

Slate

The Imperfect Victim

Galen Baughman seemed like an ideal spokesman for sex offenders' civil rights. Then he got arrested for texting a teenage boy.

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Galen Baughman had been out of prison for about three years when he came to Queens last spring to meet a friendly crowd of reporters, activists, and academics over lox and bagels. Baughman, then 31 years old, had been invited to tell the story of how he came to be incarcerated and labeled a sex offender. His goal for the day was to educate his audience about how the legal system mistreats people like him, and to convince any skeptics in attendance that he was not the dangerous monster that his criminal record might suggest.

Lenore Skenazy, the New York journalist who hosted the meet and greet, billed the event as a “sex offender brunch.” Skenazy had met Baughman while reporting out her parenting book, *Free-Range Kids*, about the virtues of letting children take risks and the perils of trying to protect them from every conceivable danger. In the course of her research, Skenazy came to believe that American sex offenders were being oppressed by the criminal justice system—that in the name of protecting children, lawmakers had turned hundreds of thousands of people into helpless pariahs while doing next to nothing to make kids safer.

Baughman, who grew up in the D.C. suburb of Arlington, Virginia, and attended Indiana University to study opera, arrived at the brunch wearing a blue collared shirt and a bright, friendly smile.* As he told his story, he spoke with the deliberate diction of a former theater kid.

“When I was 19, I went to prison for what was supposed to be 6½ years for having a consensual relationship with a high-school-age kid,” he said. “He was 14½. He was someone I’d known for a while and was really close to.”

After he completed his prison sentence, Baughman said, the state of Virginia refused to let him out. Instead, he was kept behind bars for more than two additional years because prosecutors believed he might fit the profile of a sexually violent predator. That meant Baughman could be held against his will under what’s known as “civil commitment,” a form of long-term psychiatric treatment that in practice amounts to indefinite detention. (Civil commitment is legal at the federal level and in 20 states. According to the *New York Times*, roughly 5,000 people convicted of sex crimes are now being held under civil commitment laws around the country.)

Despite Virginia's best efforts, Baughman won his freedom in 2012, at which point he was placed on probation and added to the state's sex offender registry. Upon his release, he set about becoming an activist on behalf of the population he would later start calling "my people." He co-founded a nonprofit called the [Center for Sexual Justice](#), dedicated to changing "the cultural beliefs leading to unjust sex laws that effectively target sexual minorities." He got a job as communications director for Citizens United for Rehabilitation of Errants, or CURE, a criminal justice reform group. He started attending conferences, showing up at important court hearings, and networking with other people in the movement.

I first met Baughman at the "sex offender brunch," an event I attended at Skenazy's invitation but never wrote about. Afterward, I spoke with Baughman regularly in my capacity as *Slate's* criminal justice reporter. I found him to be a valuable resource. On one occasion he briefed me on a [vindictive new law](#) that made it harder for people on the sex offender registry to travel internationally. On another, he helped me secure an [interview](#) with a transgender woman being held in civil commitment.

In the year I've known Baughman, he has become an increasingly visible and active spokesman for sex offender rights. He has been interviewed as an expert by prominent media outlets. He wrote a [noted essay about civil commitment](#) for *Cato Unbound*, the journal published by the Cato Institute. He appeared on the [Freakonomics](#) podcast, and he delivered a TEDx Talk called "[Are We All Sex Offenders?](#)" Most significantly, he received a prestigious fellowship at George Soros' [Open Society Foundations](#), a perch from which he set out to work on ending civil commitment in Virginia.

About two months ago, Baughman's work was abruptly interrupted when he found out that his probation officer suspected him of violating the terms of his release. There were allegations that Baughman had exchanged inappropriate text messages with a 16-year-old boy. On March 3, Baughman was ordered to hand over his cellphone and his laptop. A month later, a bench warrant was issued for his arrest.

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The official violation report, compiled by Baughman's probation officer at the Virginia Department of Corrections, accused him of carrying on a monthslong correspondence with a boy in Minnesota whom he'd met at a mutual friend's funeral. In late 2015, the boy's mother had found text messages on her son's phone that disturbed her, saved some of them, and alerted the Virginia State Police. Later, in an email to Baughman's probation officer, she stated that she considered him a threat and expressed concern that he was "contacting other underage boys" he had met at the funeral.

The violation report, which I obtained from someone who received it directly from Baughman, noted that the terms of Baughman's probation forbade him from having verbal or written contact with anyone younger than 18. The report included pages upon pages of text messages between Baughman and the unnamed 16-year-old.

In one of the messages, Baughman invites the teenager to come visit him in D.C. In another, he advises him to use Kik or Snapchat for "conversations you don't want to be seen" by police or

parents. Elsewhere, Baughman flirts (“Are you the best looking boy you know?”), shares wisdom (“If you’re magnetic, you can draw people into you and hold them there—they buy into you, believe you, love you”), and boasts (“My work is helping people and winning ever-increasing support!”).

In many of the messages, Baughman seems to be grasping for the teenager’s attention and pressuring him to talk on the phone: “Am I still on your list for tonight? Or do you not have time...?” At other points, he appears to be upset, badgering the teenager about his commitment to their friendship. “Since you’ve never answered the question about whether you care about me,” he writes in one message, “it’s pretty clear what the answer is.”

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Baughman surrendered to Virginia authorities last weekend. On Tuesday morning, a judge denied him bond, which means that barring some unforeseen development, Baughman will be in jail until his next court appearance, currently scheduled for July.

News of Baughman’s arrest has shaken the small community of people who advocate for the civil rights of sex offenders. Word spread quickly, thanks in large part to Baughman’s own efforts to mobilize supporters. Starting on the weekend of April 16, he sent emails to friends and colleagues, asking them to write letters to the court on his behalf.

In an email inviting me and others to join a Google group called “Free Galen,” Baughman wrote, “The probation officer’s claim that I should be arrested and held without bond for a first-time technical probation violation where no criminal behavior is asserted is ludicrous. Suggesting that I should be imprisoned for behavior that is neither harmful nor criminal is even more suspect. This list will be used to share information with everyone about what’s happening & coordinate efforts.”

Some in Baughman’s circle did answer his call, including Charlie Sullivan, Baughman’s former boss at CURE, and Roger Lancaster, an anthropologist at George Mason University and the author of the 2011 book *Sex Panic and the Punitive State*. “One thing I’ve learned in years of covering this sort of beat is that the information cops and prosecutors release to the public is constrained to be as damning as possible—and is sometimes inaccurate as well,” Lancaster told me in an email. “Let’s avoid a rush to judgment.”

Baughman does not deny sending the text messages cataloged in his violation report. However, there is no evidence that any of the exchanges led to physical contact, and as always it is imperative to keep an open mind when someone is being accused of a crime. That said, it’s also fine to look at a set of uncontested facts—in this case, a trove of intimate text messages sent by a man in his 30s to a high school student—and conclude that Galen Baughman was doing something he shouldn’t have been doing.

That’s the view of Josh Gravens, a 29-year-old from Texas who is a registered sex offender, and who became close friends with Baughman through their shared advocacy work. When Gravens saw Baughman’s text messages, he got angry. Then he started to panic. Regardless of what Baughman’s intentions might have been, and regardless of whether his actions were in fact a

violation of his probation terms, Gravens knew his old friend had erred profoundly. He worried that Baughman had just ruined everything the two of them had worked for.

Gravens, like Baughman, had turned to activism after being labeled a sex offender. According to the *New Yorker*, he spent three years in juvenile prison for inappropriately touching his younger sister on two occasions when he was 12 years old and she was 8. He'd been incarcerated after his mother turned to a Christian counselor for help, not knowing he was a "mandatory reporter" who would have a legal obligation to turn Gravens in to the police.

Gravens met Baughman in 2013 at a conference organized by a civil rights nonprofit called Reform Sex Offender Laws. Soon after, the two of them started traveling side by side to events—they both spoke at Skenazy's "sex offender brunch"—talking almost every day and strategizing on behalf of the poorly understood and difficult reform movement they were trying to build. As Gravens put it to me in an email, they spent their time "dreaming toward a world where people like us weren't forced to the margins of society."

Now, Gravens fears, that dream looks further away. Baughman's arrest is "going to have a devastating effect," he told me in an interview. "There's a broader movement at stake. He's one person on the registry of nearly a million, and I don't want the work of many people to be sacrificed because of the mistakes of one person."

Gravens understands that this movement is an extremely fragile one—that any hint of impropriety on the part of its representatives is likely to confirm people's biases about sex offenders, and discredit the message they are promoting. In light of that, Gravens finds it galling that an advocate of Baughman's prominence—someone who gave a TEDx Talk in which he emphasized the fact that reoffending rates among sex offenders are, contrary to popular belief, *extremely low*—would engage in contact with a minor that, even if technically legal, would be widely seen as predatory.

Gravens told me he first became concerned about Baughman around this time last year, during the trip to New York that included Lenore Skenazy's brunch. One red flag, Gravens says, came when Baughman told the story of his incarceration to the audience gathered at Skenazy's house. It was a story Gravens says he had heard many times before, in private conversations with Baughman and in his friend's speeches. This time, Gravens believed, Baughman had oversimplified things, leaving out certain crucial details.

My notes from the brunch aren't comprehensive, and I can't remember exactly what Baughman said that day. (The quote at the top of this piece is from [a short Reason video](#) that was filmed at the event.) Gravens, though, says it was the first time he heard Baughman characterize his crime as stemming from an extended romantic relationship. Baughman struck a similar note in the [TEDx Talk](#) he delivered the following fall, in which he recounted a classic *Romeo and Juliet* tale:

When I was 19, I fell in love with a boy who was sweet and smart and quirky. He would read me his poetry and talk to me late into the night about anything and everything. We told each other our secrets, and he made me laugh. He was my best friend. One night we stayed up late together talking quietly after our friends had fallen asleep in the room around us. It was my

last night back home before returning to college after my winter break. He kissed me for the first time. He asked to have oral sex. He was a freshman in high school. We never thought that night would lead to a prison cell, or that the next decade of my life would be spent mired in a criminal justice system designed to crush my humanity.

Gravens says this account is inconsistent with the story Baughman had previously told him. It also leaves out information that has been reported in [newspaper stories](#) about his arrest and conviction—most importantly, that Baughman pleaded guilty to multiple crimes, not just one, and that his offenses involved more than one victim. According to [a Washington Post story](#) from May 2003, Baughman was accused of sending sexually explicit electronic messages to a 14-year-old in Westchester County, New York. A [Virginia newspaper reported](#) that he was separately arrested on suspicion of having sexual contact with juveniles in Arlington, Virginia. In the end, Baughman was convicted of charges involving [three victims](#): carnal knowledge of a minor, promoting sexual performance by a child, and aggravated sexual battery. (The last of these was related to an [incident](#) involving a 9-year-old that took place when Baughman was 14.)

Gravens believed that by omitting key facts about his record Baughman left himself open to charges of embellishment or dishonesty—a risk he could not afford to take given how central his personal credibility was to his advocacy. But something else was weighing on Gravens after the New York trip: For the first time since meeting Baughman, he had developed the queasy suspicion that his friend was still pursuing inappropriate relationships with minors.

Gravens never witnessed any behavior that he believed was illegal. But an alarm went off in his head when he noticed that Baughman seemed to be going out of his way to spend time with a pair of teenagers. One night, he says, he brought up the issue with Baughman. “I confronted him pretty aggressively and said that he couldn’t do it—that he needed to immediately stop,” Gravens says.

According to Gravens, Baughman rejected the suggestion that he was doing anything wrong. In response, Gravens says, he decided to cut off contact with Baughman, informed the teenagers’ parents about his concerns, and asked a “select few people” in the advocacy community for advice. To his surprise, he found that some people didn’t believe there was anything to worry about. “I don’t think they wanted to [believe it],” Gravens says. “And so we are where we are today.”

On Monday, April 18, two days after Baughman started asking his friends for help, Gravens sent an email to the Soros Justice Fellowships listserv. In that message, he enumerated his reasons for declining to stand behind “one of the closest friends I have ever had.” He attached a copy of Baughman’s violation report to the email and noted the suspicions he’d come home with after the New York trip.

“My friends, this probation revocation stems from behavior that should have never taken place,” Gravens wrote. “The conversations presented as the state of Virginia’s evidence are uncomfortable to read, and are in line with the original case that got Galen into the situation he is in today. In speaking to Galen yesterday, I asked how much of the movement he would risk to save his own skin. He replied, all of it.”

Baughman declined to comment for this article. His lawyer, Charles Burnham, declined to answer questions or respond to Gravens' specific concerns.

In an emailed statement after Tuesday's bond hearing, Burnham told me:

It is important to understand that Mr. Baughman is not accused of committing a criminal offense, the only issue in dispute is whether he has complied with certain technical probation restrictions. Although I cannot comment on the details of the case, we would urge anyone with an interest in this matter to withhold judgment until it has been given a full and fair hearing by the Court.

In an email last week, the director of the Justice Fund for U.S. Programs at the Open Society Foundations, Leonard Noisette, said that Baughman "was awarded a fellowship based on his strong proposal and the ongoing importance of work to reform the civil commitment system. We are concerned to learn of the allegations against him, and will be monitoring his case carefully. It's too early to determine what if any impact this might have on the important work many advocates are engaged in."

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Baughman could still be exonerated by the legal system. A judge may rule that his interactions with the 16-year-old from Minnesota did not constitute a violation of his probation terms. No matter how it ends, though, Baughman's story reveals the enormous risk that advocacy movements take on when they bring their arguments to life using sympathetic-seeming victims.

Baughman's cause needs sympathetic victims more than most. After all, sex offenders are repellent to most people, including many who consider themselves liberals. And most politicians, even those who self-identify as progressive critics of mass incarceration, recognize they have little to gain from stumping for sex offenders' civil rights.

It will always be an uphill battle to bring this issue into the mainstream. For the activists who are trying, then, it's essential to promote paragons—individuals who seem blameless and who've been ground up in the gears of a merciless, irrational system. It's patently insane, for instance, that Josh Gravens had to spend three years in juvenile prison for touching his sister when he was a little kid. It's similarly insane that a normal teenage relationship between, say, an 18-year-old and a 15-year-old can result in a felony conviction and a lifetime on the registry. (A story like that, as well as Gravens', was recently featured in an [extraordinary *New Yorker* piece](#) by Sarah Stillman.)

But some stories are not simple. As even the most open-minded advocates would concede, some people who have been convicted of sex crimes are dangerous. Some of them are attracted to minors and act on their desires by pursuing friendships with children. Some do much, much worse.

From an optics standpoint, it's obvious why advocacy movements shy away from those difficult cases. By allowing abstract or provocative ideas to be illustrated via stories of innocent and unlucky people—think [Tamir Rice](#), the 12-year-old who was killed by police in Cleveland while playing with a toy gun, or [Kalief Browder](#), who was held on Rikers Island for three years while

awaiting trial on charges of stealing a backpack—activists make it much more likely that those ideas find a receptive audience.

By the same token, a person cannot be a credible voice for the civil rights of sex offenders if he pursues relationships with teenagers. It doesn't matter if they're voluntary, or platonic, or not strictly illegal. It's just not going to fly with anyone except the already converted, and it might not fly with them either. (When I asked Lenore Skenazy, the organizer of the "sex offender brunch," for comment on Baughman's situation, she said in an email, "This is a very concerning situation and let's hope that it is resolved with fairness and humaneness.")

But injustices aren't any less unjust when they happen to unsympathetic people. If you believe it's wrong to make it almost impossible for sex offenders to [find places to live](#); if you believe it's deranged that people who have served their prison sentences can be "civilly committed" for years under the banner of treatment; if you believe it's immoral to let a label like "sex offender" follow someone around for his entire life because of something he did when he was a child—if you believe all that, it shouldn't make a difference what Galen Baughman did or did not do. Insofar as the United States treats sex offenders with shameful cruelty, it treats them all that way, including the ones who are hard to feel sorry for.

Roger Lancaster, the George Mason anthropologist, believes reform movements would be better off if they leaned less heavily on "perfect victims." As he sees it, the tactic of using individual stories to build support for reforms originated with tough-on-crime politicians and victims' rights advocates in the 1980s and 1990s. Back then, Lancaster explained in an email, law-and-order conservatives frequently used tragic and memorable cases, like the [murder of Megan Kanka](#), to promote harsh punishment for convicted criminals. Lancaster wrote:

[T]he poster child strategy orchestrated collective rage and emotionalism and fostered the passage of expansive punitive laws. Now some have more recently tried to turn this strategy against itself, presenting victims of police violence, mass incarceration, sex offender registries, and other forms of state hyper-punishment as injured innocents, icons of unnecessary suffering. Upon viewing these posters, we are to emote and empathize rather than to think. I suppose the mold is set: American moderns are really neo-Victorians who need wholly innocent victims and wholly wicked perpetrators. I'm skeptical that we can turn the logic of the poster child ... against itself this way. We should argue instead from facts, evidence, logic, and serious scholarship.

Perfect victims can lead their champions down treacherous paths, particularly when they turn out to not be perfect. Given how few people are willing to step forward and become a face of this particular movement, Baughman's interest in going public made him a consequential figure in the fight to reform America's sex offender laws. That fight will survive Baughman's alleged probation violation, but his arrest will inevitably distract from the ideas he was trying to spread.

But regardless of what Baughman may have done, it's [still the case](#) that the majority of sex offenders who are released from prison [don't reoffend](#), and it's still the case that life-ruining sex offender registry laws [have not made children safer](#). Those ideas shouldn't lose their credibility just because Baughman has lost his.

