



Supreme Court Upholds Use Of Social Media

By Rebecca Harrington, Business Insider

EDITOR'S NOTE: A Supreme Court ruling could affect the way Americans access social media.

In June the justices ruled for *Peckingham v. North Carolina*, over a law the state passed preventing those with sex offenses from using social networking sites.

While the law may seem targeted, constitutional scholars warn it could have chilling effects on many Americans' First Amendment rights.

David Post, an adjunct scholar at the Cato Institute and retired law professor from Temple University, filed a friend of the court brief with 14 other First Amendment scholars. They argued in March that the North Carolina law violates the former sex offenders' constitutional right to free speech.

People with sex offenses are entitled to the same rights to free speech that any American does, Post told Business Insider. They already served their time in prison, and are off probation, so, the state shouldn't be able to violate their constitutional rights, according to Post.

"Not to be too extreme or hysterical about it, but I think this is the opening ledge in an attack on social networking," Post said. "That could be very dangerous, and the court has a chance to really nip that in the bud and reaffirm that this is what the First Amendment is about — protecting these forms of communication between citizens for protecting these forms of communication between citizens for good and for ill. That's just the price we pay for having the First Amendment."

If the Supreme Court upholds the law, it could allow states to pass laws preventing other classes of people from accessing social media. Post warns that states could claim that any targeted class in the country — people on the no-fly list, ex-felons, the unemployed, African American males, Muslims — could be more statistically likely to commit certain crimes, and ban them, too.

The American Civil Liberties Union, which also filed an amicus brief, called the North Carolina law "unconstitutionally over broad because, under the

definition of social media, it would prevent individuals on the registry from reading or commenting on a huge swathe of websites, including not only all of Twitter and Facebook, but Amazon, the New York Times, and Wikipedia."

In the oral arguments of the case, some of the justices took issue with excluding this group from social media, which has become such a central part of civil discourse and society.

"Even if the New York Times is not included, the point is that these people are being cut off from a very large part of the marketplace of ideas," Supreme Court Justice Ruth Bader Ginsburg said. "And the First Amendment includes not only the right to speak, but the right to receive information."

By the end of the oral arguments, it seemed like the Supreme Court would strike down the North Carolina law limiting social media access. It's difficult to guess what the justices will do, but Post said he wouldn't be surprised if they unanimously rule that free speech is too important to restrict in this case.

"The First Amendment is under some stress and strain these days from a lot of sources," he said. "I think this is a wonderful opportunity for the court to affirm its central place in the life of the nation."

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From the Editor's Desk

By Wayne Bowers

Alice Benson in April's Titus House Newsletter, in New Mexico, writes:

EX-SEX OFFENDERS NOT WELCOME IN THIS CHURCH

One of our correspondents, guy named Rich, wrote us that not a single Christian church in his town would allow sex offenders to attend. After doing some research on the internet I found literally hundreds of accusations of sexual as-sault charges against senior pastors, youth pastors, seminary students working in churches. What does this tell us? Sex is prevalent everywhere, no one is exempt, sexual interest is not confined to age, sex or church membership. Isn't it time to stop pretending that a seminary degree makes us pure? Or a church leadership position? The church I attend has welcomed "our people" but at the same time has hired another security guard. This is the world we live in. We have been programmed by the media to hate sex offenders. But only 10% of offenders have even been caught, fewer still charged and incarcerated. Even so our state prisons are overflowing with "sex offenders." That asks the question: Where are the others? The answer becomes obvious. God has a plan for us as individuals and He has the only answer. Instead of judging others perhaps we should look in the mirror.

We at Titus House are very conscious of the fears churches have these days. One might think listening to them that former sex offenders are their biggest threat. There are many possible threats to a collection of all kinds of people. If everyone is welcome at your church who could possibly show up? This opens up the same concerns that might be in a public supermarket, a mall, a convenience store or even your own neighborhood. Placement of entry, restrooms, area of free literature, and easy access to the worship area are prime concerns. Classrooms and all offices should always have a window in each door. A restroom for children should be close to nursery and small children classrooms, separate from adults restrooms. Leadership of children and adolescents must be back-ground checked. Leaders of youth should have some formal Christian education and theological training. Why do I bring this up? The ideal youth leader is in a position to counsel adolescents and should have a mature knowledge of both the Bible and the age group he is working with. In today's world, churches are running scared. They worry about their insurance coverage, and possible abuse of their members. As a result they become a "huddled community" and they do not grow. In my "other life" I was a pastor's wife, a Christian education director and a Christian school teacher. We had not heard much about sex offenders and we didn't imagine they would be any threat to us. I challenge you now to trust God who gives us challenges, do our best and trust Him with the outcome. Blessings, Alice.

Death Claims Two Members

We recently learned of the death of Gene Goodman in New Jersey. He had suffered with cancer for some time. He had been involved with New Jersey CURE when his health would allow as he had a serious interest in all criminal justice as there is a family member in the system.

We also learned recently of the passing of Larry Meador, who was incarcerated in Nevada at the time of his death.

Our thoughts go out to the families of these two men.

Drugs in Virginia Prisons

We have heard of many different issues in various prison facilities nationwide that curtail a certain program. We document some concerns in Virginia as an example:

There has supposedly been a problem of drugs coming in to facilities throughout the Virginia prison system. They believe that it's coming through the mail so as of April 17th the policy will change for general correspondence. The mailroom was asked if it would effect mail such as newsletters, but didn't really get a straight answer. Virginia CURE director Carla Peterson looked into it, "I checked with our contact at the DOC and she said that things like books and periodicals, newsletters that are obviously coming from a non personal source will be allowed in."

Anyway the policy is that all our mail will be photocopied and given to us. This includes pictures and cards so it won't be worth sending those anymore. All originals will be shredded in the mailroom. We will be limited to receiving 3 copies black and white back and front per envelope. If it exceeds that then it will be sent back. It's amazing how much paper & money they will waste doing this. What's so funny is they are too ignorant to see that the majority of stuff that comes in is by the guards. In Virginia tobacco products are not allowed to be brought into the DOC facility and the guards still do that. Yet we get punished. That's no way to teach people to obey rules etc.

Peterson added, "The mail is only part of the restrictions. Inmates must change to state ordered scrubs and underwear and socks. The scrubs are zippered at the back. All food vending machines are removed except for some candy machines. Bathrooms near the visiting rooms are closed."

Think of what others ought to be like, then start being like that yourself.

Anon

Judge Vacates Remedies Hearing

By Matthew King

In regard to the Van Orden lawsuit of Missouri's program for civilly committed sex offenders—Sex Offenders Rehabilitation and Treatment Services, U.S. District Court Judge Audrey G. Fleissig had vacated the June 12 remedies hearing for the Missouri plaintiffs.

On March 9, Judge Fleissig instructed the Court of what, if any, effect the Eighth Circuit's opinion in Karsjen v. Piper 845 F. 3d (8th Cir. 2017). Karsjen is the Minnesota class action litigation.

Shortly thereafter, the lawyers filed their respective briefs, the plaintiffs point could be summarized by this: The Order, dated Dec. 22, 2015 ("Liability Opinion"), is consistent with Karsjen as it is based on substantial evidence of egregious long-term conduct that shocks the conscience. The Eighth Circuit decision has no effect on the Liability Opinion, because some of Karsjen's claims were merely criticizing Minnesota's lack of statutory scheme. However, the plaintiffs in Van Orden criticized the actual statutory scheme, and pointed to Missouri Supreme Court holdings. The district court in Karsjen's applied the strict scrutiny standard, which is the improper standard for "as-applied" claims. Lastly, there was compelling difference between the laws challenged within Karsjen and within Van Orden, it is simply not apples to apples.

The State's briefs are summarized by this: That the Van Orden plaintiffs cannot satisfy the "extremely stringent conscience-shocking test," in which the Eighth Circuit set forth in Karsjen. While the actions of the Missouri defendants may be egregious, it is not by no means malicious or sadistic as necessary to meet the "conscience-shocking standard," as set out in Karsjen at "conflict with Karsjen and must be corrected."

So the Van Orden lawyers have asked for oral argument to be able to flesh out some additional facts and hopefully persuade Judge Fleissig that her Liability Opinion is not in conflict with Karsjen and reschedule a remedies hearing for the case.

Autism, Pornography Connection?

The extensive increase in child pornography charges in society has been a concern of ours for a long time. Certainly, the fact we live in such a tech savvy world and that addiction and online activity can become immersed makes sense. It is like the Internet has replaced the old concept of cruising that pervaded so much in the world of improper sexual activity.

But a recent report by **The Marshall Project** detailing the potential of autism, child pornography and the courts is concerning.

The May 1 story released by the criminal justice website states, "It is unclear whether people with autism are over-represented among those prosecuted for downloading child pornography. But autism experts and the parents of men with autism are increasingly convinced that the disease makes sufferers both naive about the evils of exploiting children online and less likely to ever become predators in the real world. Some courts are beginning to accept this defense. "The line between legal and illegal in the world of online pornography may be especially blurry for someone without an inherent topic.

This is a very informative website that picks up news on criminal justice in all facets.

CURE-SORT NEWS

CURE-SORT News is a publication of CURE-SORT. SORT stands for Sex Offenders Restored through Treatment. CURE-SORT is one of eight issue chapters of a national criminal justice reform organization known as Citizens United for the Rehabilitation of Errants (CURE), located in Washington, D.C. CURE's address is P.O. Box 2310, Washington, D.C. 20013. For more information on CURE-SORT, send letters to:

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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 seventh article in this series. As said, this is a program of Dr. Wiggington and is not available by correspondence.

One of the most powerful strategies for dealing with excessive emotional reactions that can result in unwanted behaviors (including sexual assaults) is cognitive restructuring. In part 7 of my ongoing series dealing with outpatient sex offender specific treatment, I present a model to re-structure cognitive distortions that result from irrational thoughts or rationalizations.

In this model one takes a situation that triggers an over-reaction, and first examines their beliefs related to the situation, themselves and others involved. They then identify any common irrational ideas such as *Fairness* (people and things should always turn out the way one wants them to and one should always be treated fairly and it is awful when either does not happen) or *Blame/Punishment* (if one is rejected, if one fails, or if one is treated wrongly or badly, then someone deserves to be strongly blamed or punished).

The next step is to challenge any irrational or rationalized thinking by identifying:

- A. What is true?
- B. What is not true?
- C. Catastrophic thinking (what if?), Awfulized thinking (it would be unbearable) or Absolutionistic thinking (I have to).

Finally, one substitutes specific rational thoughts to directly counter the thoughts that were disruptive and led to the emotional over-reactions.

For example, a man who has a 13 year old daughter, has sexually assaulted his daughter's friend. The events that occurred prior to the assault were an argument with his wife about finances, followed by an evening of heavy drinking and pornography use. The daughter's friend was sleeping over and the girls were up late watching television, after mom had gone to bed early angry about the argument. The girls fell asleep on the

couch and when the man saw the friend (who was just beginning to develop) in revealing pajamas, he fondled her while "waking her up to go to bed."

In treatment, this man was able to analyze some of his thoughts, feelings and behavior. His beliefs about the argument with his wife included: This argument has ruined my night; now I won't get any sex (about the situation).

- A. I am entitled to deference and compliance from my wife (about himself).
- B. My wife is careless with money. We wouldn't have any problems if she didn't spend so much (about his wife).
- C. My wife is careless with money. We wouldn't have any problems if she didn't spend so much (about his wife).

His ensuing feelings were self-pity and anger, which he distracted himself from by drinking, surfing the internet for pornography and eventually molesting his daughter's friend.

Applying the cognitive restructuring model to the argument (the situation), we see that he was endorsing two common irrational beliefs: *Fairness-things should always turn out the way one wants them to* and *Blame/Punishment- if one is treated wrongly or badly, then someone deserves to be strongly blamed*.

What was true in the situation was the argument was disruptive, he was entitled to respect from his wife and overspending could have caused their financial problems. What was not true was he could not make-up with his wife and have a sexual encounter, he was entitled to deference and compliance from his wife and their financial difficulties were all her fault (*awfulized thinking – it would be unbearable*).

Specific rational thoughts that counter his disruptive thoughts might be:

- A. I can apologize to my wife for my anger about her spending and we can work together on a budget.
- B. My wife does respect me, it is not reasonable to expect she defer to me and comply with my preferences. She has a right to her own opinions.
- C. With a budget I can show my wife where I think she over-spends and also monitor my own spending.

See Treatment, Page 5

Difficult Financial Times Need To Be Addressed

Due to database growth and size of the newsletter the past three years, some financial concerns are arising. This is the first time we have ever brought a financial concern to our readers in the newsletter but at our May Board meeting, the decision was made to address some concerns with you.

Up until the end of 2014, a civil commitment newsletter had been published by the National CURE office in Washington, DC and edited by our Board member Thomas Chleboski. Future personal plans upcoming for Mr. Chleboski was going to make it impossible for him to edit the publication and respond to correspondence. So, at the 2014 CURE-SORT Annual Meeting, a decision was made to undertake the topic of civil commitment on a much bigger level than had been the case and incorporate news on the topic within **CURE-SORT News**. Also, the database that had been compiled by the CURE office was turned over to CURE-SORT and with that move, the total of the our database list was about doubled.

A few increases at the printing office and mailing company have now increased the cost for each edition of the newsletter to more than \$1,000 the past three issues and close to it in the earlier editions in 2016.

Along with these facts are the reality that donations have been lower the past year and as things stand presently, there is barely enough in our account for two more editions, notwithstanding other normal operational costs.

In our fundraising letter project late last Fall, only people not in a facility were contacted. One reason for including this story is to notify those of you in some type of lockup to be aware. We recall a fundraising project a couple years ago that included everyone on our mailing list and did receive considerable responses from some of you in facilities. We feel we need to bring this news to your attention as we know how much our publication means to you and have always appreciated any donation that you can make at any time.

An annual meeting will be held in July and this topic will be on the agenda. A couple options mentioned at the May meeting were possibly cutting back to four pages on the newsletter, which is what it had been most of the time through 2014, or to reduce the number of issues to two a year. Neither of those are certain and will be discussed, along with other options.

Civil commitment concerns and needs are extensive and much of the inhouse communication recently has been on this topic. There may be a consideration of locating another option for coverage of this topic by some other entity besides CURE-SORT. We will be looking into that possibility. Another concern with civil commitment topics is the extensive conversation about legal challenges. That is not the mission of CURE-SORT. Further updates on our direction will be announced in the future.

From **Treatment**, Page 4

The substituted thoughts/beliefs would be more likely to lead to feelings of accomplishment and improve the relationship with the man's wife, and contribute to physical and emotional intimacy. This concludes my summary of the Rational Emotive Behavioral Therapy model. In the above example there are certainly numerous other "thinking errors" or cognitive distortions. For instance, the man rationalized his groping his daughter's friend as waking her up to go to bed. These sorts of attitudes will be covered in upcoming issues that deal with offense tolerant attitudes as part of the Thinking, Feeling Behaving treatment target.

My next column will explore Self-Esteem.

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 Stephen's 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)

SUPPORT GROUP: Families & friends for those in civil confinement, contact Andrew Extein, MSW. Interested Persons please e-mail: ccn@curenational.org

No More Victims—One Man's Journey Into Sexual Offending and Recovery, by S. Sands (Ed G), \$14.95 includes shipping. Order on line at gunder788@vedrizon.net, createspace.com or amazon.com.

Public Exposure Starts To Uncover Civil Commitment Issues

Promoting a program and enlightening people about that program is a major role of advocacy. In a world where those familiar with criminal justice are usually those impacted by it in some way, getting the word out about all that goes on is critical in working to improve every type of that life.

Through the years one of the most frustrating elements of the concept of civil commitment in those facilities in 21 states and the federal system has been the difficulty to get adequate information. Presumably hiding behind the concept of HIPPA laws

Talking Makes A Difference

By Jim Prager

It is healthy to find ways where our story can make a difference. You never know where that will lead. It can be hard to do sometimes because I have moments of wanting to be invisible. I feel insignificant but almost every time I step outside of my own shadow and share my story, someone in the group responds about having been in that same shadow life. Sex offenses along with the shame and stigma tend to isolate us. We don't know how others will respond to us. We fear rejection and judgement. However, we are judging ourselves harshly and assuming that others do the same.

How many of us walk around believing a big red C is on our faces? How often do we allow that fear to keep us from being the person we could be? In one week, I will pass 17 years out of prison and 6 years off the sex offender registry. I am grateful for both of these anniversaries passing but I recognize how easy it can be to live in shame and fear.

Recovery, health, and healing mean taking risks. I discovered this at the recent International Prisoner Family Conference. Being present and sharing my story helped other people to talk about family member incarcerated. People came up to me after hearing that I had gone to our state capital and spoke with the co-sponsor of a bill I oppose. It may have made a difference. It helped all of us to look each other in the eye and feel some pride. Each of us has the ability to be a healer for others.

PUBLIC OR PRIVATE REGISTRIES

This past July a University of Toledo student was riding her bike in rural Ohio. During her ride, she was abducted and murdered. The man accused of this crime is arrested and awaiting trial. Since the accused was not on any sex offender registry, the family has been pursuing a violent offender registry in the mistaken belief it would have made a difference. SB 67 is currently in committee in the Ohio Legislature. Several individuals involved in prisoner reentry programs have banded together in opposition to this bill. In late April Wendy Tarr from the Vincentian Ohio Action Network met with State Senator Cliff Hite. He was receptive to our arguments although he was not willing to drop his sponsorship of the bill. We also met with aids of 4 other state senators sharing our opposition to the bill.

Upon leaving the State Capital, I felt some failure. However, one the state senators is proposing that the Violent Offender Registry be available to law enforcement only. In my judgement, this would lessen the negative consequences of the bill but I do not feel that registries make our communities safer. It is my firm opinion that registries in any form are a continuation of the mass incarceration which is feeding our country today. It also provides a false sense of security. The important thing is to be aware of our surroundings; not to judge or fear but to reach out and try to be objective. There are clearly people to avoid and mistrust but a registry won't help to know who that is.

as the facilities of civil detainees is within a health and human services program of some kind and not in prisons where there is a national accreditation program through the American Correctional Association.

But finding out information is extremely difficult. We know many persons detained have major issues such as health, mail, phone services, inconsistency of therapy programs and more and yet, to make contact with them is nearly impossible.

One of the major aspects of our advocacy is to tell people about what is good and what is bad. We work to push the fact that a counseling program or a 12-step program for addictive or compulsive behavior is a better option than just locking a person up in a warehouse type procedure, where so much time is wasted for the person and the public pays exorbitant costs through tax dollars for overcrowded prisons and civil facilities.

It is encouraging to see that articles to expose these civil programs is expanding. Stories on prisons have occurred for many years by numerous types of media. But the publicity about civil commitment has been slower – possibly by the fact there are not such programs in every state.

And we aren't talking about the media stories that bring to light when someone paroles and help cause hysteria in that happening.

There are reporters who are investigating civil commitment. Over the past year, Kenny Ocker of the **Tacoma News Tribune** reported on dirty water in the Special Commitment Center on McNeil Island at Steilacoom, WA. Further reports from detainee Richard Scott tells of a location to move the remaining persons in the facility.

Considerable reporting has taken place in New York recently. Rick Karlin of the **Albany (NY) Times Union** investigated telephone privilege limitations on detainees at the Central New York Psychiatric Center at Marcy, NY. Several detainees with whom we communicate there had told of the dilemma and how restrictions were being placed like in a regular prison. Some of that has been reduced.

A lengthy podcast on **The Journal News/Lohoud (NY)**, part of the **USA Today Network**, detailed a project over several months headed by David Robinson, the health care reporter for the publication, along with colleagues Jon Bandler and Avram Billig.

An interview by Robinson on radio station WVOX on May 31, hosted by investigations editor Frank Scandale, the costs and secrecy surrounding this little-known law was detailed.

Other freelance reporters are working on articles, learning more about the system, interviewing people. Many detainees in various states are willing to share information to work to get the word out about these places. They are to be commended. For, as we said, bringing notice is vital to uncover topics that go unnoticed in most of the public's conscience. For over a year a monthly conference call sponsored by International CURE director Charlie Sullivan has allowed persons around the country to share information, to network and to strategize. It has been critical to help persons who are working to form coalitions to challenge laws in their various states. To obtain information about this call, contact either the CURE office in Washington, DC (202-789-2126), cure@curenational.org; or to CURE-SORT in Norman, OK (405-639-7262), info@cure-sort.org.