

Interview with Patty Wetterling - June 27, 2008

From the book "Sex Offender Laws: Failed Policies, New Directions"

Richard Wright: Let's start where we are today and work backwards. Obviously you know we are operating under the Adam Walsh Act, which is the major rewrite of sex offender federal laws from a few years ago. What are your general thoughts about the Adam Walsh Act?

Patty Wetterling: Well, I had great concerns about some of what they were trying to do when they proposed the bill. I kept raising questions about treating juveniles the same way we treat adults. It makes no sense at all, and that was one provision that I had concerns over. I was told not to worry about the juvenile provisions because that would get thrown out. I was told there was no way that would pass. Also, when we worked on the Jacob Wetterling Act, we were told that we couldn't make it retroactive, and yet the Adam Walsh Act has done that. One of the other clear pieces that I had concerns over was the amount of money that we are spending on GPS monitoring.

This law applies to a very, very tiny percentage of our general population. There are many pieces to it that are very costly and don't necessarily work. I worked with a family where the offender was on house arrest and he convinced his girlfriend to go over to his house. While he was on house arrest with a bracelet, he murdered her and took off. These laws don't necessarily stop crimes from happening, and they cost a ton of money. Those are two issues I have great concerns over. Additionally, The AWA allocates zero dollars for prevention.

Wright: And the specific juvenile provision you are talking about is the fact that under the new law if a juvenile gets adjudicated after the age of 14 for a sex offense, he or she has to register like an adult offender.

Wetterling: Yes, and there's a tremendous amount of research that finds that children's brains aren't developed until their mid-20s, and so they are incapable of making some of those decisions. They don't know or don't think about long-term consequences of their behaviors. There are also Romeo and Juliet cases where these kids are having a relationship that may not be violent. Yet even in those instances where it is not violent, they are still treated exactly the same as a violent adult offender. I think that's the biggest challenge that I have with sex offender laws. They tend to treat all sex offenders the same, and they're not the same.

Wright: One of the ways the laws have changed in the last decade or so is that we no longer focus primarily on registration and notification. We have civil commitment, chemical castration laws, residency restrictions, mandatory HIV testing, and, as you've mentioned, GPS monitoring. Which do you think are the most helpful or harmful of these laws?

Wetterling: I still think that sex offender registration can be a helpful tool for law enforcement. When my son was kidnapped they didn't have a clue who was in the area. It can absolutely work. It doesn't have to work against sex offenders; it can clear them very quickly. Community notification, the way we do it in Minnesota, I think is respectful because they not only notify the community about the offender, but they also educate people about dangerous behaviors. For example, anybody who is maybe giving your child too much attention or giving them presents, gifts, money trying to spend a lot of time with them. That's preventive information that can stop a bad relationship or a bad situation from happening. Then, law enforcement briefly spends about 5 minutes talking about the one guy who is coming out. It deemphasizes the absolute anger and energy that's usually thrown at one person, when most people victimize somebody who is very close to them, somebody in their family or a neighbor, somebody who has their trust.

Wright: If I understand you correctly you still think that registration can be pretty helpful and that when notification is done well, it can be helpful. What do you think about all these issues around residency

restrictions and chemical castration and all these other types of laws?

Wetterling: Let's take these one at a time. But first of all, I don't believe in registering juveniles. I don't see any, not one redeeming quality in doing that. The goal is to interrupt the behaviors if they've done something wrong, get them some help so they can live a normal, healthy wonderful life. Registering juveniles takes away everything that would allow them a normal, healthy happy life. It takes away any stability and sense of support. Registering juveniles is ludicrous and wrong always.

Residency restrictions are also wrong and ludicrous and make no sense at all. We're putting all of our energy on the stranger, the bad guy and the reality is it's most sex offenses are committed by somebody that gains your trust, or is a friend or relative, and so none of these laws address the real, sacred thing that nobody wants to talk about.

Wright: Let me ask you about a recent development. There are about six states right now that have enacted laws that would authorize the execution of individuals convicted for child rape. Recently in the case of Kennedy v. Louisiana, the Supreme Court came out in a 5-4 vote saying that the Louisiana law was unconstitutional. It upheld its previous decision in Coker v. Georgia, which said that the death penalty for rape was a disproportionate and unconstitutional punishment. Since the ruling, there's been quite a bit of backlash, particularly by the states with those statutes. How do you feel about executing sex offenders?

Wetterling: First of all, I don't believe in the death penalty. But if you made it possible to use the death penalty for a child rape situation, the perpetrator might as well kill the child because there's the same consequence, and if offenders are cognizant of those kinds of consequences, then they have no motivation to keep the child alive.

Wright: So your argument is that if the offender realizes that they may get executed by this rape, then they're just going to go ahead and commit the murder.

Wetterling: Right, because they could possibly get away with it. If the child lives, he or she might tell. Here's the question that I always want to ask, when we pass these laws. Will this make our communities safer? Will this make our children safer? No. Executing child rapists may stop one rapist, one time, but it's not a discouraging factor. These guys don't think they're going to get caught in the first place, so it doesn't discourage the behavior. It would take one guy off the street, but we're putting all of our energy into the smallest piece of the puzzle.

Wright: I want to ask you a couple questions now about your specific journey because there are so many things that compelling about the decisions that you've made and you responded to Jacob's disappearance. How have your views about sexual offending and sexual assault changed over the years from the time that Jacob first disappeared to now? How have your own thought process and feelings about sexual assault and sexual offending changed?

Wetterling: Oh gosh, I think so much has changed over the years. We live in a small town, and we were absolutely shocked and horrified with Jacob's abduction. We should be always shocked and horrified, every time it happens. What concerns me now, and what I think has grown progressively worse, is that we are no longer shocked and horrified over the sexualization of our children.

The video games, for example, Grand Theft Auto, you get points for picking up a prostitute, you get points for going back and killing her. We're grooming our children to be sexualized; you know the "pimp-ho" mind-set genre, glamorizing that kind of dominance and objectification of young girls. They sell pole dancing kits to young girls, so we are encouraging these behaviors. Then when our children do what we've taught them to do, and act the way we've taught them to act, the only answer we have is to arrest them, register them as a sex offender, and change their lives forever so they have no

possibility of regaining themselves. It makes no sense.

Wright: You've been dealing with this now for over 18 years. When you think back to what you thought about sexual offending and sex offenders 18 years ago and what you know now today, how do you think your views have changed?

Wetterling: I ask a lot of questions. I've always asked a lot of questions. I feel that, when Jacob was kidnapped, I was angry, as you can imagine. I've been angry; I know fear and I know anger, and I don't like living my life like that. I believe that much of the legislation and much of the initiative in this country is to use fear and anger to keep people on guard. I honestly believe, and this is consistent, this is what I felt in 1989 and what I feel today, that there are more good people in the world than bad. We need to pull together and design a world that is safer and better. Just having this absolute anger and pointing our fingers at one or two people as the bad guys, we're denying the realities of sexual offending. We're denying it.

I've learned a lot. I didn't know that most of the time sexual offenses are committed by someone that the child knows. I learned that by being investigated. Law enforcement always looks at the family, friends, and relatives. They always look very closely at the family. I understand that. It was painful, but I do understand that now. Knowing that, why are we always putting all this stuff under this "stranger danger" mind-set? That's not the solution to this problem.

Wright: Let me expand on part of what you just said. From watching your response to these sex offender laws, one of the things that's been amazingly unique about your experience, it seems to me, is that you have never really been focused on vengeance or retaliation. Many of the policies and the public attitude toward sex offenders tends to be very much about demonization, revenge, and retribution. But as someone who has gone through it, you've had a very different response. You have not focused on vengeance and retaliation but on prevention and a positive outlook. Can you talk a little bit about your healing process? Why you are able to get past rage and anger, and not operate with a sense of vengeance?

Wetterling: It was a process of gaining support. I gained a lot of support from law enforcement and a lot of support from the community. The more I learned about this issue, the more I was committed to change and to resolving and doing what I could to stop it. I couldn't hang on to that anger. It was destroying me inside. It was. I've seen people do that. They become very bitter. They can also be very effective at changing laws, but it's unhealthy. I couldn't do it. The other thing is that I have three other kids, and I didn't want them walking around distrusting everybody and afraid to talk to a new person just because that would be a stranger. Nothing made sense to me, and I still wrestle with it.

I don't know the answer, I just know that we spend so much time telling our kids don't talk to strangers, and then we put them on a school bus with a new driver every fall. We send them off to summer camp with camp counselors. We're full of inconsistencies, and I think it is good we put them on a school bus and send them off to camp. I don't think we should teach them to fear strangers. I think we should instead be teaching them how to talk to people, how to have respectful relationships, how that interaction can work, because then they'll know when somebody has bad intentions, when they're treating them in a way that makes them uncomfortable. I don't know why I thought about it differently than other people. I know I do and it's hard.

Wright: I want to expand on that a little bit. One of the things I do think is remarkable about your approach and your policies is that they have never really focused on demonizing offenders or blaming. I would like to understand why. How have you managed to not do that?

Wetterling: I don't exactly know when it started, but it took a long time. At first I didn't want to talk to offenders. I got asked to speak at victims' rights weeks or speak in the prisons, but I didn't want to

have anything to do with it. I couldn't do it. But then I met a woman. She and her daughter were camping when an offender slit a hole in their tent and snatched her daughter, kidnapped and murdered her. This woman made an appeal. She said she wanted to talk to the offender. She was a very Christian, very forgiving woman. The offender did call, and she spent a long time talking to him. She found the man and he was charged, convicted, and sentenced.

I was amazed by that story. I couldn't do that. At that point in my journey, I was not that open and forgiving. Not that I wouldn't like to be, I just wasn't. It began a process for me. I decided I would write a letter to the man who took Jacob. The only way I could do that was to think of this man as once a child. As a child, something really bad must have happened to this man that he would then act out and do these things to other children.

Registering and treating them as demons and animals, not even human, that doesn't do anything. It destroys the person. It would destroy me internally and it would not help solve the problem. The problem is how do we treat our kids? If they are victims, we need to get them help right away so that they don't continue the behavior. We've got to build a culture that values and protects its kids.

Wright: Now you are the program director for sexual violence prevention in the Minnesota health department. It sounds like you have been explaining this a little bit all along, but it sounds like this is a next phase in your own growth and your own journey. Why are you so focused on the prevention of sexual offending?

Wetterling: Because of the sheer volume of sexuality involving our children. Twenty-five percent of our teenage girls have an STD or STI. That's a phenomenal public health problem. If we view sexual offending as a public health problem, we would look at it like we do other health issues. When people start getting really sick, the medical field doesn't say, we've got to build more hospitals and that will solve it. They do a lot of research in trying to figure out what is causing people to become sick. But with sex offenses, all we can think of is to build more prisons. It doesn't solve the problem, so what we have to do is look at it. What are the contributing factors to somebody becoming a perpetrator? Some of the juvenile offenders that they're arresting are not sadistic killers. They're not the same as the man who took Jacob. They're kids. They are acting out in a sexualized culture, doing the things we've taught them to do. We need to better define the problem. We need to look at what works and then we need to get that out to the general population. Many sex offender laws really don't work. They don't solve a thing.

Wright: You have had access to hundreds of legislators who've passed these laws. Some of these laws have been fairly thoughtful and some have been fairly reactive. Having dealt with so many legislators, how would you characterize their understanding of the problem?

Wetterling: Overall I would say they have very little understanding of the problem. That's why I ran for Congress. I don't think they want to. Nobody wants to look at the problem. You don't want your child to be a victim. I have said this a lot. In Minnesota, everybody wants to find Jacob and everybody wants to find the man who took him. We've been overwhelmed with just amazing, amazing support, but at the same time nobody wants to find the man who took Jacob... in their family. They don't want to find him in their church, in their school community, in their neighborhood. These people are not monsters. They're living and functioning amongst us, and we've got to figure out a way for them to live amongst us and not harm another. There are many things that need to be looked at, including the effect of pornography. We have a "pornified" culture. It affects the way men view women and the way men view girls. The amount of violence with pornography has greatly grown. We're nurturing that, we are putting that in beer ads and that's everywhere. We are so used to it that we aren't even shocked anymore, and that's sad to me.

Wright: I want talk about your Congressional campaigns in a minute, but I want to go back to this question about the legislator's role....

Wetterling: First of all, they don't understand the problem. Second of all, they usually propose legislation after another really horrific crime. So they've got public sentiment and demand. People demanding that they do something. These are people who have to get reelected, and the goal is to look like they are the toughest on crime, that they've done the most to go after these bad boys. They name laws that are either compelling, compassionate, like after the child, or the PROTECT Act. The Adam Walsh Act is named after a child. There are so many named after children, Dru's Law, Jessica's Law. It gives the sense that this is compassionate and caring and that it will make the world safer. Often, it doesn't.

Wright: So, when a legislator meets with the parents of the victim, and the victim wants a new law and he introduces a bill, what do you think his intent is?

Wetterling: Well, first of all, I would venture to guess that maybe I'm different on this one, too, but when Jacob was abducted, I didn't want a law. It upset me. We had state legislators come to us right at the beginning and say, we want to do something, we're going to pass a law. I thought, why are you talking about laws? I'm looking for Jacob. I didn't want a law named after Jacob, I wanted my son.

I didn't have the time or energy to put any thought into that. But over time I began looking, and I asked law enforcement, what would have helped you? They said it would have helped to know who was in the area. From a law enforcement perspective, that makes sense. It would have helped to have a central repository of information because we have a very fluid society. Those I think are two valid law enforcement tools, but when they expanded it to community notification, I wasn't even sure if I liked that. It made me very nervous about people not handling that information well.

On an intellectual level, when these guys are released from prison, we want them to succeed. That's the goal. Then you have no more victims. All of these laws they've been passing make sure that they're not going to succeed. They don't have a place to live; they can't get work. Everybody knows of their horrible crime and they've been vilified. There is too much of a knee-jerk reaction to these horrible crimes.

Wright: You ran for Congress twice and briefly for the Senate. Those campaigns were very close. If you had won those campaigns, how would you have changed federal sex offender laws? What would you have done?

Wetterling: That's a really good question. I would have suggested a study on sex offender treatment. What works? There are a lot of programs out there, and I think that some of them in fact do work. The Good Lives Model is one I'm intrigued by. I think it's fascinating and if we could use the model across our general population with young kids, then possibly we could have fewer perpetrators. Let's invest in our youth, early investment in treatment for juveniles. People are also of the mind-set that treatment doesn't work, and I think it does. I think that many of the treatment programs, especially for young people, do work. I would have done that. I would have always asked the questions that nobody is asking, so that we could make sure that a particular piece of legislation was indeed going to do what we intend it to do.

Wright: As you know, the media has a major impact on all of these stories. There are times when the media can report on sexual offending in a very thoughtful way, in a very deliberate way, and there are times when they can be very sensational. Can you think of examples from your experience where the media dealt very well with Jacob's disappearance or in some cases where they dealt very poorly with it?

Wetterling: We had one TV station which did a series. It was a 5-night series on the problem, the victims, the perpetrators, the hopes. Actually it might have had one part on solutions or treatments and the hope. They really took time to show the depth of it. It was really, really well done and very thoughtful. We did a lot of shows on the national level, too, that were hour-long programs, that I thought delved into the reality that we as families are facing and the challenges. My basic statement for years has been somebody knows who took Jacob, somebody did this and you know, somebody knows. They may have a piece of information that we still need. We have got to find the man who took Jacob. There is somebody out there who steals kids. He's got my son. Did he do it again? I don't know.

I'm not soft on these guys, but I just know that they're not all the same. They're not all the same and we can't treat them as such. There was one time when a man was arrested in St. Paul. My mother called, we were all up at the lake, and she said, "There's a break in your case." I said, "I don't think so. I've talked to the sheriff's department. They know where we are and they haven't called." She said, "Well they've been promoting it all day on TV. There's a break in your case. Watch the news tonight." So we did.

This man was arrested in St. Paul and they said that he had knowledge of Jacob's kidnapping. The media said that when the police did a search they found pornography. They found a digital camera. They found movies. They found clothing. They found a container which appeared to be a container with testicles. They said that the suspect had been involved in a search for Jacob done at Fort Snelling. I'm sitting there with kids and I'm like, "What the hell?" I was livid. I was livid, because, first of all, that our sheriffs didn't know about it. The sheriff didn't call because he didn't know about this media report.

The St. Paul police officer didn't seal the search warrants. The reporter didn't verify their facts. The testicles were dog testicles. I was really worried about my other son. He wasn't with us; he was staying with a friend. I was so scared Trevor was going to watch and see that report, and what would Trevor think? I didn't sleep for days.

It was absolutely glamorizing the horrible act that could have happened. We went through 6 months of anxiety because the man who had been arrested had a boy's jock strap. We went through 6 months of waiting for DNA. Today they act like you get DNA back in 10 minutes or in an hour. We waited 6 months, and that's still not uncommon.

Wright: From your experience, what distinguishes the news media that do a responsible, sensitive, thorough job from the sensational?

Wetterling: The wording. They tend to right away call someone a rapist, or a child molester. The wording that they use is very inflammatory. I'm not thinking of good examples right now, but I know you'll know them when you hear them. They often suggest it being a stranger. They only report the stranger cases. The sad reality is, they so overemphasize the stranger cases, it suggests that those are the only thing that's happening. There are stations that do a better job. Some really address sexual violence by talking to victims. They know that most cases aren't reported to police and that most of the time it's not a stranger.

The ones that do, the strangers that do make those high-profile cases are often very bad. I think we have to work out some of the kinks of civil commitment, because there's got to be a way for some of these people to not get out. We've had cases where the offender told people they were going to reoffend. They told them who they were going to go after and how they were going to do it. Now these people are clearly not safe. I don't believe they should be out. So we have to have a place for discerning the differences between these people. They are still human beings.

Wright: One other question about your process and your journey. One of the things again that I think is so amazing about your journey is that you've gone through this tragedy, and one of the ways you've chosen to deal with it is by better understanding the issue. I mean it would be a very completely normal response for someone who has gone through this to say, I don't want to talk about this. I don't want to deal with this anymore; I can't deal with it anymore. But you've kind of gone the opposite way, in choosing to live a very public life, understanding sexual assault, understanding sexual offending. Why did you make that choice?

Wetterling: I don't know. I think it was because that's who I am, and when Jacob was kidnapped, I made a very hard decision. It's not that I went through something. I still deal with this. I refuse to let the man who took Jacob take anything else. You can't take my marriage. You can't take my other children. You can't take my sense of goodness with the world. You can't take away the world that Jacob believed in. You can't have it. I've fought very hard to rebuild the world that I know it could be. The way the world can be when people care about one another and they reach out. When somebody does something wrong, you get them the help that they need so that they can turn their lives around. I just couldn't go to the very punitive way and stay there. It wasn't me.

Wright: Let me ask you just a few final questions. So as a fellow parent, I have a 3 1/2 year-old daughter, if something like what happened to Jacob, what was done to Jacob, happened to my daughter, what advice would you give me?

Wetterling: Never give up. I still hope that one day we'll find Jacob. We'll find out what happened, we'll find out where he is. I don't know that he's not alive. There is no proof to show that he's not alive. I wish that I would have told him that I would search forever. I didn't. I didn't know. I would just encourage parents to hang on, hold onto who you are and do what you can. What we really want, what we really want, all of us, even the really angry vindictive parents want is for it to never happen again.

Parents are very vulnerable when legislators approach them. They tell them things like "if we had had this law, your child would be home safe." That's not true, so often that's not true. But the parents are hurting and they are very vulnerable. They feel like it will make my child's life have meaning to the rest of the world. Nobody will forget that there's a law. We are very vulnerable.

Wright: You know you used the word that was exactly what I was searching for and I think it's a brilliant choice of words, is this question around vulnerability. How can we help people in the healing process? When you talk to families, or rape victims, sexual assault victims, the process is a lifelong healing process.

Wetterling: Absolutely. If we as a community or as a state have a strategy for managing sex offenders, let's use the best practices. Let's educate our law enforcement to be better prepared and to have a plan to address these concerns in our community.

Wright: Does your family have any lessons learned about healing or about the journey? What you would say to other families, should they have to go through this?

Wetterling: One of my best friends described it as looking to the light. It can turn into a very dark place, and you have to find some vision of how it can be better, and how you see yourself going forward. You have to find something outside of the very dark experience. I tell parents that you will find the strength to find the sunshine again. There are steps. There are support groups. There are a lot of people that can help you along the way, but you have to know that it's there because at the time you don't see it, you don't feel it. All you know is the dark and the pain.

Wright: Is there anything else that you can think of that you would want to say about assault laws and sexual assault policy?

Wetterling: Yes. I think that one thing that is so sorely missing in all of this, with all of our anger and all of our tough laws, there is no safe place for these guys. There are a lot of people who succeed. They do these terrible offenses and they go to jail and do their time. Then they get out and never reoffend. There is no place to share their stories, because you can't say, well, yeah I was a sex offender once and then I got some help, and I got off alcohol and drugs and I'm cured. As a culture, we don't tolerate that. We have not built into the system any means for success, and I think that's really sad. If I were the parent, the second worst thing to having your child kidnapped, would be to be the parent of someone who did this. I just can't imagine if you are the parent of a juvenile who did something wrong and you get them some help. You want them to lead a healthy, full life, and we've not built that into the equation at all.

Wright: I just want to thank you again, Patty. I have to say the more I talk to you, the more I learn about this from you, your perspective, and the more I watch you, I am just amazed at the journey you've taken. You have uncovered some insights into this from the perspective that I haven't seen too many people who have. I just want to thank you again for doing this and choosing to live a very public life.

Wetterling: Well, it wasn't at first a choice, it became very public because I was begging the whole world to help us, and pretty soon they were. The side effect is the public side. I am pretty shy and quiet. If I lived my life the way I was, nobody would have ever heard of me, ever. But with that comes a responsibility and I'm trying to do the best I can with it.