



February 24, 2022

Professor Stephen J. Schulhofer, Reporter
Professor Erin E. Murphy, Associate Reporter
Professor Richard L. Revesz, Director
Ms. Stephanie A. Middleton, Deputy Director
The American Law Institute
4025 Chestnut Street
Philadelphia, PA 19104-3099

Re: ALI Model Penal Code: Sexual Assault and Related Offenses, Tentative Draft No. 5, May 4, 2021

Dear American Law Institute Council Member:

The undersigned are members of Women Against Registry and affiliate organizations who live in communities across the country.. The wives, mothers, daughters, grandmothers and caretakers. We do not come to the debate over the proposed ALI Model Penal Code: Sexual Assault and Related Offenses, Tentative Draft No. 5, May 4, 2021 (“the Draft”) as academics, victim advocates, or members of the bar. Instead, we come to this debate as innocent parties whose lives have been gutted as collateral damage to current sexual offense registry policies. We are referenced as those with the ‘courtesy stigma’!¹

Whatever the intent, the outcome is a compilation of social isolation, disrespect, shame and more egregious unfair punishments. It is our belief that the concept of the registry as a civil regulatory scheme, rather than criminal punishment, was not only a way for government litigators to protect the state registries from being nullified as ex post facto criminal laws. This idea also serves as a fig leaf to encourage everyday American families to not think deeper about how the registry punishes not only people who may have committed horrible crimes,² but also punishes their loved ones.

Essentially, our members are being treated like sexually dangerous individuals for not divorcing our husbands, not disowning our sons and likely making them homeless, and more. That is because the sex offense registry requires a person placed there to list a home address, at which point our homes are no longer homes, but “sex offender” houses. This emphatically places a target on the backs of any person living in that house.

¹ Referenced: Ashamed and Alone; Comparing Offender and Family Member Experiences With the Sex Offender Registry) Danielle J.S. Bailey and Jennifer Klein

² Note, however, that many registrable offenses merit their existence as crimes, but could hardly be called “horrible.” Teen sexting, for example, comes to mind.



Here are just a few ways our children are impacted. One registered individual was required, per the divorce decree, to have life insurance on him for his children. When you have to cross off 35 insurers denying coverage due to registry status that is debilitating to the entire family.

The wife of a person who is listed on the registry, loves animals and participated in an animal rescue until someone saw her husband's profile on the registry and she received a letter informing her she would no longer be allowed to participate in their program.

While participants were waiting for a panel discussion to begin taping, an Illinois victims rights advocate stated the money going to track registrants should be redirected to the victims for their treatment and recovery.

Another member was a bank teller and when the news channel splashed her boyfriend's offense on their channel she was fired for no justifiable reason.

Religious organizations practice 'selective redemption' when they ask a family or individual to leave their church or find another.

Pamela Connolly has been a member since 2013. Her husband has a traumatic brain injury from Vietnam and PTSD. He is on lifetime probation and is regularly harassed by law enforcement doing their regularly scheduled compliance visits.

Sheila Weisbrod, a WAR member since 2015 has a son who has a form of autism and is a person forced to register. The visits from the compliance officials always cause him to become very agitated.

For some victim advocates, the eternal punishment of a person who is convicted of a sex crime having to sleep with one eye open, or else be vulnerable to violent vigilante attackers and thrill killers, may be proportional in the mind of that advocate. After all, some argue, a survivor of sex crime must also live with the pain of being victimized, and that pain often lasts forever. But this argument falls apart when talking about innocent women and children who have committed no crime, but love the registrant in their lives and want to help him make a better, law-abiding one.

WAR members do not concur with every aspect of the Draft approved by membership at the Annual Meeting held June 7-8, 2021. The Draft commentaries clearly recognize that the sex offense registries serve no public safety purpose, though they may make some people feel safer, which makes them good politics. However, we recognize that the ultimate decision to recommend a limited, law enforcement access-only registry, which would include only people convicted of one of five narrowly drawn offenses, is a likely compromise between those who would prefer abolition and those who prefer the status quo.



The registry is not like other crime control policies that only have an impact on people who have committed serious crimes, the registry also impacts the innocent loved ones who live in the same home. If a person is a convicted felon, then that person cannot have a gun in their home. If a relative living in the same home decides to bring a gun home, prosecutors can still argue that the gun was effectively in the felon's possession. But a person on the sex offense registry is not an inanimate object designed with the sole purpose to do harm. A person on the sex offense registry is a full and complex human being, not simply his or her offense history. We do not believe in throwing people away like garbage.

We are deeply disheartened, though not surprised, by the news that the U.S. Department of Justice decided to meddle in the ALI Council's decision to review the project for final approval.³ We simply hope that the ALI Executive Office, and the ALI Council do not buckle to the alarmist smear campaign orchestrated by NCMEC and other groups. Similarly, we pray that Reporters Stephen J. Schulhofer and Erin E. Murphy refuse to wither from the truth about sex offense registries just because the DOJ has tried to scare them away from their important work.

Our lives, and the lives of all our direct family members, depend on it.

Sincerely,

Women Against Registry

Wayne Bower - Director - CURE-SORT

Charles and Pauline Sullivan - Founders of CURE National

³ This was initially known to WAR members as a rumor, but has since been validated by a February 1, 2022 article in *Slate* magazine. See Elizabeth Letourneau and Luke Malone, *9-Year-Olds Are Being Forced to Register as Sex Offenders. That Might Finally Change*, *Slate*, Feb. 1, 2022, <https://slate.com/news-and-politics/2022/02/john-walsh-sex-offender-registry-change.html>.