**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 84**

**OCT 2022 – RETURN OF SRA PANIC, TX PROTEST**

ICoN provides legal, treatment, activism news & practical info for incarcerated SOs. Send inquiries in separate CorrLinks email (iamthefallen1@yahoo.com) or to Derek Logue, 2211 CR 400, Tobias NE 68453. My focus is SO laws; I don’t advise/assist on appeals, sentencing issues, non-SO news, & services like people-finding, penpals & mail forwarding.

**LEGAL ROUNDUP**

*Baughman v Commonwealth of Virginia*, Rec.# 201348 (VA 2022): Baughman was accused of violating probation by having non-sexual communication with a minor. VA moved to have Baughman civilly committed. After VA’s evaluator concluded Baughman was unfit for commitment, VA brought in a second evaluator (Dr. Sjolinder), which claimed Baughman was likely to reoffend w/o interviewing Baughman. Court ruled Sjolinder did not meet the qualifications under VA Code 37.2-904(B), under the plain code language under 37.2-906(E) to testify as an expert witness.

*People v. Krull*, No. 16163 (N.Y. App. Div. 1d 2022): Holding as a matter of first impression that, when a defendant has invoked his 5th Amdt right against self-incrimination, the SORA court should not assess risk level points for a failure to accept responsibility where defendant's trial testimony denied the underlying allegations & defendant has a pending direct appeal.

*Needham v. Superior Court of Orange Co*., No. G060670 (Cal. Ct. App. 2022): Holding as a matter of first impression, that the gov’t was not entitled to call a privately retained expert witness to testify at SVPA trial as to petitioner's mental state.

*Commonwealth v Torsilieri,* No. 15-CR-0001570-2016 (Chester Co PA Super. Ct. 2022): After this case was remanded by the PA Sup Ct to lower court in June 2020, this trial court concluded the dubious claim “SOs pose a high risk of reoffending sexually” under the state’s SORNA law is unconstitutional. Because this is a rare scolding of SORNA laws, many quotes in this 29-page ruling are worth reading:

“An irrebuttable presumption is unconstitutional where (a) it encroaches on an interest protected by the due process clause; (2) the presumption is not universally true; & (3) reasonable alternative means exist for ascertaining the presumed fact… we do not invade the liberties of citizens based on crimes for which there is no proof. Similarly, we do not restrain people's liberties based on future conduct that has not yet occurred. SORNA, as written, does both of these things.”

“In response to the defense experts, the Commonwealth presented the expert report & testimony of Dr. Richard McCleary, Ph.D. Dr. McCleary's report in large part attacked the methodology of all of the research showing a low rate of sexual reoffending by SOs or otherwise showing the inefficacy of SORNA's registration & notification requirements. In other words, Dr. McCleary opined that all research yielding an outcome different from that of the Commonwealth's position has fatally methodologically flawed & unreliable. Dr. McCleary's blanket denunciation of all research contrary to the Commonwealth's position in this case, in our opinion, materially detracts from his credibility.”

“The Commonwealth's main opposition to the defense experts' opinions regarding sexual offenders' low rate of sexual recidivism is the "dark figure" of sexual crimes. The ‘dark figure’ of sexual offending refers to the difference between the number of sexual offenses that occur but are never reported & those that are known to the authorities… The scope of that ‘dark figure’ as it concerns sexual crimes is speculative. There is no hard data demonstrating the rate of unreported sexual offenses. There is no hard data demonstrating that the rate of unreported sexual offenses is significantly higher than that regarding unreported crimes in general. As Dr. Hanson testified, we simply do not know; the data is not there & therefore measurements cannot be made with any certainty… The bottom line, as the defense experts have demonstrated, is that 80% to 95% of all sex offenders will not reoffend. Consequently, we find that SORNA's irrebuttable presumption that all sex offenders pose a high risk of sexual recidivism is not universally true.”

“The Commonwealth has argued that the fact that the amendments to SORNA include an opportunity for some offenders to petition to the court to be removed from SORNA’s registration & notification provisions after twenty-five (25) years means that SORNA’s presumption as to future dangerousness is not irrebuttable. This is illusory.”

“We find that SORNA is unconstitutional as a legislative scheme in both its use of a constitutionally infirm irrebuttable presumption & the punitive effects of its registration & notification provisions, as well as in its application to this Defendant, who has a strong support structure, is educated, is working, is an excellent candidate for rehabilitation, & is highly unlikely to reoffend”

“Based on the evidence of scientific &academic consensus presented, we find that SORN laws do not have the effect on recidivism & public safety anticipated by the Legislature, & that they are not rationally related to the purposes for which they were enacted.”

**RETURN OF SRA PANIC**

Satanic Ritual Abuse (SRA) was a myth created in the 1980s that taught that day care centers were fronts for satanic cults that molested, murdered, & ate children; by extension, the underground network reached the highest levels of gov’t. SRA was coupled with “repressed memory syndrome,” a belief that alleged abuse victims don’t remember the trauma of the abuse because the mind just blocks it out. Both SRA & repressed memory were debunked in the 1990s but with the rise of PizzaGate & QAnon conspiracy theories, both have made a comeback. This could negatively impact public policy so it is worth noting if you’re planning on engaging in ARM activism upon release.

Elizabeth Nolan Brown. “The Satanic Panic Is Back, & It's Bipartisan.” Reason.com. 18 Aug. 2022. Accessed 18 Aug. 2022 at https://reason.com/2022/08/18/the-satanic-panic-is-back-and-its-bipartisan/

A new poll looking at Americans' belief in conspiracy theories finds high levels of support for loony-tunes ideas about sex, Satan, & US institutions. In addition, more than half of those surveyed believed child sex-trafficking myths.

The situation echoes fears prevalent during the 1980s/1990s, a mass hysteria that has in retrospect been dubbed the Satanic Panic. This vintage worry about ritual murders, sexual abuse inspired by devil worship, & Satanists in child care centers, the entertainment industry, & elsewhere was unfounded—but still ruined lives. (See Jesse Walker's book “The United States of Paranoia: A Conspiracy Theory.”)

For a few decades, the moral panic around these topics seemed to subside—which is not to say people didn't displace these fears into other overblown villains, such as sex trafficking cabals. Now it seems to be in full swing again, blended with ongoing panic about sex trafficking & retro myths about queer people being pedophiles & perverts.

"Accusations involving ritual sex abuse & the sexualization of children have surged into the mainstream of American politics over the past year," University of Miami political science professors Joseph E. Uscinski & Casey Klofstad note on the London School of Economics' U.S. politics & policy blog. "In particular, conservative politicians & opinion leaders have increasingly expressed concerns about Satan, Satanists, sex "grooming", & the supposed "agenda" by public schools & entertainment companies to indoctrinate children into sexualized lifestyles or to turn them gay or trans."

To gauge support for such views, Uscinski % Klofstad conducted a nationwide poll, garnering 2001 (nationally representative) respondents between 5/26/22 & 6/10/2022. They found not only high levels of nouveau Satanic Panic but also high levels of belief in conspiracy theories about child sex trafficking & Disney: 25% agree that "Satanic ritual sex abuse is widespread in this country"; 33% agreed that "members of Satanic cults secretly abuse thousands of children every year”; 26% agreed that "the Disney Corporation 'grooms' children into sexualized lifestyles"; 28% agreed that "there is a secret 'gay agenda' aimed at converting young people into gay/trans lifestyles"; 30% agreed that "elites, from government & Hollywood, are engaged in a massive child sex trafficking racket"; 60% agree that there are at least 300k kids being sex trafficked in the US. Only 10.3% of those surveyed said there are somewhat fewer or far fewer than 300k kids being trafficked. Around 30% said they didn't know.

We've tackled this last myth at Reason a number of times. It's a statistic based on a bad study that assigned risk factors based on broad situations—like being the child of immigrants, being in foster care, or living in public housing—& then used these factors to arrive at the conclusion that 326k kids were "at risk for commercial sexual exploitation." The research never said this many kids were or would be trafficked, & even the method used to calculate risk is dubious. Nonetheless, the study is still cited frequently by people in government & law enforcement, & often morphs from children at risk of trafficking to children who are being trafficked.

The National Center for Missing & Exploited Children drew from this study & a 2002 Justice Department study (the National Incidence Studies of Missing, Abducted, Runaway & Thrownaway Children, or NISMART) to suggest that the number actually being trafficked is 100k.

Years ago, Washington Post fact checker Glenn Kessler did a thorough debunking of both myths. Kessler notes that the NISMART survey "showed nearly 1.7 million kids had a runaway episode a year," but "only 1700 kids — less than one % — reported having engaged in sexual activity in exchange for money, drugs, food, or shelter during the episode."

Bipartisan lunacy: Many have blamed former President Donald Trump & other Repubs for myths about sex trafficking, given the right-wing bent of believers in the sex-trafficking panic that is QAnon. But myths & misinformation about sex trafficking have been spread for decades by both Repubs & Dems.

& if Uscinski & Klofstad's poll is accurate, both Repubs & Dems are strong believers in child sex-trafficking myths as well as Satanic Panic hoopla. In the poll, Repubs were more likely to agree that Disney is "grooming" children & that there's a secret "gay agenda." But Dems were as or more likely to believe other conspiracy theories. For instance, on the question of whether Satanic ritual sex abuse is widespread, 29 % of Dems & 26 % of Repubs said yes. 32% of both Repubs & Dems said Hollywood & government elites are sex-trafficking children, & 61 % of Dems & 63 % of Repubs agreed that 300k or more children are being trafficked in the US.

Surveys like this one get at why curbing misinformation on social media—something politicians are constantly harping on tech companies to do—is so difficult. Wild myths are not merely fringe beliefs in many cases. They're shared by a number of Americans and, all too often, rooted in rhetoric from mainstream politicians.

**PROTEST AGAINST CIVIL COMMITMENT IN AUSTIN TX 9/13/22**

Two dozen protesters rallied in front of the Texas State Capitol on Tue 9/13/22 to protest the Texas civil commitment program. The program was created by the group “Families Against Committing Texans Standup” (FACTS), & members of Texas Voices & OnceFallen attended in person. Members of TX-FACTS & TX-Voices entered the capitol & visited legislative office & the TX State Auditor, meeting directly with the Auditor & two state reps. The TX Civil Commitment Office (TCCO) is asking for $40m, double the amount of previous years, which has some legislators concerned. Outside, members passed out fliers to visitors. Entire families had taken part in the event; even children of the participants held signs & passed out fliers explaining why we oppose civil commitment. This peaceful protest helped to spread awareness of the civil commitment controversy in TX. OnceFallen contributed to the event by participating in the event, promoting it on social media, & giving a speech on the history of the program. You can read the full 50-page report on the history & ongoing problems in the Texas civil commitment program at:

https://oncefallen.com/wp-content/uploads/2022/09/History-of-the-Texas-Civil-Commitment-Program-July2022.pdf