



The Advocate

affecting change in Colorado's laws, policies, and attitudes

Summer 2025

NARSOL Conference – Grand Rapids, Michigan – 2025

AFC members had paid for the conference, airline tickets, and had rooms reserved when the conference was cancelled. Threats were being made due to the subject matter and the individuals attending. The hotel chain was cancelled at the very last minute. Plans for the next conference are unknown but will be discreet to the attendees. This is like the past NARSOL conferences when everything about the conferences were unannounced

NARSOL Conference Rescheduled to October 17-19, 2025, Atlanta, GA

AFC Reports - The board and members continue to meet on a bi-weekly basis. AFC met continually through COVID, and we meet with coalition members today as we work to reorganize into a more effective organization. We were disappointed to learn that the building we used for our night meetings is no longer available, but we have found a meeting place as either a temporary or permanent location. AFC carries on working to benefit individuals who have been left out of the mainstream of society.

Lawsuit Filed to Challenge Oklahoma's 'SEX OFFENDER' Labeling on Driver's Licenses and IDs

24 June 2025

Litigation seeks to terminate Oklahoma's practice of marking certain driver's licenses and state identification cards with the prominent label of "SEX OFFENDER."

A lawsuit has been filed in the Northern District of Oklahoma to challenge the state's practice of labeling the driver's licenses and state identification cards of registered individuals with the conspicuous designation of "SEX OFFENDER."

A civil complaint was jointly filed by the (NARSOL) attorney Larry King, Esq., and a collaborating attorney from Oklahoma in federal court for the National Association for Rational Sexual Offense Lawsurt on June 23, 2025. The plaintiffs include NARSOL, OK Voices, Inc., and three individual plaintiffs representing the class action, which impacts over 6,500 registrants in the state.

The complaint requests that the Court issue a declaratory judgment declaring the law unconstitutional both on its face and as applied to the plaintiffs, as well as an injunction prohibiting the defendants from enforcing the provisions of 47 O.S. § 6-111(E). Litigation of this nature is typically protracted and complex.

In Ellingburg, U.S. Supreme Court Has the Opportunity to Reconsider Registries Under the Ex Post Facto Clause

By **nufearless** on July 8, 2025

When Holsey Ellingburg, Jr. walked out of prison after serving nearly 27 years for a 1995 bank robbery, he believed he had paid his debt to society. But the government wasn't done. Though he had already paid more than \$2,000 toward a court-ordered restitution of \$7,567, Ellingburg was told he still owed nearly twice that amount and would have to continue paying \$100 per month indefinitely.

What changed?

Congress passed the *Mandatory Victim Restitution Act* (MVRA) in 1996, extending the period for collecting restitution and adding interest, long after Ellingburg had been sentenced under the older *Victim and Witness Protection Act* (VWPA), which capped collection at 20 years.

Ellingburg's case reached the U.S. Supreme Court earlier this year. The question: Does retroactively applying the harsher MVRA violate the Constitution's *Ex Post Facto Clause*, which prohibits laws that increase punishment after the fact? In a twist, the U.S. Solicitor General abandoned the government's earlier position and agreed with Ellingburg: Yes, it does.

But one of the most provocative arguments comes not from the parties but from the Cato Institute. In its amicus brief, Cato not only supports Ellingburg but urges the Court to rethink a wide range of "shadow punishments" that have long escaped constitutional scrutiny, including sex offense registration laws.

Restitution, Punishment, and Ex Post Facto

Cato's legal brief, authored by Visiting Legal Fellow Matthew Cavedon, contends that restitution is clearly a criminal punishment. It arises from a criminal conviction, can result in incarceration if unpaid, and is administered through the criminal justice system. Therefore, retroactively increasing restitution obligations, as the MVRA did, is an unconstitutional increase in punishment. Cato draws on both modern precedent and centuries of Anglo-American law to show that restitution has always been understood as a penal sanction.

But that's just the beginning. Cato says that the Ellingburg case is a chance for the Court to revisit its muddled distinction between "civil" and "criminal" penalties, a distinction that has allowed state and federal lawmakers to sidestep constitutional protections by labeling new punishments as "regulatory."

Registries and the Ex Post Facto Loophole

Among those so-called regulatory measures are sex offense registries. Since the 1990s, these laws have been enacted under the guise of public safety, requiring people convicted of certain offenses to regularly update their information with law enforcement, limit their housing, and in some cases, wear GPS monitors for life. These obligations are often imposed retroactively, long after a person has completed their sentence.

In *Smith v. Doe* (2003), the Supreme Court upheld Alaska's registry, reasoning that the law was a civil, nonpunitive

measure despite its lifetime consequences. That decision opened the floodgates for increasingly harsh and retroactive registry laws across the country.

Cato says it's time to close that floodgate. The *Ellingburg* case, while about restitution, presents a broader opportunity: “This case gives the Court an opportunity to revisit and refine the legal tests for what constitutes punishment,” the brief states, “especially when dealing with retroactive laws that are labeled ‘civil’ but function as criminal penalties.”

Under the Court's current test (from *Kennedy v. Mendoza-Martinez*), laws that are labeled civil but impose burdens traditionally associated with punishment, like incarceration, surveillance, or severe restrictions on liberty, can be reclassified as punitive. Yet in practice, courts rarely apply this test rigorously. Cato says the Court should “restore meaningful limits” on the ability of legislatures to impose retroactive penalties disguised as regulatory measures.

Toward a Coherent Constitutional Framework

Cato is not alone. Scholars, civil liberties groups, and even former law enforcement officials have criticized the punitive realities of registries. Numerous studies have shown they do little to reduce recidivism and often create homelessness, unemployment, and social isolation, conditions that can actually increase risk.

As the Supreme Court considers *Ellingburg*, the implications stretch far beyond one man's bank robbery and restitution order. The Court could use this case to draw a firmer line between civil regulation and criminal punishment, and in doing so, restore constitutional safeguards that have eroded in the name of public safety.

For people burdened by endless registries, escalating fines, or retroactive restrictions, that line could be the difference between freedom and perpetual punishment.

A Canded VFW Post and a Canceled Population July 24, 2025 Sandy Rozek Colorado,

[Exclusions, Persons required to register, Prison projects, Sexual offenses, veterans, VFW post 12226](#)

Veterans of Foreign Wars (VFW) Post 12226 was opened in the fall of 2023. There were roughly 5,000 such posts in the United States at that time, but this was the first—and so far only—one established inside a prison, the Sterling Correctional Facility, a state institution in Sterling, Colorado. At its peak, the post had 28 members, 24 of whom were men serving sentences, some for sexual crimes and for murder; the other four (4) were staff members. The post had been recognized for being very active, especially in the areas of fundraising efforts and providing support for incarcerated veterans.

Almost exactly a year later, by fall of 2024, Post 12226 was disbanded. Learning of its existence, various veterans and social media campaigned very vocally against it, and they were heard. The VFW changed its bylaws to disallow membership to anyone with a felony conviction, and the membership dropped below ten, the minimum number required for a VFW post.

(If this sounds familiar, think of a hotel in Grand Rapids being intimidated by loud and angry voices and canceling NARSOL'S conference.)

What a poor decision the VFW made. What if other organizations followed this ill-chosen example?

What if some of the more prominent religions protested the time and money spent on faith-based prison programs, and they were no longer allowed in penal institutions? This would mean that the incarceration-impacted population of faith would no longer have access to something important for their spiritual needs, something that for at least some arguably makes the difference between their being model prisoners or troublemakers. Many a prisoner has come to faith and repentance behind bars, [some due to attendance at prison worship services](#). They may not all be sincere, but without doubt some are.

The exclusion of persons with convictions for crimes of a sexual nature is found in [a variety of prison programs](#), including the visual and performing arts. Seldom presented as an outright exclusion, the language describes the allowed participants for many programs as members of the general population. This would not normally include those convicted for sexual offenses, thus cancelling their participation—and them—efficiently.

This negation of different forms of art created or performed by someone with a historic sexual offense conviction is carried beyond prison walls to life in the real world. Some years back, [a museum in Maine](#) removed a piece of art because it was created by someone on the sex offender registry. [Actors in multiple situations](#) have been “let go” because they had sexual crime convictions.

This bias against “sex offenders” is less seen in creative writing projects. To its credit, when faced with protests against inclusion of a poem by someone bearing the “sex offender” label several years ago, [Poetry Magazine stood its ground](#) and kept the poem as part of a special prison edition. However, one [extremely talented writer was tempted to give up his writing](#)—not due to discrimination but because he felt responsible for precipitating the events that caused VFW Post 12226 to shut down,

Prevention isn't an Option; It's a Necessity

Published December 9, 2024

INJURY PREVENTION MENTAL HEALTH CHILD AND ADOLESCENT HEALTH

is an ambitious research initiative and unique online resource hub that showcases effective approaches to the prevention of child sexual abuse perpetration. It is led by MOORE | Preventing Child Sexual Abuse at Johns Hopkins Bloomberg School of Public Health and The Royal's Institute of Mental Health Research.

How can we challenge fatalism and make the case for child sexual abuse prevention?

Most abuse is committed by people known to the child and a large proportion of abuse is committed by other children. In other words, abuse is perpetrated within our communities. Within our ‘normal’ lives.

Why talking matters.

We know that child sexual abuse is preventable, not inevitable. But we don't talk about it like that. It remains perhaps the most stigmatized topic in human society. Prevalence studies confirm to us that on average many of our friendship groups, work teams, sports squads, and families will in some way be touched by harm*. It is no wonder that as a society we struggle to discuss the topic. It carries pain. And yet, to prevent child sexual abuse, we must

understand how it happens and how we can better intervene to prevent harm from occurring in the first place. In other words, how we can prevent more pain.

Unfortunately, another commonplace response to abuse is to ignore it, avoid it, dismiss it as inevitable, and assume the cause is a small number of dangerous strangers. The problem with this perspective is that it does not match what we know of child sexual abuse. Most abuse is committed by people known to the child and a large proportion of abuse is committed by other children*. In other words, abuse is perpetrated within our communities. Within our 'normal' lives.

Ignoring, avoiding, and dismissing are not luxuries we can afford. Talking about the reality of abuse matters. And talking about it means elevating survivor voices, demanding political leadership, and making the case for large-scale prevention. We collaborated with FrameWorks Institute to examine common narratives around child sexual abuse in the U.S. and tested 22 metaphors with a sample of 5,389 people.

An insight into U.S. public opinion. One of the major trends that inhibits prevention efforts is the widespread misunderstanding that child sexual abuse is a uniquely unpreventable problem.

A Canceled VFW post and a Canceled population

July 24, 2025 , Sandy Rozak, NARSOL - Exclusions, Persons required to register, Prison projects, Sexual offenses, veterans, VFW post 12226

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What if state boards of education, universities, and the American Library Association decided that their “product” was wasted on “criminals”? How many of the incarceration-impacted who were trapped in a cycle of poverty due to being functionally illiterate no longer had access to the reading classes that would give them better choices when they were released? A countless number would lose the opportunity to earn a GED, while another huge number would be denied learning the skills that would offer them more employment options in the brave, new technical world into which they would be released. Many colleges and universities offer classes in a variety of subjects and even associate and bachelor degree pathways. These programs are traditionally offered through prison libraries, which also offer reading for pleasure and research capabilities for the institutional population as a whole.

What if special projects developed for incarceration-impacted persons, such as visual arts, drama, and writing were deemed to be inappropriate for “sex offenders”? Since these programs have a proven track record of increasing pro-social behavior and reducing recidivism, there is realistically little chance of that happening. However, moving from the hypothetical—and highly improbable—to the literal, what does happen is that some persons, based on their crime of conviction, are deemed inappropriate to participate in the program.

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We have come full cycle.

A dismantled VFW post; a canceled conference; hypothetically canceled prison faith-based services, education classes, library, and arts projects; excluded visual and performing art projects—in prison and in life; a disheartened writer.

The answer for them all is short, simple, and the same: “We will not give up; we will not go away.”

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.

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