

# Titus House Newsletter

Titus House Ministries, PO Box 2376, Tijeras, NM 87059

January  
2018

## Sex Registries as Modern-Day Witch Pyres: Why Criminal Justice Reform Advocates Need to Address the Treatment of People on the Sex Offender Registry by: Guy Hamilton-Smith



Perhaps the most irrefutable statement that can be made about modern day America is this: we have a penchant for putting people in cages. More than any other nation on the planet, we rely on incarceration as the fix for our social ills.

America's unprecedented prison boom spawned advocates who work tirelessly to put the police state toothpaste back into the tube. As a result, despite a steady media diet of cops and robbers police procedurals, the rhetoric on crime policy has begun to shift. The country appears to be approaching something akin to apostasy. We have begun to lose our faith in imprisonment as an effective response to problems like drug addiction. For the first time since the data was tracked, state and federal prison populations declined in 2014, albeit slightly, from historic highs.

Yet amidst this wave of reform, one group of people continue to languish in the collective **"harsher is better" mindset: sex offenders.**

The sex offender is the modern-day witch: the registry, the contemporary pyre. A scarlet letter for our technocratic era, forcing people to register as sex offenders "is what puritan judges would've done to Hester Prynne had laptops been available." While undoubtedly there are those on the registry who have been convicted of blood curdling crimes, the designation is also extended to those who have been convicted of far more banal ones.

Reformers urgently need to draw public attention to the cruel and unnecessarily harsh treatment afforded to sex offenders within the justice system. Sex offender registries are rapidly proliferating and becoming an increasingly popular back-end tool for feeding people into the carceral state.

Geographic exclusion zones, pictured above, limit where people on sex offender registries are lawfully able to live, work, and "loiter." Source: 6th Circuit Court of Appeals via [scotusblog](#).

In understanding the reasons why sex offenders ought to be a higher priority for mainstream justice reform advocates, a grasp of the evolution and operation of the sex offender registry is critical.

The forebears for modern sex offender registries and so-called "sexual psychopath laws" first appeared in late 1930s California, and largely targeted LGBTQ individuals. What began as relatively simple lists of individuals convicted of crimes grew in the wake of two high profile murders of children in 1937, which spawned a moral-sexual panic: simultaneously horrifying and captivating the nation.

Operating on the premise that the American public had a right to know about the sordid pasts of those it deemed miscreants, registries began to spread from state to state, city to city, arguably arriving in modern form in the wake of the grisly rape and murder of Megan Kanka in New Jersey in 1994—the namesake for Megan's Law (the colloquial term by which sex offender registries are most commonly known).

Perhaps owing to our puritan roots, it has been said that everyone in America lies about sex, because everyone lies about the designs that they have on their neighbors' bodies. *(Are you part of the witch hunt. PAGE 2)*



## Are you part of the witch hunt?

Our institutions may not be terribly different.

In 2003, in a case titled *Smith v. Doe*, the United States Supreme Court was asked to consider whether the Alaskan sex offender registry was so punitive as to be constrained by the ex post facto clause of the United States Constitution, which is meant to stop punishments from being increased after the fact. In asserting—falsely, as has been conclusively demonstrated—that the risk of re-offense posed by sex offenders was “frightening and high,” the Court green-lit a cross-country, decade-long race to the bottom in denying those on the registry essential and time-honored legal protections.

Despite having been given two recent high-profile opportunities to revisit its holding and erroneous factual assertions, the Supreme Court has so far chosen not to do so. Worse, in the concurring opinion in 2017’s *Packingham v. North Carolina*, the conservative wing of the Court reaffirmed Smith’s central fallacy, which laid the foundation for present-day sex offender registries. Justice Anthony Kennedy, who authored the majority opinion in both *Smith* and *Packingham*, remained silent on the elephant in the room that was given life by his authorship in *Smith*: the erroneous assertion on re-offense rates.

Population of individuals incarcerated vs. Population of individuals on a registry, 2005–2016. \*Corrections data for 2016 not yet available.

In the wake of *Smith*, sex offender registries and their attendant restrictions have grown at a brisk clip. The number of people listed on a sex offender registry in the United States has grown from slightly more than 500,000 in 2005 to 874,725 today. Research has found that sex offender registries have a disproportionate impact on minorities.

While registries and their attendant requirements are sold as enhancing public safety, research consistently indicates that they are exceedingly bad at this goal. One explanation is because, contrary to Smith’s baseless assertion and what most believe, **people on the registry have one of the lowest rates of re-offending out of any class of criminal.**

A tenuous relationship with facts notwithstanding, registries are wildly popular: a whopping 94% of Americans support their existence and increasingly harsh treatment of those required to register (though most people report that they never actually check the registry). Even as the public appears to be finally questioning the wisdom of putting so many people in cages, the same cannot be said for its seeming **willingness to put so many in virtual cages out of fear of what they “might” do.**

Because of its popularity, public officials who depend on votes for their livelihood—like lawmakers and judges—are loathe to tinker with the registry, other than to devise ever-more severe punishments for its inhabitants.

As a piece of criminal justice machinery brought to bear on people, the registry can best be thought of as a two-headed beast: a 1–2 punch of distinct effects.

The first head is the direct impact on the lives of those on the registry itself. With no Due Process or Ex Post Facto brakes to slow down the juggernaut, it has become weaponized. A far cry from its origins as a simple list of purported perverts, it has morphed into a web of prison-without-bars that would make Franz Kafka blush. The oppressiveness, breadth, and lack of due process inherent in these modern day sex offender registries led a federal court in Colorado to label it a cruel and unusual punishment; a legal conclusion virtually unheard of outside of the cloistered world of death penalty litigation.

The second head is the tangle of legal requirements for those on the list: a knot of vague, illogical, ever-expanding, and sometimes contradictory laws that even lawyers, judges, and law enforcement have difficulty interpreting. Examples can include strict time limits on reporting even minor changes in information (such as online accounts) or residence, residency restrictions, or even the clothing one wears. States promise swift felony prosecutions if individuals do not observe hyper-technical compliance with these requirements.

Unsurprisingly, it is exceedingly easy to run afoul of the requirements, keeping those that do trapped in a cycle of legislatively-crafted “crime” that can be tantamount to a de facto life sentence. **“Failure to register” is fast becoming the crime of choice for returning those on the registry to prison.** In 2008 in Minnesota, failure to register charges became the most common reason sex offenders were returned to prison. Between 2000 to 2016, Texas saw a more than 700% increase in FTR arrests, from 252 in 2005 to 1,497 in 2017. To borrow a phrase from computer programming, this is not some kind of criminal justice bug.

It is a feature.

**If America has a civil death penalty, putting people on the sex offender registry is it.** In a recent experiment, when individuals were given the choice between being labeled a child molester or dying, most chose death.

The numbers of those currently on the registry are staggering, and continue to increase each year. Absent seismic shifts in criminal justice policy, the trend will likely continue. In a nod to Mencken’s admonition, the model popularized with sex offender registries is quietly being exported to other classes of crime—including white collar crimes, meth, guns, and animal abuse—despite little evidence that such registries accomplish much beyond branding its inhabitants irredeemable.

As with witches, the modern-day sex offender is largely a creature of our own creation, acting as a sort of repository for many of our collective moral anxiety around sex. Awareness and informed response is badly needed from those within the criminal justice community.

And it is needed soon.

(NOTE from the Editor Don Johnston)

*(If this is a heavy issue for a New Year, this it is NOT as heavy as the circumstances for people on the sex offender registry must face everyday. Together we can make a difference, we need your help)*



## Closing our eyes to prisoner abuse must stop

By Shelly Stow

Prisons are not supposed to be fun or pleasant. They are designed for restrictions and punishment intended to bring about rehabilitation.

They are not intended to facilitate, even encourage, vigilante activities against those whom other prisoners choose to mistreat.

Men in prison for convictions involving sexual offenses are often considered "fair game" for mistreatment and violence, and all too often prison personnel appear to turn a blind eye to this.

Speculation is already dominating the reports of Ben McCormick's conviction for child pornography and what will await him if he ends up behind bars. The irony in the situation is that, while a reporter for A Current Affair, McCormick was instrumental in exposing sit-com star Robert Hughes and for Hughes' subsequent trial, conviction, and incarceration for child sexual abuse.

Reports of the mistreatment visited upon Hughes are only exceeded by the speculation that the same fate or worse awaits McCormick if he is imprisoned. Reporters euphemistically speak of the "prison welcome" given to Hughes, a welcome in which inmates hurled at him their own feces and urine that they had saved up in milk cartons the first time he entered the prison yard.

Were there guards and other inmates were hoarding their No one is even asking the question compared to the sexual those convicted of sexual no one is asking those ques-

There are no statistics. No one sexual violence prisoners are that is visited only upon those they are without a doubt sinment.

And what of beatings, of maim-violent place. People in prison are bound to happen. As far as receiving more than their "fair share" of such treatment, it is "jail-house justice." Even other criminals won't "tolerate" those who sexually abuse children. It's bound to happen.

But it should not happen because those who should and could prevent it are closing their eyes and tacitly enabling it to happen.

Those who harm others should be punished. The punishment should not put them in positions where others who are also being punished feel free to turn a prison sentence into a sentence of torture or a sentence of death. Those who do that are proving their criminality yet again.

And also earning the title of criminals are the prison officials who shut their eyes. Their refusal to see does not excuse them from their culpability. We must demand that they be held accountable. *(Titus House is mailing to 25 different states. Reports from others that abuse in some states are worse than others. Please pray for our brothers and sisters behind the walls and for prison officials)*



prison personnel who knew the bodily wastes for this purpose? tion. And while this treatment is violence, rapes, and murders that crimes fall victim to behind bars, tions either.

knows how many instances of subjected to. It is not a horror convicted of sexual crimes, but gled out especially for such treat-

ings, of murders? Prison is a are violent people. These things those who commit sexual crimes

## Titus House Christmas Party



Our eighth annual Titus House Christmas Party was a huge success. There were 40 guests at Furr's Buffet, our biggest one yet. Returning Citizens that are on the registry and their family members crowded the little room. It looks like next year we need to find a bigger place to meet. As everyone sat down to eat, Don and Alice greeted the arriving guests and had name tags for all so they could get to know each other better. There were familiar faces and not so familiar faces that were happy to be celebrating the true meaning of the season, the birth of our Lord and Savior Jesus Christ. After most of us ate our fill at the all-you-can-eat buffet we were blessed again with the music of Jim, Theresa, and David from the Hillbilly Jug band from Palo Duro Senior Center.

We were all provided with song sheets which we all sang along to Christmas carols.

We then were entertained with the magic of Don Johnston with his *Magic with a Message Show* which presented the Gospel Message with sleight of hand and illusions. Don produced live doves and a rabbit along with comedy. You should have seen Mark as he put on a funny silly hat that was a *Thought Processing Machine*. We all had a big laugh.

Next we had Chaplain Fletcher from the Metropolitan Detention Center (MDC) give us an update on what was happening at MDC and how we as Christians need to love others. He works with all faith-based beliefs and how we can be Christ-like to others.

Next we had David who shared his experience as a Registered Sex Offender and how God has worked in his life. He also talked about how we all need to get involved in supporting groups like NAR-SOL and Liberty and Justice who fight for the rights of those on the registry. He then made a large donation to Titus House and encouraged others to do the same. Don and Alice were given a standing ovation for the work they do amongst the "Lepers of our Society".

Titus House would like to thank everyone who came and the support they offered. "May God bless you and may you all have a wonderful and peaceful New Year. For my brothers and sisters in prison remember it is a year closer to the door and Jesus is coming back.





## Titus House Ministries

PO Box 2376  
Tijeras, NM 87059

Phone: (505) 286-8807  
Alice's Cell (505) 259-0867  
Don's Cell: (505) 315-7940  
Email: donmagicjohnston@gmail.com

We're on the Web  
[titushouseministries.org](http://titushouseministries.org)

Hebrew 13:3 - Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.

Remember if you change your address you need to let us know if you want to continue to receive this newsletter



HAPPY  
New Year



Don & Alice Johnston of Titus House Ministries at MDC Christmas party for prisoner's families

## Questions to ponder

"Can an atheist get insurance against acts of God?"

"If man evolved from monkeys and apes, why do we still have monkeys and apes?"

"If the police arrest a mute, do they tell him he has the right to remain silent?"

"One nice thing about egotists: they don't talk about other people."

— via Walker Batts  
Texas Township, MI

Sign posted on the Internet:

"Ever wonder why there is a stairway to heaven and a highway to hell? There's apparently more traffic going to hell."

— via Paul Graves



## Circle of Concern

Circle of Concern is aimed at breaking down isolation and fear by providing a safe place for registrants and their loved ones to get together, build community, and learn ways to step out and take charge of their lives and overcome the stigma

they face. The circle of Concern is a group of concerned registered offenders, family and friends that meet together on the 2nd Sunday of each month. We are meeting this month on January 14, 2018 at 6 pm—8 pm. We will be having a potluck. We

meet at Foothills Fellowship Church, corner of Tramway and Candelaria on the far east side of Albuquerque. We encourage and try to help each other. It is a safe place to share our strengths and struggles. We hope you will join us.