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Zvolensky 1

Wendy Zvolensky

Dr. Bordelon

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The Aftermath of Megan's Law

The death of Megan Kanka sparked outrage throughout the country. Megan's death saddened and infuriated millions of people. What made the murder of this little girl so outrageous was the fact that her killer was previously convicted of sexual assault on a child. Her parents and parents around the state of New Jersey demanded a law to help protect their children from convicted sexual predators. So Megan's Law was rushed through the legislature and passed. This law made it legal to notify people that a sex offender was living in their neighborhood. Mostly, Megan's Law was passed to appease outraged voters instead of on its merits to protect children. Since Megan's Law, many other states have enacted similar community notification laws. Soon though, people will come to realize that community notification laws are ineffective in protecting children from sex offenders.

Community notification laws are ineffective for many reasons. Identifying someone as a sex offender may violate their constitutional rights. Second, notification laws might lead neighborhoods to vigilante justice. Third, identification will not prevent them from committing more crimes. Fourth, these laws might provide parents with a false sense of protection if they believe a sex offender does not live in their neighborhood. Finally, all sex offenders do not end up on community identification lists.

One problem with community identification laws is that there are questions about its constitutionality. Authorities notify residents by distributing flyers, altering local organization, and door-to-door canvassing when sex offenders who are at high risk of reoffense move into their neighborhoods (Bernstein 24). Opponents like the ACLU say that notification laws run roughshod over a sex offender's civil rights, such as the right to due process, privacy, and equal

protection, and provisions against after-the fact and cruel and unusual punishment (Bernstein 25). Sex offenders who have been convicted and served a jail sentence for their crime(s) have received their punishment. They will now have to suffer an additional punishment. Once out of prison sex offenders still legally have the same rights as everyone else. That includes the right to live in any neighborhood without their neighbors knowing their criminal past. We don't identify neighborhoods when a murderer, drug abuser, or thief is going to live in the neighborhood. Why is it acceptable to single out one group of criminals? Many people think that sex offenders have committed crimes so horrendous that they should have to forfeit their rights. But that is not how the law works. U.S. Federal District Judge Nicholas Politano of Newark, NJ ruled on February 28, 1995 that community notification laws are unconstitutional. He maintained that it would prevent offenders who had served their time from ever returning "to a normal, private, law abiding life"(qtd. in Jerome 48).

People who are notified that a sex offender is living in their neighborhood might resort to vigilante justice. The neighborhood might try to drive a sex offender out of town using threats and physical intimidation. Andrea Bernstein states, "that is what happened in Washington State the day convicted child rapist Joseph Gallardo was released from prison-his Lynnwood home was burned to the ground" (25). Last year in Philipsburg, New Jersey an off-duty corrections officer and his father broke into a home and severely beat a man they thought was a sex offender who had recently been identified. As it happens, they beat the wrong man (Jerome 50). In these cases, community notification laws did not prevent any crimes but actually led to crimes being committed. Some people believed that such actions are appropriate because they are dealing with a sex offender. But it is the court's job, not the public's, to punish criminals. John Q. La Fond, a professor at the Seattle University School of Law states "There is a fine line between vigilance and vigilantism"(qtd. in Jerome 50).

Another reason these laws are ineffective is that it will not prevent sex offenders from committing more crimes. Experts say that anywhere from 40 to 75 percent of convicted sex

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