

CURE-SORT NEWS

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It's a WIN in the Minnesota Supreme Court -- MSOP case

A new ruling concerning the Minnesota sex offense civil commitment program (MSOP)! The case is about the interminable delays by which the state consumes constitutional and human rights to liberty, and often the lives of those locked up in MSOP.

The Minnesota Commitment Appeals Panel (CAP) ordered two patients in the Minnesota Sex Offender Program (MSOP), respondents, to be transferred to Community Preparation Services (CPS)—a reduction in custody.

Respondents claimed that the Commissioner of the Department of Human Services and the Executive Director of the MSOP violated their due process rights by delaying transfer of respondents to CPS for over 2 years following the CAP transfer orders and sought relief under 42 U.S.C. § 1983. The state officials sought to invoke qualified immunity against respondents' section 1983 claims.

The District Court concluded respondents each sufficiently alleged a violation of their Fourteenth Amendment due process rights to a transfer to CPS within a reasonable amount of time following a CAP transfer order. The District Court also determined, however, that qualified immunity shielded the state officials because the right to transfer to CPS within a reasonable time of the CAP transfer orders was not clearly established when the CAP transfer orders were issued. Consequently, the District Court granted the officials' motions to dismiss. In affirming the District Court, the Court of Appeals assumed, without deciding, that respondents had sufficiently alleged violations of their due process rights.

But the Court of Appeals agreed with the District Court that the right to a transfer within a reasonable time of the CAP transfer orders was not clearly established. The Supreme Court held that respondent MSOP patients had a clearly established right to transfer to Community Preparation Services within a reasonable time following issuance of a Minnesota Commitment Appeals Panel transfer order. What amount of time is reasonable in any given set of circumstances is an issue of fact to be determined by the District Court.

From Dobbs Wire Feb. 4

Team Works Make the Dream Work – WAR Conference in DC on March 5 – 7

Three members of the CURE-SORT board participated in some way at the Team Works Make the Dream Work in early March in Washington, DC., bringing attention to

the perils of the sex offender registry. A brainstorm of Janice Bellucci of California and sponsored by Women Against the Registry, led to the gathering. Following is their report. Jim Prager and Shawn Barrera-Leaf attended the conference in Arlington, VA and also the vigil. Thomas Chleboski attended the vigil.

The conference was well attended with approximately 120 participants throughout the 3-day event. The conference opened with plenary and keynote speakers accompanied by various breakout sessions. The speakers shared their expertise that provided participants to leave with resources ranging from 4th amendment right violations, self-care techniques, to SORNA history and case precedence. Bonnie Burkhart discussed how authorities take short cuts to illegally charge individuals violating the 4th Amendment. Dr. Avon Hart-Johnson spoke of the need for all of us to practice self-care during these challenging times. The day was ended with a highly motivating speech illustrating the importance of unity, collaboration and teamwork amongst advocacy organizations moving forward for change.

Breakout sessions were offered with a wide area of interests that would assist in meeting the challenges one faces when forced to register such as traveling both domestically and abroad, autism, entrepreneurship, and attending religious organizations. One breakout session focused on creating common ground within the anti-registry movement, discussing proven strategies to create a foundation of unity. Prager was one of the speakers.

Congressional visits were the primary focus for the second day, with constituents meeting with their leaders. Training was provided in the morning, and participants learned the importance of person first language, and sharing personal experience with proven data. An added benefit when conducting legislative visits is to be knowledgeable and able to recite current

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legislative campaigns that may help the cause and leave behind educational literature. It was apparent that most congressional offices were unaware of the perils and punishment that coincides with the registry and people forced to register. However, on a positive note the Hill visit provided a beneficial opportunity to engage in conversations and educate legislative leaders on this issue.

Prager said, "I had done that prior to departing. I spoke with a representative of Sen. Brown of Ohio. The aide did not appear knowledgeable about the consequences of Adam Walsh. I invited her to attend the conference on March 5th but did not see her."

The last day of the event ended with the Vigil held at the steps of the US Supreme Court commemorating the 20th anniversary of the Smith v. Doe. The day was cold, windy and the skies were dark, somehow amplifying the reason why we were there. There were approximately 70 to 80 people present as we watched a coffin being brought in with pall bearers signifying the lives lost due to the current unjust and punitive registry laws. Those in attendance remembered lost lives in Derek Logue's powerful speech and eulogy; participants were educated with Janice Bellucci's data driven speech emphasizing that Smith v. Doe has to go. She emphasized the incorrect information used in a report in the 1980s about recidivism continues to be a huge reason for the sentencing and registry length.

"People left with our adrenaline pumping watching David Garlock symbolically throwing the registry in the coffin and nailing it shut, forever to be abolished, while reminding all that unity is needed to be successful in this movement. The vigil ended with many coming forward to speak despite being in a very public forum about their lived experiences and how this conference increased their determination to fight to end the registry," Barrera-Leaf said.

Overall, the conference provided an opportunity to learn, network, and unite to further the anti-registry movement. All agreed that even though this was the first event it definitely was not the last. And Barrera-Leaf reported a coalition of like-minded organizations met in one breakout session to talk of future meetings, which is being planned.

Pell Grants -Marshall Project

- State legislatures are advancing bills related to prison education, many that would help pave the way for Pell Grant expansion. A bill in Oklahoma that would restore need-based state aid to incarcerated students and a Colorado measure to allow people to earn time off their sentences for completing education programs moved forward.
- Has your state department of corrections launched its application for Pell-eligible prison education programs or are there bills related to prison education being considered by your state legislature? new prison education programs.

In part

Pell Grants are the main form of federal financial aid for low-income students, which includes most incarcerated learners, providing a maximum annual award of \$7,395.

But Pell funds won't be enough to suddenly make college available to everyone. Basic information gaps need to be filled, college support structures need to be built, and departments of corrections need to sort out their new role in all of this.

That raises questions about how programs are assessed and who ensures they are actually meeting students' needs. And it means opportunities will vary widely by state. Right now, incarcerated people in less than a third of state and federal prisons have access to postsecondary education, and much of what is offered doesn't lead to an academic degree.

Places like California that currently draw on state funds to allow incarcerated students to take community college classes will be using Pell funding to expand bachelor's programs. Some states will be starting from scratch. Others might not participate at all.

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All of this is happening as both prisons and colleges are still recovering from the pandemic, correctional agencies across the country are facing staff shortages, and everyone is still waiting on the final word from the Education Department on exactly how it will sign off on new programs. What it all adds up to is this: despite the return of Pell, most incarcerated people still won't be able to get a college education this fall

'Downstate' is a play about pedophiles. It's also brilliant.

Bruce Norris's off-Broadway work is tough stuff, questioning how society treats those convicted of heinous acts.

Review by Peter Marks | November 23, 2022

NEW YORK — Take a deep breath and try to ruminate calmly on the position playwright Bruce Norris takes in his scintillating new play, "Downstate": that the punishments inflicted on some pedophiles are so harsh and unrelenting as to be inhumane.

Are you still reading? It's almost impossible to broad-brush the perspective at the heart of this impeccably acted drama without sounding as if one is advocating some extraordinary level of consideration for individuals who have committed unspeakable crimes. And yet Norris proposes a variation on this proposition at off-Broadway's Playwrights Horizons: He is questioning what degree of compassion should society fairly hold out to those who have served their time for sexual abuse, assault or rape.

"Downstate," directed with exceptional astuteness by Pam MacKinnon, seizes on our reflexive response to these crimes and shifts our emotional focus to the perpetrators. Living together in a group home in downstate Illinois, their movements monitored electronically (and their windows broken by irate vandals), four men of diverse age and backgrounds eke out marginal existences in menial jobs and managed routines. The house is like an island whose shores are washed with waves of contempt. Any protest or request is treated by their harried caseworker Ivy (played with brittle cynicism by Susanna Guzmán) as that of a passenger in steerage daring to ask for a clean blanket.

Norris, who won a Pulitzer Prize for "Clybourne Park," a bracingly funny play about race and gentrification inspired by "A Raisin in the Sun," goes here for another societal jugular. And his provocative efforts result in one of the best theater evenings of the year. (Its pre-covid premiere occurred in 2018 at Steppenwolf Theatre in Norris's hometown, Chicago.)

Membership Expiration Reminder

PLEASE NOTE: Check the date on your mailing label to determine if your membership is due to expire. Also, please let us know if your address changes—especially inmates—because your mail will not be forwarded. Be sure to include your prison I.D. number to guarantee proper mailing.

Address on Pg 2

He's loaded the dice to some degree in "Downstate," as the predators who've completed their prison terms are depicted not as monsters but rather as complicated, troubled souls. Felix (Eddie Torres) is a taciturn loner, keeping to himself in a screened-off alcove. Gio (Glenn Davis) is a smarmy operator with a job at a local office supply superstore. Dee (K. Todd Freeman) is a clearheaded ex-stage performer who is fiercely protective of the oldest resident, wheelchair-bound Fred (Francis Guinan), a onetime piano teacher of serene disposition.

There's no sweeping under the threadbare rug in "Downstate" of the heinous offenses for which the men have been severely punished. We learn about what each of them has done, and we are in effect asked to judge for ourselves what magnitude of ongoing torment each deserves. It develops here as an agonizing moral question, one that our retributive correctional culture would rather not have to debate. And it is made even thornier by the drama's most disagreeable character, a victim of Fred's, now grown up and portrayed all too irritatingly well by Tim Hopper.

Hopper's Andy arrives at the home with his misguidedly encouraging wife Em (Sally Murphy) to confront Fred. The playwright cannot hide his scorn for Andy, who has made a successful life for himself as a Chicago finance guy and now seems intent on some kind of purging reunion with the man who molested him as a child on a piano bench. The meeting seems to be part of Andy's therapy, which "Downstate" implies may be advisable but at this point also suggests that it is an indulgent marinating in self-pity.

We are meant to note the chasm in Andy and Fred's circumstances and the perhaps overlong gestation of Andy's desire for that suspect experience, "closure." Fred's loss of mobility came about after he was set upon and beaten brutally in prison. Context is all, for as Andy stumbles through a recitation of his psychic pain and suffering, we have the physical evidence of the price that Fred has already paid. Norris's juxtaposition in this regard feels cheap. There was a way, I think, to acknowledge the damage that's been done to Andy without judgmentally minimizing it.

Some theatergoers no doubt will resent that Norris chose to illuminate this delicate subject in a nuanced way that doesn't jibe with their own undiluted revulsion. If you suspect you are one of these people, "Downstate" is not for you. For many others, it will be a stunning demonstration of the power of narrative art to tackle a taboo, to compel us to look at a controversial topic from novel perspectives. It's been the job of drama to accomplish this since the days of Henrik Ibsen, who in plays such as "A Doll's House" and "Ghosts" executed headlong dives into issues that splintered the foundations of conventional wisdom.

Ibsen gave us, for instance, the now-classic tale of a 19th-century housewife, suffocating under the alienating control of a domineering husband, and another about

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a Norwegian household thrown into turmoil by venereal disease. The topics made the playwright both an admired and notorious figure. It's harder these days to shock an audience into an exploration of an issue with that same degree of flammability. But Norris achieves it on this occasion.

It helps that Norris has written plum parts for a cadre of actors so sensitively directed that you might fool yourself into thinking a documentary is being recorded. Guinan and Freeman are astonishing as Fred and Dee, deeply flawed human beings who convince us that — even given our sorrow for their victims — there may be a fate for them other than unending purgatory. Guzmán gives a splendid account of the impossible burden placed on a civil servant, to provide some measure of humane guidance to a group of reviled pariahs. And Hopper superbly manages the assignment of a character who seems both entitled to sympathy and unsympathetically entitled.

"Downstate" is proof positive that you can love a play that turns you inside out.

Downstate, by Bruce Norris. Directed by Pam MacKinnon. Recommended age to view of 16+. About 2 1/2 hours. Play ran at Playwrights Horizons, 416 W. 42nd St., New York. Check at playwrightshorizons.org for show locations.

MORE RULES POSSIBLE FOR REGISTERED CITIZENS IN 22 JURISDICTIONS (Part 1)

by David W. McDaniel

Are you old enough to remember the oil crisis of the 1970's and the two decades of 55MPH driving which followed? I am. In the mid '80's singer Sammy Hagar had a hit song titled "I Can't Drive 55" which my guess was his personal protest lending *vox humana* to the masses tired of driving Ms. Daisy and the so-called "National Speed Limit".

I say "so-called" because the federal government has no Constitutional authority to impose its bureaucratic will upon the Sovereign States - I have a Court Order that declares as much. "Then how did we end up with 20 years of 55MPH limitations on our nation's highways?" you might ask. Simple - the Federal Government may not have the 'authority' to impose its will, but after decade upon decade of unwitting concessions by "We The People", the feds possess an incredible amount of 'power'.

In this case, money equals power and states which refused to adopt the speed limit saw a significant reduction in federal funding to their transportation systems. Some states held out, so funding was withheld in other areas as well and the coercion tactic worked - the result was twenty plus years of 55MPH driving across the nation as every state was forced to "voluntarily comply".

It wasn't until the mid '90's before the feds reversed this policy, restoring some measure of autonomy to the states regarding control over their roadways, thanks in part to safer more fuel-efficient vehicles.

Because holding federal funds hostage and demanding a ransom of compliance worked so well, the feds exported this fiscal blackmail into other areas

including the AWA and "The Registry". As most readers are aware, the DOJ recently adopted a vastly more restrictive SORNA, not by Congressional legislation as required, but by mere administrative fiat. In my home state of West Virginia, the WVSP launched a massive and costly mail campaign duping Registered Citizens across the state into coming to their local detachment to sign documents which required a 21-day prior notification for international travel.

While this new SORNA restriction is not contained within WVSOR, any registrant who was frightened enough into going in and signing the document is now legally bound to comply with the policy mandate for the remainder of their term of registration - for many this means a lifetime of unwarranted travel restrictions.

Technically speaking, SORNA can only legally be forced upon individuals convicted under Federal rather than State jurisdiction. Even so, the feds get around this once again by administrative fiat while "We The Sheeple" stand silent against the onslaught of fiscal blackmail committed by the Federal Government against the Sovereign States in which we live and work.

The Adam Walsh Child Protection & Safety Act of 2006 established funding penalties for States which failed to substantially implement SORNA. Any State found to be non-compliant as determined by the DOJ SMART Office (Sex Offender Management, Apprehension, Registration & Tracking) has their Byrne/JAG award reduced by 10% - this amounts to a very substantial amount as \$187 Million was awarded in 2021 to support Local, State and Tribal law enforcement activities, thus it pays to be "substantially compliant" with regard to SORNA.

NOTE: David W. McDaniel is an incarcerated Registered Citizen and Founder of the non-profit Registered Citizen Advocacy Partnership (RECAP).

Part 2 in next issue

Available Resources from CURE-SORT

We are pleased to offer the following resources. Donations accepted to cover cost of postage and printing. Mail donations to the CURE-SORT, address on Page 2.

One Breath at A Time by Ila Davis (\$17.50)
Non-prisoner only due to facility restrictions

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: \$10)

SUPPORT GROUP: Families & friends for those in civil confinement, contact Eldon Dillingham. Interested persons contact at 404 Walnut St., Wamego, KS 66547
eldoncdillingham@gmail.com

No More Victims - One Man's Journey into Sexual Offending and Recovery. By S. Sands (Ed G), \$13.95. (Includes postage). Send requests to CURE-SORT or email to egunder@mysecuremailcv67.com or on amazon.com