



Registry Matters Podcast

Episode 140

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Andy 00:00

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Larry 00:25

Good, Andy. Thank you. And where are those parts unknown just for the record?

Andy 00:28

For the record, if I had to tell you, if I told you I would have to kill you. So it's a covert, it's secret. It's underground. It's in the Great White North. I've crossed the border. I'm in the Caribbean ocean. I'm somewhere.

Larry 00:42

I see. Well, I was just curious if because I won't tell anybody if you tell me on this podcast.

Andy 00:48

Oh, okay. So I can tell you and no one will hear it at this point.

Larry 00:52

That is correct. They are suppressed.

Andy 00:55

I really think that we need to I can't I can't go around and kill you. So we're just gonna have to let that one go for now. I'm visiting family, I'm up in the northeast area of the world.

Larry 01:05

All right.

Andy 01:07

We, we received an interesting little voicemail that I want to play. We'll get this knocked out of the park. First off, this is from one of our new patrons, Tom. It's about a minute long, Larry.

Tom 01:17

Hey, Larry and Andy. This is Tom. I just wanted to say thanks for what you do. And to let you know how I discovered the Registry Matters podcast. I think it was about nine months ago, I received a letter from the North Carolina NARSOL chapter about what they and the National NARSOL organization were all about. At that time, I really had no idea such an organization existed. But I finally logged into the North Carolina NARSOL site and I became a contributing member I think about five or so weeks ago. About a week and a half later, I received an email from NARSOL. And lo and behold, your podcast was highlighted in that email newsletter. So I went to my favorite podcast app and download the podcast and listened, and I've been listening ever since in my morning and evening commute. I can't thank both of you enough for the valuable information you're providing us PFRs. Your podcast has been very enlightening and informative. I've gotten so much value out of it. I even became a patron about three weeks ago. Thanks again for your time and effort that you put into the Registry

Matters podcast now off to go catch up on previous episodes and until next time, fyp.

Andy 02:25

Larry, he became a patron and listens using a podcast app. I'm just so shocked.

Larry 02:30

I am as well and he's very articulate.

Andy 02:34

And he used his like voice memo on his phone to record it and send it which is amazing instead of using the crappy phone system.

Larry 02:40

Well, we don't have to worry about the phone we haven't got one of those lately.

Andy 02:46

So we should let's move over real quick that you you put out like a listener challenge last week last week to do what?

Larry 02:53

I wanted people to look at the bio a little bit or you could use the internet to look at Edwin Stanton's career and tell me what I would have found. Because I found him to be an amazing guy. Well, what would have attracted me to Edwin and his public service? And I figured someone would look at that and come up with something but nobody did last week.

Andy 03:20

I guess nobody, nobody was around at your time to have any sort of personal interaction with Mr. Stanton to see what the comparison would be between the two of you.

Larry 03:28

Well, but there's a lot on on the internet, I mean, it and you can always believe Wikipedia, right? Everything Wikipedia has, has to be correct.

Andy 03:38

I do have an opinion on this. You can like you can trust it. Almost reliably that it's accurate. Unless there's something hot and heavy going around, you know, like, and they've put in so many controls since then. But George Bush had like some entries changed to make him look like really a really a terrible, terrible, terrible person and like the edits are just going back and forth, adding and deleting adding and deleting. But now there are other controls in place. As far as a resource for people to use it is in almost all of the languages that people use on the planet and on that, like, Please trust it. But go verify it too. Don't just trust it implicitly, you should verify at least you know, like, they're generally their sightings, go check sightings, like that's where they got their information from. I think Wikipedia is phenomenal.

Larry 04:23

I do as well.

Andy 04:26

Let's see. Do you want to dive right in? Oh, let's let's talk about this. The screenshot that I have up there talking, uh, we have the new service, the transcript, what does that picture up on the screen Larry? For those watching the YouTubes.

Larry 04:37

That picture would represent the batch of transcripts that went out on actually I got about Thursday. But normally the intent is to have the previous episode out on Friday, and that would be 25 transcripts. And what we did was we took the patrons who have signed up for their loved ones. And then we took some people that have been loyal to NARSOL that I thought might be interested that we blended them in. And then we did some random selection to try to build the interest inside the institutions. And, and we used that same method to build the newsletter circulation from 100 to over 1,000 over the course of last four or five years, so so my intent is to send out a random selection of a couple dozen each episode. And hopefully that will cause people to reach out to their loved ones and say, Wow, I didn't know about this podcast ma you ought to sign up for it so I can get the transcript.

Andy 05:36

Do you do you think in your experience of sending things like this inside of institutions, will feedback eventually materialize? I mean, can we expect to hear something from someone at some point that they liked it hated it, they think we're garbage or we're the best?

Larry 05:52

We're going to definitely hear from people in prisons. Since it's just so new, it's gonna take a while, but we're going to hear feedback. People say Well, I didn't know it or you You people are nuts or whatever but we'll get feedback we did on the newsletter when when I force fed it we don't have to do that anymore. There's enough its momentum carries itself now we have a little growth each month but when I was forcing them out to people who had no idea we existed, we got positive mostly feedback and some people were not amused because they got a newsletter from an advocacy organization and they said it compromise their safety because it wasn't in an envelope.

Andy 06:29

Right, right. Yeah, I recalled. Do I remember I remember somebody receiving something in Georgia that wrote back some pretty, pretty hateful stuff. You know what I'm talking about?

Larry 06:42

I do it but I'm wondering with this, you'd have to be, if anybody is old enough to demember the Evelyn Wood speed reading courses, you have to be a pretty fast reader at the time that the mail was handed out. If If the news magazine if the person can, if people can read it and figure out what it is while you're taking it from the from the from the male distributor Officer, do they have a mail officers or is it usually the guards that hand out mail in prisons?

Andy 07:05

It is definitely guards. Oh my god guards, yes.

Larry 07:08

Well, I thought that might have a mail technician that went around like I like the way they do with sick call.

Andy 07:13

Oh god, no. At least at least not in Georgia, they have the the schleps that I kind of had so many problems. I had to file a grievance against one of them for mispronouncing my name. And I claimed that it was like, I don't want to say it was racial discrimination, but it's ethnic discrimination because of my name. And I don't want to go into all that, but the person refused to pronounce my name. So I would start calling him officer, you know, something Dumbledore for, you know, pick up some kind of name, I filed a grievance against him. And that stopped immediately.

Larry 07:41

Fantastic. But But yes, I do. I do anticipate feedback probably as early as this coming week.

Andy 07:48

Really that fast? I mean, it's only been what three weeks since we've been them mailing out.

Larry 07:52

Well, yes, but by about three weeks, those those people that have read them from cover to cover and many people do have a lot of time and many people do have time to read cover to cover, I expect we're gonna get feedback. I didn't know this, this makes sense, or you guys are nuts. You've got it all wrong. But But yeah, I think we'll get we'll have our own little fan club and our own detractors that will be writing to us at the podcast.

Andy 08:17

Of course. All right, well, let's jump over into this first thing that you wanted to put on the agenda. It's Tennessee, *Reed v Lee* is that. So that's where we're going to head first?

Larry 08:25

That would be correct. That is that is something that is just very exciting to a lot of people. We've had more than one email, which is unusual when you get more than one email about something. We've got a number of email.

Andy 08:40

This is dude against the state, the governor of Tennessee, which is William Lee. So Ronald Reed against William Lee, and he is asking for an injunction. Is that right? (Larry: That is correct.) So what is the status? Where are we at?

Larry 08:55

Well, he did. He did the amazing. He actually got the injunction. So the status of the case right now is that the state of Tennessee is enjoined from enforcing its registration requirements against Mr. Reed, whose conduct predated any form of registration in the state of Tennessee. (Andy: How far back Are we talking about for that? In the in the 90s?) In the early 90s, his conduct dates back to '91. And, and Tennessee adopted in '94 or '95 when when the when the states were encouraged to, '94 actually, but the states were encouraged after the after the feds passed the Jacob Wetterling act and encouraged the states to to enact registries.

Andy 09:46

Um, let me go off the script just real quick. How is it that you could determine that someone doesn't like so his stuff predates the enactment of all these harsh terrible things. He's still a human isn't he? Like all these things that applied to him that make his life miserable, would apply to someone that gets convicted of it tomorrow. How would we have person is different than person?

Larry 10:11

Well, I don't know if we are saying that a person is different than a person. What we're saying with the type of challenges that's being asserted, there are many different grounds which registration can be challenged. One of the most common is the ex post facto clause because you can't increase punishment after the event. people have to have fair notice of what will be the repercussions of their conduct. So in this particular case, if I were advising Mr. Reed, I would see no reason to challenge it on any other grounds other than the Ex Post Facto Clause because to me, that would be the lowest hanging fruit. I wouldn't want to go off on things that where there's not allow a lot of case law to support you. When there's a whole body of case law that's developed in terms the ever-escalating reach of registration has evolved what may have been a civil regulatory scheme to become punishment, so I would say that that that that was the most logical choice for him to make in his circumstances, but that doesn't mean that it couldn't be punitive to someone else whose crime didn't predate the registry. It's just that that was the best challenge for him.

Andy 11:22

And he doesn't want to try and push that big rock up the hill. And I mean with that, I mean, I guess an injunction is different than him suing? Is that, is that fair?

Larry 11:30

No, that's not fair. What he did is he filed a lawsuit and then as a secondary request, he asked for injunctive relief, which is immediate relief. And, and he he he filed for the injunction to stop the harm that's occurring prior to the case moving to the judicial process. And an injunction is merely an award of something that you haven't won in court, yet. You have not the case hasn't been tried on the merits, but you're getting preliminary relief in advance of your case going to trial.

Andy 12:07

Okay. Um, so you said that's...why don't all challenges request an injunction?

Larry 12:15

That's a good question. It's because the burden is so high to get an injunction, you have to show there's like four components. To me, the two most important are that you have to show that the case law that's already built on this area will guide you to victory when your case finally goes to trial. And you have to show without the injunction that irreparable harm will flow and irreparable harm cannot be speculative. You have to show the irreparable harm will flow if the court doesn't grant the injunction and there's two others. One or the other one says is this not adverse to the public interest, I forget what the fourth one is, but the two most important he was able to meet that a lot of litigants are not able to meet that, for example, in the in the international Megan's Law

challenge prior to, to to the implementation of the of the process, people were saying that heads were going to be chopped off, but there haven't been any chopped off yet that I'm aware of. And and all the horrible things that people said would happen in these foreign countries was speculative. There was a lot of speculation that these things would happen, and you can't speculate an injunction has to prevent an irreparable harm that directly flows from the issue at hand. And you can't use it to bootstrap all your other claims that you'd like to assert because the harm has to flow from this particular thing.

Andy 13:42

And as I recall it, in another high profile case for our people was that we there couldn't have been any harm demonstrated yet because the harm didn't exist yet. So, the injunction was denied?

Larry 13:58

Injunctions are more often denied than granted. I'm not sure which one you're talking about. But in the state of Tennessee there was an injunction granted just in the last year, year and a half with the the law that they passed to, to rip families apart. You remember that you couldn't live with a minor child, even if it was your own family? Yeah, that was that was that was there was an injunction because the harm was readily apparent. If there's a law that says, you can't live with your minor, minor child, the harm that flows from that is not speculative. If you can't be a parent, and you can't interact with your with your kid, we don't need to speculate on that. That's harmful. Everybody agrees with that. So that that was that was one-word injunction was granted and I don't know the status of that particular case. But that was also in Tennessee. And they were trying to stop the flood from coming from Alabama where they have a similar law.

Andy 14:48

Why do you think that Reed won this challenge?

Larry 14:52

I think I think he won it because of the the inability of the state of Tennessee to contain themselves with, with with the...

Andy 15:05

They can't hep [help] themselves as you would say.

Larry 15:07

They really can't. They can't help themselves because they have the law enforcement apparatus asking for new tools. And they have the victims advocates apparatus asking for these things. And nobody has bothered to tell the law enforcement apparatus that if you want to keep this toy that you have, where you can go out and bother people and harass them, we have to keep this toy relatively tame, because otherwise it will trip over a constitutional threshold and the toy will not be available to you. And nobody bothers to tell the victims advocates that because it's not politically popular to say that when they bring in 100 people, and I think that our Maryland counterpart if she's on tonight, I don't think that's much of an exaggeration. When I was in Maryland, there was probably close to 100 people in that witness room that the victims' advocates had brought into committee hearing. It's very hard for a person who's in public office being live streamed around the state and around the globe for that matter, to tell the victims' advocates, even though you would feel good if we did this, we

can't do it because it would probably be unconstitutional. And then we risk losing the registration scheme. Nobody's gonna say that. And that's what happened in Tennessee. That's what happened in Tennessee. I clipped from the decision. There's a lot of we can, we can post this. I did not write this folks. I made some slight edits and tried to make it so it was more understandable. But this is stuff that I just clipped from the opinion. And it starts with with the in '94 the Tennessee assembly created a registry, and it talks about how the registry was relatively benign. It says that, that that a person convicted of an offense was required to register by paper within 10 days of release without without supervision from probation, parole, or incarceration. The information registered was generally considered confidential, but it could be released and then after 10 years the registrant could petition for his removal. And then in ensuing decades, the Tennessee General Assembly repeatedly, this is from the decision, returned to the sexual offender registration status to change home, they reached what they required and how much protection they offered the registered offender's privacy. And then they just couldn't stop themselves. And so the Tennessee Assembly continued their pattern of expanding the requirements of the registration regime by amendment but and it lists what they did in 2008, 2010, 2011, where they are they added in schools, playgrounds, and then added libraries, residency restrictions, they just couldn't help themselves. And therefore...

Andy 17:49

That's no different in any state though. I mean, it's not like one state said, ohp, here's the here's the bare minimum. We're just like, everybody piles on. Some just do it worsen than others.

Larry 17:59

Well, that would be That would be true. But you you have you hit the tripwire in Tennessee because you have the *Does vs Snyder* decision in Michigan, which they relied on. Because they the analysis was done in *Does vs Snyder*, which is also blended into this to this cheat sheet. That That explains how they how they came to their decision. The Snyder court found that there's a point of no return when a registry is inflicting punishment. Tennessee would have been okay if they had just kept this guy registering by piece of paper sending it in and not imposing any restrictions on him. But you guys in Tennessee, you can't help yourself. And, and now you're back to square one because this is going to cause you untold litigation, the floodgates are gonna open and of course, I think that means that there's good chance to that Tennessee will appeal this. Oh, I forgot. I'm not supposed to say that. I think I think there's a good chance that the Tennessee will take an appeal on this injunction because they will they will not want the floodgate. If I'm an attorney in Tennessee, and now there has been an injunction granted, for a person whose conduct predates any type of registration in Tennessee, I'm going to be filing an action as quick as the client can pay. And I've got to say, this is a no brainer, folks.

Andy 19:27

But I mean, to make the comparison, someone in chat brought up the the injunction in Georgia like, I mean, that Sheriff is going I'm gonna take this all the way to the Supreme Court if I have to, okay, well, that could be really good. And that would make a blanket thing across the country. This could go that way too? Yes or no? Am I being too optimistic to say that if they appeal it and it goes to

that level and the next level and all that, that it could then really strike a blow to all of them?

Larry 19:52

Well you're your logic is not completely flawed except for one regard. It's actually sound except for this is already predicated on a Sixth Circuit decision. And the Supreme Court has already declined to review the *Does v Snyder* case in Michigan. Since this is so similar to what they declined to review, unless there's been a dramatic change in the makeup of the Supreme Court, it would be unlikely they would want to review this again. So I would doubt that the Supreme Court would take it. And I would doubt that Tennessee would file a cert petition. Now they could very well go to the Sixth Circuit and say, you know, you guys, you looked at this and our registration is different here in Tennessee, and they would try to distinguish what makes there's less punitive than Michigan's, and they would try to get a panel. They would draw a different panel of judges, and they would try to get a different panel to come up with a different outcome by distinguishing their arguments. I think you lose on that. But what it does do is it stalls and they would ask to, what they would do is they would ask the Sixth Circuit, to put a block on this Reed character from getting any relief, they would say to put a hold on the injunction. And let us continue to enforce the registry while this appeal goes forward, it is just a delaying tactic. And ultimately, I think the panel would not, they generally don't overturn another panel, unless there's a significant alteration in what the facts are. And I don't see it in this. The Tennessee registry looks an awful lot like Michigan's to me.

Andy 21:21

Okay, so, um, you know, build build a matrix. So take Excel or, you know, pick your tool of choice. And you're right, try and figure out to normalize the language of, you know, living restrictions or no parks or all the different things to try to normalize a language because one state's gonna say you can't operate a motor vehicle but another one's gonna say you can't drive a car so normalize language and figure out which states have the worst ones and where challenge has been applied. Like, you know, in this thing the guy is talking about that he can't go and participate in his school functions, seeing his kids graduate from the various grades like all of us are dealing with it. I don't see how you know, for Michigan and Tennessee to have this struck down for this one dude. It doesn't apply to somebody in California that has the same thing. I don't see how I understand that there are different states. But I still don't really see how it's different.

Larry 22:14

Well, in terms of there are a lot of states that don't have any restrictions on terms of what in the registry. A lot of these restrictions arise from probationary, supervised paroled and supervising authorities are imposing these conditions. But where these things are imposed is a condition of registration, they're definitely vulnerable to challenge. Unless, of course, you're in the Fifth Circuit, which is horrible circuit based in New Orleans. And that encompasses Texas, and everything that goes to the Fifth Circuit seems stuff seems to not gain any traction. But you're correct that that these ever-evolving encroachments are very similar and they're vulnerable to attack. We just need more money, more resources, and we're going to have to get more challenges going around the country. And the cases have to be properly built. And this guy did it correctly. He called the right

cause of action and he didn't try to do it in a criminal case. He did it the correct way.

Andy 23:15
Didn't do it pro se?

Larry 23:16
Didn't do it pro se.

Andy 23:18
Does that mean that that attorney is now under the radar of NARSOL to to tap to do other work?

Larry 23:26
It would be if we if we knew who it was. I haven't done the research to figure out who the attorney was. Who the attorney is. But all those Tennessee people I'm sure that we'll have an email as soon as this podcast goes out telling us the name of the attorney because I can assure you people in Tennessee are tuned into this and they know who the attorney is.

Andy 23:44
Yeah, Brenda said she get listed a bunch of states and said but the other states nobody has challenged. So I mean, that goes with what you just said about it. So we need people to formulate logical, coherent challenges in states looking for these kinds of infractions. What did you just call them? Um, darn it. What did you just call them a second ago?

Larry 24:05
You expect me to remember what I said a second ago?

Andy 24:07
I do actually, uh, anyway, so overstepping boundaries, whatever, making it hard to live, and maybe we could push back and gain some sort of semblance of realistic living.

Larry 24:19
Well, one of the things I like I'd like to add in this is toward the end of the cheat sheet where there's the red highlights about the restrictions on Halloween. I've had conversations with Tennesseans for a few years, including an attorney from Tennessee who shall remain nameless because I'm going to be critical of the attorney. And I told the attorney and the Tennesseans I cannot find these restrictions anywhere in the sex offender registration act that the the Department of Corrections were imposing on people and they were just telling everybody you have to be home. They were treating everyone on the registry as if they were a supervised offender. Well, finally, this judge points out that these restrictions are nowhere in the act. And that the enforcement of these restrictions on Reed was a mistake by the by the Metropolitan Police whatever that city was that was enforcing those. But But this this was a mistake. I keep telling folks, this is an important point. When the police tell you, you have to do something. Sometimes they're telling you something that you don't have to do, because it has to be in statute. If you're not under supervision. Your supervising authorities can tell you to do some things that are not in statute. But when you're when you've paid your debt to society, and they tell you that you have to do something. It's not unreasonable to say, Well, I'm not familiar with that section of the statutory scheme. Can you cite to me where it

says I have to do that? And if they tell you what, you know what goes for you, best for you if you do this. Life would be better say, Well, I understand that's your position, but my position is life goes as an American, if we don't succumb to doing things that we're not required to do, and I'd be happy to do it if you can show me where I'm required to do this. This is something where I've said for years, if you're not under supervision, you don't have to do this. When they file a criminal complaint against you, they have to be able to cite to jurisdiction of the court, which they have to prove that the infraction occurred within the jurisdiction of the court. And they have to cite to a section of law that you're in violation of, in order for the person who's accused to be able to figure out how to defend themselves. And if you can't cite to a section of law that says you're required to do this or you're prohibited from doing that, the person can't defend themselves. So if a person if the police were to file a criminal complaint, and if a lax judicial official were to sign an arrest warrant and they were to haul you into custody, the first motion your attorney would make would be, you would stipulate that you did exactly what was in the complaint. Yes, the lights were on Halloween. Yes, he did hand out candy. And there's nothing in the statutory scheme or the state of Tennessee that prohibits the person from doing that. Therefore, this court must dismiss. And that's what would happen.

Andy 27:15
Just be like we've erased it, we use whiteout like this. Not that it never happened, but like, screw the prosecutor like you guys are idiots go home.

Larry 27:24
Well, but do you still have the arrest record and I can't vouch for what the bond would be set for. I know that that's a consideration. No one wants to be arrested, handcuffed and hauled to jail and no one wants to have to spend their financial resources. But if it's not in the statute, they can't convict you. I shouldn't say can't. They shouldn't be able to convict you of breaking a nonexistent law.

Andy 27:46
This, to me, this feels like an organization that I follow where they send very threatening letters to organizations that are explicitly violating laws and under threat of lawsuit and generally they back down. I mean, you know, kind of like the the Spalding and the Butts County. It's like, hey, you don't have the authority to do this one of them backed down, one of them didn't. (Larry: That would be correct.) Didn't we get one of the NARSOL attorneys to write a letter saying this is coming. Back down. I mean, there's nothing, you know, how do you prove a negative, there's nothing in the law that says that you can do this back down, you will lose.

Larry 28:23
I wish that I had an attorney in Tennessee that we could have done that with but the attorney I was relying on was was adamant that you had to do it. But yet there wasn't anything in the statutory scheme that support that. So now we have resolved that issue because the federal judge, which his or her I don't know if this is a male or female, but his or her legal resources are far greater than what mine are. And the federal judge is saying it's not there. So I'm going to take the federal judges word for it.

Andy 28:50

Fair, fair, fair. Judge Aleta Trauger. That's what I'm going to go with.

Larry 28:57

and what's the gender of that judge?

Andy 29:00

I got nothing on that one. I don't know. Are we done with that? Should we move on?

Larry 29:07

We should move on.

Andy 29:09

And very good. So this someone brought this up in chat just before we began and this is the AWA proposed regulation changes. Is that what this is? (Larry: That is.) Alright. I have like no idea what's going on here.

Larry 29:26

Well, as Nancy, no it wasn't Nancy that said that it was Ronnie that said that. Well, Nancy.

Andy 29:31

Yeah, he was he was all about some welts, well.

Larry 29:37

In order to implement the Adam Walsh Act there, there have been a series of regulations issued and there's a process that goes for public comment which I submitted comments on the last round, not the last round, but on the on the on the first round on the AWA I think in 2008. I submitted comments, but but these are merely proposed regulations that are out for comment for 60 days, I believe it is. And then after the comment period, they will be adopted and become final they'll be published in the Federal registry, register. And, and what I have deduced from looking through this is that the concern is a little overblown, but not completely. There there, there's reason to be concerned. But there was not reason enough for panic.

Andy 30:34

Okay, and I don't have a cheat sheet for this one. So why no reason for...why reason for concern but not panic?

Larry 30:42

Well, the feds cannot create a federal registry. They realize that and if you read through the 93 pages, they acknowledge that and they've acknowledged that from the get go. That's why they've asked the states to do it. And that's why they have they have used the financial, the Treasury, the purse to to encourage it. When I say that there's no federal registry, conceivably there could be a federal registry for people who have federal convictions. And that would be the family of the Federal apparatus. That would be anything that's a federal crime. Anything that occurs on Indian land, that's not a minor crime, they those end up in federal court, that would be the military convictions there would be there would be those where they could conceivably create a federal registry, but what you would have would be a federal registry, that would be separate from the state registries, because the people who were convicted entirely within

the state, there's no federal jurisdiction for them to create a registration obligation for them where they would have to report to a federal registrar. They broke the laws of the state of Georgia and Georgia determined that they wanted to register them. So therefore, there's no there's no jurisdictional hook for them. And (Andy: okay.) So So therefore, you would have you would have a federal registry operating side by side with a state registry. And that would be duplicative. If there's any such word that would be duplicating effort. You you would have, you would have no reason for that, when the states already have a registry. So the federal law just requires you that you register with with your state officials, but where this is really, really problematic is that they have decided that their their attempt is to clarify the regulations that that that the states are operating within. And the states if they are if there's clever, as late as I expect, they will be. And I will guarantee you that I'm not letting any secrets out of the bag. There are people that work in the registration schemes across the country and law enforcement, they're every bit as clever as I am, if not more clever, so they're gonna pick up on this. So, what they've done here is they've opened the door for the states to not have to actually adopt all these provisions one by one, all the things that it takes to be federally compliant, they can simply do it with a blanket statement. That (Andy: Okay) that a person a person has to comply with the federal, for example, the timeframe. Rather than saying how long a person has to register and prescribing that in state law, they could totally eliminate their state reference to how long a person registers and they would say that the person would register consistent with the terms established by the AWA and by federal law. And they could do that in terms of the reporting obligations, that that your that your, your reporting frequency will be consistent with what is required by the federal standards. Do your three day window for most reporting of additional registration or changes, they could simply say that, that these things will be consistent with the federal standards and then they can leave they can they can bow out of the of the legislating business and simply say that they're adopting the federal standards. And there's where the danger lies. Because if they're able to move that type of proposal through their legislative process, then all of a sudden de facto you will have the Adam Walsh Act adopted without actually going through the nuances of putting all these tiering level of your offences because that's the complexity. One of the complexities of the of the of trying to figure out how the offenses align with with with, you look at a state statutory scheme, and trying to figure out, and most states have gotten it wrong. They've they've over-tiered things that didn't need to be and once in a while they've under-tiered something. Most of the time they've over-tiered something and and you would end up with with with the feds by regulatory fiat, they would tell the state these crimes are 50, these are 25, or these are life. And since the state has passed the law say that they're going to, they're going to incorporate the federal requirements as theirs, then that's the danger. But it doesn't create a new jurisdiction unless the state wants it to. If the state does what we do, which we beat everything that comes in, if we can take you to beat back everything that comes in, it doesn't change anything, any ioata, doesn't change one iota of what what would be required by New Mexico unless New Mexico changes its own law. But that's what I fear. That they will do that across the country.

Andy 35:36

So they just say see federal guidelines, blah, blah, blah, and now we're compliant.

Larry 35:41

That's what I'm afraid that they will do. And, and then in these proposed regulations, they create, they acknowledge, I think on page 11, I put a highlight on the 93 pages they acknowledged quite well that that these, this is something I could read on the podcast. It says this reflects the fact that SORNA provides minimum national standards for sex offender registration. It is intended to establish a floor rather than a ceiling for the registration programs of states and other jurisdictions which can prescribe registration requirements binding on sex offenders under their own laws independent of SORNA. See, they're acknowledging that the states can do whatever they want to do. Jurisdictions accordingly are free to adopt more stringent or extensive registration requirements for sex offenders than those set forth in this part, including more stringent or extensive requirements regarding where, when and how long sex offenders must register, and what information they must provide and what they must do to keep their registrations current. Well conversely, you can also adopt less, which some states have. But when people write in, call and leave messages saying that, well, this violates federal law. No, it doesn't. The federal law is a recommended minimum to be awarded that precious designation of substantially AWA compliant. It doesn't preclude the states from doing things beyond that including registering offenses that are not recommended. Which every state practically that I've looked at registers indecent exposure. Not required. We just talked in the previous segment about residency restrictions. Not required. We talked about proximity restrictions. Not required. We talked about exclusions from school activities. It's not required. All this stuff that your states have done, not required by the Federal SORNA.

Andy 37:33

It all like just a few pages prior to where we just where. It says this statement will make it easier for sex offenders to determine what they are required to do and thus facilitate compliance. Larry, this is for us this is working to our benefit.

Larry 37:47

I struggled with that one. I was I was gonna text I was gonna text Attorney General Barr but it seems like he's changed his number. (Andy: Ah, surprise.) But But the concluding part of my point that they've recognized in here, that that states that don't adopt these things like, for example, the three day window of reporting changes, if the state has a 10-day window, or I think there might be a state out there that has still a ten-day window. I know we do. There might be another state other than us that has a 10-day window. And in our instance, we have we have sheriff's offices that aren't open to registrants but once a week. And some I think we might even have one open every couple of weeks. But but we have, well, they say that the sex offender, the PFR, if they can't comply with that, say, for example if New Mexico says you would register in compliance with federal standards, and then they would get that blanket part on the books. And we've got a sheriff's office that still only opens once a week, well that would not permit you to come in within three days. Which allows under these guidelines, the PFR can assert that as an affirmative defense. Well it was impossible for me to comply. So they recognize that you,

you still can't force the state to do what it's not going to do. (Andy: Yeah.) I want people to understand that. This doesn't force any state to do anything that they're not inclined to do. But what this does do is this gives the states an easy way to do something that the victims' advocates, and the law enforcement apparatus will encourage them to do, which means you better get your legislative advocacy in gear after these are adopted, because the logical thing they would do would be to change your statutory scheme to say that we just we abide by federal law, and then all of a sudden, all this stuff is a moot discussion.

Andy 39:40

I see. God that 10-day things. Just like you could be arrested and held and they were like, yes, but I couldn't comply and like, Oh, crap, we're sorry. Hey, we're gonna open the doors for you. I like that just sucks, Larry.

Larry 39:55

Well, but again, that this is where I maintain that only the state could arrest you. So, I'm giving the benefit of doubt that the state officials here might actually know the law. And I know that's a stretch. But I'm assuming that that a county sheriff here would seek an arrest warrant on the three day rule if they weren't open. Now, maybe I'm giving them too much credit, but I just don't believe that, and the feds do not have in my opinion, this is my opinion. They don't have the authority to do the arrest because you haven't violated federal law. You violated state law, there is no federal registry.

Andy 40:32

You violated federal guidelines.

Larry 40:35

So so until New Mexico says that you have to register within three days it doesn't make a damn what the feds say about how and when you have to register it because this is our dog and pony show here.

Andy 40:47

Do you think that this makes it easier to mount a nationwide challenge instead of trying to piecemeal it state by state?

Larry 40:56

It's not coming to me at first glance, but if a lot of states were to adopt the blanket language and say we're just going to go by the feds and I don't see that happening overnight but if a lot of states did that possibly, but even if they did we still have 50 separate registration schemes.

Andy 41:16

Right Right. Right. Right. Right, right. God like there's no way and I and we could just immediately like go right back to li's like you were bringing up the food Inspector thingamajiggers for restaurants. Like every city every state probably has some sort of different food handling requirements and so if you don't comply, they just shut down. You know, that's that's what a civil regulatory scheme looks like. But unless you've got cockroaches and actually like poisoning people, I don't think there are criminal charges for not complying.

Larry 41:47

Come again with that you don't think they're criminals are absolutely absolutely are criminal charges for not complying.

Andy 41:52

No, that's what I mean. But like if you if people are dying from it, then yes, but if you have like if you have somewhat dirty silverware, you're probably not going to get locked up for having dirty silverware, they're gonna dock you and close you like for a week maybe until you fix it and then then you go back to business.

Larry 42:08

You are correct on a first-time violation for health thing, depending on the severity of it. There are immediate closures if you watch our city of Albuquerque public health, we have our own city inspections here. I think we're the only city in the state that does but but there there are occasionally immediate closures. But if you continue to not make the corrections and you continue to defy that, they will lock you up.

Andy 42:34

But I mean, if you have someone that fails to register once it's you know, one five year kind of sentences like right off the bat for something that you possibly didn't necessarily know exactly like hey, you were a day late like eff you. Cuff up we're taking you out like they're not doing that to the to the restaurant necessarily. Not like that. It's not that heavy handed.

Larry 42:53

You are correct. They treat this as more of a public safety issue than they do food. Now I don't know that I agree with that. I think people get sick all the time from bad food and from lax practices and restaurants but but to say it's not criminal it very well could be criminal. But as a general rule, how you're going to be treated is quite a bit different. If you violate the registry in most states, it's it's it's a serious misdemeanor or, it's felony in most states. But even if it's a misdemeanor, it's still a serious misdemeanor. In our state, it's a felony in the fourth degree that carries a potential period of incarceration of 18 months. So it's not like it's not like a city of Albuquerque restaurant inspection where you can get up to 90 days, I think, almost municipal ordinances. So you've got 90 days versus 18 months, looking at you, but you can go to jail for violating the restaurant rules. Another thing to point out in this is that this this recognizes that there are jurisdictions that that don't register certain offenses, even though the feds would like them to be registered because their law doesn't uncover that. They they acknowledged that the state doesn't have to register you. But if they say if that state is willing to register you, you need to register. So what I see this doing is that the states are going to be willing to register more people if they adopt that blanket provision that anything is defined as a sex offender because that would make people like Regina in our state really happy because then it would neuter our equivalent. There has to be an equivalent offense, Regina would just say, well, we define a sex offender as anybody that's in the Adam Walsh Act as a sex offender. So therefore, we don't have to do that analysis anymore. It's irrelevant whether it's equivalent because we have the catch all that says, so therefore we're willing to register you. That's the real danger in this.

Andy 44:48

Okay. Any other closing comments before we move on?

Larry 44:51

I hope that that some of these national organizations will will take this seriously and express their shock and dismay at these these proposed regulatory changes. And having said that, I don't expect it to work like none of the other ones have. But at least you get it on the record that that, that that this is not the way to go. And this might be an opportunity for the national organizations to collaborate in terms of putting forth something to the to the to the Department of Justice saying how bad this is.

Andy 45:29

Larry, let me bounce this by you before we move on. Going on in chat, I was trying to figure out how to like actually present this but it didn't seem super concise. So I'll just read what was written. It says what I'm especially concerned about is in retro, like Pennsylvania changed their their scheme for 2012 and before which I fall under that they will take that away along with other challenges being done in the court, like in Michigan. Does that does that tell you anything that you can speak to?

Larry 45:58

I don't really have that fear. I don't I don't see them being able to undo. Remember, this was all off the cuff with having. (Andy: Yeah, sure) just a small amount of small amount of preparation here. But the punitive nature of those decisions were decided, based on based on ex post facto. Now, I'm not saying that, that that, that, that they couldn't require you to register. But I don't think they can build back the registry that they had pre litigation because those facts don't change. In Michigan, the 2006 and 2011 enhancements made made that those requirements to register too punitive to be applied retroactively. And I don't think you could undo that with any proposed regulation. Same, same thing. Same thing goes in Pennsylvania. You know, I just don't I don't see that as being something to be fearful of.

Andy 46:57

Let me try and explain it in my dumb person terms. So let's, I believe that Pennsylvania challenged the thousand foot kind of living restrictions at some point and won it. Those aren't in these recommendations to begin with. So fighting like them them just saying we're going to blanket follow these. Well, that was already something that got struck down as being beyond and not constitutional. So they're not going to like roll any of those kinds of things back in?

Larry 47:26

Well, I'm not sure there was a proximity issue in Pennsylvania. I don't think they had any restrictions on living but if we got a Pennsylvanian in chat we can... (Andy: Yeah) but, but but you are correct. There are none. The federal law does not encourage or require or suggest that there be restrictions placed on where people live or work. These are inventions that you have done in your states of your own volition.

Andy 47:57

And find all of those parks, schools, playgrounds, like proximity, any of that stuff, all of these extra things that make life so much more challenging. Even like, actually, I mean, this might might not be a terrible time to talk about. I had a pretty long conversation with someone on Twitter about they challenged what I said last

week about the registry, like what's so bad about it? They're like, are you serious? What's so bad about I was like, hang on, like the registry the act of I'm not saying that's a good thing to go to the Popo and go hang out and say hey, you know, here's my fingerprints and people around with tasers. I'm just saying like, the bad part is the internet, having your junk posted about where you work, live, all that stuff, your picture? That's what is really really over the top hard for people to overcome. Then your neighbors get involved like they know who you are like all that. To me, the Internet piece is the worst of the worst. Is that in this?

Larry 48:52

That is an Adam Walsh Act. They're they're, they do require for substantial compliance the internet publication of at least a tier two and tier three offenders.

Andy 49:05

Okay. So I mean that was like my, my like the crux of what I was even I was tongue in cheek asking it last week I was trying to poke the bear so to speak about whether the registration like the at the registry is so bad and our guest pushbacked pretty hard, like "I don't want to be on it." Like man, I get it. None of us want to be on it. But the problem is everyone having access to your information? Otherwise, yes, an employer is always going to do a background check. And whether you you know, felony jaywalked? Well, that's going to show up on your on your record, and all the way to these really terrible crimes that people do commit. Those are also going to show up, but it's the public access that when you go to a sports game, you know, for your little league team, that the neighbors and all that stuff are poking, like there he is over there, like that's what gets you like makes life really hard to live. To me, in my opinion.

Larry 49:57

Well, I would, I would agree. It also sets up the vigilante stuff that...

Andy 50:01

Correct, yeah totally, totally.

Larry 50:02

You could actually do. Listen to me closely law enforcement, you could actually do a website, if you would let go if your desire to put non conviction rated information on there. Where they're living is not conviction related. So you'd have to drop that. What they drive was not conviction related. So you'd have to drop that. Where they work is not conviction related, you would have to drop that and I can go on and on. But if you merely wanted to put the name of the offense they were convicted off and the photograph as it existed at the time of conviction, nothing else is related to the conviction, how they age is not related to the conviction. If you wanted to just do that. You could probably get away with that indefinitely. As long as you didn't put stuff on there that had nothing to do with conviction, but you can't help yourself because that's not what you want. You want them to be ostracized from their neighbors. You want them to feel threatened when they're in their cars driving, to be attacked. You want all these things, and I know you're rolling your eyes, and I'm actually telling you that you and the victims' advocates, you want all these things to happen to these people because you hate them so bad. Your hatred is what overcomes you. If you merely just wanted a registry

of a list of people who had these convictions. And you didn't do anything else with it other than compile the information on conviction day, you could probably get away with that in perpetuity. constitutionally, I'm talking about. Not in terms of being a good public policy. Constitutionally, I don't think that would be vulnerable to any challenge.

Andy 51:48

I understand your points, but they can't hep [help] themselves as you would say. H-e-p Is that how you spell that one?

Larry 51:55

They can't help themselves because they have enormous pressure from the people that I just named and they don't have hardly any pushback from the PFRs and the organizations that represent PFRs are woefully underfunded and generally not present. And that that really makes it a one-sided discussion. And that's the problem.

Andy 52:19

Ready to be a part of Registry Matters? Get links at registrymatters.co If you need to be discreet about it, contact them by email registrymatterscast@gmail.com You can call or text or ransom message to (747)227-4477. Want to support Registry Matters on a monthly basis? Head to patreon.com/registrymatters Not ready to become a patron? Give a five-star review at Apple podcasts or Stitcher or tell your buddies that your treatment class about the podcast. We want to send out a video heartfelt support for those on the registry, keep fighting. Without you, we can't succeed. You make it possible. Okay, and you put something in here. So like a little intro about something I'm not sure if you wanted to actually cover this piece. Its client is released on probation terms include no contact with complainant. Did you want to go over that?

Larry 53:24

Oh, yeah, that was something on the national criminal offense lawyer's listserv. I thought it was funny, as I say.

Andy 53:30

Okay. Do you want me to just like read it and then you can respond to it?

Larry 53:34

Sure. That'd be good.

Andy 53:35

All right. So the client is released on probation. Terms include no contact with the complainant. He commits another offense, different complainant and is incarcerated pending his VP which is a violation of probationary hearing. While in jail the complainant, from case one, the one where the No Contact order came up contacts him by letter, wants closure. Man that's an almost like entrapment. Like, you can't stop the person from mailing you. She sets up a secure account accepts calls from him. And the recorded conversation showed them trying to work things out. Prosecutor finds out about the recorded calls from corrections and wants to also violate DF, defendant? (Larry: Yep.) On the calls. Eventually they decided to proceed to violate him on only these calls. Trial attorney says, Hey, shouldn't probation end when one is in jail? Can't comply with many conditions, including association with other criminals and finishing programs. Yeah, that would be

interesting. Like it says no association with criminals, but they put you in a box where there are other criminals. Prosecutor says, Okay, fine. Logically, we could violate them for things beyond his control. But he called her in violation of the order. Anyone have case law about whether you can violate probation while in jail? That is an interesting question Larry.

Larry 54:48

Well, and I thought it was that's why I put it in and I and the answer is going to amaze you. You can actually... no we do know. We absolutely do know that. We absolutely do know that. You can violate your probation while you're in jail. You absolutely can do that.

Andy 55:06

Because in jail, you're just being detained like your, oh boy. Well, how would you classify the person in jail quote, unquote, detained you're not convicted of anything, you're just not free, you're certainly not going out to watch movies and popcorn on your own.

Larry 55:19

Well, now he is convicted, the crime that has him on probation. He is convicted. Now he's picked up a new charge. Now that formed that form the basis for for a presumed violation. An arrest on the new charge is presumptively a violation. So therefore, they took him into custody, which is common. And then while you're in custody, your probation hasn't been revoked yet. So conditions still apply. Your probation is running until it's revoked, even though you're in jail.

Andy 55:50

Well, that's Well, I mean, I guess that's good for counting down time too.

Larry 55:54

Yes. So your probation is running and you are in custody awaiting a disposition of the technical violation which in this case, it was more than technical violation. It was a new charge. And in some cases the state will go ahead and defer resolution of the of the PV until the new charges resolved because they've got clear and convincing proof if you plead or if you get convicted, but in this particular case, they had all the convincing evidence they needed because on a recorded line... Now just as a general rule for those who are reading the podcast in prison. They record those calls that you talk on in prison.

Andy 56:28

They tell you they're gonna record. Don't give me that crap that's, like "This call is being recorded."

Larry 56:35

And the the person who was on probation yet to be revoked, they had a duty to abide by the terms of probation of that no contact order. Now, granted, she reached out we're taking everything at face value, she reached out to him. Fine, you can't control that. The mail comes that they handed out to you and you have what you would do is you would say, put this person on a do not contact list. Do not distribute any more mail to me. And then when she sets up the line and request a phone call, you don't make that phone call. So what what that tells the court is that if you're in custody, and you can't follow the restrictions of no contact, what

would be the likelihood you could follow them on the outside world? If he did anything to himself, he set himself up for a revocation in my view.

Andy 57:25

Yeah, totally. Totally, totally. Oh, boy. Okay. So, you know, some of some of the people that go to prison aren't necessarily the brightest bulbs in the in the Christmas tree.

Larry 57:34

Well, we just lost a whole prison subscription list now because of what I just said.

Andy 57:40

Oh, sorry. Except for you guys reading this, you obviously are smarter than the average batch. Got it. Okay. So that should at least cleared some of that up right?

Larry 57:47

Yeah, but but, you know, it's counterintuitive, but in my view, and I don't know if I'll be able to follow this if I don't get on the listserv. In my view, that is a bonafide violation of probation. It would withstand constitutional challenge. Any appeal would be denied. You had a no contact order. And when they put you on probation if you didn't like that, no contact, you should have told them I will not accept a no contact order and they will have an alternative program for you.

Andy 58:18

I gotcha. Hey, we got some articles to cover. Oh, wait, we got to acknowledge a message from one of our patrons. This is one of our super-duper over the top awesome, very generous patrons from Tennessee and you wanted to acknowledge him in some form or fashion. What do you want to say?

Larry 58:32

Yes, Justin, thank you for the email. I am super swamped because of the pandemic. But I do intend to reach out to you in response and we're going to we're going to set up the consultation but but yeah, the the NARSOL has me doing two jobs right now. (Andy: You should quit.) I know especially with all the all the money that they pay me. And I've had, believe it or not, I've had more inquiries recently from people who want consultative services, which I do for attorneys. I'm getting more private pay work, and I've just I've just not had as much time to spare. Plus, I'm old and tired.

Andy 59:15

Are you saying that you need more than 24 hours in a day Larry?

Larry 59:20

Actually, I do have more. Have you looked at my clock? I'm gonna have to turn my camera so you can see my clock. I actually have a 28-hour clock.

Andy 59:26

Oh, outstanding. Actually, but I do want to point out that at a certain tier level, like that is one of the perks is to gain access to have like a private chat with Larry about whatever you want to talk about, whether that be politics or something about your case.

And that is at the \$50 a month level. And just wanted to throw that out there.

Larry 59:46

And just be clear, it's not legal advice because I have to be under the supervision of an attorney, but it is, it is consultative advice. And oftentimes, we do find some some situation where it would, it would behoove the person to arrange an attorney which I am delighted to work with if they find a competent attorney. And so, it helps them figuring out if they have an issue that needs to go towards an attorney. When they when we when we finish talking, the person is better prepared to discuss. They know what to say to the attorney and they know they know what the attorney should say to them if that attorney is qualified, and it helps the person and empowers them when when they when they know what the issues are.

Andy 1:00:30

I do understand, um, let's see here. Okay, so we do have a couple articles to cover. So we're gonna knock these out really quick and we can get out of here and call it an early night Larry. (Larry: Fantastic.) We got the first one. You put one in here from NACDL news releases it says national criminal defense Barr welcomes new Title IX regulations calls for the restoration of due process on campus is essential. Due process, what is that?

Larry 1:00:57

I put that in there only for one reason. It doesn't require a lot. The Trump administration which is typically I'm not in agreement with much of their agenda. This is something I do agree with. And I can't help myself. I've said several times that we need due process for people who are accused of crimes. It's an amazing concept, but it's enshrined in our Constitution. And I'm glad to see it returning to the college campuses, or is it campi, which is it?

Andy 1:01:27

Uh, campuses.

Larry 1:01:30

I'm glad to see it returning to the colleges. And I agree with this. And I'm glad to see that a reputable organization like the National Association of Criminal Defense Attorneys agree. I agree with them. I'm glad to see they took this posture because we're in the defense business and people are supposed to be presumed innocent. They're supposed to be afforded due process, and they're not supposed to be, they're not supposed to be disallowed to be engaged in a process and be punished and extricated from campus and all these things that were happening to them without even seeing the evidence or being able to even think about knowing who their accusers are.

Andy 1:02:07

Yeah. It would be, it would be challenging Larry and I please, please understand that I get the innocent until proven guilty, that then tomorrow you go back into class and the person that allegedly that you believe did it is sitting there in class next to you. that would be very disruptive for you. I do want to at least acknowledge that that would be very challenging environment to be in.

Larry 1:02:29

I would acknowledge that as well. And those things can be dealt with through the existing infrastructure. We can do that with no contact orders. Now I don't mind a no contact order. Because that still doesn't that doesn't hamper the person's defense. It could impede their educational opportunity, but it doesn't hamper their offense. I resent the hampering and hamstringing of their defense. If you wanted to put a standard no contact, you can't be within 100 feet, then it's going to be the accused problem to deal with that no contact order and figure out how they're going to work around that they may have to drop a class and they may have to I mean, they may have do some things like that. I don't think you can ban them from the campus altogether. But you can you can put some distance between the person and and and certainly you would want to fashion the order so that it would be clearly that the person sought the contact. We can't allow the alleged victim to go out of their way to find you on campus and say, Oh, he had contact with me or she had contact with me.

Andy 1:03:18

sort of like the person in the jail cell setting up the secures thing to work things out.

Larry 1:03:23

Correct.

Andy 1:03:25

Alright so there's some good news of NACDL. And that's the National Association of Criminal Defense Lawyers trying to help out with the Title IX stuff. Oh, here's like a fun one that Con Air I'm sure everyone even you Larry probably have seen the movie Conair is spreading COVID-19 all over the federal prison system. They're still transporting prisoners around and they're not tested. Like it's not that hard at this point to test if somebody has the COVIDs, the human malware and says US Marshals are transporting prisoners without testing them for Coronavirus. If we don't test Larry then then the numbers would stay low because we don't know if they have it. That seems fair.

Larry 1:04:03

I don't see a problem that logic. Now Conair that would be that would be that would be Continental Airlines, right?

Andy 1:04:11

Uh, yes. I'm sure that's exactly what the Conair stands for. Let's see. What other con words can we come up with Converse? Like there's a shoe company. Anything else?

Larry 1:04:25

Well, I said there for a particular reason. I know what Conair is, but I said that because I want someone in chat, I want someone in chat to do a Google. There's a former chief executive officer of Continental Airlines, a very, very fine chief executive officer. So, this is not in any way a slight on on him. But his name, I want you to Google Gordon Buffoon And tell me what comes up.

Andy 1:04:50

Is that what his name is? It's Gordon Bethune? B-e-t-h-u-n-e, Bethune.

Larry 1:04:54

Yeah, when you Google Gordon Buffoon, Google has had that search enough times. It comes up with Mr. Bethune.

Andy 1:05:05

Let's see. Buffoon. Yes it does. Were you searching for Gordon Buffoon?

Larry 1:05:11

Now. So that tells me, a little I understand about algorithms. Someone has searched for the didn't know how to spell his name. And they put in buffoon. And Google figured out that they were talking about Gordon Bethune.

Andy 1:05:24

I can explain it to you at some point if you'd like Larry.

Larry 1:05:27

Am I close?

Andy 1:05:30

Yes, it's like when Google Google knows what results they were delivered that they deliver to you. And if you click on this other one, then they now know that you're typing in this thing wrong. And they say, Oh, maybe, you meant this instead. It's actually not that complicated. I wrote something similar to it.

Larry 1:05:46

But yes, Mr. Bethune was a fine CEO. He was one like Southwest CEO. He would go to work on the holidays, do line work on the, on the... he felt like if you're gonna ask the airline employees to come in on Christmas and Thanksgiving, that the executive team should be there as well. So he would come in on holidays and work alongside his team and, and show inspiration to them. And...

Andy 1:06:11

But for... go ahead, go go go.

Larry 1:06:13

in the form of the original CEO of American, not American excuse me, Southwest. Kelleher, His name was escaping me. He used to do the same thing.

Andy 1:06:23

Okay, so and Conair stands for convict air. (Larry: Right.) Why would it be so hard like, okay, I went somewhere today and they put a looked to me like the same like cooking thermometer that I have to test what the temperatures of the skillet. You know, it's just like a laser infrared thermometer. They stuck that on my forehead and they said, okay, you can do what you got to do. I like it's not that hard to do some really basic rudimentary checks on people. Even if you don't have the stick the thingamajigger down your throat to get the, you know, to the actual test.

Larry 1:06:57

Well, but you don't understand we've got a prison system to run and we've got to get these people in their assigned institutions. And we can't hold up progress. Because someone might have a fever, slight fever, for God's sakes. I mean, progress can't ground grind down to a halt. What's wrong with you?

Andy 1:07:15

I'm just thinking of the impact of the other side that you put 50 people on this plane, maybe something like that. And one guy, persons got it, gal, guy, gal, and then they spread that to their 50 closest friends and then they'll spread it to their 50 closest friends. And next thing you know, you have a pandemic. Oh, wait, we do have a pandemic. Oops, my bad.

Larry 1:07:34

Well, it's it's one of those things where, how would the prisons operate if they couldn't move people around? I mean, you're still I'm guessing they're still doing intake putting people in prison. The courts are running at some level and, and people people are being classified and they're being assigned to their institution. What are we going to do just just halt everything?

Andy 1:07:54

No, but you could put people on every other. You've flown, the plane, you flew a few months ago did they have people separated out to some degree?

Larry 1:08:05

They had separation on Southwest American was not as good about. The American flights were pretty full. Verry little separation and Southwest was far better they they were not selling middle seats at that time now in honestly the middle seats not going to protect you all that much. (Andy: No, I wouldn't think so. It'd be in between rows and whatnot.) But they were they were doing a PR gesture and actually we're going off on a tangent here, but I think it's funny. So I like going off on funny tangents. So alright, people are going to get an education about Eastern Airlines. The late, defunct Eastern Airlines.

Andy 1:08:42

Did you say continental?

Larry 1:08:45

Now we're going to Eastern, Eastern.

Andy 1:08:47

Okay. Oh, okay you're moving on to yet another tangent. So a tangent on a tangent?

Larry 1:08:51

A tangent on a tangent. Well the reason why Southwest is doing this. I'm gonna explain why Southwest is doing this. Southwest is doing this to pressure American. American is the weakest airline financially. Delta and Southwest are far stronger carriers and they can take the revenue hits now this is a complete reversal of what happened in '89, '90. Particularly '90 when the Middle East or when the when Saddam invaded Kuwait and travel collapsed. So when Saddam invaded Kuwait, and we have a total collapse in travel, Eastern was already struggling and Eastern was financially the weakest of the airlines and the stronger carriers were at that time was American and Delta. And Delta really hit Easter hard, particularly the Atlanta hub. And they they they put \$29 flights galore flying out of Atlanta, and they drove the coffin into Eastern Airlines. And that's exactly what is happening to American now. Except the two stronger carriers is not American now. The two stonger carriers is Southwest and Delta. And they are doing everything they can to drive the nail in the coffin of American and

American's having to respond with doing things that are contrary to their interests like trying to, they can't afford to have empty seats. So they've announced that they're going back to full capacity they've gone back to full capacity. And and this is this is the chickens coming home to roost exactly what American did 30 years ago is being done to them. So that's what's funny if you have a sense of humor.

Andy 1:10:29

That's funny, huh? You like using that term, funny?

Larry 1:10:32

Well, how else would you describe it?

Andy 1:10:35

I would describe it as let's go on to this New York Times article. (Larry: Alrighty.) Which is also actually funny. It says a Florida Sheriff has ordered his deputies not to wear masks. The sheriff has forbade his deputies from wearing masks while on duty, with some exceptions and also barred visitors to his offices from wearing them. So I walk into the sheriff's office with a mask, and he says take that crap off and I'm gonna be like, okay? Like No, I'm still wearing it you putz.

Larry 1:11:02

Well, I mean, even you have to admit that that's funny.

Andy 1:11:09

That's asinine. That is totally ridiculous over the top. We should just move on.

Larry 1:11:13

Well, I'm surprised that he would be able to pull that off because after after we did our preshow banter, I did a little bit of checking, and it's not exactly a rural county, I was thinking, well, maybe he could pull that off if he had a force of 12 deputies, but this is the county of 300,000 people. So you're not talking about a ma and pa operation. You're talking about a significant population. This is Ocala. And for him to be able to find a crew that would say, Well, I am going to be so loyal to you that I'm going to disregard my safety, my family's safety and the safety of the citizens that I encounter. And not only that, it seems like it's counterintuitive. Maybe I'm maybe I'm out of tune with the politics in Ocala, Florida. Maybe the politics are different than what they are here. But it would seem like that, that this would irritate the citizens that if you go to do police businesses, they say, *southern accent* you got to take that thing off before you can come in heye [here].

Andy 1:12:15

Yeah, like you know, you go to a restaurant that says masks are mandatory and the sheriff's office says no masks are mandatory.

Larry 1:12:24

Now how do you spell that for the translator for the transcriptionist? How do you spell what I just said? You got to take that off before you come in here.

Andy 1:12:31

Hiyah, Oh, my God, that actually sounds like h-e-i-r. Heye, Oh, well, that's all of that. I want to I want to circle back just real quick that one of the people in chat just going back to the talking about

the the AWA thing that we covered a minute ago, is like this like surmises the reason why the podcast exists, it says Okay, thank you. I was just making sure it wasn't an automatic thing. You will make me feel a great deal more at ease from total distraught, I feel better now. See, we're helping people Larry.

Larry 1:13:06

That is actually what we set out to do with this is to help people. And, in fact, I have one little announcement I wanted to make for, I'm reaching out to a person who reached out to me, because I can't find your email. Someone reached out somehow to me about something. And I remember it came in the last week or 10 days and the person said, I have broadcast experience. I can help you. I'm willing to be on and they had a question, please send that email again.

Andy 1:13:40

Somehow it went through my filter and I missed. It went directly to you. You're not able to find it. I don't know what it is.

Larry 1:13:46

Well, it may have been that they sent it to me directly, but I have looked high and low using every keyword I can find and I intended to respond to it. And I can't find it. And I don't want to let someone down that and I think there's even a phone number in it. I think I'm supposed to call them anyway, send it to me again. However you did it the first time obviously I got it, I wouldn't be mentioning it, send it to me again. And this time I'll mark it unread. And I'll actually cut it and paste it and put it in the Registry Matters folder so that we don't lose it again.

Andy 1:14:16

All right, well, you sent this to me and you said, Hey, this is kind of funny. This is a segment from out I don't want to do that will get taken down if I play this. I got to play it with like some with it mute muted. This is about we're gonna move on after this. We won't we won't spend a lot of time here. But this is about an institution for troubled teens. You know, like a disciplinary school I suppose. The kid seems to be like throwing some food around. And can you then describe what happens after that Larry?

Larry 1:14:48

Well, the way I would describe it, it was it was actually difficult to watch and it was on NBC Nightly News last night. So those of you who who actually can still access the Traditional newscast. That's where I got it. They swarmed him the the big burly staffers, they swarmed him and they smothered him until he quit breathing. And then they waited several minutes. Was it 9, 10 minutes before they called 911 and said they had an unresponsive student minutes. And he he was a he was a guy, 16 years old, I think what they said but if everybody that had thrown something at a cafeteria got smothered, suffocated to death when I was in school, I mean, it didn't happen continuously, but things got tossed. I tossed a milk carton I remember I was thinking about did I ever do? I think I tossed a milk carton I was I was showing how what a good shot I was with a milk carton and I tossed a milk carton and I missed the trashcan and coach Brandon said if we allowed that to go and he said we'd have things flying all over the lunchroom. And I got sent to detention. I believe this was that was what it was but but this seems over the top and I just like that it's such a sad thing that that that was the reaction for that level of misbehavior.

Andy 1:16:07

So pass a counterfeit potentially counterfeit bill, die. And throw some food in the lunchroom and die. I that's that's the pattern here. Got it. Is that characterized? Do you think do you think I'm exaggerating the characterization there?

Larry 1:16:22

Well, I hope that there's justice for this. I think I think that they need to look at the school, the company said they were. They had been revamping their policies in terms of restraint and apparently the word didn't get out to this particular school but I just don't see it. I know I'm probably a liberal do good bleeding heart, but I just don't see this this this level of reaction for a 16-year-old kid.

Andy 1:16:46

Huh? It's crazy. Crazy Crazy. Is there anything else that we can cover before we shut this down and move on? We're gonna look like Larry wants to do another Patreon extra this week. So if you if you liked last week's Patreon extra then awesome. If you would like to hear Patreon extras, then you could sign up over a Patreon. And I guess if you didn't like it, then don't listen to them. Is that fair?

Larry 1:17:06

And on this one, and again we're going to bash the Democratic Party.

Andy 1:17:12

But we don't do that because you're a pointy headed liberal do gooder.

Larry 1:17:16

So, if you, if you like, the Democratic Party being bashed, and believe me, this is sincere bashing. It's not because I know that the audience tends to be more conservative, but I feel strongly about the two things we're going to talk about. And so therefore, we're going to be talking about the Democratic Party.

Andy 1:17:32

All right, Larry, where can people find this program for them to download and listen to it?

Larry 1:17:38

It's on the internet.

Andy 1:17:40

On the internet, like, the whole world wide web just would you DuckDuckGo would you use Bing? How about SGa maybe you could go that route? Gopher?

Larry 1:17:50

You could search using whatever search mechanism you have, or you could just go directly to registrymatters.co and you will find it but If you do a search for Registry Matters, it'll pop up on every engine that I've tried.

Andy 1:18:05

That is very correct as far as I know. And as the person said in the voicemail message, they just fired up their trusty rusty podcast app and search for it in there and it showed up. How about using the antiquated phone system where they call the operator and they asked to be connected to us?

Larry 1:18:18

That would be 747-227-4477. (Andy: And the email address that Larry never checks?) Well, that one doesn't come to me directly. That's registrymatterscast@gmail.com.

Andy 1:18:37

And of course, we love all of our listeners, but especially our patrons and how can people support the podcast directly?

Larry 1:18:42

Well, I was I was fishing for those stimulus checks that are coming, that I thought were going to be coming. But I, in the extra we're not sure that that's something I'm going to say I'm not so sure about now, but that would be www.patreon.com.

Andy 1:19:02

Now wait a minute, a couple episodes back. You said it was coming. I went and spent that money already.

Larry 1:19:08

You did? Well, I think you should ask for a refund from wherever you spent it.

Andy 1:19:13

Whoops. Well, Larry, I appreciate it as always, and I'll see you on the other side of the Patreon extra. Thank you so much. Have a great night.

Larry 1:19:21

Good night, everybody.

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