ANNALS OF CRIME JANUARY 14, 2013 ISSUE

THE SCIENCE OF SEX ABUSE

Is it right to imprison people for heinous crimes they have not yet committed?

By Rachel Aviv

With civil commitment, child-pornography offenders can be imprisoned indefinitely, lest they molest children when released.

On a Saturday night in the summer of 1998, an undercover officer logged in to a child-pornography chat room using the screen name Indy-Girl. Within minutes, a user named John introduced himself and asked her, "Are you into real life or just fantasy?" Indy-Girl said that because of the "legality of it" she had never acted on her fantasies. But she soon revealed an adventurous spirit. She was a bisexual college sophomore, she said, and had learned about sex at an early age. "My mother is very European," she explained.

John, a thirty-one-year-old soldier stationed in Fort Campbell, Kentucky, had been using the Internet for less than a year. He began downloading child pornography after watching a television special about how Internet child porn had become epidemic. He hadn't realized that it existed. In the five months since he'd seen the show, he had downloaded more than two thousand images from child-pornography news groups. In the anonymous chat rooms, he felt free to adopt a persona repugnant to society. He told Indy-Girl that he was a "real-life pedophile," adding, "At least here I can come out and admit it."

"What's the kinkiest you've done?" Indy-Girl asked. John said he'd had sex with a ten-year-old while her parents were skiing, and with a fourteen-year-old at a night club in Germany. Indy-Girl recognized that she was too old for him, which was "depressing,"

but she offered that her little sister liked older men. “Maybe you could intro me,” John wrote. “We could meet somewhere discreet.”

John had been in the Army for eight years, serving in Desert Storm and Bosnia, and had graduated from Penn State with a degree in history. He was thinking of leaving the service, in part because he felt picked on by other soldiers. He had been commended for having a memory for technical details, but he was also nervous, nerdy, and eager to please. At all stages of his life, he had been afflicted with the sense that he was just a “wannabe.”

Unlike other people John met online, Indy-Girl seemed to like him. After a week of conversations, she asked John if he was “r/l” (real life) about the meeting, and when he said that he was she sent him a soft-focus digital image of a girl who she said was her fourteen-year-old sister. “Now don’t be mean when you see it,” she warned. “She still has some of her baby fat, she’s kinda embarrassed.” Undeterred, John described how the three of them would enjoy one another’s company: they could have sex in the shower or in a field of flowers. He encouraged Indy-Girl to “talk dirty” and “let your imagination go wild,” but she cut him off, explaining, “I’m not the cyber type.”

She preferred to discuss the logistics of their meeting, a subject that John approached hesitantly. During the following week, Indy-Girl repeatedly expressed concern that John was avoiding her: "You're usually so fun to chat with . . . and now . . . I feel like just . . . blaaaahhh." She apologized for getting "a bit too gabby" and for "being so weird" and "reading into things." John said it wasn't her—he worked long hours and was tired. He also admitted that he wanted a relationship more than he wanted sex. He hoped to find someone who "could accept me the way I am." "Give it a chance," Indy-Girl encouraged. "If you like her . . . and she likes you . . . things will work out." She added, "It's not like she's gonna die if you don't."

They decided to meet at a park in Elizabethtown, Kentucky, where they could have a picnic or go boating on the lake. Two weeks after their first conversation, John drove three hours to the appointed meeting spot. He brought lacy undergarments in his briefcase. The Military Police Investigations unit, working with the F.B.I., had recruited two young officers to play the roles of the two sisters. They arrived early, spread a blanket on the grass, and waved at John, who was sitting at a picnic table, writing in his journal.

An athletic man with light-brown hair and green eyes, John slowly walked over to the girls, who were playing with a beach ball. He offered them sodas, and they chatted about what they liked to drink—Indy-Girl said she preferred beer—and about how long the drive had taken. It was a "normal conversation," one of the cops later wrote, until John "saw the agents approaching him, and he began backing away." A plainclothes officer whom John had seen standing by the lake, holding a fishing pole and a tackle box, shouted at him to put his hands behind his back.

John waived his right to a lawyer, hoping to end the humiliation quickly. (His mother, for the sake of John's two younger brothers, has asked that I not use the family's last name.) In an interview with the agents, John confessed that he frequently downloaded child pornography, storing it on his hard drive in a folder labelled "2Young." He was sexually attracted to the girls in the photographs, he admitted, but he had never had sexual contact with anyone below the age of eighteen. He insisted that he had invented his sexual exploits to impress Indy-Girl. According to an F.B.I. report summarizing the interview, "Everything that he said on the Internet was a lie."

John pleaded guilty to possessing child pornography and to using the Internet to persuade a minor to have sex, and was sentenced to fifty-three months in federal prison—a relatively light sentence by today's standards. In the past fifteen years, sentences for possession or distribution of child pornography—a federal crime, since images cross state lines—have increased in length by more than five hundred per cent. The average sentence is now a hundred and nineteen months, which is about the same as the average punishment for a physical sex crime.

Child pornography didn't become a priority for federal law enforcement until the mid-nineties, when the Internet, offering a fun-house reflection of the spectrum of human sexuality, exposed a previously invisible population of pedophiles. Chat rooms have spawned an underground subculture in which social status is based on comprehensive libraries of images. Many users consider themselves "collectors," trading pictures until they assemble sets that feature certain children, stars on the Internet, being sexually abused over time.

In a study of child pornography, the historian Philip Jenkins, of Penn State, found that chat rooms foster a kind of "bandit culture." Self-described "Loli fans" see themselves as part of a subversive fraternity, unified by the pursuit of forbidden pleasures. There is a hierarchy of users: newbies, lurkers, traders, and, at the top, the pornographers themselves—"kings of the rooms," as John told me. He said that the most sought-after images were new and made in America, and showed interracial couplings. The more taboos broken, the better. Members reinforced one another's desires, engaging in communal rationalization. "We'd pull at evidence from the dawn of photography to prove that child sexuality was once acceptable," John said. "Then we could say, 'See, it's society—not me!' "

When U.S. obscenity laws were first relaxed, in the fifties, no special stipulations were made for photographs of minors. "If the First Amendment means anything," the Supreme Court wrote in 1969, "it means that a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch." But, by 1982, the public seemed to have discovered child sex abuse, both its trauma and its prevalence. The Supreme Court made child pornography an exception to the First

Amendment, since "a child has been physically or psychologically harmed in the production of the work."

Early efforts to suppress the American child-porn trade—a small network of adult bookstores and mail-order services—were so successful that within a decade the market was all but nonexistent. But the Internet undid those achievements. Controlling the flow of images is nearly impossible, because pornography is posted online from other nations, which have different definitions of who is a child and what is obscene. In arguing for harsher penalties for viewing child pornography, lawmakers have tended to conflate the desire to view photographs (a crime that can be detected by tracing a computer's I.P. address) with actual sex abuse, which is notoriously difficult to prosecute, since young victims are easily silenced. In 2002, the chief of the F.B.I.'s Crimes Against Children Unit told the House Subcommittee on Crime, Terrorism, and Homeland Security that the online pornography trade had created a "vast network of like-minded people, who believe it is acceptable to engage in sexual fantasies about children, thus lowering their inhibitions . . . and increasing the likelihood that they will actually molest children."

Child-pornography sentencing laws have been passed rapidly, with little debate; it's nearly impossible, politically, to object to harsh punishments for perverts. Melissa Hamilton, a law professor at the University of Houston Law Center, told me that lawmakers have treated pornography possession as if it were an "inchoate crime." She said, "It has become a kind of proxy—a way to incapacitate men who we fear have already molested someone, or will in the future."

"And exhale."

In prison, the only friends John made were other child-pornography convicts. "We picked each other out like black beans in a pile of rice," he told me. He adjusted poorly, feeling overwhelmed by a sense of failure. "I was supposed to be the successful child," he told a prison psychologist. In therapy, he refused to share intimate details. "When asked to describe adult relationships with women," the psychologist wrote, "he appeared to be making up details of these as he spoke." On the Internet, John said, "I can be whoever I want to be."

John's father, an engineer, said that he would have disowned his son if he had been the one "standing behind the camera, taking the pictures." But he forgave him for "acting like a schmuck." In 2003, after completing his prison term, John moved into his parents' suburban home and began a three-year term of probation; he was not allowed to use the Internet or to go places where children congregate. He got a job at a bakery but chafed under his legal restrictions, complaining to his case manager, "I am not allowed to use my skills." (After his arrest, he had been "other than honorably" discharged from the Army.) To comply with the terms of his probation, his parents put their computers in one room of the house and padlocked the door.

John's mother was a member of the local Day Lily Club, and spent much of her free time in her garden, where she had seven hundred and fifty varieties of lilies, whose growth she documented in scrapbooks. Warm and self-deprecating, she said that she identified with John's tendency to become compulsively immersed in his hobbies. He'd spent long periods of his life absorbed in role-playing games, like Dungeons & Dragons—he became so caught up in this world that he nearly flunked out of college—and the Society for Creative Anachronism, a club that reënacts aspects of medieval culture. His mother believed that John might have ignored Indy-Girl if only he'd been less "prone to fantasy."

John's imagined sexual encounters had always surpassed his real ones. The first time he saw nude models was in middle school, when he discovered a copy of *Playboy* belonging to his father. He was surprised and disappointed that the models weren't his age. By twelfth grade, he noticed that the girls at school whom he found most attractive were freshmen. But his desires seemed academic, his classmates having nicknamed him Fungus. "If anything, girls wanted me to be their friend—never their boyfriend," he said. When male classmates boasted about their sexual escapades, John made up his own. He paid for the majority of his sexual encounters; he lost his virginity at the age of nineteen to a prostitute at a twenty-four-hour health spa, he said. Pornography became an outlet for assuming an invented role. "You pick exactly which girl you want, when you want her—you control everything," he said. "It was pure pleasure without the stuff of reality."

During John's first year out of prison, his parents were confident that he was "straightening out." He, too, felt that he was on track to acquire the "trappings of success: a wife, a house, children, a beautiful garden." Then the conditions of his supervised release were loosened, permitting him access to the Internet. "It filled some deep hole in me that I didn't even know existed," he said. He visited online forums devoted to medieval culture and war games, and began downloading adult pornography. His downloads became increasingly explicit, but the procession of submissive young females proved monotonous, and he found himself looking on a news group called Youth and Beauty for images that were more extreme. John couldn't quite get himself to believe that he would ever get caught. Crossing the boundary was part of the "mystique," he said.

When he received a letter from Gary, another child-pornography ex-convict, he said, he "fell right back into it." He wrote to Gary about new software that would enable them to view child pornography safely, and marvelled at porn titles as if they were collector's items. In a chummy, rebellious tone, he assured Gary that when their probation terms were over they would cross the border into Mexico and pick up a young brunette or fly to Cambodia and make some "homemade product."

During a routine home visit, John's probation officer spotted questionable images on his computer, and sent the machine to the F.B.I. for a forensic analysis, which revealed twenty images of underage females. Two months later, the letters to Gary were discovered. John pleaded guilty to viewing illicit images and to failing to obtain authorization from his probation officer to have unsupervised contact with his five-year-old niece. (An investigation found no indication that he had behaved improperly toward the child.) At his probation-violation hearing, in 2005, John was sentenced to two more years in prison. In his testimony, he described pornography as an addiction. "I really don't have enough control over it," he told the judge. "I would like to figure out how to make it stop, I really would. I just don't know how to do it yet."

John had been back in prison for a year when, in 2006, Congress passed the Adam Walsh Child Protection and Safety Act, which its sponsor described as the "most comprehensive child crimes and protection bill in our Nation's history." It allows the federal Bureau of Prisons to keep inmates in prison past their release date if it appears

that they'll have "serious difficulty in refraining from sexually violent conduct or child molestation if released." Their extended confinement is achieved through civil commitment, a legal procedure more often used to hospitalize patients who have severe mental illness, usually bipolar disorder or schizophrenia. The law is named after Adam Walsh, a seven-year-old boy who was kidnapped at a mall and decapitated. (His father went on to host "America's Most Wanted.") Since the nineties, twenty states have passed similar statutes, known as sexually-violent-predator laws, for offenders who suffer from "volitional impairment"—a legal term that does not correspond to any medical diagnosis. The laws have been passed in the wake of gruesome, highly publicized sexual abductions and murders by men who repeatedly preyed on strangers. The crime is statistically rare—most molestation is committed by family members or friends—but, for nearly a century, has loomed large in the public psyche. One of the first films about a sex offender, Fritz Lang's "M," from 1931, dramatized the plight of this insidious type. "I can't help myself!" the killer cries. "I have no control over this—this evil thing inside of me."

According to the largest study of released prisoners, conducted by the Bureau of Justice, the re-arrest rate for sex offenders is lower than that for perpetrators of any violent crime except murder. But the notion that sex offenders have a unique lack of self-control has been repeated so frequently that it has come to feel like common sense. In 1997, the Supreme Court ruled that sexually-violent-predator state laws are constitutional, because they adhere to the medical model of commitment, by which patients who pose a danger to themselves or others can be prevented from leaving a hospital. To be detained, inmates must have a psychiatric illness or "mental abnormality"—typically sexual in nature—that renders them out of control.

As John's release date approached, his records were examined by the newly established Certification Review Panel, a board of prison psychologists tasked with deciding which prisoners to detain. The panel determined that John had many risk factors: he "self-identified as a 'pedophile,' " evinced a "level of deviant preoccupation," and had "never been married, thus he may have difficulty developing appropriate, intimate relationships with adults." John was transferred from a penitentiary in Pennsylvania to a medical prison in Devens, Massachusetts, for a psychological evaluation. The therapist, Monica Ferraro, wrote that John showed no signs of a thought or mood disorder, though his

manner was "inappropriate to content." At times, he laughed at the idea of civil commitment. At other points, he became visibly angry, saying that he was being subjected to "double jeopardy" and would prefer to be executed.

Ferraro gave John a diagnosis of pedophilia, which he discussed candidly during the evaluation. He admitted that he was attracted to kids "hitting puberty," and said that he was unsettled by the realization that all of his sexual partners, the majority of them prostitutes, had been petite, with small breasts. Even when viewing adult pornography, he said, he would "de-age" the models in his mind.

Child-pornography chat rooms had become a "self-reinforcing community," he explained. At first, people in the chat rooms had ignored him or accused him of being a cop. He made up stories about abusing children, because "no one wanted to talk." When Ferraro asked him about his own pornography—during his first prison term, he'd sketched pictures of a man having sex with a young girl—he said that he'd felt isolated and had justified the pictures by telling himself, "This isn't really bad, it's just drawings."

"At best, it was a fragile coalition."

When relying only on clinical interviews, mental-health professionals predict dangerous behavior at a rate not much better than chance. To determine John's risk of committing a new sex crime, Ferraro used an actuarial instrument, the Static-99, and concluded that John was in the "high range of risk." The tool—which was developed through studies of rapists and child molesters, not Internet-pornography offenders—places individuals in classes of risk based on ten factors correlated with recidivism, including age, whether the defendant has ever had a live-in relationship that lasted at least two years, and whether his victims were strangers. (The two undercover cops were considered to be John's victims.) The demand for ways of predicting future criminal behavior has spawned a cottage industry of actuarial instruments, which predict sexual violence about as well as the S.A.T. forecasts freshman grades. Neither correlation is particularly strong. But the instruments confer a stamp of scientific precision on a judgment that psychologists have proved ill-equipped to make.

In early 2007, the Certification Review Panel, after considering Ferraro's report, concluded that John was a "sexually dangerous person." The decision was made without a legal hearing. Two weeks before his scheduled release, John was told that he would remain in prison until his civil-commitment trial, which would be his first opportunity to challenge the panel's decision. He became so distraught that he had to be escorted to a psychologist's office, where he said that he was "ready to curl up in a ball in a corner." The therapist ran through the standard list of questions, asking John if he had delusions or hallucinations or wanted to kill himself. He said no to all of them and shouted, "I want to live! I want to get out of here! I want to go home!" He said that he couldn't control the fact that he was attracted to underage girls, but he knew that he could not act on it. He told the psychologist that he felt morally persecuted, as if he were "wearing a scarlet letter."

Three days later, unable to reach his parents to tell them that he couldn't come home, John cried for much of his therapy appointment. "He presented somewhat dramatically," the therapist observed. "His speech was difficult to interrupt, and he frequently raised his voice when stating, 'And all for a crime I have not yet committed.' "

During the past fifteen years, the American Psychiatric Association has repeatedly objected to the civil commitment of sex offenders. In 1999, a task force created by the organization wrote that "confinement without a reasonable prospect of beneficial treatment of the underlying disorder is nothing more than preventative detention." Six years later, another task-force report asserted that the laws represent a "serious assault on the integrity of psychiatry."

The science of perversion is decades behind the rest of the field. The diagnostic criteria for sexual disorders were tested on only three patients before being added to the *Diagnostic and Statistical Manual of Mental Disorders,* in 1980. No field trials have since been conducted. Most offenders labelled "sexually dangerous" receive a diagnosis of pedophilia, sadism, exhibitionism, fetishism, hebephilia (attraction to pubescents), or "not otherwise specified," a category in the *D.S.M.* reserved for insufficiently studied disorders. Michael First, the editor of the two most recent editions of the *D.S.M.*, told me that there is no scientific research establishing that abnormal desires are any harder

to control than normal ones. "People choose to do bad things all the time," he said. "Psychiatry is being coöpted by the criminal-justice system to solve a problem that is moral, not medical."

Most sex crimes arise not from illness but from opportunism or disdain for other people's feelings and rights, conditions not easily remedied by medicine. Civilly committed offenders find themselves in what First calls "psychiatry's bottomless pit." They aren't released until a court or a treatment provider concludes that they are no longer dangerous, a risky judgment to make, given the stakes involved in a wrong decision. Although outpatient treatment is modestly correlated with reduced recidivism, the efficacy of institution-based treatment has proved difficult to measure. Treatment varies widely—most programs combine cognitive behavioral therapy with lessons about empathy and anger management—and, in most cases, never ends. In Minnesota, which has one of the largest commitment programs, six hundred and seventy inmates work on correcting distorted thoughts about sex (at a cost of a hundred and twenty thousand dollars per person annually), but in eighteen years only one man has been discharged from the program. (The man was released last year, after concluding a course of treatment that began in 1994.) By 2007, roughly forty-five hundred sex offenders had been civilly committed nationwide, and just over ten per cent had been released.

In 2010, the Supreme Court reëxamined sexual-civil-commitment legislation, in *United States v. Comstock*, which was named for Graydon Comstock, the first man detained under the Adam Walsh act. Comstock, who had been convicted of molesting four boys and downloading child pornography, argued that the federal law allowed the government to reach beyond its "enumerated powers," since civil commitment has traditionally been regulated by states. By the time the case was heard, four years after Comstock's criminal sentence had expired, Comstock was sixty-seven and was suffering from heart disease, diabetes, and incontinence. He had twice requested to be castrated, thinking that the operation would help his case, but he was told that it wasn't medically justified. The Court upheld the law, but the details of Comstock's case were never discussed in the courtroom, because the decision was narrowly focussed on the scope of the government's authority. "If a federal prisoner is infected with a communicable disease that threatens others," the Court wrote, "surely it would be 'necessary and

proper' . . . to refuse (at least until the threat diminishes) to release that individual among the general public, where he might infect others."

A third of the men detained under the Adam Walsh act had been convicted of child-pornography crimes. Many had disclosed physical sex crimes to prison psychologists while serving their sentences. (Others had had earlier convictions.) Because the therapeutic disclosures have a bearing on public safety, they are not confidential. Shortly after the passage of the Adam Walsh act, in a memorandum sent to federal public defenders, two lawyers with the National Sentencing Resource Project described therapy as a "trap." They wrote, "No client can safely receive any form of sex offender treatment while in the system."

John waited for his civil-commitment hearings at the Devens prison, and although he had completed his prison term, his daily routine was largely unchanged. He wore the same uniform as other inmates and was subject to the same punishments, schedule, and rules. During a routine shakedown six months after his detainment, guards confiscated an accordion file in his cell containing more than a hundred pages of drawings and notes. A prison psychologist wrote that the papers, "when considered in their totality," suggest that John "believes children are sexual beings who can consent to sex." John appeared to be searching for ways to justify his desires. "Our culture has a fear of (children's) sexuality," he wrote on one page. "Strictly speaking a girl between 13 and 17 is *not* a child," he wrote on another.

On dozens of pages, he listed books, movies, and art featuring child sexuality, including the Kama Sutra, "Lolita," "Taxi Driver," and the photographs of Robert Mapplethorpe, Sally Mann, Jock Sturges, and Lewis Carroll. "Obscene to who?" he wrote. "Community standard (what community?)."

He also listed the traits of the quintessential sex offender: "social loner," "often balding," "overweight or pot belly," "working a job below their academic achievement." Apparently recognizing himself in the description, John jotted down items necessary for his "disguise kit." He would need makeup to alter his skin tone, a wig, colored contact lenses, fake tattoos, and a mustache. On the next page were more notes on how to escape detection: "Don't become predictable, use widely scattered hot spots"; "Try

ultra small flash drives"; "Use proxies (anonymous), wireless? minimal info"; "Avoid uploading—that's how they got ya."

John's civil-commitment hearing began in January, 2011, in a federal district court in Boston, after he had been detained in prison for four years past the end of his sentence. (The long delay was due in part to constitutional challenges to the Adam Walsh act.) The hearing focussed less on what John had done in the past than on what he might do in the future. Psychological experts hired by both the prosecution and the defense agreed that John had pedophilia and would have a hard time avoiding child pornography. Whether this would translate into the sexual abuse of a child was the only significant point of debate.

The case was built on John's own statements—notes and drawings in his cell, his comments to therapists, transcripts of Internet chats, and the letters to Gary—but his sexual history was still impossible to divine. He'd had sex with fifty to two hundred prostitutes, depending on whom he was talking to. It appeared that he'd had one romantic relationship, with an exotic dancer called Dixie Lee Ray, which he described as essentially platonic. Explaining why he'd begun chatting online with pedophiles, he told one of the psychologists who evaluated him, "I joined this subculture just to belong. I don't even know if these were my own fantasies or I was feeding off of these people." He said that he "created a very detailed, elaborate story to be accepted. I created a persona, a character. The more outrageous I could make the story, the more people wanted to talk with me."

"My woman done left me, ran off with my best friend. Well, my woman done left me, said she ran off with my best friend. Details are sketchy at this time, so letâs go to Jennifer Diaz standing by in Washington."

The prosecution's expert, Amy Phenix, a forensic psychologist who makes her living testifying at civil-commitment hearings around the country, maintained that the stories John had told Indy-Girl were true, because they were "consistent with his patterns of sexual arousal." She drew heavily on John's admission at his probation-violation hearing, in 2005, that he did not have "enough control." She said that John had roughly a 24.7-per-cent chance of reoffending within five years, based on her scoring of the Static-99. Phenix co-wrote the coding rules for the Static-99, which has been cross-validated on different samples of sex offenders more than sixty times. She predicted that if John was

released he would "reinforce his deviance" by looking at child pornography, but "ultimately that will be insufficient and he will, in my opinion, then seek out children for sexual activity." She explained, "It's just almost like an accident waiting to happen."

The expert for the defense, Robert Prentky, the director of the program in forensic psychology at Fairleigh Dickinson University, said that he had "absolutely no idea where to draw the line between fantasy and reality." He had evaluated hundreds of sex offenders in Massachusetts and had never seen a man civilly committed at the state level without evidence that he had touched a minor. He could not accept the idea that John would have "serious difficulty refraining from engaging in behavior that he has never engaged in."

Prentky spent much of his testimony commenting on his disillusionment with the field. Since the advent of civil-commitment laws, forensic psychology involving sex offenders has become insular and lucrative—the busiest expert witnesses make half a million dollars a year by testifying at hearings—and new research has focussed largely on methods of predicting risk. Prentky said that when he began his career he assumed that it wouldn't be long before scientists uncovered the origins of pedophilia and developed empirically based treatments. But the field had become increasingly politicized, and the disorder remained a "black box." He said, "It feels to me, sadly, that science at this point obfuscates more than it illuminates."

The hearings lasted seven days, over the course of six months, and the judge's decision did not come for another half year. In a supplemental brief filed several months after the proceedings, the federal prosecutor described the defense's argument—that John was inappropriate for commitment because he had no history of physical sex crimes—as "flawed" and "misplaced." To buttress the claim, he summarized the "Butner Study Redux," a widely cited 2009 study in the *Journal of Family Violence* that followed a hundred and fifty-five men who had been convicted of child-pornography crimes. After receiving sex-offender treatment at the Butner Federal Correctional Institute, in North Carolina, eighty-five per cent of the men confessed that they had committed physical sex crimes, too. They disclosed a total of seventeen hundred and seventy-seven new victims—roughly thirteen per prisoner.

Two weeks later, on March 8, 2012, Judge George O'Toole found, by "clear and convincing evidence," that John was a sexually dangerous person. O'Toole could not determine whether John had engaged in sexual contact with minors, but he noted that the record clearly established that John had a "long and persistent trajectory of obsession with child pornography—and with sex with children." Without treatment, it was unlikely, he wrote, that John would be able to "control his pedophilia and limit his activity to private masturbation sessions at his home computer."

John was informed that he would be transferred to Butner, which offers "therapeutic confinement" for all civilly committed sex offenders in the federal prison system. He had attempted to enroll in Butner's treatment program seven years before, shortly after returning to prison. But he was told that the program's director, Andrés Hernández, had concluded that he made a poor candidate for treatment, because his records showed "an unwillingness to take responsibility for your sexually deviant behaviors," a common reason for rejection.

Since the passage of the Adam Walsh act, the Butner program has shifted its focus, and prisoners serving criminal sentences are no longer eligible. Only offenders held under the Adam Walsh act are treated there. The program is still run by Hernández, whose research at Butner, which has been circulating in the legal community since the early two-thousands, has helped shape the legal conception of child-pornography consumers. The Butner research was referenced on the Senate floor in 2003, before a bill was passed that raised mandatory penalties for child-pornography possession, and it was cited five times in the Department of Justice's 2010 National Strategy for Child Exploitation Prevention and Interdiction. Last winter, when the United States Sentencing Commission held a public hearing on child-pornography sentencing, three senior members of Congress wrote a letter summarizing the most recent Butner study, and urging the commission not to underestimate the seriousness of "one of the fastest growing crimes in America."

Former patients at Butner say that they did not realize they were research subjects. Federal civil-commitment hearings have offered a window into the conditions that gave rise to the study's sensational results. Several inmates said that the program's emphasis

on confession led them to "remember" crimes that never happened. They disavowed disclosures that were later used as evidence against them.

The program required that its hundred and twelve patients accept responsibility for a life of deviant behavior and thoughts—a philosophy common to most treatment programs. Since sex crimes are vastly underreported, it is reasonable to expect that inmates have committed more crimes than their records reveal. At a professional workshop, Hernández explained that he created a climate of "systematic pressure," so that inmates would "put all the cards on the table," abandoning a "life style of manipulation." Patients were required to compose lists of people they had sexually harmed, which they updated every few months. At daily community meetings, when offenders insisted that they had nothing left to disclose, other prisoners accused them of being in denial or "resistant to change." If they failed to accept responsibility, they were expelled from the program.

For sex offenders, who occupy the bottom of the prison power hierarchy, the Butner unit was a safe haven in the federal prison system. One child-pornography convict, Markis Revland, told the judge at his civil-commitment hearing that when prisoners discover a sex offender among them "they'll go to great lengths to stab that person." He requested treatment at Butner after being raped at knifepoint in a Kansas penitentiary. He was encouraged by the psychology staff at Butner to "get it all out," and came up with a hundred and forty-nine victims. Like other patients, he kept a "cheat sheet" in his cell so that he could remember his victims' ages and the dates that he'd abused them. There was no evidence for the crimes, thirty-four of which would have occurred during a time when Revland was incarcerated. At his hearing, the judge concluded that his crimes were the "product of his imagination, not actual events." After having been held in prison nearly five years beyond the expiration of his criminal sentence, Revland was allowed to go home.

The government has lost roughly half of the more than sixty Adam Walsh cases that have gone to trial so far. Confirming the facts of sexual abuse, the most intimate sort of crime, has always been difficult, with far too many victims keeping quiet about their abuse or not having their stories believed. For offenders, too, the heightened emotional stakes may complicate attempts to get at the truth. Another former patient, Sean

Francis, testified that, in order to stay in the "safe confines of Butner," he "fabricated" fifty-four victims and invented and embellished rape fantasies. "Every single human being, if we were to open their head up, has some form or fashion of a deviant sexual fantasy," he said at his hearing. "I don't deny that." But Francis said that he turned himself into a caricature of a sex offender in order to please the "psychological gods that they have working at Butner." Patients would sit in groups and offer one another tips for sprucing up their criminal histories. "We shared victim lists," he testified. "So I would go and I would say, 'Jim, show me what you have. Oh, that—that's really good.' "

A unit composed entirely of sex offenders, like a child-pornography chat room, creates an inverted social structure, where deviant sexuality becomes the norm. Another inmate, Clyde Hall, said that patients who had been formally designated "mentors" encouraged him to confess to more acts of sexual abuse. He submitted his "relapse prevention plan"—which included the complete list of his self-reported crimes—to the psychology staff three times, and, he said, "the third plan came back at me basically with the same note, saying, 'We want more information.' "

"So you're just willing to lie to a psychologist to appease them?" a prosecutor asked another inmate, Michael Riedel, who claimed that he had inflated the number and nature of his sex crimes. "They wouldn't believe me when I said 'one,' " he responded, "so what am I supposed to say?"

Recently, three prisoners at Butner wrote an anonymous thirteen-page report critiquing the Butner study, which they said had been "repeated so many times as to become fact in many places and in many minds." Hernández, too, has publicly expressed concern about the way in which his study has been embraced by politicians and law-enforcement officials, warning that the scientific research is still "in its infancy." But the study, because it confirmed a natural suspicion, has generated its own momentum. "The idea of this one-to-one correspondence—if you are attracted to children, you will act on it—is now a widespread misconception," Michael Seto, a professor of psychiatry at the University of Toronto, told me.

"Are you sure everyone will know we're being ironic?"

In 2011, Seto reviewed the only six studies he could find that drew on the self-reports of child-pornography offenders and found that the Butner study was a "statistical outlier." The study had provided a politically expedient answer to a social dilemma that, upon further examination, was still ambiguous. In Seto's review, roughly half of child-pornography offenders admitted that they had sexually abused at least one person. The difference between the two groups, Seto said, was that those whose deviant activity occurred only online did not have the antisocial traits, like lack of empathy and impulsiveness, that are common to all types of criminals. They represented a new species, "fantasy offenders," Seto said. "In this weird, disinhibiting space, which lacks the usual social cues, they may do and say things they would never dare in real life."

By the time John was civilly committed, he had become aware of the flaws of the Butner study and was anxious about entering treatment with its author. I met John at the Devens prison last March, in a white cinder-block conference room, shortly before he was transferred to Butner. He wore large, half-rimmed glasses and a prison-issued khaki uniform, his shirt tucked neatly into his pants. He cried frequently, paying little attention to his tears. To describe his thoughts on entering treatment, John paraphrased a line from "The Crucible": "I cannot confess to a lie even if it saves my life." He'd been reading "Les Misérables" when he learned that he would be committed, and he also identified with Jean Valjean. He explained, "We can never escape our past."

John spoke with dramatic hand gestures, modulating his voice like a schoolteacher. During the course of our six-hour conversation, I occasionally had the sense that I was being told a story—it didn't feel untrue, just reshaped, as if he were conforming to narrative conventions for my benefit. He said that his romantic relationships had failed because he wanted to be a "knight in white armor," saving a woman in distress who didn't wish to be saved. He spoke tenderly of Dixie Lee Ray's courageous decision to dump him.

When I asked John why he had made up details about relationships, as one prison therapist had noted, he became quiet. He repeated several times that he didn't know. He wiped away tears and vigorously dried his hand on his pants. "There are some things that are just matters of fact," he offered softly. "People could say of me, 'He was a competent soldier—he knew his stuff.' "

Later, he came back to the question, admitting that none of his relationships had been "tremendous." Intimacy had always felt like an abstraction. "Boy, is that one for the shrinks to get ahold of," he went on. "I know what they'd think: What a pathetic waste of human flesh. He can't even have a relationship with a woman."

John said that he found solace in the idea that Indy-Girl and her little sister had been fictitious. He liked to think that, even if the girls had been real, he would have decided, at the last minute, not to follow through with the sexual tryst. But he wasn't sure, an uncertainty that nagged at him. He spoke of his online interactions using oddly passive language, explaining that with Indy-Girl he didn't understand how "things got talking." When he looked at photographs of sexually abused children, it barely registered that he was "dealing with people," he said. "In my mind, I was dealing with things. They weren't pictures *of*—they were only pictures. I told myself, 'This is just looking.' "

In May, John was transferred to Butner, and enrolled in the Commitment and Treatment Program for Sexually Dangerous Persons. The program provides milieu therapy, a school of treatment in which patients relearn basic values and skills by immersing themselves in a model community. John and thirty-two other patients lived in the same unit, in unlocked cells that resemble college dorm rooms, and shared two large common areas, where many of the men crocheted. John's roommate, Todd Carta, said that he "cherished" his relationships with his psychologist and the other men in treatment. "I've come to the realization that I'm not the ugliest man in the world," he told me.

Since 2008, all offenders labelled "sexually dangerous" have been housed in one unit at Butner, near the offices of the prison psychologists, and there's a stark divide between the men in treatment and the ones who are still waiting for their civil-commitment hearings. Graydon Comstock, the offender whose case went to the Supreme Court, described a mood of "total paranoia" among the men in pretrial detainment. "We avoided the psychologists," he told me. "Any odd thing you did could go in your records and be used against you. We felt constantly analyzed."

John said that he and the other men in treatment were viewed as "traitors" by the pretrial detainees. "They think if everyone boycotts treatment the system will collapse,"

he said. John avoided those men, focussing, instead, on fitting in with the program participants, who had been instructed to hold themselves accountable for moral lapses at all hours of the day. At morning community meetings, the men sat in a circle and confessed to bad behavior, forgave themselves, and complimented one another for kind deeds. They opened the meetings by reciting an oath in unison: "Today, I pledge to surrender to the process of change. Today, I pledge to accept responsibility for all my behaviors and actions." They kept arousal logs, documenting magazine articles, television scenes, or dreams that inspired inappropriate sexual fantasies. Improvements in their arousal patterns were assessed through phallometric testing: with a rubber gauge, which measures circumference, around their penises, they listened to audio recordings called "preschool persuasive," "grammar-school coercive," and "female infant."

The Commitment and Treatment Program, which was established in 2007, has been designed as a five-phase treatment regime, but the final stage, which would help inmates reintegrate into the community, has not yet been implemented by the prison. John was encouraged by the fact that the first man to be civilly committed—he had molested four boys, used child pornography, and made obscene phone calls—had moved through the treatment program in eighteen months. But, for much of that time, he had been the only patient in the program. As more offenders have been civilly committed, the pace of treatment has slowed. John said he was at Butner for three months before his therapists set goals for him. His treatment plan established that he would "challenge sexuality myths," "learn how to let go of past resentment," "develop humility," "limit the amount of time spent in solitary activities," "increase his desire for intimacy and meaningful connectedness," and "speak in a slower, lower tone."

At community meetings, John said that he felt bewildered by the "Catholic guilt thing," with people "flogging themselves for every deviant thought they've had since the beginning of existence." He was frustrated that his "thought-process problems" were treated as equivalent to other inmates' "real behavioral problems." "There are a few people here who are obviously incorrigible and shouldn't ever be released," he said.

At one meeting, an inmate pointed out that John was a poor listener, a moving cloud of frantic energy. John reluctantly agreed. "There is definitely something wrong with me,"

John told me. "But it's not the thing they're locking me up for." He was not surprised when a battery of personality tests revealed that "my social skills are not great, and I'm not a very empathetic person." He increasingly referred to the "hole" in his life, without elaborating. "The reality is embarrassing," he told me. "Being me doesn't ever really seem to get me anywhere."

After nearly twelve years in prison, John had become accustomed to the institutional life style, and he worried about his ability to adjust to the "real world." He wanted to move briskly through the stages of treatment, to prove his health, but no one could tell him when or how this would happen. After taking three orientation classes last summer, he spent the fall waiting to enroll in his next therapy group, "Introduction to the Process of Change."

To pass the time, he worked for several hours a day on his "13th Century Handbook," a time traveller's guide. In the Society for Creative Anachronism, he had been Jan Wedrówka, a Polish nobleman of modest means, and for years he had been chronicling the life of this man, searching prison libraries for details about the crops, architecture, and folk customs of the era. He planned to stay away from the Internet when he was released—a decision inspired by a leader in the Society for Creative Anachronism, who on group retreats cordoned off an area of the campsite and called it Enchanted Ground. "In that space, the twenty-first century does not exist," John said hypnotically. "If you squint your eyes, you can block it out and live the dream. You'll be transported back in time." ♦

Rachel Aviv is a staff writer. She won the 2016 Scripps Howard Award for "Your Son Is Deceased," her story on police shootings, which appeared in the magazine last year.

MORE: VETERANS MENTAL ILLNESS THE SUPREME COURT REHABILITATION FALSE CONFESSIONS