

people. There is a strong tendency to avoid dwelling on instances that come to a person's attention, to forget them.

To return to the Vulnerable Adult although it is well known that such persons are neglected or actively assaulted in institutions such as nursing homes, or in private residences with their families, there has been relatively little attention paid to this evil.

It hurts us to realize such things are happening and it may awaken guilt about real or imagined inadequacies in our own treatment of vulnerable relatives or others. Over the last decade or two child abuse, always with us, has been rediscovered in a public sense with much media coverage and some growth in the facilities and services for identifying treating and expanding research to enhance our ability to help victims and deal appropriately with offenders.

Abuse of vulnerable adults has not received the recognition abuse of children has nor generated as much effort to identify and alleviate such problems. I am not sure why this should be. Children can be seen as victims more readily, and as more pathetic helpless ones. Perhaps it is harder to face the victimization of adults if tendencies to feel guilt about aggressive conflicts are likely to involve hostile, sadistic, destructive fantasies and feelings towards real adults who seem threatening to us or our interests. Some of the anxiety and tension manifest in social situations or work situations where competitive or ambitious strivings are strong is occasioned by negative hostile

sadistic feelings which may be conscious or unconscious. There is another possible source of guilt in dealing with vulnerable people. That is the instigations to sadistic aggressions that vulnerability is to some people with sadistic trends. A sadist "needs" a victim, a suffering person or someone vulnerable to sadism. Such people may be disturbed by sadistic fantasies the weakness of the vulnerable may instigate. Whatever it may be in each individual people tend to avoid anxiety guilt or other distress in general. So if abuse of adults evokes such conflict, avoidance of such subjects and people will occur. Such conflicts can be a source of distress if aggression against adults comes to attention. We try to avoid such pain.

The Minnesota Statute confronts the issues squarely and sets an example for states lacking adequate legal safeguards for vulnerable adults. With the law in effect, personnel in place to implement the law judiciously, skillfully and fairly, by careful evaluation of accusations and reports of abuse, followed by appropriate measures, under the statute; with investigators from two branches of local government, human services and the police under the County Attorney's direction, most people probably feel relieved of concern and assured that a good law is protecting the weak and exploitable. To be told that, in at least one instance, that is not happening, that false accusations and malicious gossip have been grasped and misused in a sordid manipulation of the law to try to cheat the only child and heir of a woman dying of terminal cancer out of her rightful inheritance,

rudely shakes confidence that all is well. We do not welcome bad news or the bearer of it and try to avoid such displeasure. To be shown or offered data suggesting that the investigators empowered to implement the Vulnerable Adult Statute have misused their investigative capacities and have used them dishonestly to smear and destroy the reputation of an innocent person subjected to malevolent accusations is at first blush very difficult to believe. It seems incredible. It makes for anxiety and anger, threatening our personal reliance on the protection to the laws. It is hard to accept that the law is malfunctioning and has spawned another abuse, i.e. false and public identification of an innocent person as a perpetrator of abuses on her dying mother.

In this case the news certainly is bad. There is defamation of character assassination of an innocent person. There is appallingly incompetent investigation. There is shabby misuse of the investigative process to allow access of a predatory relative to a not inconsiderable estate. A mentally ill woman, delusional and deteriorated intellectually is manipulated while manifestly incompetent to commit a monumental error of judgement. The relative appropriates as much of the estate as he can get his hands on and tries for more. The woman falsely considered a perpetrator of abuse is left with this charge hanging over her. No redress or relief is forthcoming from the county attorney's office that sanctioned misuse of the statute and has shown no inclination to function responsibly. The emotional damage done is incalculable and could lead to post-traumatic psychiatric

disorder in the misused person. The estate is in chaos. Jewelry has disappeared or been stolen. It is incredible and sickening news, but it happened and continues to be very bad news. As to the state of the laws in the county involved. Not only such character assassination is reported here but it's purpose appears to be corrupt interference with and invasion of a considerable estate held jointly by the allegedly abused and alleged abuser has resulted in dissipation of funds and improper acquisition of control of funds by an avaricious, corrupt relative.

This shocking information arouses resistance and hostility. The hostility is readily directed at the bearer of bad news in this case Mary Jane, the victim of vicious and ruthless utilization of the law. I have already outlined the mode of operation used to rob this young woman, by pseudo-legal manipulation of a power of attorney enabling a grasping relative to devastate an estate, grab control of funds and bring about a current situation in which the estate is being eaten up in litigation. This dreadful state of affairs is a direct consequence of despicable and cruel misuse of the Vulnerable Adult Statute invested in an investigator's role. The social worker and the police officer responsible for investigating this case have clearly collaborated in corrupt and I think criminal ways with each other and with greedy, dishonest relatives of the accused and of the alleged victim. There are more than hints of involvement of yet another conspirator, a nurse whose known involvement with this case becomes more suspect by her refusal to produce clinical records

as required by a recent court order. That these sordid happenings were occurring to and about a terminally ill woman whose lung cancer had metastasized to her brain and who was manifestly incompetent and unable to manage her affairs adds a further dimension of horror to the total picture.

Initially one's mind rejects this data. It is so discordant with a basic assumption that our laws are in safe hands and that by and large they protect us and are not used to destroy innocent people.

Most people would react with skepticism, at the very least, to this improbable story. To accept that a conspiracy to gain access to a vulnerable person's assets or estate by character assassination of the heir through misuse of the law by government employees means to accept that the government is somehow allowing the law to be used for evil ends. If the data offered indicated this is the case, resistance to having such frightful news become real means knowing that revolting and cruel criminal acts have been perpetrated by people occupying positions of trust. Because of the continuing danger to others it means that something must be done to expose and remove this evil.

That is, if a person knows this is a reality there is moral obligation to pass such information on to proper authority or act against the offenders directly. It cannot be absorbed and nothing done.

It is my speculation that this ugly conclusion will be reached by any responsible person who will incorporate the available infor-

mation which once internalized necessitates responsible action. Making the facts available means serious trouble, a profoundly upsetting public scandal one that is profoundly embarrassing to local government.

That public outrage would likely follow disclosure that the persons employed to counter abuse of the vulnerable have abused and misused their positions to abuse victims themselves is offered as casual in the curious "hands off" sort of avoidance of dealing in any explicit, decisive way with this complicated, ugly business by any agency concerned with the law or with the conduct of persons involved in this case. When faced with something dangerous or otherwise deeply disturbing, people may exhibit psychological defenses of 4, Denial and Emotional Denial.

In Denial the threat is sufficiently intolerable to the person that the threatening situation is totally denied. There can be a massive failure to perceive the threat at all, or see any meaning or relevance if parts of it are perceived. Emotional Denial is a less massive, less primitive process in which the dangerous reality is taken in intellectually and acknowledged to exist, but the significance of the facts is denied. Some reason or other is found to dismiss the reality, truth and emotional aspect of the undesired knowledge or problem. It is present when a person agrees that certain facts exist but qualifies that acceptance with a "yes-but" and finds a reason to keep the fact from having its real significance or emotional impact recognized. Such defenses may enable people to co-exist with a

threat or a problem needing action, and avoid doing what needs to be done to resolve the problem.

5. Fear

When a situation exists that involves real dangers, fear is of course a normal response. Its function is to mobilize action to neutralize the instigation to fear or to avoid the danger. With some people fear does not promote adaptive activity to cope with danger. Panicky, irrational decisions or actions may result. "Don't just stand there, do something" etc. Often people are paralyzed by fear, afraid to act for fear of making dangerous errors, or enemies, of becoming involved or exposed to more danger. This can account for much official inaction.

As I understand it, the Dakota County Attorney's Office has supervisory responsibility for implementation of the Vulnerable Adult legislation in the county.

There was some communication between that office and at least one of the investigators, the social worker, I believe on the evening of March 20, 1986. The social worker reported to a county attorney what was taking place or had taken place at and after the sole investigative interview the police officer had with the vulnerable adult. (He did not interview the alleged abusing daughter at all.) As noted previously the interview of Mrs. Jane Duchene is more an operation to obtain control of the vulnerable adult's money by the owman's brother, and to establish a picture of the daughter as a vicious, ruthless, callous crook. A semblance of legality was effected by the egregious intrusion

of another attorney, Dennis Briquet, whose contribution was devastating to the two women's finances and who I believe remains a feature of the fiscal waste and wreckage he was largely responsible for creating. The self-serving aggression of this person is in inverse proportion to his pronounced lack of decency, ethical standards or sense of propriety. His declarations as to his "client's" competency stamp him as a witting or unwitting liar. He was foisted on the confused compliant, terminally ill woman by Detective Batzel who just told her she was to hire Briquet on March 20, 1986. It is curious that he remains actively involved in view of the dubious legality of his conduct then and since. I understand he is still abusively interfering with Miss Duchene's financial affairs. The continuation of this sort of thing and the failure of the responsible legal agency, the Dakota County Attorney's Office to manifest real recognition of the abuse of the Vulnerable Adult Statute by Reichstadt, Batzel, Briquet and the Krauses appears to require an explanation which has not been made as yet.

All the traumatic attacks on and abuse of Mary Jane Duchene, the slander of her and the evil manipulation of her dying and demented mother, the wretched financial havoc wrought and the continuing wastage of Ms. Duchene's funds in litigation--all this has gone on and continues under the legal authority of the Dakota County Attorney to the extent that office has been directly involved in the probate of a purported will?

The Office of the Dakota County Attorney apparently condoned

or approved the misconduct manifest on the tape of 22 minutes of the "interview" of March 20, 1986. The vicious and malevolent accusations against Mary Jane Duchene which were ridiculous and should have been explicitly recognized as such were presumably known to be false very soon after March 20, 1986.

Miss Duchene was not informed that investigation of her alleged abusive conduct had been concluded until August 1987 when Mr. Reichstadt in being deposed revealed that investigation had been negative months before. This failure to inform her seem incredibly cruel and the lack of assurance that a person is cleared of allegations and informed, does not speak well for investigators, or the County Attorney.

The Dakota County Attorney and assistant county attorneys know, or should know, that Miss Duchene was the subject of false and malevolent accusations of abusing her dying mother. They could hardly escape learning the false and base nature of this venomous rubbish, nor the way in which accusations were made and used to exploit the brain dmanaged Mrs. Jane Duchene in the dreadful interview of March 20, 1986. Reichstadt reports he phoned and got approval from a county attorney of these goings on that night. The County Attorney or Assistant County Attorney should have known not only that Miss Duchene had been slandered, a gross trauma, but that her mother had been manipulated in a dying and at the very best dubiously competent mental condition. In point of fact she was clearly confused, amnesic, incoherent and delusional in the interview, in no condition to make deci-

sions at all. Yet rather than see the statutory requirements followed--I believe guardianship was called for--Mr. Briguet's effrontery in intruding in the case and bringing about a change to another person of a power of attorney sworn that day to the daughter, was accepted and has been permitted to remain in force by the County Attorney.

Mrs. Duchene was in no condition to make out a power of attorney to anyone on March 20. She was submissive and compliant with Detective Batzel's instructions to the extent she could grasp what he wanted and to the degree he voiced notions that reflected her delusions. She submitted to and agreed with Batzel in much the way she reported thinking she did with Mary Jane. (Miss Duchene, who has studied the tape of Batzel's interview likened her mother then and the other people's treatment of her to a rag doll. It is an apt image. The passive brain-damaged woman who did not initiate events but could be bent or twisted or thrown about at will by others, adopted the postures Batzel imposed on her without really grasping or appreciating what she was doing or why. Batzel was rather crudely focused, in detail, on what money she had and where it was, together with the effort to enable Roger Krause to get his hands on the money and control the mother's interest in funds in joint accounts with the daughter. He did not conceal his disinterest in Mrs. Duchene's thoughts. The investigators' conduct and reports should have reeked of irregularity to the County Attorney. These fiscal moves are I understand, not in accord with statutory require-