

AN OPEN LETTER TO THE SUPREME COURT OF THE UNITED STATES (SCOTUS)

The Honorable John Roberts
Chief Justice of the Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Dear Chief Justice Roberts,

We, the undersigned organizations, are writing to respectfully address the Court.

When the Court issued its decision on March 5, 2003, in *Smith v. Doe*, 538 U.S. 84, the lives of millions of American citizens were negatively and significantly impacted, specifically the lives of those required to register as sexual offenders as well as members of their families; and their communities were torn asunder.

To honor and remember the countless lives that have been damaged or destroyed as a result of this decision during the past two decades, advocates from across the nation will gather in Washington, D.C., on March 3 for a commemoration of this decision as well as the significant harm it has caused. On that day, we will gather near the steps of the Supreme Court Building starting at 11 a.m. for a vigil in order to shed light on the significant adverse effects of *Smith v. Doe*, as well as the now-disproven myth that the re-offense rate for sex-related crimes is “frightening and high” and that registration as a sex offender is “similar to membership in the Price Club.”

What are some of these significant adverse effects?

- Persons required to register are [underemployed or unemployed due to their registry status](#).
- Persons required to register [have very limited](#) housing opportunities because state and local jurisdictions have passed laws--and applied them retroactively--that prohibit registrants from living near schools, parks and other locations. This has, in some cases, led to [homelessness](#) for both registrants and their families. Persons on the registry, including veterans, are often denied entry into senior care facilities.
- Persons on the registry are often denied entry into [homeless shelters](#) and [emergency shelters](#).
- Some persons required to register who are veterans are [denied burial in a military cemetery](#) even though they earned that benefit by serving the nation in military service.

[Families of registrants are significantly affected.](#)

- Spouses and partners are criticized for “standing by” a person on the registry.
- Economic and housing difficulties are exacerbated by the registration status of their loved ones—which is what causes the economic and housing difficulties.
- [Children of registrants are often harassed and excluded](#) from social occasions and school friendships and groups.

The threat of vigilante activity is part of a registrant’s daily life.

- Persons required to register are harassed, threatened, and assaulted; their cars and homes are damaged. Vigilantes, in fact, have [murdered persons required to register solely because they are on a sex offender registry](#).
- The fear of being listed on a registry contributes to individuals taking their lives rather than facing the shame of the registry. One of those individuals was a [state court judge in Maryland](#) who chose death rather than endure the consequences of an accusation and the significant harm that would result from being required to register.

How did it come to this? The words “frightening and high” quoted in *Smith v. Doe* were used to describe the re-offense rate of persons who have been convicted of sexual crimes. The fact is those words were taken directly from an [article published in a *Psychology Today* magazine](#). The article did not reflect any type of research but instead was a marketing statement that was later refuted by its author.

This finding influenced the Court's reasoning in several key ways:

- The Court used the magazine claim of a high re-offense rate to justify Alaska's Sex Offender Registration Act (ASORNA) as [a necessary public safety measure](#).
- This claim also influenced the Court’s classification of the Sex Offender Registration and Notification Act (SORNA) law as [regulatory rather than punitive](#), stripping registrants of their constitutional rights.
- This claim was also used [to justify the retroactive application of the registry](#), denying registrants *ex post facto* protection.
- The “frightening and high” language has had and continues to have significant influence on later cases, having been [cited in numerous federal and state cases](#) to uphold various sex offender laws and restrictions that punish registrants and their families.

Those three horrible words — “frightening and high” — have been discredited over and over during the past 22 years. In fact, not one source can be found upholding their validity, and yet they live on. That is why on March 3, 2025, we will gather near the steps of the Supreme Court Building, and we will grieve. We will grieve for all of those whose deaths are directly linked to the registry. We will also grieve for the men, women, and children on sex offender registries today whose constitutional rights have been denied and continue to be denied. Finally, we will grieve for our nation, burdened with this blight on its history—and on its future.

Respectfully,

1. Alliance for Constitutional Sex Offense Laws (ACSOL)
2. Family Safety Foundation
3. National Association for Rational Sexual Offense Laws (NARSOL)
4. Restorative Action Alliances
5. United Voices for Sex Offense Reform (UV4SOR)
6. Vivante Espero Foundation
7. Women Against Registry (WAR) and the WAR Family Foundation
8. AL: Alabama Voices
9. AK: Alaskans for Rational Sexual Offense Laws (AKRSOL)

10. AR: Arkansas Time After Time
11. AZ: Arizonans for Rational Sex Offense Laws (AZRSOL)
12. DE: Delaware Advocates for RSOL (DARSOL)
13. FL: Florida Action Committee
14. GA: Restore Georgia
15. HI: Hawaiian Voices
16. IA: Iowans Unafraid
17. IN: Indiana Voices
18. KS: Kansas CUAR
19. MA: Massachusetts Advocates for RSOL
20. MO: Missouri Advocates for RSOL
21. MD: Families Advocating Intelligent Registries (FAIR) Maryland
22. MI: Michigan Citizens for Justice
23. MN: Minnesota for our Rights
24. MS: Mississippi Advocates for RSOL
25. MT: Montana Advocates for RSOL
26. NC: North Carolina RSOL
27. NC- NARSOL-NC
28. ND: North Dakota Advocates for RSOL
29. NE: Nebraskans Unafraid
30. NM: Liberty and Justice Coalition New Mexico
31. NY: Restorative Action Alliance New York
32. OH: Ohio RSOL
33. OK: OK VOICES, INC.
34. OK: Oklahoma Reform Sex Offender Laws
35. OR: Oregon Voices
36. PA: Pennsylvania Association for Rational Sexual Offense Laws (PARSOL)
37. SC: South Carolina for Rational Sexual Offense Laws (SCRSOL)
38. SD: South Dakota Advocates for RSOL
39. TN: Tennessee Advocates for RSOL
40. TX: Texas Voices for Reason and Justice
41. VA: Safer Virginia
42. WV: West Virginia Association for Rational Sexual Offense Laws (WVRSOL)
43. WI: Wisconsin Advocates for RSOL