

## **International Megan's Law, A Law That Fails Miserably To Make Its Case (But Which Is About To Be Enacted, Even So)**

*The erosion of the rights of the Registered Sex Offender to travel despite no evidence that they are committing crimes*

We are assured, both by the media, who have mastered the art of feeding a credulous (and hungry) public, as well as by our government minders who continue to whittle away our few remaining rights that, on the strength of their pervasive hunches, sex offender registrants are surely committing waves of sex crimes in their travels abroad and must be stopped with the broadest strokes possible.

Since, in their estimation, Registrants can have no legitimate need for travel, not really being quite human and lacking complex, rich or virtuous lives, they should be thwarted in their ambitions for travel through the imposition of a global system of incapacitation. Indeed, that Registrants have not already been permanently grounded is now seen as an appalling 'loophole' which must now be indignantly slammed shut. Such "loopholes" are what used to be thought of as 'freedoms' which society, in its current state of zero-tolerance for any level of perceived risk, can no longer afford. The aim of this new restrictive regime is to contain American Registrants entirely within the borders of the United States, itself an increasingly inhospitable realm whose expanding zones of hostility must be negotiated with ever more extreme wariness. In turn, other countries are also pursuing similar regimens of containment for their own Registrants, aided and facilitated by the U.S., INTERPOL, and myriad governmental and non-governmental organizations.

This wave of extraterritorial crime, alleged by our government representatives of opportunity and reelection under advisement from the social entrepreneurs of continuous fear, is the stated reason for eliminating Registrants' freedom of movement.

In this instance, as in all such instances, their remedies expand the scope and power of government and infuse law enforcement with greater authority to oversee and constrain the movement of designated and despised citizens, which is to say, those whose status has been methodically eroded to the level of a permanently degraded underclass, the *untermenschen* of our age.

The "International Megan's Law" (IML), authored by Republican Chris Smith in the U.S. House, is one bill in a suite of "anti-trafficking" bills which have been crammed through Congress over the last several years. Republicans are clearly their authors and architects, but they are not without their Democratic supporters, eager to signal their own commitment to moral virtue and unwilling to let the anti-trafficking train, a runaway pop culture success, leave the station without them.

Elizabeth Nolan Brown, writing for Reason Magazine, said: "These new laws aren't organic responses by legislators in the face of an uptick in human trafficking activity or inadequate current statutes. They are in large part the result of a decades-long anti-prostitution crusade from Christian "abolitionists" and anti-sex feminists, pushed along by officials who know a good political opportunity when they see it and by media that never met a moral panic they didn't like."

Under-girding the exigency of this legislation is the slightest scattering of spare, and highly debatable, statistics. In the case of IML, the numbers of children said to be being 'sexually trafficked' worldwide are expressed in the following under "*Findings of Congress*":

*"5. The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1,8000,000 (sic) children worldwide are victims of child sex trafficking and pornography each year."*

Leaving aside the obvious typo in the number (but instilling, nevertheless, further doubt for the capabilities of the bill's author), then we must assume that the 1.8 million figure is backed up by some empirical research. If it is, then I have been unable to find it, despite spending hours digging through ILO's (International Labour Organization) voluminous reports. Like all other such organizations, they now admit that data about child sex trafficking is extremely difficult to come by and necessarily imprecise, but they do promise to get better data in the future. There is, however, every indication in their discussion of statistical methodologies that the 1.8 million number was arrived at through highly subjective probabilistic and culturally freighted assumptions.

Even leaving that aside, the 1.8 million figure's inclusion in IML is not accompanied by any factual connection to registered American sex offenders. Only that, in another of its "*Findings*": "(4) Law enforcement reports indicate that known child-sex offenders are traveling internationally."

So, we are assured that American Registrants represent a significant threat to those 1.8 million children, but without any substantiation for that assertion, only that "child-sex offenders are traveling internationally." No mention is made of how many American Registrants have been prosecuted by foreign governments or by the U.S. in its expanded extra-territorial role as prosecutor of Americans who commit sex crimes abroad (this happened in *The Protect Act* of 2003, a law with breathtaking constitutional implications in which the jurisdiction of the U.S. became, effectively, the entire world).

Are those numbers available somewhere, such as from the U.S. Department of Justice? If so, I have not been able to locate them. As with the number of children murdered by sex offenders in the U.S. (a number which I have counted to be around one or two annually), the D.O.J. appears to be loathe to publish those statistics. We can only guess why that might be, but my money is on the likelihood that they are perceived as highly unimpressive and unhelpful numbers to the lawmakers and social re-engineers bent on expanding the punitive state.

Much like the premise of American sex offender registries themselves, there is no perceived obligation by the authors of these bills to establish a nexus between those previously convicted of crimes and future propensity for committing new crimes. We are simply assured that such a nexus does exist and are expected to make the logical and convenient inference that Registrants are traveling to commit sex crimes in other countries, even when their original crimes, many of which happened decades earlier, took place entirely within the United States.

This logical inference appears to be of a piece with the 'common sense' that has informed criminal justice for many decades and which have made the United States, in both relative and absolute numbers, the largest incarceral state on the planet.

As of this writing (January 23, 2016) IML looks like a cinch to become the law of the land, with passage anticipated in both Houses of Congress. If it does, it will fall to us to challenge it in court. Even if it doesn't, current administrative laws already in place and which result in a de-facto ban upon international travel by sex offenders to much of the world through a system of 'notification' of foreign governments by the U.S. Government must themselves be fought in the courts.

Either way, Registrants must be prepared for years of struggle to defend themselves in the near-total absence of courageous voices unwilling to take up their cause.

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*Sources:*

H.R.515 - International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, 114th Congress (2015-2016)

<https://www.congress.gov/bill/114th-congress/house-bill/515/text>

*TACKLING THE DATA DEARTH: The global scale of commercial sexual exploitation of children* by Jordana Dawson Hayes and Mark Capaldi, ECPAT, June 2015

<http://www.ecpat.net/sites/default/files/ECPAT%20Journal%20June%202015.pdf>

The War on Sex Trafficking Is the New War on Drugs  
*And the results will be just as disastrous, for "perpetrators" and "victims" alike.*

[Elizabeth Nolan Brown](#), Reason Magazine, [November 2015](#)

<https://reason.com/archives/2015/09/30/the-war-on-sex-trafficking-is>

Richard Estes, whose numbers are widely cited by NGOs and government, has since disowned his own statistics. Today, Richard Estes says: "Credible numbers do not exist." "The Commercial Sexual Exploitation of Children In the U. S., Canada and Mexico" by Richard J. Estes and Neil Alan Weiner. [Includes statistical methodology for arriving at numbers. Very revealing.] <http://www.gems-qirls.org/Estes%20Wiener%202001.pdf>

ECPAT still cites his, and other old and discredited numbers in its "Fact" sheets: "R. Estes and N. Weiner. Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico. University of Pennsylvania, 2001, page 144. "

[http://www.missingkids.com/en\\_US/documents/CCSE\\_Fact\\_Sheet.pdf](http://www.missingkids.com/en_US/documents/CCSE_Fact_Sheet.pdf)

“No reliable national estimate exists of the incidence or prevalence of commercial sexual exploitation and sex trafficking of minors in the United States.” This is from the U.S. Justice Department referring to data about child prostitution in the United States.

"The bogus claim that 300,000 U.S. children are 'at risk' of sexual exploitation"

By Glenn Kessler, The Washington Post, May 28, 2015

<https://www.washingtonpost.com/news/fact-checker/wp/2015/05/28/the-bogus-claim-that-300000-u-s-children-are-at-risk-of-sexual-exploitation>

Equality Now: “Trafficking women and children for sexual exploitation is the fastest growing criminal enterprise in the world. This, despite the fact international law and the laws of 134 countries criminalize sex trafficking. At least 20.9 million adults and children are bought and sold worldwide into commercial sexual servitude, forced labor and bonded labor. About 2 million children are exploited every year in the global commercial sex trade. Almost 6 in 10 identified trafficking survivors were trafficked for sexual exploitation. Women and girls make up 98% of victims of trafficking for sexual exploitation.”

<http://www.equalitynow.org/node/1010>