

# THE FAST LETTER

## FAST, False Allegations Solutions Team

A newsletter about the problem of false allegations of child abuse

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Publishers: Bob and Elaine Lehman    January, 2006    Editor: Elaine Lehman  
Website: [www.beanswers.com](http://www.beanswers.com)    Email: [elaine.lehman@earthlink.net](mailto:elaine.lehman@earthlink.net)

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### Contents

#### Page

1..... Changes in Senate Bill 1086 that resulted after the FAST Legislative Committee challenging the bill this past summer. By Susan Lehman, FAST Assistant Director of Legislative Affairs.

6..... A FAST member in England was acquitted of all charges on January 11, 2006!

7..... Background information: Bob and Elaine Lehman

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## Changes in Senate Bill 1086

Proposed harsher punishments for all people on the  
Sex Offender Registry and Megan's Law

### Susan Lehman

Assistant Director for Legislative Affairs  
FAST, False Allegations Solutions Team

This past summer, the FAST Legislative Committee challenged the original version of Senate Bill 1086, the Sex Offender Registration and Notification Act. We submitted a great deal of information and met with Senate staff members. The following are a list of changes in Senate Bill 1086, which were made by the Senate Judiciary Committee following our efforts.

S 1086 has not yet been brought to the floor of the Senate for a vote. We will keep in touch with the Senate staff to find out when it is added to the floor schedule.

**NOTE: There are several innocent people in FAST  
who are on the Sex Offender Registry.**

Many of the changes are positive, and we did a great deal of good! FAST information given to the Senators explained that the legislation is one-size-fits-all, and how it would injure falsely convicted people. Those objections were heard and changes were made.

However, there are still significant problems. Among other things, the legislation still does not take a lack of any previous criminal history into account and includes a provision that the harsher measures can be retroactive. Therefore, while we appreciate the acknowledgement of the problems in the original version, we still oppose this legislation.

## **Here are the changes that are relevant to FAST:**

### **Electronic Device Requirements (Ankle Bracelets)**

**Old Version:** Mandated nationally the wearing of electronic tracking devices for a minimum of 25 years for all convicted sex offenders.

**New Version:** Leaves it up to the states if they want to do this. The Attorney General is authorized to award grants to states and local governments to assist them in carrying out tracking device “pilot programs”. The duration of the grants may not exceed three years (they won’t get money for more than three years), and there must be a report to Congress by April 2008 about the effectiveness of tracking devices and the cost effectiveness of tracking devices compared to other methods.

FAST’s arguments that tracking devices for everyone is cruel and unusual punishment were heard! They copped out a little bit, saying it is up to the states, but it is better than the original.

### **DNA Database for Covered Individuals**

**Old Version:** Established a national DNA database for covered individuals.

**New Version:** Dropped this completely.

FAST actually does not object to a DNA database. It is demeaning to the innocent and falsely convicted members of FAST. However, DNA is also a wonderful way to prove the innocence of our people! If FAST members had their DNA on file with the police, then if another crime happened in their area where DNA was a factor, the DNA would prove innocence. But, they dropped it.

### **Establishment of a “Sexually Violent Predator” Category**

**Old Version:** Established the definition of a sexually violent predator as anyone convicted of a sexually violent offense (once) or having a “mental abnormality” that would make them pre-disposed to continue to commit such acts. The whole thing was very convoluted and vague, especially the “mental abnormality” part.

**New Version:** Drops trying to establish a legal “predator” category, but only states that anyone convicted of a sexually violent offense will automatically be “Tier III” on registration.

The New Version is simpler and less vague, but it still needs work.

## **Tiers-Types of Offenses**

**Old Version:** Did not include tiers (levels of the severity of the crimes committed). Mandated lifetime registration for all, with the exception that you could apply to be removed after 25 years if you had no other offenses. Basically a two-tier system, with 25 years being the minimum.

**New Version:** Establishes three tiers. Tier I is for offenses where no touching is involved. These would be such things as indecent exposure, possession of pornography, etc. Anytime an offense includes any touching of a minor, that person will be in Tier II or III. Tier III designation is automatic for anyone convicted of aggravated sexual abuse.<sup>1</sup>

The problem with this is that there is no consideration of previous criminal history. Someone could be accused of a touch over clothing, at the age of 60, with no previous criminal history, and would automatically be put into Tier II. (And no previous criminal history is a big red flag that it is a false accusation.)

Another problem is that Tier II is a catch - all, with anything from a touch on the rear end over clothing being lumped in with intercourse. It is federally mandated, with no ability for a local jurisdiction to put somebody in Tier I if they truly feel the person should be there.

## **Tiers-Time on Registration**

**New Version:** Tier I—10 years. Tier II—20 years. Tier III—life.

## **Tiers-Regularity of Registration**

**New Version:** Tier I—Every 12 months. Tier II—Every 6 months. Tier III—every 3 months.

## **Time Frame Within Which you Must Register**

**Old Version:** Within 3 days of release from incarceration or for a change of name (more for women), address, work place, or a new school situation.

**New Version:** Within 5 days of all these things.

We still need to clarify is this 5 calendar days or business days.

## **Retroactive Application**

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<sup>1</sup> Defined briefly as (aggravated) committing a sexual act with a child who has not yet attained the age of 12 years, or committing a sexual act with a person between the ages of 12 but not yet 16 by force or threat of force or rendering that person unconscious or drugging them without their permission, and (sexual abuse) committing a sexual act with any person by causing that person to be in fear, or committing a sexual act with a person who is incapable of assessing the nature of the conduct or physically incapable of declining participation.

Both versions talk about applying the bill retroactively. The new version says that the Attorney General will ascertain under what circumstances it will be retroactive.

### **Exceptions to Covered Offense Against a Minor**

**Old Version:** Included an exception if the only reason the offense is criminal is because of the age of the victim and if both parties are minors.

**New Version:** Includes an exception if the only reason the offense is criminal is because of the age of the victim and (a) if both parties are minors, or (b) the party who committed the offense is no more than 4 years older than the victim.

Therefore, if you are 18, 19, 20, or 21, and you are convicted just because the girl is a minor, you do not have to register. This is a nice acknowledgement for those poor young adult guys who are lied to by minor girls, or whose girlfriends all of a sudden get angry at them or who are trying to cover up their own willingness.

### **Exceptions to Registration for False Accusations**

**Old Version:** Did not have this section.

**New Version:** You can apply to get off registration if your conviction has been overturned or you can prove that your inclusion in the registry is due to an administrative error or if you have been pardoned by the chief executive of the jurisdiction in which you were convicted.

Yay!!! This is a wonderful, terrific acknowledgement that false allegations exist!! This is a wonderful addition that FAST was able to get. In part, it seems obvious. Any innocent citizen of the United States ought to be able to petition for their own freedom, regardless of having the blessings of Congress. But, it is nice that they acknowledged the false allegation problem in this way and spelled out that it is a reason to not be registered.

### **Punishment for Non-Compliance**

**Old Version:** Under the two-tier system, first non-compliance conviction required imprisonment for no more than 5 years, or for no more than 10 years for an individual deemed a violent predator. For subsequent non-compliance convictions, required imprisonment for not more than 20 years, or for life for an individual deemed a violent predator.

**New Version:** States must make non-compliance a felony in order to receive funding. Outlines length of sentence for non-compliance. For a first non-compliance conviction: Fines or imprisonment up to 3 years or both for Tier I, fines or imprisonment up to 5 years or both for Tier II, fines or imprisonment up to 10 years or both for Tier III. For subsequent non-compliance convictions, the length is up to 10 years, 20 years, and life, respectively.

Also, both versions show that uncontrollable circumstances preventing the individual from complying is an affirmative defense, if the individual did not contribute to those circumstances in reckless disregard complying, and if the individual complied as soon as those circumstances ended.

## **Informing Individual of Registration Requirements**

**Old Version:** Did not have this section.

**New Version:** Outlines that the appropriate officials must inform the individual of the time frame in which they must register and their ongoing obligations. Requires that they get a signature from the individual stating that they received the information and understand it.

It is nice that they have formalized this process. Partly, it is covering themselves, because they will then have a piece of paper stating that the person knows. But, it is also nice to require that this process take place. There is more than one FAST person who did not have this information explained to them.

## **National Sex Offender Registry, Sharing Information, Etc.**

Both versions establish both a national sex offender registry, and a national website. They mention that local officials will share information with the Attorney General, including address changes, work changes, etc. They also say that whenever they are unable to verify an individual's address or locate an individual, the local officials shall notify the Attorney General, and the Attorney General shall revise the National Registry to show this, and the name of the individual will be added to the wanted persons file of the National Crime Information Center if an appropriate arrest warrant has been obtained.

## **Legislation Components are Guidelines, Not Directives**

**Old Version:** Does not have this section.

**New Version:** States that the statements in the bill are to be guidelines for states, not rules. They are conditions that must be substantially met in order to receive the federal funding. In other words, a state could opt out of this, and not take federal funding.

## **State Unconstitutionality**

**Old Version:** Does not have this section.

**New Version:** States that no statements in this bill should require a state to violate its own Constitution. Further, no federal funds should be withheld if the State declines to implement any part of the bill based on the fact that to do so would violate the State's constitution, and that the Attorney General will defer to the State's own interpretation of the State's constitution.

## **Standardized Prison Sentences for Crimes Against Children**

**Old Version:** Did not have this section.

**New Version:** Adds mandatory minimum prison sentences for violent offenses against children.

**Note:** Another bill dealing with sex offenders, S. 956, was also referred to the Judiciary Committee. It mainly covered two areas—mandatory minimum sentences for sex offenders, and putting limitations on the habeas corpus appeals. There was very little

support for limitations on habeas, so the Senator who introduced S 956 agreed to drop that aspect, and they added the minimum sentences provisions to S 1086.

## Studying Effectiveness of Registration

Old Version: Does not have this section.

New Version: Mandates that a study will be conducted on the effectiveness of registration, which local areas were more effective, level of compliance by offenders, how registration has affected the number of reported sex crimes against children, how it has affected the number of prosecutions and convictions, the value of the national registry to the public, the costs to the local jurisdictions and costs and benefits, the effectiveness of treatment programs, the potential benefits of access to taxpayer and social security information (as part of a way to track offenders) and the privacy implications to those individuals and others.

In other words, they are actually going to require a report on whether registration is actually working! What an idea! The report is to be submitted no later than 5 years after the bill is enacted.

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# **A FAST member in England was acquitted of all charges!**

According to Elaine Ralph, her fiancée, Fred (last name omitted to protect his privacy), was acquitted of all the charges against him at his trial in England, on January 11, 2006.

### **Some background:**

Fred worked as a disc jockey at discos, in the evenings. He often hired some young teenagers to help him move his electronics equipment from his van into the discos and back again. They also helped set up the stages.

Fred is also a faith healer, and practices his healing with a "laying on of the hands" while saying a lovely prayer. One of the girls' mothers asked him to try to heal her daughter of her antisocial tendencies by doing a healing on her, and he complied. He put one hand on the girl's stomach, to do the healing. (This is a perfectly acceptable, normal technique that is often used by healers when doing a "laying on of the hands.")

A few days later, this girl and two of her friends, decided to create some excitement (an antisocial trait), and made false allegations against Fred of sexual molestation.

Fred readily admitted touching the girl's stomach, and the police took that as an admission of guilt. Poor Fred, who was completely innocent of any wrong-doing, and was only trying to help the girl, spent almost the entire last year in jail, waiting for his trial. (The trial was postponed several times, as often happens in the USA and other countries, too.)

His loving and loyal fiancée, Elaine Ralph, communicated closely with Elaine Lehman, the Director of FAST, False Allegations Solutions Team, during most of 2005. Finally, on January 11, 2006, Fred had his trial, and was acquitted of all charges!

This is what Elaine Ralph said about it in her triumphant email to FAST:

"Well it has finally happened! After having his trial delayed again at Christmas, and getting a new lawyer, Fred was released today! The main barrister broke down the prosecution's witnesses. One of the girls even admitted her older sister had under age sex and graffiti'd everywhere! They showed themselves up as did their parents by screaming and calling Fred names in court. The jury saw through them and only took one day to reach their verdict."

"Thank you so much for your support, I wish you all the very best success with your wonderful work."

"All the best."

Elaine Ralph

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### Background Information

## Bob and Elaine Lehman

Educators, co-authors, co-publishers, co-hosts of radio show, activists

Elaine Lehman is a former teacher from Baltimore, Maryland, with nearly 20 years of teaching experience with all ages, including adults. Bob is a former rocket engine engineer, who worked for 21 years on the Delta Satellite Program at Cape Canaveral before he and Elaine started their two schools for antisocial teens, in 1977. After the schools closed in 1983, Bob became an airplane mechanic.

1977–1983, Elaine and her husband, Bob Lehman, co-founded and directed two schools for antisocial teens. Elaine and Bob developed their own successful courses of study. **The Lehman's two schools ended up with a documented 100% success rate of the graduates, and an 80% success rate of those who did not complete the program.** (See "Baltimore Sun" and Carroll County Times, MD, feature articles on our website.)

1989 -1992, Bob and Elaine Lehman co-founded a state-wide organization in Oregon, aimed at getting the broad, vague child abuse laws changed to clear, specific laws. BUST also exposed the many dreadful problems of the child service division. "BUST, Break Up System's Troubles," ended up with 500 members, state-wide. As a result of BUST, the Oregon state legislature had a \$200,000 study done, and the study group wrote a scathing report that said all of the same things the Lehmans had said. The legislature changed some of the laws, but not the right ones, due to federal funding problems, if they did. (See "Stayton Mail" article on website.)

1997, Bob and Elaine co-founded a similar national organization, "SOC, Save Our Children," which quickly led to their radio show.

1997 - 1999, Bob and Elaine co-hosted their own radio show, "The Save Our Children Show," which was simulcast on two 50,000 watt stations in Providence, RI, and Phoenix, AZ. The show was all about antisocial children and teens and false allegations of child sex abuse.

1999, Bob and Elaine Lehman were professional "expert" guests on two national TV talk shows, "The LEEZA Show" and "The QUEEN LATIFAH Show." Both shows were about discipline and antisocial children. Elaine has also appeared on several radio shows and TV shows, and she and Bob have given lectures to community groups.

1995 - 1996 - The couple co-authored two published books, Petey, the Peacock Breaks a Leg, Winston-Derek Pub. Co., Nashville, TN, 1995, and "BIG K, the Kundalini Story." Hara Publishing Group, Seattle, Washington, 1996.

1978 – Present - The couple co-published a newsprint periodical in Oregon, and several international newsletters. These publications were all about antisocial juveniles and false allegations of child abuse. (See "Newsletters" on our website.)

2001 – Present, Bob Lehman's son, Craig Lehman, created and maintains a website, [www.beanswers.com](http://www.beanswers.com) There are several categories about antisocial juveniles, the FAST, False Allegations Solutions Team, false allegations of sex abuse, and more.

2004 - Present: Bob and Elaine Lehman and several others co-founded, and Elaine directs, the "FAST, False Allegations Solutions Team," an international, educational email support group for people who have been falsely accused of child sex abuse.