

Advocates For Change



# THE ADVOCATE

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## AFC MISSION STATEMENT

AFC supports those with a sex offense and their families by:

- Advocating for change in sex offense laws and policies, and for the adherence to constitutional rights;
- Educating the public, lawmakers, and the judiciary;
- Promoting the successful treatment and reintegration of those with an offense into the community, thus reducing victimization and enhancing the safety of all.

## CONTACT AFC

**Mail:**

P. O. Box 103392  
Denver, CO 80250

**Phone:**

720-329-9096

**Email:**

advocates4changeafc@gmail.com

**Website:**

www.advocates4change.org

## **A MESSAGE FROM THE AFC CHAIR**

Last year ended with a cloud for those with an indeterminate sentence. The Attorney General’s office determined that legislation made it mandatory “to have progressed in treatment” before being even considered for parole. This has been a setback for far too many that have not even had an opportunity to have treatment. The Parole Board had been considering everyone “eligible” for parole but this decision was a setback for their decision-making process as well.

AFC has been making the rounds to try and get this decision reversed or to find a way around this legislative language. So far, we’ve heard of no decisions that will help with this issue. But we continue to make it known that there is a real problem and something needs to be done to correct the problem. So many laws have been written without ever considering the long-range consequences. And lawmakers don’t really like having to change laws.

As the new year brought in a new legislative season, AFC has been working to educate the new members of the Legislature regarding the issues faced by those who have been convicted of a sex offense. There is a lot of ignorance with them as it was for all of us who “discovered” what these laws meant when our families were impacted. However, I do want to say that people today are far more open to discussing the subject than they were 10 or 15 years ago. Just having a discussion can lead to changes in laws that seem like overkill.

In January, the Joint Judiciary met. AFC and other advocates testified and brought up the many issues facing people charged and convicted with a sex offense and the misinformation that supports the general beliefs of who these people are. The meeting showed a true interest in the subject by many of the legislators. This gives us hope that changes, even if they are not big ones, can be made. In this world, changes have to be slow because the public doesn’t really understand who those with a sex offense really are. The public has been fed a lot of information in the media that creates a real fear in them. So, progress is slow but progress is being made.

AFC is driven by our interest to help the many who just want to have an opportunity to begin a new life and leave the past behind. Our goals for real justice are big so we keep striving and inch by inch things are happening in Colorado and around the nation. We know your days are long and it sometimes feels hopeless but keep that hope even if the changes are taking longer than they should.



*Pat Harris, Chair, Advocates for Change*

AFC is all volunteer; no one receives a salary. In fact, our core Breakfast Action Group (BAG) members cover many of our expenses out of pocket; expenses which keep growing. We at AFC appreciate your support and renewing your memberships or donating on a timely basis. New members are always welcome.

### **AFC Visits the Attorney General's Office**

AFC met with a legal representative of Attorney General Weiser on March 8, 2019. It was a good opportunity to provide the Attorney General's office with a variety of concerns. The meeting included discussion on the following topics:

1. Status update on the Attorney General's position on parole eligibility sentenced under the Lifetime Supervision Act.
2. How can we work together to reform the Lifetime Supervision Act of 1998?
3. Concerns related to the Sex Offender Management Board members' perceived non-compliance of statutory mandates.
4. Questions regarding the Conflict of Interest on the Sex Offender Management Board.
5. Use of the polygraph by SOMB/Probation/Parole without a practice and understanding that the results are inadmissible in court and the ordered use of polygraph on juveniles and vulnerable populations.
6. Concerns regarding the SOMB Release of Liability form.
7. Perception that SOMB approved polygraph examiners are raising prices in unison.
8. Practice of third-party disclosure by supervising officers can impede clients' right to worship.
9. The need for legislation to require law enforcement to track/report harms against those on the Colorado Sex Offender Registry.
10. The unnecessary separation of families through SOMB standards and guidelines without regard for a client's crime of conviction or individualized risk.

The meeting was very open and with a very good discussion on the topics addressed above. The AG representative will be taking the information provided in regard to the topics and giving it to the various departments that handle these complaints/concerns.

### **Visit to Executive Director Dean Williams, Department of Corrections**

AFC membership drove to Colorado Springs on March 12, 2019 to visit with Director Williams. The meeting was to introduce ourselves and to bring up issues that are of the

greatest importance right now. The issue that concerns us most right now is the problem with people indeterminately sentenced not having an opportunity for treatment and then not having a chance for a parole board hearing. Director Williams had the same concerns.

AFC provided several AFC prepared documents (1) Sex Offense Parole cost paid for by the state, (2) Colorado Correctional Population, (3) Audit findings from 2016 showing for that year the rate of enrollment into treatment with 1,979 offenders would take 8 years, (3) SOTMP Global Referral List Numbers showing a 15.3% increase of lifetime sentenced people past their PED, (4) Parole Board memorandum on the AG's opinion stating that anyone falling under the LTS act would be required to have successfully progressed in treatment in order to be considered for parole, and (5) the SOMB Standards and Guidelines, Appendix T criteria for release from prison to parole. We wanted to give Director Williams a complete packet for his review of the causes for the backup in parole releases from DoC. He was aware of most of the issues and expressed his concern regarding the problem.

The polygraph was another topic of discussion and the considered value of having offenders taking them while in prison. Other topics covered were the unnecessary separation of families in addition to the harm to children when a parent is on parole and parole conditions that are not reflective of risk.

### **Letter from Marsha Brewer to Terri Carver**

I am writing this letter in response to the Colorado Independence article on January 17, 2019, "Polis punts decision to open shuttered prison, seeks 'holistic' solution to dwindling bed space. Governor leans toward 'reform that will avoid unnecessary incarceration' as prisons reach 99 percent capacity." A person doesn't have to research very hard to see why Colorado prisons are suddenly reaching their maximum capacity. Besides the obvious of illegals, mental health, and addiction related incarcerations, there are far too many inmates that are very low to moderate risk for reoffending or as a threat to society. Most are there for probation/parole technical violations; some for their first violation and with no previous convictions. Technical violations can be as minor as missing homework assignments, or not saying things in the way that the treatment provider wants to hear it. The individuals, their families, taxpayers, and the prison system would be better served if these individuals were back in their homes and communities as contributing members of society. The media is so distraught over the separation of illegal families at our borders. These children are being housed in clean conditions, given three meals a day, and a bed to sleep in. Who's worrying about the children of inmates and their families? Unnecessarily putting the heads of households into prisons is a high contributor to the

breakup of families, which is already a major factor of many issues of society. For older inmates who are drawing on their Social Security, that income stops with a felony conviction and incarceration for more than 90 days. That in itself is unconstitutional. That is money that they've paid into Social Security for their entire working adult life. It's their money, not the government's money. For many seniors, the head of the household's Social Security check is what pays the monthly bills. Those bills don't go away because the individual is incarcerated. How can it be better for these low risk individuals to be in prison while their spouses struggle to make ends meet? Lack of common sense by judges and with the enforcement of probation/parole rules and regulations contribute to many unnecessary incarcerations. Here are a few examples that I am aware of, and I know there are many more that are just as unbelievable: You're released from County with a restraining order regarding your children. When you arrive back at your apartment, your ex-wife is there with the kids to "welcome you home". In the meantime, her boyfriend is calling the sheriff to report the violation. You're rearrested and back in jail in five hours since your release. Your treatment provider says you have to move out of your home because your wife and adult son went to a community event where your victim and her family were in attendance. Your lawyer explains to your PO that they are on rather shaky ground. Your PO doesn't make you move, but the provider tells you, "You may not have to move, but if you don't, you won't succeed in this program." Two months later you receive a revocation letter, and now you're serving an indeterminate sentence in DOC. As a probationer, you are shopping at Walmart during your approved time to be there. Suddenly your young daughter, who you're not supposed to have contact with, comes running up to you calling, "Daddy!" Her mother calls the police, and you're arrested as you leave the Walmart store. You're now back in prison. You've been terminated from treatment because the provider says you're in Level 2 Denial (SOMB Standards say Level 2 Denial is not grounds for dismissal). The termination letter says that you have no other violations. You've attended all meetings and completed all assignments, but they don't like the way you express yourself (you won't deny your faith or admit to something you didn't do). Two new evaluations (one ordered by the provider and one by your lawyer) state that you are progressing, but there is an obvious personality conflict between you and the treatment provider and both recommend continued treatment with a new provider. The prosecution agrees. The judge sentences you to "two years to life in DOC." Where's the justification? I could go on, but I'm sure you see the point I'm making. A DOC employee recently stated at a prison ministry conference that the #1 success factor for an offender is to have strong family, community and spiritual support.

Sadly, some treatment providers don't see this, consider it a negative, and have used it as grounds for dismissal. Look at the regular visits some inmates have from their families. They are low risk, and have the support to be successful in society, yet they are incarcerated (some with indeterminate sentences) at theirs, their families and the taxpayer's expense. I would ask that you please look at these senseless incarcerations. The need for new prisons goes away by freeing up numerous beds. You reunite families while giving individuals a second chance to be positive, contributing members of their communities. In many cases, I'm sure this will also keep some families off of welfare. It's a win-win answer to the overcrowded prison situation. Respectfully,  
Marsha Brewer

### **Does Colorado Have the Right Answers for Bringing People Back into the Community for a Sex Crime?**

The true story of two men paroled to the community:

**Background Stories** – Both men served long prison sentences in Colorado as sex offenders – 10 and 20 years. Neither had sexual intercourse with their victims. They were successful businessmen with high incomes.

Colorado has a "Victims Rights Act" that protects anyone who comes forward to report a sexual assault. If you are charged with a sex crime it is unacceptable to question the victim. Those who try are punished. Both men received legal counsel and took a plea bargain.

One of the men was approached in a sexual manner by a teenage girl and responded with some touching. The other man had an alcoholic wife who couldn't keep a job. The first man was blackmailed by his teenage victim to take her shopping. The second man accused of touching his step-daughter in an inappropriate manner, had just reached an age where he could draw a large retirement income. Upon his accusation, his wife gained control of that income, his home and his possessions. One man was paroled to COLORADO and the other to ANOTHER STATE.

A difference between the two men is that the man paroled to Colorado had previously had his parole revoked and had no income and was sent back to prison for technical violations, not a new sex crime. The man paroled out of state had income coming in monthly.

### **OBSERVE THE DIFFERENCES IN HOW THESE TWO STATES HANDLED PAROLE**

#### **GETTING OUT OF PRISON:**

**Other State** – Spent three days in Colorado and flew to other state. Had meeting with his Parole Officer on fourth day. No ankle monitor required. Curfew: 11PM - 6AM. Parole Officer provided him with her business card to address concerns.

**Colorado** – After traveling 175 miles from prison facility, required to report to his parole officer later the same day. After the meeting with parole officer, required to go to downtown

Denver for ankle monitor. He was expected to go to Evaluation Office the same day. He requested that the evaluation meeting be scheduled for the next morning. That was approved. He is required to call a phone service – C-Wise every morning to state where he would be going that day. The only way to contact Parole Officer is to leave a message with C-Wise. Curfew: 8PM - 8AM. Day 2, reported early to Evaluation Center as required. After waiting for an hour to be seen, in a loud and scary moment, his ankle monitor goes off. He is told to immediately return to his residence, that he has not been approved to leave his residence. Enroute to his residence, he contacts C-Wise to report the problem and asks that his Parole Officer call him back. He does not receive a return call. He calls C-Wise that night and receives permission to leave the residence the next day. Day 3 he returns and completes evaluation assessment.

### **INITIAL MEETING WITH PAROLE OFFICER**

**Other State** – Parole Officer introduced herself as Jane Doe and said please call me Jane. She explained the restrictions and said that she was there to help him transition and was not out to get him. His first visit with treatment was set up for the following week. Treatment is provided in the same building as the Parole Office.

**Colorado** – Parole Officer introduced herself in an odd manner by referring to herself in the third person. “Your Parole Officer is Officer Doe.” It took clarification to understand that she was Officer Doe. He requested treatment with Progressive. Colorado law allows for a choice of two treatment provider. She stated that she was sending to RSA for an interview to see if he would be accepted in their treatment program. No choice was given.

### **RESTRICTIONS AND EXPECTATION EXPLAINED BY PAROLE OFFICER**

**Other State** – Able to purchase a car and drive anywhere within her jurisdiction (4 counties). Approval would be needed to drive outside jurisdiction.

- Able to use own and use a computer and smart phone
- Restricted from going on social media

Able to shop in stores, go to the movies, attend church, and eat in restaurants

- Restricted from State Parks and School zones.

- Required to report incidental contact with children

**Colorado** – Allowed to drive to five approved locations, i.e. Kings Soopers, gas station, Re-entry, Home Depot and hospital.

- Computer and Smart Phone access denied.

Cannot be in the same room as someone using a computer.

Required to submit advance Safety Plan to C-Wise outlining where he would go that day

Not allowed to go to the restaurants, movies, attend church, stores until approval by treatment

- Not allowed to go to Workforce Center.

Not allowed to go to sponsor's place of business to provide help and assistance

### **REGISTRATION**

**Other State** – Required to register in person to the police department within five days

- Required to register every 3 months

- Cost: \$0

Subsequent Registration is handled by mail using a fingerprint kit

Registration was straight forward and relatively simple  
**Colorado** – Required to register within 5 days to police department

- Required to register every 3 months

- Cost: \$75.00

- Subsequent Registration cost: \$25.00

Showed up for Registration on 5<sup>th</sup> day. Delay was related to ankle monitor going off on 2<sup>nd</sup> day

not being able to leave residence. Arrived at Police Office to register and office was closed. The county he is

living in only offers registration on Tuesday and Thursday. This information was not provided in advance. So basically, unable to register within the required time limit. This is a grave concern because failure to register, is a serious offense and a reason to be sent back to prison.

### **SIX WEEKS LATER**

**Other State** – Parole is running smoothly.

- Attended weekly treatment since week 2

- Took his family out to dinner

- Went to a movie

- Visited historical sites and Federal Park

- Able to purchase a car online with his own computer

Able to drive out of district to pick up car and pick up family at airport.

- Took a cooking class

**Colorado** – Has not been accepted into treatment

Still limited to same 5 places where he can go. One exception able to attend a meeting with Advocates for Change

- Not able to go to the church

Computers are available to him only at re-entry downtown. First 2 visits, Re-entry was closed

Third visit to Re-entry, office was open. Asked for assistance with computer. Staff offered no help and told him this would be a good learning experience.

Unable to find work with no resources and not able to use workforce center

- Not allowed to communicate with other offenders

Sponsor was out of state visiting family for Thanksgiving. During that time Parole Officer came to inspect residence. Parole officer stated that family pictures of children needed to be taken down.

Parole Officer made accusation that parolee was having sexual intercourse with the person who sponsored and took him in.

Parole Officer returned the following day accompanied by 7 other suited up parole officers. House was totally taken apart. Emptied every closet, drawer and cabinet.

- Confiscated laptop computer

The next day, parolee was told that he had to leave the residence. Temperature 19 degrees. Required to go to shelter in Denver.

Five days later when sponsor returned home, she spoke with another parole officer who allowed him to return to residence

### **TWO MONTHS AFTER RELEASE**

**Other State** - Making good adjustment in community

**Colorado** - Assigned to a new parole officer

- Restrictions lifted on Visiting Workforce Center
- Adjusted curfew



We left the meeting and went to a regional volunteer event to sort the food donations that the area synagogues had collected over the holiday. While we were there, a few board members who were still at the Temple decided to take matters further into their own hands. They met and hatched their plan. I would learn the outcome the next day.

Monday morning, I was on the way to work when I received a call from a member of the self-appointed "fix-it" team who I refer to as the vigilante board. That individual insisted that I take a call after work with him and a handful of others—another ambush. He was dictating what time the call would be and who would be on it. I told him that I'd prefer to wait a few days until the Rabbi returned from a family trip, but he persisted. That evening I was presented with a proposal. Essentially, they wanted me to continue all of the "good work" I was doing, only I should do it in the shadows from now on. They didn't want me to be visible. I was to agree to not being in the building during any youth events. Second, they wanted me to be paraded in front of additional parents who didn't have the opportunity to publicly shame me in the first botched go-around. And third, they wanted me to immediately inform the YMCA of my past.

On the call, I gave the vigilante board no answer other than to say I would be speaking with the Rabbi when he returned. They weren't satisfied with that answer and wanted to know when I would provide a response. I just reiterated I would be speaking with the Rabbi who was expected home the next day.

In the meantime, because there was so much talk about the YMCA, I decided that I would inform them of my criminal record. There are so many reasons why my past was irrelevant. For starters, I was an unpaid volunteer of the Temple who works during the day in another town while the program would be running. I wouldn't have anything to do with the day to day operations. Moreover, although I committed an internet-based offense over a decade ago, I am not a risk to children.

I contacted the YMCA and spoke with the senior person in charge of the daycare programming. She agreed that since it was a YMCA program not run by the Temple. I'd have nothing to do with their staff of customers, there was no issue. That was Tuesday.

On Friday, a parent called the YMCA to inform them of my status. As soon as they received that "tip" from one of our congregants, the YMCA pulled out of the deal. I called the President of the local YMCA and tried logic. I even offered to resign my position on the board. He angrily said "no." A major part of the problem was that the YMCA had signed up children without Temple knowledge prior to our settling on the contract. After his angry and unprofessional phone exchange, the YMCA notified the parents that there was a safety concern. They took no responsibility. Although they didn't provide my name, they might as well have. The publication of my name paired with the label of sex -offender wouldn't be too far off.

I'm getting a little ahead of myself. Between Tuesday and Friday, there was some light. I reached out to the national organization where our congregation is affiliated. I spoke with the head of our religious movement who treated me with dignity and compassion. With help from him and a few others, I drafted a letter to the entire congregation "outing" myself and asking for community support to continue leading. The support I received personally was overwhelming. At that moment, I had hope that I'd be able to continue the good work I was doing for the community. The amazing support while much appreciated was all directed at me by individuals. No one was looking for ways for

the entire Temple to support and back me. There were no efforts to put the onus back on the YMCA where it belonged. I was left on my own.

### **Politics**

Once word spread that the YMCA pulled out, there were a few individuals who were all too eager to share that the safety issue was me. The news that the President of the Jewish religious organization in town was just too good for the gossipers. But, for some, it got even better!

We were still in October and the midterm elections were approaching quickly. In addition to being Rabbi, our Rabbi was also an elected member of the Town Council. He's known about my past since the day after my arrest in 2008 and I credit him with bringing me back to life. He was also trying to help our town solve the aftercare issue. It was a Win-Win situation.

The Republicans in town started emailing each other. Their goal was to figure out how to best use this situation for political advantage. Would they work to just get the Rabbi to resign from the Town Council or would they look to embarrass all of the Democrats? Maybe if played right, they could do damage on a state level. Would they act immediately or save their virtual grenade to do more damage later?

And they didn't just leave it at emails. They took to social media. People started weighing in. Many people who have never met me had unkind words to say about me. One woman expressed outrage that her child had taken an SAT Preparation class at the Temple. Oh, the horror! We were now entering full panic mode. The Town Council held their open meeting that Monday night. I watched on my computer as it was broadcast from the town's website. When the YMCA came up on the agenda, each Republican council member expressed outrage at what had happened. Rather than correcting the record, the Democrats piled on.

A few residents stood up and demanded that the Rabbi step down from his position on the council. They talked about the shocking revelations and how they were so glad that my background became known because they almost put their children into the program. One parent, who was friendly with the husband of the wife who started the gossip-train rolling, delivered a very dramatic performance. Her outrage at the microphone was only slightly overshadowed by her glee when she returned to her seat. She would eventually be rewarded by assuming the Rabbi's seat on the Town Council.

During the meeting, the local television news stations had their cameras rolling.

And then the most disappointing thing of all happened. The Mayor made a statement. The Mayor who called me personally the day before to tell me it would all be all right. The Mayor who I had supported in various ways. The Mayor who is a good personal friend of the Rabbi's. The Mayor simply said, "I have kids too and I would be concerned," as he posed for the television cameras. (Side note: when I eventually confronted him on his comment weeks later, he told me that he feared for anti-Semitism in the town and he was doing it to calm the situation. He may believe that, but I call bullshit).

The next few days brought an onslaught of media attention. Multiple local newspapers and television news outlets couldn't get enough. It was media gold with Jews behaving badly, a Rabbi, a Sex Offender, devastated parents, and young children at risk of association with Predators. The major regional paper even resurrected parts of the story they ran following my arrest 10 years early, mistakes and all. The way they worded it,

they made it sound like I was deviously trying to get a program running where I would have access to children, and they implied that I would have been running the program.

The Associated Press picked up the story and, as a result, my story was in national publications and in regional news around the world. I begged a national Jewish publication not to print my picture. I had a choice of providing a picture or they would publish my photo from the registry.

At this point, I was still President of the Temple. A handful of outraged and angry congregants sent emails wanting to know what we were going to do to stop the press. The Rabbi had spoken with a few reporters in an attempt to bring back reason, but the media chose to make it seem like the Rabbi was involved in a cover-up.

In the middle of the week, the Rabbi called. He had been pressured to resign from his Town duties: as Town Council member as well as clergy for the Fire and Police Departments. He was advised that if I was ever going to resign it should be on the same day so that we only go through one more news cycle. So, I drafted and submitted my resignation as President of the Board.

I had also been on Facebook. The State of Connecticut didn't care but Facebook Terms prohibit anyone who has ever committed a sexual offense. I had been using Facebook as an administrator of the Temple's page, an extended family page, a college alumni page and to keep in touch with family and friends. Someone who had seen all of the media reported me to Facebook and "poof" my account was gone.

### **At the Temple**

The moral panic was in full swing. The Rabbi decided he would invite clergy from another faith to come and speak that Friday night for our weekly Shabbat service.

The sanctuary was packed. The majority of people came out to support me, but a few came because they viewed this situation as a way to embarrass and hurt our Rabbi. The supporters came over and hugged me.

The Rabbi invited the guest minister to speak. We're a liberal synagogue with many interfaith couples. The guest speaker starts talking about Jesus as the Savior. I really wanted to hear what he had to say, but a few congregants started heckling him. They didn't like that he was talking about Jesus. One congregant yelled out, "I didn't come here on Shabbat to hear this." It was disrespectful and horrifying to sit there in a fractured community that wasn't living up to our values where we like to quote the prophet Isaiah by saying that "Our House Shall be Called a House of Prayer for All Peoples." I wasn't embarrassed for trying to help the community or for turning my life around, but I was deeply ashamed that my fellow congregants were behaving so inhospitable. Unfortunately, I was still in shock from the political and media hatchet job that I sat there and didn't say anything.

The Rabbi cut the Minister's talk short and thanked him. One of our prior Presidents stopped the Minister to give him a gift and then sent him on his way. Very awkward.

The Mayor jumped up to save the day. The same Mayor who didn't stand up for me or for his close friend, the Rabbi. Now, on our Shabbat, he addressed the congregation. Here's what I heard, "blah, blah, blah, blah, blah.....," followed by "even though I am a Muslim, I tell people that your Rabbi is my Rabbi and this is my Temple. I want you to know that I've got your back." He looked at me when he said "I've got your back." He flashed the thumbs up and his best camera smile. I felt sick.

We finally began the service. During our prayer of healing, we mention the names of people who are ill. Someone mentioned mine and my supporters seemed ready to punch the guy. When the Rabbi gave his sermon, he apologized for bringing in the minister. He talked about his years of service with fire and police department and he made it clear that when there was a conflict between politics and being a Rabbi, he chose to be a Rabbi. He didn't mention how gossip is one of the biggest evils and how our own community had acted poorly. And while he was very supportive of me since my arrest and recently with the press, at that moment, I felt great disappointment.

After ten years of turning my life around and giving back a tremendous amount to the community, I couldn't have written a better redemption story. But that wasn't enough. The media and politicians had their own agendas and wanted to stick with their pre-determined mindsets. Congregants and members of the town simply reacted based on their own fears that have been stoked by media and the politicians. Who I am never mattered. Perhaps one day it will.

**-End of Part 1 -**

*Stay tuned for Part 2 The Aftermath  
and Part 3 The Beginning*

## Editorial Policy

*The Advocate* is published by Advocates for Change. We provide information on our efforts to affect change in legislation, treatment, and re-integration into the community, primarily for those who have been convicted of a sex offense. Nothing offered by AFC is intended to be legal advice, and any information provided should never be a substitute for obtaining counsel and/or conducting your own research.

Submissions from inmates/offenders, parolees, and members, are encouraged. Please limit articles to 300 words. The editor reserves the right to publish all, part or none of the contributions submitted. Send contributions for publication and/or comments on the newsletter to: Advocates for Change, Newsletter Editor, PO Box 103392, Denver, CO 80250.

## PLEASE JOIN US

Membership Fee is \$25 for family membership, \$5 per year for returning citizens, and 8 stamps for those on the inside. Any additional donations are gratefully accepted.

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