

OCEAN Ripple Effect Newsletter

Overcoming Corruption Encouraging All Nations

thevoicesofocean.net

Facebook.com/endmsop

The 1st Amendment of the United States Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Inside this issue:	Page
Join us for the “End MSOP” Walk	2
No Criminal Conviction Necessary.	3
Legislative Informational Hearing on August 2, 2021	4
We need more freedom fighters involved in the movement!	5
<ul style="list-style-type: none">• What is OCEAN?• Attention: We don’t want <i>more</i> readers. We want the <i>right</i> readers• We want your story!• Thank You for Overcoming Corruption Empowering All Nations with Us!	6
OCEAN Mission/Support Us/Contact Us	7

Join us for the “End MSOP” Walk on August 16, 2021

Most of the detainees at MSOP despise the institution. However, when facility staff come around, the detained lower their voice and soften the narrative. On August 2, 2021 at the “MSOP Update” Informational Hearing, Nancy Johnston proudly proclaimed that 85% of the individuals at MSOP are “participating” in treatment. With so many individuals abhorring MSOP, how can this be? How many of that 85% are afraid to express any view contrary to that of the Shadow Prison staff? Many have accepted that MSOP tells them what to believe and what to say. It’s time to change the status quo.

On August 16, 2021 there will be a sequence of walks within the facility. During these walks we will respect staff and their rules, but we will not be shy to verbalize our true opinions about the Shadow Prison. Facility staff are well aware of the walks and we see no indication at this point that staff will interfere in any way. It’s our first amendment right to peacefully assemble.

The first walk will go from 7:30-8:30 AM. The second walk will go from 1:15-2:15 PM. The third walk will go from 4:00-4:30 PM. All are invited to any or all of the walks. If you physically cannot walk for any reason, sit outside and support your peers during the walk.

It is a basic 1st Amendment principle that freedom of speech prohibits the government from telling people what they must say. Each person should decide for himself or herself the ideas and beliefs deserving of expression.¹ A function of free speech is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects. That is why freedom of speech is protected against censorship or punishment. The alternative would lead to standardization of ideas.²

The walks on the 16th are our opportunity to collectively express our opinion about the institution. Don’t be deterred from expressing what you *really* believe. We have to have the courage to shed light on MSOP. We shed light by sharing the truth – not just to those we live with – but also to those who are the source of our grievances.

FOOTNOTES

1. Roberts, Ch. J., joined by Kennedy, Ginsburg, Breyer, Alito, and Sotomayor, JJ.
2. *Terminiello v Chicago*, 337 US 1, 4, 5, 93 L ed 1131, 1134, 1135, 69 S Ct 894

The State Does not Need to Prove that a Person has a Criminal Conviction in Order to Commit Them.

Minnesota is "...incarcerating citizens... not for a crime, but for speculation..."¹

Eric Janus confirmed on June 24, 2021 during his online seminar that there is no need for the state to prove someone has a criminal record in order to commit them. He echoed the same at the Legislative Informational Hearing on August 2, 2021.

In October of 2020, the UCLA in California published an article called, "Civil Commitment of People Convicted of Sex Offenses in the United States." The misleading title caught our eye and we wrote to the authors to point out the mistakes they made. The primary claim—as implied in their title of the report—was that only those convicted of a sex offense could be petitioned for commitment. We clarified that a person can in fact be committed in Minnesota without a criminal record. In fact, a person can be committed based on as little as 2 allegations of emotional harm towards someone. There is no need to prove physical contact occurred nor is there a need to prove beyond a reasonable doubt that the emotionally harmful behavior actually happened. After looking into our claims, the UCLA concurred and corrections were made. They were even kind enough to give OCEAN acknowledgments on page 20 of the report.

The state deems a person to have committed a crime upon conviction or when the court accepts and records a guilty plea.² Once a person is convicted of a crime, the person is called an "offender."³ Logic follows that a "sex offender" is someone who has been found guilty of a crime of a sexual nature. But as one local judge, R. A. Randall, stated, "...there is no crime involved..."⁴ when it comes to MSOP. The name of the Shadow Prison implies that everyone held here is a "sex offender". But this is not the case. How the DHS ever got away with calling this the "Minnesota Sex Offender Program" is beyond us.

Daniel Larson has a clean record, yet he has been detained for over 43 years—27 of those years under the current laws where there remains no requirement for a criminal history. Larsen is an innocent man in a program that labels him a "sex offender". But Larson is not the only one. According to a legislative audit done in March of 2011, 12% of the population at MSOP has a clean record.⁵ That's at least 90 innocent people serving a natural life sentence.

Because of the absence of the presumption of innocence and due process, anyone can get indefinitely detained to the Shadow Prison in Minnesota. Not only is there no need for a criminal conviction, there is no need to prove that a person is out of control or physically violent. Hearsay is admissible and the innocent person considered for commitment is not allowed a jury trial. The only requirement for indefinite confinement to the MSOP is allegations that the person was emotionally harmful to someone on at least two occasions.⁶ So then how can they commit us if it's not about crimes?... We have one word for you: **MISDIAGNOSIS**

FOOTNOTES

1. Concurring opinion of R. A. RANDALL , In the Matter of: Gary Alan Mattson, 1995 Minn., C5-95-452, June 20, 1995
2. Minn. Stat. 609.02, subd. 5(1) (2008)
3. *Black's Law Dictionary* 1110 (9th ed. 2009)
4. *In re Linehan*, 544 N.W.2d 308, 326
5. James Nobles, Evaluation Report, Civil Commitment of Sex Offenders, 2011, p 7
6. *Id.* at 26, 27

“MSOP Update” Legislative Informational Hearing on August 2, 2021

On August 2, 2021 at 1:00 PM there was a Legislative Informational Hearing. OCEAN submitted a written testimony which is available upon request.

The following notes were taken while we listened to the hearing through a jacked up Shadow Prison phone. It was difficult to hear so if any of the following is found to be inaccurate, please forgive us. We are trying to get transcripts in so that we are all aware of what was said, word for word.

At the hearing, Nancy Johnston claimed that 85% of the men are “participating in treatment.” If you are NOT participating in treatment, we suggest you sign out. If you used to participate at one point but then stopped going to groups and modules, they may be counting your signature from when you used to participate in order to claim that 85% are participating. SIGN OUT if you don’t plan on returning to groups.

At the hearing, Professor Eric Janus said that civil commitment was originally meant to divert people from prison if they were “too sick” for prison. He said that civil commitment was only supposed to be used until DOC sentences increased. The state has gone beyond the original purpose of commitment.

Janus said that commitment for the individual detainee is supposed to end when the conditions that caused the initial commitment are no longer present. He went on to address the *Karsjens* case and said that the program was found to be unconstitutional. It was also found that people are not getting out because the program was not designed to allow anyone to get out.

Janus says that many studies have been done on MSOP because it is very controversial. He also said that it is very expensive, and pushes the boundaries of constitutionality because it locks people up *before* they have committed a crime.

Janus said that MSOP never supports discharge and “captures” too many and keeps them too long. He urged legislatures to think about how we should use our limited public resources and that the most recent study from DOJ shows that 92% that go to prison for a sex offense do not reoffend within 9 years and that recidivism in Minnesota is still on a steady decline. He also mentioned that people age out of recidivism naturally.

Janus stated that 129 per million in Minnesota are committed and that Wisconsin is at about 40 by comparison. MSOP is also “close to the bottom” in regard to the amount of Provisional Discharges and that civil commitment causes a mere .5% reduction in recidivism and does not stop re-offenses at all.

Janus ended with a plug for everyone to read a 2015 article by Donna Dunn. He did not give the name of the article.

There were many legislators that listened in on the hearing. In addition, the hearing was recorded and can be posted and reposted to educate the public. As our numbers grow online, more and more Minnesota citizens will demand that MSOP be abolished.

We need more freedom fighters involved in the movement!

From lawyers to politicians, to family members and ex-employees, we have been very fortunate to work directly with some heavy hitters. But until we are able to abolish preventive detention in Minnesota, we will continue to reach out to those who can make a difference.

In some cases, we will need to *call out* those who should be at the front lines of this fight. For instance, Sue Abderholden, the Director of the National Alliance on Mental Illness (NAMI)¹ claims to address “mental health stigma” yet has said nothing about MSOP. What could be more stigmatizing than labeling innocent people as “sex offenders” and then detaining them to “secure mental health facilities” where they have been left to die? We have reached out to Abderholden repeatedly, but it seems that even she has succumb to the power of stigma.

In 1994, the American Psychiatric Association (APA) made a stance on civil commitment: “[civil commitment is] ...an unacceptable misuse of psychiatry.”² Unfortunately, they have been silent ever since. We implore the current president of the APA, Vivian Pender, to state the APA’s current position on “civil commitment” as it relates to those predicted to commit crimes in the future. We also urge Pender to work directly with Professor Eric Janus from the Mitchell Hamline School of Law to address civil commitment in Minnesota.

Recently, Janus has been doing his part to stand for the constitutional rights of Minnesotans. He has shown real integrity and has used his wisdom to educate citizens in regard to the dangers of preventive detention in Minnesota. In no way has he defended “sex offenders.” Instead, he has voiced real concerns about the lack of due process and the unconstitutionality of the SDP/SPP Act. We applaud Professor Janus for his ability to articulate those concerns. Similarly, Michelle MacDonald, who has been repeatedly harassed for exercising her first amendment right to hold bad judges accountable, has publically voiced her concerns about the institution. We also applaud the National Association for Rational Sex Offense Laws (NARSOL) for their article, “Civil Commitment—another Hotel California?” in their Aug/Sep 2021 publication. NARSOL seems to largely focus on registry issues so it is refreshing to see them addressing civil commitment. We urge NARSOL to continue to cover civil commitment issues because there are many detained for life in Minnesota because they failed to register.

Now more than ever, we need professionals to step up and speak out about MSOP. We would like those who were a major part of the *Karsjens v. Jesson* case to speak up, including Michael Miner, Dean Cauley, Deb McCulloch, Gregory Van Rybroek, Michael Caldwell, Naomi Freeman, Robin Wilson, Amanda Powers-Sawyer, Eric Magnuson, Ken Carabello and Mischelle Vietanen.

Minnesota House Representative, Carlos Mariani showed some concern during the first hunger strike. However, he has not reached out to us to learn what triggered these tantrums within the facility. We would also like attorneys like Jill Avery and John Grzybek to speak up publically. As well as examiners like Fred Moss to make public statements. All of the above can do so on the End MSOP Facebook page.

Allen Frances, the author of the DSM IV has spoken up about civil commitment in general, but we are unaware of any public statements about MSOP specifically, although we have the highest per capita of civilly committed individuals in the country.

FOOTNOTES

1. (Cell: (651) 440-3829, Work (651) 645-2948, sabderholden@mn.org, NAMI.org)
2. American Psychiatric Association, *Dangerous Sex Offenders: A Task Force Report of the American Psychiatric Association* (1994) p. 174

What is OCEAN?

OCEAN is an acronym for, “Overcoming Corruption Empowering All Nations.” OCEAN is not an “organization”. Corruption exists in and around all of us. Overcoming that corruption by exposing it, and then replacing it with something better, empowers all people – despite race, culture, creed or gender – to also overcome corruption. This is OCEAN. If we are forced to call OCEAN anything, we will call it a **MOVEMENT** and the qualification for “membership” is this: you either are or you are not, Overcoming Corruption Empowering All Nations.

Attention

We don't want *more* readers. We want the *right* readers.

Please understand, the OCEAN reading materials are NOT meant to be “positive.” They are not easy reading materials for your “pleasure.” In fact, they are meant to stir your heart and mind to motivate you to fight corruption in your own life, especially if you or someone you love is being held hostage in a so-called, “civil commitment” center. If you do not want to receive the OCEAN Ripple Effect Newsletter, please let us know and we will take you off of our mailing list.

We want your story!

It takes many drops to make the OCEAN. That means YOU MATTER. Send us your story about how you or someone you know has been affected by the civil commitment madness where you are. We are also interested in poetry, art and stories from your family about how knowing a civil detainee has affected you. Please adhere the following rules for submission:

1. Let us know what facility you, or your loved one is in.
2. State, in writing, that you give OCEAN permission to publish your story.
3. Let us know if you, or others in your story, would like to remain anonymous. If you do not clarify this, we will NOT use real names. Many of our publications are posted onto the internet at **thevoicesofocean.net**. If this is a concern for you, you may want to remain anonymous.

It is important that your story is heard. If you are not comfortable telling your story for any reason, please write to us and we'll address your concerns. OCEAN materials are written by men who are also civilly detained in preventive detention. We understand.

Thank You!

OCEAN would like to thank every man and woman in this Shadow Prison. Some of you have done 30 + years or more of incarceration, just because the state made a *prediction* that you might commit a crime. It is disgusting that people could be treated like this in America. Some of you have been locked up since childhood. Some of you have never broken the law at all. Those who have broken the law have served their time and have paid their debt to society. Many of you have lost multiple family members while incarcerated. Many lost promising careers. The overall loss is immense. The mental, emotional and spiritual impact is heavy. We thank you for your resilience over the years and we encourage you to keep fighting. Keep hoping for a better future for yourself, your family, this state, and this country. We cannot give up. Who would we be then? To be called a “sex offender” every day is one thing. But a coward? A quitter? Never. Keep fighting. Whether it's in the court room, or with OCEAN or something else, just keep fighting. We hope you get up each day and let the Shadow Prison know that you deserve freedom and you will do whatever is in your power to gain it. Thank you men and women detained in this Shadow Prison.

OCEAN Mission

Alongside likeminded groups and free world activists, OCEAN is abolishing preventive detention from the front lines of the most egregious preventive detention facility in America. To replace the current system, OCEAN is allocating funds and resources toward effective, evidence based, solutions to address mental illness and crime in Minnesota. As we accomplish these goals locally, OCEAN will gradually focus on accomplishing them nationally.

Support Us

To support OCEAN, you can donate online at thevoicesofocean.net or send a check or money order to Positive Attitude Development, a non-profit organization in Duluth Minnesota. Write "OCEAN" in the Memo section of the check so that 100% of your contribution goes to our cause. Mail your contribution to:

Positive Attitude
Development
PO Box 231
Duluth, MN 55801

Contact Us

OCEAN
PO Box 582
Pelican Rapids, MN 56572

Leave a voice message at
(218) 351-1900
Ext: 106021 for DAW
Ext: 70887 for RJH