

“Frightening and high” is phony and false

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By [Nick Schager](#) . . . According to *Untouchable*, there's a reason most Americans think sex offenders, and [pedophiles in particular](#), are incurable, and thus destined to relapse: 2002's *McKune v. Lile*, in which Supreme Court Justice Anthony Kennedy wrote in a plurality opinion that there was a "frightening and high risk of recidivism" for such predators, and that "the rate of recidivism of untreated offenders has been estimated to be as high as 80 percent." That statement has since been used in numerous legal verdicts as well as to support countless pieces of state and local legislation aimed at curbing the rights of those found guilty of crimes against kids. In doing so, it's become de facto common wisdom, almost universally accepted as a bedrock truth about individuals who possess child pornography or abuse (or have improper relations with) a minor.

The problem? The sole piece of evidence that led Justice Kennedy to make such a bold claim came from a 1986 *Psychology Today* article written by Ronald Longo, a counselor who ran a

treatment program in an Oregon prison—and there was absolutely no statistical basis for his “80 percent” assertion. Moreover, Longo himself has since rejected that figure. . . .

The reason the aforementioned *McKune v. Lile* decision is so stunning is that, by all accounts, actual sex-offender recidivism rates are low. In three-year studies done by Connecticut, Alaska, Nebraska, Maine, New York and California, recidivism figures are generally less than 4 percent—hardly a “frightening and high” figure. Furthermore, most conclude that there’s no correlation between recidivism rates and geographic proximity, meaning that laws passed to keep registered sex offenders from living close to schools, playgrounds, or other kid-centric areas generally have no impact; if wrongdoers are likely to seek prey nearby, it’s often in their own homes, or in churches or educational settings, where they know their intended targets. If *Untouchable* is to be believed—and its statistical case appears reasonably solid—then that’s a forceful repudiation of how we think about, and treat, sex offenders.

[Read the full piece here at the Daily Beast.](#)