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SUPREME COURT SET TO HEAR ORAL ARGUMENT ON MONDAY **Do Sex Offenders Have a First Amendment Right to Social Media Access?**

Washington, DC / February 25, 2017—The U.S. Supreme Court will hear oral arguments on Monday in a case out of North Carolina that considers whether people who have been convicted of a sexually based offense — but who are no longer under any form of court-imposed punishment — have a constitutional right to access and use a variety of online and social media websites.

Specifically before the Court is the question whether, under its First Amendment precedents, a law is constitutional that makes it a felony for individuals on the state’s sex offender registry to access social media websites that enable communication, expression, and the exchange of information among their users, if the site also allows minors to create and maintain accounts.

The National Association for Rational Sexual Offense Laws (NARSOL) and North Carolina RSOL have filed a joint amicus brief in support of the petitioner, Lester Packingham, a North Carolina man who in 2010 logged onto his Facebook account and joyously claimed: “Man God is Good! How about I got so much favor they dismissed the ticket before court even started? No fine, no court costs, no nothing spent... Praise be to GOD, WOW! Thanks Jesus.”

Mr. Packingham had a single sexual offense conviction in 2002, that of taking indecent liberties with a minor. Since then, he has had no incidences of re-offense and no other arrests until he opened and accessed his Facebook account.

The state argues that this ban from online sites is an essential part of furthering its interest in protecting minors from online predators. Packingham argues that the ban is unconstitutional because it applies to people who have already completed their criminal sentences but continues to make illegal a wide swath of otherwise legal behavior undertaken by those with no criminal intent or predatory purposes merely because they are on the sex offender registry.

“First of all, there is simply no convincing data to support the state’s interest here. Online predation is not an epidemic,” states Robin Vanderwall, president of North Carolina RSOL. “And there is absolutely no data at all to suggest that registered sex offenders are either more or less likely than any other American citizen to lure a child via Facebook or any other social media outlet.”

“Might someone use the Internet to lure a minor?” asks Brenda Jones, Executive Director of NARSOL, “Yes. But denying First Amendment rights to 17,000 law-abiding individuals because five or ten of them might engage in criminal activity is an egregious misuse of the state’s power.”

NATIONAL ASSOCIATION FOR RATIONAL SEXUAL OFFENSE LAWS
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Some media outlets, in support of the state's position, have publicized the rare incidents of a minor engaging online with a predator pretending to be another teen and then coming to harm due to it. "We don't want that happening," said Jones. "That's the last thing we want. However, far, far more good would be done toward preventing this with fact-based educational initiatives in schools and in parent groups. Safe Internet skills should be taught and stressed to parents and to their children."

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