



Justice Denies Michigan's Appeal Halting Sex Offender Ruling in Lower Court

LANSING, MICH. (AP) - A U.S. Supreme Court justice has rejected Michigan's request to halt a lower court decision that found the state unconstitutionally put additional restrictions on sex offenders long after their convictions.

Justice Elena Kagan denied Nov. 15 the emergency appeal for a stay.

In August, the 6th U.S. Circuit Court of Appeals said changes to Michigan law in 2006 and 2011, which included retroactively restricting sex offenders' movements near schools, penalize offenders as "moral lepers."

The appeals court denied Michigan Attorney General Bill Schuette's request to block the decision during appeal. So did Kagan.

Schuette's office couldn't immediately be reached to comment.

Michigan has the country's fourth-largest sex offender list, with more than 42,000 registrants.

Michigan prohibits all registrants from living, working or loitering within 1,000 feet of school property.

By **Rick Pluta**, Michigan Public Radio Network

The Sixth Circuit US Court of Appeals said changes to the law cannot be applied retroactively: "As the founders rightly perceived, as dangerous as it may be not to punish someone, it is far more dangerous to permit the government under guise of civil regulation to punish people without prior notice."

That means restrictions could be lifted on hundreds of people on the registry, and some could have their names removed. But the court went further and said Michigan's registry law isn't working as intended and seems designed more to punish offenders than protect the public. "What we need to do now is have legislative hearings to figure out what is the best way to protect the public," says Miriam Aukerman. "The court was very concerned about the research in this case, and the evidence shows that registries are not effective."

Aukerman says too often people convicted of non-violent or minor offenses are placed on the registry. She says that makes it difficult or impossible for the public to use the list to determine who poses a genuine risk. "We certainly hope that the Legislature will take the court's concerns very seriously," she says. The alternative, she says, might be a flood of individual lawsuits from convicted sex offenders.

And, she says, the risk that the entire law will be struck down as unconstitutional. A lower court judge in Detroit has ruled against key provisions of the law.

Court Rules Passport Rights are not being Violated

By Ray Brown, www.opposingviews.com

A federal judge said the rights of registered sex offenders are not violated because of a stamp on their passports that alert foreign governments of the offender's past crimes.

Seven registered sex offenders sued the federal government over the stamp issue, but U.S. District Court Judge Phyllis Hamilton of Oakland, CA, said the group hadn't proven they would be hurt by the practice, which is a result of the International Megan's Law, which warns foreign governments of registered sex offenders entering their countries.

"The court finds that plaintiffs have failed to establish standing, because they have not alleged a certainly impending injury fairly traceable to the International Megan's Law provisions that they challenge, or which is redressable by the relief sought in the first amended complaint," Hamilton wrote, according to Courthouse News Service. "Because the passport provisions are not yet in effect (and the procedures have not been finalized), plaintiffs cannot show a certainly impending injury."

Hamilton added: "Plaintiffs speculate regarding the possible impact of a passport identifier, suggesting that individuals carrying such passports will be at risk of harm from unknown third parties. Such speculation cannot provide a basis for challenging the statute when the identifier provisions have not even been implemented. Because it is unknown what form the identifier will take, or any of the other details previously discussed, plaintiffs cannot show that they will suffer hardship if the court withholds review."

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Letters From Across the Nation

The following is an excerpt from letters we receive. We appreciate your interest, concern and feedback. We can't include every comment. The opinion printed below is that of the writer and does not necessarily reflect the views of CURE-SORT. This is an example of what we receive.

Wayne in South Dakota

EDITOR'S NOTE: This letter is indicative of experiences we hear from numerous people around the country; portions are different but the difficulties persist.

I read Mr. Prager's letter (Summer 2016) with interest. Parole isn't the only time sex offenders are treated differently. Everyone you meet treats you different if you're a sex offender. Sticking with parole let me tell you about life as a sex offender in South Dakota.

First of all, we have two parole systems based on whether or not the crime was committed before or after July 1, 1997. Old law (which I am) gets good time credit but parole is at the full discretion of the parole board. New law gets no good time credit but initial parole is given automatically when the parole plan is approved provided the inmate completed his assigned directives. Sex offenders under the old law find it near impossible to get parole even though we were required to comply with the assigned directives. Some of us who wanted to hold treatment until we got out were still forced to take it under threats of disciplinary action and termination of visits. We were also told we would never get parole. Actual parole for both old and new law offenders is the same though. Close scrutiny, ankle monitors, treatment, polygraphs. They even determine whether or not you can have sex with your girlfriend or wife. It's pretty invasive. A failed maintenance polygraph will get you violated even if the question isn't sex related.

Their examiner has been caught gorging results at least twice so as to get someone violated. He is still the examiner under contract and he really don't (sp) like child molesters.

As an old law offender here is what I have to look forward to. I will discharge in 2027, most likely not having gotten parole. I have been locked up since 1984. That means I will have been locked up over 40 years continuous. Since the state has done what it could to isolate me from the rest of the world (they intentionally isolate us to keep us from gaining any public sentiment) I will know less than half a dozen people. Everyone else will be long dead. I will be expected to function normally in a society that left me behind years ago. Having been here most of my adult life, I've paid almost nothing into social security and nothing into a retirement account. Oh, and multiply this by about 200 because that's roughly how many guys in South Dakota are in the same situation. The sad thing is, this is what we in this country call "being tough on crime."

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From Richard in Washington

In regard to the article in Summer 2016 by Darnell McGary, many here (at SCC) were shocked you printed his article. He has left SCC without conditions as a state expert found he doesn't meet the criteria and a judge had already set an unconditional release trial. Our total count has been dropping every month since 2010. Our SVP Act was written off in 2002 via our two strikes law and SVPs do life and don't come here. This year we have only seen six new guys and as of today we are down to just 229 guys and one gal, who is pending release.

Almost everything in McGary's article was untrue. We have one treatment (SOTP) graduate a week. And two or three guys win the annual review show cause a week. Release, graduates are the goal. And we have won every trial of any sort this year! That state has not won one trial. One guy did take a stipulation deal. Black and white. McGary sees black where others see white. He was at the state hospital before here. McGary mis-stated the facts about what has been going on in other states and especially here.

EDITOR'S NOTE: There are other personal statements made about Mr. McGary. In researching his history, there have been legal documents acknowledging treatment of his personality disorder and schizophrenia. Also, on a different topic, Richard has reported the issue of lawsuits due to complaints of dirty water at the SCC, which he says was reported on CNN. Kenny Ocker of the Tacoma (WA) News Tribune reported on this on July 31. Also TNT reported on the movement of residents from SCC, he said.

Passport from Page 1

Janice Bellucci, Los Angeles, Alliance for Constitutional Sex Offense Laws, an attorney for the plaintiffs, all of whom filed anonymously, said her clients would be put in danger when traveling to foreign countries.

"Our U.S. federal government is telling other countries that the person they've just marked on the passport is likely to engage in child sex trafficking or child sex tourism," Bellucci said, according to SF Gate.

One of the plaintiffs said he needed to travel to Iran to claim an inheritance, but the stamp could put his life in danger. And Bellucci said she believes the court's ruling is essentially waiting for that to happen before reconsidering the protocol.

"You have to wait until somebody travels to Iran and they're murdered because their passport has been stamped," she said.

But Hamilton said a factual statement is not an opinion of character and shouldn't necessarily be considered a disparaging remark of that person.

"It is not the speech of the passport holder that is at issue, any more than the speech of the holder of a government-issued identification card is at issue with regard to identifiers such as name, date of birth, height, weight, or eye color," the judge wrote. Sources: SF Gate, Courthouse News Service

Admission brings Sad Closure to Jacob Wetterling Story

By Wayne Bowers

It was my pleasure and honor to meet Patty Wetterling in Baltimore in April 2012 at the Symposium on Child Sexual Abuse: A Public Health Perspective, sponsored by the Johns Hopkins Bloomberg School of Public Health. In hearing her speak, in visiting with her at a luncheon and around the hotel and trips to the conference, I recall thinking admirably of what a kind, open and compassionate person she was, even at that time when she carried the burden of not knowing the whereabouts of her son Jacob who had disappeared in 1989.

Her efforts in the field of sex abuse prevention did lead to a portion of the registration law but she has realized the need for humanity and reasonable direction in cases of sex abuse. There have been considerable other families who have lost a child and many took a harsh and bitter direction to work out their sadness. I admire Patty for the way she has moved through this long effort in such a sensible way.

One other person who I have met and with whom I also participated in a conference was another woman who had found her daughter missing in a camping trip, only to find she had been apprehended, raped and killed. But to hear the story of Marietta Jaegar-Lane of Montana will leave you breathless and to hear her condemn the death penalty as the improper device to serve justice is absolutely amazing.

Of course, we learned in September of the location of Jacob's remains with the admission of the man who had been a suspect in the past and the Wetterling family could sadly bring the case to some semblance of finality.

The many strong and brave people I have met in my 27 years of advocacy has been amazing; to those searching for a better way to assist the criminal justice system and to reach out to those who are incarcerated; to those whose careers are working with those who have abused; to the survivors of sexual abuse to have the strength to understand the need for the offender to seek counseling and receive support; to the family members with so many empty questions about what has occurred and the support they lend their loved ones in the most difficult of circumstances, and then to those who have found something in their life that has gone wrong and led to the behavior which has taken away a major part of their life as a free person. All of you make an impact on my life as I carry on. I admire all of you and I am pleased to call so many of you friends.

And I must say that two of the strongest people I have met are Patty Wetterling and Marietta Jaegar-Lane. My heart is with you always. And my heart is with all families who have experienced loved ones abused and/or killed. This is tough work; it is life and death work. I hope all of you see the magnitude of what we do to make life better for all.

CURE-SORT NEWS

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Suggestions for Travel if you are Listed as a Registrant

Most Americans enjoy the opportunity to travel. One of our nation's great freedoms is the ability to move about without threat at our leisure and view many great places and destinations. Unfortunately, for those on the registry there are guidelines to follow to make sure one stays in compliant as they venture about.

There is no law against one on the registry to travel. If one is also on parole, there may be limitations on how far they can travel. The key is to have an understanding of their guidelines where living and then to check ahead to know the guidelines in states that will be visited. For more on travel we turn to an excellent review by the blog "Once Fallen."

LIMITATIONS ON THE RIGHT TO TRAVEL

The right to travel may be a "fundamental right" but that does not make travel unlimited. The most obvious example is restrictions placed upon those on supervision (i.e., probation or parole). Your P.O. can restrict your activities beyond the guidelines set for non-supervised registrants. It should be assumed if you are on probation or parole, you **MUST** obtain permission before traveling anywhere, especially out-of-state, even for emergencies.

For those of us off supervision but still forced to register as "sex offenders," the rules are a bit more confusing. Exacerbating this problem is the Adam Walsh Child Protection and Safety Act (AWA) of 2006. The AWA was intended to create a minimum yet universal standard of registration and management of those forced to register, but this has proven to be more of a problem than a solution. Currently, only 17 states, 3 territories, and a substantial number of American Indian nations have been deemed "substantially compliant" with the AWA.

A primary problem is state and federal laws differ greatly in determining what triggers the need to register.

So the key is to check the registry law in the state being visited to know what the guidelines are on registering. One key to watch is the length of stay in a state before one would be considered a resident and be required to register on whatever that state's regular guidelines.

It has come to our attention that Florida keeps people on their registry even after a person leaves. This fact was checked with the SMART office who acknowledged they are aware of such a fact. So be very vigilant if going to that state and you may have some scrutiny to do upon leaving there.

The key is to literally know the law in each state you visit to find what their guidelines are.

eAdvocate Honored at RSOL Convention in Atlanta

Our good friend and associate in our advocacy and information, eAdvocate, was recently honored at the RSOL convention in Atlanta in September. Brenda Jones, executive director, presented the award in his absence.

"I have the honor to give a very special award this year.... It will go to someone most of us in advocacy know by the name eAdvocate. His many blogs include State NEWS, National NEWS, Community Room, Statistics, Court Decisions, Reports & Charts... and a whole lot more dedicated to news, research, legislation and lawsuits related to our issue.

"E-advocate's dedication for years to the identical goals and advocacy as RSOL is unparalleled. We have depended on him for instant answers to virtually any question related to our cause. We have called on him for the latest regarding bills and legislation, no matter how obscure.

"His basic decency, his respect of all people, and his tireless efforts for our cause make him the perfect recipient for our very first lifetime appreciation award and set the high standard for future recipients of this award, to which we are giving his name The eAdvocate Lifetime Achievement Award."

Indiana Leader, New Jersey Supporters Pass Away

We were saddened to hear recently of the death of Lela Ewers, long-time director of Indiana CURE.

"She was much loved and will be missed by many. Her dedication and generosity always inspired us. She NEVER said no to anyone. May she rest in peace," Pauline and Charlie Sullivan of International CURE, remarked.

"We've lost a woman who was fantastically important to CURE and changed many lives for the better," Suzie Rimstidt from IN-CURE wrote.

"I spent many calls and other communication with Lela in assistance of someone, either that she had asked me for guidance or I had asked her to lend support," CURE-SORT director Wayne Bowers said. "Lela always went the extra mile to help those in need. She truly met the mission of an advocate."

It was pointed out to us recently about the passing of a couple who had been supporters of our program and supported a loved one whom our program works to assist.

Mr. and Mrs. Robert Counterman of Edison, NJ, have passed away, it was brought to our attention by a family member. Our thoughts with the family.

Gravens now on CURE-SORT Board

Josh Gravens of Dallas, TX was welcomed to the CURE-SORT Board in July. Gravens was convicted of a sex offense as a juvenile and spent prison time until he was an adult in the Texas DOC. Since being released, Josh has had to register as a sex offender. He has spent much time trying to change the laws on sex offenders after their release from custody, especially juveniles.

Gravens has been a diligent and fearless fighter against the unjust laws regarding registrants. In 2013 Josh was chosen as a Soros Fellow by the Open Society Foundation and he served and studied in that capacity for 18 months. His work for changing the unjust laws has been a constant commitment since then. He is affiliated with Organize Justice which is working to restore democracy for those who have been disenfranchised by the criminal justice system.

Circles of Support and Accountability Programs Grow

By Jim Prager, CURE-SORT Board Member

I was able to listen to an interesting webinar recently. It had nothing to do with politics or the election but something important to our diverse group. The title was Circles of Support and Accountability which is a program that originated in Canada during the 1990's as a means of helping individuals getting out of prison with a sex offense make a better and safer adjustment.

The goal here is to make life easier for the person returning home. A group of 3-5 volunteers meet with the individual prior to his release from prison. These individuals help develop plans for housing, transportation employment, and whatever else is involved. This group of volunteers makes a commitment to meet once a week for one year with the individual. There is a clinical manager oversees this process but is not directly involved.

Think about how different the Circle of Support differs from what so many del with when released from prison. Here is a group of volunteers who are not judging the individual but making a commitment to help. I can only imagine how that would make a huge difference for people being released from prison.

According to Dr. Robin Williams, the concept of Circles of Support and Accountability is gaining traction in the United States. There are such programs in California, Oregon, Colorado, and Vermont, that we know of and are listed. Countries besides Canada with the concept include the United Kingdom, Australia, and the Netherlands.

This becomes a light in the tunnel of darkness which all too often surrounds those released from prison without hope.

Editor's Note: A CURE-SORT program that now is not operable was Circles of Support. This present concept is an excellent one to give persons redemption and assistance in building a life again after prison, and helping them stay accountable.

Sex Offender Specific Treatment

By Dr. JoEllen Wiggington
Pacific Professional Associates
Member of CURE-SORT Board

EDITOR'S NOTE: As our mission is to promote the importance of counseling for the recovery of those who have sexually offended, when appropriate, a discussion will be held in our issue along this topic. This is the fifth article in this series. As said, this is a program of Dr. Wiggington and is not available by correspondence.

This is part of an ongoing series dealing with outpatient sex offender specific treatment, with references and workbooks used in my treatment program at Pacific Professional Associates in Los Angeles CA.

Most experts in the field agree that inadequate/maladaptive coping skills are a primary issue for those who commit sexual offenses. Marshall (2006, citing Hanson & Harris, 2000) says "Inadequate attempts to cope with life's problems typically leads to a disturbed mood state (e.g. depression, anxiety, or anger), and among sexual offenders, mood disturbances trigger attempts to offend."

For this treatment target, I assign readings and exercises from Morin and Levenson's (2002) workbook, *The Road to Freedom*, which help to identify learned patterns of thought, emotion and behavior. This section also explores boundaries and emotional needs. Understanding the origins of one's habitual, historically- based responses can help to change behaviors and enable one to respond in healthy, more positive ways.

A well-established method to deal more realistically with life's challenges is the Rational Emotive Behavioral Therapy model. REBT is a form of cognitive behavior therapy developed by Dr. Albert Ellis, and can be described as an action-oriented approach to managing cognitive, emotional and behavioral disturbances.

Clients are given handouts defining the REBT model, which is summarized as follows:

1. In the RET Model (A) is the existence of a fact, an event, or the behavior or attitude of another person (the situation or activating experience); (C) is the reaction of the individual (emotional disturbance or unhappiness) that is presumed to follow directly from (A). It is not (A) that is the cause of (C) however, but (B), which is the self-verbalization (belief) of the individual about (A), his definition or interpretation of (A) as awful, terrible, horrible, etc.
2. Four major feelings which can be disruptive when experienced excessively are **Anxiety, Anger, Guilt and Depression**.
3. Under reacting can also cause problems by allowing the responder, in the absence of appropriate feelings, to repeat what may be socially unacceptable or illegal behavior.
4. Individuals have the power to direct and control the way they think, feel and act. This model is one tool to assist in achieving this goal.

Common irrational beliefs and the cognitive restructuring technique associated with the REBT model that I use in my program, and practical examples of their utility will be explored in my next column.

Las Vegas Conference Was A Day of Firsts for WAR

By Vicki Henry, Women Against Registry

Our goal during our time at the annual National Association of Criminal Defense Lawyers (NACDL) Conference in Las Vegas, NV was to educate and challenge. When one of the speakers advised the attendees to visit the Women Against Registry area during the break attorneys were literally two deep at the booth. We educated them by talking about current events like court rulings, studies, and public perception of our families. We challenged them by asking them to go to the mat for our families. We learned that one state's prosecutors and defense attorneys work together to come to a just and reasonable solution. Some other states might use the same approach until laws are changed. If not they should!

We were armed with our new banner which clearly states our registrant families are ready to reclaim our civil and human rights. It was a nice addition to our display and great conversation starter. We went from one side of our display to the other sharing information, answering questions and encouraging attorneys to sign up to receive our informational emails as we know they are extremely busy. One attorney, while signing up, said they try to keep up but it is difficult. Over time we have received thank you emails from attorneys or law school professors and one attorney even stated "you provide a service to us!"

When we talked about our families and the things they endure we saw compassion, concern and statements of being brave to stand up and talk about the issue.

We had to set-up our info-booth in two places; first at Planet Hollywood for the (NACDL) Conference on Sexual Crimes and then at a hotel in downtown Las Vegas for our first Nevada WAR Group meeting.

The Nevada WAR Group meeting was our first attempt to gather folks that responded to the tremendous snail mail campaign the state folks undertook with much success. We invited Maggie McLetchie of the McLetchie Shell law firm to talk about the evolution of the Adam Walsh Act in Nevada. As many know AWA was signed in to law in 2006 and Nevada adopted it in 2007 via Assembly Bill 579. The implementation has not gone forward due to lawsuits and now the Nevada Supreme on Court has decided they will take up the issue.

They could call it for hearing at any time but it is expected that changes will be made from the Interim Committee's findings over the summer. We heard from Maggie and the ACLU Policy Coordinator and decided on a strategy leading up to the time the legislators go

back into session in February 2017. Another guest speaker was Janice Bellucci, President of Alliance for Constitutional Sex Offense Laws (ACSOL) whose organization has been vigilantly fighting against International Megan's Law due to the pending passport designation identifying registrants.

Janice reviewed the law suit filings, court rulings to date and the organization's commitment to continue their fight on the issue. She also shared the multitude of residence restriction lawsuits won as well as doing away with the proximity issue in the state of California. Lastly, she mentioned the lawsuit recently filed against a school district which is not going to allow registrants on school property for any reason. We then enjoyed a catered meal provided by one of our registrant families and watches the 'Untouchable' documentary.

We are already looking forward to next year's meeting with our Nevada state group and the NACDL Sex Crimes conference.

The fundamental idea of good is that it consists in preserving life, in favoring it, in wanting to bring it to its highest value, and evil consists in destroying life, doing it injury, hindering its development.

Albert Schweitzer

Resources

We are pleased to offer the following resources. Donations accepted to cover cost of postage and printing. Mail donations to the CURE-SORT address noted on Page 3.

One Breath At A Time by Ila Davis (\$17.50)

Understanding Offending Behavior by Stephen Price. (A collection of 9 of Stephens articles from previous newsletters) (\$4.00 for the set of 9 articles)

When Someone on the Registry Moves Into My Neighborhood (Member Price \$5; Non-Member Price \$10)

SUPPORT GROUP: Families & friends for those in civil confinement, contact Andrew Extein, MSW. Interested persons please e-mail: CCN@curenational.org. Sorry no mailing address

No More Victims – One Man's Journey Into Sexual Offending and Recovery, By S. Sands (Ed G), \$13.95 (does not include shipping). Request by e-mail to: gunder788@verizon.net or [amazon.com](https://www.amazon.com).