

BRIEF BANK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

FILED

NOV 15 1975

U.S. DISTRICT COURT
HARTFORD, CT

MELVIN TAYLOR, ROBERT
GRAVES, and DONALD OBERDORF,
Prisoners of the Connecticut
Correctional Institution,
Somers, Connecticut,

Plaintiffs,

H 75 / 37

v.

JOHN R. MANSON, Individually
and as Commissioner of the
Connecticut Department of
Correction;

ROBERT D. BUNDOCK, Individually
and as Chairman of the Connecticut
Council of Correction;

DR. BERNARD C. GLUECK, DR. JOHN
O'LEARY NOLAN, ROBERT W. HANSEN,
L. E. ALIBOZEK, ELEANOR H. LITTLE,
and DR. SEDRICK RAWLINS, Individually
and as members of the Connecticut
Council of Correction;

CARL ROBINSON, Individually and as
Warden of the Connecticut Correctional
Institution, Somers, Connecticut;

JOSEPH O'HARE, Individually and as
Director of the Mental Hygiene Unit
at the Connecticut Correctional
Institution, Somers, Connecticut;

ROGER WOLFE, Individually and as a
member of the staff of the Mental
Hygiene Unit and Director of the
experimental behavior modification
program for pedophiles at the
Connecticut Correctional Institution,
Somers, Connecticut;

J. BERNARD GATES, Individually and
as Chairman of the Connecticut Board
of Parole;

LEONARD COOKNEY, MAE DOMIJAN, GERTRUDE
KOSKOFF, BERT J. McNAMARA, ALBERT
MARANO, BERENICE N. NAPPER, GEORGE E.
PIPKIN, FRANK DiLIETO, DOLORES SANCHEZ,
and the REVEREND HERBERT SMITH,
Individually and as a member of the
Connecticut Board of Parole;

Defendants.

COMPLAINT

Taylor v. Manson



PC-CT-009-004

1. Plaintiffs Robert Graves, Donald Oberdorf, and Melvin Taylor seek a declaratory judgment that defendants' acts are violative of plaintiffs' rights, specifically, those enumerated in the First, Fourth, Fifth, Eighth, Ninth, and Fourteenth Amendments to the Constitution of the United States. Plaintiffs further seek to have the Court enjoin defendants' acts, and to recover damages for the violations of plaintiffs' rights.

2. Plaintiffs are incarcerated in the Connecticut Correctional Institution, Somers, Connecticut (hereinafter "Somers"). Each was convicted in the courts of the State of Connecticut of violating Connecticut General Statutes §53-21.

3. Plaintiffs Graves and Taylor are eligible for parole and have been denied parole for failing to participate in a specific experimental behavior modification program conducted at Somers for prisoners convicted of risk of injury to children, which employs aversive faradic conditioning (electric shock), covert sensitization (hypnotism), and group therapy as its primary techniques.

4. Plaintiff Oberdorf is eligible for parole in 1976, but members of the correctional staff at Somers and other prisoners at Somers have informed him and he believes that his failure to join the experimental behavior modification program will result in his being denied parole.

5. The coercion on the plaintiffs to join the experimental behavior modification program for pedophiles resulting from both the reliance by the Connecticut Board of Parole upon participation in the program as an essential factor in the parole decision and the plaintiffs' reasonable belief that the Connecticut Board of Parole is relying upon participation in the program as an essential factor in the parole decision:

- a) violates the plaintiffs' First, Fourth, Fifth, Ninth and Fourteenth Amendment rights to privacy and human dignity, to the protection of their bodily

and mental integrity and to their right against self-incrimination by coercing their participation in the program;

- b) subjects them to cruel and unusual punishment in violation of the Eighth and Fourteenth Amendment; and
- c) unconstitutionally limits their exercise of the constitutional rights enumerated in paragraph (a).

Plaintiffs further assert that this coercion is compounded by the conditions of confinement at Somers for men convicted of "Risk of Injury." C.G.S. §53-21.

6. Reliance by the Connecticut Board of Parole upon participation in the experimental behavior modification program as an essential factor in the plaintiffs' parole decision deprives them of liberty without due process of law as guaranteed by the Fifth and Fourteenth Amendments.

JURISDICTION

7. The jurisdiction of this court is invoked pursuant to 28 U.S.C. §§1343(3) and (4) which provide for the original jurisdiction of this Court in all suits to redress the deprivation, under color of state law, of any right, privilege, or immunity secured by the Constitution of the United States and to secure relief under any act of Congress providing for the protection of civil rights. Jurisdiction is also conferred upon this Court by 28 U.S.C. §1331 which provides for the original jurisdiction of this Court where a federal question is raised and the amount in controversy exceeds \$10,000.00

8. This action for declaratory and injunctive relief, monetary damages, and whatever other relief the Court deems appropriate, is authorized by 28 U.S.C. §§2201 and 2202 providing for declaratory judgments, 28 U.S.C. §1651 providing for the availability of all writs necessary and appropriate in aid of

this Court's jurisdiction, and 42 U.S.C. §1983 providing for redress at law and equity for the deprivation under color of state law of any rights, privileges, or immunities secured by the Constitution and laws of the United States. Because this action arises under 42 U.S.C. §1983 there is no requirement that state judicial or administrative remedies be exhausted.

PARTIES

PLAINTIFFS

9. Melvin D. Taylor is a citizen of the United States and is incarcerated in the Connecticut Correctional Institution for Men, Somers, Connecticut (hereinafter, "Somers"). In 1968 plaintiff Taylor was convicted of "Risk of Injury," C.G.S. §53-21, and sentenced by the Superior Court for Hartford County Connecticut, to serve a term of incarceration of not less than one (1) nor more than twenty (20) years. During the approximately six years Mr. Taylor has been incarcerated on this conviction he has been denied parole by the Connecticut Board of Parole not less than four (4) times, including once on May 31, 1973 and once on July 18, 1974. At the hearing of the Board of Parole on May 31, 1973 the Board denied him parole and "recommended" to him that he become a subject of the behavior modification program at Somers for child molesters as a prerequisite to his being granted parole. Mr. Taylor has previously participated in an institutional group therapy program for individuals convicted of sex offenses. He has steadfastly refused to become a subject of the behavior modification program for pedophiles.

Since he was incarcerated in 1968 Plaintiff Taylor has worked continuously in the institution in the industries office as the purchasing, billing and payments clerk. He has not been the subject of any disciplinary action for over six years. In 1960 he obtained his G.E.D. while at Somers.

10. Robert Graves is a citizen of the United States and is incarcerated at Somers. In 1972 Plaintiff Graves was convicted of "Risk of Injury," C.G.S. §53-21, and was sentenced to a term of incarceration of three (3) to ten (10) years. On July 30, 1974 the Connecticut Board of Parole denied parole to Mr. Graves and stated that one of the reasons for its action was Mr. Graves' refusal to become a subject in the behavior modification program at Somers.

Prior to his incarceration in 1972 Plaintiff Graves had been employed continuously for six years as a stock room clerk, drill press operator and truck driver. Since his incarceration he has been the subject of no disciplinary action, has earned his G.E.D. and is presently working as an accounting clerk.

11. Donald Oberdorf is a citizen of the United States and is incarcerated in the Connecticut Correctional Institution, Somers, Connecticut. In 1974 Plaintiff Oberdorf was convicted of "Risk of Injury," C.G.S. §53-21, and was sentenced to a term of not less than three nor more than seven years. Plaintiff Oberdorf will be eligible to appear before the Connecticut Board of Parole for the first time in 1976, but he has already been informed by other prisoners at the institution and members of the staff at Somers that he would be denied parole unless he becomes a subject of the experimental behavior modification program for pedophiles. He has stated that he does not want to become a subject of the experimental behavior modification for pedophiles at Somers.

Plaintiff Oberdorf's only prior convictions were for breach of the peace and driving while under the influence of alcohol. Since his incarceration he has attended school to learn to repair typewriters. He has not been the subject of any disciplinary action.

DEFENDANTS

Each defendant is sued individually and in his official capacity:

12. John R. Manson is the Commissioner of the Connecticut Department of Correction and pursuant to Section 18-81 of the General Statutes of Connecticut is responsible for the overall supervision and direction of all institutions of the department and for the establishment of research and treatment programs and services throughout the department. He appoints the Warden of each institution who is administratively responsible to him for the management of each institution. Section 18-82 of the General Statutes of Connecticut.

13. Robert D. Bundock is the Chairman of the Connecticut Council of Correction which is responsible for formulating policies for the administration of a sound corrections program by the department and its subordinate institutions and for recommending to the Governor and General Assembly legislation to provide effective and humane correctional and rehabilitative custody of offenders. Section 18-79 of the General Statutes of Connecticut.

14. Dr. Bernard C. Glueck, Dr. John O'Leary Nolan, Robert W. Hansen, L. E. Alibozek, Eleanor H. Little and Dr. Sedrick Rawlins are members of the Connecticut Council of Correction which is responsible for formulating policies for the administration of a sound corrections program by the department and its subordinate institutions and for recommending to the Governor and General Assembly legislation to provide effective and humane correctional and rehabilitative custody of offenders. Section 18-79 of the General Statutes of Connecticut.

15. Carl Robinson is the Warden of the Connecticut Correctional Institution at Somers and is responsible for the management of the Institution pursuant to Section 18-7 of the General Statutes of Connecticut. As warden he is the representative and agent of

and for the Commissioner of Corrections and the Council of Correction, Section 18-82 of the General Statutes of Connecticut, and exercises power and direct control and supervision over Somers and the prisoners incarcerated therein (including the plaintiffs).

16. Joseph O'Hare is the Director of the Mental Hygiene Unit at Somers. As such, he exercises power and supervision over the behavior modification program for incarcerated pedophiles at Somers.

17. Roger Wolfe is a member of the staff of the Mental Hygiene Unit at Somers and is the Director of the behavior modification program for pedophiles. As such, he is responsible for the selection of prisoners for and the conduct and operation of the behavior modification program for pedophiles at the prison.

18. J. Bernard Gates is the Chairman of the Connecticut Board of Parole and pursuant to Section 54-124a et seq. of the General Statutes of Connecticut he is the executive and administrative head of the Board of Parole which has the power to grant, deny or revoke parole to any person confined in the Connecticut Correctional Institution, Somers, Connecticut.

19. Leonard Cookney, Mae Domijan, Gertrude Koskoff, Bert J. McNamara, Albert Marano, Berenice N. Napper, George E. Pipkin, Frank Dilieto, Dolores Sanchez, and the Reverend Herbert Smith are members of the Connecticut Board of Parole which has the power to grant, deny or revoke the parole of any person confined in the Connecticut Correctional Institution, Somers, Section 54-125a of the General Statutes of Connecticut.

FACTS

20. An experimental behavior modification program for incarcerated pedophiles has been established within the Mental Hygiene Unit at Somers under the direct supervision of defendant Roger W. Wolfe.

21. A clerk in the Mental Hygiene Unit reviews the pre-sentence reports sent to the Connecticut Department of Correction for all incoming prisoners and notes those convicted of a crime prohibiting sexual conduct involving a child. After each prisoner takes the series of psychological tests given to all new incoming prisoners, defendant Wolfe calls all those whose files have been noted for an interview during which he inquires about the prisoner's prior sexual history and about his feelings about treatment in general. Defendant Wolfe then informs the prisoner of the existence of the behavior modification program for pedophiles. The program's potential for helping the prisoner make parole is often discussed in this and later interviews.

22. Based on this interview, defendant Wolfe determines whether in his opinion the prisoner is amenable to treatment. If the prisoner does not refuse placement in the program he begins at the first stage of the behavior modification program, group therapy.

23. The program consists of three separate techniques: group therapy, faradic aversive conditioning (electric shock), and covert sensitization (hypnosis).

a) Group Therapy--For the group therapy to be effective, the program demands total candor on the part of each prisoner. Each is called upon to reveal his past

actions, thoughts, and intentions in as detailed a fashion as possible. It is the group's role to assess the candor of the speaker and to analyze his past and present behavior.

b) Faradic Aversive Conditioning (electro-shock)--
Preparatory to the aversive conditioning, each prisoner is interviewed as to his sexual preference. This information forms the basis for selections of slides that are intended to be representative of his preference. The slides of adults are made from the Screw magazine genre of photographs. The prisoner is then told to lie on his back, naked except for his undershorts and to one of his upper thighs two electrodes are attached through which painful shocks are administered to the prisoner. Slides of children are alternated with slides of adults. Initially, the prisoner receives a painful shock every time a slide of a child appears unless he requests a change of slides within three seconds. The sequence is then altered so that one third of the time the prisoner is helpless to avoid a painful shock delivered to the groin area after eight seconds have elapsed. A third aversive technique is introduced whereby the prisoner receives an electric shock each time he signals that he has fantasized a sexual situation after being shown a slide of a child. This procedure is followed for approximately twenty sessions of twenty minutes duration each.

c) Covert Sensitization--Preparatory to the covert sensitization, each prisoner is interviewed regarding his previous sexual involvement with children, his pedophilic fantasies, and his phobic, anxiety-provoking and disgust-invoking fantasies. These are then combined in a taped narrative which is played to the prisoner after he has been hypnotized. In the narrative the prisoner's pleasurable fantasies are paired with suggestions of aversive events, such as becoming violently ill, being attacked by rats, vicious dogs, or hornets, falling off a cliff, being unable to breathe, and being castrated with a hot

iron. Each covert sensitization session lasts approximately 60-70 minutes and the procedure is repeated approximately twenty times (See program description prepared by defendant Wolfe and attached as exhibit A).

24. Scientific procedures necessary to accurately record the results of the experimental behavior modification program for pedophiles have not been instituted. Some, although not all of the procedures which are lacking include: (1) No prisoners serve as a control group for the experimental program (2) The primary, and often the sole, assessment technique for recording and evaluating the fantasies and actions intended to be modified is the subjective response of the prisoner subjects; (3) Short and long term results are measured only by a written standardized test, the subjective responses of the prisoner subjects and the rearrest rates of paroled or otherwise released prisoners.

25. The long range results of the experimental behavior modification program for pedophiles in its present form have not been and it is asserted may not be capable of being accurately or scientifically ascertained. No similar program, employing a combination of the three above described techniques has been attempted elsewhere.

26. Before a prisoner begins to participate in the experimental behavior modification program defendant Wolfe verbally informs the prisoner that he may refuse to participate in the program.

27. Defendant Wolfe and/or another member of the staff of the Mental Hygiene Unit initiated an interview with plaintiff Graves in September of 1973, with plaintiff Taylor in April or May, 1973, and with plaintiff Oberdorff in March or April, 1974. Each was informed during his respective interview that he could refuse to become a subject of the behavior modification program for pedophiles. Each was also informed at his respective interview that participation in the program was viewed favorably by the Board of Parole.

28. At various other times during their present incarceration Correctional Officers and other members of the staff of the prison have informed each plaintiff that participation in the behavior modification program is essential for a favorable decision from members of the Board of Parole. In addition, prisoners who are or were subjects in the experimental program have approached the plaintiffs and told them they would not be paroled unless they became subjects of the program.

29. Plaintiffs Taylor and Graves believe that their refusals to become subjects of the behavior modification program have prevented them from being granted parole and all of the named plaintiffs believe that their refusals will prevent them from being granted parole.

30. Long term imprisonment at Somers presents additional problems and pressures for pedophiles not faced by other prisoners. As prisoners convicted of the charge of "Risk of Injury", C.G.S. §53-21, the plaintiffs are subjected to constant harassment by other prisoners. Other prisoners consider pedophiles to be at the bottom of the social hierarchy of the prison and treat them accordingly, thus further coercing the plaintiffs to submit to anything which they believe will enable them to obtain their

earliest possible release from prison.

31. Plaintiff Graves and plaintiff Taylor, both non-participants in the behavior modification program, have been and continue to be denied parole by the Connecticut Board of Parole in part because of their refusal to become subjects in the behavior modification program. The last time each appeared before a panel of the Board of Parole he was advised to become involved in the program.

32. The experimental behavior modification program for pedophiles at Somers is the only program specifically designed and operated for pedophiles at the Connecticut Correctional Institution for men.

33. Section 54-125 of the Connecticut General Statutes expressly provides that a prisoner may be granted parole if " (1) it appears from all available information...that there is a reasonable probability that such inmate will live and remain at liberty without violating the law and (2) such release is not incompatible with the welfare of society."

34. In their denial of parole to plaintiff Graves and plaintiff Taylor, the members of the Board of Parole made no reference to either prisoner about his institutional record other than his failure to participate in the experimental behavior modification program, nor did the members of the Board of Parole recommend to either plaintiff that he join additional vocational or educational programs or improve his disciplinary record,

35. At plaintiff Taylor's Parole Board hearing on May 31, 1973 before defendants Albert Morano, Bert J. McNamara, and the

Reverend Herbert Smith, defendant McNamara threatened the plaintiff as follows:

Mr. McNamara: You know if I had my way what you'd do ?

Mr. Taylor: I'd do it.

Mr. McNamara: You'd be on the end of a rope.

Immediately following this interchange defendant Smith knowingly, wilfully and maliciously subjected the plaintiff to the following humiliating and degrading interchange:

Mr. Smith: No. Let me ask you one question. Do you masturbate ?

Mr. Taylor: Yes.

Mr. Smith: How often?

Mr. Taylor: Oh, every once in a while.

Mr. Smith: Why do you hide ?

Mr. Taylor: Hunh ?

Mr. Smith: Why do you hide ?

Mr. Taylor: I don't hide it at all.

Mr. Smith: You don't hide it at all ?

Mr. Taylor: No.

Mr. Smith: When you get ready to masturbate ?

Mr. Taylor: No.

Mr. Smith: You just go right ahead ?

Mr. Taylor: Yes.

(Transcript of full hearing attached as exhibit B).

LEGAL CLAIMS

First Claim

Prisoners forfeit only those rights necessarily incident to incarceration.

36. The defendants acting under color of state law are coercing the plaintiffs to participate in the experimental behavior modification program for pedophiles conducted by defendant Wolfe in violation of their constitutional rights as follows:

a) The coerced participation of human beings in experimental programs violates basic constitutional rights. The defendants subject prisoners classified as pedophiles to electric shock to sensitive portions of the body and to hypnotic sessions during which are read narratives designed to cause disgust and provoke anxiety in the prisoner in violation of the prisoner's right to privacy and human dignity guaranteed by the First, Fourth, Fifth and Ninth Amendments, his right to the protection of his bodily and mental integrity guaranteed by the First, Fourth, Fifth and Fourteenth Amendments, and his right to be free from the infliction of cruel and unusual punishment guaranteed by the Eighth Amendment and the Fourteenth Amendment

b) To be valid, consent to participate in the behavior modification program for pedophiles must be knowing and voluntary. The following factors unconstitutionally act to coerce the plaintiffs into waiving cited rights and make impossible a valid voluntary consent:

i. The Connecticut Board of Parole through its Chairman and individual members relies upon and/or gives the impression that it is relying upon participation in the behavior modification

program as an important factor in the parole decision;

ii. Members of the Somers staff, members of the Mental Hygiene Unit staff, prisoners who are subjects of the program, and other Somers prisoners, have informed plaintiffs that participation in the behavior modification program is an essential factor in their chances for parole.

iii. The continuing harassment and degrading treatment suffered by prisoners convicted of "Risk of Injury" compounds the pressure placed on them to participate in a program which they reasonably believe will lead to their release from prison.

Second Claim

37. The actions of the defendants in forcing the plaintiffs to choose between their right to refuse to become subjects of an experimental behavior modification program employing electric shock and hypnosis or the opportunity for a favorable parole decision creates an unconstitutional administrative limitation on the exercise of their constitutional rights discussed in paragraph 36 and violates their Eighth Amendment guarantee against cruel and unusual punishment.

Third Claim

38. Reliance by the defendant Connecticut Board of Parole, its Chairman, and its individual members on an experimental program whose results are neither known nor at present capable of accurate measurement is arbitrary and capricious and violates

the plaintiffs right to due process of law guaranteed by the Fifth and Fourteenth Amendments.

Fourth Claim

39. Defendants Smith and McNamara acted under color of state law but beyond the scope of their authority at plaintiff Taylor's Parole Board hearing on May 31, 1973 to wilfully, knowingly, and maliciously deprive plaintiff Taylor of his right to Due Process of law as guaranteed by the Fifth and Fourteenth Amendments, violate his right to privacy as guaranteed by the First, Fourth, and Ninth Amendments, and subject him to cruel and unusual punishment in violation of the Eighth Amendment.

EQUITY

40. The plaintiffs are suffering irreparable injury and are threatened with further grave and irreparable injury by virtue of the unlawful and unconstitutional actions of the Defendants.

Plaintiffs have no adequate remedy at law. Exhaustion of state judicial and administrative remedies is not required. Even if exhaustion of state administrative remedies were generally required, the plaintiffs need do nothing further in this case because the Connecticut Board of Parole and the defendant correctional officials have already made clear that resort to these procedures would be futile. Unless this Court restrains and enjoins defendants from denying plaintiff Graves, plaintiff Taylor, and plaintiff Oberdorf their constitutional rights, plaintiffs suffer irreparable injury without means of redress.

Relief

41. Wherefore, plaintiffs Robert Graves, Melvin Taylor and Donald Oberdorf respectfully pray that this Court

1. assume jurisdiction of this case and set this case down for an immediate hearing,

2. issue a declaratory judgment pursuant to 28 U.S.C. §2201 declaring the acts, procedures, policies and practices of the defendants complained of supra, paragraphs 20-35, unconstitutional as violative of the First, Fourth, Fifth, Eighth, Ninth and Fourteenth Amendments, namely:

a) that the unavoidable coercion from the defendants, including members of the Somers staff as well as other prisoners, makes impossible informed and voluntary consent to participation in the experimental behavior modification program for pedophiles as long as the program exists at Somers, thereby rendering the experimental program unconstitutional per se; and/or

b) that the present coercion from the defendants, including members of the Somers staff as well as other prisoners, prevents informed and voluntary consent to participation in the experimental behavior modification program for pedophiles at Somers, thereby rendering the experimental program unconstitutional; and/or

c) that the reliance by the Connecticut Board of Parole upon participation in the experimental behavior modification program for pedophiles as a factor in their consideration of plaintiffs' parole is arbitrary and capricious; and/or

d) that defendants Smith and McNamara, acting under

color of state law but beyond the scope of their authority at plaintiff Taylor's parole hearing of May 31, 1973, willfully, knowingly and maliciously violated plaintiff Taylor's constitutional rights.

3. Issue a preliminary and permanent injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure against all named defendants, their successors in office, and their agents and employees, enjoining and restraining them from continuing to operate the experimental behavior modification program for pedophiles at Somers.

4. Award each of the plaintiffs \$50,000.00 compensatory damages for the deprivation of constitutional rights suffered by each plaintiff.

5. Award plaintiff Taylor \$10,000.00 additional compensatory damages and \$20,000.00 punitive damages for the knowing, willfull and malicious deprivation of his constitutional rights by defendants Smith and McNamara.

6. Order defendants to grant plaintiffs Graves and Taylor a new parole hearing in accordance with this decision within forty-five days.

7. Order defendants to pay plaintiffs all costs incurred in preparing and litigating this action and all reasonable expenses and attorneys fees.

8. Order such other and appropriate relief as it may deem proper.

Respectfully submitted,

Dated:

January 29, 1975

Barbara M. Milstein

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DEC 17 1973

BEHAVIOR MODIFICATION THERAPY FOR PEDOPHILES

A great deal of theory has been expounded upon how an individual can come to view a child as a sexual object. Various analytical reasons have been expounded. Possibly the individual has made no clear sexual identification and therefore chooses a neutral object to postpone making that decision. Perhaps he feels inadequate to enter into a sexual relationship with an adult. Perhaps he is fixated in a childlike phase and therefore prefers children because psychically he is a child himself. Perhaps this is a way of acting out his antisocial feelings. Perhaps he himself was assaulted by an adult as a child. Perhaps he has been culturally conditioned. (There are persistent rumors about Maine, and an abnormally large percentage of our pedophiles are Down Easters.) In my experience I have seen men whom each (and in some cases, all) of these explanations apply.

The theoretical approach that we take utilizes none of these explanatory mechanisms. In fact, it utilizes no theoretical explanation whatsoever. The only assumption we make is that this behavior is learned. "When", "How" and "Why" are not really relevant to the problem. Once we accept that basic assumption, certain tenets follow from that. The behavior follows the basic principles of learning, and therefore can be manipulated based on our knowledge of those principles. One of those basic tenets is that what is learned can be unlearned.

Let me simplify the pedophile in learning terms. He is a man who learned to associate sexual gratification with children as sexual objects. He learned the same way I learned to associate small-busted brunettes with gratification and you learned whatever your preference is. Our task then is to break this association. To do this we associate the stimulus of children as sexual objects with fear and anxiety and associate sexual gratification with some form of stimuli which fall within the range of consenting adults. To accomplish this we are using traditional methods such as psychotherapy and group therapy, but only as an adjunct to the behavioral techniques of aversion therapy and covert sensitization which I will explain more fully below.

Aversion Therapy

Basically, this is classical conditioning. In our paradigm it involves the straight forward technique of flashing a picture of a nude child on the screen and a few seconds later delivering a painful electric shock to the groin area. This is a proven

technique which has been used with all sorts of gratifying but maladaptive behavior. Much of the research underlying this has come from England. Treatment is repeated for better than twenty sessions. Interestingly, the outcome is not a fear of children, but rather an indifference. This may well be that the thought of children as sex objects is so anxiety-producing, it is completely repressed. Slides of adults in provocative poses are shown as well, without shock. These then are associated with relief from painful shock and thereby positive feelings develop.

Coverent Sensitization

This is a similar technique which employs the reverse of a method used to cure phobias. In other words, we attempt to create a phobia about children as sexual objects. With this method we employ the tool of hypnosis. Under hypnosis an individual can imagine or visualize experiences which are suggested to him so clearly that they become almost real experiences. While under hypnosis then we suggest maladaptive sexual situations taken from his fantasies and from his records. We then pair these scenes with suggestions of aversive events, such as becoming violently ill, being attacked by rats, vicious dogs, hornets, falling off a cliff, being unable to breathe, being castrated with a hot iron, ad nauseum. These events are selected from the individual's own hierarchy of fears. These procedures are repeated over many sessions and have a similar but, according to research, more effective result than straight aversive conditioning. Concurrent with this we would supply a gratifying "consenting adult" situation with which no aversive situations were associated.

Standard procedure has been to then refer men who complete treatment and have been paroled to a behavior therapist on the street. This is so that if the individual should feel himself relapsing he would have a resource for immediate treatment, more or less of a behavioral "booster shot".

The question may arise - Doesn't the aversive consequence of pedophilic acts (e.g., 2-20 years) have the same effect? The answer is obviously not, otherwise we would have no 'recidivists'. The reason it is not effective is that there is a great distance in space and time between the sexual act and its aversive consequences. In fact, prison produces conditioning towards further deviancy. For sexual outlet, all the individual has is his maladaptive fantasies and his good right hand. So for 2 to 20 years the individual continues to build up the association between those fantasies and sexual gratification.

- 3 -

For further information I would recommend Rachman and Teasdale, Aversion Therapy and Behavior Disorders: An Analysis, University of Miami Press, 1969.

11/27/73

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EXHIBIT B

MAY 31, 1973

CASE OF: MELVIN D. TAYLOR

No. 22894

My name is Smith, Herb Smith, and I'm acting as the Chairman and this is Mr. Morano and the gentleman who will sit here very shortly will be Mr. McNamara. He'll be sitting right here. Now, Mr. Taylor, I want to talk to you about the possibility of parole. I know you've been denied-you were denied last May.

Mr. Taylor: Ah, yes.

Mr. Smith: Right?

Mr. Taylor: Yes.

Mr. Smith: Since that time, as a matter of fact at that time, there was some concern about you getting involved in some kind of a program or at least they discussed this I understand. You've had some discussions about getting into some kind of a program that might help you to begin to understand what makes you tick.

Mr. Taylor: Well, I was in a program before it disbanded.

Mr. Smith: What was the name of that program.

Mr. Taylor: That was Dr. Kawiecki's group.

Mr. Smith: Right. Okay. Now, what?

Mr. Taylor: Well, I haven't been in anything since.

Mr. Smith: Now, what are your feelings about the whole bit of, you know, what is it that makes you get involved with all the little girls and so forth.

Mr. Taylor: Well this, these things are things that have happened years ago. I mean, ah,

Mr. Smith: Let's take it, let's take it step by step. They did happen.

Mr. Taylor: Oh yes, they happened, yes.

Mr. Smith: OK. Why do you think you've been involved in this kind of thing? What do you think?

Mr. Taylor: Sir, I've been sort of a lonely fellow, and you know and ah, I've gotten away from most of that. I've adjusted quite a bit, ah, at least I thought I made a good adjustment the last time I was out.

Mr. Smith: OK. Now, you know that the Board has been very interested in trying to develop some kind of a program with you and it's our understanding that in the institutional psychiatric department there is a Mr. Marino and a Mr. Wolf.

Mr. Taylor: I've spoken to these people already.

Mr. Smith: and it's our further understanding that, ah, you might be willing to participate in that program.

Mr. Taylor: I'll be willing to participate in one thing and that's getting out of here. I've been here long enough, people have given me the runaround all these years, it's time I was put on the street period. I'm willing to participate in some program outside if you want it but I've been here long enough. I've served my time more than I should have. I don't belong here to begin with. You all know I've been on trial already twice. This kind of business doesn't make any sense. It's costing my family

and myself thousands of dollars already. It is miserable injustice when I'm capable of earning a good living outside and nobody gives me a chance. Nobody investigates anything, to give me a chance to find out what kind of a person I really am.

Mr. Smith: You're a second offender when it comes to injury or risk to injury.

Mr. Taylor: See, all you people have is papers that go back years and years and years. There's nothing to indicate what kind of a fellow I really am and nobody tries to find out or gives me a chance.

Mr. Smith: This was five years ago-

Mr. Taylor: This is what I want.

Mr. Smith: five years ago -

Mr. Taylor: yes

Mr. Smith: you came in November '68.

Mr. Taylor: Yes. I want a chance. That's all I'm asking. A chance so you people can see just what's going on and then, ah, that's all I'm asking for.

Mr. Smith: All right. Suppose we then were able to develop that program in order so we can begin to see if you are willing to take advantage of that chance.

Mr. Taylor: But I do not want to participate in anything here. I've been here long enough. My health just won't take no more of this.

Mr. Smith: Well, it's my understanding-

Mr. Taylor: I've been here years and years and years, I'm, if that the case-

Mr. Smith: Do you have any problem with going into that program here?

Mr. Taylor: I do not want to go into that program, and I've been denied all these years in here. This is not right.

Mr. Smith: We think you need a program.

Mr. Taylor: I will not, no way. I'll do all my eleven years before I'll participate in any program here. Outside I will cooperate but I want to get out of here. I don't belong here.

Mr. Smith: You said that you were on the outside once before, Mr. Taylor, and you went right back to the same thing.

Mr. Taylor: Also, I've committed no crime to be in here. I've been on trial. I've done nothing to come in here for because of some people trumped-up charges against me but I did not commit any crime to be in here. I do not belong here.

Mr. Smith: This is the second time around, right?

Mr. Taylor: The things that I've done happened years ago.

Mr. Smith: You were convicted as a second offender. Am I right?

Mr. Taylor: That is correct. That is correct, yes.

Mr. Smith: You've been here before.

Mr. Taylor: Yes.

Mr. Smith: So it's not new.

Mr. Taylor: But I don't like to come in here and have people use-

Mr. Smith: Third time around. You've got injury, risk of injury - hold on - for five to ten in 1958.

Mr. Taylor: That's right.

Mr. Smith: You got a two to four in '65 and you got a one to twenty in '68. Now is that being unfair to believe-

Mr. Taylor: No, it's not being unfair because I-the people don't give me no chance outside.

Mr. Smith: Then why don't you-

Mr. Taylor: I'm railroaded in here for nothing as it is. I'm doing time in here for nothing. I've committed no crime to come in here for.

Mr. McNamara: You mean these little-you never-

Mr. Taylor: I never touched these girls. My case is pending now. Some controversial matter concerning my case. Now this business is not right. Why I should be in year in year out and be treated like this.

Mr. McNamara: Because you were found guilty of these offenses.

Mr. Taylor: I done my time. What more do you people want from me?

Mr. McNamara: You have-

Mr. Taylor: You want me to do all twenty years I'll do it.

Mr. McNamara: You know if I had my way what you'd do.

Mr. Taylor: I'd do it.

Mr. McNamara: You'd be on the end of a rope.

Mr. Taylor: If I had done this I would certainly admit it.
I'm not ashamed to admit anything that I've done.

Mr. Smith: No. Let me ask you one question. Do you masturbate?

Mr. Taylor: Yes.

Mr. Smith: How often?

Mr. Taylor: Oh, every once in a while.

Mr. Smith: Why do you hide?

Mr. Taylor: Hunh?

Mr. Smith: Why do you hide it?

Mr. Taylor: I don't hide it.

Mr. Smith: You don't hide it at all.

Mr. Taylor: No.

Mr. Smith: When you get ready to masturbate.

Mr. Taylor: No.

Mr. Smith: You just go right ahead.

Mr. Taylor: Yes.

Mr. Smith: OK. Do you-step out-do you have any questions of
Mr.-.

No.

Step outside and we'll call you back when we've made our decision.

Mr. Smith: Mr. Taylor, we're going to make a recommendation to you. And before we make that recommendation we're going to give you the hard cold news of the fact that we're going to deny you, okay.

Mr. Taylor: Oh, I expect that.

Mr. Smith: All right. We're going to deny you and we're going to recommend that you get involved in the program that is being suggested to you by way of Mr. Marino and Mr. Wolf. We understand that you might have been screened for it and you have said to us that you talked with them. Now while it may not be ideal we have no way of knowing because we're not medical men but we do have a responsibility to people on the outside as well as to people on the inside and as long as we have a man that we feel is not willing to face up to his problem-

Mr. Taylor: I have no problems, thank you.

Mr. Smith: Okay. That's fine. We don't have no problem with that. We feel that there's a lack of insight, there's the criminal record would indicate-

Mr. Taylor: I have no criminal record, thank you. I'm sick and tired of being a criminal. I'm not a criminal. I have hurt no one, taken nothing from nobody. I'm sick and tired of being treated like this.

Mr. Smith: All right.

Mr. Taylor: You people have (treated me like a dog for fifteen years. The son-of-a-bitches come in here on dope and murders and you kiss their ass and put them on the street and me you treat like a dog.

Mr. Smith: All right. Let me finish the last-

Mr. Taylor: You don't have to say no more.

Mr. Smith: I've got to tell you-

Mr. Taylor: I'll do my last eleven years or whatever I've got. I don't give a damn.

Mr. Smith: Will you-

Mr. Taylor: I'm still an innocent man. You're keeping an innocent man in prison.

Mr. Smith: We've also let some innocent men out. One thing I've got to tell you and then the rest of it we're going to write it to you anyway. We're going to rehear you. We're going to give you an opportunity to be heard July 1974. At that time you will make you own decision whether or not to come or not to come. I'll just assure you-

Mr. Taylor: You've seen the last of me.

Mr. Smith: Hold it. I'll assure you of one thing. We won't hold it against you in terms of whether or not we will or will not hear you. We will hear you if you choose to come.

Mr. Taylor: I will not come no more. I'll finish my time.

Mr. Smith: All right. Fine. Good luck to you.

Mr. Taylor: You've seen the last of me.

Mr. Smith: Okay..