foster parents and group home parents, the lack of training and screening in some cases.

And then training, we identify child abuse and

child sexual abuse training as not being provided to any foster care providers, case workers, law enforcement officials, county attorneys and judges. We recommended that that take place.

But I really can't overstate to you that we see many of the components of this breakdown occur to children all the time as we review cases. What I think is unique about this case is that there seems like wherever the system could break down, it did break down from my opinion.

MR. VAN PELT: Okay. I would like to mark this material as Exhibit 12.

(Grand Jury Exhibit 12 was marked for identification)

Q. (By Mr. Van Pelt) Again, showing you the document that has been identified as Exhibit 12, a two-page document, issues and recommendations, are these the issues and recommendations that you just explained that were submitted to the Nebraska unicameral?

A. Yes.

MR. VAN PELT: Very well, Exhibit 12 has been marked and offered for the record.

Q. (By Mr. Van Pelt) I'm going to perhaps depart and talk about logistics. Mr. Dougherty has to leave

here for another appointment and I want him to have a chance to ask some questions.

Have you covered all of the material you wish to cover?

A. Yes, I think I have covered everything.

MR. VAN PELT: Well, just before we take our recess, Terry, do you have any questions of this witness that you would like to go over?

MR. DOUGHERTY: Yes, I have a few.

EXAMINATION

BY MR. DOUGHERTY:

Q. As I understand it, the first principal involvement that you had was on or about December 30th when Pat Flocken called and reported her interaction with the Washington Webb children, is that correct?

A. Right.

Q. And at that point in time she did make statements about the complaints primarily from Lisa Washington Webb about being part of a prostitution ring or being taken to other cities and states for purposes of prostitution, is that correct?

A. It was Lisa and Tracy. That was a correction I made on the letter that I submitted.

Q. Okay. So at least by the very end of '87 and the early part of 1988, that information had come to

the foster care review board and I would assume also into the department of social services system?

A. Actually, I think that information had been investigated by the department earlier, but it is correct, that is the information that came to us.

Q. Now, you mentioned three red flags, and I'm going to take a very practical approach to a lot of my questions because we are here and are very concerned about both your criticism and recommendations, but we are also here to determine something perhaps even greater than that and that is whether or not there were actual criminal conduct involved, something that should result in indictments. And I'll reference specifically the three red flags that you talked about earlier, the fact that the case was transferred from Washington County to Douglas County and that the case was left uncovered and there was no court review for six months. Have you at any time in your dealings with the Washington Webb case developed any feel that any of those three flags took place because of some intentional misconduct on the part of someone or some desire to cover up or obstruct justice or that type of thing?

A. At one time that was -- was related to me by Ms. Flocken. She later retracted those statements, but

counsel, Kirk Naylor, and she retracted -- she had also reported to me that she felt very intimidated by Mr. Randall and that she retracted that when the investigator from the committee questioned her about that.

Q. Jerry Lowe?

A. Jerry Lowe, yeah. I'm trying to find the date. I do have a date located here that when this information was brought to the department's attention, the abuse, I have very clearly outlined and it's marked as F in the large packet, and that was February 18, 1986. There is a report of the alleged physical and sexual abuse of the children by the Webbs, not by Larry King, but a lot of information about the children. This includes physical bruises which were documented, both by the foster home and the medical doctor.

Q. Okay. Where would that information have gone into the system?

A. That information went to the county attorney requesting that a petition be filed on behalf of the children.

Q. Okay.

A. Excuse me.

Q. Go ahead.

A. A request for juvenile petition. That would

have gone to the county attorney. I believe at that time that was Pat Tripp.

Q. And that is another area that I want to talk about, but before we go to that, I want to make sure that we finished the discussion about the three red flags.

At least as of today's date, you haven't talked to anyone who is saying that somehow these red flags were the result of deliberate misconduct on the part of anybody?

A. The only person who related that information to me was Pat Flocken, and as I said, she later retracted that.

Q. Now, let's talk a little bit about the filing of the petition and the actions of the county attorney in Washington County in response to the complaints from the Webbs. I will tell you that I have for two or three years prosecuted sexual assault cases in Lancaster County --

A. Right.

Q. -- and frequently, particularly on incest cases, we would defer filing of criminal charges in the hope that counseling or some other noncriminal resolution could be obtained in those cases. My question to you is do you have any opinion as to

whether it's out of the ordinary for someone in the prosecutorial realm to defer criminal charges if they feel that they can get the kids out of the abusive situation?

A. No, not at all.

Q. That's not out of the ordinary?

A. No, that's not out of the ordinary. But these allegations, I would also like to make clear, were not just sexual abuse, they were physical. I mean, the kids were beaten, deprived of food, it was not -- My concern is not only with the county attorney's decision, my concern was with the department after hearing these allegations, left the children in the home without conducting a thorough investigation of the situation. I don't think that's fairly unusual either. I think it is unfortunate, to say the least.

Q. And the department would be the department of social services?

A. Yes.

Q. Do you know now whether or not the Webbs have any foster children or whether they have the ability to get foster children?

A. I have received a couple of phone calls reporting that the Webbs have shown up in church with children. I have called the department of social

services licensing people immediately and they say -- reported these children to be in foster care. The children were checked out and apparently they were from another state. The department is not placing children there.

Another point that I didn't make, when these kids came forward or when these kids made these allegations, the Webbs relinquished parental rights to them, which, I think, was another red flag. I mean, kids were left in their home. The first two came across and they were persistent about what had occurred to them to make this relinquishment, okay?

Q. What, you think that they may now have foster children from some other state?

A. No, it was never checked out. I wanted you to be aware that I had gotten calls, I followed this up with the different department of social services and they haven't found any children. They once found children were visiting, but I would have to refer back to my notes.

Q. But at least as far as you know, the Webbs are out of the foster and adoptive child -- this is a poor term, but business?

A. Right, but I -- but that's probably accurate in this case.

Q. Okay.

A. Could I make one other point here?

Q. Certainly.

A. Another thing that was sort of troubling to me, at least the two girls that ran away, I believe, Tracy and Lisa, and the younger girl, Tasha, was in the home, both of them expressed deep concerns for Tasha. At one time the two younger ones, I believe Tasha and Robert, were removed from the Webb home under the investigation and then they were placed back after all these other children had been removed. I believe that placement was six months, but I would need to double check it with my records.

Q. Okay. Do you have any evidence to believe that any of the actions of the Washington County attorney's office or the department of social services or anyone else were the results of political pressure or influence by Larry King or anyone else?

A. Any evidence?

Q. Uh-huh.

A. No.

Q. Do you have some thoughts on that as to whether it was a result of influence or politics or connections or whatever?

A. I can tell you from the first call I received

from Pat Flocken and people who called me afterwards appeared fearful and anxious when they talked about this. Then the day I picked up the report, Ms. Flocken was very anxious, very jumpy, very nervous. And it's hard to say -- You know, as I said before, in many cases the system doesn't function very well for the kids. If you look at it from the child's perspective, you can always get legal arguments, you can always get, you know -- hear about why certain things happen. But I think the fact that these kids suffered this abuse and didn't even have a case worker is of concern. You know, they are placed in the department of social services, but nobody was overseeing their case getting there -- getting them help.

Q. This is a very small point, but you testified that Investigator Tooley had administered a polygraph. It's been represented to me outside of this grand jury room, in fact, it was someone else from the state patrol who did the actual testing, do you know --

A. I have a report here from her.

Q. And that report is in evidence, is that correct?

A. Yes.

Q. Well, it's not a big point. But we do have, at least, her report on the results of the polygraph

test?

MR. VAN PELT: Is that in evidence? I'm not sure it was.

THE WITNESS: It's in the packet that you will -- I'm going to submit.

Q. (By Mr. Dougherty) It's marked as an exhibit.

A. Yes. I think it's under -- I would like to be right because --

MR. VAN PELT: We'll be taking a break before the grand jurors ask you questions, but I would like to have you do that, go through not only that exhibit which, I believe, was all of the materials --

THE WITNESS: Oh, yes, I'm sorry, it is Exhibit 7 to answer that question.

It's under the division of investigative services.

This is the report from the interviewer of Tracy Webb. I might have -- I think I might have been in error because Tooley's name had been given to me by Pat Flocken about the credibility in which she was telling me whether she believed these kids' stories.

Q. (By Mr. Dougherty) Now, with respect to Chris Carmean from the Omaha Police Department, I just want to make sure, you have not personally had any conferences or meetings with him, is that correct?

A. No, Dennis met with Mr. Carmean.

Q. With respect to Shawneta Moore, you have had no interviews or contact with her, is that correct?

A. I met Shawneta Moore at Kathleen Sorenson's funeral, but I did not interview her or speak with her. The information that I had are interviews that -- are reports conducted by the Richard Young's staff and the summary by my own staff.

Q. Again, those reports are marked and admitted into evidence as a result of your testimony, is that correct?

A. Yes, yes.

Q. I assume then that any information that your board has as to the identity, for example, of any of these perpetrators or participants in any of these cult activities to the extent your board has that information would be included in the exhibits that are marked and received?

A. Yes. There's one point that I didn't make that I think is critically important that also send out concerns or made us even more concerned.

There was one perpetrator in the first report -- actually the report from Boys Town, and he was again mentioned in Shawneta's information, and that was a Mr. Finch besides Larry King's name being made. We thought

that that should have been followed up. It was reported that -- There were no specifics given.

Q. Is that Deward Finch?

A. Yes.

Q. Is it your understanding as a result of reviewing the files or information that you have received that somehow Larry King is involved in this cult activity?

A. Yes.

Q. And that he had some type of sexual contact or was involved in, perhaps, allowing other sexual contact with Shawneta Moore?

A. The girls never reported sexual contact with King themselves, that is, they were provided by him.

Q. Well, I understand --

A. It's even more vague than that, Shawneta's report is not that clear.

Q. I understand there are reports from the Washington Webb girls, but what I'm specifically referring to is Shawneta Moore. Did you have information to indicate that Larry King, either had sexual contact or was involved in providing her for others to have sexual contact?

A. He did not have sexual contact with her, nor do I believe in this report she was provided -- or had

-- was providing her. He mentioned her that she reported that he was at some of the cult activities, but not that he provided her, like in the Washington Webb girls' report.

Q. Now, you stated after your testimony in front of the legislature in December of 1989 that you received a telephone call about another minor child who may have been abused, but you got only the first name?

A. Yes.

Q. What is the first name?

A. Todd.

Q. You have no other information besides that?

A. The only other information that he lived with Larry King for some time and this boy also reported cult activities. And I had other information that this person believed that he had been at the Omaha Home for Boys at one time and possibly was in the ENCOR system, and we looked for every -- every Todd we could find in Omaha to try to track him, but we were not able to.

Q. I understand that you have some complaints about some of the short comings of the attorney general's office. Again, getting back to the point I brought up earlier, do you have any feeling or do you have any evidence or anything like that that inaction or inaction on the part of the attorney general's

office was part of some actual cover-up or obstruction of justice or was it lackness or neglect or overwork or do you know?

A. How would you define obstruction of justice?

Q. I suppose if you deliberately tried to bury evidence or -- I mean, something deliberate. I would compare it with neglect where if something came in and gee, I'm busy today, I won't do it today and pretty soon today turns into tomorrow and then it turns into next month and then it turns into six months and I still got it there and I need to look at it, but gee, I just haven't gotten around to it. In a situation like that, I would characterize that as neglect.

On the other hand, if I actually was consciously avoiding looking into it because either I was worried about Larry King or anybody else, then I think you would get away from neglect and get into, well, I'm afraid to do this or I'm deliberately covering up things, that type of thing.

A. To answer that question, I work for the attorney general on serious cases that the board was extremely concerned about the well being of kids. I believe it's a role issue. I don't believe they see it as their role regardless of the seriousness of the allegations or who brings it up or who has the

statutory authority. I also believe they're not staffed where negligence may come in. You may argue differently, but when we met Mr. Howland in November, I believe it was November 20th, I can check that date specifically, it was my distinct impression that the reports that we turned over in July had not been read by Mr. Howland. That's why I made the point of the cover letter in saying that I wrote the peoples' names down, their phone numbers, when they contacted me, and what they reported to me as the best I could reconstruct things, and he wanted to know who was this name and how did they say this. What he testified to the legislature was that was an investigative style that he used with us. So that's how I characterize it. I don't think it's obstruction of justice.

Q. I guess I'm curious when you say you don't think it's their role, who do they -- in your opinion, who do they think it is?

A. The local authorities.

Q. Okay.

A. And even when we told the local authorities about it, they don't want to get along with these guys, don't want to work with them, that's their approach.

Q. Do you know whether the Douglas County attorney's office ever filed proceedings to have

Shawneta Moore involuntarily committed to Richard Young?

A. Yes.

Q. They did at some point?

A. They did, yes. They did that, I think, immediately after her discharge, but I don't have all of my notes on that. Although, I do know when I talked to Senator Chambers they misrepresented information that they had -- that they had said they had received from me. And they had put in the petition that there was concern about drugs and abuse. I mean, I need to look at all the documents to be clear. We were not trying to get her placed back in a psychiatric hospital, we were trying to get her placed in a -- what she wanted was a home. She kept on telling me that she wanted a home and that's what we were trying to get lined up for her.

Q. So I'm clear about my dates because we are struggling here to keep everything in proper sequence, you talked about the meeting on February 21st of 1989 with the representatives from DSS and the attorney general's office and the deputy Douglas County attorney; do you know when the filing of the petition for involuntary commitment -- when that would have been in relation to that meeting?

A. I believe that was in November of '88, but I would have to -- I really would need to look at my information on that.

Q. What information do you need to look at in order --

A. I don't have my notes about when I received the call. I remember that I was in Arizona for a meeting and I got a call there that this was taking place, but I -- I don't have that information with me. I don't want to go on the record with it.

Q. Something you would have to go to and sort out outside this building to get that?

A. Yes, yes.

Q. But as best you recollect now, Shawneta had completed some time at Richard Young, got out and then was involuntarily committed back to Richard Young by the county attorney here in Douglas County?

A. Right.

Q. And then when it got to be time for her to get some follow-up placement, that's when they were unwilling to cooperate?

A. To file, right.

Q. Okay.

MR. DOUGHERTY: I think that's all the questions I have.

MR. VAN PELT: Let's take a ten-minute break and when we come back with this witness, you can ask any questions and we'll go from there.

(A recess was taken at 3:12 p.m.)

MR. VAN PELT: We will proceed again with the examination of this witness by the grand jurors. The foreman may commence.

EXAMINATION

BY JUROR 11:

Q. Thank you, Carol. A very thorough testimony. When we talked we made you an honorary member of the grand jury.

You talked about Pat Flocken was jumpy and nervous. What's your opinion of her involvement in the case and primarily her abilities in handling this type of a situation of this intensity?

A. Well, you know, it's hard for me to answer that because I never worked with anyone else in her role with a case like this. I can just tell you that she seemed very genuinely concerned about these children and concerned even that the older kids still weren't getting treatment, you know, even if there wasn't anything that could be done around the prosecution. One thing she was concerned about is that this may be occurring to other children, and secondly,

were the kids getting the kind of help that they needed.

I don't think that I can make any comments on her because she was one of the few people who came forward. As I say, she did later say that she did not know who represented Larry King and she was not intimidated. But my impression was she was quite intimidated.

There appears to be a number of questions about the county attorney's office and how they conducted themselves.

Q. That's who she was involved with?

A. She was a guardian ad litem at the time, now she's the deputy county attorney. My concerns go back to when Pat Tripp was the county attorney. That may be something that you are going to be in a position to have a lot of information that I don't have. I have some concerns, but I'm not sure what their -- you know, how they -- how it ties back to different pieces of information.

Q. Okay. A lot of kids in one house like nine or -- I forget the number, but I think at one point there is roughly nine, isn't that a lot of minors under one roof?

A. A foster home right now can have nine children

at a maximum, which is an awful lot. I'm sure at some point you are going to be getting information or a feel for some of the problems that this presents.

One of the things you need to keep in mind that because these kids are in the system, for the vast majority of them, they present a lot of problems. Taking care of a child who has been neglected, has been deprived, abused is very difficult. We have concerns about the number of kids in a home, but this was a lot.

The maximum in a group home is 12. A group home is supposed to have certain types of supervision, other adults help, but it is a concern.

Q. But that was not breaking the law or anything?

A. No, nine is the maximum right now for licensing standards.

Q. You made the statement that Shawneta said, "Katie Marchello died in my arms."

A. Uh-huh.

Q. Who's that?

A. Katie -- Shawneta alleges that Katie was killed in cult activities. We tried to follow up on a death certificate. It's not beyond the realm of possibility that some of these kids could not have birth certificates. We tried to find a birth certificate on Katie, however, we don't know if she's

from Nebraska and we don't know how thoroughly that was ever investigated. But it was certainly one of the things that alarmed us tremendously.

Q. Like she was a baby?

A. I believe she alleged and really -- I don't know this in detail, I think she said Katie was around eight. She also describes a child pleaded for his life during a cult activity in detail.

Q. The individual called Crnkovich?

A. Crnkovich.

Q. She would not file a petition or request for a guardian petition, she was against filing it?

A. Yes.

Q. And she did not file it?

A. Did not file. That was the petition I was questioned about for a two-week stay in Richard Young. We were trying to get a petition. Again, on your list you will see that she was found neglected by no fault of her parents so she could get into this system and get placed and get some ongoing help. That was a real concern of the hospital's that she had ongoing therapy.

Q. Okay. On the three points that you were talking about, you were saying that the children ran away and still nothing was really looked into and they reported beatings in the Boys Town report, whatever

name the Boys Town report is and the World-Herald thing and still things continued on business as normal. Why do you think that?

A. Well, let me clarify a couple of things. Where information is laid out the most clearly about the kids running away was that petition written by the case worker. So those are two different reports.

The information also in the Boys Town reports corroborates that it was the same -- it was three months later that the kids reported the same types of things happening to them. It is hard for me to know why the Omaha police reacted the way that they did and the local authorities with the amount of information they had.

My concern about the articles that I brought to your attention were those of a clear misrepresentation of the facts to the public. There was not, in my professional opinion, a thorough investigation when you don't call the victims and you don't call the people that identified the victims. That's not a thorough, prompt investigation. I'm not convinced that information was purposefully misrepresented.

Q. On the newspaper story and particularly the World-Herald editorial where they said that Shawneta

had allegedly seen George Bush and they were kind of poo-pooing that or telling -- saying that, for example, look how bizarre this is --

A. Right.

Q. But you're still saying that would not be all that out of the question?

A. No. This girl was taken with Larry King to the 1984 republican convention when he sang the national anthem. She also reported being taken to parties at Washington. It was clear that Larry King had high visibility in the republican party. I mean, it was reported that he had pictures taken with Ronald Reagan, George Bush. But this was -- First of all, they misrepresented the child. They said that the child was at a psychiatric hospital. That was not true. Lisa was not in a psychiatric hospital. Lisa Washington Webb, she's the girl that identified, not Shawneta. I mean, you know, the girl was there, she described Washington, other people saw her there, but it was just presented like look how off the wall this kid is.

Q. The last one I had -- as your Exhibit 12, which, I guess, is called the issues and recommendations, I see that you offer the suggestions and also some viable solutions from your point of view?

A. Right. I worked with a couple of other people on that.

JUROR 11: Thank you, Judge. That's all I have.

MR. VAN PELT: Number 1.

EXAMINATION

BY JUROR 1:

Q. Did Tracy Washington Webb ever go to Washington with Lisa?

A. I would have to look in my reports. I think I had one that was marked. This is by the person who wrote the report. I asked a lot of questions. Kirstin asked some and Kathleen asked several. Lisa did most of the talking because she had more direct involvement in some areas regarding trips with Larry King than Tracy had. Lisa appeared tired and somewhat withdrawn. And this is some notation, which I find interesting, that she said, I believe this is Lisa, she cooperated -- was cooperative in answering questions and insisted -- initiated some pleasantries, but basically appeared somewhat depressed and overwhelmed. She remarked towards the end of our discussion that he, Larry King, got all the power and we don't have any.

Q. That was Lisa?

A. Yes. In this report it says that Tracy had

more -- or Lisa had more contact with him. It's not to say that she didn't ever go. I remember this really as symbolic of one interview. You particularly get more information when you work with kids overtime.

JUROR 1: That's all I have.

MR. VAN PELT: Juror 2.

EXAMINATION

BY JUROR 2:

Q. The name Margaret Bitz --

A. Yes.

Q. -- was mentioned and she was at Boys Town, is that correct?

A. No, she worked at -- she works for social services. She was the person you just asked me at the end of our meeting, and I think that was May of '88, do you know about Larry King and what he has done or what has happened to our kids. I mean, it's just that kind of a remark.

Q. Did she tell you that she heard certain things about him or that she knew of some wrongdoings on his part?

A. I think she was aware. She was a friend of Kathleen Sorenson's, and I think she was aware essentially of the same information that I was. But at the time, I didn't know that. It just seemed like it

was coming from another source.

JUROR 2: Okay, that's all.

MR. VAN PELT: Four?

JUROR 4: No questions.

MR. VAN PELT: Number 5.

EXAMINATION

BY JUROR 5:

Q. Shelly Gillam, she worked with the Webbs, who did she work for at that time?

A. That is, I believe, in one of the reports. I believe she was a contracted therapist with the department of social services.

Q. Do you know if she's still there by chance?

A. I don't know. That I don't know.

Q. Okay.

A. I don't remember which report. I did see that last night and made a note of that. I also believe that what I saw was some reference to her, a report, and I wanted to be sure that, you know -- make a note of that because I have not seen that report.

JUROR 5: That's all.

MR. VAN PELT: Number 6.

JUROR 6: No questions.

MR. VAN PELT: Juror 7.

EXAMINATION

BY JUROR 7:

Q. This Katie, the eight year old that died, I know that you had a hard time trying to track down this particular child, could have been a runaway, did anyone make an attempt to check missing persons?

A. We don't know that because we are not an investigative agency. We tried within our own -- I checked our tracking system to see if Katie -- or a Katie was ever -- Katie Marchello was ever in the system. We checked with the health department to check records and birth certificates. And that was really the extent besides turning it over and underlining the allegations of homicides.

Q. Whose job would it have been to check with the missing children bureau to see if a girl by the name was --

A. The Omaha police and the attorney general and later the state patrol, the FBI. I don't know what they did. I do know that this report would have been handed over to them in November, and this was about the same time that we were finally figuring out that not much was happening in way of any investigation.

Q. That was November of '88 or '89?

A. It would have been '88, I believe. Let me look at -- I want to double check this.

Mr. Van Pelt, the letter that you took -- the letter dated November of '88 to the attorney general --

MR. VAN PELT: November 20th or 22nd of '88, that is correct.

THE WITNESS: That would have been '88.

Q. (By Juror 7) Now, if I understood you right, the attorney general's office did not act because they did not feel it was their role?

A. Right. That's my perception.

Q. The information about the abuse was that the children were physically abused. Was this substantiated by Kathleen Sorenson and do you know the doctor's name?

A. No, I just have -- again, in that report, the petition to file, that a doctor had substantiated -- The kids talked about being beaten with a railroad prop is what they called it and that he said -- he described the kind of object that would make those kinds of bruises, but the doctor's name -- I'm not sure what his name was, if it was ever given, because I did look for that last night. I found it again in the medical reports. I'm sure that could be accessed for you.

Q. Now, that information then went to Pat Tripp, the county attorney in Washington County?

A. Yes.

Q. Would it be unusual for him as the county attorney to leave the children in the home and do no thorough investigation based upon the facts that there was a substantiated beating by the physician and so forth and not just somebody imagining it?

A. Well, usually the county attorneys don't file. I mean, the county attorney usually doesn't investigate that, it's usually law enforcement or social services. I think what was unusual -- probably the most unusual thing about this case was that when the children were -- the second group of children ran away, the department did not conduct a thorough investigation of that home. You know, the county attorney -- I mean, the board was extremely upset that the kids suffered this kind of abuse and no charges were taken against the Webbs. They just relinquish whatever kids complained, and so they had lost their adoption subsidy. That really was the extent to what happened to them, and the kids were moved on.

Q. In your opinion, do you think that Patrick Tripp should have pursued allegations against the Webbs based upon that abuse that showed up?

A. Yes, I think based upon the interviews with the girls and based upon the specific kinds of information that they gave, I think certainly something

should happen with the Webbs, particularly if they make a decision to leave the other kids there.

Q. Do you have any thoughts as to why possibly he did not do anything?

A. These types of cases in counties are low priority. I am not -- I don't know if that county attorney was a full-time county attorney. In some rural areas they are not, but they don't see these cases as really worthwhile to pursuing.

Q. Patrick Tripp is not the county attorney in Washington County?

A. No.

Q. Was the fact that he was not reelected or what?

A. You know, I really don't know. I believe that he took a position, I believe, in another law firm in Omaha or something with a bank or -- I'm not sure why he left there. I don't think it had anything to do with this case. It's rare that these cases get that much attention. I mean --

JUROR 7: That's all.

MR. VAN PELT: Do you have any more questions?

JUROR 7: No.

MR. VAN PELT: Juror 8.

EXAMINATION

BY JUROR 8:

Q. Do you think there should be legislation ongoing that would change this problem, make the county attorney or somebody accountable -- solely accountable for any lax of operation?

A. Right now there is a proposal in the legislature, I believe, that is on general file which puts three expert attorneys in the attorney general's office. So if any party in this community is concerned about a case, they're mandated to investigate. And that legislation came directly from the type of concerns that we had right here. And they have to look into this situation. So, yes, but it has a long way to go in a very short time.

JUROR 8: That's all.

MR. VAN PELT: Number 9.

JUROR 9: No questions.

MR. VAN PELT: Number 10.

EXAMINATION

BY JUROR 10:

Q. Did Pat Flocken ever indicate to you that she had a lack of cooperation in the Washington County attorney from Pat Tripp but also Judge Gossett?

A. The point -- Really the point that she made to me was that the case was -- the review had stopped,

but she didn't really talk about the lack of corroberation. With Pat Tripp, she told me she believed the kids. He told her that there was a party talked about earlier on -- in the Bahamas, that the kids were flying to the Bahamas, and as I recollect, one of the girls said that she kept notes of who she was with, addresses. She read an article about how to report if you're abused. She did the things in the article. What Pat Flocken told me is that she dreamed that up. She read a romance novel and got this information out of there. But Pat never could produce that novel where she supposedly got the information. So that certainly could be described as a lack of corroboration. But it's his call whether he files or not.

JUROR 10: No questions.

MR. VAN PELT: Juror 12.

EXAMINATION

BY JUROR 12:

Q. You mentioned earlier that Shawneta had also been at Immanuel Hospital under psychiatric care?

A. There was a report from Immanuel that talked about the abuse that I quoted from when we requested that the petition be filed.

Q. Do you know when she was there?

A. I will have to check.

MR. VAN PELT: Those reports, I think, are in that Exhibit 7. We'll be able to see them.

THE WITNESS: I don't know where my letter is. The letter did -- Did you take the letter to Spire from us that would have been in February, Mr. Van Pelt?

MR. VAN PELT: I think that maybe is in one of the materials that you gave me for -- yes.

THE WITNESS: I did try to organize this information.

MR. VAN PELT: I'm not sure that that has been offered, but I'll check that out.

THE WITNESS: A psychological report from Immanuel dated 12-16-85.

JUROR 12: Will we get a chance to look at that report?

MR. VAN PELT: Yes. We can offer it now, otherwise we can save it for a later witness.

JUROR 11: No, that's fine.

MR. VAN PELT: It will come. I will promise you that that's why she gave it to me, I'm holding it.

It's the third witness that we hoped to get to today but will be here Friday afternoon.

JUROR 12: I don't have anything else.

EXAMINATION

BY JUROR 13:

Q. First, I would like to commend you for your documentation here. It has been a lot better than anything that has come across so far.

Throughout your whole ordeal you have been going on the lack of follow through by the different agencies or the investigative agencies, the attorney general, the county attorney here in Douglas County, state patrol, Washington County, whoever else was involved; in your mind is there any part you feel is more guilty of not following through than another?

A. I would say the Omaha Police Department with the information that we compiled and handed over to them because I have heard them testify about what happened. Essentially what happened was they interviewed a girl once. Their own officer testified --

Q. Didn't follow through?

A. -- they were credible and never went back.

Q. Although Richard Young Hospital was asking them to do such a thing so they could make a decision as to where she could be placed?

A. Right. As she reported these things to the house people that worked with her found her believable and they were trying to contact to get some follow up.

There was no contact made.

Q. Of all the agencies involved, you would say that the Omaha police were probably the most guilty of --

A. Not investigating.

Q. -- withholding information or not following through?

A. Not following through with it. Initially, too, the department of social services for the abuse that occurred in the Webb home and their repeated abuse after the kids ran away reported their concerns for the other children later on. It's hard to say about the state patrol and the FBI because I have never heard from them about what they did do.

I can tell you that after working with them that the officers were first interested, and then about a week or two it just was like somebody turned off the switch. You know how that --

Q. You ran into a dead end, somebody told you --

A. They cut you off after you just got a call that you thought may lead to something.

The other thing I would like to emphasize is that the foster care review board has no investigative authority at all when we review cases. We compiled this much information.

Q. All the information that you were gathering you said you sent a copy to the Omaha police and to the attorney general's office?

A. Right.

Q. Was it that one responded and the other one didn't?

A. No.

Q. Or they both didn't respond?

A. Both didn't respond.

JUROR 13: That's all the questions I have.

MR. VAN PELT: Number 14.

EXAMINATION

BY JUROR 14:

Q. Do you know where Lisa and Tracy are right now by chance?

A. Kathleen Sorenson who was killed in a car accident recently was very close to the girls and kept contact with them. I purposely did not pursue to find out where the kids were because immediately that's what people wanted to know from me. And to be very frank, we never knew who the good guys were and who the bad guys were. If we identified -- We were always concerned about the children's safety and I never pursued that and I don't know where they are and that's why I didn't.

Q. In the fall of '88 when you said that nothing was being done, do you recall precisely who Mr. Carlson called to see where the investigation was going?

A. He called Tom Vlahoulis and asked him what -- whether or not -- what we were lead to believe was that the federal people were looking at this and it was a super sensitive investigation. Mr. Carlson can report this very clearly to you. So he called the federal representative, U.S. attorney, and he just told him that they weren't investigating these allegations.

Q. Okay. And then you just stated that Liz Crnkovich reacted by not filing a petition. Do you have any idea, to go one step further, why the attorney general didn't do it?

A. Well, again, they didn't think it was their role.

Q. It was not their role?

A. They did not want to supersede the local authority. That's the terminology they used over and over.

Q. Then who was running the department of social services when those three children ran off from the Webb home at the time they were being investigated, who was it?

A. The case worker was Lori Amen, the director

was Gina Dunning of the social services under the administration of Governor Kerry.

Q. Whose responsibility is this to train foster care parents and screen them?

A. The department of social services.

Q. Who do you blame for not checking out the information that is in the newspaper, who is responsible for that?

A. For not checking out that information?

Q. Right, before it was --

A. Printed?

Well, Bob Spire -- I mean, I guess -- I guess the legislative hearing made it crystal clear that the attorney general's office didn't do much, transfer but referred you to.

Q. Uh-huh.

A. So that had not occurred yet, but certainly I think some questions -- pointed questions could have been asked by the reporters, how many people had been contacted without releasing their confidential information.

I was told back to the -- in the article in the Omaha World-Herald that Wadman and Harold Anderson would rewrite stories, and I believe that that was a purposeful way of discrediting these children because

that the reports I have, you can certainly draw different conclusions as well as the history, you know, repeating that the girls had been in Washington, D.C., they had been at the republican national convention. It was just reported that it was beyond bizarre, you know.

JUROR 14: Thank you.

JUROR 15: No questions.

MR. VAN PELT: 16.

JUROR 16: Just one.

EXAMINATION

BY JUROR 16:

Q. When you said that Pat Flocken retracted her story, do you feel that was forced?

A. I don't know, but I did include it in the packet where the committee's attorney presented the scenario where I could have been charged with perjury for reporting that. So I don't know, I have never been able to figure that out, what happened to make that occur. I do have documentation about other parts of his letters. I really don't know why that occurred.

JUROR 16: That's all I have.

MR. VAN PELT: 17.

JUROR 17: No questions.

MR. VAN PELT: 18.

JUROR 18: No questions.

MR. VAN PELT: 19.

JUROR 19: No questions.

MR. VAN PELT: I have a couple of questions.

EXAMINATION

BY MR. VAN PELT:

Q. You said that someone had told you that Wadman and Harold Anderson rewrote those stories; who told you that?

A. Jim Flannery, the reporter for the World-Herald.

Q. And who was the attorney for the -- You just made mention about your being held, I think, in contempt of perjury.

A. Perjury, right.

Q. Who was the counsel for the legislative committee that said that or that intimated that?

A. Kirk Naylor.

Another peculiar thing about that, he wrote the letter after we testified last time, the summer, and we met with him the day before. There are two points he makes in his letter, one was that Lynn Cunningham, the detective from Kansas City, that I mentioned earlier denied talking to me. I have phone records of that as well as written documentation in

order of the call. And Dennis also talked to her. He never checked that out with me, never said Carol, we appear to have a problem.

The other one was Pat Flocken said that she didn't even know who the Webb -- who Larry King's attorney was. I never even heard of Gary Randall. I had no way of coming up with that, that was in my documentation from her phone call. So that obviously was of some concern.

MR. VAN PELT: Anybody else have any other questions of this witness.

Okay. You're excused.

Why don't we take a five-minute break if you want to stretch or want to go out and smoke, but you still have Mr. Carlson here and I want to try to take care of him because he's been waiting all day long. So we'll be in recess for five minutes.

(END OF TESTIMONY)