



Registry Matters Podcast

Episode 207

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Andy 00:08

Recording live from FYP Studios, east and west. Transmitting across the internet. This is episode 207 of Registry Matters. Good evening, Larry. Happy Saturday night. How are you?

Larry 00:19

Awesome. How are you?

Andy 00:21

I'm well. We have a halfway decent crowd. Welcome Phoenix. How are you sir? He's somebody from Maine. And he hasn't been here in a while. He said thank you COVID. That's awesome. We still have COVID going on Larry.

Larry 00:31

I've heard about that. I've heard that the numbers are up in the majority of the states despite all that's been done, and all the quadrillions of dollars, and I'd like to see what the transcriber does with "quadrillions."

Andy 00:46

It's a Googleplex. How about that? We'll see if he can figure Googleplex too.

Larry 00:51

All right.

Andy 00:53

Oh, he says, after two years, he finally got it. Yikes. I'm sorry, man. I hope you do more better. You know, Larry, I- Come on. Let's uh, let's try and run off all of the listeners. I understand you had a conversation with someone. And it was about vaccination choice, and I'm all in favor of it. But if you choose to not get vaccinated, then you then also opt to not go participate in public.

Larry 01:18

I did have that conversation with a person, yes.

Andy 01:22

And I'm really very much on board with this. Go have fun, don't go get vaccinated. Have a nice day. Don't go to Walmart and make me sick.

Larry 01:30

That is historically our position in the United States. This is not anything new. We quarantine people with infectious diseases all throughout, particularly in the early 20th century. We did that with regularity. And people: they didn't have to be treated. All they had to do is stay home under quarantine. So it's not anything new. And in fact, a segment we're going to talk about in terms of the Georgia Halloween signs, that was one of the things I pointed out to the attorneys when he said I can't think of anyone having to post a sign with a message that they disagree with. I said well, then you've not done very much in the way of historical studies. It's quite, quite a part of American history where the government has compelled speech. And I'm sure that people who were under

orders to quarantine for the various diseases, oftentimes they listed on the quarantine sign what it was. The reason why they were being quarantined.

Andy 02:24

We compare ourselves to the lepers and lepers were the ones that got quarantined.

Larry 02:29

Well, in American history, we quarantine people for a number of diseases in the early 1900s. And it was known what they're being quarantined for, and I suspect many of them did not want that to be known. But it was. It's just silly to say that you can't require someone to post a sign. But under the context that we're gonna be talking about, it's a whole different analysis.

Andy 02:52

Absolutely. So let's move on before we get everyone else pissed off at us. What are we going to do tonight? Other than that segment.

Larry 03:00

We're gonna have an awesome program tonight for Christmas gift to our listeners. We're going to have some questions that came from our listeners in writing. And we're going to talk about the case in Georgia, which was argued yesterday in the 11th Circuit Court of Appeals in Atlanta. And we're gonna be going back to the Adam Walsh Act and talking about question that's just continue to... the social media platform is just on fire with people talking about it. So if it's on fire, we figured we might have to go back and try to answer some of the questions that are coming up.

Andy 03:34

Because clearly, it is not understood. So I guess we will dive right into the first one that you offered up as to be read. It says Larry and Andy, that guy's problem... And so a little bit of context, I think we're talking about the person that was trying to take PC, protective custody, because he didn't want to go out into general population because he was getting threatened. (Larry: Correct.) That guy's problem is not uncommon in medium and higher security BOP, bureau of prisons. I've heard other horror stories of inmates being forced out the SHU, the sex offender housing unit - Is that what that one was? Or special housing unit? (Larry: Correct.) - And by admin and being chased on the compound by shank wielding SO haters. "You bastards!" Here's the thing. The BOP well knows about this problem and has known they needed to do something about it for many years as SO population reach higher and higher percentages, now at 16% of the Bureau of Prisons. That is why it is created several so-called PC compounds where SOs, or PFRs, can walk because they are a majority. I believe there are several such compounds mostly low FCI, federal correction institutes, as opposed to mediums. My suggestion is that this inmate get himself transferred. Off the top of my head: Marion, Ill. What the heck is Marion, Ill.?

Larry 04:58

Ill. is the abbreviation for Illinois.

Andy 05:06

Ill.? (Larry: An extra L.) Petersburg, Virginia and Fort Dix, New Jersey are acceptable mediums. The other thing is he can try to get on a management variable. If his sentence was 17 years, he should have been assigned to a low. There are some elements in his case either prior to prison at sentencing or while he was incarcerated that drove his security points up. He should see if he can get them knocked down to low security. If so, then he can go into Seagoville, Texas, Elkton, Ohio, Englewood, Colorado, Mariana, Florida, Ashland, Kentucky, Forrest City, Arkansas. All those are SO safe. Meanwhile, he's just going to keep getting more incident reports and driving his points higher. As we continue, he says on your interview with Kathleen, indeed, there is not much of a conspiracy across the board going for these enticement and entrapment cases, but a rather a way for law enforcement to raise funds and make easy cases, pat themselves on the back, and look good to the public. The conspiracy is in the way irrational social moral fear and disgust is used as a catalyst. The ratio of fear/disgust to special task force funding with the subject is amazing. Law enforcement got themselves a goldmine. Washington state is indeed the worse. An article appeared in Reason magazine sometime last year or earlier this year on these bogus Washington State sting operations. Vanity Fair also covered an article sometime last year on the stings elsewhere, which include one operation that used a famous female TV actor who could sound like a teenager on the phone, even though she was in her 30s. The adult photo used in the case of Kathleen's son is a real low point in this scenario. You can expect things to become worse in this field. Any comments there?

Larry 06:52

I really appreciate this submission because he is on point with so much of what he says. Se did omit one additional thing that probably detracts from the great message he has here. But we really appreciate that. I don't think there is a conspiracy per se either on the stings. I think it is something that resonates with the public. Everyone wants their children to be safe. Everyone wants their adolescence to be safe. And if you can go online and use whatever trickery it takes to ensnare people that you can portray in front of the camera- like Sheriff Judd does, that these people were ready to prey on your miners- that is wildly popular with the American people. And they don't want to hear all this stuff about it because once you say you'll do it with a minor... it continuous to revolve around people not saying I'm out of this conversation. When the person changes from being an adult to a minor, you've got to exit and you've got to stay exited. And that's the point when we had Kathleen on that I was making is you just have to stop.

Andy 08:00

Right. I will just defend that slightly as- what was her son? 18 or 19 years?- Like I just don't know that the capacity really is there to understand and comprehend this. And then you were pushing back saying, well, we have to start teaching it. Do I start talking to my son and go, Hey, look, this scenario may come up. And you just have to pull the cord and shut down.

Larry 08:25

Well, I think he was closer to 20-21, which is not a tremendous difference. But the greater society is not entertained about a 20- or 21-year-old agreeing to meet up with a 13-year-old. They're just not so. So that's where you have to stop. You have to say, you're

13. I'm out. Not only am I out, I'm reporting you to this platform operator, because you have abused the privilege of being here. You're not old enough. And I'm even reporting you to the police. Of course, they are the police, but you just have to exit. But his points are well taken. And particularly in terms of the security of the institutional staff. This is not FYP's opinion. We have not been in these prisons. So you have to give this the credibility that you think it deserves. If you're trying to get a transfer, this is an inmate's opinion. We have no way of validating about these institutions. I can say that we receive a lot of mail from these institutions. His representation about having a lot of PFRs is accurate. These are the institutions where we get letters from that have... I mean, there's a significant number of PFRs in these institutions. I can validate that. But how safe they are? I don't think we can go there, but this is his opinion.

Andy 09:40

All right, then let's move on to the first question. Says Dear NARSOL, two issues I'd like you to know about: FCI, federal correctional Institute, Englewood is a low security facility which they've released roughly 60 ICE prisoners of medium security level into the general population putting all of the lows including PFRs in danger. No incidents have occurred. But I believe that's temporary. And then question number two is when asked, the supervising probation officer in Missouri says, As a PFR, I will be denied Virtual Private Network protection against identity theft and data breaches and starting up a doing business as (DBA) to publish the rest of my novels under and my internet, email, social media and laptop usage is in question. As an author, I must have computer access and Packingham v. North Carolina ruled that Internet access is a public utility. Can they prevent me from publishing, selling and promoting my work? Larry, is he going to be on supervision? He doesn't state it here.

Larry 10:50

Yeah, he will be. Everybody who comes out of federal prison is going to be under supervision for a period of a few years, all the way up to lifetime. In terms of the point 1 about FCI releasing these ICE prisoners (Immigration Customs Enforcement) prisoners into the general population. There's also another way of looking at that. People who have not been disruptive to the operation of the institution, there are guidelines about who can be put in special housing. So, these people are being put in general population until they have shown that they can't be in general population. He may be right. There may be problems, there may be incidents. I'm hoping not. I'm thinking that maybe he might be overreacting. But they'll have to be dealt with as they occur. But prison administrators are in a very tough position. When you start using segregation, and PC, protective custody, and all that kind of stuff, you have guidelines about how long you can do it, and what who can be put in there for what reason. And just because you're a nice detainee doesn't necessarily mean you should be in segregation. So in terms of what he says in point number two about Packingham, I do not recollect anything in that opinion that said that Internet access is a public utility. There was nothing in that opinion that said that. This was a challenge to the state of North Carolina who had said PFRs could not be on social media. Not the internet, but social media. And the Court said that they could not just have a blanket ban. They left the door open to having a targeted ban, but a blanket ban, in particular for those who are no longer under correctional control, they found that very troubling.

But this decision did not morph into what he says it says. So, can the BOP put restrictions on him in terms of his internet access? Absolutely. Can they blanketly ban him? Absolutely not. But I think we've had an episode when we look at our archives not that far back where we talked about the ban. The restrictions were very appropriate for that particular offender. Remember that episode? (Andy: I do.) I said, if they couldn't restrict that person, there would never be a situation where they could restrict because it was very much tailored to that offender's special circumstances. So, without knowing what this particular offender's circumstances are, the unique details of his background and what his case is, I don't think we can say what they can do. But as a general rule, yes. Under the circumstances, they can put extreme restrictions. But I don't think a total outright ban has been upheld, where it's been challenged. But they can put some significant restrictions on internet access.

Andy 13:40

Let me just tag on to this one. It says I will be denied Virtual Private Network protection against identity theft. You could also use a VPN to go browse naughty places on the internet and mask your tracks so that your probation handlers can't see what you've been up to. I mean, that's totally a double edged sword there.

Larry 14:01

Yeah, well, I certainly would not recommend anyone trying to evade detection on their supervising officer.

Andy 14:07

I know of some software that, like completely removes all traces, doesn't even record anything. And so you wouldn't be guilty of having the materials. But if they found the thing that you were using to mask the materials, then it would be like having a polygraph machine, Larry. It's like, well, what are you doing with this? I'm just practicing. Practicing for what? I mean, you're not doing anything wrong, but you're hinting that you're up to something wrong. So I'm not saying that this stuff makes you guilty, but it would make you look like you're trying to be guilty of something too.

Larry 14:44

Well, I can assure you of this. If they found you doing that, they would look for other reasons to violate your probation if they detected you doing that. And very few probationers are not doing something wrong at one time or another because compliance is so... there's so many things that you are required to do and forbidden from doing it. If they put the resources into it, they're going to find you in violation. I would not encourage anyone to do that. Although the technology is probably out there. It's all above my paygrade. But I would not encourage anyone to do that. I think the outcome is not going to be good. And in addition to if they can't find a violation, they will go down to the judge and they will have that added to your conditions of probation that you can't do what they caught you doing. And then they can violate you the next time.

Andy 15:33

Yeah, totally. Alright, then let's move over to question number two. We are getting so ever close to covering SORNA again. Alright. So dear NARSOL, the digest in your volume... Oh, Gosh, I can't read Roman Numerals. What's that, 14?

Larry 15:50

Oh, don't worry about it. It's the most recent one.

Andy 15:53

I think it's 14, issue six, on page 18, Connecticut Supreme Court declared DOC erroneously classified offender by you, Larry. I'm dealing with the same issue ADOCRR. Who is ADOCRR? (Larry: Arizona.) Okay, Arizona Department of Corrections has classified me as a current PFR even though I served and completed my sex offense back in '92. My current offense is for aggravated assault. What do I need to do to get a ruling similar to the ruling in Anthony vs Department of Corrections? And then also, you have my DOC number... and it continues. So what's going on with that?

Larry 16:37

Well, here again, I really appreciate the person reading the newsletter. I really appreciate being mentioned in the submission from this person. But that is not what I was trying to communicate in that column. The issue was totally different than what he's casted. This was a person who had never been convicted of a sexual offense. As you can see, distinguishing right away, this person has been convicted of a sexual offense, although they're not currently under sentence for that sexual offense. But just because you're not under sentence at the moment for a sexual offense, does not mean that you might not need special management. And prisons are going to be afforded great latitude in terms of how they classify people. Your criminal history is a part of your classification. Would you agree with me on that? When a Department of Corrections classifies you. (Andy: Yes.) So if he has a conviction from back in '92, that is a part of his criminal history. They will determine how he performed under that supervision, under that incarceration and all that sentence. And if there's the slightest inkling that he did not get all the benefit from treatment that he could have - and particular, back in those days, there wasn't a whole lot of treatments in the early 90s for PFRs- I would not be surprised if they said due to the evolving and improved treatment that's available that wasn't available back then, they would want to help him to contain any urges that he might have in that area. So that would be their argument. Would he be able to challenge that in terms of his classification? Well, it would depend. It would depend on what the DOC in Arizona is depriving him of. If he's being deprived of any program opportunities because of that, he would need to be able to list those depravations and assert some sort of right to those things. And he would need to make that claim in court. And we'd have to run it all the way up through the appellate process because the state is not going to concede anything as you have learned in the four years we've been doing this show. They're not going to say Oh, well, we shouldn't be doing that. So he's going to have to litigate through an appellate procedure. And it might be that he could win it. But the first thing he's got to do is figure out what he's being deprived of. And he's got to figure out some way to tie that to some right that he has, which is very limited in prison. But you do have some Liberty interest, as we heard from the Connecticut Supreme Court. There are some things. So he's got his work cut out for him because he's in a different posture than the one in Connecticut who had never been convicted of a sexual offense. And even beyond that, he's never been convicted of a sexual offense in Connecticut. This guy is in prison a second time. Well, actually he was too, so that's not a distinguishing factor. Remember, he had a previous criminal

record as well. So I started to say that was different, but no. They both had prior prison experience but the one in Connecticut had never been convicted of a sexual offense. And I guess another important point to make would be the Connecticut Supreme Court did not say that they could not classify him as a PFR. They said they couldn't do it without due process. So don't lose sight of what they actually said. If they had given him anything that approximated robust due process, the evidence in my opinion was there that those offenses that were dismissed by the prosecutor were simply dismissed because of the recantation.

Andy 20:26

Very well, um, Larry... go ahead.

Larry 20:29

Yeah, I thought it was kind of interesting. When we had that episode, you never did ask me about why recanted testimony worked in that case, and I always tell you it never works. And I was going to distinguish why. But were you were you interested in why her recanted testimony worked and why it normally doesn't?

Andy 20:47

Well, please, Larry, enlighten us as to why the recanted testimony worked on that one.

Larry 20:51

It worked because it was procedurally in a different place. She recanted before there was a conviction, before there was any on-the-record testimony, before he had actually admitted and stipulate to the facts of the sexual offense by this guilty plea. See, that's what everybody misses. When you recant after there's been a trial and the person's been sworn in under oath... She recanted early in the process, before there had been a conviction, before he had admitted to doing the sexual offenses. He had made some admissions, we went through those, but he did not admit to doing the naughty things. And he admitted to breaking the phone as I recall. I think he admitted to tying her, which is false imprisonment or some similar charge to that, but he did not admit to everything that she was alleging. But then she was very clever. And she probably had some coaching. She raised her mental stability as an issue in her own affidavit recanting. She says, I have a propensity to say things that are not true. Well, if I'm a defense attorney, I'm going to have a field day with that. Oh, really? So you're mentally unstable? Is that what you're saying? Why should we rely on you? So in all likelihood, she had some help in writing that affidavit. But what could the prosecutor do? She had to disclose it to the court, and she did the ethical thing, "I don't have a case. I don't have a complete case." She did have a case. But she didn't have a complete case for the sexual offenses.

Andy 22:18

Um, I didn't put it in the show notes Larry, but we're going to have an ongoing segment of... I'll let you tease it. And let's do that now before we hit the other couple things.

Larry 22:30

Awesome. Well, we're gonna have a five-part series, and today is the teaser on this episode, about why people should not talk to the police. And since I do not have a legal degree, I'm not allowed to give legal advice, I'm going to rely on professionals who do have the degree. And we're going to play clips from people who tell you

why you shouldn't do it. So you can take it as credible or not. But this is the setup for the five-part series. And they may not be consecutive. We may not have time, because they run two or three, three and a half minutes, each one of them. But this is the prelude to that. So here's why you shouldn't talk to the police, step one.

Regent Law Professor James Duane (Audio Clip) 23:14

Here's the easiest question you'll ever get from a client in all the days of your life. Question: Hey, the police are here. They want to talk to me. What should I do? Well, I could give you my answer to that question in case you haven't already guessed it. But why don't we go to a real expert, justice as Robert Jackson, a prosecutor's prosecutor. Like me, he began his private practice in Buffalo, New York years before I did, and after that he served as general counsel for the Bureau of internal revenue, the US Department of Treasury, the Security and Exchange Commission, Assistant US Attorney General for the tax division, later, the Solicitor General and the Attorney General of the United States, and then the chief US prosecutor for the Nuremberg trials. That's an impressive resume. Years later, when he was a justice on the Supreme Court, Justice Jackson stated, quote, any lawyer worth his salt- today, we would say his or her- will tell the suspect, his client, in no uncertain terms to make no statement to the police under any circumstances. There's the title of my talk.

Andy 24:11

And there we are.

Larry 24:12

There's the beginning of the series. So Justice Jackson says it. It's not ol' Larry from the podcast, but it's the Supreme Court justice with that long list of lifetime achievements saying don't talk to the police. So you can take that for what it's worth.

Andy 24:32

Hmm. So don't talk to them. Okay. And what is your intent? It's not really clear, Larry. Don't talk to the police. Could you elaborate on this?

Larry 24:43

I'm hoping to help people feel a little bit more comfortable in not trying to buddy up with the police thinking it's going to work to their benefit. Because in my professional practice, I have seen very few incidents where it has and a whole lot where it hasn't. I would encourage people to take it seriously when they say you have the right to remain silent. That's where we're going with this. There's a reason why you have that right because you cannot help yourself by not remaining silent. In all likelihood, you're only going to hurt yourself. So we're trying to give you that feeling of empowerment and knowledge about why you shouldn't do it and what the downfalls are to talking to the police.

Andy 25:23

Riddle me this: along with if you are in an internet chat situation, and the person you're chatting with all of a sudden turns out to be 13 years old. Stop. Should we also then teach everyone in some sort of civics class in school or at home or wherever that do not talk to the police?

Larry 25:43

I don't see what would be different about that circumstance.

Andy 25:47

So you say, do it? Teach both subjects?

Larry 25:52

Absolutely. That's not the way middle class and upper middle-class children are taught. They're taught that the police are their friend, they're here to help, you can always turn to the police and the police is your confidant. That's what you're taught. When you grow up in a ghetto, you're not taught that. You're taught to have some skepticism about the police. They may not be your friend. And it may go downhill if you interact with the police, but your natural tendency is to want to be nice to the police because they're there to help. And they are there to help in many circumstances. They are enormous helps. So I'm not saying anything adverse to the police. The police are necessary. And in fact, I'm one of the biggest fans of the police. You wouldn't know it by listening to some of the things I say on the podcast, but I actually believe that police do a great amount of good, but also the police are just mortal flawed human beings that need to be held accountable for their bad choices. They need to be held accountable for misconduct, and will have a much safer, much better functioning society if the police don't get away with doing things that they shouldn't be doing.

Andy 26:57

Very good. Well, moving right along. Larry, you put in here that there's an update. I guess this is what you said was in Federal Court yesterday?

Larry 27:05

That would be correct. This is regarding the Georgia Halloween sign case. Which to refresh everyone, the state of Georgia has registration administered by the sheriffs- which is very common throughout the country, not exclusive but very common- And two sheriffs, and possibly a third one may have backed off, but two sheriffs a few years ago decided that they were going to require people on the registry to erect signs in their yard that instructed folks and cautioned folks not to trick or treat, not to have Halloween involvement there. And the association, which I'm on the board of NARSOL, we sponsored litigation which has been pending for years now. This is 2021. This goes back to 2017. This is the 11th circuit. They had oral argument on Friday. And this is just a verbatim report from the lead attorney. And we can read it and then I'll make any comments and answer any questions you may have. But go ahead. The reader shall read.

Andy 28:10

I am the reader, and I will be reading. This is a Georgia Halloween sign case update by Mark Yurachek. I have just returned from our argument today in front of the 11th circuit on the Butts County Halloween signs case. I can report to you that there were encouraging signs at the argument and that the panel certainly did not laugh us out of the building with our arguments. Judge Pryor indicated that he was sympathetic to our argument. But raised concerns about the standing of two of our three plaintiffs that they were compelled to speak since they did not own their homes. I want to come back to that. But so that said, our third client, Mr. Holden does own his home. So that is not an impediment in this

case at the minimum. Judge Grant was highly skeptical the other side's argument that they could do as they pleased in rights of way even in front of the plaintiff's home. And Chief Judge Pryor while predictably outright stating that he believed the signs were Government speech also indicated that that was not the end of the analysis since the signs were in front of the client's homes, and therefore intruded on their First Amendment rights. All in all, we left the argument encouraged, but you all know that these things can have surprising results when the order is compared to the tenor of the oral arguments. So now we wait and hope that while we do, you all have a happy and safe holiday season. Hooray. Um, why is it that if you don't own your own home, you don't have this First Amendment protection?

Larry 29:42

I was confused by that. I was not there of course, but in my opinion, if you're renting it, you would have equal standing. I would dice it a little bit. If you're renting the property... Say for example, if you the PFR is renting the property, but what if you're renting a loved one or someone you're just staying with because PFRs have such transitory lifestyles because of all the prohibitions, what if they are just staying with someone? What the court may be saying is we have trouble with a person asserting this issue if they don't own the property because the person who owns the property would have the clearest argument about you can't post anything on my property and since they're not complaining, we're not sure that this temporary guest has the standing. That would be my guess as to what that was about.

Andy 30:36

You can answer this because of your experience in property management and the legal field. When you rent your property to somebody, there is some level of- I'm not saying, I don't want to use the word ownership in that regard- but you are transferring... Like, the, the landlord can't just barge in on the place. They have to give some kind of notice to go in. The tenant- I'm not using the word own, but I don't have another word- they own the property for that period of time. Right?

Larry 31:01

That is correct. And what I'm saying, the nuance may be the PFR was not the actual renter of the property.

Andy 31:07

I see. I see. I see. Okay.

Larry 31:08

Yf you're couch surfing, like we know people do when they're unstable, it could be that the person is saying: hey, you know, they're standing is tenuous because the owner of the property or at least the person who holds the lease is not asserting any complaint about the signs. So that may be. If you're going to rule against the county, against Butts County, that's where this case is- the other county of Spalding did settle- But if you're going to rule against them, you want the strongest grounds. Because if we learned anything, we should have learned that making an emotional decision does not stand up on appeal. So, I appreciate a judge who's cautious in saying, Hey, we're going to make sure that we're solid because the next step is US Supreme Court. And this Court of Appeals wants to make sure that they have it right. So if there's any issue about standing to proceed, this would be

appropriately resolved here at the 11th circuit before. Because this Sheriff Gary Long in Butts County, he said, I'm gonna take this thing all the way up to the Supreme Court because I'm doing my duty to protect my residence here in Butts County. That's what he said, and I'm not putting much of a sarcastic... I mean, I listened to the clip and he said about that, with about that accent.

Andy 32:27

I remember him saying I will take it all the way to the Supreme Court if I have to. Alright, and then also, we received this just recently from somebody else in Georgia. And I wanted to get your opinion on this. This letter came in from the Georgia Sex Offender Management Board, whatever it's called. And it says, the Board is given 90 days from the date of receipt to complete a classification. This classification was due in November. My investigator had difficulty obtaining the necessary documents in time for that meeting. The case is now complete. However, prior to the December 10, bla bla bla bla bla... but a board member resigned his seat, and we are waiting on a new appointment by the governor. So I'm thinking Larry, they can't evaluate, they can't level people in Georgia because one person resigned? This seems like a woefully fragile system.

Larry 33:26

Well, it does. The sex offender assessment board, I think they call it. The Sex Offender Registration Review Board or wherever it's called. Yeah, for one person to be off the board and would cause them to be unable to function is very bizarre. But if you look at that letterhead, they list the board members, and there's quite a few. I mean, how many names is that total going down there?

Andy 33:53

Oh, there's a poop-ton.

Larry 33:55

So what it suggests to me might be that there might be more than one vacancy. The one vacancy that resigned may have thrown it below the necessary level for them to have quorum when they meet. That's all I can guess. But it's very troubling, because first of all, GA doesn't level people until they're ordered to do so because the process, in theory, they would be leveled as quickly as possible after registering. But that doesn't happen because of lack of financial resources and staffing and whatnot. So you have to file a removal petition and the court has to say, look, I want to know why to make a decision on this. Tell me what this person's level is. Then you finally get leveled and then to say after that's been ordered, that the board is shut down because it's missing. That is really bizarre.

Andy 34:40

I'm sorry for that person that they have to continue to wait. (Larry: Me too.) Why did you put this thing in here about the federal court from the Fifth Circuit?

Larry 34:49

How would I remember why I put things in there?

Andy 34:53

It was something about Fifth Circuit upholds ban on certain gun restrictions.

Larry 34:58

That was filler. We don't have any need for filler. We've got enough to last us for the rest of the of the podcast here tonight.

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Andy 35:56

I think we are at the SORNA list of questions again, I believe. Are we there?

Larry 36:01

Where are we?

Andy 36:04

We are going to talk about SORNA again, again, again.

Larry 36:09

Didn't we just talk about this last episode?

Andy 36:12

We talked about it in Episode 138. And then episode 200. And then here we are at 207. We talked about it also in 206.

Larry 36:20

Why did you spend so much time coming up with questions? I thought I had answered them last week, or were you just bored this week or what?

Andy 36:29

I'm very bored this week. But everywhere that I participate, so either on the NARSOL social website, there's a flurry of questions from people over there. Then different like Fearless groups or statewide meetings, people just have questions everywhere. So we compiled a whole list of questions for you, Larry, because you are the expert.

Larry 36:50

Oh, that's scary. Okay, so let's dig in here if we can do this. I hope it doesn't spoil people's holiday season.

Andy 37:02

Well, Merry Christmas, if not. All right. Well, you and Sandy just posted another explanation about the new AWA regulations. Allow me to read the opening. Not since the initiation of international Megan's Law has anything raised such a level of anxiety, confusion and questions as to have the new federal SORNA AWA guidelines that will become effective January 7 in 2022. The only consensus seems to be that whatever happens, it won't be good. Why is there so much anxiety? And is it justified do you think Larry,

Larry 37:35

Gee, I don't know how to answer those two questions there. Why there's so much anxiety is because it's uncertain. And is it justified? Perhaps it is justified. But keep in mind that these recent amendments are not anything new in terms of actions taken by the US Department of Justice to implement the Adam Walsh Act. The DOJ was tasked by Congress to promulgate regulations which guide the states with the implementation of the AWA. Although the AWA was passed and became law back in 2006, only 18 states have thus far been deemed substantially compliant, which is the magic level that you're searching for to keep your federal money flowing.

Andy 38:15

And that's to be substantially compliant. Can you describe what substantially compliant means?

Larry 38:21

Sure, I'll do my best. It means- to be deemed substantially compliant, that the jurisdiction, which is mostly states, but we also have territories- to be substantially compliant to keep your funds flowing, you have to adopt a registration standards that are equal to or even greater than those listed in these guidelines. And they're very complicated. So no state is going to be absolutely compliant in all likelihood. And they recognized that in 2006. So they said, well, if you use the term substantially compliant, it allows a little bit of subjectivity in terms of whether you've gotten to that magic threshold. Some things, for example, are not able to be... you just can't get there without doing the... If you don't register at least that small group of 14 and over adjudicated juveniles for the aggravated sexual offense, your state cannot be substantially compliant no matter if you've done everything else. So substantial compliance just means going down the checklist and getting as close as you can to the criteria that they tell you to bring your registry up to. And it's a subjective review done in Washington, DC. And if you meet that magic threshold, you get your full federal funding from the government from the Byrne justice grants.

Andy 39:42

So two states could be the same level of compliance and one of them is compliant and the other one is not because it's subjective?

Larry 39:53

I don't know that that's happened, but theoretically, I suppose it could happen because the United States is so large that that you have different regions and I'm guessing that the DC authorities, that one person doesn't review all applications. So you could have a situation where if you have a sparsely populated state out west, where the proximity to registration offices, they're just far and few in between, and then you have a state like New Jersey, which I think is our most heavily populated, densely populated state, I would think that, for example, you could allow the sparsely populated state to maybe go above the three days, which is ideal for initial registration to capture the person when they get placed on probation or they come out of an institution. You could possibly get by with maybe five days because you're looking at a vast country that has unique differences. And you can articulate a reason. Look, we have 33 counties, and one of our counties has less than 900 people in it. So our sheriff's office in that county is not going to be processing registration seven days a week. So,

you'd make an argument that you could have a deviation that doesn't substantially disserve SORNA, which is the lingo in there. A state like New Jersey, they would have a tougher time making that that argument that they need that type of deviation.

Andy 41:15

I see. And so using my awesome math skills, 18 states, as far as I understand it, are deemed substantially compliant and minused from 50. That leaves us at 32. And 32 states have then flipped the double fingers at the federal government saying we're not doing this crap? They rejected the AWA?

Larry 41:33

Well, it's a great question, but many of our advocates mistakenly believe that remaining states have rejected the AWA. But rather than that being the case, the non-compliant states for the most part have not rejected the AWA. In fact, the majority, the noncompliant states have actually submitted request packets to the SMART Office in DC, which is Sex Offender Monitoring, apprehension, registration and tracking, and they've asked for guidance in terms of they would prefer to be compliant. And they put in these application packets that lets them know where they're not compliant. So, I think the only state that my research system- and FYP has a vast research staff- but the only state that we were able to uncover that had not put in the compliance packet was Arizona. But FYP does have a link to where you can check your state's compliance submission packet. And that will be available, I think, in the show notes, right?

Andy 42:36

Yeah, sure. I can put that in there. Interesting. Um, and then so AWA passed in '06. Why has it taken 15 or so years for the DOJ to publish these guidelines?

Larry 42:48

Well, that's the funny thing. It hasn't. This is just the most recent iteration of the guidelines. The first promulgation actually occurred back in 2007 by then Attorney General Alberto Gonzalez. That was called the interim rule. And that was the first iteration. And then there's been iterations since then. They addressed the complexity of juvenile registration and in one version, they put out a version, I'm quite sure during the during the Biden administration- not the Biden- during the Obama-Biden administration. And then this was another iteration coming out under the Trump administration that did not get finalized during the Trump administration because his tenure ended unexpectedly. And this administration was faced with what to do with it. And they reviewed it and finished it out. They had suspended the implementation upon review, and they went forward and said, basically, the previous president had it right. Isn't it interesting? This is one of the few things that the two presidents agreed on.

Andy 43:47

Yes, that is probably about the only thing. And what is the motivation for these updated guidelines?

Larry 43:57

Well, I think it's pretty clear that if you've had public policy for 15 years, and you've achieved not even a majority of the states, much less all the states being deemed substantially compliant, you've got to figure out something. So as for what these guidelines were

designed to do, the one sentence answer is that they're intended to assist those states and jurisdictions that desire to become substantially AWA compliant with an easier path to accomplish that goal.

Andy 44:27

Um, but I'm thinking of a state like Georgia, and in my brain, it's a very pro-business friendly state you and I've even had conversations about that. And it would be very cold chilling to the businesses to list PFRs that work at their establishments to have their addresses listed on websites and I'm thinking like the pro-business lobby would back us if those were trying to be implemented to be put on the website. So like, I don't know if that's the marker that makes them not substantially compliant but I'm sure it's a thing.

Larry 45:01

Oh, where's the Clinton laughter?

Andy plays laugh track

Andy 45:08

Okay, so I have that wrong?

Larry 45:17

No, actually you have it correct. The businesses would be adversely impacted. And many of them would find it problematic if they knew. The only problem is they don't know. This is not on their radar. The chief executive at the Coca Cola Company, last thing he's thinking about is the- Coca Cola happens to be based in Atlanta, so I picked that out- and Delta Airlines, a number of companies are. But he or she is not thinking of that in terms of public policy. So they would have to become aware of it. And that would be the PFR lobby. I'm quite sure that the Georgia law enforcement apparatus is not going to bring that to their attention and say, this is going to be bad for business. So yes, if they were made aware of it, they would probably be just like the Major League Baseball was about the Oregon player that I said no team would pick up, the businesses are not going to want this type of distraction. They're not gonna want their phones ringing off the hook. They're not going to want to be outed on social media. But the more likely stance they would take if this became public policy, if it could not be thwarted when it's been discussed, the policy they would take would be the same thing Major League Baseball did. They would say, well, if we're going to take that kind of abuse, it'd probably could if we can thin out the ranks of PFRs around here, right? That's what would be their reaction.

Andy 46:43

Give me your opinion of where the job market is as far as, like the lack of available employees and the status of PFRs acquiring those jobs?

Larry 46:56

Well, since I'm not able to personally feel that, from what the anecdotal evidence I have from talking with employers, watching news accounts of the difficulty of employing people, I would like to believe that PFRs are being hired now because there's just such a dramatic shortfall of labor resources in this country of people who are wanting to work. So right now, basically, if you're breathing, if you're 80 years old, they'll put you behind a big rig truck even

though you've had three previous accidents in the last year and a half before they hire you. So I would like to think that that has trickled down to people who are required to register. But the analysis doesn't end there because you have so many prohibitions around the country about what a PFR is allowed to do. So the jobs, although the employer might want to hire them, they're not able to hire them because it has interaction with minors, or all the different things. That's it's within an exclusion zone, so your employers within 965 feet of something where they're not allowed to work. So even though there may be a demand for employees, and the employer might be okay with hiring a PFR, there may be all these barriers that fortunately, we don't have in my state, but that may be holding back the employability of people on the registry.

Andy 48:11

So I think we've covered this question, though. A logical question might be which states are the most likely to adopt these new guidelines and which might be the least likely?

Larry 48:23

Well, I thought we tried to cover that. But the answer is not a speculative as it seems. States that want to be in compliance might well use this as an opportunity to accomplish their objectives with administrative implementation. And what I mean is, the example I think I've given three previous times: the state of West Virginia would like to be in compliance, at least closer to compliance. So they've sent out unilaterally, prior to this ever coming along a directive to everyone on the registry that you have to provide 21 days advance notice if you're gonna travel outside the United States. And every PFR went dutifully in without any statutory guidance requiring them to do that. And they all went in and signed that form, and said, I will do this. Now you're on notice. So I'm using that as my predictor of what they're likely to do. So all the things that they can do, that they don't think require a statute, they will send out directives instructing the PFRs to do these things. For example, again, like providing a passport. That is a part of the AWA compliance packet. You're supposed to capture passport information. And they're supposed to be scanned, and so forth into the system so that international travel can be flagged. But if your state statute on the list of things says you were required to provide, if it doesn't say passport, if it just simply lists things and omits passports... well, if you're registering handling agency says, we need your passport. What is the average PFR going to do? When they say, we need your passport, what are you going to do?

Andy 50:02

They're going to jump up and down and hand it over as quickly as they can.

Larry 50:05

So therein lies the problem. So if a state has a number of significant areas which they're not up to federal standards, you could see more problems. But these new guidelines are going to, in my opinion, encourage states to administratively do as many things as they can do administratively. They can't do everything administratively. They just can't. If your state has offenses that should be registerable, and they're not, I don't see how they can send out an administrative directive and say you must register because federal law says that this is a sexual offense. But there's

things short of that that they could do administratively, like maybe even the three day... Like, say, our statute says you have 10 days to initially register. And that 10 days doesn't apply if you have been convicted after July 1, 2013. And it's five business days. What if, hypothetically, the state of New Mexico directed all the registering agencies here, which are sheriffs, that even though the statute says you have five business days, what if they said, pursuant to federal law, the person only has three days and they print up a form that says, I agree that I'm required to register within three days? And you look at them, and you say, well, the law says five. Well, that's state law. Federal law trumps state law. We say you've got three days. You sign that right now you're required to register within three days. What is the PFR gonna do?

Andy 51:40

Sign away. Where's the pen?

Larry 51:41

Okay, then what happens next- and this is where I get to do a little pontificating- I will assure you that there are US Attorney's offices around this country that have staffing resources available to prosecute crimes. It may not be in my district here. We have a very, very busy criminal docket here because of our proximity to the border. We have a lot of illegal immigrants, a lot of things that are being processed here, a lot of drug flow comes up by I40. Not by I40, I25, and disperses around the country. We have a lot of... our judicial district is very busy. But if you go up to the to the state of Vermont where they're not nearly as busy with those type of issues, you will find overstaffed under worked United States Attorney's offices that will say, it does say that in federal law, they did sign it. That's got the requisite knowledge requirement. They said these are AWA regulations. So if they're not going to register within the requisite federal time, I've got a federal charge here. I don't think the prosecution is going to be a solid one. But that doesn't stop them from doing it. And without good lawyering, you might be encouraged to make a plea for not registering your update within three days even though your state statute said five days. If the feds come out, put you in handcuffs and haul you off to jail, and you're on pretrial detention in the federal system, and your lawyer hands you a plea and says hey, you know, if you don't take this, they're going to give you five years in prison if you get convicted. But I think I can get you six months in a halfway house with three years supervised release, what are you gonna do? Those are the type of things that scare me.

Andy 53:24

Right. And then in all of that, did we talk about which states will most likely not adopt the guidelines?

Larry 53:33

Well, that's more complicated. Keep in mind that some states, especially the smaller ones, already have a registry that exceeds federal AWA requirements in many aspects. And they may have felt less of a need to seek compliance. Or they may have been turned down on their original application because of a shortcoming in an area that they have no intention of rectifying, such as registration of juveniles, for example. That would be one where Nebraska, they did everything. They bent over backwards in 2009. And their law became effective in 2010. And they thought they did everything. They did the three tiers designation: 15, 25, and life. They put the employer on the website. I think they put

the employer on the website, but they did everything. They took away the risk-based system. They eliminated everybody where they had not been previously, only the level threes where publicly available. And the office said, sorry, you got to register adjudicate with juveniles. And Nebraska said Nope, we're just not going to do that. So I get a state like Nebraska, under the current thinking in Nebraska, they may not submit another application. So they may not become compliant. But what difference does it make? They're already compliant for all practical purposes except for juveniles. Does that really help you that your state's not going to submit an application?

Andy 54:50

But then, aren't they not receiving the full amount of money?

Larry 54:55

Well, I don't know the answer to that. I would think they're probably not receiving the full amount of money because they're not gonna register juveniles, but they don't consider it to be a significant loss apparently. They consider the public policy interest of that to be greater. But then you've got some states- and I should say one state in particular, you know, Maryland, where they can't comply. But see the funny thing about Maryland, they were already deemed substantially compliant before the Court said that they couldn't do what they were doing. So you don't lose your precious designation. So Maryland doesn't have any reason...

Andy 55:26

They should get reevaluated every period of time.

Larry 55:30

Well, that's not the way the statutes written. So but to answer your question, there are states that have a great many deficiencies, and they have many deviations from AWA requirements, they may be less likely to seek compliance. Because like for Vermont has, in fact, submitted a packet. But they don't even come close in Vermont. And now that they know how far away that that magic is, they may not submit another one. But again, all this is subject to change. And people, try to understand, public policy as it exists today is only representative of the people who hold public office at the time that pronouncement has been made. As the voters press upon people they elect to change their views, it could be that public policy in Vermont shifts if that's where the voters are. If the voters keep insisting that our registry has to be tighter and tighter, there's too many loopholes here, it could be very well that Vermont moves closer towards AWA compliance. I mean, nothing's carved in stone. If you take a look at the... I think we've shown how many times registries are amended. And we will show the years: '98, '97, '99, 2001, 2003... I mean, it just goes on and on and on. They keep changing the registry. Just because something is a policy today doesn't mean it's gonna remain that way.

Andy 56:51

And then considering that some states have provisions in their constitution, as we were just speaking about Maryland, and for example, their Constitution states that no disadvantage can be imposed ex post facto to its citizens and attempts to impose some of the AWA required elements have been shot down, not once, but twice by their highest court. Would this make it less likely that they will try again, do you think?

Larry 57:13

I think barring a constitutional change, it would make it less likely, but again, the political winds could shift. So for example, all that stuff that litigation went down years ago. As we have our term limitations that people are so proud of, and that institutional knowledge vanishes of what has happened. And new people run for office and get elected. And I don't even know if Maryland has term limitations. They may, they may not. But people are so fond of term limitations. As that vanishes in the rearview mirror, it could be that a new crop of lawmakers come in and say, Well, I don't care about what they did back here in 2012. This is today. This ain't then, and I got an obligation to protect my citizens. And I'm gonna propose that we change a law and we can pass this thing here. They'll have to litigate it because it's presumed constitutional. So don't assume just because something is unconstitutional, that it can't get passed. It could get passed. Maybe a watered down version of what they had passed years ago that was shot down. Maybe they could pass something. Right now, I think it would be difficult because institutional memory is too recent. But with the passage of time, and as that institutional memory fades, anything's possible.

Andy 58:31

By the way, there are comments in chat that no one in the Maryland legislature talks like you just mocked.

Larry 58:36

Actually, that's not true. Maryland has quite a few southern accented there. It's not as common but I've been to Maryland.

Andy 58:45

Alright, another question that has arisen regarding the revised AWA guidelines is if they have the potential to affect every person with a previous sexual crime conviction, the federal definition of a person required to register is anyone who has ever been convicted of a PFR type crime, even those pre-registry who never had to register. Isn't this a significant threat?

Larry 59:09

Yes, in my opinion, it is. But I think that states are unlikely to go looking for these individuals. But if they reenter the justice system with any type of felony conviction, or any sexual offense, and they had an older conviction for a sexual crime, the state, per AWA guidelines is required to impose registration according to the to the compliance packet. It'll tell you there. This is one of the things on the checklist. But having said that, this is also confusing, because if the person's offense is a tier one or tier two, enough time may have passed that they would not be required to recapture that person. Because remember, tier one is 15 and tier two is 25. If you're tier one offense is over 15 years old, the state would not be required to capture you under that provision. So they could have it on the books. But they wouldn't be required to recapture you. But in case of Maryland, they couldn't recapture you because that would be a disadvantage. So Maryland, I think it was in their law, maybe it's not in their law. I'm not sure what the status of the law is now, but they would not be able to enforce that, because it's a disadvantage to require a person to register. So they would not be able to implement that recapture provision. But it is a threat. It is in the regulations. It is the law. So it is a threat. Yes.

Andy 1:00:31

And one more after this one. And then the question becomes, if it wouldn't be unconstitutional to redefine who does and doesn't have to register due to an administrative implementation?

Larry 1:00:43

Gee, that's a tongue twister. How did you come about that?

Andy 1:00:47

Yeah, it took me a lot. I saw it actually came to me like three o'clock in the morning. And I just woke up out of a cold dream and I wrote it down.

Larry 1:00:56

So I think you're saying wouldn't it be unconstitutional to redefine who does and doesn't have to register due to administrative implementation? Well, I'm not expecting that states will redefine who is a sex offender due to this new set of regulatory changes. However, I do fear that states will change their statutory definition of a PFR to include a provision that covers quote, anyone who is defined as a sex offender under federal law. If they were to put that in their statutory scheme, if they were to put in your list of offenses... say in New Mexico, if you went down the whole list, and that added whatever number we're on now I think we have 11, or whatever we have. If it said, "...or anyone defined as a sex offender under federal law," I think that's the real danger, because then we're getting even deeper into unknown territory. Because everything one branch of the government does is considered to be constitutional until it has been declared to be invalid by judicial tribunal. So, if they were to do that, my first thought of a challenge would be that such a statute would be void for vagueness. For example, the AWA includes in its wording a catch all language that requires registration for any conduct, that by its nature is a sex offense against a minor. That's a very broad and subjective and arbitrary interpretation. And that would be my first challenge. My next challenge would be, I would argue that the federal government cannot usurp the power of the states to define who's required to be regulated within their borders. Now, remember, folks, this is why you have to say, civil regulatory scheme. Because to make this argument, you have to say that the big ol' bad federal government cannot usurp the power of my state to decide how it will create its own regulatory scheme. So that would be my next argument. Unfortunately, that argument is not likely to be asserted because many of the states would be more than happy to claim that their power has been usurped by the federal government because they want a more expansive registry. It's kind of like the churches that don't want you to come. And they say, well, it's too bad. I mean, we would welcome you here. But you know, the big bad government says you can't be here. That's what I fear. That argument's not likely to be made.

Andy 1:03:19

Interesting. Okay. And then I think the last question that we came up with... So, the bottom line is that a state's becoming compliant with the Adam Walsh Act through administrative fiat is likely to usher in a fresh new set of lawsuits, something that those of us in this advocacy enthusiastically welcome.

Larry 1:03:37

Well, I hate for things to have to be go the direction of litigation. You're probably right that it's going to usher in. But I wish we didn't have to litigate because so many people are gonna be hurt. When these things start being implemented. it's kind of like, yes, you can litigate, and that's what we're gonna have to do. But like in Michigan, those who live in Michigan have told me that the new registry in many regards, the recreated one after the unconstitutional one is in many regards worse than the one it replaced. So yes, we will be forced to litigate. But it's unfortunate that we're going to have to do that, because I wish this didn't happen. I wish that the Adam Walsh Act hadn't passed in 2006. I wish that Congress had not passed it. I wish that the president at the time hadn't signed it. I wish a lot of things, but that's not where we are. This is the law and the feds, regardless of the administration and what party, they're going to try to get as many states into compliance with the federal Adam Walsh Act provisions as they can. Until that is changed, that's what they're going to do. It doesn't matter whether it's Merrick Garland, or it's Alberto Gonzalez, whether it's whoever it is, that's what they're going to do.

Andy 1:04:57

All right, Larry, um, anything else? We are getting close on time. So we'll just break out of here. Do Who's that Speaker and stuff. Is there anything else that you want to talk about before we get out of here?

Larry 1:05:08

Well, I think the usurpation of power. That is a word right? I think that is a good argument if the state wanted to assert it. It would be kind of like a state saying you can't pull our funding on the Affordable Care Act. They said, you can't pull our existing funding because we haven't fully implemented the Affordable Care Act. And the courts agreed with him. I think they could make the same argument. You can't pull our existing funding because we haven't expanded our registry. But unfortunately, no state has asserted that. But I think it would be a compelling argument because of Supreme Court precedent. But these arguments, although they're compelling legally, they're not so politically popular. I mean, can you imagine? My state hadn't expanded the registry to get all the sex offenders on here that the federal government wants us to register, but we still deserve our funding, by golly. Can you imagine the political...? The attorney general's office would likely be making that argument. Can you think how popular that attorney general would be after making such an argument? So therefore, it's not likely to be made, nor is this argument about usurpation of power. Okay, so let's go. Let's go on with the next segment here. What do we have?

Andy 1:06:16

Yeah, well, we are at Who's that Speaker??

Larry 1:06:18

Let's hear it. Who is that speaker we had last week?

Andy 1:06:21

Well, last week, we played:

Senator Lloyd Bentsen (Audio Clip) 1:06:23

I served with Jack Kennedy. I knew Jack Kennedy. Jack Kennedy was a friend of mine. Senator, you're no Jack Kennedy.

Andy 1:06:34

And that was Senator Lloyd Bentsen. And our winner was Ron C. And I'm pretty sure that Ron C. has shown up in chat. So this voice on this week's audio clip you played was Senator Lloyd Bentsen, a Democrat during one of the 1988 US Vice Presidential debates. And he said it to Senator Dan Quayle, the Republican candidate. Well, thank you very much for sending in that information Ron C. You get your five seconds of fame. Yeah, appreciate it.

Larry 1:07:05

That is awesome. I've got my political match here. I believe it's pronounced Benson, though, without the T. Did he put the 't' in it?

Andy 1:07:11

He did put the T in there. So I just copied and pasted.

Larry 1:07:15

I believe it's pronounced Benson. But yeah, still he's correct. I mean, that's who it was. And that's the context of when it happened. So all right, well, who do we have now? Is there something juicy and good for us?

Andy 1:07:27

Yes, there is. And I'm gonna have to like, I'm gonna mute you if you keep talking, because you keep giving away clues as to who and what this is. So hopefully, Ron, who's listening now, will not get this one. But let's go.

Who's that Speaker? 1:07:38

And it's very important to surround yourself with people who are the better than you are. You are going to move in the direction of the people you associate with.

Andy 1:07:49

All right, if you know who that is, send an email message to me at Who's that Speaker? at registrymatterscast@gmail.com. All right. I don't think anybody's gonna get this one.

Larry 1:08:01

Who on earth could that be?

Andy 1:08:05

He's 1000 years old. Let's see. Anything else? I did not even look to see if there any new patrons. Larry talk for one second. And I'll see if there are new patrons.

Larry 1:08:13

We always get a new patron at least every week. But our subscribers to the podcast transcripts, we really need to beef that list up. I mentioned that last week, and we're going to need to defray the cost more for a larger subscription audience base. And you can get it two ways. You can subscribe directly by paying a paltry \$6 a month for 4 and 5 weeks, depending on how many weeks are in a month. You can get all the episodes, all the chatter here. Or you can have someone become a patron on the outside at the \$15 or greater level, and they can designate two

subscriptions to receive this wonderful product that we're putting out.

Andy 1:08:59

Excellent, yes. And well, there are no new patrons. And so there's that and we got to get out of here, Larry. And I do want to make sure that we make the announcement that we're not going to record next week, as far as I know. Unless something miraculous happens right around Christmas, but that's four days from now. So we're not going to record next week. So we'll see you New Year's Eve essentially. It's not New Year's Eve, is it? Are we recording New Year's Eve?

Larry 1:09:24

I think it's New Year's Day.

Andy 1:09:26

Okay, good. I'm like, I'm not going to be around. And so, I hope everybody has a great holiday season. I was raised Jewish. I don't really care about Christmas that much, but I hope everybody else does.

Larry 1:09:37

Awesome. I think we're gonna have a great vacation for a week.

Andy 1:09:44

And so look for everything, show notes and everything over at registrymatters.co. Voicemail: 747-227-4477. registrymatterscast@gmail.com if you want to send me a letter of some sort. And of course, as Larry was just describing about Patreon. Patreon.com/registrymatters if you want to support the program. Again, wish everybody a Happy, Happy, Happy Christmas. And I guess we'll see you on the other side in 2022, Larry.

Larry 1:10:12

Awesome. Happy New Year.

Andy 1:10:18

Take care everybody. Good night.

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