

"Once social change begins, it cannot be reversed. You cannot uneducate the person who has learned to read. You cannot humiliate the person who feels pride. You cannot oppress the people who are not afraid anymore." – Cesar Chavez

Coalinga – New Covid Strain Outbreak Sickens, Quarantines More Than 750 Out of 1,000 SOs.

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by **Cyrus Gladden**

In California, near Coalinga, a small town close to the northern end of the Central Valley, Coalinga State Hospital serves as a residence to 1,457 civilly committed individuals.

It is also the sole facility in California housing former sex offenders who, upon their "release" from prison, were immediately confined there pending commitment proceedings.

Over 1,000 of these past sex offenders are among that overall number confined there. The remainder are mostly those, with or without any criminal offense, with a major mental illness that prevents them from living in freedom without peril of harm to themselves or others.

One of those who previously served such a sentence for a sex-crime convictions is James Hydrick, who is known to this reporter for his legal and sociological advocacy in opposition to civil commitment of those who previously had served every day of their prison terms.

However, on this occasion, Hydrick wears a different and far less pleasant hat as chronicler of a renewed Covid pandemic. On April 4, 2023, he reported that the entire facility has been overwhelmed by sickness arising from it within just the most recent two weeks. In all, about half of the facility's occupants have been infected by this massive infection outbreak by a new strain of Covid.

This new pandemic has sickened at least over 750 of these confined individuals, many very seriously. Nearly all, or at least a heavy majority of those stricken have been former sex offenders under commitment or pending commitment.

The amazing infectiousness of this Covid strain is amazing. However, the virus's ability to strike its victims down to bedridden status and to do so within as little as one or two days is downright alarming.

In a later phone conversation on April 7, Hydrick reported having seen "several" inmates taken out of the facility by ambulance in just the two preceding days. Although he hastened to add that no one had seen any coroner's vehicles arriving at the facility yet, the infection continues to rage, conveying the real threat that deaths could be in the future.

The virulence and sickening power of this strain are so severe that anyone identified as having Covid symptoms is immediately quarantined indefinitely.

1918 Redux?



tions in confinées was observed. Yet no staff personnel were ever tested for Covid infection and none are subject to any obligation to submit to testing.

In contrast, all inmates are being subjected to mandatory tests daily. By far, most inmates see staff of the Coalinga facility as responsible for bringing the virus into the facility. A very high percentage of Coalinga facility staff come from the West Indies, and more specifically, most of these are from Haiti. The overwhelming majority opinion among inmates in the facility is that the local community of Haitians, from which these facility staff-persons come, may well be the source of this new, exotic Covid variant.

Whether this specific suspicion is correct or not, the inference from the fact that visitation in the facility is infrequent that this wave may have originated in the town of Coalinga, CA or nearby and may have been brought in by sick personnel appears very probable as a general proposition.

Many employees with Covid symptoms knew that they were suffering either from Covid or something very similar, yet chose to continue to show up for shifts without masks.

In general, medical care of inmates of the facility has been poor overall throughout the years of the facility's existence. Part of the outfall of this abiding situation was the lack of facility readiness to combat such an outbreak event with timely, apt, and effective measures.

The anti-viral Covid drug Paxlovid has just begun to be administered to those who are sickest. Paxlovid appears to have significant virus-suppressing effect on those who receive it. However, the supply of that drug is apparently very limited presently.

Hence, the outcome of this massive and highly infectious outbreak appears to turn upon the race between this highly virulent infection and the rate of increase in the supply of Paxlovid on hand in the Coalinga facility to suppress the illness the virus is causing before substantial numbers die from it.

Previously announced plans for a mass hunger strike in the Coalinga facility (see *tLP* edition 7:4) to protest the lack of any way to gain release have now been placed on indefinite hold, pending the end of this mass health emergency.

The Covid strain that is causing all this havoc has been identified as one of the newest: Covid XB1.6. There apparently is no immunizing injection against this strain yet.

In Hydrick's residential unit (Unit #1), all 29 present have been stricken, as have all 52 confinées in Unit 5. The gym (capacity: 75) is full of those stricken, as is "Gym R" (capacity: 300) and also the "Grand Meeting Room" (also with capacity: 300). All of these large halls are currently serving as quarters for those quarantined, reminiscent of the massive wards hastily contrived in the midst of the Spanish Flu pandemic of 1918 (see photo above).

The entire facility has been placed on emergency lockdown at this time in an initial step to deal with this mass infection. This locked down state has prevented gathering complete news from throughout the facility.

In particular, the total number of stricken in other living units within the facility is unknown, as is whether any – and if so, how many already may have died of this latest Covid strain, whether in the facility or after evacuation to a hospital serving as more formal quarantine for the very sickest.

Due to this lack of information, it is conceivable that the ultimate number of those already infected may approach 100% of all confinées.

In an extremely unfortunate coincidence, the previous "mask mandate" for all employees working in all of California's correctional and mental health facilities has only recently been dissolved. This includes the Coalinga facility, where, after long complaining of the discomfort and inconvenience of mask use, most employees immediately ended their use of protective masks upon learning of that dissolution order.

Numerous employees were witnessed by confinées to be exhibiting serious respiratory symptoms before this mass wave of infec-

Coming Soon:

- ✓ Remorse Bias — What's THAT?
- ✓ RNR vs. Good Lives vs. Virtue Ethics vs. Desistance: Any bets?
- ✓ Lie-Detector Interrogation & Peter Meter Testing: Keeping You Down by False Hope, Fear, & Shame
- ✓ What Does Substantive Due Process Say about PPG Testing?
- ✓ Findings Change Everything
- ✓ Bayes, Monahan, Chaos, Uncertainty — Oh My!: Actuarial Prediction? Good Luck with That!
- ✓ Is "Machine Bias" a Bias Machine?
- ✓ Anti-HSOP Vigilantism: No Time to Stick Your Head in the Sand!
- ✓ Health Disservices? People Are Dying. What Can Be Done?
- ✓ RNR vs. Good Lives vs. Virtue Ethics vs. Desistance: Tag Team?
- ✓ FAC Asks UN to Deem US HPSO Registry Violates UDHR. Quick! You Need More Alphabet Soup!
- ✓ Do You Need a Union for a Hunger Strike?
- ✓ Free Speech on Campus – & in Civil Commitment Facility
- ✓ Sex Offender Residence and Employment
- ✓ Can Intention-Reading Tools Used by Fed Anti-Terrorists Supersede Sex-Crime Predictive Tools?

— & New articles arrive like rain!

Feedback? News? Write!

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Rud Suit Claims That SOs Are Denied Release



One community placement under consideration by MSOP

Chris Serres, "Sex Offenders Are Denied Release," *Star Tribune*, March 22, 2023, pp. A1, A5

Text Excerpts:

"Sixteen men who have been cleared for transfer from Minnesota's high-security treatment centers for sex offenders are being held beyond their transfer dates, state officials say, because they lack the space and staff to treat them in a community setting.

The backlog means that these men, who are civilly committed for sex crimes, are sometimes waiting months to be moved to a less-restrictive campus in St. Peter that is designed to help them learn skills to reintegrate into society. While the need to expand that campus in St. Peter has been identified for years, state lawmakers have declined to pay millions more to house Minnesota's sex offenders.

Now lawyers for patients in the Minnesota Sex Offender Program (MSOP) are suing the state in Ramsey County District Court, claiming the transfer delays violate their civil rights. They are demanding the immediate release of one man, James Rud, who has been held at the treatment center in Moose Lake for more than eight months after a judicial panel ordered that he be transferred to MSOP's community program in St. Peter – where men live outside the secure perimeter but still wear ankle monitors and are closely watched.

The attorneys point to a recent Minnesota Supreme Court ruling that determined that patients have a 'clearly established right' to be transferred to the less restrictive setting within a 'reasonable time' following a court order.

'This is a question of fundamental liberty,' said Dan Gustafson, the primary attorney in the recent lawsuit, which is seeking class-action status on behalf of MSOP patients who have been held beyond their court-approved transfers. 'When a court says you have to transfer someone to reduced custody, you can't just wait until it's convenient.'

...The capacity problems have been exacerbated by the growing number of civilly committed men being approved for transfer by special judicial panels, which have shown a greater willingness in recent years to grant requests for reductions in custody. These panels issued 25 orders to transfer MSOP clients to the community program in St. Peter last year, up from 15 in 2021 and eight in 2019, according to DHS data.

To clear the backlog and comply with the growing number of court orders, Gov. Tim Walz's administration is seeking as part of its bonding bill \$21.6 million to

renovate two buildings at the St. Peter campus to add 30 beds and provide more treatment space.

...As it stands, 16 men confined at Moose Lake and St. Peter have received court orders to be transferred to the less-restrictive Community Preparation Services program, which has 145 beds. The waiting list has declined from a high of 51 men a year ago, before MSOP expanded its capacity by taking over a vacant building on its St. Peter campus.

...The MSOP has been the target of multiple legal challenges in recent years for its practice of confining men for indefinite periods who are designated by the courts as 'sexually dangerous' or as having 'sexually psychopathic personalities.' Some have been held at the MSOP treatment centers for years – even decades – after they have completed their prison terms. As patients progress in treatment, they can be moved to CPS – often seen as the final step on the path back to community life.

Yet men can be held for months after they have been cleared for transfer by the courts, prolonging an already Byzantine process. Civilly committed to the MSOP in 2009, Rud was approved last June for transfer to the St. Peter community program. Yet Rud remains at the high-security facility in Moose Lake, which is surrounded by a fence topped with razor wire. He has received no information on when, if ever, he will be transferred to the less-secure setting, according to the lawsuit filed last month in Ramsey County.

In at least two other cases, MSOP patients have waited more than two years to be transferred to CPS after Judicial officials ordered it.

Gustafson took issue with the state's contention that CPS has been underfunded, lacking staff and space to accommodate the transfers. 'Insufficient funding cannot be a defense' of the delays, he argued. 'Because if that were true, the state could say, "We're not going to provide medical care or food to these people anymore because the Legislature didn't fund it." That's the logical conclusion of the money defense.'

Daniel A. Wilson, an MSOP patient who co-founded a group of detainees pushing to close the program, said the prolonged transfer delays contribute to a 'lack of hope' among patients. 'It's clear that they never designed this program ...in a way that would promote progression' from MSOP to the community, said Wilson, who has been confined at Moose Lake

for six years. 'When there aren't even beds available, it becomes apparent that one's progression has little to do with one's willingness to participate in treatment.'

They cast this illusion that it's our own fault' for not moving through treatment, Wilson added, 'when the evidence shows there's not enough space.'

Right to Fire Attorney to Get Effective Replacement Upheld in SOCC Custody Reduction Case.

In the Matter of the Civil Commitment of Rodger Dean Robb II, Commitment Appeal Panel, File No. 27-P8-060167, Order, March 10, 2023

Summary with text quotes:

Rodger Robb petitioned the Commitment Appeal Panel for discharge. A Part I hearing was held on July 19, 2022 and a Part II hearing was held on January 5, 2023, with a continued Part II hearing scheduled for Feb. 23, 2023, to conclude testimony. However, at the start of that hearing, Petitioner's attorney, Mark Grapy, stated on the record that there had been a "breakdown in communication" between him and Robb, and that Robb was petitioning the Panel to discharge Gray as his attorney and appoint a new attorney to represent him. Petitioner confirmed the breakdown in communication. The Panel discharged attorney Mark Gray as counsel for Robb and directed the Clerk of Appellate Courts to appoint a substitute counsel and to schedule the case for a new scheduling conference. The Panel did not name a specific attorney as substitute.

The Panel noted the provisions of Minnesota Statutes § 253D.20: "A committee person has the right to be represented by counsel ...and the court shall appoint a qualified attorney to represent the committed person...."

Attorneys representing committed persons are required to 1) consult with the person prior to any hearing; 2) be given adequate time and access to records to prepare for all hearings; 3) continue to represent the person unless released as counsel by the court; and 4) be a vigorous advocate on behalf of the person. *Ibid.*

According to Rule 9 of the Special Rules of Procedure Governing Proceedings under the Minnesota Commitment and Treatment Act, "An attorney shall represent the [committed person] until the court dismisses the petition or the [committed person] is discharged from

commitment." A committed person is not permitted to waive the right to representation. *In re Irwin*, 529 N.W.2d 366 (1995).

"...Petitioner ...explained that he believes Mr. Gray has not been informing him of necessary updates for his petition in a timely manner, that there are motions he would like to bring that Mr. Gray allegedly has refused, and that pursuant to *Minn. Stat. § 253D.20*, Petitioner is entitled to vigorous representation which he is not receiving from Mr. Gray. Petitioner clarified that he is not requesting to represent himself in this matter, but that he would like a new attorney.

"...The Panel ...offered an alternative opportunity for Petitioner and Mr. Gray to work together wherein Petitioner would be permitted to cross-examine witnesses and bring motions and Mr. Gray would act as standby counsel. However, the alternative was not agreed to by the parties, and Mr. Gray explained that he did not feel comfortable proceeding even as standby counsel. Mr. Gray reiterated the request to be discharged given the breakdown in the relationship with his client....

...[T]here was a clear breakdown in communication at the February 23, 2023 hearing, and the frustration between Petitioner and counsel was evident by all present. The Panel notes that the delay in the proceedings caused by Petitioner's oral motion for a new attorney does not prejudice the Commissioner's case, and the procedural posture of the matter is stayed and will not change at the rescheduled hearing and new evidence will not be considered.

...In the interest of fairness and pursuant to *Minn. Stat. 253D.20* and *Minn. R. Civ. Commitment 9*, the Panel grants Petitioner's request to discharge Mr. Gray as attorney of record and to appoint new counsel."

California Quiz about SOCC

Chris "Irish" Williams & Robert S. Turner, "Can You Pass the Misinformation Quiz?," Detainee-Americans for Civic Equality (DACE), Voicemail: 559.528.8220 (revised November, 2022) [edited for length and clarity]

"TRUE or FALSE?
1.About 1,000 so-called "sexually violent predator" individuals (SVPs) held in psychiatric detention in California state hospitals have cost taxpayers over three billion dollars since a new law was passed in 1996. T/F

2.Meanwhile, by 2022, about 45,000 high risk sex offenders released from prison who officials chose not to commit cannot be located for monitoring by authorities – due to lack of funding. T/F

(Continued on page 3)

3. Roughly 70% of the more than 1,000 of these individuals now detained at Coalinga State Hospital (DSH-Coalinga) have declined the meager three-hour weekly therapy sessions year after year. Why? Because so few have ever been released. During the two decades since the law's inception, of those detainees who have participated in full treatment and graduated, less than 160 have gained their release from the hospital. T/F

4. Prior to their maximum-security hospitalization, these detainees were transferred from low-security prisons only to be placed in a maximum-security mental health facility, yet are still given risk levels rarely above "low" by hospital staff. T/F

5. The California Psychiatric Association, in evaluating the SVP Act, declared, '...It appears this law is simply a means to create a legal process for keeping convicted individuals incarcerated,' and the CPA further admonished California legislators that '... mental health facilities cannot be used as a gulag.' T/F

6. Psychologists and psychiatrists hired to evaluate individuals for SVP lock-up can base their diagnoses on any of the following: hearsay, unverified accusations and uncorroborated police records, old dismissed charges, and claims by second and third parties made in probation reports, as well as uncharged acts committed as juveniles – yet no independent confirmation is required that any of these unadjudicated claims is verifiably true. T/F

7. These same evaluators, hired by the California Dept. of State Hospitals as panel members, have earned hundreds of thousands of dollars in this cottage industry outside of public view – some earning as much as a million dollars or more annually doing nothing but SVP evaluations. T/F

8. The SVP law does not require that these state evaluators meet or interview prospective SVP patients, effectively allowing these diagnoses to be based solely on review of (often ancient) file documents. Nor does the law require that there be either evidence or observation of a recent overt act. Qualifying sex offenses often date back decades, with no current offense, attempt, or other behavior required either to diagnose a disorder or to recommend that a current patient continues to meet the criteria for indefinite psychiatric detention. All these evaluators need to do is declare to the court year after year: 'The patient has not changed.' This status denies them all hope of ever being released. T/F

9. An amicus curiae brief filed by the American Psychiatric Association with the U.S. Supreme Court in the case of one such patient declares that "... psychiatrists have no expertise in predicting long-term dangerousness, and that two out of three predictions are wrong." T/F

10. An official American Psychiatric Association Task Force has further stated, '...[P]sychiatry must vigorously oppose these statutes, in order to preserve the moral authority of the profession and to ensure societal confidence in the Medical Model of civil commitment [because] ... legislators have used psychiatric commitment to effect ... societal ends that cannot be openly avowed.' T/F

11. In 1995, Dr. Gordon W. Gritter, Director of Atascadero State Hospital, stated: 'In our attempts to control crime we are devising a system for what is actually preventive detention – which is illegal – by clothing the detention in the garb of treatment.' T/F

12. California's general prison-population recidivism rate (in line with past and current national re-offense statistics as well) averages 60 to 70% annually for non-sexual crimes. T/F

13. California cannot point to any significant drop in sex offenses compared to thirty other states having no such SVP laws. Yet the U.S. Justice Dept. quietly sits on myth-busting statistics: Sex offenders have re-offense rates as low as 5% – far lower than released offenders of any other crime category. T/F

14. Dr. Melvin Hunter, Atascadero State Hospital Director, said, "Whoever came up with the term "SVP" must've been a public relations genius! ... We've been fighting for funding for forensic hospitals for years and suddenly we are given \$300 million to build a new facility. ... When the term SVP is used, what legislator will take the risk of voting against it?" T/F

15. Tom Voss, first Director of the Coalinga facility (established to treat and release sex offenders) stated, 'Ninety percent of the men who come here will die here.' T/F

16. Nations of the European Union view SVP civil commitment schemes in the U.S. to be a violation of human rights. They hold such 'preventive detention' (lockup for what the state believes persons may do in the future) to be cruel and inhumane). Several notable cases in European Union nations have rejected attempts to extradite sex offenders back to the U.S. without written assurances first that SVP commitment would not be inflicted on the person. T/F

This is information the Legislators and the Department of State Hospitals don't want the public asking, but all of the above are verifiably true statements. Yet most attorneys as well as civil and human rights advocates would not be able to pass this quiz.

Ultimately, what is crucial right now is not just to highlight the gross mismanagement, abject financial incompetence, neglect, abuse, and inhumane treatment, but to try to stop them immediately and to heal the harm and repair the damage they have caused without delay. You, your family and friends, associates, and

every right-thinking individual should immediately contact your state legislators to challenge the injustice of the so-called 'sexually violent predator' laws – wherever they are in place.

Injustice is injustice – regardless who is at the receiving end!

MSOP Confines & Releases Gain Right to Vote

Brianna Bierschbock, "Felons Regain Voting Rights: Minnesota Restores Right to Vote Upon Prison Release Even if Still on Probation," Star Tribune, March 4, 2023, pp. A1, A8

Text Excerpts:

p. 1: "The voting rights of more than 55,000 formerly incarcerated Minnesotans were restored on Friday, as Gov. Tim Walz signed into law one of the largest voter expansion measures in the state in the past half century.

...Minnesota joins 21 other states that give people with a felony conviction their voting rights as soon as they are released from incarceration.

p. 8: People affected by the new law will have their first chance to vote in special elections and this fall's municipal races. Previously, they had to wait until they were off probation and had paid all fines connected to their conviction.

...Legislators are also advancing proposals for automatic voter registration, ... and giving Minnesotans the option to join a permanent vote-by-mail list, rather than requesting an absentee ballot each election cycle."

Editor's Note: Previous coverage of legislative approval of this measure stated unequivocally that an attempt to amend the bill to create a 'carve-out' preventing those convicted of violent or sex offenses from gaining this restoration of voting right upon prison release failed, leaving that right intact for those particular felons as well upon the bill's signature by Gov. Walz.

Kotler of NY Says: Vote & Keep Up Political Pressure to End SOCC.

Kerry Kotler, The Thorn newsletter, "Minnesota Civil Commitment" and "Why You Should Vote" (April 2023)

Text Excerpts:

p. 1: "B. Minnesota Civil Commitment
If you think things are bad in New York, take a look at Minnesota's civil commit-

ment program, where an extraordinarily high percentage of offenders are being committed after serving criminal sentences, resulting in a per capita level of detainment that is the highest in the United States, and seven times higher than New York. However, changes are coming to that state. Why? Because some detainees there worked together for reforms.

It started with 10 men going on a hunger strike in January of 2021.

Several months later 120 detainees met in the yard and held a 'speak out' and protest, calling for change.

A month later, 10 detainees sat in a circle in the yard and refused to return to their housing units.

Like here, their main contention was that there is no path through treatment, and that they were not being afforded the same meager allowances they previously enjoyed as state prisoners.

In the end the detainees let officials know they were prepared to keep protesting every day until reforms were enacted.

As a result, the media, public, and most importantly elected officials took notice. Reforms, while slow, appeared to be following.

pp. 1-2:

C. Why You Should Vote

The governor in Minnesota is now expected to sign a new bill that will restore the voting rights of up to 55,000 convicted felons. This is great news for the 700 committed in Minnesota, but only if they take the initiative to become and stay informed, and vote!

Conservatives pushed hard to get exceptions written into the new law that would deny 'sex offenders' of their right to vote.

Sound familiar? It should, because not too many ago the exact same thing happened here in N.Y., when local officials (Republicans) cried in the media over the prospect of us voting.

Even after it became clear that, as civil detainees we were legally entitled, one administrator at STARC went so far as to confiscate 50 incoming voter registration cards mailed in from the local Board of Elections to appease the community's conservative base.

Formal complaints were filed with OMH. However, this official was never reprimanded or censured. Instead, he was recently promoted to a top position with the facility.

In the end did we have any influence over any elections?

Yes. Because many paid attention and voted.

This was made clear in the local senate race of Anthony Brindisi. During Brindisi's first term as a senator he not only communicated with a bunch of residents at STARC, but he also met with front-line staff, and promised to look into our concerns.

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However, he never got back to us, and his broken promises were not forgotten.

Consequently, and as karma would have it, once the absentee ballots were counted during his reelection bid, he lost by a mere 50 votes.

Think about that. A local state senate seat was decided by just 50 votes; and by getting together and deciding to vote for his opponent, the detainees at STARC likely changed the outcome of that race.

There was also a more recent election of a Supreme Court Judge named David Murad. Many at STARC may know him from annual Article 10 reviews, or the Article 78 a bunch of us had collectively filed.

He was not very accommodating. Not during annuals, nor the 78. He too was voted out by a relatively small margin.

True, most state-wide and national elections cannot be altered by two or three hundred civilly committed sex offenders, but as stated above, this is not the case in small local elections.

There are also representatives from both Republican and Democratic parties at the local Board of Elections overseeing the receipt of our mailed-in ballots. They need to see we vote, and count in Oneida County.

Therefore, I am not suggesting anyone at STARC hunger-strike, engage in sit-ins, or become disruptive inside the facility. I am, however, strongly urging everyone to stay informed and vote."

Shaming the Constitution, Part 7 – ALL of Ch 4

Michael L. Perlin & Heather Ellis Cucolo, *Shaming the Constitution: The Deteriorating Results of Sexual Violent Predator Legislation* (Philadelphia: Temple Univ. Press, 2017), Chapter 4: "Confounders," cont'd

Editor's Note: This is the seventh in a series of excerpts from *Shaming the Constitution*, a watershed book dispelling the fraud of sex offender civil commitment (SOCC) and calling for its immediate repeal everywhere. In this portion, the authors explore "confounders" – the role of media and of the perceptions of legislators, judges, and the public.

Text excerpts:

p. 65: **Role of the Media**

...The media's attention to high-profile, violent sexual offenses has been shown to elicit a panic and fear of rampant sexual violence within our communities.⁵ This, in turn, places extreme public pressure on legislators to enact more repressive legislation and on judges to interpret such laws in ways that ensure lengthier periods of incarceration for offenders.⁷

The media's depiction of a largely ineffective criminal justice system heightens fear⁸; fictionalized portrayals of crime on television dramas may lead viewers to believe that 'all offenders are "monsters" to be feared'.⁹

p. 66: Clearly, much of the initial push to contain, confine, and monitor offenders over the last several decades has, at the least, been partially motivated by the availability of the mass media's persistent display and interpretation of shocking and newsworthy sex crimes.¹⁴

...A writer of a New York Times op-ed column in 1993 concluded, 'There can be no dispute that monsters live among us. The only question is what to do with them once they become known to us.'¹⁷ As a result of incessant media coverage, the general public has conceptualized what it believes to be the prototype of this 'monstrous imminent evil' – a male who violently attacks young children who are strangers¹⁸ – and has responded by 'grabbing their pitchforks and lighting their torches'¹⁹ in a unified alliance to exterminate and eradicate the beast.²⁰

p. 71: **Media Criminology**

Media Rhetoric

The cliché 'if it bleeds, it leads' has become the mantra for print journalism's attitude toward crime of all sorts⁵³ and 'encapsulate the media's unrelenting obsession with sensational crimes.'⁶⁴ It is not the actuality of crime but its symbolic display that has captured the nation.⁶⁵

...[O]verreporting of crime itself may cause the populace to believe crime runs rampant,⁷¹ resulting in calls to 'more punitive responses to crime,'⁷² notwithstanding the reality that crime rates have declined.⁷³ The crimes least likely to occur in real life are the ones most likely to be emphasized by the media.⁷⁴ 'When a noteworthy crime is committed, newspapers lead with the story, including the name of the soft-hearted judge who released the perpetrator.'⁷⁵

Crime reporting is not only superficial but also prosecution biased.⁷⁶ Michael Tony believes the inspiration for much of the sexual predator legislation comes from the national media, especially television, [that] permeate nearly every pore of American life in vivid, repetitive, often hysterical colors, and [from] conservative American politicians [who] have for nearly two decades been playing the crime card and exacerbating public fears and then proposing or enacting repressive legislation in order to allay them.⁷⁷

p. 73: **The Impact of the Laws**

The valid and reliable research rejects the picture painted by popular television shows.⁹⁷ Department of Justice statistics make clear that 'not only do few sexual offenders get rearrested for committing a new sex crime, but sex offenders are less likely than non-sex offenders to be arrested for any crime at all.'⁹⁸ Beyond that, such research also suggests that currently prevailing legislation 'may actually



The lights are on, but...

increase the amount of risk in a community.'⁹⁹ As we concluded in a previously published article: 'These laws do little to protect the public; instead. They serve to ostracize, isolate and destroy any hope of integration, and, contrarily, responding to community pressures, potentially increase the likelihood of recidivism and achieve the exact opposite effect intended by the legislatures.'¹⁰⁰

pp. 73-4: **Impact on Public Perceptions, Legislators, and Judges**

The media-driven panic over sexual offender has directly influenced judicial decisions, at both the trial and appellate levels, in this areas of the law, especially in jurisdictions with elected judges. The demonization of this population has helped create a 'moral panic'¹⁰² that has driven the passage of legislation¹⁰³ – much of which has been found by valid and reliable research to be counterproductive and engendering a more dangerous set of conditions¹⁰⁴ – and judicial decisions, at the trial, intermediate appellate, and Supreme Court levels,¹⁰⁵ all reflecting the 'anger and hostility the public feels' about this population.¹⁰⁶ The public is thus devoted to a 'predator icon' that drives all our law and policy in this area,¹⁰⁷ a devotion augmented by the media's 'obsession' with criminal justice issues.¹⁰⁸ The term 'sexually violent predator' in itself is 'an emotionally charged one that conjures up many misleading or inaccurate images.'¹⁰⁹ By way of example, correctional officers rate sexual offenders as more 'dangerous, harmful, violent, tense, bad, unpredictable, mysterious, unchangeable, aggressive, weak, irrational, afraid, immoral and mentally ill' than other prisoners.¹¹⁰

Political scientist Thomas Marshall has argued persuasively that the Supreme Court is largely successful as a policy maker in part because it tends to follow public opinion, more often than not issuing decisions the public will be inclined to support,¹¹¹ and that the Court seems particularly likely to issue a majoritarian decision during 'crisis times' – times when public attention is focused closely on an issue.¹¹²

p. 74: Judicial elections have become 'high-profile political battles.'¹¹⁸ Scholars who have studied the impact of public opinion on judicial decisions in state courts – especially where judges sit for election – have concluded that, as elections approach, judges avoid controversial rulings and become more conservative in deciding criminal cases¹¹⁹ and that liberal judges 'curb their support' for criminal defendants 'in order to avoid opposition from law and order groups.'¹²⁰

Other judges run for reelection on a 'platform' of having 'issued rulings to simplify the prosecution of sexual predators.'¹²¹

pp. 75-6: We agree with Professor Thomas Zander that 'diagnosis should never be a pretext for social control'¹⁴¹ and with Dr. Robert Prentky and his colleagues that the courts need to exert 'firmer control' over testimony in sexually violent predator hearings that is of 'questionable value.'¹⁴² But until we take stock of the realities we have sketched out in this section – the impact of the media distortions on legislative policies, the lack of a factual basis for the public's obsessive fears (fears based on 'biased recall and unrealistic crime stereotypes'),¹⁴³ the ways that such media distortion and public pressures affect judicial decision making – we are doomed to endlessly play out a 'pathological morality drama.'¹⁴⁴ And we do this in spite of the overwhelming empirical evidence that shows that the laws in question have little or no effect on sexual offending rates and recidivism.¹⁴⁵ These fears and this 'morality drama' affect and infect all of the permutations of what we are discussing here."

Notes:

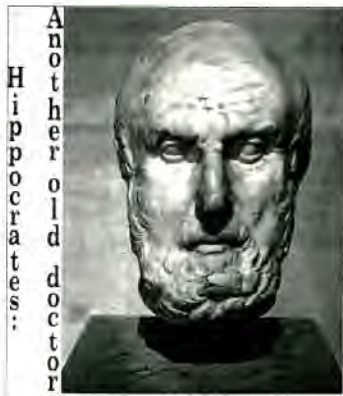
6 *Lori Dorfman & Vincent Schiraldi, Off Balance: Youth, Race & Crime in the News, Center for Children's Law and Policy* (2001), avail. at <http://www.buildingblocksfor youth.org/medialmedia.pdf>; *Jill S. Levenson et al., "Public Perceptions about Sex Offenders and Community Protection Policies," 7 Analyses Soc. Issues & Pub. Pol'y* 1, 2 (2007); see also *Kate Stone Lombardi, "Fears of Kidnapping Spur Effort on Education," N.Y. Times* (March 13, 1994) (reporting on an 'educational' video, 'Street Smart Kids,' which shows headlines such as '10-Year-Old Girl Abducted and Sexually Molested' and '11-Year-Old Girl Strangled.' There ensues a scene of an anguished father holding a news conference and pleading for his son's safe return, which is followed by a headline of the child's fate: 'Boy's Severed Head Found in Creek.')

7 *Lombardi, supra* ('Sex offenders and sex crimes incite a great deal of fear among the general public and as a result, lawmakers have passed a variety of social policies designed to protect community members from sexual victimization.')

8 *Kenneth Dowler, "Media Consumption and Public Attitudes Toward Crime and Justice: The Relationship between Fear of Crime, Punitive Attitudes, and Perceived Police Effectiveness," 10 J. Crim. Just & Popular Culture* 1019, 120 (2003).

9 *Id.* at 111. On how fictional television shows focusing on forensic analysis have become icons 'for anxieties within the legal system about truth finding and legal

(Continued on page 5)



Another world doctor: Hippocrates.

offenders released from Minnesota prisons ever commit any new 'sexual misconduct.' There is simply no bona fide medical, psychological, legal, or 'public safety' reason to justify the additional 'cruel and unusual punishment' of locking people up for life and endless fraudulent 'sex offender treatment' at MSOP after serving a prison sentence for non-lethal 'sexual misconduct' at great cost to Minnesota taxpayers.

So far 98 of us have died. I nearly died last July when I had emergency open-heart surgery to repair a sudden very severe leak in my mitral heart valve. I also had a radical prostatectomy for prostate cancer in 2012 that left me with a leaky bladder and sexually impotent. I am a very weak and frail 84-year-old man who has no interest in sex and I am no danger to anyone. **Why am I still locked up in MSOP?** I have 8 children and 6 grandchildren. Please release me to the Wesley assisted-living home in Duluth soon before I die. My youngest daughter is an Emergency Room doctor in Duluth.

Like me, at least 85% of the men here at MSOP have fully served our time in prison for non-lethal 'sexual misconduct' and would NEVER reoffend if released, similar to hundreds of other 'sex offenders' being released from Minnesota prisons every year. About 18,000 former 'sex offenders' are now living free in Minnesota and very few ever commit any new 'sexual misconduct.'

Minnesota is one of only 20 states that still have sex offender civil commitment laws. The 30 states that have no such laws have no higher rates of sexual misconduct than Minnesota. We have severe criminal laws to punish people who rape and murder someone, and civil commitment laws for people who are truly Mentally Ill and Dangerous (MI&D) to themselves or others. It is long past time for the Minnesota Legislature to close MSOP, **which is doing nothing** to improve public safety. MSOP can be safely phased out in 2 or 3 years, and this will save Minnesota taxpayers at least \$110,000,000.00 every year."

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[Anon.] RM (1st ed., December 2022)

Text Excerpts:

p. 6: "...Men under the SP [Shadow Prison] regime here in Minnesota as well as those across the Nation have all made it clear that resistance is absolutely necessary if we are to resurrect democracy in America.

p. 7: ...[I]deologies are just words, abstractions used for particular political, social, economic purposes – until they are acted upon. Although the founders wrote the founding documents – *The People*, not 'the government' – have a responsibility to follow and enforce the precepts therein. Freedom is not something created one time. It is something we maintain over time. America can only exist where its ideals are applied. If America fails, it will be *The People's* fault, not 'the founders.'

...Of the thousands of cuts it will take to defeat the SP regime, it could very well be one cut that ultimately changes everything. So that is all we need – one action – one cut. Unfortunately, we do not know what that one action will be until we discover it. Anyone who says otherwise is a liar. We are in a process of discovery. We are blazing new trails. We are creating a great mural where each Resister is painting his piece, and each piece is essential to the total.

p. 8: ...[A]t least if we misstep by doing something, we can learn by doing it wrong. But to remain idle is the face of a lie. We know that we cannot overcome oppression if we participate with it. We must turn from it. Otherwise, we endorse and justify it. But if we resist, anything can change everything at any time. If we refuse to resist, nothing will change.

It is impossible to hit a target unless we aim at it. So we take aim at the highest goals and build brick by brick. By resisting, we will accomplish three things: 1) we will end the Shadow Prison movement everywhere; 2) we will gain our freedom; and 3) we will develop programs that will prevent crime without detaining people....

We are not 'anti-treatment.' We are only anti-ineffective treatment. Any treatment that does not result in the release of its 'clients' is no treatment at all. We believe in effective treatment. We are not nihilists or Anarchists either. We believe in effective government, a government that truly respects the will of *The People*. We are not rebels without a cause. We are Americans. With the Resistance Manifesto we are not creating a new government. We are resisting a rogue government that is resisting the U.S. Constitution. We love our country and respect our laws. We are patriots....

We do not defend criminals. Men and women suspected of committing any crimes should be arrested, charged, and brought to court to be judged by a jury of their peers. If found guilty, they should receive their due punishment in accordance with the law and the United States Constitution. Once their sentence is complete, their civil rights, dignity, and name should be restored. Any Detainee who was already sanctioned for committing a crime should forgive themselves. They are no longer a criminal....

p. 9: Each man must follow his own conscience to make his own decisions. Resisters do not look to man or government for direction. Instead, they live by principles of conviction and appeal to the Almighty for protection, provision, and justice....

§1: The Resister's Convictions Of Resistance

History's Role in Resistance. How Resistance Made History

p. 11: Never had Human Rights been so close to extinction and never had the world been more desperate for change. So in 1943 the countries of earth banded together and formed the United Nations. Their basic purpose was '...to reaffirm faith in fundamental human rights, in the dignity and worth of the human person.'

...[U]nder the supervision of Eleanor Roosevelt, in 1946 at the UN Commission, they finally agreed on a set of rights that applied to absolutely everyone: *The Universal Declaration of Human Rights*.

p. 12: ...The fact is, when it was signed, *The Universal Declaration of Human Rights* did not have the force of law.

The Universal Declaration of Human Rights is still little more than words on a page. So the question is, who will make those words a reality? The answer is simple: the only ones who will make those words a reality are those who resist mankind's inherent disposition to oppress others. The ones who will make those words a reality are those who enforce God's laws of freedom and equality.

When Dr. [Martin Luther] King [Jr.] marched for equality, he was marching for rights that had been 'guaranteed' by the United Nations for almost two decades, but he still had to march to enforce them. When Nelson Mandela stood up

for social justice the 1990s, his country had already agreed to abolish such discrimination for almost 40 years, but still he fought to enforce them. These Resisters along with many other Resisters throughout history, understood that their rights were their own responsibility to enforce.

Resistance has been prevalent throughout this Nation's history extending from the Boston Tea Party and the signing of the Declaration of Independence. In fact, abolition of slavery, suffrage for black men and later women, readily available divorce, and the eight-hour work day are all victories that came as a result of resistance. Abolishing the Shadow Prison (SP) regime will be no different.

p. 13: Disobedience of 'Jim Crow' laws served, among other things, as a catalyst to end segregation by law in this country, and violations of selective service laws contributed to our eventual withdrawal from the Viet Nam War. Resistance in various forms, used without violent acts against others, is engrained in our society. In 1773, a group of citizens calling themselves the 'Sons of Liberty' forced their way onto some British ships docked in Boston Harbor and dumped overboard a cargo of tea transported from England for sale in the Colonies. The cry, 'No taxation without representation' was then taken up in cities, towns, and county regions by artisans, farmers, and housewives....

Resistance is universal. In 1988, underground church leaders organized a candlelight demonstration at Bratislava, the largest protest event in Czechoslovakia since the 1960s. The police used water cannons to disperse thousands of Christians gathered peacefully on the city's main square to pray for religious and civil liberties. But it was too late for the communists. The momentum was with the people. Within two years, communism was over.

William Lloyd Garrison was one of the most important figures in the history of the anti-slavery movement. In fact, Garrison was credited by Abraham Lincoln himself with the emancipation of slaves. Garrison's anti-slavery publication, *The Liberator*, was first published in 1834. Garrison was 25 years old. He published *The Liberator* every week without fail for 35 years until slavery was abolished in 1865. *The Liberator* was furiously attacked. There was a violent nationwide crackdown on the First Amendment rights of anyone with anti-slavery views. Across the South, states began to limit abolitionist speech. In some southern towns, it became illegal to receive *The Liberator* through the post office. In North Carolina, Garrison was indicted for distributing incendiary material. In South Carolina, there was a \$1,500 reward for the capture of any

(Continued on page 7)

outcomes' and raise questions about the 'future of the rule of law,' see *Christina Spiessel*, "Trial by Ordeal: CSI and the Rule of Law," in *Law, Culture and Visual Studies* 825 (Anne Wagner & Richard Sherwin eds., 2013).

14 *Benjamin Radford*, *Media Myth Makers: How Journalists, Activists, and Advertisers Mislead Us* 66 (2003) ('Nothing gets viewers to tune in to a news program like fear.'). Television personalities perpetrated much of the media-generated panic over child abductions in the 1990s. A prime example occurs in *Geraldo Rivera*, *The Geraldo Rivera Show* (TV broadcast Dec. 4, 1997): 'They will come for your kid over the Internet; they will come in a truck; they will come in a pickup in the dark of night; they will come in the Hollywood Mall in Florida.... There are sickos out there. You have to keep your children [very] close to you.'

17 *Andrew Vachss*, "Sex Predators Can't Be Saved," *N.Y. Times* (Jan 5, 1993).

18 *Heather Ellis Cucolo & Michael Perlin*, "Preventing Sex Offender Recidivism Through Therapeutic Approaches and Specialized Community Integration," 22 *Temp. Pol. & Civ. Rts. L. Rev.* 1, 16 (2013); *Helen Gavin*, "The Social Construction of the Child Sex Offender Explored by Narrative," 10 *Qualitative Rep.* 395, 395 (2005) ('The dominant narrative construction, in Western societies, concerning child sex offenders identifies such individuals as purely male, inherently evil, inhuman, beyond redemption or cure, lower class, and unknown to the victim.').

19 *Nathaniel Gleicher*, "John Doe Subpoenas: Toward a Consistent Legal Standard," 118 *Yale L.J.* 320, 324 (2008) ('Faceless crowds of online tormenters wield virtual pitchforks, carry virtual torches, and hound innocent targets into hiding and out of the online world entirely.').

20 *Id.* at 397: 'Unidentified sex offenders described in the media frequently have identities created to fit a particular stereotype, labeling the strangers as 'beasts,' 'fiends,' 'brutes' and 'animals.' Dehumanization and depersonalization of sex offenders is a common theme in press coverage.'

63 *Richard Fox et al.* *Tabloid Justice: Criminal Justice in an Age of Media Frenzy* 6-7 (2nd ed. 2007).

64 *Scott Phillips*, "Legal Disparities in the Capital of Capital Punishment," 99 *J. Crim. L. & Criminology* 717, 735 (2009); *Sara Sun Beale*, "The News Media's Influence on Criminal Justice Policy: How Market-Driven News Promotes Punitiveness," 48 *Wm. & Mary L. Rev.* 397 (2006).

65 *Keith Hayward*, "Opening the Lens: Cultural Criminology and the Image," in *Framing Crime: Cultural Criminology and the Image* 1, 1 (Keith J. Hayward & Mike

Presdee eds., 2010).

71 *George A. Weiss*, "Prosecutorial Accountability after *Connick v. Thompson*," 60 *Drake L. Rev.* 199, 230 (2011), discussing *Angela J. Davis*, *Arbitrary Justice: The Power of the American Prosecutor* 6 (2007).

72 *Dowler*, *supra* note 98, at 111.

73 *Catherine Carpenter*, "Legislative Epidemics: A Cautionary Tale of Criminal Laws That Have Swept the Country," 58 *Buff. L. Rev.* 1, 37 (2010); *Beale*, *supra* note 64, at 409.

74 *Surette, Ray*, *Media, Crime and Criminal Justice: Images and Realities* 102(1992).

75 *Amber Baylor*, "A Free Start: Community-Based Organizations as an Antidote to the Mass Incarceration of Women Pretrial," 26 *Hastings Women's L. J.* 51, 52 (2015).

76 *William R. Montross, Jr. & Patrick Mulvaney*, "Virtue and Vice: Who Will Report on the Failings of the American Criminal Justice System?," 61 *Stan L. Rev.* 1429, 1447 (2009) (attributing this bias, in large part, to changes in the American publishing business).

77 *Michael Tonry*, "Rethinking the Unthinkable: Punishment Policies in America," 46 *UCLA L. Rev.* 1751, 1786 (1999).

97 *Adam B. Shnideman*, "Ripped from the Headlines: Juror Perceptions in the Law & Order Era," 38 *Law & Psychol. Rev.* 77 (2014).

98 *Tamara Rice Lave*, "Throwing Away the Key: Should States Follow *U.S. v. Comstock* by Expanding Sexually Violent Predator Commitments?," 14 *U. Pa. J. Const. Law* 391, 396-97 (2012).

99 *Alissa Ackerman & Karen Terry*, "Faulty Sex Offender Policies," in *Flawed Criminal Justice Policies: At the Intersection of the Media, Public Fear, and Legislative Response* 149, 162 (Frances P. Reddington & Gene Bonham eds., 2012).

100 *Cucolo & Perlin*, *supra* note 18, at 10.

102 *Daniel M. Filler*, "Making the Case for Megan's Law: A Study in Legislative Rhetoric," 76 *Ind. L.J.* 315, 346-66 (2001).

103 On 'legislative panic' in this context, see *Wayne Logan*, "Megan's Law as a Case Study in Political Stasis," 61 *Syracuse L. Rev.* 371, 371 (2011).

104 See *infra*, "SORNA."

105 On judicial panic in the context of same-sex marriage, see *John Culhane*, "Uprooting the Arguments against Same-Sex Marriage," 20 *Cardozo L. Rev.* 1119, 1146 (1999).

106 *Meghan Gilligan*, "It's Not Popular But It Sure Is Right: The (In) Admissibility of Statements Made Pursuant to Sexual Offender Treatment Programs," 62 *Syracuse L. Rev.* 255, 271 (2012).

107 *Ray Surette*, "Predator Criminals as Media Icons," in *Media, Process, and the Social Construction of Crime* 131-32,

140, 147 (Gregg Barak ed., 1995); see also *Surette*, *supra* note 74, at 45.

108 *Craig Haney & Susan Greene*, "Capital Constructions: Newspaper Reporting in Death Penalty Cases," 4 *Analyses Soc. Issues & Pub. Pol'y* 129, 129 (2004).

109 *Cucolo & Perlin*, *supra* note 18, at 2, n. 4, discussing *Adam Deming*, "Sex Offender Civil Commitment Programs: Current Practices, Characteristics, and Resident Demographics," 36 *J. Psychiatry & L.* 439, 443 (2008).

110 *John R. Weekes, Guy Pelletier & Daniel Beaudette*, "Correctional Officers: How Do They Perceive Sex Offenders?," 39 *Int'l J. Offender Therapy & Comp Criminology* 55 (1995).

111 *Michelle Johnson*, "The Supreme Court, Public Opinion, and the Sentencing of Sexual Predators," 8 *S. Cal. Interdisc. L. J.* 39, 40 (1998).

112 *Johnson* *supra* note 111, at 41. See also *David E. Pozen*, "Judicial Elections as Popular Constitutionalism," 110 *Colum. L. Rev.* 2047, 2070-71 (2010).

118 *Amanda Frost & Stephanie Lindquist*, "Countering the Majoritarian Difficulty," 96 *Va. L. Rev.* 719, 795 (2010).

119 *G. Alan Tarr*, "Politicizing the Process: The New Politics of State Judicial Elections," in *Bench Press: The Collision of Courts, Politics, and the Media* 542, 58 (Keith J. Bybee ed. 2007 [herein after: *Bench Press*]).

120 *Lawrence Baum, Judges and Their Audiences: A Perspective on Judicial Behavior* 121 (2006).

121 *Norman Reimer*, "Fear Unleashed: Money, Power and the Threat to Judicial Independence," 34 *Champion* 9, 10 (Nov. 2010). See also *Devera Scott et al.*, "The Assault on Judicial Independence and the Uniquely Delaware Response," 114 *Penn. St. L. Rev.* 217, 233 (2009) (discussing how a judge thwarted a campaign for an early retention election by increasing a defendant's controversial sentence from 60 days to a term of 3 to 10 years in jail; the opportunity for judicial malevolence here is clear). See *Nathan Richard Wildermann*, "Bought Elections: Republican Party of Minnesota v. White," 11 *Geo Mason L. Rev.* 765, 784-85 (2003).

141 *Thomas Zander*, "Commentary: Inventing Diagnosis for Civil Commitment of Rapists," 36 *J. Am. Acad. Psychiatry & L.* 459, 468 (2008).

142 *Robert Prentky et al.*, "Commentary: Muddy Diagnostic Waters in the SVP Courtroom," 36 *J. Am. Acad. Psychiatry & L.* 455, 455 (2008).

143 *Robert Paul Doyle & Craig Haney*, "Proposition 83: Framing and Public Attitudes Toward Sex Offenders: An Application of Heuristic Models of Social Judgment" (Aug. 10, 2009), avail. at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1444688, manuscript at 24.

144 *William J. Stuntz*, "The Pathological Politics of Criminal Law," 100 *Mich. L. Rev.* 505 (2001).

145 *Wayne Logan*, "Megan's Laws as a Case Study in Political Stasis," 61 *Syracuse L. Rev.* 371, 402 (2011).

Will MSOP Ever Recognize That Advanced Age Eliminates Recidivism?

Letter by Dr. James R. Poole, M.D. to State Rep. Mohamad Noor (2023)

Text excerpts:

"...I will be 85 years old in September 2023. I received my M.D. degree from the University of Wisconsin Medical School in June 1963 at age 24. I ranked 5th and was the youngest member of my class. I interned at Minneapolis General Hospital from July 1963 to June 30, 1964, the year it became HCMC on January 1, 1964. I served as a doctor (Captain) in the U.S. Army in Germany from August 1964 to January 1967, was an OB-GYN resident at St. Paul-Ramsey (now Regions) and the University of Minnesota Hospitals July 1967-68, then went into general practice at the North St. Paul Medical Center until moving to Wheaton, MN in 1971.

During the 28 years I was a doctor, July 1963-91, I often did surgery that saved many lives, delivered more than 2,000 babies, and helped thousands of sick and injured people get well and heal. In July 1991, I was imprisoned for 8 years for exams that did not have a **'bona fide medical purpose'** (very similar to MSOP that has no **'bona fide'** medical, psychological, legal, or 'public safety' purpose) under a 1987 law that was intended by the Minnesota Legislature to apply **ONLY** to someone who **impersonated** a doctor and did fake exams for 'sexual' reasons, which I did not do.

After fully serving my prison sentence, I was civilly committed to the Minnesota Sex Offender Program (MSOP) indefinitely (for life, as very few are ever released) as a "Sexually Dangerous Person (SDP) and "Sexually Psychopathic Personality" (SPP) in July 1999 at age 60, when my actual risk of any new 'sexual misconduct' if released was less than 1%. As of this July, I will have been locked up for 32 years: 8 years in prison (1991-99) and 24 years here at MSOP (1999-2023) for endless 'sex offender treatment (will make you free)' like the deceptive signs at Nazi death camps: 'work will make you free.'

It is **extremely rare** for a sex offender to murder anyone. Less than 5% of sex

(Continued on page 6)

white person circulating *The Liberator* or other 'seditious' materials. The Georgia legislature offered \$5,000 for anyone who apprehended Garrison and brought him in to stand trial. Even in New York a grand jury resolved that those organizing 'abolitionist societies in the Northern states,' and those who circulate 'inflammatory publications' to southern blacks, 'are guilty of sedition, and of right ought to be punished; and that it is the duty of all our citizens ...to destroy all such publications whenever and wherever they may be found.' Nevertheless, Garrison created a movement that grew from 12 to 2,000 members within 2 years and eventually, together, they ended slavery.

pp. 13-14: Even though people wanted Garrison dead, he never softened his message. Garrison was angry about slavery and his words offended people, even people in his own movement. But for those who stuck with him, he became an even more visionary leader, one whose far-reaching voice inspired civil rights movements across the world. When Garrison was told to shut up and be respectful, he got louder and more offensive. This caused some to leave his movement and it also put a target on his back. But those who stayed with him were credited alongside him for ending slavery.

p. 14: William Lloyd Garrison said, 'The religious societies, the government and the people were against us, and now they are for us. We held our little torch when all was darkness, and we need not do it now when the whole heavens are ablaze'....

It is important to note here that we do not promote violence. It would be foolish for us to promote violence. The corruption that created the institution and the corruption within the institution manifests from a foundation of spiritual sickness. The corruption does not come from the physical world at all. Fighting back in a physical way is a waste of time. When confronted with challenges we are tempted to do the wrong thing; react with aggression. But this will only entrench the enemy. This is not to say SP regime has not been violent towards us. They have been. But although those who scream, 'Burn the system down!' have no illusions about the system, they have plenty of illusions about the way to change our world. Also, 'Power comes out of the barrel of a gun!' is absurd messaging when the other side has all the guns. We cannot be too emotional to think in terms of strategy. We do not want violence. We want results.

p. 15: Human Rights are not a history lesson or words on a page. They are choices we make every day as human beings. ...Those who fight for Human Rights are not superheroes. They are people. They are brothers, sons, fathers, free thinking individuals who refuse to be

silent. We are proud to continue the legacy for the fight for Human Rights.

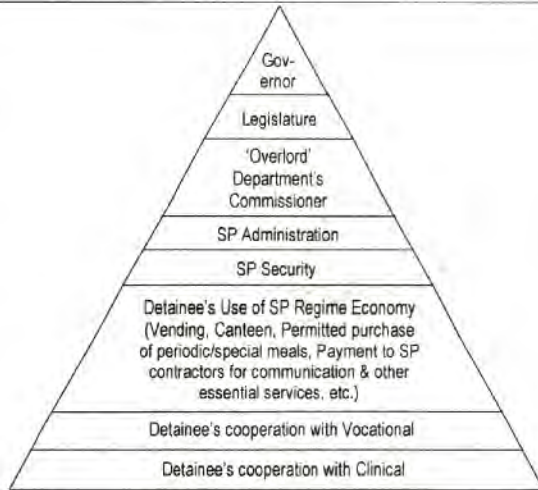
History's Role in Resistance. How Resistance Made History

pp. 15-16: ...Any detainee who says that they can look past the violations of the institution, then we ask them; have you lost the life of a loved one while you were confined by the SP regime? If you have, they have blood on their hands. Do you shake hands with the murderer? If you do, then you have blood on your hands and you are unworthy of the name of brother, son, father, husband, friend or lover. Whatever rank or title in this institution that you have achieved, you have the heart of a coward and the spirit of a bootlicker.

p. 16: Herbert Kelman and Lee Hamilton used the term 'Crimes of Obedience' to describe immoral or illegal acts that are committed in response to orders from authority. Social psychologists have extensively investigated this sort of obedience. For instance, employees who carry out orders of corporate executives that violate the law and political leaders who ask subordinates to engage in unethical campaign practices. When sympathizers obey orders to cooperate with a bogus treatment program, obviously operated by unqualified people or when they go to work for less than minimum wage to fund and operate an illegal institution, these are examples of Crimes of Obedience.

Sympathizers who refuse to resist the institution are double agents who quench the fires of revolution. They seem to think that they will get home by complying with the scheme. Therefore, they support its operation. Sympathizers usually complain about the injustice suffered by the system, but they have not accepted that they are part of the problem. By making a choice to comply, they make the choice to endorse the chaos. Resisters on the other hand are not do-nothings who preach for change and then abstain from and discourage all effective action for change. Sympathizers are known by their brand. 'I agree with your ends but not your means.' They function as wet blankets whenever smoldering sparks of resistance begin to flare up into the fire of action. They are the ones Edmund Burke referred to when he said, acidly: 'The only thing necessary for the triumph of evil is for good men to do nothing.' Tyranny grows slowly with each betrayal of conscience. Each bit of silence, each rationalization weakens resistance and increases the probability of the next restrictive move of the tyrant. The Detainees have allowed the SP to step far beyond the line of tyranny.

Some have criticized certain grass roots efforts inside the SP for 'not doing enough.' Those men do not lose sleep wondering what more they could have done. If any grass roots efforts failed, it is the fault of those who stood by and did



Shadow Prison Responsibility Pyramid

The majority of the responsibility for the SP regime is on the Detainee. Without the Detainee's participation, the system would fail. Although there are consequences for resisting the SP, no detained man is cleared of their responsibility to resist. The system will fail when a critical mass of detainees decide to endure those consequences for a greater purpose: to End MSOP.

nothing. In fact, instead of participating, some of the detained actively supported the SP regime instead of the Resisters. Our message to them is this: WE HAVE NO RESPECT FOR YOU.,

...Ironically, men too focused on pleasing the State, instead of going home, cannot see the path home. Instead of thinking rationally, they become fixated on the first 'path home' offered by the enemy and they stay fixated on it for decades. They are unable to see how State Worship has contributed to their continued incarceration.

p. 17: ...A Resister does not endorse his own oppression. Nor does he pacify his captors while they watch him die slow. The SP relies on the Detainees to keep it in operation. Detainees are the base of the pyramid that holds all together. Our compliance justifies the entire system so it is our resistance that will end it."

Show-Stopping Legislative Hearing Statements by MN Anti-SOCC Activists

On YouTube.com, search for "House Human Services Finance Committee 03/23/23" to view/hear these speeches (which start 32 minutes into the video). Four parties were scheduled to give 2-minute presentations at the MN House DHS Finance Committee on 3/23: Fr. Harry Hartigan, former Rep. Steve Sandell, attorney Leo Feeney and Ms. Jeanne Feeney. They only got through the first three, so Jeanne was rescheduled for 3/28. Leo and Jeanne both went back for a second presentation on

3/28/23 that also should now be posted. The written version of all these speeches appears here.

Rep. (retired) Steve Sandell

"I'm Steve Sandell, a constituent in District 47B, much of Woodbury, and formerly a member of this committee.

I'm here on behalf of the men and women in the Minnesota Sex Offender Program, otherwise, I'm speaking only for myself.

I learned about MSOP in 2020 when I received a letter from a resident at the Moose Lake facility. Since then, I've spoken with Commissioner Harpstead, members of her staff and residents many times, visited facilities at Moose Lake and St. Peter, and participated in the Resident Advisory and Family Council.

MSOP is one of only 20 similar programs in the nation. It is the largest and most expensive. The average length of stay is the longest in the nation. 750 individuals — some of whom are in their 80s, some have been there for more than 30 years — are currently confined. All of them have served their court-imposed prison sentence.

Their commitment is indeterminate, their civil rights are suspended. In the last 30 years, only 17 individuals have been released, 98 have died there. The program has had no statistical impact on the rate of sexual aggression and assault.

MSOP is a \$250 million dollar budget item. You should understand that there is no statutory or implied limit to the MSOP budget, no limit to the number of individuals assigned to commitment.

Critical reports have appeared in numerous local, national and professional publications. The legislative auditor and a court appointed Task Force both pub-

(Continued on page 8)

lished two critical reviews of the program. A lawsuit challenging its constitutionality remains unresolved. A year ago, a legislative hearing was held, two speakers made presentations, no questions or discussion was allowed. An article in the *Star Tribune* by reporter Chris Serres yesterday indicated the continuing problematic nature of this program.

Yet there is no independent oversight of its policies and practices, no consistent standard to be met, no published peer evaluation.

I drafted a bill in the last legislative session emphasizing prevention, support for all affected by irresponsible and dangerous sexual behavior, establishing an oversight committee, and providing money for research leading to more effective treatment and healing. Our caucus leadership asked me to withhold the bill, concerned that it would cause political repercussions. I regret that I did.

I've contacted each of you encouraging your attention to this program and offering language for a bill that would move modestly toward reform.

All of us told our constituents when we campaigned that we would responsibly face difficult topics, promising honest and respectful conversation on even uncomfortable issues.

I know that sexual aggression and assault are heinous crimes and can leave a history of trauma and pain, and that some of the individuals currently confined should continue residential therapy and treatment. But I also know that our society believes in repentance, reform, civil rights, rehabilitation, and healing.

The legislature created MSOP and is responsible to its constituents and taxpayers for its operation and for the very substantial expense — \$300,000 dollars a day — facilitated by inattention and growing every year.

I'm not here asking for more money to be committed to this program. I am asking only that your committee take a close look at this budget item and decide if you want to continue to invest in a punitive, deeply flawed, and ineffective program of find a better path that would invest in human capital, aggressively strengthen education and prevention, support victims and families, seek the most effective therapy and treatment, and, in the end, better protect public health and safety."

Attorney Leo Feeney:

"I am an 86-year-old lawyer still practicing law. I devote a percentage of my time to assisting many of the men at MSOP. I take their calls and respond to their messages and most importantly, listen to their concerns, their fears, their frustrations.

I also participate in weekly meetings of the Resident Advisory Family Council, where the focus is devoted to improving

MSOP's program, a 'mess' (writes D.J. Trice of the *Star Tribune*). Others comment that the program is an embarrassment to our state.

I mention this only because I believe and I know these men to be good men, genuine and honest.

The MSOP-Moose Lake facility is hidden from passersby by a forest. Equally hidden is the imprisonment of hundreds of men at the facility. Men no longer flawed, not a threat to their communities, men who belong back in the real world where they can contribute to society.

These men are genuine and sincere in their efforts to improve MSOP's program. Every legislative session they write the legislators about the compelling need for reform of MSOP's program.

The response is always the same year after year, SILENCE.

Similarly, personal letters to the Governor evoke the same response: SILENCE.

The Task Force 2013 study of MSOP's program and its subsequent report of 2013, one year in the making, document the existence of the critical need for reform. The power structure's response: SILENCE.

The numerous studies by law schools, nationally recognized authorities, have independently arrived at the same conclusion: the need for reform now.

The power's structure's response: SILENCE.

Hundreds of beating hearts wait year after year for a response. But none comes.

The affected MSOP incarcerated have strong feelings about MSOP's program. What they feel and believe about MSOP's program is that it is a mocking contradiction of what the program is pretending to be. To the man, this is hypocrisy — a killer of morale and hope.

The men seek and desire a genuine program. There is much goodness in the men at MSOP who are no longer flawed or a threat to society.

These men only ask for a program that will permit their innate goodness to flourish, be self-evident and promote their return home.

The power structure decides the singular fate of each one of these men. The continued silence, the failure to reform, offers no encouragement.

No hope is not the natural lot of mankind. When there is no hope, nothing is left and the person ceases to be."

Fr. Harry Hartigan:

"Thank you for the opportunity to speak with this committee today. I am Rev. Harry Hartigan and I have provided spiritual and moral support to many of the human beings held at MSOP Moose Lake and Saint Peter, I continue to advocate for these folks. I have been in both MSOP facilities as well as Oak Park Heights and Stillwater Prison and there is

no difference in how these facilities operate. If it looks like a prison, acts like a prison — it IS a prison and not a treatment program.

The statistical data provided by DHS regarding the Minnesota Sex Offender Program is shameful and speaks to the lack of oversight by those who should be held accountable for this program. This program was created by the Minnesota Legislature and only the legislature can correct this terrible system which denies individuals their constitutional rights.

Institutionalizing human beings, who have paid for any wrongdoing they may have done, without due process is wrong, wrong, wrong! Fear is not a basis for doing what is morally right and correcting the wrong done by the legislature when this terrible program was created.

The Minnesota Sex Offender Program is morally wrong and shameful.

This program has been reviewed many times and yet corrective action has not been taken. Reports of the Legislative Auditor 2011 and 2013, and from the Karsjens court case are simply ignored out of fear.

750 human beings are trapped at MSOP with little hope of ever getting out of this shadow prison. More 'clients' have died at Minnesota Sex Offender Program than have been released.

What if this was your child, partner, loved one? Is this how you would want them treated? On behalf of all the human beings under the control of DHS and the Minnesota Sex Offender program, I beg you to do what is morally right and just I pray that you will do what is right on behalf of the State of Minnesota.

I thank you for your time and hold you and your work in prayer."

Ms. Jeanne Feeney:

"My name is Jeanne Feeney. I thank you for this opportunity to share my thoughts regarding MSOP with you today. I am a former French language teacher. I am actively involved at MSOP as an ex-officio Board Member of the Resident Advisory Family Council at Moose Lake. I am here today to talk about the so-called 'Treatment Program' currently in place at Moose Lake, a program that former Dean of William Mitchell College of Law Eric Janus calls a total 'FRAUD.' No expert in this treatment arena, independent of MSOP, claims this treatment program to be a good program. The fact is, most refer to this treatment program as the worst program in the entire country.

This treatment program is the worst because:

Number one: The staff and therapists are not qualified or trained for this level of treatment. They are unaware of the basics of good therapy and they are biased. The staff and the therapists are biased against the very men they are supposed to be treating and supposedly

helping to re-enter society. In reality, staff and therapists in general, regard their 'clients' as unworthy, as not capable of change. They treat their clients as if they are the same men today as they were yesterday ... and that is simply not true. Most men have been evolving and changing, some for over 18 years ... and are upstanding individuals worthy to reenter society as contributing members. Therefore, these men have no hope of ever progressing — ever — because they are on a deliberate path toward failure at every turn. ... They are the undeserving, the deplorable. Many more people have died at MSOP than have ever graduated.

Number two: This program is the worst because MSOP's Administration displays in word and in action the same bias — the same negative attitude toward the clients at MSOP. Those in leadership at MSOP govern out of fear, pride, power, and control. Therefore, staff and Administration conspire to keep progress from ever happening at MSOP and assuring that the clients will not progress. ... or ever see the outside. This is a failure.

Regarding the Resident Advisory Family Council at MSOP on which I serve: I am a witness to the fact that the Administration is not in any way cooperative with the RAFC council ... either with the clients or the ex officio members. The sole purpose of this council is to make changes that will effect positive change to policies that will improve MSOP and benefit its Clients... I am a witness to the fact that week after week the operative reaction to any suggestion by the RAFC council is a flat out NO ... no explanation or reason given ... just NO. Therefore, a simple request to have chairs in the common areas at MSOP has not been approved and the 'clients' are required to sit on the floor while waiting to be seen in Health Services or just to visit with another client. You would think chairs would be considered therapeutic but not at MSOP .. the clients deserve the floor.

MSOP is in no way a treatment program. The men there are not clients. MSOP is a prison. These men are prisoners, plain and simple, incarcerated for life without due process.

This place, this treatment program, is a failure and a stain on the great State of Minnesota.

My son is a client at MSOP ... and I talk with him every day. Thank you for your consideration."

On March 28, 2023, the same committee resumed its hearing. Those with internet access can search YouTube.com for "House Human Services Finance Committee 03/28/23" to view/hear the following two brief statements, delivered by Jeanne Feeney and added by Leo Feeney:

Jeanne Feeney's Statement (3/28/23):
"Alongside the road to Duluth the MSOP facility is hidden by forest. Equally hidden

(Continued on page 9)

is the imprisonment of hundreds of men at this facility. Men no longer flawed, not a threat to their community, men who belong back in the community where they can contribute to society.

The documented record confirms MSOP has obstructed the men's progress home by the use of manipulated and dishonest delay tactics. These tactics verify the men's fear ... they are on death row and will never return home.

Recently I had personal contact with Dr. James Poole who is a frail 85-year-old resident who has been incarcerated at [MSOP] Moose Lake for many years. I heard his story: July 14, 2022 Dr. James Poole was taken by ambulance from [MSOP] Moose Lake to Duluth where he had open-heart surgery.

Ten days later (July 26th), Dr. Poole was transported to a [secured] nursing home in Saint Peter, MN [located within the fenced grounds of the Minnesota Secure Hospital and known as the Forensic Nursing Facility, it is primarily a hospice where the terminally ill in state custody are sent to die]. In his weakened condition he was shackled in leg chains at the feet, a waist chain and handcuffs so tight that paralysis resulted in both hands. Today he continues to have loss of dexterity of his right hand. Dr. Poole is right-handed. Sixteen days later, Dr. Poole was transported back to [MSOP] Moose Lake and placed in solitary confinement. Such [mis]treatment is not an isolated or uncommon event [at MSOP-Moose Lake].

The Resident Advisory Family Council ["RAFC", a statutorily mandated entity comprised of MSOP confinees, their family members, and advisors] at [MSOP] Moose Lake has a goal to develop policies to improve MSOP. MSOP's staff and Administration have mainly obstructed any efforts for change at MSOP [including virtually all suggestions by RAFC].

For example, the RAFC suggested there be chairs placed in public areas at MSOP [Moose Lake] where clients wait for a visit to Health Services and other matters. Currently clients are required to sit on the floor.

These men remain in the floor....

The RAFC board proposed a 'Clients Helping Clients' program be instituted. Clients would assist other clients requesting [in writing, as required] medical assistance and help with legal and personal paperwork. This program has encouraged bonding and socializing.

This program was shut down last week [by MSOP order].

To quote an incarcerated poet at Moose Lake:

This institution has sucked the life from my shattered bones.

I have been broken.

I am so angry I could cry.

The unnecessarily cruel and unusual tortures inflicted by MSOP make

my grey matter spin and hope collapse like a black hole.

Respectfully submitted,
Jeanne Feeney, mother of
Matthew Feeney, who is
incarcerated at [MSOP]
Moose Lake"

Attorney Leo Feeney's Statement (3/28/23, "Dan Wilson's Story"):

"Last Thursday, March 23rd, Dan Wilson, incarcerated at MSOP Moose Lake and unable to be here, composed a one-page letter addressed in bold print to the Legislature. That letter will never be received by the Legislature because it was confiscated by MSOP.

I was present at MSOP when Wilson disclosed this to the men last Saturday. They had no reaction.... I asked WHY? Their response: 'Because it happens all the time.'

I was also present when a survey of 13 MSOP men was taken. The total time [incarcerated in MSOP to date] for this MSOP bunch was 133 years. The average time for each prisoner is 10-plus years (and climbing). These times will increase as releases are few, delays are ongoing, and death the surest exit.

This is where they live. Their reality: What the program pretends to be and the ugly truth.

What is MSOP's reality? 'It is an unexploded scandal that will sweep in many!'

June 21, 2015, calling for reform, Judge Frank noted that state officials had long known there was 'something very wrong' at MSOP, but year after year, failed to act.

Virtually every political figure in Minnesota over the past quarter century has contributed. Courts, both state and federal, have also gone along.

Political opportunists have pounced, cynically demonizing any efforts at slowing commitments or accelerating the journey of 'patients toward release.'

Minnesota Politicians have constructed at MSOP a prison worthy of a Third World Dictatorship.

The Betrayal continues."

Fed Judge in RI Rules SO Residency Restriction Invalid.

ACLU of Rhode Island, Press Release:

"Legal Update: *Chapdelaine v.*

Neronha: Federal Judge Rules Unconstitutional State's Residency Restriction for Sex Offenders" (March 16, 2023)

Text:

"A federal court today ruled unconstitutional a state law that makes it a crime for certain sex offenders to reside within

1,000 feet of a school, finding that the statute would require individuals subject to it to guess whether they were in compliance with it, and potentially face a criminal trial if they guessed wrong.

In a 25-page opinion, Chief U.S. District Judge John McConnell, Jr. held that, since 'neither an ordinary person nor law enforcement could understand the statutory language that attempts to define the boundaries of residences and schools,' the residency prohibition is unconstitutionally void for vagueness. ACLU of RI cooperating attorneys challenged the statute (<https://www.riaclu.org/en/news/aclu-files-class-action-suit-challenging-residency-restriction-injunction-sought-stop-law>) when it was first enacted in 2015, and it has been subject to a preliminary injunction barring its enforcement since then.

The law provides for measuring the 1,000 foot distance 'from the nearest boundary line of the real property supporting the residence of the person to the nearest boundary line of the real property that supports or upon which there exists a school.' ACLU of RI cooperating attorneys Lynette Labinger and John MacDonald noted the complete lack of clarity as to what property 'supporting' a school was applicable in measuring the distance - what about spaces like playing fields, playgrounds, or parking lots? In fact, the court noted, the state has given differing interpretations of what that language means over the years, and most recently argued that it applies to any real property - even if not contiguous to the school - if it is 'typically used by students for school purposes,' and that those determinations needed to be made on a case-by-case basis. In pointing out the problem with this approach, the court noted:

'After all, if the State's process involved law enforcement, school officials, and attorneys collaborating to make precise individualized determinations on these boundaries, how could an ordinary person ever be expected to faithfully follow this process, let alone come to the same conclusion about where these boundaries lie? Not to mention that these difficulties facilitate arbitrary and inconsistent enforcement.'

Both nationally and locally, correctional administrators, experts involved in the treatment of sex offenders, victims' rights groups, and advocates for the homeless have opposed sex offender residency laws as being ineffective, counterproductive, and potentially more, rather than less, harmful to public safety. (https://www.riaclu.org/sites/default/files/SO_Suit_Jill_Levenson_affidavit.pdf). The law applies to all Level 3 sex offenders, even if their crime was committed against an adult, and even though the overwhelming majority of sex offenses are committed against people the offender knows, not strangers.

At the time the suit was filed, various housing rights advocates noted that by pushing individuals out of their homes and limiting where they can live, the law would encourage homelessness, making it more difficult for law enforcement to monitor them and for offenders to reintegrate themselves into the community. By disrupting vital rehabilitative services, the groups argued, the law increased, rather than decreased, risks to public safety. The suit was filed just days before dozens of people had been ordered to move from their then-current residences.

Although the ACLU lawsuit raised numerous legal challenges to the law - including that it violates due process, retroactively punishes those who have already completed their sentences, and interferes with 'liberty and privacy interests while bearing no rational relationship to a legitimate purpose' - the parties agreed to have the court first rule on the 'vagueness' challenge to see if that might dispose of the case.

ACLU of RI cooperating attorney Labinger said today: 'As we demonstrated in our court filings, even the State, in its efforts to justify the law, was unable to articulate a single coherent or objective standard which people trying to stay out of trouble and law enforcement could follow. The Court's decision is important to our clients and the class they represent, because it means that they will not be subject to onerous and unknowable requirements as to where they can and cannot live under fear of felony prosecution. At the same time, registered sex offenders still face and are subject to a host of requirements and review to stay on the right side of the law.'

Editor's Closing Comment: Numerous entities have spoken up against the wrong-headedness of residence restriction laws: *Day One*, "Policy Statement on Management of Sex Offenders," www.ilvoices.com/uploads/2/8/6/6/2866695/07-dayone.pdf; "...[R]esidency requirements cause instability, which may increase the risk of re-offense..."; *Rhode Island Sex Offender Management Task Force*, Draft Policy Statement: "The unintended consequences of residence restrictions include transience, homelessness, instability, and other obstacles to community reentry that may actually compromise, rather than promote, public safety"; *Association for the Treatment of Sexual Abusers*, "Sexual Offender Residence Restrictions," http://www.atsa.com/pdfs/Policy/2014SO_ResidenceRestrictions.pdf; "There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction"; and similar objections to such laws by the *Association of State Correctional Administrators* and the *American Correctional Association*.

(Continued on page 10)

Because the research on the impact of these laws is by now so monolithic in its conclusions that such laws have no positive effect toward prevention of sex crimes and that the adverse impacts such laws have on former sex offenders trying to comply with all the many restrictions and requirements imposed upon them, there is no rational connection to any goal claimed to be served by such laws. The only reasons such laws have continued to be proposed are pure willfully blind ignorance of the facts and a crass desire to pander to the already unrealistic fears of constituencies to win election/re-election and to otherwise gain further political advantage. Laws that are advanced simply for such crass motives and to increase unwarranted public panic should never be tolerated. All such residence restriction laws must be repealed to maximize true public safety.

Bad Public Policy

Sandy Rozek, NARSOL, reprinted in *Titus House Newsletter*, April 2023, pp 2,4

With legislatures in session across the country, advocates are closely watching bills that address their issues. Some are good, some are indifferent, and some are just plain bad.

The touchstone is, does the bill address a situation in need and/or does it provide improved safety for those whom it affects. In other words, is it good public policy?

New Mexico House Bill 128 is just plain bad on so many levels, and it is being hyped in the media for something it is not.

HB 128 requires men who have been convicted of a wide array of sexual crimes to receive a regimen of medication called 'chemical castration' before receiving what the media is calling 'early release' in the form of parole.

In New Mexico, people incarcerated for a sexual conviction don't receive early release; they do their full sentences and then are paroled. The bill requires the recipients to pay for their own medication unless they can prove they are indigent. This alone will help create a backlog of cases that will further strain the taxpayer's burden.

Convicted offenders with housing restrictions are already being held in prison, some long past their release date, until the parole board approves their housing plan. This will add more to that number, those waiting for the treatment, which is complicated and costly, and those waiting to be approved as indigent and *then* waiting for treatment.

This does not appear to be understood by Representatives Stefani Lord and John Block, the sponsors of the bill. Lord said, 'Since pedophiles are eligible for early release in new Mexico, for that privilege, they will need to agree to be chemically castrated as a condition of their parole. If they don't agree to those terms, they can



stay in prison, away from society, and do their entire sentence.'

Her error, aside from her incorrect, misleading, and inflammatory usage of the word 'pedophiles,' is: They already do their entire sentence; they are not eligible for 'early release'; this will hold them beyond the completion of the sentence. Additionally, the bill does not specify crimes against children or victims under a certain age but rather addresses a great many sexual offenses.

Rep. Block said, 'With clear science and support from experts in favor of chemical castration of pedophiles, this is the most commonsense legislation to ensure the threat of these criminals is dramatically reduced.' There is very little support from science and experts; most support the opposite; again, the [claimed support for chemical castration] is a fallacy and contradicted by every valid study done.

New Mexico is not unique in proposing this strategy. A handful of states already have it in law, and others are considering it. California and Florida are cited as being states that mandate its use. The language in California law, Section 645 (1996) states that with a victim under thirteen, the injections 'may be requested by an offender after the first offense, and that after a second like offense, he 'shall undergo' the treatment.

Florida's statute 794.0235 (1997) likewise says it may be requested after a first conviction of any form of sexual battery (794.011) and 'shall be used after a second offense. Unlike California, Florida does not attach an age limit to the prerequisite.

Louisiana's law (14:43:6) reads very similar to Florida with the exception of specifying a victim age of less than thirteen.

501.061, Texas Penal Code, allows the procedure upon request after the 2nd offense of a child under fourteen and has a laundry list of conditions that must be met by anyone requesting it. According to information from Texas Voices, it is virtually never used.

Wisconsin's NARSOL state contact reports that while statute 302.11(1)(b)(2) states it may be a requirement of the DOC or Parole under certain circumstances, DOC says the controversial treatment is currently offered but never required.

Iowa has language in its laws that allows its usage under certain circumstances, and Georgia and Oregon have allowed the practice in the past if not currently.

Alabama's requirement is all those whose victim was a child under 13 receive the very costly treatment as a condition of release after a first offense and that the cost is borne by the offender, making the Alabama law more stringent than any of the others and with the major features of this proposed New Mexico law with the exception that it addresses children under 13.

It is bad public policy wherever it exists, and for a variety of reasons.

The positive benefits are far below what might conceivably justify its usage, and the negative effects are medically serious, being associated with various side effects, including osteoporosis, cardiovascular disease, impaired glucose and lipid metabolism, depression, hot flashes, infertility, and anemia.

The vast majority of the population on whom it is coerced and forced, through more acceptable forms of therapy and self-motivation, will not reoffend sexually.

The moral and constitutional objections are universal and compelling. From a moral and human rights perspective, the general consensus is that it is barbaric and reminiscent of our nation's earlier and darker forays into eugenics. As one study puts it, '...chemical castration under the current laws is vaguely positioned between punishment and treatment due to lack of informed consent by the recipient....'

As with the registry and all restrictions that target persons convicted of a sexual offense, the procedure would not result in any significant reduction in future offenses. Most future child molesters are not those already convicted, but rather family members and other trusted individuals who may never even enter the criminal justice system, and to an only slightly lesser degree, this is also true when the victims are adults.

New Mexico is the latest state to consider chemical castration for people convicted of certain sexual offenses, but they are highly unlikely to be the last. This strategy fails many tests, and it fails the biggest one of all: It is NOT good or effective public policy."

Humor Corner

Bait and Switch

by Dennis Mintun

The brochure looked very inviting....

'LOOKING FOR NEW RESIDENTS

- Gated community
- Round-the-clock security
- Free Cable TV
- Free Laundry Service
- Staffed medical center
- Free gym membership
- Grocery delivery service
- Utilities and water
- All meals provided

- Immediate vacancies'

Then, I moved in, and found things were not quite as advertised. Oh, they hadn't lied — everything they said was true. Sort of.

GATED COMMUNITY - Yes, there were gates. A number of them. Even a double fence all around, with razor wire on top. They didn't tell me I wouldn't have 'in and out privileges' Once in, no out.

ROUND-THE-CLOCK SECURITY - Guards were everywhere. You couldn't go anywhere without permission... and often an escort. There were even 'courtesy checks' where a guard would go through everything you owned to make sure there was nothing dangerous... or unauthorized.

FREE CABLE TV - When it worked, there were a few channels available. Lots of channels that showed the same shows as the others, and oodles of home shopping venues. Not being allowed to order anything from them WAS a money-saver.

FREE LAUNDRY SERVICE - Just put all your clothes in a small mesh bag, and they'd be thrown in with all those of the other residents. They'd be a little damp, and would smell funny when you got them back. But, supposedly, they were clean.

STAFFED MEDICAL SERVICES - True, there were people who staffed the medical building. There was nothing that said they knew how to treat medical problems, though.

FREE GYM MEMBERSHIP - In my opinion, the second-best amenity. A couple rusty weight machines, some broken exercise bikes, and lots of mismatched free weights... all for use by whoever got to them first on the occasion when the gym was open.

GROCERY DELIVERY SERVICE - So long as you didn't mind paying prices that were three or four times higher than a normal grocery store, and only needed a few select items, this service was provided once a week. Not that you had any other choice of vendors.

UTILITIES AND WATER - Even heating and air-conditioning. It was toasty warm in the summer, and nice and cool in the winter. The provided showers had hot and cold water. Sometimes boiling hot, and sometimes icy cold.

ALL MEALS PROVIDED - So long as you weren't very picky. And, if you liked beans and rice, it was perfect for you. Just don't expect anything special, like identifiable meat, or warm food (although the ice cream and salads were usually nice and warm).

IMMEDIATE VACANCIES - True, in a sense. But, to be admitted there were a few requirements. You either had to break a law, or at least get enough people (usually twelve) to THINK you broke the law. A free lawyer (or 'public defender') often helped speed up the process.
