"Minnesota Nice" Under Fire

STUDY NOTES on the LEGISLATIVE INTENT of the MCT ACT

ABRIDGED*

11/16/23

Daniel Aaron Wilson, Raj

*Contact the author for the complete notes.
This is a working document. Contact the author to correct errors.
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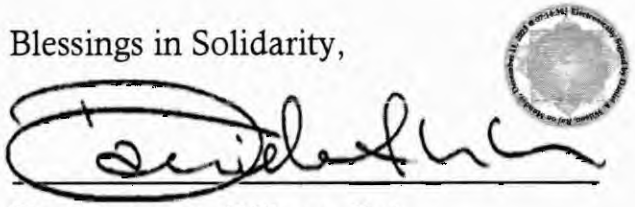
There is one statement that is not in the abridged version that I wish I had included. It comes from *House Joint Meeting Senate Crime Prevention Committee* (disk 7 of 9[17]) at 00:04:50 where Hennepin County Attorney, Mike Freeman says:

> ...there are many people under present commitments and we do not want to give big wide-open avenues for all these people to file petitions for reconsideration and appeals, we just don't need that. We know some of them are going to try anyway. Frankly, the fewer the better and the more similarly can dismiss them the better. That's the old track. We also need a track to be able to put people like Linehan back in... so we need the two tracks to get to the same spot: it's to reduce the number of appeals and potential successful appeals from people who are already there. We need the other for frankly some of the people who are going through the commitment, the psychopathic personality process right now...

Blessings in Solidarity,



Daniel Aaron Wilson, Raj

Enc.

[17] Runtime: 51:59.

Using this Document as a Companion to the Online Audio Files

The audio files referenced in this document can be found online at:

www.lrl.mn.gov/media/index?body=all&sess=&comm=8178-0-j&d1=&d2=&y=1994&video=y&audio=y

The recordings I studied to compile these notes were on a different format (compact disk and audio files) than the online audio files. Therefore, the time references in this document do not align with the timing of the online audio files. My suggestion to researchers using this document is to find the pattern between the time references in my notes and the timing in the online audio files. Once the first few references are found, it should be easier to locate the rest.

My Notes as a Tool for Fellow Researchers

I spent a considerable amount of time determining *who* said *what* in these recordings. However, I was not always sure how to spell their names. I do not have access to the internet so I cannot look these people up. Throughout the document, you will notice the letters "NTS" for Note To Self. This is where I express my own thoughts about a particular passage. These notes are in chronological order beginning with the first task force meeting on July 14, 1994 followed by a series of meetings leading up the first Special Session of 1994 where the bill was ratified into law on August 31 of that year. The members of the task force then met at least four more times after the law was passed. There is approximately 50 hours of audio content documenting the process of drafting and ratifying the bill into law. I have spent over 200 hours over a 10 week period[1] reviewing the audio content. These are my notes from that study.

Background to the MCT Act

Minnesota's civil commitment statue was first enacted in 1939. That law contained a provision for committing Psychopathic Personalities. To meet the criteria, it must be found that the person had an "utter lack of control" over sexual impulses. Dennis Linehan was indefinitely committed as a Psychopathic Personality on December 30, 1992. Linehan challenged the order with his argument that he did *not* have an "utter lack of control" over sexual impulses. The Minnesota Supreme Court agreed and his commitment was vacated on June 30, 1994.[2]
met with the Minnesota Attorney General, Hubert Horatio "Skip" Humphrey III[3] to come up with a plan to re-commit Linehan. In the meantime, Carlson refused to release Linehan and housed him in an old staff residence on prison property under armed surveillance. Carlson confessed to the media: "I'd much rather make a mistake on the side of public safety than be overwhelmingly concerned with some attorney's perception of the civil rights of Mr. Linehan."[4]

[1] Between August 24, 2023 and November 4, 2023

[2] *See In re Linehan*, 518 N.W.2d 609 (Minn. 1994)

[3] Hubert Horatio "Skip" Humphrey III, served as Minnesota Attorney General from 1983-1999. A Democrat, "Skip" Humphrey is the son of former Vice President, Hubert Humphrey and U.S. Senator, Muriel Humphrey Brown. Humphrey was an enthusiastic successor of his father's New Deal-inspired political philosophy, and throughout his career he remained devoted to traditional progressive ideals.

[4] Paul Gustafson & Robert Whereatt, *Rapist/Murderer Wins Release and Tight Surveillance*, Star Trib., Aug. 16, 1994, at 1A

Two weeks after Linehan's commitment was vacated, lawmakers began to draft a bill that would amend the commitment statute by removing the "utter lack of control" language. This would lower the commitment criteria just enough to re-commit Linehan. Their first task force meeting was on July 14, 1994.[5] They also met about four more times immediately after passing the bill.

Legislators rushed the bill through the House and the Senate and ratified it into law at a special session on August 31, 1994. The *Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities*[6] (MCT Act) establishes what is now known as the Minnesota Sex Offender Program. (MSOP) On September 2, 1994 Ramsey County petitioned for Mr. Linehan's re-commitment under the one-day-old MCT Act Ramsey County was successful and Mr. Linehan was re-committed at the age of 54. Mr. Linehan is now 82 years old and he is expected to die under the law created just for him.

Although everyone at the task force meetings should be held accountable for the creation of the MCT Act, a considerable amount of responsibility lands on the following masterminds: Arnie Carlson, Hubert "Skip" Humphrey III, David Bishop, Wes Skoglund, Don Betzold, Mike Freeman, John Kerwin, Raymond Schmitz, Emily Shapiro and Darleen Bellus.

Legislators, whether state, local, or regional, are generally immune for their legislative acts, but not for their administrative or managerial actions. However, this immunity does not protect local governments themselves, which are often liable under § 1983 for acts of their legislative bodies. (Prisoners' Self Help Litigation Manual, p. 507)

Conclusion

The MCT Act was conscious act of open rebellion on the Minnesota Supreme Court[7] to quash the Court's conclusions related to the *Linehan* case.

The drafters of the MCT Act operated as vigilantes to create a system that would punish someone – *anyone* – for "unreported offenses". One expert even confessed to skewing his own research by equating arrest rates with conviction rates because he believed that if a person gets arrested, he must be guilty. If the drafters would have adopted a strong allegiance to the presumption of innocence doctrine, the civil commitment idea would not have survived the first task force meeting.

Drafters of the MCT Act consciously and overtly aspired to do three things: 1) preserve commitments made under the prior Psychopathic Personality commitment law, 2) re-incarcerate people approaching the end of their prison sentence and 3) incarcerate innocent citizens who *might* commit crimes in the future.

By ratifying the MCT Act, the drafters accomplished each of their goals.

[5] *Joint House/Senate Task Force on Sexual Predators*, July 14, 1994
[6] Codified at Minnesota Statute §253D
[7] At 00:25:26 in *8.19.94 Joint House Senate Task Force on Sexual Predators* (audio file)

1. ***Joint House/Senate Task Force on Sexual Predators 7/14/94*** **(disk 1 of 3[8])**

The following people were at this meeting:

1. Wes Skoglund, a "State legislator" from South Minneapolis and the chair of this task force and also serves on the Judiciary Committee.
2. Stephanie Boyd, Department of Public Safety, Bureau of Criminal Apprehension, Criminal Assessment Unit and part of the Minnesota Sex Crimes Analysis Program and the immediate past president of Minnesota Sex Crimes Investigators Association.[9]
3. Pamela Hopes, attorney with the Minnesota Disability Law Center.
4. Senator Don Betzold, Minnesota State Senator from Fridley and defense attorney for the mentally ill and dangerous for the previous 14 years.
5. Representative David Bishop, Minnesota House Representative from Rochester.
6. Carolyn Peterson. Assistant Hennepin County Attorney.
7. Bruce Hedge, Chief Psychologist at St. Cloud correctional facility and makes referrals of possible Psychopathic Personality commitments to county attorneys.
8. Pamela Mint, Director of the Sex Offender/Chemical Dependency services at the Department of Corrections and sits on the Civil Commitment Review Committee and recently researched the Washington civil commitment laws.
9. John Kerwin, Attorney General's Office, Human Services Division which represents the Department of Human Services. He also helped the State with the *Blodgett* case.
10. Margery Singer, Director of Sexual Offense Services in Ramsey County.
11. Don Olstrum, Minnesota House Representative from St. Peter.
12. Marlys McPherson, Office of Legislative Auditors.[10]
13. Roberta Ophiem, State Ombudsman for Mental Health.
14. Jim Nobles, Office of Legislative Auditors.[11]
15. Hubert "Skip" Humphrey III, Minnesota Attorney General.
16. Steven C. DeCoster, Assistant Attorney for Ramsey County.

- At 00:21:35 McPherson says, "When sexual psychopathic laws were enacted back in the 1930s and early 40s they were designed to divert sex offenders out of prison into treatment and it was at a period of time when there was very strong belief that treatment would work and a strong commitment that this was a more humane way to deal with people who also were mentally ill, suffered from a mental illness, and therefore it was much better to instead of sending them to prison divert them into treatment. Now obviously public sentiment has changed since then. We now have a different view about the effectiveness of treatment and so the climate in which this law is now being applied is quite different. In fact, today what we've found is that the law is essentially being used to commit people who have already served a prison sentence."
- At 00:30:50 McPherson begins to explain how the original Psychopathic Personality law began to be used differently than what it was first intended for: "...I think the issue that was facing legislature is that we have offenders that we don't want to see released. How can we continue to confine them

[8] Thursday, July 14, 1994. Runtime: 01:05:24.

[9] See "Stephanie Boyd" at 00:01:49 in *Joint House/Senate Task Force on Sexual Predators 7/21/94* (disk 1 of 2).

[10] Marlys McPherson wrote a book called, "Psychopathic Personality Commitment Law: a study of its implementation in Minnesota".

[11] James Nobles, "SVP Civil Commitment of S.O.s" *Office of the Legislative Auditor*, (2011)

and when you have a determinate sentence and when the individual has served the time that he has been sentenced for and he is eligible for release and the state has no authority to hold him beyond that date it turned out that Psychopathic Personality commitment law provided a way to do that. It is a way for the state to continue to confine an individual…"

- At 00:47:24 McPherson says, "… and some in fact have no convictions. I want to emphasize that the definition does not say you have to have been convicted of a crime. That's not part of the definition of a Psychopathic Personality in Minnesota. In fact, that's one of the clear differences in our statue and Washington's statute. But primarily it's being used to convict, confine, more serious offenders…"

2. ***Joint House/Senate Task Force on Sexual Predators 7/14/94*** **(disk 2 of 3[12])**

- At 00:25:32 Humphrey begins his initial testimony. NTS: Humphrey's entire testimony is important to study. He promotes a low burden of proof, no jury trial and no criminal conviction.[13]
- At 00:33:46 Bishop says, "Mr. Keith[14] as the chief zoo keeper of the zoo in the State of Minnesota seems to have gotten into animal rights into his philosophy and now he's deposing to let the tigers out one at a time…"[15]

3. ***Joint House/Senate Task Force on Sexual Predators 7/14/94*** **(disk 3 of 3[16])**

- Between 00:32:21 – 00:33:07 Bishop says, "…we do not let mountain lions roam around our cities at night. If we had tigers we wouldn't let them. We don't let bears even roam around when they come down from the woods into the cities and around our homes. These people are animals. What distinguishes them from us is that we rely on people with a conscience – that those people restrain themselves and *they* don't. They're not going to stop doing what they're doing. I don't believe they have the same civil rights anymore…"[17]

4. ***Joint House/Senate Task Force on Sexual Predators 7/21/94*** **(disk 1 of 2[18])**

1. Chair, Wes Skoglund.
2. Bonnie Lee, Department of Human Services. She schedules Special Review Board hearings.
3. Roberta Ophiem.
4. Don Olstrum.
5. Stephanie Boyd.
6. David Bishop.
7. Carolyn Peterson.
8. Don Betzold.
9. Bruce Hedge.
10. Pam Mint.
11. John Kerwin.

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[12] Thursday, July 14, 1994. Runtime: 01:04:35.

[13] Also see *Joint House/Senate Task Force on Sexual Predators 8/11/94* (disk 1 of 5) between 00:05:25 – 00:33:07 to hear Humphrey's other testimony.

[14] Chief Justice Keith wrote the opinion for the majority in the Linehan case.

[15] **File 1 on 7/14/94 at 01:40:30 in the online version.**

[16] Thursday, July 14, 1994. Runtime: 01:07:51.

[17] **File 2 on 7/14/94 at 00:59:05 in the online version.**

[18] Thursday, July 21, 1994. Runtime: 01:14:57.

12. Dr. William Erickson, Medical Director of St. Peter Regional Treatment Center and the Medical Director for the Department of Corrections.
13. Michael Farnsworth, M.D. Psychiatrist and Clinical Director of Minnesota Security Hospital.

- At 01:06:50 Erickson says, "...If you accepted that standard – that someone who qualifies for diagnosis of antisocial personality could be committed as mentally ill – that would apply to more than half of all men and women in prison..."[19]
- At 01:08:35 Erickson says, "...The term 'Psychopathic Personality' was rejected as a term of art by the psychiatric profession in 1885..."

5. *Joint House/Senate Task Force on Sexual Predators 7/21/94* (disk 2 of 2[20])

- At 00:27:26 Dr. Erickson says, "...I agree with what Dr. Farnsworth is saying that probably half of the men clearly have the intellectual capacity and emotional stability to participate and complete the program... and then there's always the fairly large number who simply do not understand what's in their best interest. They simply can't put aside their conflict with authority..." NTS: I'm not sure, but I think the Soviet Union had a similar mindset: you're crazy to challenge authority for any reason... crazy enough to justify locking you up.
- At 00:53:11 Dr. Erickson refers to, "transvestic fetishism" as deviant sexual behavior. NTS: the LGBTQ+ population continues to be targeted by the MSOP where the majority of the population is LGBTQ+.
- Between 00:59:00 and 01:02:47 the audio is largely inaudible. Then at 01:02:48 someone says, "I asked the question from somebody about why they do it that way and they said 'to get even first and treatment second...'" Bishop then speaks up but is cut off by the same speaker who mentions the, "1989 legislative session" in his defense to Bishop's objection. Then at 01:03:10 Bishop says, "I was the second author on that bill and served on the task force... the motivation was not so much to get even but to extend the sentencing so that there was sufficient time so that... there would be motivation to take the treatment... Now maybe getting even was also a motivation on the basis that we didn't think that 42 months was a long enough sentence for a first degree sexual assault..."

6. *Joint House/Senate Task Force on Sexual Predators 8/04/94* (disk 1 of 3[21])

1. Marlys McPherson.
2. Roger Brooks, Deputy Legislative Auditor and Director of the Programming Evaluation Division.
3. David Shine, Office of Legislative Auditors.
4. Margery Singer.
5. Bill Donde, Department of Corrections. (Pam Mint is his boss)
6. Raymond Schmitz, Olmstead County Attorney.
7. John Kerwin.
8. Steven Huot, Department of Corrections, Director of the treatment unit at Oak Park Heights and a licensed psychologist.

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[19] Anti-Social Personality Disorder is considered a "stand-alone criteria" for commitment in Minnesota, *Use of DSM Paraphilia Diagnoses in Sexually Violent Predator Commitment Cases* by Michael B. First, et. al. (2008).

[20] Thursday, July 21, 1994. Runtime: 01:15:52.

[21] Thursday, August 4, 1994. Runtime: 01:10:00.

9. Bruce Hedge.

- At 00:25:53 McPherson says, "We looked at the national literature on effectiveness, and unfortunately it doesn't provide you with a definitive answer. You can't tell from the literature whether treatment works or it doesn't work."

7. *Joint House/Senate Task Force on Sexual Predators 8/04/94* (disk 2 of 3[22])

- At 00:45:00 Schmitz begins his initial testimony. NTS: Schmitz' entire testimony is important to study.

8. *Joint House/Senate Task Force on Sexual Predators 8/04/94* (disk 3 of 3[23])

- At 00:14:35 Kerwin says, "We're going to have a presentation... where we're going to do Kansas, Washington, Wisconsin... I guess there's federal case law I don't think there's statutory law, is that what you're finding Mr. Berstrom?" Berstrom answers at 00:14:55 with; "Mr. Chair and members, Mrs. Shapiro and Mrs. Bellus are working on that and putting together a comparison... (at 00:15:01 audio cuts out)... but it wasn't ready for this meeting." Kerwin says, "Because we want to find something that is constitutional I was wondering the federal government must have encountered this at one point in time on some non-state federal reservation land that they have i.e. the Panama Canal Zone, Guantanamo Bay, Alaska before it was a state,[24] that kind of thing. There's got to be some history of this somewhere so that's being researched too."

9. *Joint House/Senate Task Force on Sexual Predators 8/11/94* (disk 1 of 5[25])

The following people were at this meeting:

1. Hubert "Skip" Humphrey III.
2. John Kerwin.
3. Bill Clump, Assistant Attorney General and manager of Criminal Division.
4. Governor, Arnie Carlson.
5. James Finley, Court Commissioner for Ramsey County. (Hears commitment cases for Ramsey County).
6. Judge Colina, Special Review Board.
7. Bonnie Lee.
8. Eric Janus, Professor at Michelle Hamline School of Law.
9. Dr. Harry Hoberman, Assistant Professor of Psychiatry at the University of Minnesota, Medical School and member of a panel of first examiners for Psychopathic Personalities in Hennepin county.
10. Pam Mint.
11. Don Olstrum.
12. "Mrs. Good".

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[22] Thursday, August 4, 1994. Runtime: 01:10:00.

[23] Thursday, August 4, 1994. Runtime: 00:43:33.

[24] Alaska was a Russian colony from 1744 until Secretary of State, William H. Seward bought Alaska from Russia in 1867. It was made a territory in 1912 and a state in 1959. Congress attempted to establish the Alaska Mental Health Enabling Act in 1956 (Public Law 84-830, H.R. 6376) which denied citizens the right to jury trial if petitioned by any 'interested party' for indefinite confinement. Alaska is not far from Russian Siberia where Russian slave camps thrived until Stalin's death in 1954. The bill caused public outcry which led to the removal of commitment provisions before the bill was passed.

[25] Thursday, August 11, 1994. Runtime: 01:05:02.

13. Carolyn Peterson.
14. Roberta Ophiem.
15. John E. Grzybek, Attorney who represented Peter Rickmyer.
16. Senator Nuville.
17. "Mrs. Knutson".
18. Dr. Doug Fox, licensed psychologist who works at Sioux Valley hospital in New Ulm and has a done a number of assessments for Psychopathic Personality commitment.
19. "Dr. McNickle".
20. Bruce Hedge.

- Between 00:05:25 – 00:33:07 is Humphrey's initial testimony. At the beginning of his speech he tells everyone not to get "bogged down" by the details. Humphrey's entire testimony is important to study.[26]
- At 00:13:55 Humphrey says they are targeting "criminals".
- At 00:18:55 Humphrey clarifies that a conviction is not necessary.

10. ***Joint House/Senate Task Force on Sexual Predators 8/11/94*** **(disk 2 of 5[27])**

- Between 00:52:34 – 00:53:02 Bishop says, "...the difference between people – humans – whether they have civil rights, animals or humans that act like animals is that they have a brain that controls the level of control they have some conscious some social control and if they have some mental condition that interferes with that social control of theirs then we say 'ok now we have a situation where we can take away their civil liberty'..."[28] At 00:53:11 Janus responds with, "...what I would say is a dangerous path, however, for us to go down expanding the area in which we say that people are not responsible for their behavior... we do not want to send the message that these sexual predators could not control their behavior. I think the point is they did not choose to and those are the people we ought to be holding responsible criminally..."
- At 01:03:13 Ophiem says, "...Where should we house people that, really, we are mad at? We are mad at these people because they hurt other people. So where should we house them? And the tendency that I'm hearing from what you [Janus] say and from what the Supreme Court is saying... is that we ought to pick a system and then stick to that system and we're tending more to say that we're angry at these people the criminal justice system is where they belong... The urgency, the public urgency seems to be the 68 or 70 people that we have on hand right now for which we didn't have a criminal justice law in place at the time they were dealt with. ... [W]e had a determinate sentencing that says that when they're done, they get to leave. And so we then chose a single vehicle to deal with the public fear of where they ought to be. And so, the question becomes, even if we do craft this best of all laws for the future, where are we headed with the 68 that we have and that we have and the possible 200 to 400 that are on the horizon who didn't come in under whatever new law, but are being dealt with under an old law..."

11. ***Joint House/Senate Task Force on Sexual Predators 8/11/94*** **(disk 3 of 5[29])**

- At 00:21:53 Hoberman says, "...male target pedophiles I would think would be the groups that you'd be the most interested in targeting for longer incarcerations..."

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[26] Also see *Joint House/Senate Task Force on Sexual Predators 7/14/94* (disk 2 of 3) at 00:25:32 to hear Humphrey's other testimony.

[27] Thursday, August 11, 1994. Runtime: 01:14:57.

[28] **File 3 on 8/11/94 at 00:13:45 in the online version.**

[29] Thursday, August 11, 1994. Runtime: 01:10:41.

- At 00:39:33 Grzybek says, "No one has, I think, really been honest as to what we're trying to do here. I've heard arguments before the Court of Appeals and Supreme Court by prosecutors, the county prosecutor and the Attorney General's Office, saying that what we want to do and why we can withhold these individuals, these sex offenders, for life is because we want to treat them, we want to make them better. I don't think so. I don't think that's the intent here at all. I think the intent is to use the Psychopathic Personality statute to get a second bite at the apple. After an individual has been subjected to the criminal justice system, and maybe we don't like the deals that were cut by the prosecutors, or the length of sentences by the courts, but the fact of the matter is through the sex offender statutes, the criminal statutes, we as a society have determined that if you commit a crime, a sex offense, you will serve it behind bars, and after you serve that time, society deems that you have paid your debt to society, and you shall be let free. Under the Psychopathic Personality statute, county prosecutors are taking a second bite of the apple, saying, 'that plea agreement that we entered into, the sentence that the judge gave, wasn't good enough; we want to get you life!' How many people who have been committed to St. Peter under the Psychopathic Personality statute have been freed? Two?... It is essentially a life sentence..."
- At 00:54:16 Peterson says, "...to count on the criminal justice system to affectively deal with somebody's pattern of sexual assault... we can't really count on that happening... so don't we need a second aspect if you will to the web that we need to protect society?" NTS: she is arguing for a "second" system in addition to or in substitution of the criminal justice system. Isn't this the very definition of unconstitutional?
- At 01:05:45 Ophiem says, "...the concept is: if you tell someone, 'If you plead this way this is what will happen to you' but you sort of forget to tell them the ace in the pocket and pull it out after they've made their agreement now while we all might say that its ok because of how dangerous these people are if we can lie to one who's the next person its ok for society to lie to... if we want them away for life I guess I would agree that I think we ought to tell them, 'We don't like who you are and we're going to put you away for life.'"

12. ***Joint House/Senate Task Force on Sexual Predators 8/11/94*** **(disk 4 of 5[30])**

- At 00:08:09 Betzold asks a question, "To clarify something that Mr. Kerwin says... 'If a person's being sentenced now we don't really have to worry about committing them because they won't be getting out for a long time'... Doesn't that fly right in the face of some of these constitutional issues... basically admitting that we are trying to find a commitment means to tack on additional time to those individuals who happen to have committed a crime say before 1989 and we really don't care about or worry about treating people..."
- At 00:12:45 Janus says, "We as citizens are entitled to a number of constitutional protections... no double jeopardy, no ex post facto, proof beyond reasonable doubt, jury trial, we get all these protections except when we as a society decide we can't keep you locked up enough giving you those protections and then if we decide we can't keep you locked up enough using those protections then we as a society get to switch over to this other system... and use that to lock you up some more."

13. ***Joint House/Senate Task Force on Sexual Predators 8/11/94*** **(disk 5 of 5[31])**

Nothing.

[30] Thursday, August 11, 1994. Runtime: 01:09:18.
[31] Thursday, August 11, 1994. Runtime: 59:27.

14. ***Joint House/Senate Task Force on Sexual Predators 8/16/94*** **(disk 1 of 4[32])**

The following people were at this meeting:

1. Chair, Wes Skoglund
2. David Bishop.
3. Don Betzold.
4. John Kerwin.
5. Genevieve Lubers, concerned citizen.
6. Tom Magnon, concerned citizen and husband to Genevieve Lubers
7. Tom Foley, Ramsey County District Attorney.
8. Suzan Wickner, Chief of Human Services Unit at the Ramsey County Attorney's Office (with Tom Foley).
9. Russ Stricker, Vice President of Minnesota Citizens Counsel and Crime & Justice. Also part of the Intense Supervision program.
10. Dan Cain, Director of Eden programs, former chair of the Hennepin County Corrections Advisory Board for 4 years and chaired the Minnesota Sentencing Guidelines Commission for 5 years.
11. Mark Kari, Dakota county co-chair of the Probation Standard Task Force.
12. Craig Voss, probation/parole officer in Hennepin County also Vice President and President of the labor union that represents the probation/parole officers in Hennepin county.
13. Mike Freeman, Hennepin County Attorney.
14. James Baxtrum, County Attorney and president of the Minnesota County Attorney's Association in Dakota County.
15. Carolyn Peterson.
16. Margery Singer.
17. Paul Skogen, Assistant Hennepin County Attorney.
18. Emily Shapiro.
19. Senator Nuville.

- Between 00:12:56 – 00:13:27 Bishop said, "Their crime has been dealt with on their sentence and we now have to deal with them just as if they were mentally ill but they don't fit the definition in the psychiatrist's handbook of mentally ill so we have to have some other category that the psychiatrists will support to keep them locked up, when they're not being locked up because of their crime, their being locked up because of the future possibilities…"
- At 00:14:42 Bishop says, "What we need to do is to frame the language that will meet the new standards of the Supreme Court in Minnesota and perhaps the Supreme Court of the United States to keep someone locked up not for a crime that they've committed but for a crime that we expect them to commit and to keep them locked up because of their danger and of their habitual dangerousness. Now Mrs. Lubers, let me say one more thing. Many years ago schizophrenia was dealt with by keeping people locked up all the time. We now have discovered a chemical that when taken allows them to be controlled. Perhaps after we have some new legislation to keep psychopaths and sexual predators locked up we may find that science discovers that this has a chemical basis similar to schizophrenia but until that time these men are tigers and we have to keep them locked up."

[32] Tuesday, August 16, 1994. Runtime: 01:10:14.

15. ***Joint House/Senate Task Force on Sexual Predators 8/16/94*** **(disk 2 of 4[33])**

- At 00:03:07 with belligerence, Bishop says, "What scares me Mrs. Mint is that we'll just send them a little questionnaire in the mail 'how do you feel today' and 'have you had any impulses lately that you're having that trouble controlling and what'd you do with them please fill in the blanks and send it back soon…'"
- At 00:33:58 the audio cuts immediately after, "…by John Kerwin a member of this…" and comes back with murmurs and then you can hear Betzold say, "When it comes to the commitment side nobody understands that and so we can almost do it and then people are going to be looking to us to say 'well is this constitutional?' But when we get to the appeals everybody understands that… and it's not like it's going to be that controversial…"

16. ***Joint House/Senate Task Force on Sexual Predators 8/16/94*** **(disk 3 of 4[34])**

- At 00:14:40 Betzold says, "Mr. Chair and Mr. Freeman aren't we just setting ourselves up for the argument that we're really not interested in treating these individuals at all? We're just trying to find a way to tax more time on to their sentences when there coming towards the end of their sentence."

17. ***Joint House/Senate Task Force on Sexual Predators 8/16/94*** **(disk 4 of 4[35])**

Nothing.

18. ***8.18.94 Joint House Senate Task Force on Sexual Predators*** **(audio file[36])**

The following people were at this meeting:

1. Chair, Wes Skoglund.
2. Mary Pat (probably a stenographer/secretary).
3. Carmon Madden, Program Manager of Hennepin County Adult Protection Services.
4. Tom Fuller, Hennepin County Adult Services Department, Psychiatric Social Worker at Adult Protection Services and manages the case load of clients who are committed as Psychopathic Personality. Also knows about zoning, licensing and funding of halfway houses in the community
5. Marg Wurlly, Hennepin County Adult Services Department, Program Manager in Adult Housing and assists in the development of new housing resources. Also knows about zoning, licensing and funding of halfway houses in the community
6. John Kerwin.
7. Roberta Ophiem.
8. Nicolas Long received his doctorate in clinical psychology at the University of Minnesota. Majored in psychology with a specialty in adult clinical and a minor in neuropsychiatry. For the past 13 or 14 years he has worked with the Hennepin county pre-petition screening program as a Senior Clinical Psychologist. Also served on the review board of the security hospital since 1990.
9. Richard Hanson, Social Worker and the Program Director of the Hennepin County Pre-Petition Screening Program.
10. Bruce Hedge.
11. Deb Daily, Director Sentencing Guidelines Commission.

[33] Tuesday, August 16, 1994. Runtime: 01:09:45.
[34] Tuesday, August 16, 1994. Runtime: 01:10:03.
[35] Tuesday, August 16, 1994. Runtime: 01:19:21.
[36] Thursday, August 18, 1994. Runtime: 03:29:01.

12. Senator Nuville.
13. Emily Shapiro wrote the Washington bill and the Minnesota bill for Sex Offender Civil Commitment.
14. Pamela Hopes

- At 00:41:35 Madden says, "... [T]hey're getting committed because they are going to do expiration within the next year or two..."
- At 45:57 Bishop says, "We have two futures... one is to find some way legally to warehouse people that fit the categories we set... and the other alternative is, in the future, find some other way..."
- At 01:05:03 Long says, "My perception is that we are not dealing with mentally ill people. What I am seeing is that a model for mental health is trying to be superimposed upon this population."[37] Long continues to explain how pre-petition screening works and why it has not been and should not be used for this Psychopathic Personalities.
- At 01:46:07 audio cuts out after Kerwin says, "...I get concerned about the record that may be made here, but that another way to..." The audio comes back with mumblings from many people, then cuts out again at 01:46:13 with Kerwin saying, "...provides that most protection of the public from persons who are sexually dangerous is going to be done through the criminal system. It is now; that's the way it will continue to be. The laws have been changed so that much more of that will be happening through the criminal system. There will be limited situations where, for one reason or another, the criminal system has not been or is not adequate and a civil confinement system of some sort will be necessary..."
- At 01:50:11 Long says, "...using civil procedures for detention I think that's a very, some attorneys might say 'slippery slope' and I see it as a dilemma."

19. *8.19.94 Joint House Senate Task Force on Sexual Predators* (audio file[38])

The following people were at this meeting:

1. Chair, Wes Skoglund.
2. Carolyn Peterson.
3. John Kerwin.
4. Roberta Ophiem.39
5. Bonnie Lee.
6. "Mrs. White".
7. "Mr. Bergstrum".
8. "Mrs. Wold".
9. Darleen Bellus
10. Senator Nuville.
11. Pamela Hopes.

- At 00:25:26 Shapiro says, "The only additional provision in that definition is that it would not be necessary for purposes of a commitment to prove that the person has an inability to control the person's sexual impulses and I think that's in the category of a *read our lips* message to the Supreme Court... I think that this is a direct response to the [Minnesota Supreme Court's] narrowing of this

at 33:40.

[38] Friday, August 19, 1994. Runtime: 02:48:48.

[39] Mentioned at 00:20:46, 00:21:09, 00:23:24 and 00:31:09

current standard to require that the person have an utter lack of ability to control sexual impulses and this simply says... it is not necessary to prove that the person lacks the ability to control those impulses."

- At 01:45:20 Betzold says, "... [W]e don't need to go back and prove that there was harm... future harm... [is] really the guts of what we're trying to get at. Is this person in need of treatment because – not of what they did in the past – but what they might do in the future. That's basically the reason we want to commit them..."
- At 02:15:20 Nuville shares his Minority Report testimony: "... any delay in amending the state's criminal laws regarding sexual predators will result in more offenders being dealt with inappropriately in a civil commitment system at higher costs and greater risk to society..." This is where Skoglund cuts him off. Mrs. Mint has a question about the Minority Report. Skoglund cuts her off too. Then Nuville says, "My intent is that they should be in prison instead of being sent to a security hospital." At 02:17:10 Bishop shames and reprimands Nuville for sharing his statement.
- At 02:37:14 Hopes says, "The individuals that have been identified that we have been talking about are not mentally ill. The mental health system is being used as a tool to accomplish a goal of keeping these individuals out of society... the Department of Human Services has repeatedly recommended against committing in many of these cases in recognition that this was not a good fit. That these persons weren't mentally ill and that there was not recognizable treatment..."[40]

20. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 1 of 9[41])**

The following people were at this meeting:

1. Senator, Spear.
2. Senator, Reichgott-Young.
3. Wes Skoglund.
4. John Kerwin.
5. Marlys McPherson.
6. Representative, Warren Limmer.
7. Senator, Ranum.
8. Senator, Kiskad.
9. Senator, Kelly.
10. Representative, Dawkins.
11. Senator, Anderson.
12. Representative, Berglund.
13. Representative, Swenson.
14. Representative, Ben Ingen.
15. Representative, Perolten.

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[40] **Hopes' testimony is in File 2 on 8/19/94 at 00:50:52–00:53:18 in the online version.**

[41] This meeting took place on Wednesday, August 24, 1994. Chairman, Spear says that the Special Session, which took place on August 31, 1994, is "a week from today." Also, at 00:23:16 in disk 3 of 9 of this meeting, it is mentioned that the Bieganowski case happened "yesterday." That case was decided on August 23, 1994. At 00:32:23 in *House Joint Meeting Senate Crime Prevention Committee* (disk 6 of 9) Skoglund announces that the House Judiciary Committee will continue to meet through the evening. By this we infer that *8.24.94 House Judiciary Committee (Sexual Predators)* (audio file) took place after *House Joint Meeting Senate Crime Prevention Committee* on the same day. Runtime: 52:05.

16. Dr. William Erickson, Medical Director at the St. Peter Regional Treatment Center which includes the Minnesota Security Hospital.
17. Representative McGuire.
18. Senator, Piper.
19. Hubert Horatio "Skip" Humphrey.
20. Mike Freeman.
21. Jim Baxtrum, Dakota county Attorney and current president of Dakota county Attorney's Association.
22. Eric Janus, law professor at William Mitchell College of Law and represented Linehan in recent Minnesota Supreme court case.
23. Representative Lynch.
24. Pamela Mint.
25. Steven Huot.

- At 00:18:53 Bishop says, "...we've had legislative intent for our civil statute as a supplement to the criminal statutes..."
- At 00:20:45 McPherson says, "...there is no jury trial and the burden of proof is lower..."
- At 00:46:29 McPherson says, "We don't know if treatment works or not."

21. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 2 of 9[42])**

- At 00:17:42 Skoglund says, "...for us to have a commitment law we have to have means by which people can get out. There are people who will get just too old to worry about. There are people whose physical health will change so that you won't have to worry about them..."

22. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 3 of 9[43])**

- At 00:46:47 Betzold says, "...convictions are not required..."
- At 00:49:32 Betzold says, "There are such things as sexual disorders for instance voyeurism, there's sexual sadism, there's pedophilia... the trouble is... not every one of the individuals we are talking about does fit into those categories. I think every one of them would fall into at least some sort personality disorder but that's also something that you could say of most criminals as well too... the trouble with personality disorders is that we don't have the medication, we don't have the kind of treatment available..."

23. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 4 of 9[44])**

- At 00:04:34 Skoglund says, "...we have to realize that there are people committed to the St. Peter security hospital who have never been convicted of anything."
- At 00:24:30 Betzold says, "...page 3 lines 8 through 10, this is specifically going after Linehan standard. We are basically saying we don't care if ability to control is an issue... you might as well just put in capital letters 'NOTE TO SUPREME COURT' I mean that's what we're doing here."

[42] Runtime: 52:01.
[43] Runtime: 51:58.
[44] Runtime: 51:59.

24. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 5 of 9[45])**

- At 00:10:40 Betzold says, "If you're saying 'well we're only going to be worried about people with shorter sentences' aren't we tacitly admitting that what we're really doing is using the commitment law to tack on additional time on a sentence for people who we think had too short of sentences?..."

25. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 6 of 9[46])**

- At 00:37:30 Humphrey says, "...the civil commitment portions of the bill are effectively the same as the proposal that I presented to the task force some two weeks ago. The civil commitment process we proposed and that is reflected in the language before you today has two separate commitment standards of which you have been reviewing. First we maintain the existing Psychopathic Personality law, renamed the sexually Psychopathic Personality law. This existing law was upheld as constitutional last winter by the state supreme court and a federal magistrate just last week. We have effectively used it to commit dozens of dangerous sexual predators over the years. Maintaining this existing law with modernized language reflecting recent court decisions ensures that we will have an effective and constitutional means of protecting the public from sexual predators in the future. For those who the Supreme Court feels do not meet the existing commitment standard, we propose a second standard to cover sexually dangerous persons. Under this two standard arrangement, prosecutors may ask the court to consider applying the new commitment standard to individuals who were committed under the existing standard and who now seek to be discharged. The United States Supreme Court has said that such a procedure is acceptable where the state provides and proves another constitutionally adequate basis for confinement. I believe this second standard meets that requirement. In a nut shell the new standard applies to first of all number one those who have a history of harmful sexual behavior number two suffer from a mental disorder or dysfunction including sexual disorders and personality disorders and three who are likely to engage in further harmful sexual conduct as defined in specific criminal statutes whether or not the conduct resulted in a conviction under the referenced statutes and under the new standard it is not necessary to prove that that person has an inability to control his sexual impulses..."
- At 00:43:18 Humphrey says, "...tougher criminal sentences are definitely the long term solution to this problem... most of these sexual psychopaths belong in prison and not a treatment facility..."

26. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 7 of 9[47])**

- At 00:10:20 Freeman says, "The really intellectually honest and appropriate way to solve most of these problems is through the criminal process... to keep some of these people in a prison setting... that is for another day... The dissent of justice Gardebring, at least in my view, I think she set forth with what is the more intellectually honest way to handle most, not all the cases, but most of them and so I'll be back before your committees next year with that..."

27. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 8 of 9[48])**

Nothing.

[45] Runtime: 52:03.
[46] Runtime: 51:59.
[47] Runtime: 51:59.
[48] Runtime: 51:57.

28. ***House Joint Meeting Senate Crime Prevention Committee*** **(disk 9 of 9[49])**

- Huot is doing a study on all male sex offenders released from the Department of Corrections (221 individuals) since 1988. After completing their most recent round of criminal background checks at the end of 1993 (the 221 individuals have been in the community for at least 5 years) they determined that the recidivism rate for released sex offenders is "15%". However, Huot admits that this "recidivism" is based on the "arrest rates" not convictions because he believes that if they were arrested they are guilty. (Again, dismissing the presumption of innocence) An additional 11% were arrested for a person offense, like assault. He then adds the two numbers to get what is now an inflated 26% "recidivism" rate. (NTS: Huot could also be including technical violations)

29. ***8.24.94 House Judiciary Committee (Sexual Predators)*** **(audio file[50])**

Nothing

30. ***Senate Joint Meeting Judiciary & Crime Prevention (Sexual Predators)*** **(disk 1 of 4[51])**

The following people were at this meeting:

1. Chair, Senator Spear
2. Don Betzold.
3. Senator Knutson.
4. Senator Kiskad.
5. Senator Marty.
6. Senator Fin.
7. Senator Ranum.
8. Susan Gartner, Director of the Human Services Division in the Ramsey County Attorney's Office.
9. Senator Neville.
10. Senator Anderson.
11. Senator Belanger.
12. Senator Reichgott-Young.
13. Senator McGowan.
14. Senator Piper.
15. Senator Spear.
16. Senator Crense.
17. Beverly Jones Henninger, Deputy Attorney General's Office.

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[49] Runtime: 27:20.

[50] Wednesday, August 24, 1994. Runtime: 01:01:06.

[51] This record took place on Thursday, August 25, 1994. At 00:02:20 in *House Joint Meeting Senate Crime Prevention Committee* (disk 9 of 9) chair Reichgott-Young said that the senators planned to meet "tomorrow at 9 a.m.". That is this record. Also, in this record, Betzold says that the day before this meeting, Hennepin County Attorney's Office recommended that "stalking" and "terroristic threats" be added to the proposal. That happened at 00:15:25 in *House Joint Meeting Senate Crime Prevention Committee* (disk 7 of 9), which took place on August 24, 1994. Also, at 00:45:36 of this record, Betzold says, "...when I read the Bieganowski decision from 2 days ago..." That case was decided on August 23, 1994. For these reasons we infer that this record took place on 8/25/94. Runtime: 51:52.

- At 00:12:30 Betzold says, "... [T]his is not an exact science I mean, you know, there is a lot of speculation and it's the battle of the experts as to what the person might do as opposed to what the person has done. That's the reason why we're committing these people."
- At 00:19:16 Finn says, "...It seems to me that the sexually dangerous person commitment provision could apply even if there was no criminal conviction..."

31. ***Senate Joint Meeting Judiciary & Crime Prevention (Sexual Predators)*** **(disk 2 of 4[52])**

- At 00:29:41 Neville says, "...What we're doing [in using the Psychopathic Personality law to commit sex offenders] is using that statute, not for people who are truly utterly unable to control their conduct, but we're using it as an extension of the criminal system. We're using it to keep people out of circulation, like Linehan, who are able to control their conduct, who plan, all this conduct is volitional, and what the Supreme Court is really saying, I think, is that you can't use it for those people. The criminal system is more appropriate for those people, and that's the bases for the minority report that I offered in this task force report, if anybody chose to see that in the report. I have a concern that if we're going to be addressing this problem, it really ought to be in the criminal side of it. We could do that relatively simply, I think, but the leaders have chosen that we're not going to deal with criminal matters on this special session... Nick Long from Hennepin County testified before this commission. I don't think that he appeared yesterday, but he made a statement that he prefaced by saying this is politically incorrect to say, and what he was saying was that those 67 people in the hospital now and those other 400 or so that might be possible commitments, maybe society just has to bite the bullet and realize that there's not much we can do about those people. We sentenced them under laws that existed many years ago, and now we're coming back and wanting to re-do what we had in place many years ago. ...What we have to do now is look prospectively, because we have a double problem. What do we do with people who have already been through the criminal system that we can't retry criminally? And so we're coming up with this alternative civil process..."

32. ***Senate Joint Meeting Judiciary & Crime Prevention (Sexual Predators)*** **(disk 3 of 4[53])**

Nothing.

33. ***Senate Joint Meeting Judiciary & Crime Prevention (Sexual Predators)*** **(disk 4 of 4[54])**

- At 00:18:04 Neville says, "...I am going to vote [for bill SC 3526-5] only because there's about four or five hundred people in prison now that we can't handle any other way except to see if this method will be constitutional, but I guess I admonish all of us to be very careful because this is a real slippery slope we're doing here. All we have to do is take the word 'sexual' out of this statute, and we could be committing people for any kind of harmful conduct, and we have a post-hoc system in this county and this state where we deal with people and we deal with the consequences of their conduct after the fact. And now we're starting to confine people for what they might do in the future. And right now we're limiting it to sexual conduct and we're trying to address a very narrow problem. But if we start being careless about these kinds of laws and we start saying that we're going to be confining people indefinitely or indeterminately in a civil context for potentially any harmful conduct, we could be putting lots of people into this kind of confinement just because we're afraid of them. And that's not the way that our system has run up until now. So I'm going to

[52] Date unknown. Runtime: 51:48.
[53] Date unknown. Runtime: 51:44.
[54] Date unknown. Runtime: 25:26.

vote for it only because we do have a problem that we should be concerned about. There still may be a question of whether the Supreme Court will even accept this. But if this was prospective only, I'd vote against it."

34. Minnesota State House of Representatives floor debate at the First Special Session of 1994 on Wednesday, August 31, 1994. (audio file[55])

- 00:41:43 Bishop says, "...a civil commitment for a specific small, in number, targeted well defined by psychiatrists group of people that are not mentally ill that are nevertheless kept confined to need to be kept confined just as if they were mentally ill and dangerous... they know what they're doing and they know it is wrong. They do not qualify for any mental illness..."
- At 00:43:16 Bishop says, "...6 of the people who are currently confined at the security hospital have never been convicted of a crime. They have committed offenses, multiple offenses of the same character as the crimes of sex offenses; they are sex offenses in many cases quite disturbing and horrible. But for different reasons they have been confined on a direct basis. Some of the reasons may be that the victims are so victimized and traumatized or maybe they're young and they aren't able to testify that the convictions can't be obtained. But in probate court a civil proceeding has been taken place..."
- At 00:45:50 Bishop says, "...it is anticipated that there are 7 more persons asking to be released from the security hospital right now of the 66 there and we can expect more. The county attorneys have told us that it is urgent that we pass this bill at this time so they can begin using it on an alternative basis to keep the people confined... and those that have been released may also find themselves subject to petitions to be tested again by this same formula..."
- At 00:58:07 Bishop says, "...will the treatment work? I don't know... I've heard that there's none that is clearly effective..."
- At 01:01:15 Bishop says, "...there will be treatment discovered to deal with these people but in the meantime society has to be protected from them..."

35. Minnesota State Senate floor debate at the First Special Session of 1994 on Wednesday, August 31, 1994. (audio file[56])

- At 00:31:25 Betzold says, "...the person has to have a sexual, personality or other mental disorder or dysfunction... The medical professionals... define sexual disorders, personality disorders, mental disorders and then the word dysfunction is simply where we add that because not all these things actually work..."
- At 00:34:50 Betzold lets the members know, "...there is no jury in these cases..."
- At 00:35:09 Betzold says, "...the petition would have to be proved by clear and convincing evidence which is more than a preponderance of evidence but is not proof beyond a reasonable doubt..."
- At 00:41:12 Betzold says, "...there are a few of these individuals who have been committed as Psychopathic Personality who have absolutely no prison time hanging over their head because they have never been convicted of anything..."
- At 00:53:42 Neville says, "...most of the testimony that came before the task force was to the effect that these dangerous sex offenders commit their acts volitionally, that they are to some extent able to control their conduct, that they don't have a recognized mental illness and... that we should be lengthening and perhaps sentencing many of these individuals as criminals rather than trying to pretend that we can treat them..."

[55] Runtime: 01:16:49.
[56] Runtime: 01:19:57.

36. ***9.29.94 Joint House Senate Task Force on Sexual Predators*** **(audio file[57])**

The following people were at this meeting:

1. Chair, Wes Skoglund.
2. David Bishop.
3. Stephanie Good.
4. Representative Olstrum.
5. Emily Shapiro.
6. Roberta Ophiem.
7. John Kerwin.
8. "Mr. Bergstrom".
9. Marge Shwab, program director for an intermediate care facility for people who are developmentally disabled and they also have criminal offenses.
10. Dick Molcrome, Deputy Commissioner for the Department of Corrections.
11. Richard Newmiester, 16th year focusing on issues of privacy and civil liberties. He testified against the Wetterling bill in 1991.
12. Dennis Delmon, Chief of Mendota Heights Police Department and chairman of the Minnesota Chiefs of Police Association legislative committee and brother to a member of the judiciary committee.
13. Jim Truedue, Executive Director of the Minnesota Sheriff's Association.
14. Mary Sodergrin, concerned citizen who tells her story.
15. Gary Karger, fiscal analyst with the House.

- At 02:23:38 Molcrome says, "...the only study that I know is one that has already been cited before this task force which is the study of sex offenders released since 1985 and last brought up to date in 1992, which indicates that the 1,243 sex offenders released from adult corrections facilities that 57 or 4.6% have returned with a new sex offence..." NTS: this recidivism rate (4%-12% depending on the study) has generally stayed consistent over the last 3 decades years.

37. ***10.20.94 Joint House Senate Task Force on Sexual Predators*** **(audio file[58])**

The following people were at this meeting:

1. Chair, Wes Skoglund.
2. Emily Shapiro.
3. Pamela Hopes.
4. John Kerwin.
5. Deb Daily.
6. Bill Donè, filling in for Bruce Hedge. Donè is Department of Corrections program monitor for institution sex offender programs.
7. Stephanie Good.

- At 01:39:00 Bishop says, "...on the question of reoffending or recidivism... if you're talking about a prior conviction then that's what I would call a fairly useless number unless you take into account prior offenses that become part of a history when there's a pre-sentence investigation and when there are statements from the offender. What record are you aware of what you say 90% of sex offenders have not had prior convictions? How many of them in their record have prior offenses?"

[57] Thursday, September 29, 1994. Runtime: 03:28:27.
[58] Thursday, October 20, 1994. Runtime: 03:19:56.

Daily answers with, "...we are looking at more of the legal definition of a prior which would be a conviction and that's primarily because the law and the guidelines look to a prior record that's been proven... obviously the system is based on the legal definition of what a criminal history is..." Bishop then rebuttals with, "Mr. Chairman, Mrs. Daily, not enough. Now from your point of view, maybe so. But I'm sure you know that when the police get a confession of one offense they look to see whether there are other offenses that that particular persons going to admit and they close cases on the basis of confessions without necessarily closing them with convictions... there has to be better record keeping of prior offenses when that becomes available... my problem is with what you just called the system. And I think that corrections and law enforcement seem to be operating on the system of how legal do we have to be and keeping precise records of only convictions and only this and that when they in fact they collect the information of prior offenses and close those cases. They're done. Prior sex offenses or prior burglaries or prior murders they don't go for convictions on each of them in order to close those cases and all I'm saying is I think that statistics of this nature over 90% of serious offenders are first convictions are misleading in the wrong direction... how much better information we can get on the repeat offenders who have repeatedly offended and are only getting convicted and sentenced for one or two..." NTS: Again, Bishop dismisses the presumption of innocence doctrine and Daily honors it. After Bishop's rant, Daily explains what a "prior offense" is. She is missing Bishop and Kerwin's point: they do not want to rely on the beyond a reasonable doubt standard in any way. They want to rely on a lower standard like clear and convincing evidence. This is lost by Daily who works closely with the Department of Corrections, a department that honors the strict scrutiny of the beyond a reasonable doubt standard. Bishop is so bad at explaining his new communist ideology that he received from Humphrey that he doesn't really know how to communicate it to others. All he knows is that the presumption of innocence and the high standard of proof go against the agenda of the good old boys club.

- At 02:50:30 Daily says, "...Indeterminate sentencing... presumes we're going to know who those people are not to ever let out..." Skoglund interrupts to say, "...in some cases we do though. Those are the ones we tried to civilly commit..."

38. ***12.06.94 Joint House Senate Task Force on Sexual Predators*** **(audio file[59])**

The following people were at this meeting:

1. Chair, Wes Skoglund.
2. Emily Shapiro.
3. Representative Bishop.
4. "Mr. Bergstrum".
5. John Kerwin.
6. Paul Skogen, Assistant Hennepin County Attorney.
7. Bill Clump, Assistant Attorney General of the Criminal Division Minnesota Attorney General's Office.
8. Pamela Hopes.
9. Senator Nuville.

- At 01:21:35 Nuville says, "...My theory behind this bill, was to recognize that the long term solution I don't believe is the civil commitment of Psychopathic Personality but I'm convinced that they've committed crimes and we have to treat them as criminals..."

[59] Tuesday, December 6, 1994. Runtime: 2:05:53.

39. ***12.13.94 Joint House Senate Task Force on Sexual Predators*** **(audio file[60])**

The following people were at this meeting:

1. Chair, Wes Skoglund.
2. John Kerwin.
3. Mr. Dahl, Bureau of Criminal Apprehension.
4. Senator Betzold.
5. Paul Skogen.
6. Pamela Hopes.
7. Mr. Dahl.
8. Margery Singer.

- At 00:00:19 Kerwin says, "...within a couple of days after the new sexually dangerous person's law was enacted last summer the Ramsey County Attorney brought a new commitment petition against Dennis Linehan under the new statute... the commitment trial is now scheduled to begin on January 10th..."

[60] Tuesday, December 13, 1994. Runtime: 1:55:15.