

Sex Ring:
Revisiting the Jordan, Minnesota Child Abuse Cases of
1983-84

And a Review of

Richard Beck, *We Believe the Children:
A Moral Panic in the 1980's*

By

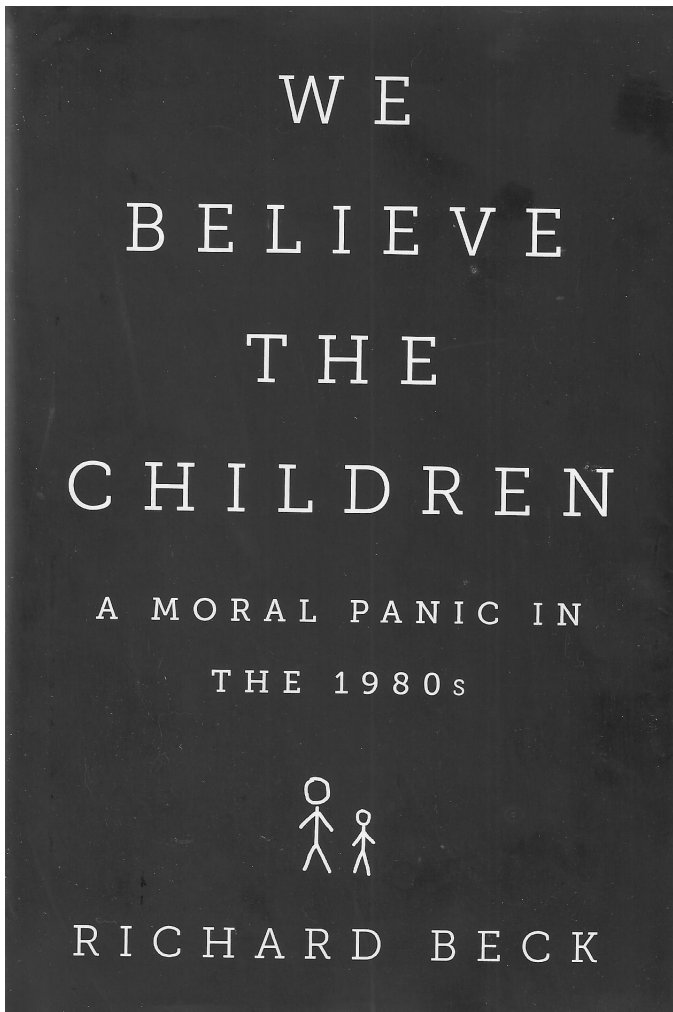
Thomas L. Olson

America's story is no stranger to panics, hysteria, or, more charitably—frenetic over reaction and rush to judgment. Our history is replete with examples beginning with the Salem witchcraft trials but also including the Great Awakenings (religious revivalism in the 18th and 19th centuries) and continuing on through two Red Scares following World Wars I and II. More recently mass over-reaction has overblown the likelihood of Muslim terrorist attack and fear that the Russians are coming—again.¹

For a time, in the 1980's, some 35 years ago now, such alarm focused on the widespread ritualized sex abuse of young children, often by pre-school, daycare, and babysitter workers. The phenomenon

¹ This despite the fact that in our present century many more Americans have perished at the hands of home-grown hellhounds than by foreigners and that causes of death that are preventable such as smoking (480,000 deaths per year), accidental shootings (600 deaths a year) and falls in the bathroom (25,000 deaths and 235,000 trips to the emergency room per year) receive scant attention.

manifested itself under different circumstances and with a varying cast of characters—in California, Washington, New Jersey, North Carolina, Florida, Texas, Ohio and elsewhere—including, in one very prominent case—Jordan, Scott County, Minnesota. Nationally, approximately 200 persons were charged and about 80 convicted and given long sentences. The entire saga has recently and masterfully been re-examined by



Richard Beck in *We Believe the Children: A Moral Panic in the 1980's*². In his book, Beck skillfully weaves the events of the key cases of the 1980's and brings to bear psychology, psychiatry, sociology, and social and political history to help us understand it all.

Before considering Beck's work in greater detail and the Jordan case in particular, let's be clear about a few things. From long before the 1980's and continuing to right now, child abuse in America, whether

physical, emotional, or sexual has been real and appalling. Most often that abuse occurs within families. Beyond the family it is frequently sexual and involves adult perpetrators in a trusted role—priest, pastor, scout leader, coach, physician, teacher. In the past twenty years or so

² Richard Beck, *We Believe the Children: A Moral Panic in the 1980's* (New York, Public Affairs, 2015) 270 pp., notes, index.

we've seen hundreds of instances with new accusations coming to light regularly. For a long while, until the 1980's sex abuse hysteria, many if not most cases of pedophilia abuse were dealt with quietly. In my own research for a book set in Red Wing, Minnesota, for example, I found that a local theater owner, when he learned that his manager was a "molester," contacted police. The result was a gentlemanly agreement for the offender to simply quit his job and the town. Sending an offending priest on to another parish, quietly dismissing a scout leader, or keeping one's mouth shut at more than one Big 10 University are similar sweep under the rug responses.

In our current century, many of the charges of abuse have been made by adults years after the abuse is said to have occurred. These are not, in the main, charges made by parents on behalf of children. And, as adults those who were abused as children remember the events quite vividly. Importantly, that they did not come forward previously has not been for lack of memory. Rather, it has been for a variety of reasons. They did not realize at the time that the behavior of a respected, authority figure adult, was wrong. They knew, or eventually recognized the behavior for what it was but felt ashamed or a sense of personal guilt. They were terrified. They felt that "going public" would disgrace them or their family.

The many cases nation-wide in the 1980's differed in important respects. Primarily, the evidence of sexual abuse depended upon the testimony of very young children—quite often pre-schoolers. And memory of the crimes did not come readily to the children's minds. They were based most often upon the recall of "repressed" or "recovered" memories which came to light only after intense and highly suspect interrogation.

In *We Believe the Children*, Richard Beck begins with, focuses

on, the finishes with the McMartin Case in Manhattan Beach, California. The other cases are nicely woven into the story, the issues, the explanations, and the chronology. We'll get to the Jordan case, important as it is, shortly. But Beck, in my view, is entirely correct in focusing on McMartin. All the cases shared similar elements. But McMartin had them all. The case began in September, 1983 when a parent of a pre-schooler, who as it turned out had complex issues and agendas of her own, discovered what she suspected were signs of anal abuse to her toddler son. Police were notified and a later discredited medical "expert" confirmed suspicions. Owners of the McMartin pre-school were arrested. Subsequent arrests of most of the staff followed. At the center of the charges was the husband of the school founder's daughter. The primary evidence against him included, prominently, his penchant for wearing knee-length surfer shorts (it was a beach community) without underwear.³ The community of largely middle-class families became outraged and convinced of guilt. At one point the school was nearly destroyed by arsonists. A woman of suspect credentials began to interrogate children—over and over again. Techniques included telling children that other children had already confirmed "facts" when no such thing had happened. That woman was later revealed to have had a sexual affair with a local TV reporter who had encouraged a sensationalized community "rush to judgment." There was prosecutorial excess and careerism gone wild. Not only was child abuse charged, there were accusations, based on the testimony of toddlers, of children having been flown to Palm Springs for ritual abuse and that such rituals occurred in a local Episcopal Church. In the end, McMartin resulted in the longest criminal trial in U.S. history. Most of the charges were dismissed. The final defendant, the young man who didn't always wear underwear, was acquitted. But the results, in

³ Exposure was never charged.

California and U.S. law were profound. Reputations were ruined, livelihoods destroyed, and life savings (due to legal fees) obliterated.⁴

Jordan

Jordan, Minnesota, is located along U.S. Highway 169, in Scott County between Shakopee and St. Peter. In 1983 its population was just 2700. It was described by residents and visiting journalists alike as “typical small-town America.” It was, and is, white, European (largely of German origin) and Christian. Already in 1983 some local residents were mindful of the fact that Jordan was becoming ex-urban as it attracted residents from the Twin Cities. Some of these “newcomers” lived in the Valley Green Trailer Park which was separated from the main part of town by Highway 169. It was, in a sense, on the “other side of the tracks.”

The Jordan sex abuse case began in September, 1983 in a rather ordinary way. A 25-year-old woman, Christine Brown, told the Jordan police that her children had been abused by a neighbor, James Rud. Both the victims and the accused lived in the Valley Green Trailer Park. Police investigated and quickly discovered that Rud, who worked as a trash collector, had two prior child sex convictions. The police investigation, which Beck describes as conducted with “caution and

⁴ Most recently, the Oxygen cable network has aired and has available for streaming a two-hour documentary *Uncovered: The McMartin Family Trials*. The production features good original film as well as present-day interviews—none with prosecutors. Surprisingly, some now-adult children and their parents believe, despite the lack of evidence, that ritual abuse occurred. Also, a good overview of the McMartin case is to be found in the motion picture *Indictment: The McMartin Trial* (HBO Pictures and Oliver Stone, 1995). Certain parts of the long proceedings, the lengthy pre-trial hearings especially, have been omitted or compressed. And the prosecutor is likely portrayed as more malevolent and the defense attorney more heroic than either of them were. But the story line follows faithfully Beck’s telling and is well acted with high production values. The film received many award nominations and won a Golden Globe prize for Best Motion Picture made for television. The film is currently available at Amazon Prime and by DVD purchase.

skill,” had within a few weeks compiled enough evidence to secure a conviction. In essence, Rud had established a friendship with neighbors and convinced parents to hire him as a babysitter who, on some occasions, had children spend the night in his home. The questioning of victims seemed to be straightforward and much of the information was corroborated by Rud. Disturbingly, police learned that in at least one case a child’s mother knew of Rud’s abuse but did nothing. That parent and one other were also arrested.

In early November the Scott County prosecutor, Kathleen Morris, entered the case. After graduation from Southern Illinois University, Morris taught high school for a while and then came to Minnesota to attend Hamline University Law School. By 1978 she had become an assistant county attorney and in 1981 attracted state-wide attention when she prosecuted six members of the Cermak family for sexually abusing their own and other children. The two adult males in the family each received 40 year prison sentences. Although after the trial Morris claimed that her primary aim was to gain psychological treatment for both the abusers and their victims she was also quoted as saying of the Cermaks that she “would just put a sign on their houses that says, ‘Pervert Lives Here.’” Morris at the time attracted attention as a woman and because of her furious advocacy for crime victims, especially child victims of sexual abuse. As a result, she was thought to be a rising political star who would run for Minnesota Attorney General.

When Morris entered the case the police had already expanded their investigation and had begun using some of the same coercive interview techniques that marked both the McMartin and other prominent cases. As a result, they soon arrested five more adults including two residents of the Valley Green Trailer Park. Of those, one was the woman who had first made allegations against Rud. The police

chief, Alvin Erickson, told the press that the “thing” went back two years and the *Minneapolis Tribune* reported that the Jordan case was the biggest sex ring scandal in state history. Police said they believed that Rud and his accomplices had abused at least 30 children and that they were conducting interviews in nearby towns in an effort to identify additional victims.

Although most child sexual abuse as well as rape occurs within families or with persons closely associated with the family, Americans in large numbers believed then as now that such crimes are most often committed by strangers—old men in trench coats who hang around playgrounds. What is more, when she compared the Rud case to the Cermak family, Kathleen Morris encouraged the community’s willingness to blame outsiders. The remedy, as some residents expressed in letters to the local newspaper, was to strengthen family and community life to protect against “sexual abusers and pornography producers,” who would otherwise “eat their way right through our communities.” In addition, in the case of James Rud and the Valley Green Trailer Park there was class consciousness as well as wariness of outsiders.⁵

Beginning in January, 1984 arrests were made outside the trailer park of people who were apparently not connected to James Rud. The first of these were Robert and Lois Bentz who were charged with child abuse. Next, in February, came the arrest of Greg Myers, a Jordan police officer and his wife, Jane. They were similarly charged with child abuse and their three children were removed from their home. In

⁵ For an excellent long-term history of America’s white trailer-park underclass, see Nancy Isenberg, *White Trash: The 400-Year History of Class in America* (New York: Viking Press, 2016). Isenberg is T. Harry Williams Professor of American History at Louisiana State University.

June came the arrest of Donald Buchan, a Scott County deputy sheriff, and his wife. In all, by the early summer of 1984 there were 24 arrests.

What's more, as the arrests mounted, as in the McMartin case, the validity of the children's interviews with therapists, investigators, and prosecutors was not challenged. Later, accounts from the children interviewed confirmed that they were hounded until they recounted what the interviewers wanted, hoped, or expected to hear. "I was sick of being badgered," Greg Meyers' son, who was eleven at the time, later said. "I figured . . . I might as well make it a little more tolerable for myself." Among other things, Myers' son claimed his parents held orgies in the woods. As in California, under extreme pressure from detectives, prosecutors and therapists, children's accounts soon became outrageous. One described black limousines and pornographic films. Another said one of the defendants forced her to "eat the intestines of a squirrel, a fox, and her pet gerbil and a cat that was eaten "fur and all." Other children said they had seen children murdered with their bodies thrown onto trucks and driven away.

But despite the extreme unlikelihood that such shocking events had occurred, a number of therapists and detectives maintained faith in the truthfulness of the children's accounts, including those of ritual murder. One of those therapists was Susan Phipps-Yonas who at the time could not understand why the Scott County sheriff deputies were not out in force to find bodies and other physical evidence. Indeed, in Minnesota, as in California, a major problem for prosecutors was the lack of corroborating evidence.⁶ In Scott County, that problem was seemingly solved when James Rud, the main defendant, came forward to describe the myriad sex parties he had attended over the previous two years and

⁶ In California, for example, where in a case in Kern County there were charges of multiple ritual baby killings no bodies were found and no babies unaccounted for.

identified the adult participants and the children they brought with them. In exchange for that information and an agreement to testify against others, prosecutor Morris dismissed 98 of 108 charges against Rud, who then pled guilty to the other 10 charges. Morris was pleased. “I think so many would like to believe children would lie, and now we have an adult saying they didn’t lie at all,” she said.

Over a period of four days James Rud described in “florid” detail sexual encounters that included himself and trailer park mothers and their young children as well as rendezvous that even included Rud’s parents. On his second day Rud described at least three sex parties that included nearly all of Morris’s defendants. When his memory faltered, Rud was happy to have investigators remind him of events. His accounts of the sex parties involved games of naked (but not outside the house) hide and seek with the children followed by sex activities either with one’s own children or others (it mattered not). After a couple of hours of this entertainment everyone enjoyed a barbeque or pot luck supper. Author Beck describes Rud’s account as “dreamlike,” and says of it, “What makes the . . . account disturbing is the realization this his interviewers essentially encourage a convicted child abuser to fantasize into a microphone for nearly a week, used those fantasies as the foundation of their prosecutorial efforts, and then promised Rud a reduced sentence in exchange for his services.”

In August, the first Jordan trial, of Robert and Lois Bentz, began. For Kathleen Morris it did not go well. Early on, Morris called Rud and asked him to identify the Bentz’s . Although he did identify Lois he could not identify Robert. At this apparent setback, Morris was unruffled. She told reporters that she was not surprised by Rud’s inability to identify Bob Bentz. “You think I don’t know my own case,” she said. Morris, who Beck says performed poorly at trial, saw her case

deteriorate further when the trial judge threw out all of James Rud's testimony. But Morris again was unfazed. She told reporters that she would convict the Bentz's on the basis of child testimony. "What I've been saying all along [is that] it's time we listen to kids. You either believe them or you don't believe them." Then Morris declined to cross examine witnesses, including Robert and Lois Bentz. And although the defense attorneys themselves were aggressive in examining some child witnesses, the jury was unpersuaded by Morris' case and acquitted the Bentz's. With that, Morris, disappointed, vowed to fight the Bentz's efforts to be reunited with their children who were housed in foster care and repeated that the children were to be believed.

In October, with 21 defendants awaiting trial, Morris made the astonishing announcement that all criminal charges against all defendants had been dropped. The reason, Morris said, was because her office had been ordered to release "sensitive" information related to "an active criminal investigation of great magnitude." Compliance with these discovery motions, Morris said, would have subjected the child witnesses to great "stress and trauma." Thus, to protect the children and the larger investigation, which she said involved as many as six homicides, charges were dropped. What had happened?

Although Morris was mum, journalists, probably through contacts with defense attorneys, revealed what had taken place. During the Bentz trial, a child witness said that during his interrogation the investigator made hand-written notes. Defense attorneys then realized that Morris' office had given them only typed reports—never notes-- although they had been required to hand over all materials related to the case. Those notes were deliberately withheld by Morris. Why? The best explanation is that the notes revealed that as in the California cases, the likelihood of truthfulness of the child witnesses had careened completely off the rails.

In providing only typed reports prosecutors had withheld the most lurid accounts—those of murders, pornography, and black limousines. The reason for this, presumably, was because Morris' office knew that such accounts would throw serious doubt on the children's stories and that would lead to acquittals. In a last-ditch effort to save her cases, Morris offered immunity from prosecution to defendants who would testify against others especially as to murders. That effort failed utterly when all defendants refused the offer. Thus, facing defeat and humiliation, Morris dropped all charges with a cover story claiming she did not wish to prejudice an on-going investigation and protection of child witnesses.

At about the same time, Susan Phipps-Yonas and the others who professed faith in the children's most lurid tales got their wish for a search for evidence when Scott County sheriff deputies began to comb near the Minnesota River for gravesites. And before the end of October Morris turned over control of the investigation to Minnesota Attorney General Hubert "Skip" Humphrey III. Within several weeks Humphrey released a report saying that an investigation by the State Bureau of Criminal Apprehension and the FBI had found no evidence of murder or child pornography in Scott County and, citing lack of evidence and the damaged credibility of child witnesses, that there would be no additional prosecutions. In January, 1985, James Rud was sentenced to 40 years in prison. At the time, Rud admitted that he had lied in implicating others. Shortly thereafter two of the child witnesses, both boys, who were responsible for the most shocking stories of murder and far-fetched sex also admitted that they had lied.

Although the criminal case had ended, it wasn't over. There were civil suits by defendants against the county that lingered but eventually died. On the county's side, family courts, despite the lack of evidence, took months to return children to their families. One eleven-year old

boy, Andrew Myers, whose father was a Jordan policeman, was interviewed on at least 74 different occasions in sessions that lasted for hours (itself a form of child abuse) over a period of three months before he told investigators what they wanted to hear. When it was over he suffered a near-total mental collapse and was hospitalized in a psychiatric unit for weeks. Myers said that he first told his questioners, especially therapist Tom Price, about a party (which was a real event) at which people were naked and then went on to embellish from there. As to why, after three months he finally “cooperated,” Myers said that interviewers told him that his sister, who was just 4 years old, was already cooperating and because after three months, in part he himself had become uncertain of reality and just wanted to be left alone. “Those people,” Myers said, “wanted so bad for me to be an abused child.” What’s more, “He (Tom Price) made it too easy. I didn’t have to make things up.”⁷

Another boy expressed his dread of being reunited with his parents—not for fear of abuse but because of his lies. Having accused his parents of being murders and sexual abusers, none of which was true, “I figured I’d never be able to go home now.” The long-term family damage was incalculable. Robert and Lois Bentz, who refinanced their home to cover \$55,000 in legal bills, were finally reunited with their three boys but then, the strain being too much, divorced. Their relationships with their sons, especially the two who “cooperated” with Morris, remained difficult.⁸

⁷ Josephine Marcotty, “Stripped of Family, Identity, and Dignity,” (*Minneapolis Star Tribune*, October 16, 1994), 14f.

⁸ Josephine Marcotty, “Pain, Rage Over False Accusations Linger,” (*Minneapolis Star Tribune*, October 16, 1994), 14f.

As for Kathleen Morris, she had acted as both investigator and county attorney. And cops acted like therapists and therapists like cops. Here's how author Beck summed it up:

“By expanding her office’s reach and blurring the lines that separated prosecution, law enforcement, and mental health services, Morris changed how Jordan’s residents thought about their community, their neighbors, and their children. Her office turned the helping professions into instruments of criminal investigation, and it also taught children and adults to scrutinize everyday interactions for subtle signs of trouble.”

Compared to the emotional, monetary, and other costs suffered by the members of the Jordan ‘sex ring,’ Kathleen Morris escaped relatively unscathed. Although an attempt to impeach her was unsuccessful she failed to gain reelection. She subsequently withdrew from public and political life but remained in Shakopee to privately practice law and according to one later newspaper article was reported to have been rather successful at it. In a 1987 interview regarding the sex abuse case she maintained, despite the recanting of so many, that she continued to believe the children.⁹ Of the other participants, at least one, defense attorney Marc Kurzman, went on to become a notable defender of persons accused of child sexual abuse.

In Jordan, although Morris undoubtedly retained supporters, hard feelings have endured. A locally written book, likely the only history to deal exclusively with the Jordan case, was published by Jordan resident Tom Dubbe but not until 2005.¹⁰ In it, Dubbe pulled no punches in blaming authorities for over-blowing the crimes and ruining the lives

⁹ David Peterson, “Morris Out of Limelight, but Still Practicing Law,” (*Minneapolis Star Tribune*, October 16, 1994), 14.

¹⁰ Tom Dubbe, Ph.D., *Nightmares and Secrets: The Real Story of the 1984 Child Sex Abuse Scandal in Jordan, Minnesota*,” (n.p., Memorial Press, 2005).

of many. What is truly telling is the raw feelings that reviewers of the book have expressed up almost to the very present. One on-line reviewer, “Emma” in 2016 wrote about her brother having been pulled from class and grilled by the police and that it cost him and his classmates in terms of anxiety, substance abuse, and suicide. She concluded by saying that “Kathleen Morris ruined our lives and our town... She had no child’s interest at heart. I think that’s the biggest sin of all.” Another reviewer, “Iowa Sailor” wrote in 2012 that “Due to Kathleen Morris’ extreme incompetence and vengeful witch hunt, those victims will never find resolution to anything that was done to them.”¹¹

Why it Happened

As for why all of this happened nationally in the same short period and why the Jordan case occurred in Minnesota there are myriad answers--surely some more important than others. Here’s what seem to me to matter most. Since his work has been a focal point of this essay, let’s begin with author Richard Beck. In *We Believe the Children*, Beck focuses responsibility in two quite different directions. One is Freudianism, repressed memory, multiple personalities, and the second phase of feminism. The other is a conservative backlash, a widespread tough-on-crime attitude that resulted in changes in how law enforcement and prosecutors behaved and the rise to prominence of prosecutorial power.

Although Beck describes the role of feminism and Freudianism in this period at length and in detail, all of which is well worth reading, this is what I think is most important. Women had discovered that large numbers of them were the victims of childhood sex abuse—rape and incest—crimes that had been ignored or covered up. To them, these crimes were heinous and the perpetrators needed, wherever possible, to

¹¹ See www.amazon.com/Nightmares-Secrets-Sexual-Scandal-Minnesota/product-reviews .

be brought to justice. What's more, current abuse of children had to be rooted out and brought to a stop. In that effort, no means were unjustified and no punishment too great.

In addition to sexual touching and penetration, there were in some instances, including the case in Jordan, charges of children used in pornography. This came at a time when laws against pornography were increasingly being found to be unenforceable and when through the mass production of video tape recorders pornography was moving quickly from inter-city theaters to American homes. Although laws against child pornography remained in place and enforceable, a feminist outcry against all pornography as the subordination and victimization of women clearly contributed to the public uproar over the child abuse cases, which frequently involved charges of child pornography, and fed the media's willingness to exploit titillating news.¹²

A part of the feminist awakening to the crimes that had been committed but ignored earlier was a revival of a theory of repressed sexual memory that Sigmund Freud had once expounded but then came to reject. In shorthand of this theory, if women had repressed memories of abuse, then perhaps so too did children.¹³ This led to the development of supposedly valid but actually speculative techniques for assessing child abuse. These techniques ranged from the use of anatomically correct puppets to the separation of children from families, rewards for giving the "right" answers, and outright lying to children about what other children had supposedly revealed. Those who were skeptical of

¹² The work of Catharine MacKinnon from the University of Minnesota and Andrea Dworkin, especially an effort to introduce in Minneapolis a new restrictive media ordinance and the right of women to sue pornography vendors for civil rights violations made the issue big news in Minnesota.

¹³ Author Beck describes later research on childhood memory suggesting that although as adults we lose memory of our early childhood, at the time childhood memory is quite good. In other words, if you ask a four-year-old about an event in their past, recollection seems to be good.

these techniques were dismissed as being anti-child and the assumption was made that at their young ages children did not lie or have the capacity to invent the horror of sex abuse.

America in the 1980's, as it is still with its massive rates of incarceration, was tough on crime. Much of this, to be sure, was directed at street crime and illicit drug trafficking. But Beck makes a strong case that there's a lot more to it than that. Briefly, a widespread fear of crime emerged from the social disorder of the 1960's. As a result, beginning with the Omnibus Crime Control Act in 1968 and continuing through the 1970's, Congress and state legislatures began to shift power away from the rights of the accused and toward the police, victims, and prosecutors who enthusiastically assumed an elevated role as crime-fighters. Indeed, they often made the case and acted, as they often did in the sex abuse cases in the 1980's, that they were the only officials who could be counted on to effectively wage the War on Crime. The rights of victims and the increased power of prosecutors often came at the expense of judicial authority. Judges, previously viewed as impartial arbiters, came under conservative attack for being soft on crime by granting lenient sentences and paroles. A primary example of this loss of power was legislature-imposed sentencing mandates.

In many of the 1980's cases prosecutors in particular were politically ambitious. That was true in the two prominent California cases, McMartin and in Kern County. It was also true in Florida, where the case against Frank and Ileana Fuster boosted the career of State Attorney Janet Reno who rode her repute all the way to becoming United States Attorney General. And it was true of Scott County's Kathleen Morris. For Morris and the others, what cause could be purer and more non-controversial than the protection of innocent children and

demonstrating to the public a commitment to that cause by locking up offenders and throwing away the key?

Although Beck doesn't mention it, two Minnesota commentators, defense attorney Marc Kurzman and University of Minnesota child psychiatrist Sharon Satterfield, pointed to an inherent problem with professional experts that may have contributed not only to the problems in the Jordan cases but also elsewhere and goes beyond zealotry. Professionals were asked to confirm cases of abuse and failure to do so could be construed a personal and professional failure. No professional wants that. What's more, there may be a strong financial incentive, i.e., more cases and thus more fees, for pleasing police or prosecutors.¹⁴

These elements were present and help to account for the Jordan cases. But Jordan also had some specific and local elements that weren't present in the other cases. Importantly, Jordan had the trailer court, other side of the tracks, strangers "invading" a cohesive, upright, moral community element. That element wasn't present in the McMartin case, for example. Nevertheless, that sort of insularity, the notion that troubles are brought in from outsiders, is far from unknown in American communities or to the nation. In my own lifetime, for example, I remember clearly how in the 1960's southern whites asserted that southern Negroes were content, indeed happy, with Jim Crow. It was only the influence of outsiders that had misdirected them.

Other elements were also at play. To begin, there was a nub of truth to the allegations. James Rud was guilty of child sex abuse and was a relative newcomer to Jordan. More than that, there were trustworthy observers who were not part of the investigations or prosecution who were fairly certain that there was some, how much is

¹⁴ David Peterson, "Child Abuse Cases Remain Tricky Legal Terrain," *Minneapolis Star Tribune*, October 16, 1994, 14-15.

not known, substance to some of the allegations against others.¹⁵ There is also some evidence that local politics played a part in the scandal. At the time of the arrests there were police department dissidents, supported by Jordan's mayor, who were among those accused of child abuse.¹⁶

The Legacy

To me, one persistent legacy of the 1980's child sex abuse cases is reaffirmation that torture of whatever sort doesn't yield reliable information. For as long as we know, there has been the notion that force, physical or mental, produces truth. We know from experience, however, that this isn't true. We know that it is most likely to produce whatever the subject/detainee/prisoner/witness believes the interrogator hopes to hear. As a nation we choose to now call these forceful techniques "enhanced interrogation." That's a term that encompasses everything from sensory deprivation to water boarding and more.

The child sex abuse cases of the 1980's were in large part torture (enhanced interrogation) imposed on children who were supposed, presumably because of their tender ages, to have been unable to produce falsehoods. Yet they produced pure fiction. Although waterboarding wasn't used, other methods—separation from family, repeated interrogation, lies told to the subjects about what others had said, pretense of being a friend (good cop-bad cop), leading and manipulative questioning, and more were. All of this, extracted by "professionals" who professed to know what they were doing, yielded not truth but family-destroying fiction. Yet despite this evidence that even young children can produce extraordinary lies under pressure, we have many in our military and a Director of our Central Intelligence Agency, Gina

¹⁵ *Ibid.*

¹⁶ "10 Reasons Why it Happened," *Minneapolis Star-Tribune*, October 14, 1994) p. 14.

Haspel, who remain, as far as anyone knows, proponents. Is it possible to learn anything?

Second, children have become in an important way invisible. They are, for example, no longer seen much outside—even playing in their own neighborhoods. They are sheltered and shuttled. Children do not walk, alone or with others, to and from schools or neighborhood shops even a short distance away. As Kim Brooks, in a recent piece for *The New York Times*, “We Have Ruined Childhood,” points out, many factors are involved. But surely the fear of sexual abuse looms large. That fear was surely stoked by the multiple 1980’s cases—cases in which those charged, the many innocent and the few guilty, were adults with an ongoing relationship to the children. Despite those circumstances, a substantial contributor to today’s fear is the persistent notion that sexual abuse and abduction of children is perpetrated by strangers. Such abductions do occur rarely but when they do screaming headlines result. In 1989, in Minnesota, not long after the Jordan cases, the kidnapping and murder of 11 year-old Jacob Wetterling resulted in the creation of a national sex offender registry. In 1996 another case resulted in Megan’s Law, an expansion of the registry legislation.

In short, high-profile cases occur often enough to keep public fear focused on rare but lethal bogymen. And, despite the public’s profession that sex offenders are “sick,” sex offenders, whatever the level of the offense, are typically subjected to sentences long on incarceration and short on treatment. Recently, in Arizona, for example, a young female teacher was convicted of having sex (presumably consensual) with male teen students. Despite the fact that a pre-sentencing evaluation deemed her unlikely to re-offend, she received a prison sentence of 20 years (half of the 40 year sentence she could have gotten) and will be tagged as a registered sex offender for the rest of her life. This despite the fact

recidivism among sex offenders, between 5 and 15%, even for serious offenders after treatment, is lower than for most other types of crime. And having to register as a sex offender is no small matter. Since Megan's Law the names of registered sex offenders, are made public. This, combined with public fear, makes finding a place to live and a job close to impossible.

And politicians, including prosecutors, still believe a strong stand for the protection of children to be a vote getter. Perhaps we should put it another way. They fear voter wrath if they appear compassionate toward criminals—sex offenders above all. Let's just say that nationally the specter of Willie Horton looms large. In neighboring Wisconsin is the sex murder of Teresa Halbach in 2005 which has been profiled by Netflix. In that case, despite planted evidence and coerced confessions, both Steven Avery and Brendan Dassey remain imprisoned and the apparatus of the state—law enforcement, prosecutors, and the state and federal judiciary doggedly set on keeping them incarcerated for life.

In Minnesota, the state has since the mid-1990's had the Minnesota Sex Offender Program (MSOP) which keeps serious sex offenders, those most likely to re-offend, incarcerated in a facility for treatment of their "sickness" for an indefinite period beyond their criminal sentence. Advocates and attorneys for those being held point out that although offenders have served their sentences they are held under extra-judicial circumstances and are denied appeals through the courts. As importantly, the "treatment" they supposedly receive is close to non-existent and the program has been called the most egregious of those in the twenty states that have such civil commitment laws. In 2015 Federal District Judge Donovan Frank declared the program unconstitutional and cited specifically the fact that of the 1000 persons held over more the 20 years existence of the program none had been

released. Frank did, however, allow the state to take measures to reform the program. Instead of taking this assignment seriously, however, (a dangerous political course) the state chose to appeal to the 8th Circuit Court of Appeals in St. Louis where Frank's decision was overturned. Subsequently, the U.S. Supreme Court refused to hear an appeal of that decision.¹⁷ As a result, MSOP remains as it was. Sex offenders, at whatever level, remain pariahs. The issue of sickness vs. crime remains unresolved and regarded as both so long as it keeps potentially dangerous persons out of society. And politicians continue to find that being tough on sex crimes plays well with a frightened public.



¹⁷ Stephen Montemayor and Chris Serres, "High Court Declines MSOP Case," *Minneapolis Star Tribune*, October 3, 2017, B1.

Reviewer

Thomas L. Olson was born and grew up in Red Wing, Minnesota. He earned a bachelor's degree from Wisconsin State University at River Falls and a Ph.D. in American History from the University of Minnesota. He taught at Mankato State University and the University of Minnesota and then enjoyed a career in university administration and in philanthropic development for educational, arts, and health care organizations. He is retired and lives in Las Cruces, New Mexico. He can be reached at tlolson4377@comcast.net.

He is the author of "Blockbusters: Minnesota's Movie Men Slug it out with Studio Moguls, 1938-1948," one of the most frequently downloaded articles on the Minnesota Legal History Project website.

His reviews of Sabine N. Meyer, *We Are What We Drink: The Temperance Battles in Minnesota*, Elaine Davis, *Minnesota 13: Stearns County's 'Wet' Wild Prohibition Days* and Elizabeth Dorsey Hatle, *The Ku Klux Klan in Minnesota* are also posted on the MLHP.

His book, *Sheldon's Gift: Music, Movies and Melodrama in the Desirable City* (North Star Press of St. Cloud, 2009) recounts the stormy history of show business in Red Wing, especially its iconic Sheldon Theater. More than local history, the book addresses the unique predicaments of entertainment enterprises, highbrow and low, in small cities. The book also has a good deal of courtroom drama in relating the story of movie-related lawsuits in the 1930's and again in the 1950's that challenged municipal theater ownership.

