



## Registry Matters Podcast

Episode 161

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Andy 00:00

Registry Matters is an independent production. The opinions and ideas here are that of the hosts and do not reflect the opinions of any other organization. If you have a problem with these thoughts, fyp. Recording live from FYP Studios, east and west, transmitting across the internet. This is Episode 161 of Registry Matters. Larry, we are getting closer and closer to that age of yours.

Larry 00:23

We've still got a couple of decades to go. But we are we are closing in. Yeah, now they're getting there now can't

Andy 00:29

A couple of decades. Yep, we're getting there. Can't wait till we pass it.

Larry 00:30

Another 20 or so episodes and we'll be there.

Andy 00:35

Here we are 161 already. Amazing that we've made it 161 Did you think we would make it past like 16 episodes, let alone 161.?

Larry 00:43

I really didn't have any idea what we were doing when we started. So I didn't have any expectations other than it was the nuttiest thing I'd ever heard of.

Andy 00:53

"What is a podcast?" he said. Tell us tell us a little brief synopsis of what's going on tonight.

Larry 01:01

Well, we're going to have some listener and reader submissions, at least two possibly a third one. At least we'll touch on the third one. And then we have, we have a guest, a treatment professional. We're going to talk about if treatment can harm a person who has not committed a sexual offense. That's out of our area of expertise. And we're going to talk about a case out the Fourth Circuit Court of Appeals, dealing with conditions of supervised release on the federal side. Polygraphs, porn bands, and then we're gonna do a little brief legislative overview and tangentially touch on a bill that's pending in New Mexico. And then we got a couple stories to talk about. That should fill out the podcast. And it should be lots of fun.

Andy 01:49

Outstanding. Well, let's dive right into question number one, because this one makes me giggle. It's like:

### *Listener Question*

I am innocent. I'm convicted of a sexual offense when no activity of a sexual nature took place. I'm I was simply writing to Alabama from Louisiana for a funeral when pulled over. Four hours later, I was arrested for trafficking heroin and human trafficking. It was not a sting operation just pulled over for a so-called tag light out. Circumstantial evidence exists, but the truth is, I was not human trafficking. Nothing of a sexual act took place. The young lady who was 27 years old, stated that while visiting me in Louisiana, I had

tricked/coerced by drugs to escort. Wow, my request is that any available insight on laws of a sexual nature in Alabama be sent to us because this method is being used to genocide us here and across America. That sounds kind of crazy to me, Larry.

Larry 02:58

well, not so crazy to me, for a couple of reasons. The human trafficking has been so expanded at the instigation of victims' advocates and the Polaris project and all these people who insist that human trafficking is at astronomical proportions in the United States. I'm not convinced, but they say it is. And if you redefine enough crimes and make them human trafficking, of course, it would be an exponential explosion in number of cases. But what they've done is redefined stuff that was already illegal. They've made it more serious and they've put the label human trafficking on it. It reminds me of the of the *Bush v. Gore* case in 2000. And in Florida, when the trial judge, the Florida State judge blamed, his names was Soles, or something like that, but he was sitting there, and he had denied one of the attempts to stop the counting. And they filed the same motion again, and they put emergency on it, but it was the same content. And he says, Well, he said I'm reading your motion. He said, it looks like essentially what I've already ruled on, except you just stepped emergency across it. And that's what's happened with human trafficking. But in this particular case, of course, we can't delve into it because we don't have enough information. And we wouldn't be able to if we had all the information because there's no one licensed to practice law. But what I would say to him is that clearly, they must have found some activity, some evidence related to the drugs. And then as they discussed the accompaniment of the young lady with you, she probably said some things that were different than what you said. And she may have said that because she had motivations to avoid other charges. We don't know enough about why they would have made a deal with her to turn on you. But that could be what happened. And I'm guessing that you did a plea. And now you've had a second and third thoughts about the plea. But when you did that plea, remember when this judge asked you, were you satisfied with your attorney, do you realize that you're waiving all these rights and they would have read a list of rights that you are waiving. And you said yes, yes, yes, yes, yes, they asked if you are under the influence of any intoxicants that would render you incapable of understanding. When they ask you all those things, I'm quite confident you said the correct answer. Which means that if you did, in fact do a plea, you're going to have a very hard time undoing that plea. Not saying it's impossible, but you're going to have a very hard time.

Andy 05:35

Also, Larry, when you know, we're just like, totally no more details provided but it says it was just pulled over for a tag light out. They would just come up in and look at the car and they would say, hey, you have a tag light out, here's your \$50 fine and move on. But something else made things take four hours. Well, like I'm gonna totally like it makes exaggerate this. But they walked up to the car and they saw someone with duct tape wrapped around their hands in the backseat. And they said the tag light was out. That's why he got pulled over. But they found, I know that I'm exaggerating, I don't I'm not trying to like put words in this

situations mouth, but something caused it to take four hours before they arrested him.

Larry 06:14

Well, I would tell you that if you looked at the name, that probably tells you a little bit about the ethnicity of the person. If you look at the place in Alabama, that tells you it's in the boondocks. I mean, who's ever heard of Brent, Alabama? (Andy: Oh, I see.) Now, he doesn't tell us. He doesn't tell us where it happened. That he that's where his where he's incarcerated. But I'm guessing that it probably didn't happen in one of the larger metro areas, it probably didn't happen in Birmingham or Montgomery.

Andy 06:48

And you're saying this is a minority too. So someone was just being like totally harassed, because they're a minority.

Larry 06:51

I would say that based on the profiling that happens in this country, that he would have gotten more scrutiny, particularly if there were an age differential. A reasonable officer's gonna ask questions, if you've got someone as old as I am going back to the Lincoln administration, and we've got a young person with us. So the first thing that they're going to ask us is, you know, where you're, you're trained to be able to look out for things suspicious that that you might need... I mean, you just saw the story or heard about the story of a kid that was in the restaurant being, they had bruises and marks all over. And the restaurant manager held up a sign that said do you need help? and the kid signed, yes. And they came in arrested the people. So so I would guess that this looked a tad bit suspicious, probably driven by biases. When they ran his ID, they probably found some criminality in his past, which that in of itself does not justify searching the car. But then officers, once they find your record, they magically smell something emanating from the window. Or they see something in the floor that looks like it might be paraphernalia. And then they ask you, they ask you, are you carrying anything, do you have any drugs in the vehicle? And of course, the person says no. And then they say, Well, you don't mind if I take a look? And the person the person says, the way they phrase the question, no, and the way the officer asked the question, it's no either way. You know, you don't mind if I take a look? And the person says, No, I don't want you to take, but they just say no. And but the officer takes it, well, no, you don't mind if I take a look at it, they start looking around and they start pilfering and they see more evidence, and then they call for the dogs. And then the dogs come and they always alert. The dogs almost always alert because I mean, that's what dogs do. I can't say that dogs are trained to alert because I don't have that expertise. But I can tell you that if the dog hangs out in your car long enough, they start pawing at something.

Andy 09:02

They will find something

Larry 09:04

And then all of a sudden, based on the dog's training, they search the vehicle. So they found the drugs and then they would have they would have separated the two. And then they would have told her that she's in all sorts of trouble, that they found these drugs. And and she would have told them what they needed to hear. Because maybe she didn't have a criminal record. And

maybe he did. And they told her that she was gonna be end up holding the bag because it was found on her side of the car. And then she told a story that met what they needed to hear. And they needed to make a case and they made a nice case. They got their human trafficking because she said she was being coerced. And she might have gone totally free. There's a lot of stuff we don't know about this case, but It'd be interesting, if he writes back back and tells me how close I described what happened.

Andy 09:54

All right. I didn't want to stick on that long, but I did have that like they kept they held on to you for four hours before you arrested. I just want Like something else happened that we're not hearing about. All right, well, then let's move on. And oh, this is the hate mail for me. Like:

*Listener Question*

I've got a beef with Registry Matters and NARSOL. Andy recently told his story about getting off probation years early. And that's all fine and dandy and great. Unfortunately, it's obvious that neither of you have a clue what it's like to be stuck inside of a COVID-ravaged prison with no idea what we are facing when we get out. Why can't you people tell us in simple English, what will be required in terms of registration and what the rules of supervision will be when we are released? How are we supposed to comply if we don't even know what they will require?

Andy 10:37

Larry, get on that crap.

Larry 10:40

So well, I mean, it is a valid point, what you don't know can be very terrifying. And trust me, I do, we do understand that. I bet you remember how terrified you were about what you didn't know.

Andy 10:56

I wrote some letters myself and couldn't get anything back. No one would write like, you have no flippin' clue of what is going to be tailored to your situation. But you can give, we can give people like roughly an idea of it's not going to be this, but it might be that.

Larry 11:11

So I'll say that your attorney either didn't know what you're facing, or could have deliberately minimized what supervision as a sexual offender would entail. If they actually had told you everything, say they did know everything, if they actually had told you everything, you might would have had second thoughts about whether you wanted to do the plea or not. And then in terms of registration laws, they are really complicated all over the map from coast to coast, there's, there's so many variables. So we really can't tell you specifically what you're going to be facing. We can tell you in generalities, for example, you go you go to the extreme Louisiana, they require you to pay the cost of knowing everyone within a certain radius of your residence. (Andy: Right.) Well, obviously, if you're in a population center, if you're in New Orleans, if you're in a populated area, the number of people and the cost related that notification is going to be more than if you live in a rural part of Louisiana. But registration is going to have a lot of similarities, I mean, they're going to take a lot of basic information, they're going to give you a list of things that they want from you, they're going to take fingerprints and photographs, they're going to take a

DNA sample, if they already have it, they may, they may take it again, even if they do have it and they're gonna, they're going to give you a list of things you're forbidden to do. And that list will vary dramatically from jurisdiction, if you live in Vermont, there won't be nothing on the list. If you live in Louisiana, Mississippi, there'll be a lot of things on the list. So we couldn't begin...

Andy 12:42

Don't even like fart in the wind or you're gonna be in trouble.

Larry 12:45

We couldn't begin to tell you all the stuff you're gonna have to face in registration. And then in terms of probation, that can vary dramatically from county to county within the state you. You'd be a testament to that. you've got 159 counties in your in your state. And you know, from your advocacy work, what people endure, depending on what county they're in compared to what you endured in the county that you were in. And, and so it's like, we can tell you that probation generally, is not going to be fun, we can tell you that. And we can tell you that that they will really come down on you. I mean, harshly. If you do any pushback on anything that they tell you to do. The bottom line is, folks, you're gonna have to do what they tell you. When I give that answer, people think I'm being curt, I'm not. When you get, you see your probation officer, they're going to give you a list of things that you're going to have to do. And the bottom line is unless you want to be in the place that you were not, that you were just released from, you're going to have to do those things. And the list can be very long, and you won't like some of the things. But you really don't have any choice until your period of supervision concludes.

Andy 14:05

I will tell you that when we did cover that, forget what episode that was, like 155, when we discussed this, I did discuss that I have like some sense of you know, quote unquote survivor's guilt that you will agree with me that I have not had, it wasn't the worst of probation that you have seen. So I know how bad it is for some people. And I feel like I did dodge a whole ton of bullets. But that said, Here we are trying to help people navigate this whole crazy mess too and try and figure out how to make things better. I feel like somewhat of an obligation that I do have these freedoms and did have these freedoms. I don't have to really worry about it that much now, but I know that I dodged a lot of bullets. And I told people that from the start. So for someone to reach out and go, Oh, we don't know what it's like. BS, we do know what it's like.

Larry 14:52

Well, and then we get the request for the registration statutes all the time and they can be 30 to 50, maybe sometimes more pages long. And if we, if we could send those, I mean, the expense when you start talking about sending in a large envelope with 30 to 50 pages in it. When they say what are the, that's probably the most common letter that we get at NARSOL and now letters are beginning to come to the podcast. What's the registration law in Ohio? Well you're going to get a document, if we were able to send it, it's going to be a very thick document, it would cost a tremendous amount of money for printing and postage and time to ship those. Now, as part of our c3 status, I'm hoping that we can actually begin to do some of those things, maybe at a very modest token cost. But when you when you ask those questions, the reason why we don't answer them is because we can't answer

them. It's too specific to your geographic location, and what the rules are for supervision in that particular county, and what the state requires. And then, like, for example, even in my state, we have, as far as I know, the only prohibition in the nation that says law enforcement cannot collect anything that's not on the list. And I put that language together. And I helped pass that language in 2013, to stop law enforcement from inventing requirements. I just received a phone call a week and a half ago, from a person in a county just south of Albuquerque that says he gave me a list of things that that Sheriff is requiring of them to do. So even though it says a sheriff can't collect any information that's not in the statute and we're the only state in the union that has that. They still do things. So, we can't even just look at the statute and tell you these things, because they invent things that are not in the statute.

Andy 16:45

I gotcha. I would also like to point out that what you just described, though, is that the language exists, because who put it there? (Larry: Me.) Okay, just checking. I hear people pushback about, well, what are we going to be able to, like, we can't vote, we can't do this, we need money to do these things. And, and we're going to talk about this coming up later in the show. But you have a unique set of skills. And I like to use that a lot. Because there was a quote in a movie of from Liam Neeson in the movie taken where the guy calls the kidnappers and says, I have a unique set of skills. And I, I consider this to be you. But you are the one that does a lot of this work. And it is doable without a lot of money. And it is doable without a lot of support from other people, it can be somewhat of a solo job that you can go make a lot of change. If we would just get people that would go visit our legislators and visit and build relationships and whatnot.

Larry 17:39

build relationships and have credibility. The relationships don't come easily. And you have to establish yourself with credibility. And most of our people go in with a chip on their shoulders, and justifiably so in many cases, but they go in with this holier than thou, you ought to understand this, you put me in this. Yep, that's what they do. And and "everybody knows that I'm getting screwed." And honestly, everybody doesn't know that you're getting screwed. A whole lot of people serve in these chambers have no idea what registration is like, they have no idea what you're going through, they have no idea that you can't go to your schools with your children. They, it's never occurred to them. They they've never been told. All they know is that there's a registry and as far as they know, you have to go to law enforcement, put your name on it, they don't know what it entails.

Andy 18:32

Alright, and then we will move over. We're gonna say, there, somebody wrote in and talked about moving to the United Kingdom, and he wants to know, stuff that we can't really talk about. Can you fill in those gaps there, please?

Larry 18:44

Sure there's a there's a we have a regular listener on the podcast that joins us in... and I don't think he's here tonight, but we have a regular who, who is a dual citizen. (Andy: He just showed up.) And we're gonna bat this around after the podcast and see if he can offer some insight and we'll probably come back to it depending

on what he says. In the next episode. We've got too many things planned tonight. But we wanted the writer to know that we did receive the letter and we're going to try to give him an answer to part of the question. We're not in the citizenship renunciation business. So we will not be addressing that part of the question, but we will address the rest of the question.

Andy 19:26

Okay. All right. Then we are going to bring on our guest and we are going to have Theresa. Theresa Roberson is a licensed psychotherapist in the private practice area. She has been involved in advocating for rational sexual offense law since 2016 and is active at both national and state levels. She's a founding member of the PARSOL which is Pennsylvania RSOL and she serves as the executive director of that organization. Theresa is passionate about working towards solutions that both prevent sexual abuse, abuse and honors the inherent worth and dignity of all human beings. Theresa, Theresa. Theresa, thank you so much for joining us. Welcome.

Theresa 20:07

Good to be here.

Andy 20:10

Thank you very much for coming on short notice. Larry had set this up.

Larry 20:16

She had ample notice I texted her last night at midnight.

Andy 20:20

Oh, good for you.

Larry 20:23

I mean, isn't that enough? So, we, we had, we had a discussion about treatments on a number of episodes back. And a person wanted to know, if, if you don't admit criminal responsibility, if you don't, if you don't tell them what they want to hear, they will terminate you from treatment, and then all these bad things happen. And being that I'm not an expert, I opined that, I think you could possibly do treatment without, you know, without any harm. Because if this stuff doesn't apply to you, it doesn't apply to you. But again, I'm no expert. And then we had one of our one of our transcript subscribers wrote in that's in Fort Leavenworth, in a military facility, there's two over there, but he wrote in and said that they actually had created a program for those who, who maintain their innocence. And, and he felt that the program was okay, because of what it focused on. And to that subscriber, I don't have your letter to read, we filed by last name, and it got lost in all the files, that's in the computer, but I don't know which one which one it is. But he he he said that, that there was, it did address thinking errors, and that he thought that that type of treatment program was okay. So, once he listens and reads the transcript of this episode, he can write back in again and tell us where we're right and where we're wrong. But that's that's the setup for it and Theresa, I didn't send you any questions in advance. But with a limited scope of what we're going to talk about, you know, you know, where we're going with this is about treatment, and what harm can be done if the person is forced to participate, and they and they have no sexual offense pending, or the type of offending

that they did is not representative, they're not doing treatment that's proper for that type of an offense. So go ahead and do it.

Andy 22:30

I can agree with that side of that, though, Theresa, that if because I think treatments come in kind of probably more than two flavors, but two flavors where one is a hatchet job. And another one is someone that actually cares about the treatment process. So I think the one that we are mostly concerned with is one that's like a hatchet job where they're just trying to like shame and blame you about all kinds of things.

Theresa 22:50

Yeah, and I think, you know, yeah, there's more than two flavors. And I think it's, but I think it's important to mention that it's, it is not a black or white thing, there's a continuum in terms of care. From, from really gold standard stuff, that, that works and helps people to, to, to live lives that are meaningful and purposeful, and to move on from any mistakes they've made. And then there's this one size fits all, um, and different... and there are approaches that that clearly don't work, the research indicates they don't. You know, one of the first things first, first approaches that kind of in this area of SO-specific treatment was relapse prevention, which was taken from the addictions community and it, it's pretty much been demonstrated to be ineffective. And, and unfortunately, there's still plenty of that around. So it's really, I mean, there's lots of good treatment out there. And there's lots of not good treatment out there. And there are lots of good therapists and they're not good therapists in any area, including this one. And we all probably have heard either experienced personally or heard horror stories about people who are in mandated treatment, who don't belong there. Maybe they did commit a crime and the... nonetheless, their risk is so low, that to be in a one size fits all treatment group and be subjected to, to these weekly meetings, for the duration, often for the duration of their probation, as opposed to... and these are the, you know, the these are the programs of the treatment, if you will, on the one end of the spectrum where things have gone really wrong. You know, there are folks sitting in these groups that's costing them money, their risk is no higher than anyone who you know, if we look at Hanson's research, right? And we know that that there's plenty of folks who leave prison, and we know that at with, with minimal risk, and even after they're out for a year or two, it continues to decrease, and rather than people being able to finish up with treatment and the program, they magically successfully complete treatment when their probation ends, the day their probation ends. And, you know, ethically, there's no, not the American counseling Association code of ethics, not the American Psychological Association, code of ethics, there's no code of ethics for therapists, that doesn't, doesn't clearly state that providing services, providing therapy after the saturation point when there is no benefit to be received is unethical. So that's only one of many things that can go awry. You know, and Larry mentioned, this, you know, originally this, oh, my screen went blank, but I'm still here. Okay. Larry mentioned, the, you know, the case when someone basically maintains their innocence, and they're in one of these programs that kind of requires folks to, to, to fess up, so to speak. And they're not, they're not getting there. And that's, that's really interesting. You know, number one, a certain percentage of those folks actually probably are innocent. Right? And then, and then there are others who, who are in maybe a state of denial. And, \

there's research in terms of, so you probably have heard of the good lives model? Is that familiar to you?

Andy 26:56

I think I can figure out what it means. Can you describe it real quick?

Terresa 26:59

Yeah, real quick, it's, it's kind of a framework for that you can provide therapy within and it focuses on what's really important, it's related to desistance from criminal behavior, is that people are, are getting treatment that actually helps them acquire all of the 11 primary goods that all human needs. And those are life, knowledge, play, work, agency, inner peace, relatedness, community, spirituality, pleasure and creativity. So, so that's, those are all things that should be dealt with, you know, to the extent that the person who's in therapy would like to address them.

Andy 27:47

On that list, what's funny, to me is a lot of the things that the registry keeps you from about half of those things of having anything,

Theresa 27:53

Exactly and we know that in order for people to live like meaningful, purposeful lives, and you know, they need to be able to access these things. Humans, all humans do. So if we really want people to desist from offending, whether it's sexual offending or any other offending, we want to be providing services that help them to, to achieve their full potential, if you will. And that full potential is pretty much driven by what matters to them, you know, what makes their life worth living, not what I think should make their life worth living. And you know, in a lot of the treatment programs on that end of the spectrum, where things go so awry, and it is harmful, they have one treatment goal, and that treatment goal is prevention. Nothing else. So of those 11 primary goods, there's nothing, you know, it's all about prevention.

Andy 28:50

Let me ask you this question. There were things so there were two different treatments, there was one while I was still inside, and then I had to go through the one for a little while outside, and I don't remember which one it was. But there were things that I learned that people may do with each other, that I've never considered that people would do. And, like, I didn't want those images in my head, like, hey, if that's your jam, like, man, knock yourself on that jam. But that wasn't my issue. So and I wasn't in any sort of treatment that was like any, like, gay bashing, like there was none of that there was no a testament to faith. There was none of that. It was like, but I was like, I don't want to know that.

Theresa 29:27

Yeah. And, and that's one of the big, that's the one size fits all thing when there are there are people very low risk, probably one-time offenders. We know most people are one-time offenders and that and these ,and a lot of them are pretty young, and they're sitting and they're listening to this stuff over and over and over again, and not helpful, not helpful at all.

Andy 29:56

What do we do? This stuff is mandated at a, at a, like a legal level and the policy people that are writing the policy, they don't know what best practices are, what the evidence shows, they're just appealing the constituency.

Theresa 30:12

Yeah. And and I will say that there are people in this field, I am not, I am a psychotherapist and I do not do this work for a number of reasons. And, and I am a member of ATSA because I do work with non-offending minor-attracted persons. And I also do have done research in terms of looking at we've talked about this in the past, compassion-focused therapy for people who have sexually offended but not people who are mandated to treatment, I don't do that. And for my own reasons, nonetheless...

Andy 30:50

I'm going to ask you about that one in a second.

Theresa 30:52

Nonetheless, there are a lot of phenomenal people out there who do that kind of work, and, and are and they're actually, they care deeply for their clients. And they do work towards advocacy to try and get this changed to try and promote... Joel Levinson, for instance, is really focused on trauma-informed care, which has been woefully absent among this population almost since the beginning, if not from the beginning. There are treatment providers and and groups of, different groups in different states, as well as nationally, including ATSA, that are advocating and really try to move the needle towards practices that are increasingly more effective and, and more holistic in terms of help really, truly helping the person not only prevent recidivism, should that be a risk, but also to be to become the people that they can be, right?

Andy 32:07

Larry, you have a question?

Larry 32:08

I got, I got two questions, I'm gonna set up two scenarios, which is bringing it back to the point of what we're going to go to about the harm. So, I'm going to set up Scenario number one: A 24-year-old, and we won't even do gender, has a consensual relationship with a with a 17 year old. And whether they're same gender or a different gender, I'm not going to go there, but it was totally consensual. And the only thing was they were brought into the law enforcement community by the fact that that state has an age of consent of 18. That person, if it happened in this state they're going to have to get treatment. What harm comes to them for getting treatment? One error they made was a thinking error that they did not, they did not the 24 year old did not take the time to realize that that they couldn't have that relationship, even though it's consensual, as much as they love each other. So you deal with the thinking error. What other harm could come from the treatment modalities they're likely to put that person in so that they can milk them dry for the five years that are supervision?

Theresa 33:14

Well, one of them is the is what Andy just mentioned, right? So you've got this 24 year old, who is, is sitting in a room full of I don't know, 8, 10, 12 probably other males. And, and, and if there's likely that everyone in that group is not in his situation, that there

are have probably been some, and they're going to start repeating their, their abuse histories. And, and that person is going to be exposed to that. I mean, Andy sitting here saying, you know, I don't want these images in my head. And I don't want to know what images Andy does have in his head either. And that's, that's not helpful at all, it's not helpful. The other thing is if, if this 24-year-old is not benefiting from the therapy, now maybe this person is lucky and he ends up in a program that's halfway decent, and they do individualize the treatment, then he may be able to get some benefit from it and that will be great. And but even that would come to a point where it's not going to be beneficial anymore.

Larry 34:32

Correct. And we go for the entire time of your probation here. And that that part, that part really, I find objectionable.

Theresa 34:42

Yep. Oh, absolutely. And, and that doesn't happen everywhere. But it happens in way too many places across this country. I know it happens here in Pennsylvania. In some instances and in others it doesn't, it depends on the luck of the draw where you live, who happens to be authorized by the SOAB to provide that kind of treatment. Some have moved forward in a way that's, that's reasonable, and that 24-year-old might, might luck out and land with one of them and get some individualized treatment. So here, you know, I believe in therapy, I am a therapist, I give it and I also have a therapist, I receive it, you know, so if so if anyone can land within a decent program, where they're guided by ethical concerns, and if the treatment is individualized, and it's collaborative, there can be benefit. And if it's, if it's not, then there can be real harm.

Larry 35:43

Okay, Scenario number two: Got an ugly, ugly divorce. And the, which this is not so farfetched, one partner manages to convince a 13 year old to say he touched me there, or she touched me there, it doesn't have to be gender specific. And the accused is told that they're going to go to prison for 50 years, and that they're going to be convicted based on that minor's testimony. And they take a plea, and they get a small amount of incarceration, and then they're, they're put in treatment so that they can, and actually nothing happened, the touching, if it occurred was totally appropriate touching, but they get put in treatment. And if they say, Well, I took the plea, but I really didn't do anything. But I took the plea to save my kid. How does that, how does treatment hurt that person?

Theresa 36:35

Well, again, it's gonna depend on the provider. And it does run down that continuum. But if we're talking about the far end of the continuum, where things do not go well, that person is put in a position where he's going to have to admit to doing something he didn't do if he ever wants to move forward, at all. And and, you know, I mean, you don't have to have to be a therapist or have any knowledge of psychology to know that that's not a healthy thing for anybody. You know, what's interesting, too, about this, in terms of maintaining innocence, even folks who, who, who have committed a certain sexual offense, there's in the desistance research, there is, there's, there's some evidence to suggest that part of the process of being able to get to the place where you can

create and develop a new social life, a new identity, a new prosocial identity, involves kind of managing the stigma that comes with acting in ways that are harmful to others. And in the case of people who've sexually offended, there's a stigma also with that label of sex offender. So there's this huge stigma that needs to be managed before the person can kind of move on and, and during that process, there's a series of denials, like denying responsibility, denying injury, denying the victim, condemnation of the condemners. There's, you know, and that's part of this process of being able to get to the place where you can, you know, because the stigma is so, it, it brings on so much shame, this deep, deep shame that is, can be a immobilizing for humans and our minds, just some times can't handle it. And so people will kind of start off in a place where the denial is there for for a reason, and a good reason. But if they're in a decent treatment program, and they can process and move through, you know, processing past their own past traumas, processing the shame, and the stigma, getting to all of that they can get to the place where then there's this, this shift in how they see themselves. Yeah, they start to see themselves, you know, in the context of of those 11 primary human goods, right. So, so the whole thing with denial is important on both sides, not just folks who are denying because they, they, they didn't do anything, but also folks who are denying the, and have done something, but but there's a psychological process they have to go through to get through the other side.

Larry 39:36

So I'm pretty sure, I think I understand and, and I think what I'm taking from this Theresa is that if you're lucky enough to be in an individualized treatment, you can benefit. If you're in my state, particularly you're not gonna get any individualized treatment. And this could be this could be very detrimental.

Theresa 39:57

Absolutely.

Andy 39:58

It's kind of like we were talking about polys last week, it's kind of a kabuki show that the the treatment provider is just there to shame and blame you and make life hell and essentially almost be a, what would be the word almost like an informant for probation to get you to admit to doing things that you shouldn't be doing under the auspices of HIPAA and keeping things private, and this is treatment, so to speak. And then they go report all of that to probation.

Theresa 40:25

Yep. Those are some of the reasons I don't work.

Andy 40:33

But let me if, may I ask you, though, wouldn't you be one of our advocates of running treatment that is effective? And I don't want to call you out if you're not comfortable answering. But it seems like since you know, this, from that side, why don't you become a treatment provider that does it for our people to benefit them to those that you can touch? I mean, it would only be 10 or 15 people at a time.

Theresa 40:54

Because in order to treat folks who are mandated, and I do treat folks who aren't mandated and and folks who you know, who are

minor-attracted who have not offended, um, but if I was doing mandated treatment, I would be required to do to, to get in on the polygraph wagon to report to POs. That would, those would be requirements. And I'm not gonna do that.

Andy 41:30

So depending on the state, you would have to follow the program they have set up for how they want to do treatment.

Theresa 41:38

Exactly, and yeah, and that's not something I'm willing to do. But there are people who are advocate people who do this kind of work, who are advocating and do advocate for more effective and evidence-based treatment that is holistic, that is trauma informed, that does support the good lives model. Actually, there was some research done in North America, they, in Canada and the US, they were looking at the extent to which good lives was incorporated in SO treatment in in those two countries. And they only found one in the United States where it was where it was being implemented in total. The others there was kind of like, you know, there was some, it was good lives model informed, but it wasn't the whole package. So so we have a lot of work to do.

Andy 42:36

Larry, is there anything else before we wrap that section up?

Larry 42:39

I think I got what I was looking for. And hopefully this is helpful to those who are going to be facing this requirement to get treatment and they're going to pick your treatment provider for you in most instances. And it's going to be what Theresa said. It's going to be, it's going to be if you're not on board with what they want, that person, that treatment provider will not be on their list.

Andy 43:04

Theresa anything before we go? Do you want to leave any sort of contact information for people to reach out to if they have any further questions? You don't have to.

Theresa 43:12

Sure, sure, no problem. Um, so yeah, I can be reached at and I never know which email to give So I'll just do personal, Theresa@parsol.org. You can reach me there. (Andy: That should do it.) Yeah. That would be great. Thanks.

Andy 43:31

Should they send you a blank check? Should they send a blank check there to get treatment you?

Theresa 43:38

Oh, a blank check. You know what? They can just send me their credit card information and I can stick them into auto pay. How about that?

Andy 43:49

Perfect, excellent. And it was suggested it would be theresa@parsol.org. t-h-e-r-e-s-a. Thank you so very much, Theresa. Really, really appreciate you spending, and we'll talk to you soon.

Theresa 44:06

Thank you guys so much. All right, bye now.

Andy 44:08

Bye.

Larry 44:09

Good night.

Andy 44:12

Ready to be a part of Registry Matters? Get links at registrymatters.co. If you need to be discreet about it, contact them by emailregistrymatterscast@gmail.com. You can call or text a ransom message to (747)227-4477. Wanna a 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. Okay, Larry, and we'll just keep driving this bus won't we?

Larry 45:05

fantastic. We've got more territory to cover.

Andy 45:08

We do, we do. We'll go over this case that we got with *United States v. Ellis*. And I think you helped with some questions here again, and this came out of the Fourth Circuit. And is that the East Coast middle section, like Carolina, is that...?

Larry 45:27

This covers North Carolina.

Andy 45:30

Okay, because that's where this case came from. I was just trying to make sure. Do you remember where else this covers?

Larry 45:34

I do not.

Andy 45:36

Okay, that's cool. I know. It's like Middle Eastern Seaboard kind of stuff. Alright. And then why did you put this in here for us to discuss this week?

Larry 45:42

Oh, because it's important. it reaffirms an existing precedent regarding internet bans and the total prohibition regarding legal pornography, which is a very common, common ban that you can't look at anything that's even remotely stimulating.

Andy 45:59

This is my question. So I could get myself put back on probation just because I want to be able to look at porn.

Larry 46:06

Well, I don't know if you'd want to do that.

Andy 46:10

And we've been talking about like God, Larry, I, maybe the second or third episode, we talked about internet bans. And we've had *Packingham*. I remember a case out of West Virginia, we've covered a whole bunch of cases. We even talked about one superduper recently, and I can't really think of exactly what it was. But why does this keep coming up?

Larry 46:31

Well, I guess, probation authorities are having trouble understanding and comprehending that, that these complete bans are unconstitutional and as we say they can do it until they're stopped. So Mr. Ellis has temporarily stopped them. And I say temporary because we don't we don't know we don't know if it's going to be temporary or not. They may come back and and give him a... we'll just go ahead and do it on the breakout, but, but he has temporarily stopped them.

Andy 47:00

And you're saying that the Fourth Circuit has greenlighted viewing porn.

Larry 47:06

Legal porn. Be careful now. We're not talking about...

Andy 47:11

Sure. It's funny to me, Larry, like if we would bring Theresa back, in my brain, I don't even ever think about illegal porn, I just think about like the adults doing naughty things.

Larry 47:22

Yes, porn and sexually suggestive stuff is legal in this country. There are fewer and fewer print publications. But what has gone the way of the dinosaur the print publications has been replaced by a plethora of adult sites that you can go to where theoretically, everything you're watching is adult oriented. And so the Fourth Circuit has, in fact, greenlighted the viewing of adult porn unless there is an individualized finding, which is what I keep saying on this podcast. Probation authorities, listen carefully, you have broad powers to do things. If you individually tailor them to that offender. You can do almost anything, almost. But it has to be tailored to that offender. And you can't help yourself for some reason, you want to put these conditions on everyone.

Andy 48:18

It just, it would be easier to go, Okay, let's just throw out the dragnet. And you know, like there's this stupid condition in Georgia that you can't drive alone. I know that's not related to this. But I'm just saying like that is just a blanket restriction. I suppose, if you were one that has picked up people like hitchhikers and done your deeds, then it would be appropriate to say that you can't drive alone because you can't hep [help] yourself as you would say, of doing things with people while you're being unsupervised in a car. But if your crime did not involve adult oriented, suggestive material, the penthouses and the playboys, then, like I don't know, it comes back to like a prudish kind of societal idea that internet porn is bad.

Larry 49:03

Well, they have the Fourth Circuit affirmed that such bans can be imposed with individualized reasons articulated. Probation

authorities, I mean, you're hitchhiking would be a great example. In the behavioral contract in New Mexico, it says, one of the terms of the many plethora that are in that behavioral contract, it says you will not pick up a hitchhiker. (Andy: Same here.) And that has nothing to do with anything other than they thought it up, because maybe somewhere deep in the bowels of the of the of the archives of the of the corrections department, they have someone who committed a sexual offense after having picked up a hitchhiker. But that was one anomaly. And you would be able to comfortably impose that condition if it was related to the offense, and it doesn't even have to be directly related but tangentially related to the, to the uniqueness. But you just can't help yourself, you go out and you find something that happened once we call the saber tooth tiger, and then you put that condition on everyone. And it's going to keep tripping you up over and over again. Because there are going to be more and more cases filed. Each time we build this body of case law, this is a reiteration of the body of case law that's out there, and more and more people are gonna find out that you can't do this. And you're gonna have more and more of these to defend. And I realize you get to do it freely, because you have unlimited resources, and the offender doesn't and you have the upper hand, but you're eventually going to be stopped. Because you can't just make the rules apply to everybody. The courts are telling you that over and over again.

Andy 50:48

Does this mean that we can run to our handlers and tell them I'm going to look at porn all I want, fyp?

Larry 50:55

I don't think I would do that. (Andy: Oh, damnit) it certainly doesn't mean that. What it does mean specifically is that Mr. Ellis, who was the litigant here can view adult porn until such time as the government puts on evidence that such viewing is detrimental to him, to his rehabilitation. And it was noted that the district court, this is the appellate court speaking, that the district court heard no evidence about how that pornography use may, may or may not influence Ellis' behavior. In fact, the court stated that the government only presented that the pornography ban was necessary to avoid, quote, occasions of sin, such that Ellis would not be put in a position to be tempted to violate the conditions of his release. That's all a bunch of hypothetical gobbledygook folks. While that reason may seem intuitive, or common sense to some, it must be supported by evidence, according to the United States Code, and it cites the section that it has to be reasonably related. So you're going to have to get over this thing of hypotheticals, and you're going to have to put on evidence to justify these bans. I mean, this is what you're going to have to do if you want these. And their fear is that the cameras are going to come rolling in on them. And that they're going to be asked because someone is going to do something that makes the news. And they, they're going to be asked how was this person allowed to have this access? And they would rather be in that, in that position where they granted access, they would rather have you fight your way to get that access, rather than by making a case by case decision. That's just the way they think.

Andy 52:40

And then there's anything else before we move on to the kind of not quite the feature, but the final segment that we wanted to go over, anything else you want to cover on this?

Larry 52:49

Oh, there it is. I really liked some of the some of the dicta in this case, and I'm going to quote this, as the court stated, quote, as a practical matter, the internet is likely to be vital to Ellis' reentry society, including for securing housing and employment. Ellis told the district court that he relies on internet-based apps on his smartphone to look for jobs and commute to work. And that's really, that's really significant here, that the court is saying that the internet is integral to his, to his rehabilitation. And in fact, they, they conclude by saying at the end that that that in fact, that thus while the district court was concerned about Ellis, assuring Ellis' treatment, an internet ban is as likely to hinder Mr. Ellis' progress as to help it. That's powerful.

Andy 53:45

That is kind of cool. I think about when you move, you get into a city that does have public transportation that you can just punch in like I'm here and I need to go there, and it will tell you the bus routes. Yes, you could figure these things out. They've had bus maps and you know timecards and all that stuff. But like that puts you at a disadvantage for someone that has an app on their phone that can just alleviate that level of consternation of figuring out what time you need to be and what bus stop and how long it'll take you to get there. The boss tells you to be to work by seven o'clock and you need to know that you need to get on the bus at 5am. It would just alleviate an angle that of you trying to figure all these things out. It puts you at a disadvantage to other people

Larry 54:24

Well absolutely and a lot of those methods have gone bust or going by or have gone by the wayside. You used to see racks and racks of paper bus maps. I don't see them in my city anymore. You used to used to get an old fashioned phone and you could call the bus information number where the head operator was standing by to give you that information. I'm not sure that those operate anymore that because everybody's using their phones. I mean I use one today I used an app to pick up my groceries. They notify you that that your orders ready and they have a they have a button you can Press to say I'm in route. And then when you arrive, rather than having to call inside and see if someone can answer the old-fashioned phone, you just press on here, what slot number you're in, and all of a sudden, they materialize with your grocery order.

Andy 55:14

Yes, a human magically appears. Man I'm with you. And so fewer and fewer things would then become off limits places, like we were just talking about the porn thing. Like, like the rest of the internet, like the internet is not just bad. It's not like dropping your kid off in the red-light districts and saying, hey, hey, have fun kids. There's like an actual like, useful tool. There's bad stuff in the library, if you go and look for it. But like the whole library is not bad.

Larry 55:43

Absolutely. This, this, this case, again, is *United States vs. Ellis* from the Fourth Circuit, we neglected to name one of the cases we talked about last week. But believe it or not, I took it upon myself to mail a follow up to all the all the subscribers to the transcripts. And I sent him my analysis and the name of the case. So we have

communicated with the subscribers about what we omitted last week.

Andy 56:15

Very good. Thank you, sir. I appreciate it. And let's see here. Oh, this is this is something that I asked you. Moving on. I asked you if you, so I guess to set it up: the the states are moving into their legislative sessions this month. And I was interested in trying to provide like a little bit of a drip method of doing policy analysis, we know these bills are going to be coming around in all 57 states and looking for the ones that may impact us. And not just going no new PFR laws. But which piece and how do we look at these things to try and get on board with legislators and talk to them in a way that would resonate with them whether that be from a finance side? Or what? So take it away, sir. Do you expect that they can run to... Oh, can most PFRs run to their state capitals and convince lawmakers to do what we want them to do?

Larry 57:10

Well, you can certainly in a non-COVID environment, you could go to your capitol, unless you live in Raleigh, or if you're going to go to the Capitol in Raleigh, which I think is within 1000 feet of prohibitive zones. But in theory, you could go to your capitol, our our session here in New Mexico will be meeting without public participation. But there are a number of ways you can communicate with your with your lawmakers. But I don't expect it would be easy. If you have no experience, I think you've got a little bit of homework to do, you got to familiarize yourself with the process. And you got to figure out to whom you should direct communication, because it's easy just to start calling your lawmaker, and he or she may not be in a position to do anything for you on a particular bill. Depending on where it's positioned at the time, from it may not be at that they can help you, it may not be on the floor. And so we can go into all these processes about who you would call. It's it's key that you figure out who to communicate with.

Andy 58:19

All right, and that would be how do you figure that out?

Larry 58:23

Well, to begin with, you've got to figure out how your legislature works. And we make the joke about you got to figure out where the door is. So you can actually go visit. But you've got to figure out how legislation moves. And most of them are going to go through a committee process of some type. Very few things just go straight to the floor for a vote. So you got to figure out that movement from introduction to where it's going to go. And those are the key people in the process. You've got to familiarize yourself and know how it works. You're going to be a lot more successful on the baseball field if you understand the rules of the game.

Andy 59:03

That's poppycock. So you're saying that we should go visit we should go visit our legislators' websites? So I've looked at the Georgia one and it's set up by like committees? What like can you give me the quick version of what a committee is?

Larry 59:20

Well, the the committees are how most legislators work to vent proposals. When you have hundreds and hundreds of proposals that are introduced in each session. You could not take all of those to the full body. So, the legislators break up into committees and your your, your particular legislation at, for example, in Georgia, if it were a house bill in Georgia, they're going to if it deals with registration, they're going to assign it to the House Judiciary Committee, non-civil for example. Now, since registration is a civil regulatory scheme, they start out by putting it in the wrong committee.

Andy 1:00:04

I was just gonna ask you that question, okay.

Larry 1:00:08

Nobody's ever bothered to make that argument. Now I've raised it to a George advocate, I say the first thing you need to do is go talk to the chair of the legislative civil committee, and say, this actually should be assigned to you, Madam Chairman, or Mr. Chairman, because this is a civil regulatory scheme. This doesn't belong in the non-civil stuff; they deal with criminal laws over there. And this is a civil regulatory scheme. Not to say you'd get any different outcome. But that's, that's one thing that you would want to do is to the speaker, and the leadership is, if it's the house bill's, gonna determine what committee it goes to, and, and in my, my state, you're going to get two committee assignments, if it's a house bill, you're gonna get two House committees. If it is a senate bill, you're going to get two senate Senate Committees.

Andy 1:00:59

Why would they ru it across two?

Larry 1:01:02

Well, in theory, it gives, it gives more perspective. So House Bill here is going to get like this House Bill 56, that we've already identified that's in pre file that deals with sex offender registration, it's going to be assigned to the house consumer and Public Affairs Committee. And it's going to be assigned to the House Judiciary Committee. We already know that because that's their practice. And if, if it's detected upon the the legislative analysis, analysis, that there's a fiscal impact, it could also be assigned to the house appropriation and finance committee. So it conceivably could have three committee assignments, which makes it very difficult to move a piece of legislation when you've got that many committees to go through, because you have to go through each one and get a new pass and report that out to the floor and go back to the next committee. And then you got to go back out of the floor that you got back to the next committee. And it can be a death sentence, if something gets like three committee assignments. But we do that here for due diligence.

Andy 1:02:03

So we would want things to have more committees to try and gum up the rails to keep things from going through.

Larry 1:02:10

Well, as I tell people, you're primarily going to be in the killing business. There are very few of bills that you're going to be in favor of that deal with registrants. So therefore, you're mostly going to be in the killing business. And I think any advocate can

affirm that. So therefore, anything that you can do that will help you end your goal to kill bad legislation, that's a plus for you, no matter what it is, other than anything unlawful, of course,

Andy 1:02:39

well, let's say it clears all the committee hurdles, what happens next?

Larry 1:02:44

Well, if it's if it's if it's cleared its committee, committee assignments, then it's going to go the floor for a vote. And once it does that, it's very, very rare that anything doesn't pass on a floor vote because it's gotten the endorsement and the vetting. And people have these delusions that somehow it's gonna fail on a floor vote, it happens. If something just barely squeaked through the committee process, and it was a highly divided, and it's a very emotionally driven. Bill, you can sometimes. I'll give you an example, in the last long session we had two years ago, there was a proposal to repeal a 1969 law that bans abortions in this state. Now that has not been able to be enforced since 1973 because the Supreme Court decided that at least in the first trimester, that abortions are a right of a woman to choose. Well, there's fear that that might no longer be the case. If *Roe vs. Wade* is overturned, so they were repealing that, that thing that would allow for prosecution. That did not make it through, although it did make it through the committee's, but it got to the floor, and they just there was enough opposition that materialized and it failed. On the senate floor, now some of those senators have now been defeated, and will not be back. And that bill is actually generating a lot of attention this year. I can't delete the emails as fast as they come in. I mean, they actually are able to generate email faster than you can hit Delete. So what we have to do in a case like this, we have to, we have to direct them to a special box that you're not going to read because you could not begin to read all the emails that come in on something controversial, but my point is that sometimes something is voted down on the floor, but it's very seldom. If you let it get out of committee, and you let it get to the floor, it's going to be approved.

Andy 1:04:39

And after it goes through that side, it jumps across the street and goes over to the Senate side if they have is that called bicameral. Is that the right word?

Larry 1:04:48

Yes, if if if you have a bicameral and only Nebraska has a unicameral but the same bill has to pass both sides. And therefore, we try not to have the same bill introduced. Maryland and some of the states, they just pride themselves and they, they they dual file the identical bill in both sides. So that makes you rather than having 900 bills that makes you have 1800 bills.

Andy 1:05:19

That's gotta make it easier.

Larry 1:05:20

How does it do that?

Andy 1:05:23

I'm being silly.

Larry 1:05:24

So you have so so so we we discourage that. The rare lawmaker will, will will, will seek out that but but it rarely happens here. So if it's a house bill, once it once it completes that journey in the house, and it's been it's been approved by the house, it would cross the rotunda. And it would be introduced as a bill in the Senate. It'll keep this house bill number, but it will be introduced. And it will be after it's read twice by title, it will be referred to committees of the Senate, and it will start the same journey all over again.

Andy 1:05:59

But if it makes it there, then that almost like if the house passed it or the Senate passed it, then once it goes to the other side? It certainly should pass. Right?

Larry 1:06:09

Absolutely not. They're very independent, They're independent of one another. They have they have different political considerations. I think a good example, all you have to do is take a look at the recent stimulus bill that passed the US Congress. The president upon it being presented to him with a \$600 payment, said he would prefer a \$2,000 payment. The house immediately passed a legislation to provide a \$2,000 payment. It goes over to the other side of the rotunda. And they can't even have a vote. And it passed the house I think almost unanimously, but it couldn't even get a vote on the other side. Because they had different considerations. So it just because it passes one side of the rotunda does not mean it's gonna pass the other side. The house typically they serve shorter terms of office, like in the US House, it's two years versus six years for the Senate. In our state is two years versus four years. Theoretically, that makes you closer to the people and you're more susceptible to the whims of the people. The deliberative body is usually the senate because they have greater distance between having to face the wrath of the angry mob. So, they can be more statesman. That's the theory of the longer terms. the Senate in fact, the US Senate was originally not elected by the people. They were elected by the state legislature. So yeah, but but that is that is the purpose of the senate you have a more deliberative, you don't have, we don't have just the whimsy, what what do people want right now, because what they want right now may not be the best public policy.

Andy 1:07:53

I'm looking at the clock Larry. And I really want to dig into this. But we've already we're coming up on where we have to break, can we dig into what will happen now that we've done this little brief introduction to how government works? Can we come back and look at House Bill 56 next week, and dig into like the strategy of how you're going to attack it to try and keep it from passing?

Larry 1:08:16

So we can do that. I don't know how much strategy I can get into. But we can certainly go through what the bill would do if it were able to be passed the way it's currently written, at least a part related to sex offender registration, there are other parts of the bill, it's 30 pages, but we can go into that. And I will give you a couple of things that I will, that I will throw out as arguments that I would be using. And yeah, I'd like to do that because it may be help some other advocates to figure out, sometimes you can come

up with arguments, if you're creative that you haven't thought of they'll resonate with the people you don't think that you can sway.

Andy 1:08:52

And you're saying that from the point of view that you may be on Team Blue, and you have arguments that would resonate with Team Red. And so you could then have Team Red people in your camp that would help you kill something even though you're on an opposing side.

Larry 1:09:04

Absolutely. And now sometimes the teams, magically do a contortion. And they, they they even though even though they claim they believe something, when it comes to a controversial issue like this, they magically don't believe that. But you can, you can at least remind them of their core beliefs, and sometimes they will stick with them. And so that's that's the type of thing we can get into next week. When we look at House Bill 56.

Andy 1:09:30

Groovy. Then let's cover because we only have just a handful of minutes left. So we will run through these things really quickly. This first article comes from the Los Angeles Daily News. A second look at unjust prison terms. You put this in here for some reason, and I'm going to let you drive the bus on that reason.

Larry 1:09:48

Well, I think I think I'm just letting people know that their their enlightenment is beginning to happen. That extremely long prison sentences, all they do is cost a bunch of money in terms of incarceration, in terms of lost productivity, lost human capital. And that is beginning to be recognized, the political discourse is beginning to take place. And it's going to take some time to dismantle this prison industrial complex we have, but at least the discussions are beginning to happen. So that's why I put it in there.

Andy 1:10:22

Cool. I like that one. And sort of semi similar it says, Kansas inmates will get the COVID-19 vaccine before most of the public and here's why. And I know the reason why is going to be because you have people that are in close proximity to each other, and then they're just going to keep passing the human malware around to each other. Seems like it would be a wise place to not not maybe not the first round of people that get it but early rounds of people that would get vaccinated would be people in prison, because they can't do anything to separate themselves.

Larry 1:10:54

Well, I put that in there, because our Corrections Department announced that they're going to begin vaccinations and the conservatives have just gone bonkers here on KKOB radio, trying to stir up anger about the prisoners being put ahead of older people. And the prisoners don't have a lot of options to do much in terms of social distancing, in terms of PPP, all that. They're at the mercy of, I mean, the there's very little control you have over your life. And yes, do you put yourself and that's what the conservatives will say. But they did not they were not sentenced to death. They were sentenced to confinement.

Andy 1:11:39

Right. And I remember I went to the legislative like they were doing crossover day in the state. And we were trying to help out another organization and talking about like food stamps or SNAP benefits, I think is what it was. And the legislators said, Well, what do you do with a person that hasn't committed a crime? And you want to prioritize a person who has committed a crime over someone that hasn't to getting these benefits? What's like, now this person is being benefited from it, like there should be different, there should be some sort of a what's the word I'm looking for, you know, punishment. And I don't want to say it that word, there's a different word I'm looking for, that they should have a penalty for being in prison. It's like, well, they're still human right? But I don't I don't think that that resonated very well.

Larry 1:12:25

Well, I don't understand because you're not penalizing anybody for... you're supposed to take applications, as they come. If they're eligible, they're eligible. Yeah, I don't understand.

Andy 1:12:36

This was to change, this was to change the law, though, in SNAP benefits, or other kinds of public service kind of things like that are reduced when people have convictions.

Larry 1:12:45

Right. And I'm saying, though, but but the federal government is the provider of those benefits. So if if the state doesn't make a prohibition, if the federal government doesn't have a prohibition, you're not denying, you're not giving anybody preferential treatment, you just take the applications as they come. I wouldn't, I wouldn't know how you could even begin to tell a person, you've made a mistake in your life 12 years ago, we will let you starve because of that mistake. You need to take a good look at yourself if you think that and you call yourself a thing of any type of religious. I don't want to use the name a religion. But if you affirm that you believe in any religious doctrine, I would challenge you to tell me which one justifies letting someone starve because of a mistake they made. I'd like to have that on the podcast in a future episode.

Andy 1:13:33

Man, you're getting feisty. I like when Larry gets feisty.

Larry 1:13:36

Well, well, these people, these people just can't justify that. You would never let a person you wouldn't let a dog do that. If you went out on the street and found a dog starving, but yet you'll tell a person you can't have food because of a mistake you made. What kind of human being would do that?

Andy 1:13:55

Somebody wants me to get you to say a word but I'm going to refrain for the time being. Let's move over to this article from WGXA. this comes out of Georgia says Perry man goes to prison for failing to report cruise ship trip registered sex offender. He's one of our people, he is a PFR Larry, apparently he took a trip to Cozumel on a Carnival Cruise. And when he gets back to customs, the Border Protection was there waiting for him and they placed this man under arrest. The marshals was prioritizing, they are prioritizing investigations for PFRs who travel between states that

was really like my question that I wanted to ask you about. I understand the international part, but I didn't realize that they were doing anything with people that travel that just move about between states.

Larry 1:14:40

But I'll take you traveled to things that cruise went to Mexico the way I read the article.

Andy 1:14:44

Yeah, but it's but it's also says, that last paragraph, the United States Marshal service has prioritized investigations of PFRs who traveled between states or internationally.

Larry 1:14:53

Yes, yes. Well, that's, that's one of the components. That's one of the biggest reasons for The Adam Walsh Act to begin with, ai that PFRs moved from state to state, and they didn't register and the state they moved from had no incentive to go track them down because you were happy that they left and the state that they moved to had no idea. Well, that's what they mean by travel. They don't mean they...

Andy 1:15:21

you know, to be more specific with words travel is different than they have changed residents.

Larry 1:15:26

Well, but the but the way the statute is written in the the Adam Walsh Act, the the sex offender who travels in interstate commerce. And so if you move from one state to the other, that is considered travel. And if you move from one state to another, the state that you move from now is obligated to notify you if you disappear, and don't say. Pre-Adam Walsh, if you disappeared, the court uncorked the champagne, and they said, Good riddance. As long as their investigation revealed you had left the territory, they were happy. But now they're obligated to tell the feds, who are not so happy, and they go track you down. And they put you in federal prison, because you did not comply with registration in the new state.

Andy 1:16:15

And so they were waiting there for this man who failed to report that he was on a cruise ship and they arrested him and he is doing 20 months and then five years of supervised release. Is that federal then or is that still like a level...

Larry 1:16:31

It's federal. He's going to be at a federal prison, he's going to have five years of supervision under the federal probation service. And so what probably happened was that the passenger manifest was given to the marshals, maybe even before the cruise left, but by the time they got to it, and figured out that he was on it, when he checked, when they checked their data, that's why they were waiting for him when their crews came back. So if he had been smart, he would have jumped off before he returned to the original port.

Andy 1:17:00

Oh shit. Wow. Or perhaps he didn't know. But he was convicted in '04. And I only say that because you know that 16 or 17 years ago

is that the person was convicted of the crime. And he is a level two, maybe that helped flag them, flag him as someone with a little bit higher priority. Perhaps. I don't even want to say that levels, the levels actually do mean anything. But that's not inspiring Larry at all.

Larry 1:17:25

So well. That's the law. If you, if you travel until your until you're out from under registration, you have this obligation to report.

Andy 1:17:38

And I only put this final article in here just to have like a 32nd conversation with you. It's ACLU counsel warns of unchecked power of Twitter, Facebook after Trump's suspension, you and I had a conversation on the phone about them banning Trump from these different social media platforms and how that actually may be something beneficial for us if he decides to go sue. You want to you want to try to rehash that in like, you know, 30 seconds or so?

Larry 1:18:06

Well, I do believe that that that it will cause a discussion. It's going to that what I was talking about contortionist earlier. Now this will be an example of contortionism, because all through the intervening 40 years since they've since the government has dismantled the Fairness Doctrine in broadcasting, the conservatives have assured us that you do not need the government to intervene, that if there is a demand for the liberal do-gooder point of view on commercial broadcasting that it will be satisfied by the marketplaces, therefore, butt out and let us do what we want to do with our airwaves. They no longer belong to the people. They belong to the broadcasting conglomerates, that's the conservative viewpoint. Now magically now they're going to have to contort themselves into a new position. They're going to have to say, well, now this is different the internet and this, this Twitter thing, and this Facebook thing. This is different. And even though it's private ownership, there's a vital public interest served by allowing others but you could not go to KKOB radio under that same doctrine and say, I deserve to be heard over your airwaves. The Conservatives would never have had anything to do with that. They would have disavowed the validity of that argument. But now it may allow us to have, the positive as it may allow us to have a discussion as to what the public actually own. We used to believe that the public owns the airwaves, and that the public had the right to dictate certain requirements to use our air. We abandoned that. Maybe we could have that discussion again. Does the public own Twitter? Does the public have a right to use Twitter? Does the public own Facebook? Do they have the right, because you have the right to not have the government interfere with your speech. But you do not have a right to be heard, you cannot demand that anybody who possesses a means of communication to give you access to their... try going to a synagogue or to a church and say, I want your microphone because I have a different viewpoint and I'd like to spread it here in this sanctuary and find out if they turn the microphone over to you.

Andy 1:20:28

I wonder Larry, because the airwaves are such a finite resource. And the internet is effectively an unlimited resource. There's, there's no cost of you or me posting onto Twitter, Twitter's not going to notice it. But if we took up 30 minutes of time on any of

these radio stations, well, they can't use that time for anything else. So it's a highly restricted space. I just wonder if that enters into the conversation, into the calculation.

Larry 1:20:53

It very well might. like I say this is going to be fascinating, because the president is not going to go away. And and just go into the sunset and not be heard of. He is likely going to challenge this stuff. And we will see how the courts interpret what rights you have. But if you're, if you're a textualist, it doesn't give you any rights. Now, we'll see how magically they flip from being a textualist. It says the Congress shall make no law. That's what it says. Okay, that's the text of it. Are you going to evolve it and morph it into something to use Scalia's terms? That's not what they said. So are your textualist Andy, are you or do you believe in this evolving standard of decency notion?

Andy 1:21:40

I'm going to pull the purposivism word out about that. We haven't done that Scalia in a long time Larry, we need to start bringing those clips back because he's fun.

Larry 1:21:47

I bet a lot of people will all of a sudden become evolution, that we have an evolving standard of decency, and I bet they will not be a textualist when it comes to this.

Andy 1:21:59

I like it. Larry, we are like over time, and we're gonna have too many pages to send the transcripts out. So we gotta shut it down quick.

Larry 1:22:07

All right. So if you are a, if you are a transcript subscriber, send us your comments and also help us spread the word. And we've got the cost down to \$6 a month.

Andy 1:22:20

Sweet. Excellent. Yeah. And if you want to sign up to do that, sign up at the \$15-month level over at Patreon, and then we will send a transcript to the place of your choice. And otherwise, you can find us over at registrymatters.co. And the phone number is 747-227-4477. Email at registrymatterscast@gmail.com and of course, patreon.com/registrymatters. It's the best way to support the podcast, but you can find us over on Twitter, and there is a Facebook page. And there you go, you'll find us on YouTube as well. Anything else Larry before we head out?

Larry 1:22:57

I think I've covered it.

Andy 1:23:00

Awesome. I appreciate it always. Larry, you're the best and I will talk to you soon. Have a good night.

Larry 1:23:03

Good night.

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