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- & New articles arrive like rain!

Feedback? News? Write!

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Experts Recanted Their Dangerousness Testimony

MSOP Long-Timer Wins Court Victory, Is Scheduled for Dissolution of Commitment.

Darrin "Scott" Rick, "My Long Road to a Habeas Victory," RM Newsletter, Vol. 1, No. 1, May-June 2023

Editor's Introduction: Darrin "Scott" Rick was committed to the Minnesota Sex Offender Program (MSOP) in 2004 on the strength of so-called expert testimony that claimed he presented a higher risk of sex-crime recidivism than would average sex offenders leaving prison.

However, in 2019 Scott was reassessed by Dr. Amy Phenix (co-creator of the Static series of assessment instruments). Dr. Phenix wrote a report criticizing the original assessment used to commit Scott. When confronted by that report, the original assessors recanted their testimony of excessive dangerousness, effectively admitting that Scott should never have been committed.

Scott filed a federal habeas corpus petition, avoiding the AEDPA limitations period by a judicial finding of "actual innocence" (which has been applied to sex offender commitment judgments as well as to criminal convictions).

In May, that federal court granted Scott's habeas petition on the ground that, given this later evidence, he should never have been committed in the first place. This not only ordered Scott to be freed completely, it dissolved his commitment *ab initio*. Congratulations Scott!

Text excerpts:

"First of all, I want to thank my family for their unrelenting perseverance and complete dedication to my bid for justice and freedom. I would also like to thank Bob Kunshier for the countless hours of talking, debating, and research, and Cyrus Gladden for his insights and sharing of pertinent information. Both of you can take some credit for my court victory. Also my brilliant Attorney Lance Heisler (retired). Thank you for being open to listening to our ideas, your wisdom to sort through them and find the good ones. And thank you to my friends for your support over the years. Finally I thank God; my faith has been tested but somehow you managed to get me through this.

My fight for release started in earnest in 2009, when after more than three years of hard work in treatment I was assigned Phase 1 of the new program (the Matrix System). In 2011 my family finally found Ryan Magnus, who said I didn't belong here and that he could get me out. In the spring of 2016 and after tens of thousands of dollars I was still sitting here in MSOP-Moose Lake. I fired Mr. Magnus. About a year later Ryan Magnus arrested for possession and distribution of methamphetamine as well as a plethora of other illegal drugs.

We had already started inquiring of other



attorneys due to our mounting disaffection with Mr. Magnus. We were advised by [Law] Professor Peter Erlinder to pursue a writ of habeas corpus. Unfortunately, Prof. Erlinder [emeritus] was suffering a progressive illness in his advancing years and ultimately was forced to stop practicing law and withdrew from my case.

We hired Dr. Robert Riedel for a risk assessment, as I was still in the CAP process. Through a series of events, Dr. Riedel directed us to contact a friend of his, Lance Heisler. Lance led us to hire a national expert, and we found Dr. Amy Phenix who co-wrote the Static-99. Dr. Phenix interviewed me over two days and wrote a report that essentially stated that due to the changes in science I no longer meet the criteria for commitment. Also if these changes had been known at the time of my original commitment they would cast serious doubt as to the validity of my original commitment. Lance insisted that we approach my original Doctors Roger Sweet and Thomas Alberg. Dr. Sweet, the court-appointed examiner, studied Dr. Phenix's report and wrote a new report stating that based on the change in science he would not have recommended commitment in 2004. Lance presented both Doctors' reports to Dr. Alberg who then also changed his mind and wrote a report to that same effect. Citing the three doctors' reports we filed a Petition for Writ of Habeas Corpus in federal District Court in November 2019. The original Petition challenged both my current continued commitment and a collateral attack to my original commitment. The outcome of this original Petition can be found in Lexis. We amended the Petition and proceeded to challenge my original commitment. A hearing was held over 4 days just before Christmas 2021 before the Honorable Magistrate Judge David T. Schultz. Hennepin County again hired Dr. Alsdurf from my original trial and also hired Dr. Harry Hoberman. Judge Schultz issued a Report & Recommendation

('R&R') in May 2022 recommending that my Petition be granted. On May 23, 2023 United States District Judge Nancy E. Brasel overruled all of Hennepin County's objections, accepted Magistrate Schultz' R&R, and granted my Writ of Habeas Corpus, thereby nullifying my commitment. 'Because Rick has shown that the alleged improprieties were so egregious that they fatally infected his commitment proceeding and rendered the proceeding fundamentally unfair, the Court grants his habeas petition.'

We used the actual innocence exception, citing the significant changes in science, specifically that the risk assessment tools vastly overestimated the rate of recidivism, and that treatment completion was not a significant factor in predicting recidivism. Dr. Phenix's report states that based on current science I am 'Highly unlikely to re-offend.' Also recent studies indicate that there is little to no observable difference in people who complete treatment to those who do not, and that these findings ...undermined and discredited the critical assessment tools and clinical assumptions on which the state court based his commitment, rendering that commitment a fundamental miscarriage of justice.' The case will be available on Lexis hopefully soon. I will share some copies as they become available.

I plan to remain involved in the fight against the tyranny that is civil commitment in Minnesota and elsewhere. What does it say about a program where an individual proves he should never have been committed, and yet that program refused to progress him even after he pleaded his case showing the new evidence and doctors' reports?"

Editor's Note: Next month's edition will contain quotes from, and commentary about the significance of the Rick decision and its various determinations, which hold substantial potential for all other committed sex offenders. This includes the following:

- Advances in science can be used to invalidate expert opinions upon which a commitment judgment was based.
- For habeas corpus, such scientific advances may be the basis for an "actual innocence" claim, avoiding the bar of the AEDPA limitations period's lapse.
- The court rejected the earlier mantras that dropping out of treatment significantly increases the risk of recidivism and that sex offender treatment is necessary in order to reduce recidivism.
- Now-recognized low recidivism rates for sex offenders, even with multiple past sex

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crimes, are so low that statutory and constitutional requirements of high recidivism were and are now not met to support commitment.

- Expert witness' lack of knowledge of state standard for commitment does not bar that expert testimony about psychological/criminological knowledge.
- Reduction in recidivism rates over increasing age of offender must be taken into account in determining whether continued commitment is consistent with Constitution.

Hold the presses addendum: On the date of Rick's release, the federal Court of Appeals signed an order for stay of the District Judge's order for his liberation. At this writing, Rick has been returned to MSOP-ML pending outcome of the prosecutor's appeal.

Will There Be Any Justice?

Vigilante Murder of 1970s One-Time Sex Offender Has Possible Police Conspirator.

Tristan Balagtas with People, Article: "Minnesota Man Allegedly Killed Sex Offender Using Moose Antler" (March 13, 2023, excerpted from Texas Tea Newsletter No. 17, March 2023)

Text excerpts:

p. 431-32: "A Minnesota man who allegedly confessed to the brutal bludgeoning death of a convicted sex offender has been charged with second-degree murder, say authorities.

According to court documents obtained by PEOPLE, Levi Axtell was 'covered with blood' when he turned himself in to police in Grand Marais, Minn. on Wednesday....

Authorities say Axtell, 27, allegedly arrived at the police station and admitted to driving to the home of a 77-year-old man, entering the victim's residence, and hitting him over the head '15-20 times with a spade-style shovel' that he allegedly found on his front porch.

Axtell said he 'finished him off' by striking him on the head several times with a large moose antler, the documents state....

Citing Cook County Sheriff Pat Eliassen, the outlet reports [the victim] was convicted of the sexual assault of a 6-year-old girl in 1979. In 1982, he was released from prison. Court documents state Axtell believed [the victim] had 'sexually offended children in the past' and observed [the victim] 'parked in his vehicle at locations where children were present



and believed he would reoffend.'

According to the *Star Tribune*, Axtell is the nephew of former St. Paul Police Chief Todd Axtell...."

Editor's Comment: The conviction of the murder victim was simply criminal sexual conduct, second degree -- a fondling charge. Under Minnesota law, this means that there was not even the slightest penetration of the victim child, in that case a little girl.

On April 30, 2023, the Minneapolis Star Tribune ran a front-page article -- in all about a full page of small newsprint text -- about the killing of that man, whom that media outlet had no problem publicly identifying, despite their longstanding policy of not identifying crime victims without their consent. Obviously, given his death, the victim did not consent. This newsletter will not follow this hypocritical path; neither the murder victim or his family will be identified in this article.

Worse, that article proceeded to vilify the victim, citing one account by a younger brother of the victim from when that younger brother was four years old of being fondled by the murder victim. Evidently, that allegation, which never arose to the level of a criminal charge, was claimed to have happened 59 years ago, when the murder victim was 18.

A question lingers as to how accurate a memory by a child of age four at the time can be 59 years later. An even more profound question presents itself whether the claim is an actual memory at all, or instead might be a "confabulation" -- something psychologists know all too well as the mental creation by children either drenched in a sexually suggestive environment or under pressure by family members to 'divulge a memory' that may not exist in the absence of any actual crime at all. I am all too familiar with this phenomenon and its deliberate abuse to create molestation accusations out of thin air. In 1995, this exact thing happened to me. This is something that has happened with stunning regularity, sometimes being responsible for even large-scale fictional assertions of mass sexual abuse in daycare/childcare settings.

The murder victim's family members chose to speak to the writer of the *Star Trib* article, also advancing the assertion that their parents had apparently engaged in numerous incidents of incest over their many years with their minor children in the house. This signals their

deliberate choice of waiving their right to privacy about matters of sexual abuse in their household.

In such a context, it seems quite reasonable to question whether an eldest sibling, such as the murder victim, might have been simply a patsy that the parents might have repeatedly suggested to their four-year old son as the perpetrator, in order to eradicate a contrary memory that the perpetrator could have been the father. This is the most common means by which such confabulations are deliberately instilled in the mind of a small child. After 59 years later, there is probably no way at all to sort out whether this was an actual incident of sexual abuse by the murder victim, or was simply a confabulation that the former four-year old installed in his memory without realizing that it was a fictionalization -- a problem most children of that age have a problem with.

So the article, armed with nothing more than this one apocryphal claim in addition to the single conviction of a sex crime, painted the murder victim as a "monster." Even if both were actual crimes of sexual abuse, this does not rise to the level of being a monster. Sexual attractions to children are shockingly common -- occurring in somewhere between 5 and 25 percent of all male adults. Estimates of the number of children who were sexually abused roughly fall in the same range. Most sex offenders against children committed crimes against at least two victims before being arrested. If we are going to start labeling everyone who has ever sexually abused a child as a "monster," we will soon discover that we live in a country of tens of millions of such "monsters" and a world populated by roughly a billion of them.

But monster is an awfully strange word to apply to an old man who lived for decades among many nearby children and yet did not abuse any of them. Really, not reoffending is the rule, not the exception among former sex offenders against children. In reality, sexual reoffending becomes less and less common as a former offender passes into middle age and finally, into senior-citizen status.

In fact, further sex crimes by former offenders who reach their 70s is so close to unheard of that there is not even any sufficient number in that final age category who commit sexual re-offenses from which to be able to construct a statistic. That is, if the statistic of these who reoffend from age 70 onward is not an absolute zero percent, it cannot even be speculated plausibly to be as high as one in a thousand. There is no research that simply looking at children in public, as our murder victim is claimed to have done, increases an old man's likelihood of re-offense. Hence, even if that claim was true, there is nothing about his behavior that would actually portend later sexual

reoffending. But it is probable that Mr. Axtell knew nothing about any of this scientific reality.

The notion that our murder victim was a monster in the present becomes more odd when you read the account of his next door neighbor, who made it her business to warn all families with children anywhere within a wide vicinity from the murder victim's house. Despite this and the presumable follow-up conversations between the parents and those children, no abuse allegations were ever forthcoming.

Nor, despite probing by the reporter attempting to turn this story of vigilante murder into an expose, were any claims of sexual abuse by the murder victim's own children ever forthcoming.

This contention of his supposed 'monsterhood' gets even more unbelievable when you learn that, despite claims that he was watching children from a distance and perhaps occasionally even smiled at them, and said hello or the like, no claims were ever made by any of those children of molestation, or of attempts to get them alone, or any lewd statements or propositions, by him to any of them. As monsters go, apparently our murder victim was the most tame monster ever.

In this context, it seems pretty clear that, in an earlier petition for restraining order, as described by the *Star Trib* article, the judge had no real basis in evidence for granting such an order. The later murder victim had simply done nothing wrong and had shown no interest in any child of the murderer. The judge apparently signed off on that restraining order simply to appease Axtell. Moreover, the later murder victim apparently obeyed that judicial order to perfection. This is not an out-of-control 'monster.'

Axtell, like so many others, may be just another person driven half-crazy by the longstanding lying propaganda instilling unreasonable fear and rage into the populace without reason. This, however, does not remotely excuse his crime. Moreover, a single sex crime 44 years in the past does not offer the slightest inference of any probability of a sex crime now, especially when the long-past offender is now age 77. Nothing about relaxing in one's car -- even if children happen to be in the vicinity -- alters this calculus at all toward any likelihood that a sex-crime will follow. If merely observing a child were actually the same as stalking, then simply watching TV would prompt sex offenses against children. All research proves that this is not so; it is just another scary myth of our time that we need to get past to ever get our heads around the truth.

But Mr. Axtell and others like him are not interested in research or even truth. They are happy bathing in baseless

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fears and lashing out in rageful violence because that is how they resolve everything. Such people will be the end of organized society. In fact, they advocate an end to our society in favor of blood-drenched anarchy where violence is the only law.

Something else should not be overlooked about this murder. The victim's sole sex conviction long pre-dated the public registry of sex offending here in Minnesota. Because of this, Axtell did not learn of his sex crime from that source. Instead, simply dredging for those with such un-registered convictions, Axtell must have been working from data provided by a source in law enforcement. The fact that Axtell used this information to murder someone points up in high relief how morally wrongful such improper, secret 'police-funneling' of such information to anyone – especially some hothead relative, is. If that information divulgement is not a felony, it should be, especially when the consequence is a murder.

Something else in the way of an alternative motivation for the murder emerged only in the last half-dozen short paragraphs at the end of this long article. Cook County Sheriff Pat Eliassen (where Grand Marais is located) stated that the murder victim had visited his office numerous times with complaints about Axtell. Sheriff Eliassen said that this past between the murderer and his victim had created strong feelings of anger on both sides. It is not out of the picture to wonder whether Axtell was really acting as a vigilante about sex crimes against children. Instead, he may just have been tired and angry about the fact that his future victim was standing up for himself in the face of harassment by Axtell and in particular was exploring with the sheriff whether any of Axtell's acts of harassment of the victim thus far were criminal. In short, he may simply have resorted to murder as a means to shut his victim up once and for all.

If we have gotten to the point where police are not just unwilling to protect us sex offenders of the distant past, but instead cheer on those who perpetrate such vigilante murders, then law has devolved into nothing more than words on a page. If that is where we have come to, then be aware that we will not tolerate murders of us by hotheads like Axtell. We are not monsters either. If police will not protect us, then we must protect ourselves. The next hothead who wants to follow Axtell's path should think on this thoroughly before trying anything. Whether by timely police intervention or otherwise, we will do everything we need to do to ensure that we do not meet this murder victim's undeserved end.

Scientists Find Pedophilia to Be an Orientation, Not a Disorder.

Crystal L. Mundy et al., "Romantic and Sexual Relationships with Adult Partners among Minor-Attracted Persons," (submitted for peer review) Univ. of British Columbia, Okanagan (2020)

Text excerpts (slip pages cited):

p. 3: "...Minor attraction is an umbrella term that encompasses all sexual attractions to age categories that are under the age of legal adulthood. ...The term minor attraction can include having attraction to infants (i.e., infantophilia/nepiophilia), pre-pubescent children (i.e., pedophilia), or post-pubescent adolescents (e.g., hebephilia). An ongoing debate exists over whether minor attraction is better understood as a sexual orientation or a mental disorder. Specifically, Seto (2012) has suggested that attraction to minors meets the three criteria of a sexual orientation which are age of onset, sexual and romantic behaviors, and stability of orientation over time; these criteria parallel gender sexual orientation

Existing research has suggested that many minor-attracted persons explicitly label their attraction to minors as a sexual orientation or as part of their overall sexuality (Walker, 2019). Further, minor-attracted persons often indicate that they identify their attractions as such because they cannot be changed and/or are permanent, which also aligns with the sexual orientation criteria outlined by Seto (2012, 2017).



p. 4. The Stigmatization of Minor Attraction

Attraction to minors is highly stigmatized and emotionally charged within society (Imhoff, 2015; Jahnke, Imhoff, & Hoyer, 2015). The term sexual minority describes gender and sexual orientation that do not align with cultural norms (Cochat Costa Rodriguez, Leite, & Queros, 2017). Homosexual individuals have historically experienced stigma and discrimination due to their involvement in non-heterosexual romantic relationships. Such experiences have been related to a higher prevalence of mental disorders and internalized homophobia (Meyer, 2003). More recently, intersectional approaches have been used to assess how different minority statuses, including sexuality, interact to result in differing experiences for the individual that frequently include stigmatization (e.g., Everett, Steele, Matthews, & Hughes,

2019).

Minor-attracted persons encounter similar stressors as a result of their attraction to minors (Freimond, 2009). However, unlike minor-attracted persons, people with other stigmatized sexual orientations can choose to legally engage in their desired romantic and sexual relationships, even when their sexual orientations are highly stigmatized. For example, homosexual individuals can have such relationships, despite societal judgment, by attracting others with the same sexual orientation. As minor attraction can be considered a sexual orientation based on the previously mentioned criteria, and as minor attraction is an atypical sexual preference, we argue that minor-attracted persons similarly fall into the category of a sexual minority. Nevertheless, it should be recognized that this comparison is imperfect as minor-attracted persons cannot legally engage in romantic or sexual relationships with their desired partners (i.e., minors).

References:

Cochat Costa Rodriguez, M.C., Leite, F., & Queros, M. (2017). Sexual minorities: The terminology. *European Psychiatry*, 41, S848.

Everett, B.G., Steele, S.M., Matthews, A.K., & Hughes, T.L. (2019). Gender, race, and minority stress among sexual minority women: An interactional approach. *Archives of Sexual Behavior*, 48, 1505-1517.

Freimond, C.M. (2009). Navigating the stigma of pedophilia: The experiences of nine minor-attracted men in Canada (Master's thesis). *Simon Fraser University*.

Imhoff, R. (2015). Punitive attitudes against pedophiles or persons with sexual interest in children: Does the label matter? *Archives of Sexual Behavior*, 44, 35-44.

Jahnke, S., Imhoff, R., & Hoyer, J. (2015). Stigmatization of people with pedophilia: Two comparative surveys. *Arch. of Sexual Behav.*, 44, 21-34.

Meyer, I.H. (2003). Prejudice, social distress, and mental health in lesbian, gay, and bisexual populations: Conceptual issues and research evidence. *Psychological Bulletin*, 129, 674-697.

Seto, M.C. (2012). Is pedophilia a sexual orientation? *Arch. of Sexual Behav.*, 41, 231-236.

Seto, M.C. (2017). The puzzle of male chronophilias. *Arch. of Sexual Behav.*, 46, 3-22.

Walker, Allyson (2019). Understanding resilience strategies among minor-attracted individuals. (Doctoral dissertation 9-2017, *City Univ. of New York*). Retrieved from ProQuest Dissertations Publishing. Publication No. 10621875. *Jour. of Homosexuality*, 66, 1-24.

Shaming the Constitution, Part 9 – Ch. 6 Excerpts:

Michael L. Perlin & Heather Ellis Cucolo, *Shaming the Constitution: The Detrimental Results of Sexual Violent Predator Legislation* (Philadelphia: Temple Univ. Press, 2017), Chapter 6: "Treatment of Sexual Offenders in Special Facilities"

Editor's Note: This is the ninth 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 chapter, topics discussed include the role of treatment in SOCC facilities and brutal treatment, such as chemical castration.

Text excerpts:

p. 120: **Current Treatment**

"...In *Seling v. Young*, the U.S. Supreme Court declined to consider 'as applied' challenges on double jeopardy or *ex post facto* grounds to a Washington statute providing for civil commitment of inmates who have been convicted of sexually violent offenses and have been deemed 'sexually violent predators.'⁴⁶ ... But the Court reserved the question of whether specific circumstances might be considered in the primary inquiry into the punitive nature of such a statute:

'[We have] no occasion to consider how the civil nature of a confinement scheme relates to other constitutional challenges, such as due process, or to consider the extent to which a court may look to actual conditions of confinement and implementation of the statute to determine in the first instance whether a confinement scheme is civil in nature.'⁴⁹

pp. 121-22: The SVP laws were passed with the promise of rehabilitation as a major goal. But the realities of sexual offender civil commitment and treatment have been uncovered:

'[I]n reality, sex offenders are rarely discharged. The primary purpose of these laws is incapacitation ...to prevent future sexual violence by direct physical constraint. Treatment is only an additional purpose. In reality, punishment, isolation, and incapacitation are the dominant purposes.'⁵⁸

p. 125: **The Façade of Treatment**

Judge Steven W. Brockett has written: 'The scientific research presently available has failed to establish that sex offender treatment programs will be able to deliver the reduction in recidivism rates that substance abuse treatment programs have provided. While quality scientific research is limited, it appears that the standard models of non-behavioral psychotherapy do not reduce arrest rates among participants.

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The results of cognitive-behavioral therapy, while slightly more encouraging, have not been demonstrated by scientifically reliable research, and more exacting study is needed. Often, cognitive-behavioral treatment programs have failed to focus on the criminogenic needs of the offenders in that they place insufficient emphasis on reducing deviant sexual interest. The pharmacological treatment of sex offenders, while seemingly based on valid medical principles and adopted in multiple states over the last fifteen years, has not provided scientifically reliable research establishing reduced recidivism rates.⁸⁵ Once an individual enters sexual offender civil commitment, the focus is ostensibly no longer punishment but, rather, containment with an emphasis on treatment.⁸⁶ The coercive environment of sexual predator treatment cannot be overstated.⁸⁷ According to Anita M. Schlank and Theodore Shaw, 'sex offenders have a strong incentive to refuse treatment for three reasons: (1) during treatment, participants must confess to additional crimes or admit guilt to sexual transgressions and these admissions may be used against the participant in future court proceedings; (2) failure to complete treatment weighs in favor of commitment; and (3) completion of treatment does not correlate with release from commitment.'⁸⁸

Most states require eligible sexual offenders to participate in treatment.⁸⁹ In other states, where treatment is 'voluntary,' heavy penalties, sanctions, and the threat of incarceration directly influence an individual's decision to participate.⁹⁰ Many clinicians believe that an offender must take responsibility and admit to all offenses (charged and uncharged) in order for treatment to be beneficial and effective.⁹¹

pp. 125-26: Additionally, treatment providers in these institutions may lack competency and qualifications, which supports the notion that 'treatment' is in place only to make the case for continued confinement after prison,⁹² especially when treatment is not offered during prison and is begun only once an individual is civilly committed. In this context, cases have considered the necessity of providing treatment for potential SVPs while in prison.⁹³

p. 127: Chemical Castration

The current method of chemical castration relies on the drug anti-androgen synthetic progesterone, known also as Depo-Provera. Depo-Provera, produced by the Pharmacia & Upjohn Company, is the trade name of medroxyprogesterone acetate (also known as MPA).¹⁰⁶

The 'confirmed' method of chemical castration has been sharply criticized as unconstitutional and inhumane.¹⁰⁷ Chemical castration is the process of pharmacological treatment that deprives individuals of the ability to experience



Pharmaceutical plants produce more castrating chemicals as more men are ordered to take them.

sexual desire and engage in sexual activity. California,¹⁰⁸ Montana,¹⁰⁹ and Oregon¹¹⁰ have enacted statutes that require chemical castration as prerequisites of release.¹¹¹ Some states have mandated biological treatment (chemical castration) as a condition of parole for repeat offenders who have committed crimes against children.¹¹² Several states, including California,¹¹³ Montana,¹¹⁴ Florida,¹¹⁵ Louisiana,¹¹⁶ Iowa,¹¹⁷ and Wisconsin,¹¹⁸ allow a judge to force a sexual offender to undergo chemical castration.¹¹⁹...

Scholars have considered the grave constitutional implications of chemical castration,¹²³ questioning whether it violates the Eighth Amendment.¹²⁴ We believe that the concept of chemical castration runs afoul of several constitutional provisions¹²⁵ and raises multiple legal, social, moral, and ethical issues.¹²⁶ Yet courts have been unwilling to declare the chemical castration statutes outright unconstitutional.¹²⁷ In *United States v. Cope*, the court said:

'The will of a defendant on supervised release, implicate a particularly significant liberty interest. Like antipsychotic medication, chemical castration interferes with mental processes and alters behavior. It may also cause serious side effects, such as cancer and depression. As a result, chemical castration is certainly as intrusive as antipsychotic medication or penile plethysmograph testing. In fact, chemical castration may be found at the extreme end of the spectrum of intrusive medications and procedures.'¹²⁸

pp. 127-28: Evidence on the effectiveness of chemical castration continues to be lacking. Little is known about the long-term effects on sexual or violent recidivism among sexual offenders in general, let alone the reduction of recidivism for offenders who participate in chemical castration treatment.¹²⁹ Additionally, research is limited in the assessment of the long-term health effects that might occur as a result of this treatment.¹³⁰ Thus, it would appear that the ethical and constitutional concerns over such treatment clearly outweigh its benefit to the public."

Notes:

46 531 U.S. 250 (2001). For a thoughtful discussion of *Seling*, see *Eric Janus*, "Substantive Due Process and the

Involuntary Confinement of Sexually Violent Predators," 35 *Conn. L. Rev.* 319 (2003).

49 *Id.* at 265.

58 *Hollida Wakefield*, "The Vilification of Sex Offenders: Do Laws Targeting Sex Offenders Increase Recidivism and Sexual Violence?," 1 *Sexual Offender Civ. Commitment: Sci. & L.* 141, 146 (2006).

85 *Steven W. Brockett*, "Are the Principles of Substance Abuse Treatment Transferable to Sex Offenders? A Review of the Methods and Effectiveness of Sex Offender Treatment Programs," 41 *Hofstra L. Rev.* 341, at 350-51 (2012).

86 *Margaret Campbell*, "Sex Offender Notification Laws: Should They Provide Treatment Incentives for Sex Offenders?," 20 *Dev. Mental Health L.* 1 (June 2001); *Eric Janus & Wayne A. Logan*, "Substantive Due Process and the Involuntary Confinement of Sexually Violent Predators," 35 *Conn. L. Rev.* 319 (2003).

87 *Neb. Rev. Stat. § 71-1202* (it is the "public policy" of the state that dangerous sex offenders obtain voluntary treatment but that if "voluntary treatment is not obtained, such persons shall be subject to involuntary custody and treatment"). See *Hydrick v. Hunter*, 466 F.3d 676, 694 (9th Cir. 2006): "the stakes for refusing to [participate] are so high that participation in treatment is almost compulsory."

88 *Anita M. Schlank & Theodore Shaw*, "Treating Sexual Offenders Who Deny Their Guilt: A Pilot Study," 8 *Sexual Abuse: J. Res. & Treatment* 17, 18 (1996); see also *Wash. State Inst. For Public Policy, Sex Offender Sentencing in Washington State: Who Participates in the Prison Treatment Program?* 3 (2006) ("The law authorizing civil commitment of sexually violent offenders could motivate some sex offenders to decline participation because revelations during their treatment about additional victims or violence could later be used as reasons for the state to file a Sexually Violent Predator petition.");

89 *Michael L. Prendergast et al.*, "Involuntary Treatment Within a Prison Setting: Impact on Psychosocial Change During Treatment," 29 *Crim. Just. & Behav.* 5, 10 (2002)

90 *Michael E. West et al., Colo. Dept. of Corrections, State Sex Offender Treatment Programs* 20 (2000) (refusal to attend treatment or denial of offenses on the part of the sexual offender may affect parole decisions or result in negative consequences); *Wirsching v. Colorado*, 360 F.3d 1191, 1205 (10th Cir. 2004) (must participate in a treatment program or forgo visitation privileges and the opportunity to earn good time credits); *United States v. Antone*, 742 F.3d 151, 171 (4th Cir. 2014) (sexual offender therapy has a potential impact on future civil commitment hearings).

91 *Robert J. McGrath, Stephen E. Hoke & John E. Vojtisek*, "Cognitive-

Behavioral Treatment of Sex Offenders: A Treatment Comparison and Long-Term Follow-up Study," 25 *Crim. Just. & Behav.* 203, 211 (1998) (a crucial initial step in cognitive-behavioral therapy is for sexual offenders to admit and then give a full disclosure of their offense to the treatment group); *Anita Schlank & Rick Harry*, "The Treatment of the Civilly Committed Sex Offender in Minnesota: A Review of the Past Ten Years," 29 *Wm. Mitchell L. Rev.* 1221, 1224 (2003).

92 *Astrid Birgden & Heather Ellis Cucolo*, "The Treatment of Sex Offenders: Evidence, Ethics, and Human Rights," 23 *Sexual Abuse: J. of Res. & Treatment* 295 at 298 (2011).

93 *In re Lasure*, 666 S.E.2d 228 (S.C. 2008).

106 *William Green*, "Depo-Provera, Castration, and the Probation of Rape Offenders: Statutory and Constitutional Issues," 12 *U. Dayton L. Rev.* 1, 3 (1996). See also *Edward A. Fitzgerald*, "Chemical Castration: MPA Treatment of the Sex Offender," 18 *Am J. Crim. L.* 1, 8 (1990) (some studies believe that Depo-Provera may be a carcinogen in animals; there is some evidence that Depo-Provera causes breast cancer in both beagles and monkeys. Long-term usage by male sexual offenders can cause massive weight gain and the formation of breasts.).

107 *Lystra Batchoo*, "Voluntary Surgical Castration of Sex Offenders: Waiving the Eighth Amendment Protection from Cruel and Unusual Punishment," 72 *Brook. L. Rev.* 689 (2007).

108 *Cal. Penal Code § 645* (1998).

109 *Mont. Code Ann. § 45-5-512* (1998).

110 *Or. Rev. Stat. 142.625* (1998).

111 *Laura T. Kessler*, "A Sordid Case": *Stump v. Sparkman*, Judicial Immunity and the Other Side of Reproductive Rights," 74 *Md. L. Rev.* 833, 911 n. 465 (2015).

112 *John M.W. Bradford*, "The Treatment of Sexual Deviation Using a Pharmacological Approach," 37 *J. Sex Research* 248, 249 (2000).

113 *Cal. Penal Code § 645* (2001).

114 *Mont. Code Ann. § 45-5-512* (2007).

115 *Fla. Stat. § 794.0235* (1997).

116 *La. Rev. Stat. Ann. § 15:538*(C)(2) (b) (2009).

117 *Iowa Code § 903B.10* (2005).

118 *Wis. Stat. § 304.06*(1q) (2011).

119 *Jeff Simmons*, "The Availability of Chemical Castration to Control Sex Drive," 33 *Champion* 26, 27 (2009).

123 *Fred S. Berlin and H. Martin*, "Media Distortion of the Public's Perception of Recidivism and Psychiatric Rehabilitation," 148 *Am. J. Psychiatry* 1572, 1572 (1991); *Daniel Icenogle*, "Sentencing Male Sex Offenders to the Use of Biological Treatments: A Constitutional Analysis," 15 *J. Legal Med.* 279, 280 (1994).

(Continued on page 5)

124 U.S. Const. Amend. VIII; *Trop v. Dulles*, 356 U.S. 86, 95 (1958) (the mere characterization of an act as "treatment" does not insulate it from Eighth Amendment scrutiny). Matthew Daley, "A Flawed Solution to the Sex Offender Problem in the United States: The Legality of Chemical Castration for Sex Offenders," 5 *Ind. Health L. Rev.* 87 (2008).

125 On the right to refuse treatment, see Bruce A. Arrigo & Jeffrey J. Tasca, "Right to Refuse Treatment: Competency to Be Executed, and Therapeutic Jurisprudence: Toward a Systematic Analysis," 23 *Law & Psychol. Rev.* 1, 44-45 (1999). On an Eighth Amendment violation, see John F. Stinneford, "Incapacitation through Maiming: Chemical Castration, the Eighth Amendment, and the Denial of Human Dignity," 3 *St. Thomas L. J.* 559, 561 (2006).

126 Stinneford, *supra* note 125; David Morgan, "Yale Study: US Eugenics Paralleled Nazi Germany," *Reuters* (Feb. 15, 2000), avail. at <http://www.hartford-hwp.com/archives/45/302.html> (reminiscent of the early 1900s eugenics movement when over 60,000 incarcerated or mentally handicapped women were sterilized, in accordance with state statutes); Paul Bowden, "Treatment, Use, Abuse & Consent," 1 *Crim. Behav. & Mental Health* 130, 135 (1991) (asking whether our failure to provide anti-androgen therapy to sexual offenders when useful is "linked with a covert desire to punish them").

127 The Supreme Court has deemed involuntary surgical castration unconstitutional. See *Skinner v. Oklahoma*, 316 U.S. 535 (1942) (invalidating under the equal protection clause of the Fourteenth Amendment – and not the Eighth Amendment – a state three-strikes law that imposed involuntary surgical castration).

128 527 F.3d 944, 955, n.5 (9th Cir. 2008) (at the end of the footnote the court cites "Anthony Burgess, *A Clockwork Orange* (W.W. Norton & Co. 1962)").

129 Marie Rice & Grant Harris, "Is Androgen Deprivation Therapy Effective in the Treatment of Sex Offenders?" 17 *Psychol., Pub. Pol'y & L.* 315 (2007).

130 *Id.* *****

MSOP Inspections by Outsiders & Reports to Legislature End.

by Rodger Robb

"In mid-April I noticed that I had not submitted a data request recently for the latest versions of the MSOP Site Report, issued by contracted outside professionals who visit the program over several days at least once a year to review and evaluate the treatment program and gauge its outcomes, if any. These visits



Inspection and investigation is often what it takes.

were allegedly a component of MSOIP's quality improvement program.

I also noticed that I had not asked for the latest versions of the MSOP Annual Performance report, to be submitted each year pursuant to statute to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over funding for MSOP.

Both of these required reports offered at least some oversight and evaluation regarding the operation of MSOP and its accomplishments (if any), but now, as reported to me by the HIMS/Records department, these oversight reports are no longer required: in 2022 the Minnesota legislature repealed both sections of the statute, Minn. Stat. § 246B.03, requiring these reports.

In April 2021, MSOP Executive Director Nancy Johnston issued a response to concerns raised by the Ocean group, including a response to this concern: 'Professionals have made their opinions known about MSOP yet they have routinely been ignored.' The solution offered by OCEAN to this concern was 'Listen to and respect the audits and experts who have investigated the program. Employ the science and the facts for creating an effective program.' Ms. Johnston's response to this concern was this: 'MSOP has outside evaluators review the program annually, which is in statute. Their recommendations/observations are included in the annual report that goes to the legislature and is a public document.'

But not anymore. As far as this writer can determine, there is now absolutely no independent outside oversight and/or review of MSOP. It is now a wholly closed-off entity, circling the wagons and now operating more or less in secret. The nagging questions, though, are these: Who successfully convinced the legislature that independent professional oversight of MSOP was no longer needed? And Why? Who successfully convinced the legislature that an annual report regarding the entire operation of MSOP was no longer needed? And why? And why did the legislature agree? Is MSOP now claiming that the operation of their program is so perfect that they no longer need any kind of oversight, and no longer need to share any information with the legislature? And the last question: Why is MSOP, now more than ever, evincing many of the same characteristics exhibited by the incestuous family? Why the secrecy?"

Frye Hearings on SO Commitment Element of Disorders: Key to Constitutionality but Passed by.

Hannah Henkel, "Let Them Frye: Frye Hearings for Determination of 'Mental Disorders' in the Sexually Violent Persons Act," 107 *J. Crim. L. & Criminology* 361 (Summer 2017)

[Text Excerpts:]

p. 365: "...A 'mental disorder,' as defined by the SVPA, includes various ambiguities and gives psychologists no specific direction in their diagnoses. Further, the section looks at the DSM, its use as a legal device, and problems associated with equating its definition of 'mental disorder' as a legal 'mental disorder' without question. The distinction is paramount due to the SVPA's definition of mental disorder being statutory language, and the DSM being a psychologist's general diagnostic tool.

p. 371-372: A large critique of the DSM is the fact that the DSM as a societal and cultural critique, merely establishing what people see as psychopathology during their society.⁶⁰ Scholars point to the fact that disorders in the DSM change and become normal behavior in society later on.⁶¹ Laymen do not understand that outside forces affect the DSM, and the DSM focuses on what people view as abnormal or based on political voting on what is abnormal.⁶² Because a definition of a mental illness is subject to change, the initial determination used by psychologists for mental illness may not

Questionable Commitments



Atticus Finch (Gregory Peck, *To Kill a Mockingbird*) Will Get to the Truth.

mean a person has a mental disorder under the SVPA.

Furthermore, the psychologists' updates, changes, and additions or deletions to the DSM lead many to question the DSM's inherent legitimacy and correctness, especially considering people who discuss mental disorders view the DSM as a 'proverbial bible.'⁶³ Changes in the DSM have shifted from symptom-based diagnoses within a clinical practice to a common term for use in pharmaceutical companies, federal grants, and insurance companies.⁶⁴ The language changed to laymen's definitions that generalize the psychologist's diagnoses⁶⁵ and make mental disorders easy to find when psychologists are trying to determine a person's mental illness.

pp. 372-73: The newest version of the DSM, the DSM-V, states that it is not for legal use.⁶⁶ 'In most situations, the clinical diagnosis of a DSM-V mental disorder, such as intellectual disability (intellectual developmental disorder), schizophrenia, major neurocognitive disorder, gambling disorder, or pedophilic disorder does not imply that an individual with such a condition meets legal criteria for the presence of a mental disorder or a specified legal standard (e.g., for competence, criminal responsibility, or disability).'⁶⁷

The DSM-V goes on to state it could be 'misused or misunderstood.'⁶⁸ When courts allow the use of the DSM as evidence, they rely on medical diagnoses based on the DSM variables, not on the true issue of the SVPA.⁶⁹ DSM-IV-TR and the leader of the DSM-IV task force explicitly warn against the use of the manual for forensic purposes, arguing that its 'use in legal contexts poses significant risks that the information will be misused or misunderstood.' And yet it has been cited in over 5,500 court opinions.⁷⁰

pp. 374-75: ...In order to be released into society, the state must show the person fails to fall within the statute.⁷⁸ Although it is the state's burden, often the man must show that he has changed.⁷⁹ Because of the stigma and prejudice of a conviction under the Act, it is difficult for a person to show he is not substantially probable to commit further acts if the court has already found he is inherently dangerous.⁸⁰ In fact, in most cases, the risk of recidivism is much lower than initially assumed.⁸¹

p. 375: The person can request release through specific procedures and show he no longer falls within the statute if: 1) the person has the Secretary of Human Services determine he is no longer an SVP; 2) the person is determined to no longer be an SVP by periodic examinations required under the Act⁸²; or 3) a person petitions for discharge before the periodic examinations, is approved, and then found not to be an SVP.⁸³ A deter-

(Continued on page 6)

mination of complete rehabilitation must contain new facts to support a conclusion that the defendant has changed.⁸⁴ Under Illinois law, a person may request conditional release; however, all the state must show to prevent the conditional release is that the person is substantially probable to commit further acts. It needs no new evidence besides recommendations from former or current experts and the defendant's criminal record.⁸⁵

Looking at these issues, the SVPA's inertia in favor of continued confinement creates a significant hurdle for the inmate to clear. A man only has his former conviction and his status as a prisoner to show at trial: there is little information in such a controlled environment to determine if he will commit future acts.

p. 378: "...To rise to the level of sexual paraphilia, a person must have 'recurrent, intense sexually arousing fantasies, sexual urges, or behaviors' and act on them."¹⁰³ A paraphilia generally describes these various sexual illnesses, which become a 'paraphilic disorder' when they cause distress for a set amount of time.¹⁰⁴

p.389: "Scholars argue that ARAs are better than clinical assessments by psychologists because of their measurable factors which are more reliable than a subjective test influenced by psychologists' biases."¹⁸⁴ Courts in Illinois often ultimately allow ARAs after a *Frye* hearing because the evidence is 'transparent' and demystify[ing].¹⁸⁵ ARAs are more quantifiable and therefore more reliable because they are based on statistics and numerical factors.¹⁸⁶ Psychologists use numerous ARAs in the recidivism, actuarial context; however, the Illinois courts have found that each falls within the need for a *Frye* hearing due to their changes and updates and a psychologist's choice on what factors affect recidivism.¹⁸⁷

Selected Footnotes:

23 ...The history of sexual psychopath laws hinged on six assumptions mentioned in the American Bar Association's commentary, specifically:

1) There is a specific mental disability called sexual psychopathy; 2) Persons suffering from such a disability are more likely to commit serious crimes, especially dangerous sex offenses, than normal criminals; 3) Such persons are easily identified by mental health professionals; 4) The dangerousness of these offenders can be predicted by mental health professionals; 5) Treatment is available for the condition; and 6) Large numbers of persons afflicted with the designated disabilities can be cured. (*Am. Bar Ass'n: Criminal Justice Mental Health Standards*, Commentary to Standard 7-8.1, at 459).

60 Rebecca A. Johnson, "Pure' Science and 'Impure' Influences: The DSM at a Scientific and Social Crossroads,"

15 *DePaul J. Health Care L.* 147, 149 (2013), at note 54 (p. 159). With various critiques on the fact that categorization does not work, there has been a higher expanse of using objective classification along with the DSM as a beginning marker. *Id.* At 162. However, this brings up critiques such as a psychologist trying to find specific issues in their objective analysis. This inculcates empirical research into a scheme of predisposing factors. *Id.*

61 See, e.g., *id.* At 167-70 (discussing how the DSM expands and allows for some diagnoses to become 'normal' later in life); *Melissa Hamilton*, "Adjudicating Sex Crimes as Mental Disease, 33 *Pace L. Rev.* 578, 557-58 (2013) (discussing how paraphilias and paraphilic behavior depends on what is "normal," how that changes culturally, and how it vacillates).

62 *Johnson, supra* note 60, at 149-50, 153-54 (noting the different schools of psychiatric thought between Emil Kraepelin and Sigmund Freud and how "Adolph Meyer, a leading intellectual figure in early 20th century American psychiatry" chose the Kraepelin view to look at the patient's specific situations and made them generalizable, and discussing how there was a specific view accepted on the outset and the American system now looks purely at general diagnosis, accepting that instead of the other, more person-specific diagnosis).

63 *Johnson, supra* note 60, at 151. *Johnson* discusses the fact that the APA has created a bible where the authors are seen as "gods" and there are various questions about if we have a right to question its authenticity when created by an unquestioning person. *Id.*

64 See *Johnson, supra* note 60, at 158-64 (discussing broad issues with the DSM due to its outside forces).

65 *Johnson, supra* note 60, at 152, 170-71. When looking at the SVPA, it is completely inherent in finding a psychological diagnosis, and when the psychologists have layman's use for purposes of the act, they are not rising to the importance and implications of civil confinement but finding diagnoses based on very slimly reliable information. *Id.*

66 DSM-V, at xxxiii.

67 *Id.*; see also *Johnson, supra* note 60 at 188; citing *Thomas Szasz, The Myth of Mental Illness* (1974). ("The APA argues that this misuse/misunderstanding will occur because of the 'imperfect fit between the questions of ultimate concern to the law and the information contained in a clinical diagnosis.' While clinicians should be interested in diagnostic categories that aid in the design of treatment options, legal professionals should be seeking a related but distinct set of information.").

68 DSM-V, *supra* at xxxiii.

69 See *Johnson, supra* note 60 at 189-90. There are questions with 'catch-all' categories that a person who falls into

one of these does not show the actual inter-rater reliability and the actual heterogeneity of the different clinical diagnoses. *Id.* at 173. Contradictory to this, the fact that there are so many issues with different pathologies finding the same mechanism to diagnosis shows that the categories may be in silos that could be intermixed. *Id.* at 174. Because the 'silos' and different categories are mixed, the changes and adjustments in the DSM often make diagnosing those who are sexually violent difficult.

70 *Johnson, supra* note 60, at 188 (emphasis added). Dr. Allen Frances, head of the DSM-IV task force has critiqued the proposed changes and the fact that they 'did not predict the legal reverberations of the slight change in wording: work group members do not understand that the DSM is read differently by lawyers than by psychiatrists and other mental health practitioners.' *Id.* at 190.

78 Conversation with Attorney Allison Fagerman; see, e.g., *In re Stanbridge*, 980 N.E.2d at 612. The state must show that he is still dangerous.

79 *Id.*

80 See, e.g., *Eric S. Janus and Emily A. Polachek*, "A Crooked Picture: Reframing the Problem of Child Sexual Abuse," 36 *Wm. Mitchell L. Rev.* 142, 144 (2009).

81 *Id.* at 162 ("First, studies with the strongest methodologies show that the recidivism rate for sex offenders is as low, and often lower, than re-offense rates for criminals convicted of non-sexual crimes.").

82 725 *Ill. Comp. Stat.* 207/55 (2014).

83 *Id.*; *In re Stanbridge*, 980 N.E.2d at 611-612.

84 *In re Stanbridge*, 980 N.E.2d at 612.

85 725 *Ill. Comp. Stat.* 207/60(c) (2014).

103 *Hamilton, supra* note 61.

104 *Id.*

180 See generally *Eric S. Janus & Robert A. Prentky*, "Forensic Use of Actuarial Risk Assessment with Sex Offenders: Accuracy, Admissibility, and Accountability," 40 *Am. Crim. L. Rev.* 1443, at 1495-96 (2003). This is to make sure there is risk assessment in recidivism. *Id.* However, the actual studies and different aspects are fairly subjective to what the psychiatrist wishes to put in as a factor. *Id.* at 1485. It mixes empirical data such as age, weight, along with the psychiatrists view on the person's mental state, home life, and their level of manipulation. *Id.* at 1455. These subjective thoughts mixed with empirical data show that the risk assessment is not perfect for finding out a person is not able to maintain life in society. *Id.*

184 *Janus & Prentky, supra* note 180, at 1453.

185 *Id.* at 1450, 1452.

186 *Id.* at 1464-65. (Describing the measurability, the empirical basis, and the precision that comes with the adequacy of measuring different issues. Further, goes to the authenticity and the transparency instead of clinical risk assessment).

187 See *People v. Taylor*, 830 N.E.2d 855, 857 (Ill. App. Ct. 2005); *Janus & Prentky, supra* note 180, at 1455.

Will the Future of Sex Robots Be in Sex Offender Treatment, Pedosexual Exclusive Surrogates, or Victims of Societal Anti-Scientific Rage?



Sure, they look funny now, but wait 'til they look like the "Surrogates."

Review: "Sex Doll Ownership: An Agenda for Research," *Harper, C.A. and Livesey, R.*, *Current Psychiatry Reports* 22:54; <https://doi.org/10.1007/s11920-020-01177-w>, *B4U-ACT Quarterly Review (B4QR)*, pp. 12-13 (Winter 2021)

Text:

"This article sets out to critically review the arguments that have been presented so far in the existing literature in relation to: 1) the motivations of persons who own sex dolls (and sex robots); and 2) the implications of such ownership and use. Then, based on the conclusions of this overview, an agenda for future relevant research is proposed. The main argument presented throughout is that current scholarship on sex dolls is not evidence-based, but rather rooted in moralistic and 'philosophical' ideas.

In their informative first section about the motivations of sex doll owners, the authors do not limit themselves to the 'popular' argument of sexual satisfaction; rather, they point to research suggesting that the reasons for owning or using a sex doll are not always (purely) sexual, but also pertain to other purposes, such as emotional satisfaction, companionship, friendship, or even artistic interests, like photography. There is further men-

(Continued on page 7)

tion of individuals who may own sex dolls 'for medical or psychotherapeutic reasons', although this line of argumentation is mostly reserved for those who have 'sexual anxiety' or 'erectile dysfunction', rather than those who have 'problematic sexual arousal' - whatever the latter may entail (p. 2).

The following section about the potential implications of sex dolls comprises a succinct outline of the prevalent literature, according to which the potential effects of sex dolls are: 1) the objectification of women (and children), 2) the intensification of certain stereotypes of beauty and attractiveness, and 3) the normalization or promotion of sexual abuse. The writers take a step further here, by usefully contrasting each one of those arguments with counterarguments (also drawn from existing research). For example, the prominent idea that sex dolls promote sexual violence is balanced out by the indication that, in fact, 'there is no research that directly examines a causal link between sex doll ownership and a proclivity to engage in sexual aggression', and that sex dolls may even have a 'cathartic effect' instead (p.3).

Next, an entire section is dedicated to 'Child-Like Sex Dolls, Pedophilia, and Child Sexual Abuse'. The authors mention that (most) arguments in relation to the use of child-like sex dolls stem from theories like legal moralism, purporting that it is alright to prohibit something based solely on its perceived immorality. The writers draw a contrast between literature grounded in moralistic positions, on the one hand, and research on child sexual abuse prevention, on the other hand (i.e., that 'dolls and robots offer a sexual outlet without a victim' [p. 4]). Although the authors do call for an 'open mind on the potential for both benefits and risks' of child-like sex doll (p. 5), they do not seem to consider any arguments outside the scopes of (im)morality and risk-management (prevention) when it comes to the owners of such dolls. Perhaps this is because there are not many such arguments to be found within the existing literature in the first place and, even when potential therapeutic benefits are mentioned, this is almost always done in the context of child sexual abuse prevention, and not with a focus on personal wellbeing. In relation to this, the authors could have (even briefly) considered the underlying assumptions behind why arguments against child-like sex dolls seem to make such 'logical sense' (p. 4).

The article concludes that empirical research that will draw on both cross-sectional and longitudinal, as well as qualitative and quantitative designs, is needed in three main areas: 1) what motivates sex doll and sex robot owners, 2) what the effects of sex doll and sex robot ownership and use are, and 3) what the relevant societal responses are.

Overall, the article offers a quite comprehensive and critical review of the extant scholarship on this emerging topic-area, and some very useful guidelines for future research. It may be true that more evidence-based studies are needed; however, the 'philosophical' positions, which the authors appear at times to dismiss, are arguably of equal (and some would even say greater) importance, as they are the ones guiding all empirical studies. No research is ever done in a vacuum, after all. Not all 'philosophical positions' are moralistic and narrow-minded, but some (existing or even future ones) may well provide a fertile ground for open-minded debates on sex dolls and sex robots."

RM 2d Excerpt

"...Pacifying any SP officer is a waste of time. Telling him/her the Truth is better. For years some of us believed that we were the problem and that we could not get through treatment because of our own choices. But the more we educated ourselves, the more we realized that we are not the problem. The SP is the problem.

There are 3 types of sympathizers among the detained: Kapos, Ketmans, and Clients. We will explain all three, beginning with Kapos.

pp. 17-18: While the Nazis commonly called them Kapos, the official term for prisoner functionaries was Funktionshäftling. Camps were controlled by the SS, but day-to-day tasks were supplemented by the Kapos. If they neglected their duties their status would be demoted. The Kapos numbered as high as 10% of the inmates. Kapos were concerned with their own survival and had access to certain privileges that others did not. Nazi death camps owed their stability to the Kapos and camps would have promptly disintegrated without them. Without the Kapos, the SS camp administration would not have been able to keep the day-to-day operations of the camps running smoothly. Kapos minimized costs by allowing camps to function with fewer SS personnel. The Kapos offered a second hierarchy that made it easier for the Nazis to control the camps and the Kapo system was a key instrument of domination designed to turn victim against victim. Kapos sought the favor of the SS, causing tension between the various prisoner groups who were distinguished by different colored badges. The rivalry between Kapos and lower level prisoners was, for the SS, an opportunity to pit prisoners against each other. The regular prisoner was at the mercy of



Operation Find the Kapo

a dual authority, the SS, who the regular prisoner had little interaction with, and the Kapos, who were always there. Anyone helping to operate the SP regime, including CREST members, conflict resolution guides, kitchen workers, cleaners, industry workers, and all other workers, would have been considered Kapos in Nazi death camps.

p. 18: Ketman is a Persian word for the practice of maintaining an outward appearance of compliance while inwardly dissenting. ('Fake it to make it.') Ketman was the strategy used in communist Russia that people who were not true believers in communism adopted to stay out of trouble. Ketman is worse than hypocrisy because putting on a front around the clock eventually causes the subject to become the character he plays. Ketman believe it is possible to be a loyal opponent of the SP regime while working with it. This is the ultimate victory of the Big Lie over the individual's soul. A Ketman does not understand that the enemy is merciless. The delusion is this: although nearly 100 men have died trying to do the same thing he is doing, the Ketman believes he is smarter and more capable than his predecessors. This false confidence should not be respected or applauded. The Ketman attempts to swindle the Devil who is also swindling him. But the Devil knows how the Ketman thinks and he is satisfied. The vast majority of men participating in treatment are Ketman. They know they don't need it, but they participate anyway.

p. 19: Therapists and Ketman are viciously codependent on each other to achieve their own personal agendas. However, they conceal their true intentions. ...The therapist does not care about lowering the Detainee's 'risk to offend.' If the skeptical Detainee is not convinced, we challenge him to ask his therapist a simple question: 'Please give me one reason I should be in treatment' We predict her answer will include an appeal to the Detainee's self-interest (i.e., Phase 2 privileges, more work hours, etc.). She is not likely to even try to convince the Detainee that she knows how to lower his risk to offend and thus make the community safer by treating him. If the Ketman or therapist cared about such things that would not participate with this particular program because this program is not sufficient to achieve

such a goal. Another way that therapists and Ketman are codependent on each other is that they both pose as friends but work as spies. They both are collecting data to use to slander each other. It is a toxic relationship that keeps both parties in suspended terror and cultivates an air of unpredictability. Both the Ketman and the therapist play on each other's need to believe in something. However, it is the therapist who controls the options and gets the Detainees to play the cards they deal and once the therapist discovers a Detainee's weakness, she will exploit it. Therapists use striking imagery and love and fear to work on the hearts and minds of the Detainees. Their greatest weapon, however, is their ability to preach the need for 'change,' an abstract obligation that has no finality, just like their treatment - it never ends.

The vast majority of sympathizers are either Kapos, Ketman, or a variation of the two. The third kind of sympathizer is a 'client.' Very few Detainees are actual clients. A client is a person who genuinely believes that the SP regime is capable of helping him. There are two major delusions in the client's thinking: 1) He believes that the Shadow Prison (SP) provides the psychiatric evaluations necessary to accurately identify what his diagnosis is; and 2) he believes that the SP provides the proper treatment necessary to treat his 'diagnosis.' He is deceived.

Like true Americans, Resisters are defiant. Americans have been defiant from the beginning. The renegade thinker, the man against the crowd, the sheriff in *High Noon*. America granted them dignity just by virtue of their stern isolation, although the approval of the crowd did not mean much to them. A compliment from the authorities or from the herds would not impress.

pp. 19-20: Resisters do not wait for a crowd to hide in. Some say, 'I'll join your effort if you can get more people.' Not only is this man a follower, this kind of thinking is an example of the logical fallacy of circular reasoning. It is irrational for the individuals of a would-be crowd to wait for a crowd before the individuals form a crowd. We abandoned this thinking years ago. Instead, a man should simply do what he believes is right, ... and prepare himself to endure the consequences with grace. We do not care what 'other people' do. We have been called many things in our efforts of resistance, but we cannot be called followers. In Nazi Germany, many ordinary people did not dissent to the ongoing atrocities because few other people resisted. Similarly, in the Stanford Prison Experiment, the subjects who were randomly assigned as guards adopted the behavior of cruel prison guards because that became the behavioral

(Continued on page 8)

norm in an alien situation. Until someone breaks the status quo, there is no alternative example for others to follow. We are the alternative example breaking the status quo. In a speech given prior to the Montgomery boycotts, Martin Luther King, Jr. stated, 'Let your conscience be your guide.' This is all we know. If we join a cause, it is because we are convinced it is right. This is how Americans operate.

p. 20: Resisters have a personal obligation to resist. It is the mass individual effort that will make the difference. Meaning, it will take many individuals who personally believe in their own duty to participate in the solution. An individual who understands this not waiting for a mass movement before they do their part. ...No. We are many individuals with the same personal conviction about a shared end....

Under the oppression of Communism, Czech human rights activist Vaclav Benda developed the parallel polis, a type of social and intellectual life lived outside of official approval. Sir Roger Scruton, who identified the approaching totalitarian rule here in the U.S. established the underground parallel polis university in Prague and granted degrees to students in secret. Honoring this tradition at the Shadow Prison in 2021, certificates were presented to certain men who made major sacrifices for the resistance. In total, 272 certificates were awarded....

Honors were given for six separate areas of resistance. The A-List Honor



Just because things could be worse doesn't mean they can't be better.

was given to those who financially supported anti-SP activities. The Civil Renegade Honor was given to those who refused to concede to unconstitutional policies. The Activist Honor was given to those who participated in hunger strikes, boycotts, or other extreme forms of resistance. The Lifestyle Honor was given to those who make resistance part of their lifestyle, by filing lawsuits or some other activity that requires persistent effort....

All 272 men sacrificed a lot. Some of these men put their very lives on the line. Some went to prison. Some went to the hospital. All took risks personal to them. These 272 men set the foundation for the third wave of resistance.

pp. 20-21: ...If we cannot hold Detainees

to the expectations of man, we cannot expect to empower him to become a Resister. It is good for the soul to be reminded that we are men. The SP regime has effectively broken down many of the Detainee's former identity to the point that he can hardly recall who he was before he came to the SP. Many now call themselves 'client' even on the weekend and on holidays. We are here to remind them they are men.

p. 21: The SP has found out how to harness the spirits of men and profit from them. The spirits of many men have been reduced to that of cowards. The man who woofs that he would rise up if he were not surrounded by so many 'pussys' is a coward. We must all learn to resist in every way, all the time, at all costs, until we are free - with or without a crowd."

Report MSOP Maltreatment to Attorney Feeney.

[eds.], "Report Maltreatment to Attorney Leo Feeney," *RM Newsletter*, Vol. 1, No. 1, May-June 2023, pp. 5-6

Text:
"Lowering of treatment scores, demotion in Phase/Tiers, incomplete and inaccurate or false information in your records (scores, COMM logs, lack of positive documentation, BERs), delays in progression and/or treatment (for any reasons out of your control).

We need you to write/type a short document. Be sure to include basic information about maltreatment of you by MSOP including the following: your full legal name, age, date of commitment, length of time at MSOP, Have you applied for SRB/CAP?, Details of maltreatment incidents (# of times, dates, etc.). Then write/type details of your experience(s). Stick to the facts. Include dates and names (or best estimates) whenever possible. Was there written documentation of the incident? You can include multiple instances and examples, but we don't need everything. Better to provide concrete details on one or two incidents than to simply list 50 small examples.

Please do not send your rough draft documents directly to Leo. These documents are much more valuable if they're all in the proper format. Please give your written/types draft to clients Daniel Wilson or Matthew Feeney, who will type your information into the proper affidavit format. They will return this affidavit to you for your review and signature. Leo will send you a letter confirming receipt.

'I understand the feeling of hopelessness at MSOP. Please know that there is a growing number of people on the outside

fighting hard for your freedom, but we need help from people like you and the inside. Please pass this letter and information along to other clients. Together we will make a difference.' - Leo Feeney

You Need to Register to Vote. Here's How.

All of Us Can Now Vote. Use This Vital Right. Here's How You Can Register to Vote:

- 1) In the Client Computer Network, use the mouse to click on the 'Windows globe' icon at the lower-left corner of the 'waving Windows flag' screen.
- 2) In the small window above the globe that then appears, click "Public Folder".
- 3) In the alphabetical list of folders that appears, click "Client Resource Coordinator".
- 4) In the alphabetical list of files that appears, click "Voter Registration Application (1-23)".
- 5) You will be looking at a form titled: "Minnesota Voter Registration Application". This is a two-page document. The Voter Registration application is on the front; the back side contains instructions on where to mail it to and other information you need. I suggest making two prints of this whole file. Each print will take up one sheet, printed on both sides. To print the whole file, move your mouse to the second-from-top horizontal gray strip (the one that has a series of little drawn pictures of various objects. Find the picture that represents an older-model printer that resembles a top-loading FAX machine, just to the left of the picture representing an envelope. Click that printer picture.
- 6) In the window that then appears (labeled at upper left, "Print"), replace the "1" in the "Copies" box with "2". Then make sure that "Pages to Print" is set to "All".
- 7) Farther down this vertical list of options, make sure that "Print on both sides of paper" is checked. If it isn't, click that box to select that option.
- 8) Right below that, make sure that the "Flip on long edge" button is selected; if not, click it to select it.
- 9) In the "Orientation" area right below that, make sure that "Auto Portrait/Landscape" is selected.
- 10) In the lower-right of this window, simply click "Print".
- 11) That's all! Just go to the Unit Desk to collect your two prints.
- 12) Fill out each of the two forms identically, using care to be correct in each entry. Read the statements in Number 8 near the bottom of the form. Now here is the only point where



Exercise your right to vote.

these instructions get a little complicated, but bear with me through this brief part. This is required because the version of this voter registration form posted in our Client Computer Network pre-dated an important legislative change this year. If you are already past the end of all of your DOC supervision (including your "Conditional Release"/"CR"), this legislative change does not affect you at all. Simply do only what part (a) in this Instruction Number 12 says. Otherwise, skip Part (a) and instead go directly to part (b).

- a) If all of those statements are true about you, sign and date the form.
- b) If you are still under DOC supervision (including your "Conditional Release"/"CR"), in the second-to-last statement, after the first part that reads: "have the right to vote because, if I have been convicted of a felony," obliterate the rest of that statement and replace it by writing: "a new law now says so; and". Write small. This works best if you write the first two words at the end of the first line of this statement and the rest at the end of the (obliterated) second line. If all of those statements (as thus changed) are true about you, sign and date the form.
- c) **NOTE:** A brand-new revision of the registration form has just been posted in the computer network location above, replacing the old form. This makes instruction 12(b) above unnecessary.

- 13) Flip the form over. Address an envelope as shown at the top of that second page. Be sure (as always) to put your name and return address in the upper-left corner of the front of the envelope. Put the registration form into the envelope. Because the Secretary of State (to whom you are sending it) is an elected official in Minnesota, you my (and should) mark the envelope at left "Privileged Mail" and seal the envelope. (See newly revised "Client Mail 420-5030" Policy.) If you do not write this on the envelope, you may not seal the envelope. Fill out the usual Transfer Authorization form and attach it to the envelope. Deposit the envelope into the outgoing Mail slot in your living unit.

(Continued on page 9)

You should do this right away. If all goes well, you should receive your voter registration card in a few weeks. If you do not, be sure to write to the same official to ask why you did not get it. If instead, you get a letter asking you questions or directing you to do something, take any such actions and answer immediately.

To understand the importance and power of voting and why you and everyone else here in MSOP-Moose Lake should vote now that everyone here can, you should read "A Political Primer", also in this edition of tLP.

Steve Sandell's Political Primer



Like Harvard University — Only
without the tuition.

by Steve Sandell
It's All About Numbers

Politics in a representative democracy is all about numbers. When a majority 'rules,' one vote more than your opponent is a win. The challenge is to find a way to win a majority of votes for the candidate or issue you favor.

The law-making process in Minnesota, as in most states, is similar to the United States' Congress where the fifty states each are represented by two senators and by a number of representatives in the U.S. House according to the state's population.

Minnesota is divided up into **67 Senate Districts**, based on population, each represented by one Senator.

Each Senate District is divided into two House Districts, roughly of equal population, and resulting in **134 House Districts**.

Each Senate and House District is identified by a number. For example, I live in Woodbury, most of which is in Senate District 47 and my senator is Nicholas Mitchell, a Democrat. My House representative is Ethan Cha, also a Democrat. Both were elected in 2022.

The Moose Lake facility is in Senate District 11. The State Senator is Jason Rarick, a Republican. Your House District is 11A, represented by Jeff Dotseth, also a Republican. **Senators serve for four years, House members serve for two.**

Republicans and Democrats: They're Just Clubs.

In order for any proposal (referred to as a "bill") to become a law, a majority of

members in both the Senate and the House must vote in favor of it, AND the Governor must sign it.

The idea is that both 'Houses' and the Governor must agree to a bill in order for it to become a law. Without all three, the bill will fail. Getting approval by both houses and the governor is a tangle town of requirements, details, influence, negotiations, and other calculations.

There are **two prominent political parties in Minnesota** — the Republicans and the Democrats. They are independent organizations, NOT established by the constitution or the law. They are NOT government organizations. They are a kind of club, anyone can join. They differ from each other by their values or philosophies usually described in a written document called their **platform**.

Almost everyone who decides to run for the Senate or the House identifies themselves as either a Republican or a Democrat.

The Republican and Democratic parties each have a state organization, with their own leaders to help run the party. They raise money, support candidates, and try to help their candidates win elections.

When the election takes place, its result will be that one party or the other has a majority in the House and in the Senate. A majority in the Senate is 3 or more members, 1 the House 68 or more members. (It is possible that the House may be divided exactly in half, 67-67, with neither party in Majority. That is very rare.)

Currently there are 70 Democrats in the House and 64 Republicans; there are 34 Democrats in the Senate and 33 Republicans. The result is a Democratic majority in both houses.

Candidates and Causes

The Republican and Democratic candidates for each House or Senate seat are chosen through a series of **conventions** and always by majority vote. That process begins at the very local level.

To begin with, every Senate and House District is divided into parallel neighborhoods — based on population — called "Precincts."

Both Parties hold formal precinct meetings (called **precinct caucuses**) once every two years — almost always on an evening in February or March before the November elections. (The next caucuses will be held in February or March 2024.) Anyone who will be eligible to vote in the November election may attend and vote at one of the party precinct caucuses. Sometimes there may be only three or four people who show up, at other times the rooms could be packed with a hundred people. It all depends on how important voters think the choice of a candidate is.

In the late 1960s and early 70s, while the War in Vietnam and civil rights were

major issues, many precinct caucuses were packed. When Hillary Clinton and Barack Obama were both seeking the Democratic Party's nomination for president in 2008, those caucuses attracted large numbers of participants.

The reason precinct caucuses are important is that those who attend elect 'delegates' to the Senate District convention where candidates for the House and the Senate will be chosen (or 'endorsed'), again by majority vote.

If an individual wants to be the endorsed candidate of either the Republican or Democratic Party, he or she needs a majority vote of those delegates at the Senate District convention to vote for them. **It's those delegates elected at the precinct caucuses who make that choice.**

What's all this mean to you?

The Moose Lake facility is in Moose Lake precinct 11. If 20 or 25 of you attend the Republican Party precinct caucuses, your group would most likely have a large majority of votes. You could nominate members of your group to be delegates and, because the delegates are chosen by majority vote, it's highly likely your candidates would all be elected. That would allow you to vote at the Republican and Democratic Senate Conventions where candidates for Senate District 11 and House District 11A will be endorsed.

You could, of course, all choose to attend the caucus of just one of the parties.

In addition, all of you who register to vote will have a huge influence in the choice of Senate and House members in the November election.

In 2022, the Republican candidate for District 11A, Jeff Dotseth, won with 9,510 votes. The Democrat, Pete Rodosevich, had 9,056. That was a 3% difference. If Rodosevich had 450 more votes (approximately the number of clients at MSOP-ML), he would have won and strengthened the DFL majority in the House.

NOTE: The other half of Senate District 11 (House District 11B) has a very strong Republican majority. The Republican candidate for Senate District 11, Jason Rarick, won with 22,111 votes. The Democrat, Michelle Boyechko had 14,152 votes.

Bloc Strength at the Polls

Duncan Brainerd has described his effort encouraging 'bloc voting.' It's an effective tactic and used all the time. During the campaign, you could invite candidates to an ITV call (or even an in-person Q&A) and express your desire to have an MSOP bill introduced in the legislature, and that all of your votes would go to the candidate who would support that effort.

REMEMBER: Politics is all about numbers. The majority party in the House or

the Senate is in charge. Both parties are always in pursuit of the majority. The numbers establish where the power and influence resides.

Casting and Protecting Your Votes

It's probable that MSOP administration will not allow you to attend either a precinct caucus or Senate District convention in person. That shouldn't keep you from participating. At each of these meetings, you may submit a 'proxy' — that is you can nominate and vote for an individual (or a slate) of individuals as your choice for precinct delegates even if you don't attend in person.

In politics, nobody wants to lose, so it's very important to see that your participation is protected. Interfering with an eligible voter from participating in the election process can be prosecuted as a felony in violation of the Voting Rights Act. That goes for MSOPP as well as any effort at the caucuses to keep your votes from counting. Though there are very specific rules about how caucuses are to operate, there may be individuals who are willing to subvert those rules for their own benefit.

From Endorsement to Election

The delegates chosen in each precinct can attend the Senate District Convention where they will vote to endorse (give official support) one candidate or the State Senate and one for the state House of Representatives to run in the General Election in November.

But! Those endorsed candidates can be challenged by anyone in a **Primary election** usually held in late August or early September.

In a primary election voters may vote only for candidates of one party or another. You may not vote for some Republicans and some Democrats. The primary is just another step in choosing each party's candidate in the November election. Winners of a primary don't take office, they just get their name on the November ballot.

Many of the candidates 'endorsed' at the Senate Convention will run unopposed in the primary, but if they have opposition, **the winner of the primary election will be the candidate whose name is on the November ballot and identified as the Republican or Democratic candidate for a specific office.**

NOTE: Primary elections often have a very low voter turnout — sometimes as low as 7% or 8%. It doesn't matter how many people vote, the important thing is which of the candidates get the most votes (the **majority** of those who vote) because their names will be on the November ballot.

Once the vote is in and counted, it will be clear that one party or the other will have a majority in the House and in the Senate. It is not unusual that one party will have a majority in the House, while their opponents will have a majority in the

(Continued on page 10)

Senate. When that happens, it is very difficult for agreement on important topics to be found. Negotiations, bargaining, and stalemate are often the result. Compromise can be hard to accomplish.

I was a member of the House when I was elected in 2018 and again in 2020. In both years, the Democrats had a majority in the House, the Republicans had a one-vote majority in the Senate.

A 'legislative session' is 120 days, and held each year between a date in January and the end of May or early June. That's when the 'legislature is in session' and when bills are written, discussed, and voted on. The rest of the year is referred to as the 'interim' when legislators can go about other parts of their lives – some with full-time jobs, others self-employed, some retired. They may do work for their legislative assignments, but are seldom called back to the Capitol for a 'special session.' Only the governor may call a special session and then almost always due to an emergency.

Majority or Minority? It's a World of Difference.

Both the House and the Senate organize themselves by voting for leaders who will appoint other members to specific jobs. **Here's where the majority and minority make all the difference in the world.** I'll describe the process in the House, since that's been my experience. Things are very similar in the Senate, but there are minor differences.

NOTE: The leader, or **Speaker of the House**, is arguably second only to the governor in their power and influence in state government for reasons that will later be apparent.

Members of each party gather in a caucus of their own members to decide among themselves who will be their nominee for Speaker. The members of the entire House will meet together, nominate their respective candidates and take a vote. The result is always the same: the nominee of the majority party wins.

The two parties again meet among themselves and again choose a member to be their majority leader and minority leader. Those are the individuals who do the most work during the floor sessions. They are also prominent in any decision-making within their caucus. **But it's the speaker who takes charge. It's his or her responsibility to decide what committees will be established for the session, and to appoint the chairs and members of every House committee.**

The next steps might not sound 'fair,' but remember in a representative democracy, majority rules. During the last six years the Democrats have been in the majority in the House and have chosen Melissa Hortman as their Speaker and, unless unusual circumstances occur, she's pretty much in charge.

Each of the committee chairs chosen by the Speaker will be members of her party. The Speaker will then appoint members

to each of the committees – and in every case, the majority party will have a majority of members on each committee, in this case.

The committee chairs have a significant authority too, because they decide what bills will or will not be discussed by their committee. If a bill is not 'brought before the committee' for discussion it has almost no chance of being voted on by the entire House – therefore no chance of becoming law. It is no secret that the committee chairs favor bills offered by their party, are much less generous with bills offered by the minority.

On occasion, a Democrat or Republican will try to get support from the other party for a bill. If that happens, the bill is referred to as 'bi-partisan' and has a good chance of passing. That might happen, for example, on non-contentious issues like naming a memorial highway. It is much less frequent when it comes to social or economic issues that are at all contentious.

Who 'Writes' the Bills?

Any legislator may write a bill that he or she would like to see become law. Most often, legislators are visited by lobbyists, individuals working on a specific issue that is already spelled out as the details of their bill. They may be employed or they may be just interested citizens. Lobbyists will ask a legislator to support their bill. If a member agrees, the lobbyist or the legislator will contact the House Research Office that will put the idea into formal language and make sure that it concurs with current law.

If the legislator agrees that language meets his or her approval, it is sent to the Revisor's Office where it may undergo (usually minor) changes. Five copies of the final draft will be returned to the legislator. Two copies will have a green cover sheet, two will have a yellow cover sheet.

The sponsoring House member (now referred to as the 'author' of the bill) will sign the two green sheets and ask other members to support it with their signatures, though additional signatures are not necessary. Once the green sheets are signed, the author 'drops the two copies in the hopper' (just a wire 'in-box') near the Speaker's office.

One or two days later, the bill will be introduced to the House, given a number (House File XXX) and referred to a committee where the chair may or may not put it on the committee's agenda for discussion.

Additionally, the author must find a sponsor in the Senate who is willing to sign the bill and follow it through the committee process in the Senate.

The majority of bills (there are more than 4,000 already introduced in this session) will not get much farther. Those that the majority party and the chair support will be discussed, voted on in committee (almost always along party

lines) and set aside for a later time when the majority party will either bring the bill to the floor for debate and a vote, or decide to put it together with many other bills dealing with the same or similar topics in an 'omnibus bill' that will be debated on the House floor near the end of the session.

In the end, when the Speaker and her majority party caucus can agree on provisions in the omnibus bill, it will be brought to a House vote. All members of the majority party will vote 'yes,' all members of the minority party will vote 'no.' Once I a while, very infrequently, will a majority party member vote against their caucus' position but that is very infrequent and only when the Speaker knows the bill will pass regardless of that vote.

Are You Ready for More?

All of this is repeated in the Senate, with very minor differences. During my time at the House, the Republican controlled Senate and bills on almost every topic were different from those in the House. Things will be different this year. Differences will be minor on almost all issues.

Once the Senate and the House have voted and passed any of these bills, if there is ANY difference, the two bills will be discussed in a Conference Committee, usually three or four members of each party and from each of both the Senate and the House. They will negotiate, try to compromise, and if they can iron out their differences, the agreed upon results will be voted on in House and Senate, and be sent to the Governor for his signature.

The Governor may, of course, refuse to sign (or veto) the bill, in which case it does not become a law despite the House and Senate votes.

NOTE: During the last five years, Gov. Walz has never vetoed a bill. The reason? The Speaker of the House, Melissa Hortman, has not allowed a bill to be voted on in the House that she knows the Governor opposes.

Remember, the Speaker has appointed every committee chair in the House and has made it clear what her preferences are. She's in charge. She was elected by a majority of the members of the House, that were elected by a majority of voters in their district, who had been chosen by a majority of delegates at a Senate convention, that were chosen by a majority of people who attended and voted in those neighborhood caucuses.

An Afterthought

This complicated review reflects my opinion and experience in the process of elections and legislation. It is accurate though not entirely comprehensive. One issue that is implied here is that a bill – or any proposal that you would like to become a law – must have support and endorsement of an author in both House and Senate just to get introduced. It has to have support of a committee chair and the Speaker to be discussed and get to the floor for debate in each house. And a

majority of members in each house have to vote for it. All of that is an uphill battle if members think that their support for a certain bill will harm their chances of re-election.

Sandell: tLP Is an "Inspiration."

"To: Mr. Cyrus Gladden
Editor, *The Legal Pad*
Re: An Inspiration

I read each of the newsletter editions you publish and distribute and I am always impressed with the work, dedication and information each represents. I'm confident that I represent all of your readers with this note of general thanks and appreciation for the service.

The most recent issue of *The Legal Pad* was particularly interesting and useful. It provided substantive information regarding the yet unresolved *Karsjens* case and your own reflections on the issue. I'm one of those who's often impatient with the pace of court proceedings and *Karsjens* could be a 'poster boy' for their habit: a legal suit, a court hearing, a judge's decision, an appeal, a judgment overruling the initial decision, and additional arguments. This case is more than a dozen years old, delayed while the lives and circumstance of MSOP residents remain in place.

Your essay on the case and the way the environment at Moose Lake and St. Peter inhibits the progress of residents was particularly incisive. I'm an advocate of respectful communication, honesty and responsibility when it comes to negotiations and the resolution of conflict. When either side chooses to ignore those principles, regardless of respective positions of power and authority, little can be accomplished. I've tried to emphasize that with



Louis Pasteur gets inspired.

leadership at DHS and MSOP. I haven't made much progress. Your work is an inspiration and the kind of leadership that should be followed.

Respectfully,
Steve Sandell
RAFC ex officio member
