

driven by a collaborative effort to intrude Roger Krause into a controlling position concerning money and property belonging to his sister and his niece. Batzel in particular made a crass and blatant effort to establish an official record of Mrs. Duchene branding her daughter a ghoulish cruel thief and betrayer, robbing her near dead mother of all her money and of shelter. He virtually dictated what this brain damaged woman was supposed to think and say.

All of the participants with the exception of Jane Duchene, failed to show interest in or concern about the psychological symptoms and signs of deterioration mentally. Only the patient referred to her confusion which is real and her muddled thinking which shows in her incoherence as well as her memory impairment.

The brain damaged patient's brain was probably being seeded with metastases from blood stream spread to the pleura. There were large visible cancers growing in the cerebellum and lesser growths in other areas at autopsy in November 1986. There was significant cortical atrophy. The symptoms and signs were there to be seen if anyone was interested. This woman was quiet, not given to conversation and able to respond to people mostly with some very brief cliché of yes, no conversation. There were times as early as January 1986 when she was showing alarming changes overtly, as noted by the minister. (See affidavit, Rev. Ruhnke)

I think it is, to use a term coined by Harry Stack Sullivan, a matter of "selective inattention," i.e. a purposeful failure to take note of, effectively, something disturbing or undesired, in

this case Jane's organic brain syndrome.

It is probably appropriate at this point to leave the examination of some aspects of the tape of the March 20, 1986 session. The tape provides a lot of data and confirms the impression I had formed in recent weeks that a quite advanced stage of Dementia was present in March 1986 and earlier than that. I have no doubt now that no power of attorney should have been sworn. Mrs. Duchene's impaired cognitive functions--thinking, understanding, judging, remembering, were together with an emotional and characterological dilapidation more than enough to render her incapable of understanding or knowing the significant issues in her life. The multiple loss of normal functions would preclude her handling her affairs in an intelligent responsible way. She was confused as to what money she had and where it was. When informed she could not remember. The appropriate disposition of her estate and realistic appreciation of who was deserving of inheriting anything of her estate were gravely warped by persecutory delusions focused on her daughter and fostered in a malignant way by Roger and Bessie Krause. The egregious contributions to a disgusting perversion of the purposes of the Statute by Mr. Reichstadt and his associate Detective Batzel speak for themselves.

There was an obvious clinical condition demanding diagnosis in this patient. Metastases of cancer to the brain are a matter of clinical importance. The signs of organic brain syndrome in any of its forms are of signal importance when legal and fiscal

problems are present or can be introduced.

At the time Miss Duchene first called me, very soon after the 10:00 p.m. intrusion of the social worker, police officer, the uncle and aunt, informing her she was accused of a series of abuses of Jane Duchene, it seemed evident her mother was mentally ill. Miss Duchene described symptoms suggestive of organic brain disorder manifestly present at that time.

I advised obtaining psychiatric, psychological and neurological consultation as soon as was feasible. I told her of my rough impression that this may well be an organic problem. Some months later that impression was a diagnosed reality after the neurologist, Dr. Dahlquist, and the psychologist, Dr. Jon Boller, submitted reports. The autopsy grimly confirmed it. I am convinced this pitiful woman was incompetent on March 20, 1986.

However, a number of people professional and otherwise have stated contrary opinions. No one, however, until Drs. Dahlquist and Boller examined her and actively examined her mental status producing convincing data leading to a diagnosis. Opinions alone won't do without adding evidence.

It is the task of the clinician to examine and identify the major deficits and assets in a patient. The Clinical observations can be conveyed to the Court where legal competency or lack of it is determined by appropriate judicial decision with or without information obtained from clinical study. As stated previously the data I have read refers to some opinions allegedly offered by others as to the competency or lack of competency of

the deceased. It seems crucial to have data presented to competent authority, i.e. the appropriate court or courts, data that would be of genuine value to the Court in arriving at a decision as to Mrs. Jane Duchene's state of mind on March 20, 1986. This is not the only time Ms. Duchene's mental condition is a serious issue. Psychiatric disorder was present months earlier there is an unequivocal history of dementia noted from the late summer of 1985 on. It affected her thinking and judgment adversely rendering her more vulnerable to people and events. Her deficiencies in part led to the events of March 20 when a Pandora's Box of troubles was opened by Batzel, Reichstadt in concert with Roger and Bessie Krause aided by Dennis Briquet.

The troubles alluded to are those afflicting Mary Jane Duchene who consulted me by phone late in March 1986. Months later there was an interview of over two hours in my office here in Maryland. In preparation for writing a report I received and studied a phenomenal amount of data, since March 1986, most in written form but some verbally in phone calls made from England, Denmark and the United States by Ms. Duchene. The material is really diverse, e.g. medical records, affidavits, letters, copies of letters and the tape of Mrs. Jane Duchene's encounter with Detective Batzel, Social Worker Reichstadt, and Robger and Bessie Krause collectively on March 20, 1986. There are documents from local government e.g. the Vulnerable Adult File, correspondence with the Dakota County Attorney's Office and other offices and organizations. Medical and hospital records are included.

The tape has one aspect not mentioned previously. There are several periods when the interview is not heard but a mechanical sort of noise or "roar" is audible instead. I do not know the nature of this noise or its relation to those 22 minutes. The talking may have been suspended during these interruptions. Talk may have continued and been obliterated from the record by the noise, however caused, and audible in place of either silence or voices. It is possible these short segments of noise were imposed after the interview to obliterate unwanted content. It is possible that random mechanical defect is involved. This could be a matter for expert opinion if the tape became critical evidence in hypothetical future legal developments. In fact it is critical evidence now. In my view the tap should be examined by an expert to see if further information can be obtained.

The data considered thus far has been largely cross sectional, i.e. covering more recent events, especially aspects of the patient's terminal illness, death and some matters subsequent to her death up to the present. There is a longitudinal plane, going back in time, with data about Jane Duchene's earlier life history, e.g. early family photographs, affidavits from elderly friends of Mary Jane's parents concerning earlier periods in the lives of Jane Duchene, her husband and daughter. There are a number of affidavits sworn by old friends of this family as well as others whose relations with one or other or all of the 3 people Jane, her husband George and Mary Jane are of more recent origin.

Miss Duchene is an energetic collector of information and has shown herself to be very thorough, perspicacious and at times brilliant in thinking of potential sources of illumination of things that have happened, or been done. I have experienced her as a highly intelligent and unusually reliable, honest informant. She is a person of seemingly strong and healthy character. She manifests considerable tenacity and courage in the face of the enmity shown her. She is a principled disciplined person with a strong sense of moral sense. Over the months of accumulating information and developing understanding of the situation. It has become quite clear that Mary Jane in no way merited the savage defamatory and punitive treatment meted out to her by vicious relatives and officials whose conduct appears to start them as incompetent or worse. The cruelty inherent in acts of commission and omission by governmental employes and others is really shocking.

One of the strong motivations she has for opposing and exposing what has been and is being done to her is her awareness that the manipulation or corruption of a Statute has succeeded, doing her irreparable damage. She believes that thus far what has been done to her has been officially sanctioned, in this case by the office of the county attorney. She thinks beyond her specific situation seeing it as quite possibly a more general issue, i.e. if the law can malfunction against her it can against others. She thinks that it may well have, in an organized clandestine form for criminal ends. She believes she has a duty to

oppose a cover up and expose a dangerous abuse of the Vulnerable Abuse Statute. There is no posturing or rationalization about this motivation as she is quite aware she is fighting for her own rights and interests.

In trying to evoke interest or obtain help from responsible authorities she has encountered a rather frugal orientation. This is important, if she is the victim of corrupt application of a humanitarian statute. If there is reluctance to give serious consideration to this woman's case, people have their reasons for avoidannce. In that there are implications that more than this solitary case may be involved it seems appropriate to speculate on reluctance to involvement in an objective review of this case. From my personal experience the following elements seemed to contributing to resistance to involvement.

1. Personality Factors.

It has seemed to me that Miss Duchene has presented the problem at times in ways likely to arouse negative feelings. There has been a tendency to deluge those approached with information. There is at times a certain impatience with others not threat. There is at times a certain impatience with others not grasping her position readily or agreeing to become involved. Unfortunately she can progress from an informing attitude to one of hauteur and criticism. Suggesting that people lack the moral development their role and function implies is not conducive to an objective dispassionate view of what she has to say. While impatience and strong needs to obtain recognition of the issues

are understandable, their expression in terms that elicit anxiety, feel like personal attack, recrimination or threat lead to avoidance in one way or another. I think Mary Jane is a cooperative and fair-minded person but needs to be treated in similar fashion. In the light of all she has endured and the apparent absence of decent responsiveness, to say nothing of legally ethically and morally appropriate measures to rectify really dreadful wrongs, it is surprising that Miss Duchene appears as patient contained and healthy as she is.

2. Improbability

This case is extraordinary to the point of seeming incredible. It is difficult to believe in a full sense that such things have happened. It is hard to believe the evidence, people don't want to believe it, and try to avoid involvement.

3. Revulsion

A closely-allied element are the visious, hideous, profoundly unpleasant qualities of this affair. There is an ugly association to grave robbing, or the famous Burke and Hare case in Edinburgh in the 19th century. It is an extremely unpleasant case, if carefully and honestly considered. This young woman is summoned home and comes readily enough. She is almost immediately declared a monster, terrifying her mother and acting the tyrant, imprisoning and starving the pathetic, helpless mother who is dying of cancer. Her aunt, for instance can be heard on the tape of March 20th declaring in vehement tones her conviction that her niece was guilty of evil deeds, lying, laziness and

sloth. Aunt Bessie repeated similar defamations to a witness a little later that evening (see affidavit Mrs. Judy Melander). Mary Jane is despicable enough to be exporting her mother's money to a foreign land where she usually lives, and will leave her mother to die homeless and penniless. This dreadful scenario is seriously advanced as the real Mary Jane. Whether credence is given to this poisonous nonsense or not, the thing is repellent and aversion a natural response. Who wants to get involved with anything so ghastly as anyone like that, or character assassins capable of laying these lies on another human?

The legislature passed a bill providing protection against various forms of abuse suffered by vulnerable adults. Those responsible for writing the bill and passing it into law demonstrated awareness of a national problem of growing dimensions as the number of aged and disabled adults increase in the population. The legislators wished to provide effective protection and help for the vulnerable when abuses occurred. It is unfortunately true that the vulnerable, the weak and defenseless are often the objects of psychological and/or physical cruelty, not only that inflicted by individuals but also the cruelty and callousness to injury inflicted by bureaucracies and their employees and officials. Individual instances of abuse such as physical assaults with identifiable injury to the victim, gross neglect, sexual abuse, depredations such as outright theft or more veiled forms of cheating and misappropriating the victim's money or possessions may be susceptible of proof if careful investigation

of reports leads to substantial evidence that will stand up in court. The abuse inflicted by bureaucracies, governmental or private is usually more difficult to identify. When cruel treatment emerges from the activities of buck-passing, "bureaucratic", officials and other employees it is much more difficult to identify. Negligent or sadistic, corrupt employees or officeholders can hide behind laws and regulations obscuring individual responsibility. The personal "I" was used when taking responsibility becomes "we", "they", "the regulations", "the rules", "the government", "the corporation", "the state" or "the law. Hiding behind these camouflages, coupled with poor supervision and lack of accountability and out right lying.

Officialdom provides a respectable facade and a nearly impregnable defense. Power, political and otherwise is on bureaucracy's side, might appears right, or has the power to appear right because its resources are far greater than those of the individual. Power without accountability occurs and can lead to atrocities. "Power tends to corrupt, and absolute power corrupts absolutely" (Lord Acton, Historical Essays and Studies, Appendix). We are almost all aware of such potential dangers. It makes us uneasy to face the fact we need to be wary of those governing our lives or administering our laws. Democracy is not automatically self-perpetuating and it is a painful fact that by departures from respect for individual rights can lead to the infliction of oppression characteristic of totalitarian regimes. I think recognition of such abuses close to home frightens most