



## Registry Matters Podcast

Episode 142

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Andy 00:00

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Andy 00:13

Recording live from FYP Studios, east and west for a second time, transmitting across the internet. This is Episode 142 of Registry Matters. Larry, I am so happy that you're here for this great podcast so that we can make another great podcast again, again.

Larry 00:30

Again, again now, where does that come from?

Andy 00:32

Oh, there may have been a person that spoke this week that had to say something about again and again.

Larry 00:39

Ah, who would that have been? Oh it would have been at that political convention yes.

Andy 00:44

yes. The the Vice President at the end of his speech, he said we're going to elect so and so for presidency so that we can make America great again, again, and I was just confused about if we made it great, then how do we make it great again, if it already was made great again?

Larry 01:00

Well that always confused me as a slogan because, and I don't want to get political at the beginning of the podcast, so this is last I want to say about it but it always confused me about making America great if anybody ever suggested that America wasn't great. Prior to 2016 they were vilified as being non patriotic because America was the greatest country on Earth. So therefore, I never understood why you would need to make America great when America was already great. And so the whole slogan kind of confused me, but nonetheless, I guess we have to make it a great again and again and again.

Andy 01:37

It is catchy. I mean, it is concise and very simple, like simple as in like, it's a very concise message that speaks kind of everything all at once, I guess.

Larry 01:47

But yes, if America if anybody on the left said America wasn't great, they would have been vilified, but apparently America wasn't great and we had to make it great after 2016 and I always thought it was great and I always was taught that in school. And I always believed that America, the greatness and goodness of America and our self-governance system. And I have always accepted that we are a great nation. But apparently that had to be proven again.

Andy 02:11

Well, Larry, I sent you our numbers last month, and I don't know what to make of the increase. Something good is happening. We got I could send you the numbers from like YouTube and from the downloads, and everything is looking awesome. Any thoughts?

Larry 02:24

Well, I'd say that more people are listening.

Andy 02:27

Oh, hmm. Well, that's, well, that's a pretty simple answer. All right. I'll accept that.

Larry 02:33

Well, you said the numbers are getting better. And the translation, more people listening, right?

Andy 02:39

Yeah, I just never would have figured that out.

Larry 02:42

Well, that's why I'm trying to help you with with, like, Oh, I guess you're trying to get a little deeper into why more people listening. I think probably because we're getting, we're getting not that we weren't good already. I think we're doing a good job. But I think we're getting more focused on issues that are really sharply and discernible, relate to people on the registry, in prison who are going to be on the registry, or for corrections and we we got into a rhythm recently that seems to be popular. So I think that would probably be one part of why the numbers are going up. And it may be just because social media people are doing likes and shares and, and the things that we encourage them to do, and they need to be doing more of so that people find out that we're out here. (Andy: I think it's my mug being on YouTube.) I wouldn't rule that out. I think that probably could be a contributing factor as well. I mean, people do like visuals for those who are going to be watching people do like to see things so.

Andy 03:38

maybe it's not so much my mug but having like the show notes rolling by and then the article and then of course, there's always the picture of you.

Larry 03:46

Now that would definitely do it because only a few people have been able to figure out who I am.

Andy 03:52

Let me show you the picture of you tonight. How about that? (Larry: Let's see, who am I?) Oh, you're your favorite Secretary of War. That's a picture of him like doing some desk work.

Larry 04:04

Did they have desks back then I remember most of the time we were standing?

Andy 04:08

Oh and did you have like a tablet with like the little like \*bing\* \*bing\* \*bing\* \*bing\*?

Larry 04:14

So we what we did is they had they they built these shelves along walls and you stood up and you did your lessons and stuff. You didn't you didn't have desks back in those days.

Andy 04:24

I see. I see. I we do need to like just circle back for the patrons if you needed any information, like one of the reasons why we covered the post office. We never even touch this during the Patreon extra but we were talking about the post office. But it was because maybe people in prison might not get nearly as much mail. And so there's a couple links in the show notes. That'll reference back to why we chose to cover that subject or one of the reasons why we chose to cover that subject last week.

Larry 04:54

Well wasn't that in the patron extra? I thought that's where we did the post office.

Andy 04:58

Yeah, no, we did. I just don't know that those articles were listed there.

Larry 05:02

They weren't and and it occurred to me that people listen to the patron extra would say, why did we talk about the post office? The relationship is that prisons by and large are not in urban areas. Prisons, by and large are in rural areas and those who have listened long enough, we've we've we talked about why prisons are largely located in rural areas, their job providers, they're more costly in terms of retaining hiring personnel. And, and it's also a jobs provider for communities that are otherwise pretty devoid of economic activity. But the downside of that is that that is the post office becomes more and more challenged for revenue and larger deficits. And if we really adopt the business model that that that things are supposed to not be subsidized, then you would curtail services to the rural areas, which would include prisons, so we already have prisoners who are really being deprived of in-person visits. The, the platforms that provide for digital visits are usually come with a cost. telephone calls are very expensive and then somewhat limited because of lockdown. So the potential next shoe to drop would be if they start closing rural post offices and they start downsizing services and go to some kind of cost based pricing, which we don't have in this country. Then, if you had to mail a letter to a faraway destination, that's more rural, if you went strictly by the business model, to the people who say that capitalism should self-sustain and things shouldn't be subsidized, you would charge more to deliver a letter to some faraway place in rural New Mexico than you would charge to deliver it in urban Albuquerque where where you have a concentration of population. So that was the relationship is that, although you don't think you support subsidies to the post office because it's against your general philosophical beliefs. We really do need to have universal service and that there's a number of reasons why.

Andy 07:01

Definitely, definitely. Let's start things off with an article like a full segment, an eight-minute-long segment that came out from NPR this week. And it says sex offender registries often fail those they are designed to protect. And there is some pretty egregiously

erroneous information. Like they singled out a handful of the people that have fallen through the cracks. And they focused on this as being that because these people aren't being tracked, that that's making the community less safe. And it was we could go on and on. It got the affiliates list definitely all riled up because there were some really gross, factually incorrect things about this segment. Did you listen to it?

Larry 07:47

I did not. I did a skim read of the of the article. And then we did receive a very comprehensive response to NPR that one of our supporters had written and hopefully we're going to have him on we weren't able to pull it together. For this week, but, but the thing, the thing is just so disjointed because the people that are that are being found to be non-compliant, many times their non-compliant because it's impossible to comply. They built, they built so many barriers to compliance. And then once you go slightly, it's a it's an exaggerated thing of the library book overdue. When you have the library book and it's five cents a day then it doubles and first thing you know, your library fine is more than the cost of the book. And you have a minor violation, you should have reported some minor change within X number of hours and you don't do it, then you're afraid to go in and then it compounds because something else changes or you become, you become unstable with your residents because of all the barriers and the retaliation. So people that have a stable residence one day may not be stable the next day. They don't take any of those things into account.

Andy 08:57

Yeah, and they interviewed someone and I didn't catch the individual's name but they they highlighted something along those lines of someone that had been, you know, on the lam, I don't know what the right word would be. Absconded for a period of time. And when they did catch up with him, they said, go register. I was like, wait a minute, they didn't like immediately slap him in cuffs and throw him in the...? Like It feels to me, Larry, that they could punch you with your expression of cake gloves if you did, like if you were 10 minutes late to the registration office. Like, do they have to immediately lock you up for a year? I realize what the segment is trying to highlight; that there are people that are falling through the cracks. But they they they interviewed someone that spoke of, "Well, hey, did you know that these people are not listed on the site, you know, and they're supposed to be?" Like, Oh my god, I need to know. How are we supposed to keep our community safe if we don't know that these people are there? And it's just it's very much like a fear mongering kind of, but they do with the NPR tone of being all like nice and uppity about it, but they just it didn't come across very well.

Larry 10:05

Well, that was this writer's take on it. He said he expected more out of NPR. But I've never claimed that NPR, I've never, there's no outlet that that gets it right 100% of the time. And there's a commercialization of NPR as well because the the government support for NPR has been weakened through the years and through the decades and as all other businesses it does require revenue to operate the Public Broadcasting System to the extent that we have one in this country, which has led them to commercialize and sell and sell themselves to the highest bidder and although they don't run the spots through the program, they do them at the beginning, at the end of the program you know,

you see this program was underwritten by... Well do you think if you offend your underwriters too much do you think they continue to underwrite because they believe in good journalistic principles?

Andy 11:02

Yeah, like, again, this was a really this this was an eight minute long segment on their afternoon program called All Things Considered.

Larry 11:08

Oh, and they said 12.5% of the Illinois is non-compliant, 7.5% of the Nevada is non-compliant and out there wandering aimlessly. (Andy: Do you think it's that high?) I don't, I don't know. But even if it is that high, that doesn't translate to their, that they're deliberately trying to commit criminal, criminality, engage in criminal conduct undetected. It may be that that society has built something that's impossible to comply with.

Andy 11:44

Right. And I think your argument would be, well, if they got caught doing something wrong, then we would arrest them and punish them for doing that wrong thing. Why do we have to have this almost like an entrapment measurement in place to immediately watch them for when they eff up?

Larry 12:01

That, well it's not only just to watch them, it's to create barriers. If you have, if you have a certain amount of hours to report something, and assume that you were able to overcome the hesitation for people to hire an employee, and you, and you have to choose between reporting to work, or go into the office, it may be a full day, the public doesn't realize you could spend a full day trying to comply with registration, if you have to do the reporting in person.

Andy 12:34

Larry, you just don't understand, you should have thought about that before you committed your crime.

Larry 12:38

Well, and the extent that you could think about that, but see a lot of people have this imposed on them and they didn't get a chance to think about it because it didn't exist, or it's been enhanced since they committed their crime. So this is not a part of the punishment. This is a regulatory scheme. This is not a part of the punishment. And we're gonna get into that a little bit later when we talk about the case that we're going to focus on. How important it is to refer to something as correctly and accurately as you can. The sex offender registration is a regulatory scheme. And never lose sight of that even though it does inflict punishment. It's on the books as a regulatory scheme. You always refer to it as a regulatory scheme.

Andy 13:20

I think that we can go right over there. We don't have we this is going to devour the majority of the of the program tonight is covering this, this complaint by Willman. And where did this come out of? Where was this originally filed?

Larry 13:34

In the state of Michigan.

Andy 13:36

Okay, and this would come on the heels of what was the big case up there where they ruled the whole thing unconstitutional? That was like 2017?

Larry 13:44

Yeah the Does versus Snyder case that went up to the Sixth Circuit where the same case, this, the same circuit this case was decided in. The same circuit...

Andy 13:58

And as I understand it. Ok, go ahead...

Larry 14:00

The states of Michigan, Ohio, Tennessee, Kentucky, I believe there might be one more in the Sixth Circuit.

Andy 14:09

And is this being filed by one person? Or is this a collection of peoples?

Larry 14:15

Well, this this case was initiated in 2019 in the US District Court. We've got a complaint that we're gonna, I'm sure you're gonna put it in the show notes, right? The original complaint that that led to the Sixth Circuit ruling. (Andy: Yeah, yeah.) This is an example for those who say that we should attack the registry in its totality and quit making mousing and quit and quit going after parts of it. This is exactly what you want it. You wanted a full-scale attack. This is a 349-point complaint that alleges I think, eight independent causes of action, eight constitutional violations and it asks for 10 Orders of Relief by the court. And they threw everything at the wall to see if something would stick. And they were tired of waiting because the Does case was decided either in '16 or '17 when the Sixth Circuit came down, always get that confused, but they were tired of waiting because here we were at least two maybe close to three years later. And people were still having to register and the this attorney now I have not spoken, so I'm speaking for this attorney, and what I think the attorney would have been going through their head. So do not hold me to this. But I know that from the complaints I've received from people, why are you people not doing anything? Why don't you people get together and do a class action and get the *Does v Snyder* decision to be enforced? Why are you negotiating? Well, this would be a good answer to your question. Someone, and I believe it will be a party related to the complaining, the complainant was named Willman. And the attorney of record was named Willman. And since I've only met no one named Willman, well I think I've only heard this name once on my life. I'm guessing that, that they're probably related. But this is this is someone who decided that they had waited long enough, and that the attorneys didn't know what they were doing. And they shouldn't negotiate and they should just get the job done. So they filed a 349 page, 93 page, 349 point, 93-page complaint and they threw everything at the kitchen sink. And guess what, absolutely nothing stuck. Nothing. (Andy: Nothing?) Nothing. Everything in that complaint was shot down and rolled down like bowling pins.

Andy 16:47

But there would be things filed in the complaint that would mirror what was decided with the other Michigan case. So how would they not have at least sided with some of them?

Larry 17:01

Well, that's a really great question you must have read part of this complaint.

Andy 17:05

I was meandering through, I got to about 120. I was like, uhhhh, it was really kind of mind numbing. But I mean, there were points in there of like, hey, these things make it impossible to find a place to live. And I mean, I don't know what the the Does Snyder case actually, like asserted, I've just like those things are in there as a common complaint.

Larry 17:23

Well, but what you what you focused in on was, was what's very important. The the danger of this decision is that the Sixth Circuit, not only did not grant any relief, they specified that there's an independent federal duty to register. And that's what they decided and there is until there isn't, and now in the Sixth Circuit, there is a independent federal duty to register, independent of what the state might decide that they would like you to do. And But this person lost sight of the fact that the Sixth Circuit didn't even say what people, they did not conclude what people would like to of think they concluded. They didn't conclude that registration of sex offenders was unconstitutional. What they concluded was that the 2006 and the 2011 amendments transformed what had been upheld many times previously as being a civil regulatory scheme that they imposed, that that those enhancements imposed such disabilities and restraints that those enhancements push, push the the regulatory scheme beyond what could be interpreted as a regulatory scheme. But since the federal requirements do not impose those obligations that Michigan had imposed in 2006 and '11. Then that creates another nuance because the only thing that the feds ask Michigan to do in the AWA was to change the duration of registration, but they did not ask them to impose any disabilities in terms of where anybody could work, where they could be present, where they could live, or any of those things that Michigan in their brilliance did. And therefore, what this three judge panel is saying is that we have now concluded what I have been in fear of for a long time, that when everybody refers to the federal registry, that we're eventually going to accept that as a true adage. That there is a federal registry. There is NOT a federal registry. I don't think there ever has been one that I can recall. And we should never use incorrect language when we're talking about something. There is no federal registry, and we should never ever allude to a federal registry. It would be like a few weeks ago when someone said, I want to know about, If I move to another state, what does the receiving state? When you move to another state as a registered person, unless you're under supervision, that is not a receiving state. (Andy: You've just moved.) You've just moved.

Andy 20:02

You no longer live in A, you live in B. Yeah, I'm with you.

Larry 20:04

You have the freedom of mobility. And when you were talking about the sex offender registry, never call something that it isn't. And it's confusing to people because there's a federal database that's publicly available, which links and looks into all the state registries. And that somehow or another that gets to be thought of as a federal registry. And then there's the NCIC database where registry agencies list people that they have registered. And that is a federal registry per se, but you could only be put into it by the state. Since there's only state registrars, only state registrars can enter you into that NCIC database. It gets a little confusing, but now we've got a circuit court saying that there's an independent duty under federal law to register so now not only Mr. Willman doesn't get off, Mr. Willman has closed the door, potentially, if this isn't overturned, to a whole lot of people never getting off the registry in Michigan, never getting off the registry in any state in the Sixth Circuit, and possibly the entire country. Thanks, Mr. Willman, I really appreciate what you've done.

Andy 21:21

I just want to circle back is can you is talking about the Federal Highway money system where they say, Hey, we want speed limits to be 70 on an interstate, I don't know what that number is, is it similar to the federal registry that we're talking that doesn't exist? Is it similar to those federal highway guidelines so to speak? Is that what the federal component is where we actually go into like there is no federal registry?

Larry 21:50

Absolutely. This is a federal desire that the states have registries. States could willingly, knowingly choose not to register anyone, and there would not be anything the federal government could do about it in the way of a penalty on the state other than an economic sanction. They could not come in and federalize the registry, they could come in and federalize it for people that have been convicted in the federal system, but in my opinion, and I think a lot of legal professionals agree with me, and that's gonna be one of the arguments that that's made to try to turn this ship around. But they could not come in and register people in the states no more than they could come into the states and issue driver's license. Why do you think we've had this ongoing battle since 2005, I believe, when the REAL ID act was adopted? If they could make a federal ID in the interest of national security, they would have already done that rather than threatening states. And they threatened states with sanctions including not letting their citizens board airplanes or enter federal buildings, federal courthouses, or federal military installations or national laboratories, and in our case where we have two national laboratories here in our state, but they can't make a federal ID card because that's not, in my view, constitutional. We've delegated ID identification of citizens issued driver's license, that's the state responsibility and the feds could create an ID they can make it optional, kinda like your passport you can optionally have a federal ID of passport you're not required to have one. They could create I guess a United States identification card but I don't know how they could compel you to carry one they could they could say it would be good idea if you if you do you could access federal facilities more easily but that's the same thing with this. The federal government would like for the states to register people. They don't have to. They flat out don't have to.

Andy 23:44

Gotcha. And, um, where do we go from here? You have massive fear that this is going to sink our ship to what degree as far as going forward?

Larry 23:58

Without some brilliant lawyering, which I didn't see in this particular case, without some brilliant lawyering. This it's it's, it's we could spend the entire episode because if, if Michigan now, who has not wanted to release anyone from registration as a result of Does versus Snyder, at this particular point, why would they? Because now they've got what they need. They have got, we can't have it both ways. Now remember the state gets to have it both ways, but we don't on our side. Now, we've been hanging our hat on how important the Sixth Circuit decision is and how wonderful it was that they found that Michigan's registry had gone too far. And we said, Oh, everybody should really just jump on board and do what the Sixth Circuit. Now I wonder if the people have been clamoring that for all this time, will all of a sudden start clamoring about how we should jump on board, because now Michigan has been green lighted to go ahead and say we're not removing anybody, because the same court that you just told us how wonderful it was that we should follow their lead. They said that there's an independent duty to register people. And we really do believe that we should follow the dictates of this circuit and by golly, we're not going to remove anybody. And what would you say then? Would you magically do a flip flop and say that you don't believe in the Sixth Circuit any longer?

Andy 25:20

How did they not know that there isn't a federal registry? Did I word that right? There is no federal registry. How do they write in this opinion that there is one there's some sort of duty to register federally?

Larry 25:33

They well, as I said in preshow banter, it's confusing because you'd have to be a student and understand federalism. And you would have to understand SORNA which very few people do when you're dealing with all the issues that courts deal with. And this is not one when you go to law school, oh I'm going to become a SORNA expert. I can't think of anything better to do in my life than become a SORNA expert. So so what you what you have here is if you look at the Adam Walsh Act language itself, it does say that there's a duty of a person to register within three days and blah, blah, blah. But it all hinges on the state be willing to do the registration and have the registry. If you if you interpret it any other way, you have an absurd result. Because although for the uniformity that the federal government was seeking, they did want people to register within three days of being placed on probation or within three days of being released from prison or before being released from prison, if possible, if it was practical. And they wanted in person reporting at least once a year for tier ones twice a year for tier two, they wanted all those things. But if a state wasn't willing, if a jurisdiction wasn't willing to do that, those obligations cannot be imposed on the registrant because that would be creating a mandate on the state by the federal government to do something it's not required to do it. If you can do that, then you can federalize you can federalize anything, that this is a state responsibility. Now this should be a case where the conservatives who claim that they believe in limited government,

and they believe in state control and state rights. This should be where they would line up and come out of the woodwork to jump on board and say this is wrong. Now, this will be interesting to see if the conservatives do line up and jump out of the woodwork to oppose this. But but the language is somewhat confusing. But you have to look beyond the language because what they were addressing in the comprehensive nature was when you move, they were trying to capture those people when you cross jurisdictional boundaries. And they were trying, they were trying to keep them participating in registration. And that's where they were the language got confused. And so when you asked me, How did they not know? I think they don't know because it's complicated. And I don't think anybody really understands it well enough. I think I think we have a listener in the room right now that understands that that that we have a great attorney in Maryland working on this. And it took a while for that really fantastic attorney to, but why she got herself wrapped around it she argued it very eloquently and she won. But now we've got, we got a whole different issue because that was before the state's highest court. Now we've got a federal court saying, and I think this is not the first federal court to say it, but now we've got at least one or more federal courts say there's an independent federal duty to register. And that is a real problem. And it changes everything in terms of what we do on those on those proposed regulations. Because now, now with independent duty to register, if this if this holds up, what do we do? We're sunk potentially.

Andy 28:52

I'm a little confused that okay if a judge tells you to go, go register, this decision would be a judge telling all the people of Michigan to go register, there is no federal registry for them to go register does then Mark Rubio and all those cats then they create a registration scheme that people then have to go comply with at a federal agency?

Larry 29:15

Well, no, but what what what they're gonna do is Michigan is gonna do what I just said, Michigan is going to say we can't release you and we'll be happy to register you because you have an independent duty even though our even though our SORA, which is what they call the Michigan even though SORA doesn't cover you, the federal law does and we'll be more than happy to register you, would you please sign up here? And that's what's gonna happen. And and the AG and the people that that Michigan we were oozing all over ourselves thinking that the AG was going to be on our side and we were going to crash the registry. Watch how quickly their argument changes now that they have this decision, because magically now that there's a federal duty to register I bet all of a sudden, the AG's office is going to be singing about different tune about we need to get these people in compliance. there's an independent Federal duty to Register, and on all the impetus to remove people from the registry in Michigan is going to evaporate because of this. Thank you, Mr. Willman.

Andy 30:15

And to remind me where this occurred at what level of the hierarchy? So this is a federal court, is this at an appeals level or is it so this is the Sixth Circuit? This is the appeals level. This is one step below SCOTUS?

Larry 30:30

That is correct. This is was a decision by district court that was appealed to the Sixth Circuit, and like I say, it's the same circuit that everybody was applauding, and I don't hear much applause in the chat room now. Because now we got a decision that we don't agree with. And all of a sudden, I bet we're gonna say the Sixth Circuit is all washed up. And the court that we were applauding just a few weeks ago, is all of a sudden out of step and they are somewhat slightly out of step with the previous panel that decided the the the Does v. Snyder case, but not dramatically out of step because it's a different issue. The issue here was that, that the person got tired of waiting and wanted to get off the registry. And they they said, you have, you have to remove us because of Does versus Snyder. And the US Attorney General says actually we don't there's a federal duty to register and the AG the federal government's position prevailed that there's an independent duty. So now nobody gets off the registry. And the next step is that you would ask for reconsideration. But I didn't see a dissent in here, which of the three-judge panel I didn't see a dissent and that makes reconsideration, if you can't win one of the three. It's difficult to think of how you would convince two of the three of a reconsideration which is what you would need to overturn the decision. That means...

Andy 31:56

I think I'm going to use this this word in a sentence coherently. This would be en banc.

Larry 32:02

That would be the next step. You would you would say, look, you would you would, you would, you would try to argue that two panels are completely out of step with one another. And you would try to make these cases almost identical as you can. And you could say, look, the full court must convene, and and clear up. And that's very risky, because the full court may have never agreed with Does verses Snyder to start with, because I don't remember if if they if they if a full court review was sought and denied, but if if the full court didn't agree with that initially, this gives the state another bite at the apple in the original decision. This is just not good, folks. This is really not good.

Andy 32:46

Is there if we had a decision from one so I think the 10th circuit, the Colorado thing we talked about last week, is that right? Was it last week, two weeks ago?

Larry 32:55

last week, yes.

Andy 32:56

That wasn't a good decision in our favor that we could have pitted that against this prior to this being this but the Sixth Circuit decision for Michigan, that creates controversy that creates something that maybe the Supreme Court is interested in hearing when you have two different circuits, battling it out having a differences of opinions? (Larry: That is correct.) This puts them in alignment together, correct?

Larry 33:19

That that is more or less correct if you're looking for circuit splits, that that tantalizes the Supreme Court to look at a granting

review. You don't have really any split here you have a split within two panels potentially in the same circuit. but you don't but you don't have a split between the circuits. As far as the way they talk to this opinion, they're not the first circuit to say there's an independent duty. I haven't been following this. I've been so arrogant, and so and so convinced of my right stance that there is no federal registry and I remain as convinced and arrogant as I was then. I'm just disappointed that I think that this three judge panel got it all wrong. I'm disappointed that this lawyer brought this case, I'm disappointed they weren't collaborating with the ACLU, and with University of Michigan law school, and I'm disappointed that this happened. But I remain convinced that there is no federal registry. And just because three judges on a panel have said it, that doesn't make it so. And I'm convinced that if we were to get the Wright decision, that we could overturn this. My fear is that even at the supreme court level, if this were to be taken up, this should be something that conservatives would chomp at the bit because they would be staunch proponents of federalism and separation of responsibilities that only letting the federal government do what clearly is defined in the constitution as a federal responsibility. This should be something that the conservatives could hang their hat on and run with it. I'm afraid that they won't, but this actually should be something that we should be able to win at the US Supreme Court. But what happens if we don't? We get setback for decades, if not forever.

Andy 35:00

And if that happens, we may as well just shut NARSOL, this podcast down, all of the affiliate groups like there, there would be very little for us to do because Supreme Court of the United States has said, again, that this thing is not punishment, all of these things. I mean, there's 300, whatever, things that the person said, some of them are kind of trivial and silly, but many of them are the same claims that everyone else has made and this three-judge panel said, no, this isn't punishment. There was like, there's the cruel and unusual thing which you've brought up. Oh, this there's there's language in there that this just reminded me of, if it were a punishment, you could then go for the Eighth Amendment of cruel and unusual punishment. But this isn't punishment. This is a regulatory scheme.

Larry 35:42

That is correct. You've got to prove something as punishment before you can go to the next level.

Andy 35:46

That's so confusing, cause this is absolutely punishment, but it's a civil regulatory scheme, but they went after it as if its punishment. So they're saying it's cruel and unusual punishment, but it's not punishment because it's a civil regulatory scheme.

Larry 35:58

But but but no one has held all these things are punishment, the court in Does verses Snyder said, these things you did in 2006 and '11 tipped the scales. And if you extrapolate from that everything you were doing prior to then, didn't. (Andy: Yeah, sure. Sure.) Okay. So the magic answer is to peel those things off.

Andy 36:21

Yeah, yeah. To roll back to a pre whatever date. Sure.

Larry 36:25

that's the magic solution. Now, the ACLU didn't want that, because that would still have been a gravely flawed registry. And they believed and of course, we're looking back in hindsight. I was looking in foresight at the time and understand I politics probably better than the average person. There was not going to be this groundswell of support to jettison thousands of people from the Michigan Sex Offender Registry. They thought that there would be. They thought that based on this decision, when I say this decision, the Does versus Snyder decision. They thought that they could go to the legislature, and that they would just be people palpitating with open arms to rollback. And that's not the way politics works. Now you can believe it works that way. And you can create that illusion in your mind. And you can wish it worked that way. But that's not the way it works. Because that's not how that's not where the people are. The people are not ready to jettison thousands of people from the registry. Therefore, the reflection of that opposition to doing that is going to be communicated through the legislature, that we're not ready to do that. The ACLU miscalculated, but that doesn't undermine or demean the work that they did, their lawyers. That's their expertise. I don't know that I can say they were as gifted in political analysis as would have been ideal. But that's what they were hoping for. That they would that they would get a dramatic reform by legislative work, and they found out that that hasn't happened and it isn't likely to and if happens now, in view of this, I would be so surprised that I would almost be willing to eat something that I shouldn't eat because I don't know why in the world you would do a reform at this point.

Andy 38:10

Oh, everyone in chat, give me things that Larry should eat. Then help me understand if we do happen to move something like this case, they do appeal it and it gets granted cert at the Supreme Court. How do you think we fare at that level?

Larry 38:30

Well, logically, we should fare well. But too often the conservatives find a way to uphold things for law enforcement, even though they're fundamentally against it. So that's what scares me. But if we went purely about what they claimed that they believe in, we should win this at the Supreme Court. But I don't trust the Supreme Court when it comes to this kind of thing. Now, I know people in chat are gonna say well, Larry you've already forgot about Packingham. And that was a unanimous decision. Yes, it was a unanimous decision with great trepidation expressed by the conservative block saying here's too much dicta here. It's going to create too much litigation for the courts, and it's going to be interpreted too broadly. And the conservative block makes up the majority of the court now. Kennedy's gone, who wrote that opinion, and he was in the moderate block if if you compare it with today's and maybe even possibly liberal, but but Kennedy is gone, and, and therefore, I'm afraid, but we really have no choice. Because if the panel won't reconsider, and they're not going to when they're unanimous. And if you don't get this overturned with full court review, which would be the next thing to do. If that doesn't happen, there's nothing else left to do. You're forced to do what you're afraid to do, but you have no choice but to do it.

Andy 39:57

Just back up a step. This how, how extensive is putting together a 349 whatever point petition whatever, like challenge against the registry in the state? How, how big of a task is that for a law firm to put together?

Larry 40:16

Oh, this was a gargantuan undertaking and it was a very well-prepared complaint. (Andy: Strategic.) Right, they did an enormous amount of research and this thing has hundreds of hours' worth of work, a lot of cut and pasting, but an awful lot of work put into this. And it's very well drafted, very well organized. So it's not the complaint itself is the problem. It's the problem when you throw everything at the kitchens, everything but the kitchen sink at and you go after the they've challenged everything.

Andy 40:50

which I guess would be similar to the challenges that we make in reverse that we talk about, well, can they can they do this? Can they do this? Can they do this? Well, this is so broad, if you would narrowly tailor it, then yeah, you could make, hey, this person had all these images on the computer. Yeah, you could make an internet restriction of some kind for that person. But if the person was doing something or whatever, you know, so then you would nearly narrowly tailor the person's conditions to what their crime involved. They did this in reverse. They didn't go, we need to focus on this thing. This is the most egregious or this thing is the most egregious, but they said, hey, let's just throw the whole bowl of spaghetti at him and see what what sticks against the wall.

Larry 41:32

That's exactly what they did. And beyond that, they said that this for judicial economy, this should be applied to everyone even though we only have one plaintiff, we should apply this to everybody on the Michigan registry and everyone who might come on the Michigan registry. And that that was just just so bizarre. They asked for 10 separate orders. And I think there was eight individual counts within the within the complaint of what they said were unconstitutional things. I believe there was eight of them. And like I say, those of you who are out there salivating say, why don't you go after the registry in its totality? Whis would be your answer. This is why.

Andy 42:09

And of course, hindsight being 2020, your favorite expression is to look in the rearview mirror going forward. Had they come to you or a like-you person and said, We are going to file a challenge like this? How would you have advised them to be different?

Larry 42:26

I would advise them to do exactly what the ACLU has been advising them and what the law schools been advising them. To stand down, let us work this process that we're working. We've got a federal judge who's given them a deadline to comply, it's been extended. And then he has said the registry is going to go dark, gave them gave them but gave him a date certain. I don't remember what that date was, but the registry was going to go dark. If you had let that process run. Now, if I'm on the state of Michigan, if I'm representing the state of Michigan, now I'm going to go right back and say, the district judge that said that the registry has to go dark, I'm going to ask that judge to lift that

order, because this here from the circuit tells him that he can't do that, because it'd be a violation of federal law. So I'm going to say, Judge, you need to reconsider, the registry can't go dark. So my advice would have been to let the people who've been running this case, run the case. And if you got it advice to give them give it to them, and that's what I'd have done, what little bit advice I've had, which has been very little, because these people are extremely competent litigating. What little advice I've given them, I've given it to them. And and I would never have undertaken an action like this. And even if I had been paid well, because I've realized the danger of what they what what they've done. I don't even know if the people have done this realize what they potentially done. They may be oblivious.

Andy 43:54

Tom in chat asks an interesting question, and I provided my own input back but he goes how do we prevent this from happening again? And my answer to that is that we would need to find all 800,000 of us to get us under some kind of information umbrella of and then coordinate amongst all of our different different groups that and try and have some kind of unified-ish strategy. I know that one group might want to go after something, that's fine. But we would need to have some kind of level of coordination.

Larry 44:24

True. And we would need to have people that have patience. That's easy for me to say, when I'm not on the list, and there's no projectiles coming through my windows. And I understand that. I'm not being I'm not being insensitive. I truly understand, one day, the registry could be the last day that you ever live. But when you're winning, you don't do reckless things. And you were winning in Michigan until this, this came down. Until, let's see, this came out on the fifth. Not the fifth, what day? I'm looking at the wrong one.

Andy 45:00

Was added on the 26th.

Larry 45:03

So this just came down. This should be late breaking news.

Andy 45:06

Yep, totally. You called me about it two days ago, which is pretty much when it would have happened. I can't imagine you had it 10 seconds after it occurred.

Larry 45:13

Yeah. So yeah, this this. And this, I'm I'm convinced would be a relative of someone who, of the attorney, because the same name and being in the same state. I'm betting that Willman was the attorney is representing a Willman that's related to the attorney. I'm betting.

Andy 45:30

that is part of the reason why I asked the question about how many hours would it be to file a challenge this large to then put in kind of like the nepotism. Well I'll do anything for my my brother, you know, or maybe it's an uncle or somebody like that. And they did it as part of a familial relationship to put in that many hours of work to put this together.

Larry 45:49

Well, it's brilliant work. And so I hope people understand there's a difference in strategy and the quality of the research and the drafting. I would love to have this person drafting stuff for me. I would hate to have this person strategizing for me.

Andy 46:06

Okay, Tom, Tom has another really good to me a good question says what legal steps can we take to keep this just in Michigan? which it isn't just in Michigan. If it's the circuit, this is Tennessee and whatever. Right?

Larry 46:18

Yeah, Michigan, Tennessee, Kentucky, Ohio. And I think there's one more I think there's five states in that circuit. But yes, this is this is already this. The people that were giving great news to in Tennessee last week, two weeks ago, when we were talking about the Reed decision. If I'm the Attorney General in Tennessee, I'm going to do the exact same thing that the Michigan Attorney General's likely do. I'm going to go back and say, well, Mister District Judge because that was a district court decision in Tennessee, it was not a it was not from Sixth Circuit. The district court was hanging his hat on the Sixth Circuit in Does vs. Snyder, if I'm the AG, I'm coming back and say judge, you've got to reconsider because there's new case law here. And this is binding in this precedent, this is the great Sixth Circuit, you know that, that you hung your hat on and now they're saying something totally different. And that is exactly what I would do. And if I can think of that, I keep assuring people if I can think of it, they are least as smart as I am. And they can think of that as well.

Andy 47:21

And just to cover this, again, there are 12 plus DC or 11 plus DC, district courts or circuit courts? (Larry: 11 plus DC) And so 11 plus DC, so they're 12 total, and those feed the cases into the Supreme Court of the United States. So this is one step below the Supreme Court of the United States as in like that is the final arbiter that decides these big cases, same sex marriage, all that crap.

Larry 47:48

That is correct. And that's the place where I'm afraid to go but we've been forced there. If the full court if the full court of the Sixth Circuit doesn't decide to grant review. Now they did it in the Flynn case it does happen occasionally. I think since we're doing this podcast, we've been able to say that one time that review en banc has been granted. They could do it this case, and my argument would be why you should do it because we appear to have split within two different panels on this circuit. So we need the full court to clarify what our statement is on the registration. But if I'm Michigan, I'm gonna argue just the opposite. I'm gonna say well, there's no split at all. The Does versus Snyder decision was based on the state of Michigan sex offender registration act, and the fact that Michigan had piled on too many restrictions that are not in federal law. And now we've got clarity, there's an independent federal duty to register and we can register those people without imposing those those requirements on them, and we're all hunky dory. That's what I would say for the state of Michigan. And again, if I can think of that I'm fairly confident they can think of that as well. That's what they're gonna say.

Andy 48:55

And if we were to get that en banc review, does NARSOL, do you get to assist in drafting those friends of the court brief, the amicus briefs?

Larry 49:07

Oh yes. We would go full bore trying to find the best writer we could. And the best strategists that we can find that actually understand strategy. And we would we would want to come in as strong as we could on this one. So this is this is definitely a high priority. I can't think of a higher priority right now than this.

Andy 49:27

Really? Larry, it's just thinking about us doing 141 other episodes and how much these things cost. I remember Miriam Ackerman, the Michigan ACLU attorney, the number was if it was 2 million, if it was 1.5. It was some ridiculous six, seven figure number of how much they have invested in the Michigan case that this would be some level equal to that? Or what do you think how many hours of preparation and preparing whatever for to handle the next stage of this with this coming in that kind of goes against that one to then try and put up a decent defense?

Larry 50:08

Well, are you talking about the the cost of the of the of the appeal of this particular decision of the reconsideration? (Andy: Yes) It won't be as costly because this is a I mean, it'll be costly, but it won't be as costly because that that was a declaratory action where there was a significant amount of evidence had to be developed below and the state fought tooth and nail to prevent that evidence record from being built. Now they argued and opposed everything, which they typically do, and there had to be ruling after ruling after ruling, and there had to be motions to compel. And all that wouldn't be the case. This is this is merely a legal interpretation here. And you've got you've got a panel that has taken a slight different approach to interpreting as another panel. So so you're going to set about distinguishing your arguments when you when you argue why the full court should review it and the people wanting the full court review is going to argue that this is a renegade panel. And it completely contradicts the previous panel. And the people wanting to preserve this, they're going to say, Nope, it's not. It's not the same thing. It's completely distinguishable from what what was in Does versus Snyder. Therefore, there's no need for a full court review. This is a separate issue. That's what they're gonna argue.

Andy 51:22

Wow, man, you're painting that doom and gloom again. Larry, why can't you just be happy and positive? We got a decision from the Sixth Circuit. Just be happy for getting a decision.

Larry 51:35

well, I don't think it works that way.

Andy 51:41

Okay, oh boy, I'm trying to use my little pea brain here to figure out what we can do. But I'm hearing you say that we have to fire up all the guns and all that to try and mount some sort of defense against this to get the full panel to review it and does that mean the SCOTUS?

Larry 52:03

Well, if the full court rejects review, if the full court either does review, and they affirm the panel or if they if they grant review, and they overturn the panel, that'd be fantastic. But if they don't over overturn the panel, if they affirm that's the last step we would have would be to file a petition for cert for the Supreme Court. Well, if I'm in the state of Michigan, again, they will think of this, I'm not letting any secrets out of the bag here. If I'm the state of Michigan, I'm going to say, No, there's no circuit split at all we've got in this case, this is consistent with some of our sister circuits. This just just merely affirms that there's a federal registry, and there's no need for the Supreme Court. And we're gonna have to flood the supreme court with amicus briefs from everybody we can come up with that believe in federalism and limitation on the scope of federal reach. And we're gonna have to get them to say actually, this is this is very significant because if they can federalize registration, what else can they federalize? We're gonna have to hope the Supreme Court likes that even though they're not going to want to grant relief to sex offenders you have to hope that they're actually want want to stop the creep of of usurpation of state power and imposition of federal power where there is no federal authority. that's all we can hope for if it goes to the Supreme Court.

Andy 53:17

And finally, Tom in chat says, Well, I guess we can use this as precedent in discussions with others who want to go in all guns blazing.

Larry 53:25

That's my whole point. Yep. You, you all guns blazing people, you've got what you wanted.

Andy 53:32

Ready to be a part of Registry Matters? Get links at [registrymatters.co](http://registrymatters.co) If you need to be all discreet about it, contact them by email at [registrymatterscast@gmail.com](mailto:registrymatterscast@gmail.com) You can call or text a ransom message to (747)227-4477. Want to support Registry Matters on a monthly basis? Head to [patreon.com/registrymatters](https://patreon.com/registrymatters). Not ready to become a patron? Give a five-star review at Apple podcasts or Stitcher, or tell your buddies at your treatment class about the podcast. We want to send out a big heartfelt support for those on the registry. Keep fighting without you, we can't succeed. You make it possible.

Andy 54:23

Okay, anything else before we uh, now I'm all deflated and depressed Larry. Is there anything else that we need to cover on this before we move on to some other things?

Larry 54:31

I think we've beat it to death for what we can do tonight.

Andy 54:36

Yeah, we've got probably close to 45 minutes on that subject. So there you go. Do you want to read this question from a listener behind the walls or did you want me to read that?

Larry 54:45

Which one are we doing? (Andy: This will be the one highlighted read.) Oh, well, I suppose I can do my best I don't think I'm as I can

read as well as you do. But I will do my best. (Andy: Go ahead.) I your your your reading is better. Go ahead.

Andy 55:01

Fine, fine fine. This is a listener question from behind the walls, they are talking about the whole Tennessee law from last year that blocked persons forced to register PFRs, from living with their minor children.

*Listener Question*

I remember they filed an injunction against it successfully. They were talking about it and briefly included the day that Alabama actively has and enforces it. If the Tennessee law gets successfully overturned, would we in Alabama be able to use that as case law to fight it?

Larry 55:29

And that is a great question. And the answer is yes, you can use it. When you say use it, understand it's not precedential because Alabama is in the 11th circuit, and Tennessee is in the Sixth Circuit. Therefore, anything that that would be precedential in Alabama would have to be a US Supreme Court decision or something from within the 11th circuit. But that doesn't mean it can't be cited as persuasive authority. But before you get too excited, this case has not played out on the merits yet. An injunction was granted. And we really, it's time to have an update. I appreciate that because I'm going to ask the attorney, one of the attorneys on the case if we can receive an update for the newsletter, but this is merely an injunction, which is preliminary relief, saying that they made a showing sufficiently strong that they would likely prevail when the case does go to trial. But at this point, it would do you very little good to cite it because it's not going to final District Court decision yet. And then it's subject to appellate review by the by the Sixth Circuit, since Tennessee's in the Sixth Circuit, and then it wouldn't be binding in the 11th circuit or Alabama. So therefore, it's persuasive authority. Once it becomes a circuit court decision. It can be cited as persuasive authority, but at this point, it's a little premature to to hang your hat on it. It's not going to give to give you a whole lot of boost to say that well they did this in Tennessee, so therefore, again, that's my opinion. You can find people who practice law that will say, Well, yes, I will cite it, and maybe it'll have some persuasive authority. But I would be, I would be saying it would be very weak persuasive authority being that it's a preliminary injunction in a district court, not even in the same circuit as Alabama.

Andy 57:22

Okay. And so then another question. Oh, this, I like this one. It's another short one just about permission to marry. Can Wisconsin impose GPS monitoring on me? Isn't this ex post facto law? Is there more to go on that from that? Because this doesn't have anything to do with permissions to marry?

Larry 57:44

Well, there's two separate questions there. One is a very brief question that's in a PDF. The guy says:

*Listener Question*

Can my PO deny my permission to marry?

Larry

And there are some things we don't know the answer to, because they're fact-specific. As a general rule, your PO can, can can limit your relationships. Period. Not just marriage, but all relationships, because that's part of the supervising officers job is to help you make wise decisions of who you have relationships with, and who might be detrimental to you. But then you've come to the issue of marrying. And then you have US Supreme Court decision, precedent, going back to the 1960s, I believe Loving versus Virginia where it says a person's free to marry whomever they choose, as long as that's a lawful marriage and not incest or whatever the things are. But, but so what we have here is would your PO be able to preclude you from marrying? Possibly yes, if the person if they could cite a particular reason it would be detrimental. Maybe that person was your partner in crime, and they're telling you not to associate with that person. You say, Well, I'll teach you a lesson. I'll just marry that person. Well, that might be more than sufficient grounds to nullify that relationship and under the right circumstances I believe that they could do it but as a blanket policy to say that that we're going to deny anybody who all's under supervision to get married because they might have kids then they might be subjected to committing another sex offense. Therefore, we're gonna not let the guy get married. That would be too overly broad, but on an on a case by case basis, I believe they probably could do it. And if they could cite the reasons, it would probably be withheld, upheld, not withheld, upheld on on judicial review.

Andy 59:37

Hmm, I think we have, haven't we talked about something in the past where someone has said, You can't choose who you I guess marriage is different than choosing who you love. So they can't stop you from loving a person but they can stop you from marrying a someone.

Larry 59:56

Or associating with them. You can love them all you want to.

Andy 59:58

Sure, I'm thinking that you like elope and go to Vegas and get married. And then what happens now you're already married. What are they going to do? Make you undo it?

Larry 1:00:06

No, but you violated conditions of supervision.

Andy 1:00:09

Yeah. God, can you imagine going before the judge, like, hey, look, we eloped. We went over there we did. I got permission to go to Vegas. And we went over there we eloped. And then you come back, and hey, well, now now married and like no, we're gonna violate your...

Larry 1:00:24

well, well, first of all, I can absolutely guarantee you would never get permission to go to Vegas, if you were under supervision, by our state authorities here. Now I know in beautiful Georgia where you can do anything you want to do while you're under supervision and traveling where you want to go. That's not the same case. But But here, you'd never get that permission. So so that would never be a scenario here. But if you go get married, and the conditions were explicitly clear, that relationships would

have to be pre-approved. I would consider a marriage a relationship. I mean, maybe it wouldn't meet the definition, but I would think that a marriage would qualify as a relationship right?

Andy 1:00:58

Last time, I checked they generally involve relationships.

Larry 1:01:01

Right. So I would, I would say that a PO would have a strong showing that you had violated that particular condition. But then again, it gets a little dicey because you do have the right to procreate, you do have the right to choose your mate. And if they just simply said, We don't want you married, that would be problematic. But if they said, We don't want you marrying this person for these reasons, I think that's a whole different thing.

Andy 1:01:27

Oh, right. And all right, so then, so yeah, you put these in here where they were like on top of each other. I thought one was sort of like an intro, but then I guess we do have time for a third one that says:

#### *Listener Question*

Can Wisconsin impose GPS monitor on me? Isn't this ex post facto law?

Andy 1:01:45

And why don't you read the answer from Adele Nicholas and, and Mark Weinberg.

Larry 1:01:49

So you're gonna cause me to stumble over myself now. Adele Nicholas, and Mark Weinberg are attorneys who have been doing an enormous amount of litigation in Wisconsin and, and even more in Illinois. And I think they may have even filed a case in Minnesota. I think they filed I guess a residency restriction in Minnesota. So they've been very active. And I assumed that they would be on top of this. So I reached out a couple of weeks ago and I didn't hear anything and I reached out again and I got this response from from Adele Nicholas, and I'll try to read it. It says, and where does this actually start reading? Mark Weinberg and I have filed a class action lawsuit, which challenges the constitutionality of Wisconsin's program of lifetime GPS monitoring of individuals who have been convicted of sex offenses. The case alleges it's a violation of the Fourth Amendment to subject individuals who are no longer subject to criminal justice supervision, i.e. probation, parole or extended supervision, to GPS monitoring. We seek injunctive relief on behalf of everyone in Wisconsin, who is subject to lifetime GPS monitoring. Our request for a preliminary injunction was denied by the district court and is currently on appeal before the Seventh Circuit Court of Appeals. We did not pursue an ex post facto claim, not because we don't think it's valid, but because the theory that GPS monitoring is a punishment has already been rejected by the Wisconsin Supreme Court and the Seventh Circuit. The case is *Bram et. al. vs. Carr*, and then they give the citation. And then we have oral arguments before the court on 9/18 and hope to receive a decision before the end of the year. That's what Adele Nicholas has communicated on that issue.

Andy 1:03:30

How is that different than the Supreme Court decision from the late 2000s of them just slapping a GPS on your car? Isn't that the same thing? The Supreme Court ruled that you can't do that.

Larry 1:03:46

Well, the Supreme Court ruled on GPS monitoring, but but they didn't do on the ex post facto, they did it on search and seizure. I believe it was the state of North Carolina. They said that they could do it ex post facto because its civil regulatory, which is what Wisconsin is saying. And the Supreme Court said, no such, it doesn't work that way. When you are seizing a person's location 24 hours a day that is a search and it is a seizure. And therefore, you have to have an individualized and articulate a reason for that search and that seizure. And therefore there's there's ample case law on this. On this, I wouldn't be as afraid to go the supreme court because they've already been pretty clear that this is a search and seizure. And therefore a person who has paid their debt to society is not subject to search and seizure like a person who is paying their debt to society would be. Therefore, this would be, the one most closely resembles this would be your case in Georgia where the guy told him after he got off supervision that they could take their GPS and put it where the sun doesn't shine

Andy 1:04:49

Yeah he put it in the mailbox didn't he? He cut it off and sent it to him, and said here, here's your GPS, eff you.

Larry 1:04:54

that case is similar to this, but but to the poor people who are being, to the to the unlucky ones who are being required to be fitted for these and have their their locations tracked. Their relief isn't coming fast enough because the the preliminary injunction was not approved, which means this case, this case has to be decided on the merits. And that's where that's where we are and we'll hopefully have a decision by the end of the year.

Andy 1:05:22

I understand that as well. I want to reach out to our patron Tom who increased his Patreon and that is super fantastic and awesome. And thank you so very much. Tom has been peppering me with questions all in chat all night and it's been really, it's great. He's asking questions, and I like having that interaction.

Larry 1:05:42

How many people don't we have about 30 in there tonight?

Andy 1:05:45

There's a whole slew there's like half of like, there's a half a state of Wyoming or something in there. So there's like seven

Larry 1:05:53

I think Wyoming has got, I think there's 112 people in Wyoming now.

Andy 1:05:57

And he wants, he upped his Patreonage. So that we'll send a transcript Larry which is pretty awesome.

Larry 1:06:02

Well has he communicated to whom we send it?

Andy 1:06:06

he has not done that yet so we'll get that. I guess maybe he wanted us to just get it through the vibes of the tubes of the internet. But he also then had a he had something he wanted to point out so I am throwing up a picture if you if you happen to be watching the YouTube feed, and Larry if you want to look. So there is a there's a picture so he has a ring doorbell. He says Larry and Andy, I thought y'all would be interested to see this. This alert came across my ring app since we have a ring doorbell. This alert is not in reference to me but evidently somebody else nearby. Just goes to show you the hysteria that exists out there and the various ways it spreads. I would presume this individual is just trying to move on with their life and is living with someone in a nice neighborhood near where I live. God forbid they try to do that. The message reads: Sex offenders. Be advised a new resident has moved into the area of Westport. The significant other of said resident is on the sex offender registry. Although the address of the sex offender is not the address in Westport, where the offender does stay at the residence in Westport several days a week. If you have any young children be mindful of their whereabouts, dum dum dum. And there's 13 thumbs up, which is like, Okay, I guess they they thought that that was useful and important information.

Larry 1:07:20

That's unfortunately what I keep saying that that we have a rabid public opinion that's extremely supportive of the registry. And of all this sensational going out on these roundup sweeps and the you know, the federal marshals doing what we talked about last week. that the public supports this and when, when the Adam Walsh Act was signed in 2006, they immediately started funding this these partnerships with the states and funding local law enforcement to do this. It only stood to reason that you're going to have more and more of these of these sensational roundups and the more funding that's provided, the more of this we're going to have. It feeds itself. We actually need to cut funding and you can't even talk about cutting funding because all of a sudden that becomes defunding. You know, it's not a reduction of funding. It's only a reduction of funding if you're trying to cut liberal programs. But if you're if you're trying to just reduce the funding for law enforcement, it's a defunding, they you know, it's not, you notice how they changed the way they describe it, defunding the police. But we need to reduce the funding for prosecutorial offices. We need to reduce the funding for law enforcement, since crime has dropped precipitously in this country over the last 30 years. And we need to defund, reduce, not defund, but reduce the funding of the Attorney General offices around the country because they can they can file objections to everything and appeal everything because they have the resources to do that. And and they won't stop doing it until we do we do what George Patton had done to him when he would not obey the orders of The Supreme Commander to stop his advance and they had to they had to kill his petroleum supply because he wouldn't stop so they had to stop him.

Andy 1:09:09

I guess so that sounds sort of circular but I'm with you. We then are you ready, Mike left, super patron Mike in in Parts Unknown in Florida he sent a very long voice memo and it sounds really good Larry. He used like his phone. He didn't send it over the telephone

because the telephone sounds like garbage. We've been over that a few times. But he he has some ideas and some accolades for the podcast. Are you ready for me to play this?

Larry 1:09:36

Let's do it.

Mike 1:09:38

Hey, guys, this is Mike one of your South Central Florida, North Florida, Florida in general, long term patrons from I guess Parts Unknown as you guys would say. I wanted to call and make a comment, maybe ask a question and put a little information out there. I've been noticing the large amounts of statistics I'm seeing of people going into work from home who've been working in, you know, call centers and Salesforce things that, you know, wherever they may have worked, people are working from home. That capability has grown exponentially from everything I've read in the last few years. And especially since March. I've also seen it's had a drastic effect on real estate and corporate commercial buildings that are empty. And a lot of those jobs aren't going back to those buildings from what I understand. Basically, broadband is beat, you know, paying all those hundreds of thousands of dollars a year for commercial real estate. So I noticed that and with saying that I just wanted your opinion on do you think this would actually increase the chance of registrants, particularly in finding work in the near future? And I know it dramatically reduces the liability of any employer looking at, you know, employing someone I mean, if they work from home, they basically have virtually no contact with anybody. And that not that I worry about any, anything like that, but and I realize that the recidivism rate for most registrants is already very low. And we know that.

Andy 1:11:16

let's let's talk about that for just a minute because we already we already went back in at some point we were talking about recidivism rate. Wait did we talk about the recidivism rate in that other case? I don't think we did.

Larry 1:11:28

We didn't because I'm in denial about recidivism. (Andy: I know you are, that's why I wanted to bring that up.) I usually dodge that.

Andy 1:11:36

Um, but anyway, so I, it probably would be important, even though it's a bullshit metric that nobody cares about, but maybe an employer would be interested maybe that would be useful information to them that the recidivism rate is low, maybe that would give them some level of comfort that hiring a person would would not cause them you know, maybe not so much strife in hiring them. Well, those are working from

Larry 1:12:00

Well if they were working from home it would certainly cut down recidivism considerably.

Andy 1:12:05

Correct. So that would be so I wanted to cut that right there and have a little dialogue like, I have worked from home for quite some time. And obviously, like, the social aspect of it, like it's nice to go to an office and interact with people sometimes if you have decent people that work there but working from home, there's

not a lot of violating anybody and patting them on the tushy or something and saying, Hey, what's up toots. That's probably not going to happen too much if you're working from home.

Larry 1:12:30

Well, that that's I mean, it's a good point that he made that this would help us flush out. Is it flesh or flush? We got to get this straight.

Andy 1:12:38

I think flesh in this case.

Larry 1:12:40

It would help us determine if there's sincerity about employers because I never been in my business considerations. If you're if you're if your insurance companies are telling you that they won't cover your they're gonna jack your premiums if you have certain practices, including what they would consider negligent Hiring. But if you have the person working at home or they're completely insulated, it would seem like that, that that would not be a viable consideration for the employer to discriminate based on that. And then it would be kind of like the churches who pretend like they would like to have you worship except for this this awful law that we don't, we don't have any opposition to we've never expressed any reservation about it. But we would welcome you but for we don't want you to get in trouble. This would be interesting to see if employers, as they've opened up more and more work from home and this is not going to come back these these jobs are largely, not largely, I can't say that, lots of these jobs are not going back to the offices ever.

Andy 1:13:41

Right and I could point you in the direction of at least 2, 3, 4 podcasts that have talked about how the housing market has shifted. And he mentioned that in there, that people are moving out of the city centers and moving further and further away from the city centers where and now they're setting up their houses in a way that like I have a delineated I have a separate place to make my office so that I can just be in my castle here by myself by my lonesome and work from home, and then I have my play area outside, whatever, but they have a dedicated office and the housing trends are pointing in that direction decidedly.

Larry 1:14:12

Absolutely, I'm concerned with the same thing. I've got a little tiny house It has a one car garage, and I'm thinking about putting just a shelter for the car and parking it under the shelter and taking that garage and converting it to work space and, and I could actually have a home office and then I could do a lot more from home than I do now. Not that I really want to because then you can never get away from your work but but I would have it would open up more opportunities for for doing things from home but these jobs, companies that have have decided to, to convert to home, they're not going to go back to the expensive city centers. They're not if they can, if they can be as productive having people work at home, why would you want to count incur the expense of an office?

Andy 1:14:57

But that would then lead you down the path if you are if you are a subscriber of Mike Rowe and dirty jobs that there was a TV show on the Discovery Channel in the early 2000s. Really, really funny

show Larry, but the guy would go around and he would interview and hang out with people that did the most disgusting jobs you can imagine like the person that climbs into a septic tank to clean it out, like you can't do that job from home. (Larry: probably not.) Which would lead you down the path of having some kind of education behind you, where you can do a job, project management computer kind of stuff. Like you have to be able to work from home to have a job where you work from home. I realize how silly that may sound, but are people in many cases have a challenge going to college to get any kind of education and not necessarily just college but some kind of further education to where you could have credentials that you could work from home to but this also opens up that tons of colleges allow like, hey, we'll just do everything online all of a sudden. Now you don't have to step foot on campus. Maybe you can go get a four-year degree. I know that there, I did my degree entirely online. And this was even in 2005, six and seven when I did all that. I think I graduated in '05. So maybe it was '03 and '04 when I did all that but Western Governors University, there's a school, a whole slew of colleges where you could get your full four year degree online.

Larry 1:16:19

Yep. And, and there will be there will be jobs that that will never be able to convert. I'm not sure we're going to do a lot of manufacturing at home. And I'm not sure that I'm not sure hospitality. I mean, there'll be some support jobs in terms of scheduling conference and events of things you could probably do remotely, but I'm guessing you're gonna have to serve the people if they come if they if conferences ever start happening again, you're gonna have to have personnel and you're not going to the people who receive guests and clean the rooms are not going to do that from home. But, but there was a whole lot of jobs that have shifted and I don't think they're ever going to shift back.

Andy 1:16:55

I gotcha. And we are going to take a couple second break because I am having technical problems here.

Larry 1:17:06

Yeah, then you got some important clips to play.

Andy 1:17:09

I do I do and I and I definitely don't want to to lose that. crashed again. All right and then so let's finish up this one.

Mike 1:17:19

I wanted to also bring up something in some research I found there's a there's something called the WOTC which is a Work Opportunity Tax Credit that the IRS has, and that allows some companies based on who they hired and how much they're paying them. They can get anywhere from \$1200 to \$9,600 a year in tax credits based on whoever they hired. And this tax credit covers qualified people and it has a diverse group of different people from different things. It talks about veterans, and people who've been getting benefits from the state and there's all kinds of things. There's youth employees, but one of the things that covers is ex-felon. And as far as I can find in my research, there aren't any limitations to that. There aren't any caveats that I've been able to find. So I'd like your thoughts on that. What if these, you know, men and women who are registered, who are unemployed, go and find this information, pull it up, it's easy to find online and take

that information and arm yourself with it. And maybe, you know, you find an employer that's on the fence, maybe you can push them over into your your line of thinking in your lane with these tax credits, and there are some really good information out there. If you're looking to, you know, try to find work and I realize it's not that easy. But there, you know, there's a lot of websites out there, one of the ones I found was called jobsforfelonshub.com they have some pretty good links on there. They have some good information. And anyway, if you guys could maybe talk about this and, you know, Larry, I'd like to hear what your thoughts are. Andy, I'm pretty sure you got some information you could share about this as well. So anyway, guys, I love the show. Thank you for all you do, and we greatly appreciate it. And I just want to say big old fyp to anybody who don't like the show, and don't listen, you're missing out. And anyway, guys, have a great weekend and love to hear from you.

Andy 1:19:29

Can you speak to that work tax credit? My understanding is it's only good for a handful of months, maybe six months after you are released from incarceration?

Larry 1:19:37

I don't know enough about it to speak intelligently. I can tell you that if you can reach the high enough person, but that has that level of concern about the business, that taxes can be a persuasive factor. Because particularly in the struggle that we're in right now, where businesses have had their income significantly, some businesses have their income significantly impaired some have actually had their income significantly increase. But, but anything you can do that would reduce the cost of employment and shift it to someone else and shifting it to the big old bad government's a good place to shift employment costs to i would i would think.

Andy 1:20:18

Definitely. Yes. I remember learning about it just before I was getting out, I was actually like in a teaching of reentry program to people that I was down with, and that that came up a lot. And that's one of the things that you can bring up to potential employers is that Work Opportunity Tax Credit. I will track down the link that Mike spoke of in there and leave that in the show notes if you need a place to find it. I don't know if we have anything else that we need to go over other than have a little bit of fun closing down the show Larry? I don't think there is anything else?

Larry 1:20:52

I don't have anything else. I think it's been a productive show. I wish we could have been more positive than we were. This was not anything like the previous episodes where we conveyed a lot of hope.

Andy 1:21:03

All right, well, before we head all the way out of here, let's uh, let's just run down this real quick. The podcast is found at registrymatters.co. And the phone number, which sounds like crap, but it works 747-227-4477 and you can email us at registrymatterscast@gmail.com Finally, we love all of our listeners, especially all the extra ones that we've had lately. But the best way to support the podcast is where Larry?

Larry 1:21:34

Oh, that would be [patreon.com/registrymatters](https://patreon.com/registrymatters)

Andy 1:21:38

Fantastic. Find us on YouTube and Twitter. Oh, before we go, I wanted to mention that NARSOL has a social media website called connections. And if you would like to sign up there, shoot me a message on Twitter or reach out to me in email or in discord or something like that. And I will help you figure out how to get in there because at some point in time in the very near future, it's gonna get locked down to invite only. And if you would like to sign up there so it's very similar to Facebook and you can post pictures of your cats or dogs or we can talk about politics we could maybe you find your own state organization and interact with some people there. Have you gotten on there yet, Larry?

Larry 1:22:15

I have not. (Andy: Do you plan to?) I have you considered it yes.

Andy 1:22:20

Okay. It's uh, it's pretty neat. I'm, I'm happy about it so far. But as always, Larry, I thank you so very much for being here. You are an amazing amount of knowledge, and I appreciate it.

Audio Clip 1:33:34

That is why I am here

Andy 1:22:36

Oh we messed that up. Let's try that again. Thank you, Larry. So very much. I appreciate that you're here with all the information that you have. Oh, and now you're not going to talk this time?

Larry 1:22:46

Well, I thought that's what you wanted me to do is not talk. I talked the last time.

Audio Clip 1:22:52

That is why I am here.

Andy 1:22:54

We can't get that coordinated. But that is why you are here. Who is that?

Larry 1:22:57

You have to tell me what you want me to do. I talked and you said that was wrong so then I'm silent and you said that was wrong. So which am I supposed to do?

Andy 1:23:02

I waited like a half second to see if you were gonna talk. So then I played it because I didn't think you were gonna talk and then you talked over it. So then I didn't play it and you didn't talk. So we'll figure it out. We'll figure out how to do the telepathy next time.

Larry 1:23:15

So well do you have what you need for the recording? I want that one to play. That is so cool. (Andy: I will totally play all of that.) Alright that is a that is an actor who played Franklin Delano Roosevelt in the movie McArthur 1977 for those of you who are around,

Andy 1:23:36  
I watched little bits and pieces especially to get that clip that movie moves very slowly. Very slow.

Larry 1:23:44  
Well, it's a war movie.

Andy 1:23:49  
Yeah, but the dialogue back and forth between the people is very slow. It's not like modern movies where it goes at a quick pace.

Larry 1:23:55  
Well, we had a slightly higher attention span in those days.

Andy 1:24:01  
Alright, I'm out. Bye.

Larry. 1:24:04  
Good night.

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