



Registry Matters Podcast

Episode 144

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Andy 00:00

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Larry 00:31

Sounds like a good plan to me.

Andy 00:33

Great great. All right. Take care. Good night. Talk to you soon. You know, I'm pretty excited though. I haven't spoken to you all week.

Larry 00:43

Really?

Andy 00:46

sound effect "Hallelujah." How about that? First time I talked to you all week, I guess you called me yesterday. That was like a whole week. I was like, Ah, this is a vacation.

Larry 00:57

No, I didn't even call you. First time we spoke this week it was today.

Andy 01:02

You sure sure it wasn't yesterday?

Larry 01:04

Nope. didn't talk to you yesterday.

Andy 01:06

Okay, well then sound it felt like So hey, I even had an extra day and I didn't realize it. Fantastic. Love it.

Larry 01:13

So so play that one more time.

Andy 01:14

I can do it one more time. *sound effect* "Hallelujah." Will chat is all like man, that's great music because you know that's what he listens to when he is rocking out at home. He's listening to some some hardcore rocking elevator music because that's what will does. We have a interesting program tonight, Larry, I'm looking forward to what we got going on.

Larry 01:41

Well, let's do it. I think it's gonna be exciting and we've we've gone through and cut down from 25 articles down to just a handful.

Andy 01:51

So we got we got some news items. We are going to go rehash the AWA segment that we covered four episodes ago and then we have some listener questions. We got new patrons great, grateful program that we have going. But let's let's start off here we've got

an article from Reason Magazine. Cops use pictures of adult women to trick men into meeting for sex and then arrest them as child predators. I know that we've covered this before, but boy does it keep coming around. This is from Lenore Skenazy, who she has presented at NARSOL conferences before and it's a going into the details of how that you get people to they do a bait and switch like, Hey, I'm 23 years old, they meet them on maybe like a Craigslist kind of page, and then they switch midstream in the conversation and say up maybe I'm like 13 and then when you show up, it's an adult cop. Who's the victim Larry?

Larry 02:45

Well, this has been a this has been a beef of mine for some time. Because, and I really appreciate Lenore and the work that she does, but this is this is an imaginary crime. And and it's it's one of those things where when we talk about as the way the conservatives pitch it, defunding the police. This is one of the things where if you reduced funding, which is what people were actually talking about, rather than defunding, if you reduce funding, they wouldn't have the human capital to do these type of operations, because there's actually no one actually solicits a minor for sex in real life in terms of it being a real minor. Of all the years I've been doing this, involved in this advocacy, I think I've seen it once. This is all an invention of law enforcement, creating a problem. It's a solution in search of a problem. They changed the statutes. And they made the punishment more severe than if you actually have contact sex, and they sit around and they do everything they can to trick these people into committing a crime that they had no intention of committing. They were not in any environment looking for minors. And this is just, it's disgusting. I mean, I don't know any other way to describe it. And if you cut back on police funding, they would probably have to choose to cut back on some of these, some of these programs that they have. This would be one that I'd like to see go.

Andy 04:19

There's a there's a couple paragraphs in there where they're describing that, I don't know I didn't read it that carefully, like the Operation Underground Railroad Hour, as it is called donated more than \$170,000 to the Washington police to support these things. These funds paid for additional detectives, hotels, food and overtime, seemingly in return the police help the organization reap positive publicity and of course, the more predators the cops catch, the more people are eager to donate to an organization focused on this scourge arrrrgh. So like this is policing for profit almost.

Larry 04:54

Almost but, but the lives it ruins and the cost. We can't just look at the the cost of this operation in terms of what it costs, we have to look at the societal cost. We've got a 20-year-old that's talking about in this article named Jack Hambrick, a young man. So he's got 50 years of possible work, a career ahead of him paying taxes and being a productive citizen. We just took that all away from him. And we hurt society by doing that, because all of us who have our paws out, wanting to collect, we won't be able to collect nearly as much. The more we do this to people they can't pay because they're either in prison, or they're in dead end jobs. And I don't know when people are going to wake up to that, that we

need people producing at their optimal level. So that those of us who think that it's our turn to collect we can collect from those donations that they're making. And we've got the cost of his incarceration, and we've got the cost of, of lost productivity. For what, what did we gain from this? we gained a person, I should say we gamed a person into committing a crime, that that he had no intention of committing. And, and we are really proud of ourselves. You should be ashamed of yourselves, is what you should be.

Andy 06:15

the the person you're referencing, if I'm looking at the right person, he was sentenced to 18 months to life and a minimum of 10 years on the registry. That's crazy.

Larry 06:24

So, but his life is his life is, unless the laws change in terms of being able to eradicate this history. His life is in all actuality, damaged beyond repair. Will he be able to pull himself up by his bootstraps? Maybe. Will he be able to exist? Maybe, but we've made the barriers significant, because we're having fun to do something to to arrest people for crimes that are not committed.

Andy 06:58

Yeah. Well, yeah. So there it is the It's reason magazine that's Lenore Skenazy. And we don't really need to dwell on that one that long. This one is a great news over the Washington Post, we've covered this guy Curtis Flowers will finally be freed. Prosecutorial misconduct remains a problem, however. But this is a cat that was in '96, at least tried, I guess, and yeah, convicted of quadruple homicide, and then through six trials, I think it was and just massive prosecutorial misconduct, bias in the jury, he keeps going back to trial. And then finally, I think that the Supreme Court finally stepped in and said, there's enough going on here that you probably shouldn't try this guy again, and he's going to get out soon-ish. Maybe he's already out?

Larry 07:40

I think he's already out. But this is six prosecutions and six convictions. They sanitized the jury and I did a little research. The community is roughly 50-50 between black and white, but the state used their peremptory challenges to make sure there were no African Americans on the jury.

Andy 08:02

and and the the county if I'm not mistaken at the towards the end of it the they say that it's it's not quite a 50-50 split as far as the jury, or the demographics.

Larry 08:14

close to it. Yeah. 44% I believe it was.

Andy 08:17

So why would it be so hard to come up with a jury that is at least closer representative of the population of the area?

Larry 08:25

Well, it wouldn't be that hard. They did not want to. That was the whole point of, one of the appellate points. The prosecution used their peremptory challenges to strike any black that would have been considered for jury duty. Because in, you have you have

challenges you can utilize for no reason at all. And they use their peremptory challenges to do that.

Andy 08:47

Tell me there was a Supreme Court case I'm, you've mentioned the name before that. This got brought all the way to the Supreme Court and they ruled maybe in the '80s I think it is?

Larry 08:57

Batson.

Andy 08:58

Batson. Very good. Man, you're the man. And can you describe Batson real quick? if hopefully you can.

Larry 09:05

Well, I'm not not prepared but I remember it dealt with with with severely excluding minority jurors and the state can't do that anymore. (Andy: Okay.) but but they did they did it for a long, long time.

Andy 09:20

And just just because person has the skin color of what you don't want you just say like that's your reason but now they they have, you may have seen the movie Runaway Jury, I believe it has an actor named John Cusack. (Larry: I have.) okay. It's also got Gene Hackman and when like there's this whole war room thing going on where it's big, big high-profile case. And they have all of the background all the you know, everything that you could find about a person that's going to be on a jury and they're relaying information into the courtroom on who they would want to keep and who they would not want to keep. I have no no concept of whether this would be real or not. Maybe for something like an OJ kind of trial. Not really Something in your local, local, county, whatever. But like big deal of having some sort of strategist of jury strategists maybe Is that Is that a fair position for someone to have?

Larry 10:12

Well, I'm not sure I'm understanding your question. But but but jury selection is is a significant part of strategy if you're going to go to trial.

Andy 10:20

Okay, right. Right. So would a high profile case, would there be like a whole team of people doing background checks on the potential jurors?

Larry 10:30

Well, if there's the money there, if the high-profile case has the money, we don't always make the resources available to people who need them. But in a case like was OJ Yes, there would have been extensive work work done in terms of jury selection demographics, and you'd had to have a huge pool to pick from because there's so much publicity there'd be so many people who be dropped just because they they would not be able to even pretend they could be neutral and unbiased. But this Batson case has to do with just using your challenge without cause you simply say, that juror is not acceptable. Each side has so many peremptory challenges. And that's what they did in this guy's case.

They used their peremptory challenges to get rid of minority jurors.

Andy 11:19

Doesn't sound fair at all. It doesn't sound like would you then appease me and give me a valid reason why you would just say I don't like that person? Not for racial reasons. I mean, I know we can come up with all kinds of reasons why they wouldn't qualify, but it seems like everyone should qualify for jury duty.

Larry 11:38

But you might not, you might feel like based on their background that you don't feel like they could be fair. Would you want 12 police officer sitting on a jury that you were facing trial? I mean, honestly, you could, I don't think they could be fair, I mean unbiased. So that way when you're when you're trying to when you're hoping for a mistrial, you You may go into trial because your client wants to go to trial and you know that the evidence is overwhelming. And you're looking for Who's that magic person, that can provide you the hope of a mistrial and a hung jury. And, well, if you put 12 officers, most, most jury consultants will tell you that the officers are not going to look for ways to acquit people, they're going to look for ways to convict people. So that would be an example. That would be an example of somebody you would just exclude if you have if you've got six peremptory challenges. And a law enforcement officer pops up on the radar. I'm not gonna even go bother ask this person any question, we don't want that person. Yeah. And it doesn't have to be a law enforcement officer. Could be a former prosecutor, it could be any number of things that you that you don't feel, you know, in a civil case, it could be someone who had who had ties to the industry, and you wouldn't think they could be fair to your client who was suing that industry. So there'd be valid reasons for excluding people but but in Batson they did it simply on race. And and the Supreme Court said you couldn't do that and that was way back in 1986. I just pulled it up.

Andy 13:00

Okay, very good. And then we will bounce back over to Reasons. Says, the title is, Bust police unions. Their consistent force of organized resistance to calmer, safer, less aggressive policing. Only thing that really jumped out at me I've been I've been listening to a bunch of podcasts and things that cover the subject it to me it sounds like police unions are significant challenge in us having any sort of anything as far as policing reform. But the guy that Oh, the the first gun, the first police officer that was at Parkland that responded to the scene that everyone then went nuts over because he didn't do anything. he actually got his job back and all the back pay. I thought that was and that was all because of the police union. And I don't want to get into whether He justified firing justify not going in there. I'm not trying to go into that but he got his job back and all the back pay that he was owed.

Larry 13:54

Well that's quite common the outcome when you try to address police misconduct, the union comes in and I'm pro union, I make no bones about that. This country's a lot better off because of organized labor and what what has been contributed by organized labor. But in the process of being pro union, I've also been able to recognize that unions sometimes are not, they're not the solution to a problem, that sometimes they create problems. And in the

case of of the police unions, I find it ironic that it as conservatives go, they normally don't like unions. But yet magically, the police unions is just adorable to most conservatives, and I can't I can't figure out what, what makes that distinction. The police unions do everything that private sector unions do. They try to make sure that their people keep their jobs. They try to negotiate for the best benefit packages they can get, the best working conditions they can get, the best retirement plans they can possibly get, the best health care plans they can possibly get. They do all those things on behalf of police officers. And yet somehow that is appreciated by people who normally don't like unions. But back to the, to this to this particular case here. That typically, I as I've observed what happens when police are discharged or disciplined, it's it's often overturned on appeal. The process of discipline is overturned and the unions, I know they're squawky. here in my state, they're squawking here at APD. About how horrible these reform efforts are that the DOJ in the city agreed to four or five years ago. They they're saying how it's just inhibiting their work and how it is just in the unions are constantly saying that if you just let us do what we do, we know what to do best. Well, yes, really? Then why are you killing and choking so many people? Why are you doing all these things? If you know what's best? We we tried it, we tried it your way.

Andy 16:11

It's very strange to me. I, I know that you're pro union and I can see, you know, we we I can see that's legit that we would want them to have a good benefits package. But then when someone gets fired for some, you know, Eric Gardner kind of thing like that person might not be shouldn't be. He shouldn't be in public enforcement. Maybe he would be filing paperwork and whatnot, but like, it doesn't seem like that would be the right person to have in the public sphere.

Larry 16:44

Well, I've had that discussion all my life since I was an adult. I worked in a grocery company and it was union. And some of these problems I was able to observe as a youngster would see people that were slackers, and then when management attempted to deal with the slacker. I would see the union come running, which is what we paid our dues for. That's exactly what they're supposed to do. They were supposed to come running and make sure that the company's contractual obligations were followed. And that due process was was followed. But I would, I would, I would see, I recall instances where management just threw up their hands and said, there's nothing we can do about it. You know, we we can't, we can't get rid of that person. And it's always amazed me that the police officers say that 95, 98, 99 whatever their percentage is, all of us are wonderful people. And we're doing a good job. And we're following the rules. It's it's baffled me as to why they stand back and let bad people be mixed among them. It would seem like to me, you would want the bad apple gone in order for the community to see how the 99% or whatever that percentage is, is doing a wonderful job. I don't understand the blue wall of silence. I don't understand trying to keep a bad one among you, you would want to ferret those out, I would think. And I said that when I was when I was at a union job, we don't want bad people here.

Andy 18:06

I think the answer then is with the blue wall of silence that it would then let corruption just run rampant and take bribes and so

forth. If you have that blue wall of silence and then just everyone is complicit in not reporting on each other, whether someone's on the take or someone does something dirty, and then everyone's just, it's it's a you know, it's a mafia, it's a gang.

Larry 18:28

So, well, I would sure like for some of our listeners to explain it to me why police unions are good and private sector unions are bad, because they do the exact same, say the exact same thing. you're doing your goal is to do the exact same thing, which is to provide the best compensation, best benefits package, the best retirement package, the best working conditions, all those things are part of what unions do, and to provide due process for discipline. And, and I don't understand why you can be a union hater, how you can be a union hater and be a union lover.

Andy 19:03

I do understand. Larry let's move over. let's let's let's circle back to episode, I think you told me it's 140 and about the new proposed AWA regulations that got everyone's hackles all up in air. And so I have prepared expertly and meticulously, I've prepared a bunch of questions for you that I thought we could go over and try and help people resolve their fears or extend their fears?

Larry 19:29

Well, I don't know which one it's gonna do.

Andy 19:33

Right. All right. So you ready to go?

Larry 19:36

I'm doing my best. I'm opening my cheat sheet, but it's not opening. Now isn't that funny?

Andy 19:44

That is terribly funny. Well, I'm sure you can answer this one right off the bat. So it's like several people. We did get a bunch of email and comments from people about the proposed regulations. People have messaged me privately about it. And so what is what is the AWA? Can we like cover like the quick 10 second 30 second history of what the AWA is to begin with?

Larry 20:06

Well, the AWA is a congressional Act passed in 2006, Adam Walsh Act, and it was signed by President, then President Bush. And it, it recommended to the states that they that they improve the efficacy of their existing registries. And it gave a three-year compliance period for substantial implementation. And at the end of that three-year period, the states who had not substantially implemented the recommendations faced a 10% loss of their BURN Justice grant funding and that that's what the AWA is. There's a component in there called SORNA. And we talk about SORNA, federal is the only one that has SORNA, but every state has something that resembles SORNA, they may call it SORA. They may call it something else but but when we hear SORNA for purposes of this discussion tonight we're talking about federal SORNA.

Andy 21:08

All right, and the attorney general has proposed something what what did he propose to do? This is William Barr. This isn't from a

previous administration. Is it? This is the current administration. (Larry: That is correct.) So what does the current administration propose to do?

Larry 21:25

Well, the the they have proposed under under the regulatory framework, the the Congress delegated to the Department of Justice to to promulgate regulations, which they've done. 10 years ago or so they they promulgated the regulations. The rules and they promulgated regulations the of how they implement what the states would need to do. they've discovered in the intervening more than 10 years after promulgating those rules that that a significant number of states have not been able to achieve substantial compliance. They've gone back to the drawing boards, and they've looked at a way to make it... their whole goal is if you understand their whole goal is to have more states come into compliance. So they put their collective brains together. And they came up with a way to try to adapt the regulatory framework to make it easier for states to comply. And that's what they've done. They've put out a new proposed regulatory framework.

Andy 22:24

Riddle me this, though, why, like if all of this the state highway systems don't fit the same thing. Why does the federal government even care to the degree of compliance that there is?

Larry 22:39

Well, this, this had at the time in 2006, there were 50 state registries, they all had registries. Some of the states barely communicated with each other. And when they passed this, they were attempting to address a real problem. There had been lax enforcement because the state that the person was registered in who left was happy that they left and the state that they had gone to didn't know they were there. And therefore, it was, it was purported that 100,000 of approximately 500,000 registrants at that time, were off the grid. So as a matter of national policy, the Congress said we can't have this. We told, we asked the states to create these registries back a decade earlier in '94 when they passed a Jacob Wetterling Act we've got 50 registries that barely communicate with one another, and we've got 100,000 people off the grid, and that's not in the public interest. So they they set about trying to figure out a way to have more uniformity and consistency in how the states operated their registries.

Andy 23:50

Okay, and, and moving into this so the Attorney General proposed some, asked for comments and what is the point of having a 60-day comment period?

Larry 24:04

That's a good question. And what the comment period does is, is it's primarily for the purpose of expressing that the that the law that was enacted that that the regulations are attempting to implement, that they're either exceeding the law, or they have not accommodated the law. And that's the purpose of the comment period. So the stakeholders, theoretically, if you were, if this were an EPA regulation, the stakeholders that would be subject to the EPA regulation would have the opportunity to look at what Congress did. And they would have a chance to look at the proposed regulation. And they would have a chance to say, well, no actually Congress didn't want that they actually wanted this

and you didn't do that. And this is going to be the adverse impact of that. Therefore, this is going to drive us out of business or whatever. That's the purpose of the comment period. But what our people think it's, it's not an opportunity to re-debate sex offender registration, that debate was already had.

Andy 25:06

I was just about to ask you about that.

Larry 25:08

It's already been had twice now, in terms of the Jacob Wetterling Act and the Adam Walsh Act. We've, as a matter of national policy, we want our states to have sex offender registries. So if you're going to debate the efficacy of sex offender registration, this is not the forum to do that.

Andy 25:26

Because, for my stupid person understanding, my big issue for our people is residency restrictions, because that seems to be like the biggest barrier and then also work restrictions on top of that. That's not part of the AWA or the Jacob Wetterling act.

Larry 25:43

That is correct. That is one of the many things

Andy 25:46

Yeah Of course I like but if someone wants to live somewhere, it just would create all kinds of problems. Anyway, so if someone wants to bitch and moan about residency restrictions, and they would go on here and complain about this, they're barking up the wrong tree because it doesn't apply it that is at your state where Alabama has 2500 feet, Georgia has 1000 feet, etc.

Larry 26:10

That would be correct. But But even beyond that, if you don't like the registry itself, the fact that we registered offenders convicted of sexual crimes, this is not the venue to have that discussion. These are bureaucrats who work for the Department of Justice, who have been tasked with carrying out the will of the American people, as expressed through their, through their elected representatives and senators and signed into law by the President at the time, Bush, and this is not the place for that discussion. And that's what people are tempted to want to do. They want to say well, the registry doesn't work but that's nice, but that these people can't do anything about that. whether it works or not.

Andy 26:53

Let me let me make another stupid person analogy. You get pulled over by the cops for speeding running red light, and you want to argue with them about, well, this is stupid. It shouldn't be that way. Look, he's only there to execute what the law already said. You have no reason to debate with the person about him executing his duty. William Barr is the executive of the judicial branch, but he's part of the executive branch.

Larry 27:17

That is correct. And that analogy about if you're if you're going down a highway where the speed limit, your view should be 70 and it's 45, the officer didn't set that at 45. (Andy: Right.) So your beef about it should be 70 is not with the officer

Andy 27:36

Yeah and is then what would what would be a valid comment? Can Can you posit what an acceptable a rational comment, a realistic comment would be for the 60-day period?

Larry 27:51

Well, I know you've read all 93 pages with a fine tooth comb, right?

Andy 27:56

Without a doubt. (Larry: Absolutely.) It's sitting by my it's on my nightstand by my bed. I kind of glance at it as I'm going to sleep.

Larry 28:05

Well, I mean, you can make any comment you want. It's your right. But what would be a valid comment? And we're struggling with this because as I've done a less than thorough analysis of the 93 pages, what I see is merely a reflection of the will of the Congress, the will of the Congress and the will of the American people. The will of the Congress was a result of the will of the American people who were calling and griping about the 100,000 missing sex offenders and we got to do something. And the Bill O'Reilly Factor that went on and on and on about it in 2006, bashing Ted Kennedy for for filibustering, all this stuff. This this is a reflection of the American people but what a what a valid comment would be, would be if there were something being done that was not the will of Congress. If you if you if you put a proposed regulation, and I guess we would be able to give an example of what happened in Maryland. when Maryland passed their version of AWA back in 2010, the same process took place. They passed their law and then the regulatory directive was given to the Department of Public Safety and Correctional Services, I believe to to drop the regulations to implement it. And they dropped regulations that exceeded what the Maryland legislature had done. They put in some additional things that they thought would be good measure. they put in that that local law enforcement unit as they call it in Maryland, shall continuously check on an offender and I may not have the wording exactly right. But that's about what I remember it saying. I helped draft the the comments that Maryland fair put in, and we were successful. they pulled those regulations, but you put they put things in that weren't in the Act that the legislature passed. And we pointed to those specifics. I think the 21-day advance notice might have been another one for international travel. I don't think that was in the Maryland law as they passed it. And the people that wrote the regulations, they looked at the AWA and they said, Well, the 21-day notice is in there. And clearly, we should be checking all these offenders. So they put in there things of that nature, but that wasn't actually in the law. So we put in the comments, sorry, you can't go that far because the legislature had they wanted that they would have said that. And then we set upon a sabotage campaign. We contacted all 23 counties in Maryland, we contacted the county attorney's of those counties. And we said Guess what? When you when you look at this regulation, your law enforcement people were required to continuously check on these offenders. And let us tell you what's going to happen. When one of them inevitably reoffends and the first thing that the attorney that's seeking recompense from the from the county is going to ask is where's your log of how often they checked? And if they reoffended, obviously, they didn't check quite often enough, right? (Andy: Sure.) That would be that would be the argument you would make if they if they checked every 30

days. You would you would argue as a plaintiff's attorney, you would say, Well, if they had checked every 10 days, this might not have happened. So we we use that to scare them. That that that they were on the hook. So we we did that with county attorneys, county commissioners, we had a team of people, thanks to the leadership of Brenda and her brilliance in coordinating a team of people. we put we put the pressure on the counties. They came to the table. They showed up at the hearing because under Maryland law, there's a process to have a legislative oversight of when when a regulatory proposal's put forward there are some significant some significant issues raised. They can convene a hearing with a legislative committee and they, such a committee, a hearing was convened. And they decided, after hearing from the parties that they had gone too far. And I think it was Senator Brochin, tells them unequivocally if we had wanted that in the legislation, we would have done that. It's not for you to do that. Translation: if we can find something in these 93 pages that they have put in there that was not the will of Congress, then we have something to hang our hat on. Not liking it is not enough.

Andy 32:36

Okay. Is anything about the tier notification stuff? Is that something to, I'm trying to come up with some other kind of example to to see about because like the the federal SORNA guidelines thing is, it's worded different than what people end up with on their internet publication side of things as far as how they rank people on the tiers. I think.

Larry 32:59

Well, I'm confused by that question.

Andy 33:01

Okay, then nevermind, do you want to bring Brenda on?

Larry 33:05

Well, if she's if she's raised her hand if she has anything, anything she'd like to say, but that's that would be an example. Now the political strategies that can be utilized, and in fact, Brenda, Brenda, and I talked about that earlier today, what you might want to do as a political strategy, and it's a really, really long shot, because conservatives magically do an about face on a lot of things. And this would be one where they would be likely to do it. And what we can do is we can take a look at things like REAL ID, which is another mandate by conservative Congress passed in 2005, signed by President Bush, requiring the states to totally revamp how they issue identification. Again, there is no national ID card like there's no national registry. The states issue, both ID and driver's licenses. And they told the states, we want you to have IDs that have these features and I'm not security expert, but there's certain things in the idea itself that they wanted to have. And they want to have source documents, even though you're 50, 60, 70 years old, and you've already proven who you are, they want you to capture the source documents all over again. So after I go in on my next trip in to get my license, if I want a REAL ID compliant, I have to take in my birth certificate that I took in 50 years ago, and have it scanned into a big old federal database so that that all the the the identification issuers across the country can access that database. Now normally conservatives are dead set against big ol' federal databases. But magically they did a flip flop on that, and they think it's a wonderful thing. The point I'm making is that if we could get someone to be true to their values, who claimed that they believe

in federalism, that they believe and not pushing unfunded mandates on the states. if there's a core of conservatives like the the six or eight in the Senate that were led by Tom Cotton that gutted the First Step Act back, if we could find a core of true believers and an example would be like Rand Paul, he's consistently good about defending fiscal responsibility and not running huge deficits. And even to the, to the surprise of his constituents, he says we can't be doing what we're doing. If we could find that group of people in the Congress, and at the state levels, and not just in Congress, but at state levels, and we could go to those people in those states and say, Look, you need to weigh in on this, because these regulations are about to be adopted. And guess what? You're going to have to pay for registries, registrations for many, many years beyond what we require in this state because there's a federal duty to register. And it looks like they're trying to power grab, that this present administration is trying to uniform the periods of registration and we're all of a sudden going to have to carry and track these people for 25 years or life, and if you could have some true believers, and they would submit their comments, we might could have some impact if the saints would weigh in and say, we don't want to register people for these long periods of time. But barring that...

Andy 36:14

Wouldn't that be an unfunded mandate?

Larry 36:16

Absolutely. But the conservatives will be okay with it. That's what I'm telling you. They do a flip flop on certain things. And this is one I'm watching...

Andy 36:24

But we talked about that from like the state level and then they put it down to the county level for them to do the registration. It's an unfunded mandate at the county level that they do the registration stuff, and I've never made the connection that this would be a federal mandate (Larry: Yes!) down to the state level, the state only has five years of registration in the state. I don't know what the AWA says. But so they would say, well, you're gonna register these people for x even though you are only doing it for y.

Larry 36:48

That is correct. But I'm telling you that I've been around our legislature for 30 years and the people who profess what you're talking about about unfunded mandates, they magically do a chameleons switch, when it comes to this, and they're okay with unfunded mandates that they like, and this is one where we would need A true, true believer that doesn't flip flop on something when it when it when it's a law enforcement thing. And if we could find that core of people, we would make the appeal to them like we did in Maryland. And, and, and if they would put in comments, say on behalf of my state, I don't want this because I don't we don't want to be carrying people on our registration list for the minimum period is 15 and 25 and life and the 15 can be reduced on tier one to 10 years. But, but in most cases, it's either going to be 25 or life because most sex offenses are at least a felony and that's gonna put you in the 25-year category. And then depending on the age and some other factors that could be a lifetime obligation, and they're states who who are not carrying people

anywhere near that long presently. And this is this has the potential, the potential, to Cause that to happen.

Andy 38:02

So So back to the the comments section, the unfunded mandate might be a decent comment to go post.

Larry 38:09

Well, it's gonna be more powerful if like when Maryland we did, we didn't have all the power ourselves, we had counties coming in saying we don't like this because we don't want to be responsible for not checking all these offenders frequently enough.

Andy 38:25

I gotcha.

Larry 38:26

We don't need the offenders to say the cost is, is too much. Nobody cares about that, what you think about the cost, but what we need is the state of Vermont to come in and say, we have no interest in carrying people for these long periods of time. This, this, this is this is too much. That might be a strategy but we need conservatives who will not flip on us and who actually say, I believe in federalism, and this is this is a direct attack on federalism. The states get to decide how long they register people or if they register them at all. And and that's that's where I'm afraid that that's such a long shot because I think that although it's wishful thinking, I think it's really a longshot that we can actually find people that'll that'll do that. And I mean, remember the Michelle Bach- how do you pronounce her name? (Andy: Bachmann.) Bachmann, In 2016? She's one of those who claimed that she believes so much in in states' rights. And on the debate stage before she got knocked down in the campaign, the same sex marriage was was being discussed. And she says Absolutely, I believe in state rights, that they think that they can decide who gets married, but she said also believes that the federal government can come in and use the supremacy clause, and that the federal government can define what a marriage is, and the federal government should do that. And that's how they do. You know, they magically flip. If it's something they don't agree with, that all of a sudden what they claim that they agreed with, they flip away from it, and they say it's something different. But if we could find some true believers, now our audience is filled with a lot of conservatives, if you can, if you know somebody in your state legislature, that's what you need to be doing. You need to be reaching out to that person and say you've been a big proponent of federalism and allowing the states to run their own show. How do you feel about the Barr administration, trying to federalize registration of sexual offenders? And I've just bet you, Well, that's such an important issue for public safety. I think that I could go along with it. You remember when we had King Alexander on and he said that we needed a Federal... You remember when I chided him? I said, What do you mean King, of all people? Do you remember that? (Andy: I do.) Yes. Well, but that's what they do. They magically do a flip on you and that's what they're likely to do, but at least we can try.

Andy 40:54

And then I guess the one of the remaining questions is, haven't most states rejected implementing full AWA?

Larry 41:03

No, they have not.

Andy 41:05

All right. Well, some states, Pennsylvania, as an example, will list somebody's work address. I think that's part of AWA where Georgia doesn't list where you work.

Larry 41:14

So, but Well, that's one of the confusing things about that. When you look at the list of compliant states and it's smaller than the list of non-compliant, you automatically say, well, they've rejected it. No, they haven't rejected it, they have been unable to comply, because they've been trying to go through the legislative process to do like Maryland and Pennsylvania. And all these states that have put forth a comprehensive bill and got it enacted. And they've not been able to because there's been pushback, particularly from the juvenile justice advocates, and they've not they've not been able to achieve substantial compliance because it's complicated stuff. Trying to put the package together, going down the smart offices checklist of things you need to do. You and you end up not achieving a key component and but the states have not renounced it. They are trying to comply. They're wishing that they were compliant. They're hoping to be compliant. And that's what makes that gives people the fact that more states are non-compliant gives people this false sense of security that says my state has rejected it. I don't have to worry about anything. Your state hasn't rejected it. There's only a couple states who have just said, we have no interest in it. I think Texas and maybe California said we have no interest in it. But the majority of the states are doing everything they can and even Texas, although they said they didn't want to comply. The funny thing is Texas is already more extreme than what the AWA would be, it would actually be an improvement if Texas did comply. If they if they actually peeled back the requirements to be...

Andy 42:41

Right. Yes Yes Yes. I'm with you. I'm with you. Yeah. So So what do just what's required not not go the extra mile and the situation overall would be improved.

Larry 42:50

Well, same thing in California. They had lifetime for everybody. The AWA doesn't require a lifetime for everybody. Wouldn't it be an improvement for the people who lifetime obligations, I mean, can you can you honestly say it would be an improvement for those people?

Andy 43:09

It probably would be.

Larry 43:11

Well, I don't know anybody who wants to stay on for life. Of all the people I've met, I've never had anybody say, Well, I kind of like it so much. I'd like to be registered for life. If you when you meet that person, you let me know.

Andy 43:21

Everyone in chats hands have raised. And, you know, since we're catching up to Joe Rogan, as far as the number of listeners that we have is what can they do? What can the average person a spouse,

family member, the PFRs themselves? What do you think that they should do?

Larry 43:40

I think, going back to what I just said, we need to find true believers in the concept of federalism and a limited federal government and we need to press the point that this is a federalization and we're going to be funding these long term either either at a state or local level, we're gonna be having to pay the bill for this. And we didn't, our citizens are not getting to vote on this through our elected officials because it's the big ol' federal government that's jamming this down our throat and remind them that you said when you campaigned that you believed in limited government, and I'm holding you to it. That's the best thing that I can think of that I've come up with so far is to call these people out of their hypocrisy.

Andy 44:27

Oh, hypocrisy. I like I really like that. Uh, I really like that. You know if I can get here fast enough. Lester, that's it right?

Larry 44:39

Lester Maddox. Yes

Lester Maddox (Audio Clip) 44:41

For you to come back and call bigots my admirers is a farce. It's an act of hypocrisy, it's a terrible way to treat a guest on your show. And you know it

Andy 44:52

how about that I was able to pull that up with almost no cue.

Larry 44:58

He was he was quite a character for those of you who don't know who he was he was elected in 1966 to be the governor of Georgia in a election that was tossed into the House of Representatives because there, there was no clear majority. And the democratic controlled house elected him of the three candidates to be governor. And that's, and he was an avowed racist. And he ended up being governor of Georgia then he was proud of the Dick Cavett Show about how much he had done for black people. And that's where that came from. Because he said, Well, if you're doing so much for black people, what how does that impact your admirers?

Andy 45:37

I don't even have anything to bat around after that one. Is there anything else and I had I had a question and then it just sort of like was like a butterfly and flapped its little wings and went away? I don't have anything else. I don't think for the rest of that. Is there anything else that we should touch on that AWA segment before we galivant on?

Larry 45:56

Well, we're hoping the there's a collaboration underway with multiple organizations. And we're hoping that there'll be a cohesive, responsible comment put in. The first draft has surfaced already a couple days ago, yesterday, the day before, and I haven't had a chance to go through it. But I know Brenda has read it with a fine-toothed comb. And but but we're hoping that, that we can say something, but remember, folks, the the regulations are merely a

reflection of the law. it would be like the, the Environmental Protection Agency if you if you pass the clean air or the clean water or the clean drinking water act or anything, and you're trying to stop the pollution of underground water. And the Congress says do this. That's what the EPA is going to do. They're going to put forth proposed regulations if it's if it's aimed at the At the frackers oil industry or the mining or whatever it or even the farmers that have those huge cattle farms that you know all this stuff, that contaminates the drinking water. It's the will of the people as expressed through Congress that they do this. So the bureaucrats who are doing what they're doing, they didn't decide on the policy. Congress did. They're merely putting forth the framework. Now, it can go both ways. Like if you had, if you were to ever have a really liberal progressive Congress and a really conservative president, you could have where you could have, by regulatory intervention, you could have, you could have the executive branch trying to undermine what Congress passed. So therefore, you could have a proposed regulatory framework to clean up the groundwater that would do absolutely nothing because the people in the executive branch that they've appointed, they would say, gee, we don't care for this. And they can put forth a very weak set of proposals. And then you could have the environmentalist come in screaming and say, no, this is not what this was intended to do. It doesn't address these points. And they were clearly intended to address these points in the law. It can go both ways. But we need to be showing where this has gone beyond what Congress mandated because whether we agree with what Congress mandated or not, it's not up for debate right now. What's up for debate is how to achieve compliance.

Andy 48:30

Teresa in chat asked who are the collaborating orgs? Is that is that public information?

Larry 48:38

Well, I don't know if it is, but I know that I'm working with Guy Hamilton Smith and with Tyrone and a couple people and I know we had a meeting with about 12 organizations that showed up and I don't remember them all. NARSOL was represented.

Andy 48:55

I don't want to call anybody out that wants to remain behind the scenes but I was just that was just a question that was posed. And I do have one final question. Hopefully you can answer it quickly. So we don't drag this on for another 45 minutes. Are you ready for that question? (Larry: Sure.) Do you still have the same level of consternation over this? Are you still as worried about it as you were four episodes ago?

Larry 49:14

Oh, I'm I'm extremely worried about it. Because I know exactly, In my mind, I shouldn't say exactly. I believe strongly that this is a result of 14 years of failed attempts to achieve substantial compliance. And I believe that this is the collective wisdom of the states working with the Department of Justice, who have said, this is the best way to go about it. Because we can, we can, we can do it through the backdoor through administrative process. And I think that that's inevitable that that's going to happen. And of course, I would love to be wrong. But I think that that's that's that's my fear is that we're going to have the states start handing out forms that were created by the SMART Office telling people

that they that they're required to do this And they if they do pass legislation, they're going to pass some very vague, over inclusive legislation saying that it's the policy of our state to substantially comply with the sort of as defined by by federal SORNA, that our registration comply substantially with SORNA. And they'll come up with some vague language like that. And then when you when you go back to that state, and you say, I want to petition for removal, they're going to say we can't remove you because our state's policy is to be compliant with federal SORNA. And your your offense is a tier two, therefore you can't be removed. That's what my fear is.

Andy 50:35

Alright. 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 at 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 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 big heartfelt support for those on the registry. Keep fighting, without you we can't succeed. You make it possible. Off we go. Um you know I know that someone emailed you and me with this bill that came from a not very reputable media outlet and this was a fact check California's SB so Senate Bill 145 eliminates inequality and sex offender registration. I don't remember how it was worded exactly, but it was that you know, here Here is lefty California legalizing homosexual relationships or something like that.

Larry 51:56

Yeah, that was that was that was a smear campaign on the on the on the Liberal Democrat legislature in California

Andy 52:06

but what is actually going on here?

Larry 52:09

well they're they didn't do anything to change the law they just merely added the discretion for heterosexual sex to be excluded from mandatory registration rather than being just vaginal sex with with with heterosexual couples, that's all they did. They gave the same discretion that is already in California law.

Andy 52:28

And somehow that turned into it's being something about being a pro pedophilia legislation.

Larry 52:33

Yes. Well, that's typically what happens when you try to do reforms. That's the vilification and if you take a look, it's a partisan vilification and this is not me saying that. that's what's happening. they're being vilified for, for for doing something and they really didn't change the law. They just gave it to the discretion. So there was it was no longer there was no longer the discrimination against it if it was a person over, under under 18, having sex with the same sex partner who's over 18, which would be against the law, but but it would be a mandatory registration for the heterosexual, I mean for the homosexual and it would be a discretionary registration for the heterosexual. That's all it did is it made it equal.

Andy 53:16

Okay. There's a article that I have is from USA today and there's a bunch of different like blocks and this is the title of it is really you know, it's about fact checking the the claims of it being a pro pedophilia legislation. I don't know that we need to stick around there for very long. I just it was kind of funny because when the person emailed it, and you were like, I don't read this to be that way at all. But that's Yeah, the media outlet was saying.

Larry 53:42

yep, it, I don't understand why people... Well I do understand it because it gets votes. The only reason people do things is because it works. And when when the populace becomes smart enough to understand when they're being played like a Stradivarius, they'll stop doing it

Andy 53:59

this particular media outlet when you go look up, first of all, they're super-duper biased and they don't rank very high as being a factual kind of place to go get your news.

Larry 54:08

Really?

Andy 54:10

Does that shock you?

Larry 54:14

Hahaha, I'm shocked.

Andy 54:15

I know. And then I guess we could hop on over to this Huffington Post article. This this thing someone emailed me, like, said, Hey, here's this article, and the title of it was about 39. The government just found 39 trafficked children in a double wide trailer. How is this not the biggest news story in America? And this Huffington Post article, which I know is about as far left as you could get on anything. It goes through and breaks this whole thing down step by step by step and they did research with miscellaneous different experts on the subject of there's several hundred thousand kids that are abducted not not, they go missing. They have reported missing every year, but like 10 of them are actually in danger of something. you know it's a disgruntled spouse situation that pick up the kids at the school wrong then they get reported. Anyway, this goes through with a whole bunch of different talking points as far as how this article is completely misleading.

Larry 55:15

Yes, I I've said the same thing. You know, we we have roughly something over 100 stranger abductions in the country each year, and it's been at that level for a long time. Now the 100 is very significant if it's one of yours.

Andy 55:29

of course.

Larry 55:30

you know, if you're, if your son or daughter is abducted by...

Andy 55:34

But you could you imagine in the United States, if there were actually like 400,000 kids just vanishing off the planet. And like, we would have some sort of, we wouldn't have any population growth because that would that would seriously curtail any sort of statistics like that. And people would be losing their minds if 400,000 Kids per year were vanishing.

Larry 55:54

Well, and thousands do vanish, but like you say they vanish because of their own volition, or because of a noncustodial parent, or they vanish simply because a mistake that someone thinks they're supposed to be someplace that they're not and they call the police because they can't find them. And but but in terms of actually going missing, where they've been abducted, it's a very small number. And I can appreciate that if it's your child, although I don't have any children, I could appreciate that. But I'm just wondering why we don't make the same comparison. things that take far more children's lives than abducted children? I mean, the tragedy of of Adam Walsh is incomprehensible. Can you imagine having a beautiful son and big having them decapitated like that after an abduction? I mean...

Andy 56:45

That would be pretty traumatizing.

Larry 56:47

It absolutely would be but there again, that's the saber tooth tiger. It's not like we don't have things that we have more kids dying from any number of causes that that that we don't panic about, from guns to drownings to you name it. Probably, probably I shouldn't say this because I know it's not true, but probably just just on Halloween, but if you counted all the kids that get hit on a typical Halloween, you know, there's some serious injuries because of Halloween. And the the PFRs say they should they should be spending the time on traffic enforcement rather than on going door to door checking up on the registrants.

Andy 57:25

Absolutely. There is a interesting section in there talking about what the definition I guess more like the clinical or the legal definition of trafficking means where if so you got a girl that runs away, she's got a really crappy situation at home. And so she runs away and she ends up on the street and she needs a place to stay. So she ends up having sex with someone to end up with a place to stay. That could be construed as sex trafficking because she used sex to to get food, place to stay, whatever. That's, when I think of sex trafficking I think of some hidden wall on a semi-trailer, and they're being shuttled over to the Middle East or something like that for some rich dude on a boat. That's what I imagine as sex trafficking.

Larry 58:07

That would be the extreme definition of it. But there'd be something probably in between where people were would... to some extent, I think, pimping when you look at traditional prostitution with a pimp there's there's there's a certain element of trafficking there but they've expanded this definition to it practically includes everything that was already a crime except they've made it a more serious crime because they've been trafficked. And it's to the point where, if a college girl wants to sell

her nude pictures, they want to call that trafficking because it's for profit. It's as a sexual thing for profit.

Andy 58:47

But then isn't a centerfold model from playboy penthouse. Isn't that trafficking too?

Larry 58:53

Well, it's one step below because it's not nude. I don't think they go completely nude in the... Well I'm thinking of Sports Illustrated, which is on my dresser right now of the Swimsuit Issue. Well, I mean, the Swimsuit Issue is what you look forward to.

Andy 59:11

This guy is not judging you. Not not judging.

Larry 59:15

But on the on the Playboy centerfold. Do they still publish that rag anyway?

Andy 59:21

I think so. But there are other rags where there are people in the buff in them. Wouldn't that be trafficking?

Larry 59:28

Well, it might not be. Because it's, we have this thing in this country where if it's for a commercial entity, we look the other way. But if it if it's for someone who's doing it for their own purpose, it's different. You know, it's kind of...

Andy 59:44

That makes like 100% no sense.

Larry 59:46

Yeah, I know, but that is the reality of what we do.

Andy 59:51

I never considered it that way. Okay.

Larry 59:52

Well, you let you let you let a storm come along and let someone raise their prices, because they happen to have something and they're gouging. But you let someone raise their prices because OPEC raise their prices and it's not price gouging and they didn't pay any more for that for that for that fuel that's in the distribution channel so if OPEC raise their prices by 20% overnight, all that all that fuel that's been produced that's in the pipeline, why is that not gouging?

Andy 1:00:23

Isn't there some sort of like limit that they'll put in place? I mean, if you raise your price by some pennies, no one's going to notice but if you raise it if you double it now everyone's got their panties in a wad.

Larry 1:00:34

Well, yeah, but but I'm just saying but depending on who does it we tend to we tend to turn a blind eye depending on who does it. It seems to be...

Andy 1:00:43

So when a big porn studio puts out movies and they pay their performers, that's not sex trafficking, but if I go around the corner and pay for something, now I'm sex trafficking.

Larry 1:00:54

Yes, because you're just a peon. You took advantage of the poor college girl or college guy whatever you're trying to try to pay for for the porn and and Hefner's operation is all legit. Pays taxes they're regulate him, overseen and they...

Andy 1:01:14

I pay taxes on this. This actually makes no sense to me. I've never understood I've never understood this and believe it. Adults should be able to enter in an arrangement however they want to enter that arrangement.

Larry 1:01:25

Oh, I don't make the rules. I just tell you what I think I perceive them to be and I've perceived that the big people are cut loose like on things that they could do that little people can't do.

Andy 1:01:36

I do understand. Anything else that caught your eye.

Larry 1:01:40

This story was from your state if I'm not mistaken.

Andy 1:01:43

It what well, partially that's another part of the story that is a bogus is how many states did it happen in? And it happened in like three or four states. Surrounding states you know, Kentucky I guess, trying to remember which other states it was, Kentucky so it was a South Carolina, Tennessee, Oklahoma, Florida, Kentucky and Michigan. And Michigan is not anywhere close to a southern state. And it wasn't just one law enforcement outfit. It like, the way that it's reported is there's almost nothing true about it once you peel back all the layers,

Larry 1:02:13

well, it also speaks to what we need to do for for troubled teens in the way of comprehensive services we really need. We need places for them to turn to that have adequate funding, so that they don't end up out on the street. And there's a number of...

Andy 1:02:27

that was another piece of this.

Larry 1:02:28

There's a number of people who actually would like services, and there's always the saber toothed tiger and someone will bring out they'll say, well, we offered that person services, and they said, No. And I get that, but that's the anomaly. That's not the norm. But they'll come out and say, Well, you know, I went by and I talked to this homeless person. And I, he didn't want any help. Well, I've tried the same experiment, and I think I've talked about maybe to you about was in the last year that I've that I've tried to give jobs to people around the office building here and they didn't take me up on it. But that you cannot conclude from one or two, that that's a representation of everybody

Andy 1:03:06

Correct. Correct. Correct. Okay. I think we can move over to some listener questions. Oh, wait, no, before we do that we got to we got to do the new patrons. Lary we had three this week which is pretty frickin outstanding. new patrons.

Larry 1:03:22

fantastic and we also got some subscribers to our to our transcript service.

Andy 1:03:29

You didn't you haven't shared those with me so I'm going to say who the patrons are. We got a new one named Nick. And we have a returning one named Dave and then a very generous monthly support from Katie thank all of you so very much and thank you to all of our listeners and especially our patrons that help support the podcast and make it less onerous? Is that the right word? Onerous? Onerous? anyway, arduous, arduous that's the word I'm looking for, to do the podcast.

Larry 1:03:55

Well, it is so much fun that we would do this and pay to get to do it ourselves.

Andy 1:04:02

Sure. How many how many people have subscribed to just like the transcription side of things?

Larry 1:04:10

Well, when I say subscribe we have, there's two mechanisms to subscribe. The patrons that are supporting at 15 a month can designate a recipient. And we've got we've got a few of those and I don't have the exact count and then we've got like three that have subscribed directly as a result of us reaching out. In addition to the subscribers, what I've been doing is sending out additional invites to people with a transcript, a sample with a subscription form. It says if you would like to receive this regularly, you can subscribe directly and we've had some subscribed directly, two or three subscribed directly, and they're paying with postage stamps, which are acceptable. I mentioned this last week, but please send us sheets. Send us a sheet or a book. We don't want the loose stamps that have been torn apart. And they've gotten frayed around the edges and we can't get the backing the peel off. And what I end up doing with those is tossing them because the effort and time it takes to peel the backing off is more than the stamp is worth. But if you want to pay by stamps, a significant cost of distributing this is postage, so therefore it would just save us the postage so we welcome the stamps, but please send the stamps that we want, which is good clean sheet or good clean books.

Andy 1:05:34

And don't suitcase them. (Larry: What is suitcasing?) We're not going to go into that. It's a family oriented program and we would get taken off the air. Anybody that has been in this community would know what suitcasing is, and we don't need to go into that.

Larry 1:05:47

Well, well, but but yes, we've we've, I feel like by the end of the year, we're gonna have dozens more because the comments are good. We've got we've gotten some letters, and they're usually too long to read on the podcast. John up in Danbury, thank you for

the very kind letter that we just got yesterday from you. Eric in Virginia, same thing, thank you for your kind, kind words. And we're looking forward to having correspondence from people. We are not able to respond to everybody personally. But everything that sent to us if it's legible, we do read it.

Andy 1:06:27

Excellent. And I would also like to point out that we have like a whole menagerie of people in the live stream and the patrons are the ones that can join the live stream. I appreciate all them showing up and supporting. It's kind of fun to have people hanging around tossing questions that mean keeping me occupied.

Larry 1:06:43

Alrighty, well, where are we going next?

Andy 1:06:45

We are going to go over the question from Gregory about Facebook and SCOTUS and you hate it when I say SCOTUS, don't you? (Larry: I do.) Yes, you say it's disrespectful. So I will say the Supreme Court of the United States. (Larry: That's better.) and what you highlighted is:

Listener Question

There was a case in 2017, '18, where a person challenged North Carolina law regarding sex offenders' first amendment rights, and Facebook. It was a favorable outcome, but my Facebook was deleted by some terms and use clause blah, blah, blah. I had that page since 2010 and several irreplaceable pictures. I wrote Facebook in 2020 but received no response. And asking if you've heard of this. North Carolina has a 10-year petition law that allows you to get off the registry. Let's cover those in a minute. We'll do the Facebook part of this first. Can Facebook block our people from being on their platform?

Larry 1:07:43

Well, the case he's talking about is the Packingham case. And the the the issue in Packingham was that the state of North Carolina had passed a complete and total ban of anyone required to register from being able to access social media, not just Facebook. And it was so broad that it eliminated so many legitimate resources that the Supreme Court of the United States reversed the North Carolina High Court, which the North Carolina High Court had said it was okay. And it was taken to the US Supreme Court and they reversed that. But people confuse that. That was not a case against Facebook. That was a case against the state of North Carolina. The state had said, you shall not access this. And that's where the First Amendment comes in. We don't have a complete right to speech on someone else's platform. You have the right to not be impeded by the government. And that was the government interfering, but you cannot command to take control of somebody else's platforms. Try that on Sunday morning, show up at your local synagogue or church or, or whatever day you worship and tell them that you have an alternate message you'd like to deliver and see if they'll turn the microphones over to you. Tell them you have the right to speak.

Andy 1:09:04

I can see someone coming in here right now saying the same thing. Hey, look, I want to talk on your podcast. Can you unmute me? No, I cannot. Thank you very much.

Larry 1:09:11

You have you have no such right, now we actually do invite people that don't necessarily see things our way. But this is our distribution channel for what we're trying to message and Facebook is a private company. And until it's either defined as a public utility by statute, or by that evolving case law, which some people don't believe in, that the law evolves. But until that happens, Facebook can delist your account. And they did. And they've been encouraged to do that by the government when they when they passed, I believe in 2008. I think it was the Protect Act. I may have that wrong, but they passed a database for social media companies to have access to and they collect all the usernames and screen names and all this stuff from people required to register. And then those who, who companies who who provide social media, they can, they can compare what they have against that federal database. And they delist those accounts. That's one way. Then people just flat out report them. They say that this person is on the sex offender registry. And Facebook can do that.

Andy 1:10:26

And I will address the little final point in there says I had a page since 2010 and several irreplaceable pictures. Listen, anybody who puts their only copy of a picture, somewhere at one of these places, whether that's Google or Facebook, you are just asking for trouble if you know if the only copy of your pictures is on your phone and your phone gets run over by a truck like I, what are you supposed to do, you need to have multiple copies you need to have backups and so forth. Do not trust any of these places to store your pictures. It's fine. It makes it easy to share it. But don't make that your own only copy.

Larry 1:11:00

well to a naive person like me, tell me how that can be your only copy for it to be uploaded to Facebook, it would have to exist somewhere, right?

Andy 1:11:08

If it's at Facebook and they delete your account, I would be willing to bet like in this particular person's case, the picture is still there. They didn't they like they just turned off your account, I don't know that they would have necessarily deleted it because nothing really gets deleted at this point. But for someone like you, you, you have an Android phone, I know this. So use Google Photos, and all of your photos would then just get uploaded to Google. There's at least two copies now. Now there's one on Google and there's one installed on your phone, but you're going to eventually run out of space on your phone. Now what do you do? You need to find another way to move those pictures somewhere else as well.

Larry 1:11:42

So while I was getting at, if you take a photo if you're at the grocery store and you take a photo before you can upload it to Facebook, it has to be somewhere so when you upload to Facebook, wouldn't you still have it?

Andy 1:11:55

You would but eventually you're going to run out of space. It's it is less common now but phones in our past have had very, very limited storage, you know, four gigs, eight gigs of storage, and

maybe you couldn't even put an external storage card in it. So he'll run it, you'll run out of space fast. And now cameras on phones or they take gigantic, very, very, very, very large pictures, and you will just run out of space fast if you're not careful.

Larry 1:12:21

So, all right, well, let's go to the second part about the ten-year petition.

Andy 1:12:25

Yeah, so then he says North Carolina has a 10-year petition law that allows you off the registry sooner, but I don't know how, I don't know much about it. Do you? Do you assist people with innocence claims? I'm not requesting that assistance, but I may be able to refer you guys if you do.

Larry 1:12:41

The answer for the last part is no we do not. We don't have the resources or mechanisms to pursue innocence claim. But there is a petition process currently in North Carolina. It does work. I know of people who have gotten off and it is still available. That could change. If the regulations are adopted, it could be that North Carolina would decide that they're going to honor the federal terms of registration. Therefore, they would come in and object to any petition. They would say this would violate federal law. And they would encourage the legislature to change the law that would say that no one can be removed if it would, if it would, if that person would have a longer period of registration required by federal law. So it's a danger for people in terms of whether that process will continue to exist and if so, in what form.

Andy 1:13:33

Hmm, okay. Um, do you assist people, would you, I guess that's all it is. Yeah, I guess that's all that goes on in there. Alright.

Larry 1:13:43

So now we got another one.

Andy 1:13:47

Yes, we do. And you actually helped me out because the other one is an incredibly long letter. If anybody wants to see it over on the, the screenshare part that I have. it's a it's a long, long letter with a lot of compliments in it. But we have a condensed version of it.

Larry 1:14:02

Yes. I pulled out the questions.

Andy 1:14:07

Okay. This is from Ben.

Larry 1:14:09

Yes. And thank you, Ben for the subscription. He subscribed and he said how wonderful the transcripts are that he's gotten so far.

Andy 1:14:17

All right, and he says:

Listener Question

I would like to start a new life without too much aggravation. I do not see that happening in Wisconsin. Thus, upon my release, I hope to leave Wisconsin and complete my 10-year parole period

elsewhere. In Wisconsin State law requires that anyone convicted of a sexual offense be released to their county of conviction. Like so many others, I have no connection to that location any longer. What does one do?

Larry 1:14:43

Well, and he raises a good point, because what happened in Wisconsin was that that the, as the locals said about trying to outdo themselves, you ended up with more and more places that were off limits and you had people that the Department of Corrections was paroling. And remember that if you have no post-prison supervision, you can live anywhere you want to, you would only be bound by whatever restrictions are in place by law. If there was a 2000-foot restriction in a particular place, or 1000-foot or 500, you could live there as long as you honored that. But in this case, the the corrections department actually provides transitional assistance. And they they were putting people, placing people, and we ended up having concentrations of people because of the hopscotch of places where they couldn't live. And that caused exactly what I used in our state to make sure there were no residency restrictions because you end up you end up with you end up with a battle. In Wisconsin, they passed a law that a person who's paroled under the supervision of Corrections Department, they will they will have to go back to the county they were convicted. That is so ridiculous, because you may not have any connections at that point. By the time you are, you're paroled. But In terms of his issue, it won't apply to him if he wants to move out of Wisconsin. They can't force him to, I shouldn't say can't. They shouldn't. They shouldn't, and I don't believe they will, force him to take parole to a Wisconsin address if he has a non-Wisconsin address. So he could apply as he gets within the zone of parole to another state, and he listed some states in the letter that he was interested in.

Andy 1:16:27

Right. Which leads to question number two, says:

Listener Question, Part 2

My mother and brother lives 70 miles from that county, as do any other relatives. I do have aunts and uncles in other states including Kentucky, Minnesota, Missouri and Tennessee. I've written several organizations in those states to no avail. Can I live in another state?

Larry 1:16:45

You absolutely can. And you don't have a right to but there is a process that will allow you to. You can apply for transfer of your supervision through the interstate compact for adult offender supervision and that would be done through your prison case worker. You can't have a relative do it for you on the outside. The state of Wisconsin is the beginning of the process. And the corrections people have to do it. They will, I would, I would hope that they would not want to impede you leaving Wisconsin, if you have a viable address. So what you would do is make the application through your resource at the prison, however they have they handle reentry, make that application. Unfortunately, I did some research on the fee. And Wisconsin is one of those states that charges a hefty fee. So if you were to want to apply to go to another state, it's \$150. And I don't know if that if they have a waiver process for that in Wisconsin, but that would be for their for their duties of putting forth the paperwork

to one of those states. So Wisconsin would be the sending state. They would send an application to Minnesota and you would describe your address, your connections to Minnesota, and Minnesota would have 45 days from receipt of that to go out and investigate and determine if there would be anything that would preclude them from being able to effectively supervise you there. It could be something like what he described in a letter like residency restrictions, they could find that it's a wonderful home. But it's too close to something that they don't allow supervised offenders to live close to. And then they would they would turn that application down. Or it could be something like, when they collect the data on the people living there, they may find that they have felony convictions. So they don't they wouldn't feel that would be a positive environment. It could be that the family has children, minors, it could be any number of things. You need to do your best to eliminate all the things that could exclude you. Because at \$150 a whack, your commissary accounts going to get very low, very fast. And the sad thing is there's nobody to call. You don't have, he's already pointed out that he didn't receive any answer from the States. If he had sent me that question here, we wouldn't have answered it either. A.) we don't have the resources, and B.), it would be fantastic for advocacy efforts, efforts if we if letters were produced, showing that we were trying to help import people with out of state convictions to our state. I mean, the lawmakers in Santa Fe would just be totally enamored by that. So therefore, we wouldn't have sent an answer either. So I'm telling you, in defense of the states you wrote to, A.) they don't have, they're just volunteers, and B.) they wouldn't write you that anyway. Because the last time they would want for a copy of that to show up. I mean, it just wouldn't, it wouldn't serve well, but I'm telling you what you need to do, which is to apply. Do everything you can to ascertain what would preclude them from approval. Know who you're applying to live with, make sure they haven't been convicted of something in recent years. I mean, they may have a 30 year old conviction but make sure they don't have any recent felony convictions. Make sure they don't have any minors. Make sure they don't live close to things that would give the supervising officials consternation before before you do the application. And you might very well find that you leave Wisconsin, because if I were Wisconsin, I would want to get rid of as many as I can. Because if they're gonna be offending, I'd rather than be offending in another state, wouldn't you?

Andy 1:20:18

Totally. Alright. And then this is this is a subject that I think every time I hear the answer to this one, I feel like I have had to relearn what was said before because it gets confusing to me. So, the person then asked:

Listener Question, Part 3

I do not know about other state registry restrictions, but not many can be worse than Wisconsin. What would I be facing in those states in terms of my registration requirements?

Larry 1:20:43

You would be facing exactly what those states require, no more. And so if you were to, if you were to luckily be accepted for Vermont, Vermont has no interest in what Wisconsin requires in terms of registration. So Vermont would tell you just like if you took a car to Vermont, Vermont would tell you how much to pay for it, how often you would, you would pay that bill, how you'd go

about paying that bill. And when you would be exempt from paying that bill, the same thing will happen when you go to register in a new state. That state will tell you what your obligations are. And it will not have anything to do, with a few exceptions, with the state that you were convicted in, if you're registering there, because you're no longer there. The nuance about Wisconsin is that they continue to tell you that you need to pay the hundred-dollar fee.

Andy 1:21:32

Oh that's right we covered that person that asked a question a few episodes back that he's still paying for something even after he's left.

Larry 1:21:37

I always get confuse, it's a \$50 fee, but they tell the people, they send them a form and they tell the return in the form that they need to comply. Well, that that is as silly as if you left Georgia and you registered your car in California. And Georgia sent you a bill and said go ahead and send your money on in. Would you send your money in?

Andy 1:21:58

I don't think I would. I would at least question it though.

Larry 1:22:00

Well, what that's the whole thing. I don't think jurisdictionally I don't think they have a leg to stand on because you're no longer subject to Wisconsin's regulatory scheme. But so your registry obligations, not your supervision obligations, but your registration obligations. They will be whatever the state determines that they are by that state standards. Your supervision is completely controlled by the sending state in terms of all that stuff follows you. If they give you 10 years of supervision, you've got 10 years when you get to Vermont, even if Vermont would have only given you two years. If they tell you that...

Andy 1:22:42

What if Vermont has longer?

Larry 1:22:47

Doesn't make any difference in terms of your supervision. It is, the supervision is determined by the state that placed you under supervision. So how long you're under supervision is totally controlled by the state that placed you under supervision. Wouldn't it be great if one state could unravel another state's sentence?

Andy 1:23:06

Certainly, just there always seems to be this to me it's it's complicated and confusing to me because, A.) you have state felony conviction rules, you also have then your probation supervision things. And those two could be completely in concert with each other, but they could be like, have nothing to do with each other. And now you move to a different state. And you're still under supervision. So now you almost have like four sets of rules, you have probation and then your state stuff and then and from the two states, so you have four different things that you have to try and mingle together to figure out what you got to do. It seems.

Larry 1:23:37

well, it's not that complicated. The state that put you on under supervision, they have the only power to relieve you of that supervision. To terminate it early. If they give you 10 years. You've got 10 years wherever you go of supervision. But don't confuse it with registration. It's only supervision. All the conditions they placed on you as a part of your punishment, that follows you. If you've got to pay \$100 monthly fine when you go to Vermont, you still owe that hundred dollar monthly fine, because that's the part of your punishment. (Andy: Right.) If you were told to get counseling, that goes with you even if Vermont doesn't require counseling, Vermont has to look at your conditions, they have to say, well, you're required to get counseling until we have determined at the discretion of this probation office. So we're gonna have you be evaluated to see if you need counseling, and they if it's worded in such a way that they can relieve you of that, but if it says until the till the termination of the court, then you would have you would have counseling until the court relieved you. And only the court in the state that imposed it could relieve you. I don't understand what's confusing.

Andy 1:24:49

Larry you live in this stuff let's let's talk about my world for a while and see how long it's not...

Larry 1:24:53

but this but this is this is this is so simple, the state imposes the punishment on you determines the punishment. You cannot escape your... wouldn't it be a fantastic system if you could go to another state and escape your punishment by simply saying, well, they wouldn't have punished me that severely here. So therefore, I get to be by your your punishment. I got a 20-year sentence in Wyoming but you would only give me three years out here, wouldn't that be a great system? What would happen if it worked that way?

Andy 1:25:21

I, okay, then then shelve that for just a second. Georgia has 1000-foot living restrictions, go move to a state that doesn't have them. Do you have to follow those living restrictions?

Larry 1:25:31

Well, if they're in the Georgia law, no, because the Georgia law doesn't follow you. So if the if the registration law in Georgia says you've got 1000 feet, we don't give a damn about that when you get to Wyoming if we don't have that. (Andy: Sure.) If your conditions of supervision says you shall not live within 1000 feet of a school, and that's an order of the court that makes it a little bit different because that's a part of your punishment. So that's probation condition that the sending state imposed. But so what the receiving state would do in a case like that they would they would, they would notify the sending state and say, we don't have that here. We can't enforce that here. And then the sending state would get the option to remove a condition that they can't enforce. There'd be a state like Massachusetts where I think the Court has said that residence restrictions can't be imposed. If if someone had a restriction that they could live with 1000 feet because of the nature of their crime. The court may have said we don't want you within 1500 feet of where children congregate and go to school. If that got to Massachusetts, they would say No, we won't be able to enforce that. And they would notify the state you

need to remove that condition or we can't accept this offender. But But your punishment goes with you. And and on top of that the state that you go to, if they would have had an additional special condition that they routinely impose on offender of your nature that has an offense similar to yours, they could add on special condition. They can't change your, your, the duration of your punishment, but they can they can add a special condition if it's consistent while they supervise their offenders.

Andy 1:27:16

Okay. So don't you have an extra question that we were going to answer real quick?

Larry 1:27:18

Real quickly Yes, the person, Eric, as a matter of fact, mentioned that he had filed a cert petition and that, that the state didn't answer. They didn't file anything in response. And that's typical. They don't file anything response when you file a cert petition, because the overwhelming odds are that the court is not going to do anything other than a one-line order saying cert petition has been denied. So therefore, the state would be spending gobs of money filing a response to something that the court has no interest in. So you cannot conclude anything from the fact that the state didn't file a responsive pleading. In fact, it is strategically probably wise that they don't because the worst thing you could do, would be to be coy or cute or say something that could pique the court clerk, the law clerks interest who reads that cert petition, and you just wouldn't do that. So, there's nothing to make of the fact that the state doesn't file a response. You'll hear when the courts interested in something, they'll direct the state to file a response, and that's when the state will file their response.

Andy 1:28:16

Okay. I think that about wraps it up, Larry.

Larry 1:28:20

I hope so. (Andy: I think. You hope so?) I hope so.

Andy 1:28:23

Ready to check out?

Larry 1:28:24

We're on overtime now.

Andy 1:28:26

Almost, not quite. We're at 1:27:00 is what I have for time. But you could find the show over at registrymatters.co. Larry what's the phone number?

Larry 1:28:37

I forgot. (747)227-4477

Andy 1:28:43

And email is registrymatterscast@gmail.com and we love all of our listeners. But our patrons are especially special to us. How do people reach us through Patreon?

Larry 1:28:56

Very carefully on the internet. You you surf around 'till you find us.

Andy 1:29:00
patreon.com/registrymatters 144 episodes and you don't have this. I should be like beat you up at like two o'clock in the morning
Larry, what's the Patreon address? *tired voice*
patreon.com/registrymatters

Larry 1:29:12
There's nearly 100 people in the chat.

Andy 1:29:16
You need to get your glasses checked because it's not quite that many. It's close but not quite that many. Larry, I appreciate it as always, and I think I'm supposed to do something else before I do all that, aren't I?

Larry 1:29:30
I am always glad to be here.

Andy 1:29:34
And I can find it really quick.

Larry 1:29:36
Nope, you don't have it.

Andy 1:29:39
I can find it and then I'll have to clip out things. There it is. I found it.

Movie Clip 1:29:44
That is why I am heae (here).

Andy 1:29:49
Thank you Larry. Have a great night.

Larry 1:29:51
Good night, everybody.

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