

THE FAST LETTER

FAST, False Allegations Solutions Team
A newsletter about false allegations of child sex abuse

ETHICS BEYOND REPROACH!

CHILDREN DO LIE ABOUT SEX ABUSE !
SO DO VINDICTIVE EX-WIVES AND GIRLFRIENDS !

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"No one with a day's experience in government fails to realize that in all bureaucracies there are three implacable spirits – self-perpetuation, expansion, and an incessant demand for more power." *Herbert Hoover*

¹ Reprinted from: Besharov, Douglas J., *Reporting Child Abuse and Neglect*, Harcourt Brace Jovanovitch, 1984

Child service agencies out of control!

Elaine Lehman

The child service agencies in the United States are out of control due to very broad, vague laws governing child abuse and neglect and the reporting of child abuse and neglect. The Mondale Act (CAPTA) Child Abuse Protection and Treatment Act, 1974-1975, Senate Bill #1191, PL 93 -247 instituted these broad, vague laws. The lawmakers tied federal funding to it, and if the states wanted the federal funding, they had to institute the broad, vague laws. One by one, the states fell in line. Now, the broad, vague laws have become nothing but fundraisers for the child service agencies.

The senate created these dangerous laws in good faith, to allow caseworkers easier access into homes where children were really being abused. However, as a result, the agencies have too much power, and caseworkers and empire builders at the top levels manipulate families almost as they wish. Logic and common sense have almost disappeared from these decisions, to the point that the agency's decisions are completely backwards from what normal people would say.

Good parents are falsely accused of child abuse by a lying juvenile or vindictive ex-spouse. Their children are removed, and the adults are often charged with felonies, and sent to prison. It can take two years or more to get their children back, and sometimes, they never do. Little or nothing is done to the lying accusers if the lies are uncovered.

Caseworkers and law enforcement officials can enter your home forcibly and take your child. They often do this with no search warrants, and get away with it because the agencies are answerable to no other entity. Unless the parents file a civil suit, they have no recourse. However, most parents do not know their rights, and have no money for attorneys. All of this can happen on the strength of an anonymous telephone call. Nobody investigates the caller's possible motive.

The agencies have a hard and fast policy: **They ALWAYS believe the child, no matter what.** Add the broad, vague laws to that erroneous policy, and you have an unethical, even immoral agency with far too much power.

What is the answer? Repeal The Mondale Act, and create a new Act with clear, specific laws governing child abuse and neglect. (See Douglas J. Besharov's list of proposed laws, in this newsletter.)

REPEAL THE MONDALE ACT!

Federal action urged to protect rights of parents accused of child abuse.

Douglas J. Besharov
With comments by Elaine Lehman

Press release from Mr. Douglas J. Besharov, March 3, 1987.

This press release is as pertinent today as it was when it was written in 1987. He submitted this press release in 1990 to our former newsletter, ANSWERS, when we were operating our Break Up System's Troubles (BUST) organization in Oregon. We published it in ANSWERS, June 1, 1990.

WASHINGTON, D.C., Douglas J. Besharov, a resident scholar at the American Enterprise Institute (for Public Policy) and a former director of the National Center on Child Abuse and Neglect, today urged Congress to consider increased protection of the rights of parents accused of child abuse, in testimony before the House Select committee on Children, Youth and Families.

ELAINE: Mr. Besharov prosecuted child abuse cases in New York before becoming the first director of the US. National Center on Child Abuse and Neglect (1975-1979). It was during those years that he began to realize the extent of the damage that is being done by the child abuse laws that followed the Mondale Act of 1974-75. (Became U.S. law in late 1974. Was instituted into law in the states during 1975.) He worked actively for many years to get the laws changed that were instituted by The Mondale Act of 1974-75. He has written several books on the subject, numerous articles and lectures.

Mr. Besharov approved the use of his articles and ideas in "ANSWERS."

The last twenty years have seen major progress in protecting abused and neglected children, he said, and public child welfare agencies have much reason to be proud. Nevertheless, there are still major problems that threaten to undo past improvements. For example:

About 65% of all reports of child abuse are labeled "unfounded" after investigation. This is in sharp contrast to 1975, when only about 35% of all reports were unfounded.

ELAINE: In other words, the statistics reversed after the Mondale Act, which was still being instituted in the states in 1975. Since then, the statistics have remained constant. 65% of all reported cases are unfounded. That means that roughly two million innocent families are disrupted every year. Children are taken from decent, loving homes and adults are charged with crimes, and put through terrifying hearings and trials. That all happens prior to finding out that those two million cases were unfounded from the beginning. Of the one million cases initially deemed "founded," only 15% are actually deemed "founded" after investigations, hearings and trials.

More than 500,000 families are put through investigations of unfounded reports each year.

"Laws against child abuse are an implicit recognition that family privacy must give way to the need to protect helpless children," Besharov says. "But in seeking to protect children, it is all too easy for courts and social agencies to ignore the legitimate rights to parents."

Besharov says lowering the rate of unfounded reports will require:

1) Development of improved definitions and guidelines for what should not be reported.

They should call for reporting only when there is **credible evidence** that the parents have already engaged in seriously harmful behavior toward their children or that, because of severe mental disability or drug addiction, they are incapable of providing adequate care.

2) Modification of state reporting laws.

Rather than penalize the negligent failure to report while granting immunity for incorrect but good faith reports, state should limit civil liability to knowing or willful failures to report.

3) Screening of reports to hotlines for initial sufficiency.

4) More responsible use of statistics by child welfare officials.

Almost 85% of the one million maltreated children are victims of excessive corporal punishment, minor physical neglect, educational neglect, or emotional maltreatment. These are really forms of emotional or developmental harm to children that pose no physical danger.

Besharov gave the following examples of the areas in which reporting can be improved:

Anonymous reports:

Even though only about 15% of these reports are later deemed founded, all states accept anonymous reports because they sometimes identify children in serious danger who would otherwise go unprotected. This is no reason, however, to investigate anonymous reports that can cite no specific reason to suspect maltreatment. One agency accepted a report that alleged nothing more than that "there are strange noises coming from next door."

Matrimonial and custody cases:

Divorce and the acrimony that frequently follows is a fertile ground for unfounded reports. Fear of criticism –and liability – is leading agencies to accept unquestioningly reports from estranged spouses. These reports cannot be rejected out of hand, because a small proportion involve real danger to children. However, a method must be found to screen out the vast majority of obviously inappropriate reports.

"Reasonable" corporal punishment cases:

Until very recently, it as accurate to say that all states recognized the parental right to engage in "reasonable" corporal punishment. But the concern to identify children in "imminent danger" is leading many agencies to investigate reports that, on their face, amount to nothing more than what courts would recognize as reasonable corporal punishment.

ELAINE: The Mondale Act (CAPTA) calls for broad, vague laws governing child abuse. It specifically allows parents to use "Traditional, reasonable strict disciplines" (corporal punishments) However, it does not define what "reasonable" means. Therefore, nobody knows what is reasonable and what is not. Caseworkers' opinions vary widely about this, and they make the decisions. In other words, the caseworker's opinions are the de facto law of the land.

Until there are specific laws that describe what is reasonable corporal punishment, that chaotic situation will continue, and even get worse, simply because it can.

This has led to an extremely dangerous situation in the country. Adults are afraid of using discipline with children. I believe that is the real, underlying cause of our out-of-control youth and our failing schools.

Behavioral indicators:

There is a tendency to consider the so-called "behavioral indicators" of child abuse – especially of sexual abuse – on their own, without physical evidence or statements of the child or others, as sufficient reason to make a report.

ELAINE: Things are worse concerning child sex abuse, today, because the agencies now have the policy, "They always believe the child." Therefore, a child's word is now enough to wrongly convict an innocent parent or other adult, without investigating the adult's side of things. If this situation is allowed to continue, unchecked, things will inevitably continue to get worse.

Intake workers are accepting reports from teachers and others that "Mary is shy in class," or that "Mary is over friendly." Behavioral indicators alone are insufficient bases for a report. There are many other explanations for such behaviors.

Imminent danger cases:

Agencies cannot wait until a child has suffered serious injury before acting. That is why all states allow reports of "imminent danger" or "threatened harm." However, the failure to articulate the reasons for believing that a child may be in danger of future abuse encourages vague reports that agencies feel they cannot reject without an investigation.

Emotional maltreatment:

Vague definitions – one state defines emotional neglect to include "the failure to provide adequate love" – encourage reports that cannot be rejected, but that are almost invariably deemed unfounded after investigation.

ELAINE: No one can legislate love. No outsider can determine if a child is receiving "enough love." And, what about foster homes? Many foster parents do that work for the money. No foster parent can love a child with the kind of intensity that most birth parents have. This whole concept is completely invalid.

Besharov's report used to be available to the media. It might be in archives, today.

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(The previous article was excerpted from the original press release.)

Douglas Besharov's suggested list of specific, clear laws. ²

Situations suggesting the need for protective custody:

The child was severely assaulted, i.e., hit, poisoned, or burned so severely that serious injury resulted or would have resulted but for the intervention of some outside force or simply good luck. (For example, the parent threw an infant against a wall, but somehow no serious injury resulted.)

The child has been tortured systematically. (For example, the child was locked in a closet for long periods of time, forced to eat unpalatable substances, or forced to squat, stand, or perform other unreasonable acts for long periods of time.)

ELAINE: I would clearly specify what is meant by "unpalatable substances."

I would also clearly specify what is meant by "long periods of time." Twenty minutes? An hour? Three hours? What is a long time to one caseworker would be reasonable to another. This is already happening about what is "reasonable" corporal punishment.

The parent's reckless disregard for the child's safety caused serious injury –or could have done so. (For example, the parent left a very young child home alone under potentially dangerous circumstances.)

The physical condition of the home is so dangerous that it poses an immediate threat of serious injury. (For example, there is exposed electrical wiring, upper-story windows are unbarred and easily accessible to young children, or there is an extreme danger of fire.)

The child has been sexually abused or sexually exploited.

ELAINE: This needs a great deal of clarification.

The parents have purposefully or systematically withheld essential food or nourishment from the child.

The parents refuse to obtain (or consent to) medical or psychiatric care for the child needed to prevent or treat a serious injury or disease.

The parents appear to be so out of touch with reality that they cannot provide for the child's basic needs. (For example, the parents are suffering from **severe** mental illness, mental retardation, drug or alcohol abuse.)

The parents have abandoned the child. (For example, the child has been left in the custody of strangers who have neither agreed to care for the child for more than a few hours, nor know how to reach the parents.)

There is reason to suspect that the parents may flee with the child. (For example, the parents have a history of frequent moves or of hiding the child from outsiders.)

² Reprinted from: Besharov, Douglas J., *Reporting Child Abuse and Neglect*, Harcourt Brace Jovanovitch, 1984

NOTE: In any of the above situations, the younger the child, the greater the presumable need for protective custody.

Too many innocent people are in jails and prisons!

And the child service agencies played an important role.

Elaine Lehman

**FAST currently has 11 innocent members in prison
who were wrongly convicted.
Still more are in jail waiting for trials or sentencing.**

Story after story has been coming out about innocent people sent to prison, wrongly. The Justice Department estimates that about 10% of all convicted people are innocent. The FBI states on its website that since they started using DNA, they have found that 25% of all initial suspects are innocent. The Innocence Project, which is responsible for freeing over 200 people from death rows due to DNA, estimates that somewhere between 10% to 25% of all convicted people are innocent. Those numbers are horrific, and unacceptable in a civilized nation.

DNA has opened prison doors for many innocent people over the last few years. How many more are in prison in cases in which there was no DNA evidence? None of our wrongly convicted FAST members had DNA evidence, because no crime ever took place.

Why does this terrible situation exist?

1. The justice system was always based on the premise that it is better to get guilty people go, than to incarcerate one innocent person. That premise is freely disregarded, today.
2. "The Child Abuse Game," is a book written by Mary Pride. This game is about economics. Child service agency personnel, prosecuting attorneys, private and public defense attorneys, and mental and physical health professionals, foster parents, and all other associated professionals and their staffs, play "the child abuse game." They make their livings from it. Naturally, they do not really want it to stop. Let's face it! The child abuse game provides their job security.

Once you really delve into this situation, read the documentation, and talk with all concerned, you begin to realize that false allegations are more prevalent than real ones. In fact, the national statistics published by the National Child Abuse and Neglect are: 65% of all reported cases of child abuse are unfounded. However, in most cases, they don't find out that a falsely accused person is innocent until they have:

- (a) Put the accused person through the hell of having their children placed in foster homes.
- (b) Put the accused person through a terrifying trial, as well as through debilitating fear during the months and/or years, prior to the trial.

(c) Traumatized children by snatching them from loving homes – sometimes in the middle of the night- and putting them in foster homes where they are sometimes really abused or neglected.

(d) Brainwashed children against their parents. This is done to ensure that the children will cooperate at hearings and trials. Child Protective Services (CPS) mental health professionals routinely do this. Foster parents participate simply because they never hear the other side of the story. No one ever tells them that the parents might be innocent.

(e) In many counties in many states, CPS places children in group therapy for sex abuse victims PRIOR to the accused adult's trial. (We believe this practice violates the adult's rights by assuming that the child was a victim and the adult was guilty. It also damages a lying child's psyche and ensures that he or she will know the right words to use at the trial.

(f) Innocent adults are impoverished because they lost jobs and had to sell everything they owned to pay attorneys.

(g) CPS conducts little or no investigation of the adult's side of the story. Why? Because the child service agencies ALWAYS believe the child. So, from their completely unrealistic point of view, they don't think they need to investigate the adult's side. They already believe the child is telling the truth.

Does (g) surprise you? It is true. Children service agencies all over the nation have a hard and fast policy that they employ, NO MATTER WHAT! They ALWAYS believe the child. Never mind what the adults say. Never mind that there is no evidence, or the evidence clearly indicates that the child is lying. Never mind that the child might have a history of antisocial behavior and is a known liar. Never mind that an ex-wife made the report during a divorce or custody battle.

This policy is simply outrageous, and it flies in the face of human behavior in children AND adults. **Children DO lie about sex abuse.** So do vindictive adults.

Older children and teens with antisocial traits OFTEN make reports on their own. They lie about sex or physical abuse for the power of it, to get back at or get rid of an adult they dislike, to get out of their parent's or foster parent's homes because the adults are trying to stop them from drug use, dropping out of school, crime and irresponsible sex, and for the sheer excitement of it. (See [The FAST Letter](#), June, 2005, for more about juveniles with antisocial traits making false allegations of physical or sex abuse.)

Believing a lying child, no matter what, is real child abuse when the child is lying, and violates the parent's civil liberties. Most children who lie about abuse on their own are already antisocial, and believing them adds to their antisocial tendencies. How can they ever have any respect for adults, again? After all, the lying juveniles managed to manipulate everybody.

3. Many caseworkers and their supervisors lie on the stand at hearings and trials. They cover mistakes for each other and falsify records. They "lose" records. They deny parents their ordinary civil rights. They invent a case where there is none to justify having taken children or had parents arrested, wrongly. Parents routinely find statements of events in their documentation that never happened. There is no room in this article for all of the illegal and unethical things they do. Caseworkers who start out honest either learn to play the game or they quit or are fired. (See [The FAST Letter](#), February, 2006, for more information.)

4. Grand Juries used to be the "shield of the people." Now, Grand Juries are the "swords of the prosecutors." This is too big a topic to cover in this article. Too many prosecutors will do just about anything to get an indictment from a Grand Jury.

5. Too many prosecutors do not have any personal ethics or integrity about justice or doing the right and honest thing. They only care about winning and/or making a name for themselves. They lie and pull every kind of illegal or unethical dirty trick possible to win a case. Attorneys hired as prosecutors learn to play the game, or they quit or are fired.

6. Police are pressured to make arrests in child abuse cases. Some are corrupt, and will falsify or conceal evidence or coerce an accused person to confess against his or her will. They sometimes abuse a suspect, are prejudiced against minorities, and much more, such as dealing drugs or stealing available money, themselves.

I hesitated including the police in this, because we know that many cops in many areas are honest, dedicated people who are working hard and doing a good job under difficult circumstances. We know copes and sheriffs who agree with everything we are saying, and do not like to go along with a caseworker on a child abuse report, because they know what can happen. We need those good police officers out there, fighting real crime. However, too many police, and even entire police departments, are corrupt. They are themselves, antisocial criminals. We are referring, above, ONLY to corrupt police and police departments.

Hurray for good cops and police departments!!

I wish I could say the same for caseworkers, but unfortunately, "good" caseworkers who are reasonable and have common sense do last in the child service agencies under The Mondale Act.

A national pattern within Child Protective Services (CPS)

Elaine Lehman

Child service agency caseworkers are all too often uncaring, cold, grim-faced, and judgmental. They treat parents as if they were criminals before any investigation or trial. What's worse, they are into their own power. They zero in on families that cannot afford an attorney, and tend to ignore those families who can.

There is a national pattern (and the lawsuits are stacking up!)

1. Caseworkers are quick to take children or have parents arrested in false allegation cases, or in cases where parents used some form of reasonable corporal punishment. Reasonable corporal punishment is legal under The Mondale Act in all states. However, because of the broad, vague laws governing child abuse and neglect in The Mondale Act, caseworkers often ignore the law, and agencies have made up their own regulations that do not fall within the laws. (See [**The FAST Letter**](#), February, 2006.)

2. Caseworkers often ignore truly abused children, even after repeated reports of abuse or neglect.

3. Caseworkers put truly abused children back in their homes too soon, where they sometimes die.

Why does this pattern exist?

Elaine Lehman

The pattern exists because of The Mondale Act of 1974-1975. (CAPTA, Child Abuse Prevention and Treatment Act, Senate Bill #1191, PL 93-247)

The Mondale Act called for the states to institute broad, vague child abuse laws, and tied federal funding to each case and each foster home. (Currently, there is also a law that allows the child service agencies enormous funding for each adoption.)

The Mondale Act also gave ill-trained, under educated caseworkers too much power, with little idea of how to recognize child abuse.³

Gradually, caseworkers and the agencies began treating normal, legal corporal punishment as if it were child abuse.

Gradually, police and caseworkers are began arresting parents for a slap, a push or a shove, calling it "domestic assault," instead of what it is- corporal punishment. Never mind if the juvenile was antisocial, stronger than the parent, and out of control. Nothing is done to the juvenile, and the parent is arrested, charged, and usually convicted of domestic assault.

The broad, vague laws in The Mondale Act gave child service agencies too much power.

Caseworkers no longer know how to identify REAL abuse.

The child service agencies have adopted their firm policy: They ALWAYS believe the child about sex abuse.

What are the solutions?

Elaine Lehman

1. Listen to the accused. When a person is falsely accused of a crime, and there is no real exculpatory evidence, no credible witnesses, and the person says he is innocent, police and prosecutors MUST LISTEN to his side. They must remember that he is innocent until PROVEN guilty.

2. Change the laws.

³ Besharov, Douglas J., *Recognizing Child Abuse, a Guide for the Concerned*. The Free Press, a Division of MacMillan, Inc., New York, 1990.

When one person accuses another of a crime with no evidence or credible witnesses, and the accused person says he is innocent, that combination should **automatically provide reasonable doubt**.

Other reasons for automatic reasonable doubt:

When common sense shows that the circumstances surrounding the allegations are improbable or even impossible.

When the juvenile changes her story from interviews to hearings to a trial. (When sex abuse really happened, the juvenile simply tells what happened and when and under what circumstances, and that doesn't change. When the juvenile is lying, she changes her story, sometimes over and over again. When the juvenile is lying, her story will escalate.)

When the juvenile has a history of lying, and the adult is a responsible citizen with a history of honesty.

When an adult who is behind the allegations has a motive for revenge against the accused person.

When an older child or teen who makes allegations has a motive for revenge.

When a juvenile is interviewed multiple times. (Multiple interviews taint a child's testimony, which makes it not credible.)

When interviewers do not use acceptable interviewing methods.

When there is exculpatory evidence that shows that the accuser is lying.

And more.

No person should be charged with a crime, nor should any case be prosecuted with those combinations of ingredients. It is completely immoral, even evil, to execute someone in that situation.

Yes, some guilty people will not be prosecuted as a result, but that is better than incarcerating innocent people. In fact, we must free prisoners with that combination in their cases.

3. Make it a felony with a stiff fine and a reasonable jail sentence, to falsely accuse someone of a crime.

4. Hold prosecutors much more accountable for the illegal and unethical dirty tricks that they use to get a conviction in child sex abuse cases.

5. Hold child service agency personnel accountable the same way.

6. Repeal the Mondale Act (CAPTA) and write a new act. The current version of the act is a mess. Changes have been made over the years, since 1975, and nothing is clear at all. Nobody knows, any more, what really is in CAPTA.

7. The new act must institute specific child abuse laws that clearly spell out what is real child abuse and neglect. This new act should include clear and specific definitions of child sex abuse as well as physical abuse.

The new act must require intensive training in screening child abuse reports, including does the caller have a self serving motive?

Then, train caseworkers and police to understand and follow the new laws. (See *proposed list of laws by one of the nation's leading experts on the child abuse laws, Douglas J. Besharov. This list is in his book, Recognizing Child Abuse, a Guide for the Concerned.*)

8. State legislatures must override the child service agencies' regulations regarding corporal punishment, with a bill such as went into effect in Oklahoma on November 1, 1999.

9. State legislatures must write bills and get laws passed that override the child service agencies' policy of "always believing the child." This bill must clearly specify that the agencies must give equal credibility to children, parents and other adults involved. The agencies and the police **MUST** perform fair and equitable investigations of both sides.

There are many other very destructive policies that must also change.

Background Information

Bob and Elaine Lehman

Educators, co-authors, co-publishers, co-hosts of radio show, activists

Elaine Lehman is a former teacher from Baltimore, Maryland, with nearly 20 years of teaching experience with all ages, including adults. Bob is a former rocket engine engineer, who worked for 21 years on the Delta Satellite Program at Cape Canaveral before he and Elaine started their two schools for antisocial teens, in 1977. After the schools closed in 1983, Bob became an airplane mechanic.

1977–1983, Elaine and her husband, Bob Lehman, co-founded and directed two schools for antisocial teens. Elaine and Bob developed their own successful courses of study.

The Lehman's two schools ended up with a documented 100% success rate of the graduates, and an 80% success rate of those who did not complete the program.

1989 -1992, Bob and Elaine Lehman co-founded a state-wide organization in Oregon, aimed at getting the broad, vague child abuse laws changed to clear, specific laws. BUST also exposed the many dreadful problems of the child service division. **“BUST, Break Up System’s Troubles,”** ended up with 500 members, state-wide. As a result of BUST, the Oregon state legislature had a \$200,000 study done, and the study group wrote a scathing report that said all of the same things the Lehmans had said. The legislature changed some of the laws, but not the right ones, due to federal funding problems, if they did.

1997, Bob and Elaine co-founded a similar national organization, **“SOC, Save Our Children,”** which quickly led to their radio show.

1997 - 1999, Bob and Elaine co-hosted their own radio show, **“The Save Our Children Show,”** which was simulcast on two 50,000 watt stations in Providence, RI, and Phoenix, AZ. The show was all about antisocial children and teens and false allegations of child sex abuse.

1999, Bob and Elaine Lehman were professional “expert” guests on two national TV talk shows, “The LEEZA Show” and “The QUEEN LATIFAH Show.” Both shows were about discipline and antisocial children. Elaine has also appeared on several radio shows and TV shows, and she and Bob have given lectures to community groups.

1995 - 1996 - The couple co-authored two published books, *Petey, the Peacock Breaks a Leg*, Winston-Derek Pub. Co., Nashville, TN, 1995, and *BIG K, the Kundalini Story*.” Hara Publishing Group, Seattle, Washington, 1996.

1978 – Present - The couple co-published a newsprint periodical in Oregon, and several international newsletters. These publications were all about antisocial juveniles and false allegations of child abuse. (See “Newsletters” on our website.)

2001 – 2007, Bob Lehman’s son, Craig Lehman, created and maintained a website for the Lehmans, called www.BEANSWERS.com. It is not currently in use.

2007, Allen Cowling, a national-level defense strategist for false allegations of child sex abuse cases, kindly designed a new website for FAST: www.false-allegations-team.com (Allen Cowling is Elaine Lehman's mentor about false allegations of child sex abuse cases)

2004 - Present: Elaine Lehman co-founded and directs the “FAST, False Allegations Solutions Team,” an international, educational, volunteer support group for people who have been falsely accused of child sex abuse.