



ASSERTION: CHOOSING TO SET APART ANY GROUP OF PEOPLE AND DENY THEM CIVIL, CONSTITUTIONAL, AND HUMAN RIGHTS THREATENS THE RIGHTS OF EVERY PERSON IN OUR NATION

Executive Summary

There is a legal and societal presumption that treating persons with sexual offense convictions more harshly than other felons protects society. In fact, this punitive and dehumanizing approach negatively impacts the very society that is seeking to protect itself because it is creating a group of people cut off from society, with all of the adverse consequences that entails, resulting, ultimately, in the loss of rights for all.

“In a democracy, the majority of the citizens is capable of exercising the most cruel oppressions upon the minority.”ⁱ

Protecting civil rights is an essential part of the democratic values of the United States. Civil rights are a significant set of rights created to protect an individual from unfair treatment; they are the rights of individuals to receive equal treatment and to be free from unfair treatment or discrimination in areas such as education, employment, housing, public accommodations, and more.

Discrimination is the prejudicial and/or distinguishing treatment of an individual or group based on actual or perceived inclusion in a certain category “. . . in a way that is worse than the way people are usually treated.”ⁱⁱ

Discrimination in law enforcement can mean that certain groups are viewed by authorities as “potential criminals” and so are more likely to be arrested and imprisoned. It can also mean that they are more likely to suffer harsher treatment, possibly amounting to torture or other forms of ill-treatment, once in the criminal justice system.ⁱⁱⁱ

In the United States we have a history of genocide against indigenous peoples, indentured servitude, slavery, and disenfranchisement that defined our beginning and still shapes

NATIONAL ASSOCIATION FOR RATIONAL SEXUAL OFFENSE LAWS
Fighting to restore dignity & constitutional rights to millions

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our social and political realities.^{iv}

Sexual crime laws have been, in large part, based on myths and mass hysteria about those whom society views as “monsters.” This group of people has been denied civil and constitutional rights, and these harsh laws are often based on nothing other than irresponsible media coverage implying that all who commit sexual crimes are the same.

Society has a lurid interest in the fear and drama created by irresponsible and inflammatory reporting, and ambitious legislators and news providers are all too anxious to capitalize on this. Many legislators benefit from discriminating against persons on a sexual offender registry as a group because this group has no support and no one would criticize a legislator for creating harsh laws against these “deviants.” There is no legislation easier to pass than a restriction on persons convicted of sexual offenses.

So, the injustices persist, and the registries continue to grow, increasing at alarming rates because registrants are required to be on them for life or for many, many years, and far more registrants are added than are removed.

Societies are only as good as the way they treat their citizens. This egregious treatment of registered citizens is predicated on fear, punishment, and discrimination of a class of people who have been labeled as “monsters,” when in fact those who have sexual crime convictions are NOT a homogenous group, and most are not violent and do not pose a risk to society.

Being labeled as a “sex offender” and consigned to the public registry is often a life sentence because of its direct impact on the individual’s ability to secure housing, to obtain employment, to enroll in higher education, to feel safe (free from fear of vigilantism), to travel without restriction, to use parks, to celebrate holidays (in many places, registrants are prohibited from participating in Halloween, regardless of the nature of their specific charge), of visiting their children’s schools, and other punishments based on the whims of states and municipalities.

To survive as humans, we must rely on social support, and when that support is withdrawn, we erode our own capacity for compassion and our own potential to be fully human and humane. When we shun an individual or a group, we diminish ourselves, our spirits, and our humanity. Those who are powerless are routinely shunned. When we practice shunning either individually or through “the law,” we rarely call it by name, but rather shift the blame to the target as having brought it on themselves, regardless of their suffering.^v

When people feel there is little hope for re-inclusion, or that they have little control over their lives, they may even resort to provocative behavior and even aggression.^{vi}

No other group of people in this country is treated as harshly as those convicted, or even accused, of a sexual crime. They are the “untouchables” of America regardless of the nature of their specific crimes or the risk they pose.

Not all with sexual crime convictions are the same, but all are treated the same. The effects of the restrictions are public shunning and ostracism, with all of the attendant negative outcomes, including creating a group of people who may pose a greater threat because of their exclusion from their communities.

Society is negatively affected in three distinct ways:

- Those who shun are personally diminished;
- Those who are shunned are made increasingly desperate and excluded, resulting in a lack of reintegration into society, which can make the likelihood of reoffending more likely;
- And perhaps the most chilling aspect of all is the very real factor of the potential erosion of the rights of all. Once society accepts, as it has accepted for those on the registry, that shunning, discriminating, de-humanizing behavior is appropriate for a certain class of people, what will stop other classes of “undesirables” from being targeted? Who will be safe?

As noted decades ago by Pastor Martin Niemöller when another group of “undesirables” were being targeted for discrimination, shunning, and ultimately death, “First they came for the socialists, and I did not speak out—because I was not a socialist. Then they came for the trade unionists, and I did not speak out—because I was not a trade unionist. Then they came for the Jews, and I did not speak out—because I was not a Jew. Then they came for me—and there was no one left to speak for me.”

“The most dangerous creation of any society is the man who has nothing to lose.” vii

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ⁱ Edmund Burke <https://brainyquote.com>

ⁱⁱ Discrimination definition, Cambridge Dictionaries online

ⁱⁱⁱ Lawlex.org/lex-bulletin

^{iv} Online—The Sanders Institute

^v A Reason (and Season) to Stop Shunning; Huffpost 2/19/2012

^{vi} Science Daily “Pain of ostracism can be deep, long-lasting” 6/6/2011 Purdue University

^{vii} James Baldwin