



May 16, 2022

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

Dear American Law Institute Member:

The Woodhull Freedom Foundation, a national human rights organization, is writing to express our grave concerns with the proposed ALI Model Penal Code: Sexual Assault and Related Offenses, Tentative Draft No. 5, May 4, 2021 (“the Draft”).

While we respect the amount of work that has gone into the existing draft, we believe that ALI’s approval of this Draft will do far more harm than good. We ask that the Draft be withdrawn and reconsidered.

This registry functions as today’s version of The Scarlet Letter, forever branding anyone listed on the registry as a “moral leper.” That phrase is directly attributable to a ruling by the US Court of Appeals for the Sixth Circuit that declared that Michigan’s Sex Offender Registration Act “brands registrants as moral lepers solely on the basis of a prior conviction.” Once we remove a person’s humanity it is too easy to strip away their fundamental human rights.

Limiting access to the database to only law enforcement, as proposed in the current Draft, takes us back in time to the way other registries functioned. One example is California’s registry from the 1940s which was used to track gay men.

We call on ALI to continue the work it has done in the past by tabling the current draft to allow for a broader consideration of the impact of the registry on the states and on the partners and children of the registrants. Decades prior to the Supreme Court ruling in *Lawrence v. TX*, ALI was deliberately silent during a restatement of criminal law on one of our fundamental human rights of sexual freedom. Following ALI’s lead, Illinois became the first state to decriminalize sodomy in 1962.



We are asking that you continue your long history of careful consideration of each issue and hold back a recommendation that will perpetuate irrational harm to individuals and families. Instead, Further, we ask that you re-examine approaches for dismantling these expensive and ineffective practices.

Respectfully,

A handwritten signature in black ink that reads "Ricci Joy Levy".

Ricci Joy Levy  
President & CEO  
Woodhull Freedom Foundation