



Registry Matters Podcast

Episode 209

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Andy 00:17

Recording live from FYP studios, east and west. Gosh, I haven't done this in so long. I don't even know what I'm supposed to say. Transmitting across the internet. This is episode 209 of Registry Matters. Happy Saturday, Larry, how are you?

Larry 00:31

Awesome. Good to be back.

Andy 00:33

Yeah, no kidding. I am back home. Like I have all my normal gear with me. And I'm disoriented because it's been a while. Do you have any advice that you wanted to share right off the bat before we get the podcast going?

Larry 00:46

Yes, I do. For those who are engaged in a pattern of criminality that involves the need for a getaway, just make sure that you have fuel in your vehicle sufficient to achieve the get away.

Andy 01:02

Um, how does that come about man that you would need that kind of... Like, why would you be in this kind of position that you would need this kind of advice?

Larry 01:14

Well, I was reviewing a case recently where the clean getaway fell apart because the vehicle ran out of fuel. So just keep that in mind. For those who would engage in criminal behavior, whatever that criminal behavior is, make sure you have fuel in your getaway car.

Andy 01:32

All right, then I am going to do a quick little adjustment on something because your picture isn't set, right. And so we will get that situated. Beautiful. I made an edit for the guest. And it copied everything over to be... your name is Brenda. So I have to go fix that here in a minute. All right, Larry, what do we have going on tonight?

Larry 02:12

We have a great episode as always. We're going to be talking about issues related to prison mail as mail is entering institutions, the new policies that are cropping up around the country. And we've got a special guest talking about legislative advocacy. And we have some clips, one about hypocrisy. And then another one, we're going to talk about, what the theme for the coming elections – well, it's not coming, it's here- in 2022, what the theme will be in terms of crime. So we're going to have some discussion about strategy by the party that's out of power.

Andy 03:05

All right. So I think we should then just dive right on into all this. Hopefully, everything still then works. Okay, cool. Um, we received

a question. And this, I guess I saw this on the affiliates list that somebody was asking about traveling to US territories and says: a question about traveling to Puerto Rico, US Virgin Islands. While I understand people's desire to be cautious about registration requirements, I encourage you to not make problems where there aren't any. Most registering agencies do not want to do the work of registering people for a week or two. A friend of mine went to Hawaii a couple of years ago and felt he had to go register. When the registrar found out he was only going to be there for 10 days, he told my friend to go away. They didn't want to bother him. I do remember where I got this. This was the advocate that's out of South Carolina. And certainly, certainly, certainly I see this on the Discord server for the podcast all the time of people like they're going to step foot into Florida for 48 hours and one minute. Could you please provide me with some comments on this?

Larry 04:12

I thought it was very well written. I tell people similar things all the time. Unless you are emitting some sort of trace materials, they would not know. But beyond that, again, I do work in the business related to what we're talking about and I see prosecutions. I'm on two listservs, one national and one state. And I see these prosecutions and I have yet to see one where a person was an hour over, or a few hours, even a day over. I've just not seen one. Now you would think in this internet era where everything spreads like wildfire, that if these prosecutions were occurring, you would think we would know about them. But yet none have ever surfaced ever, ever, ever since I've been in this business. But there are those who, like the writer said, they tend to want to create a problem where there isn't one. Now, I'm not advising people to not make some conscious effort to at least try to be aware of the law. But the problem is you can't be aware because no one knows what the law is. There's lack of clarity on this. And that in the legal world means that the tie goes to the runner. That's called the rule of lenity. And the rule of lenity provides, if there's not clear precision that specifically tells you what you must do, then the prosecution is not successful. So unless there's a clause that says, if you are here for x number of hours, regardless of the circumstances, you shall register, than a prosecution is likely not to happen. But that doesn't take care of the whole problem. Because there are some states where it does say that you have to be there, you have to register within a very short timeframe. Like Nevada, I think is 48 hours, maybe Florida is to some. I don't think that my interpretation of what we've read it on the podcast, I don't interpret it that way, because I just simply read what the law says. And it doesn't say that. But where it does say that, even where it does say that, are you telling me- make sure I've got this straight- the police departments around the country, they're so short staffed right now remember? They're they've been defunded. Are you telling me that the Clark County, which is Las Vegas, are you telling me that if you were there 49 hours, even though their statute is crystal clear, are you telling me that they would want to extradite you back had you left Nevada to prosecute you for that 49th hour? And are you telling me that they would have the mechanisms in the machinery to detect you when you're on your 49th hour? Even though it is in the statute, how would they do that?

Andy 07:08

We have a fairly new patron who is going to be traveling to Vegas very soon. And he's going to be there longer than the time allowed, which it's 48 hours and he's going to go register and he doesn't find it to be a big deal, because they're just going to deregister him upon his exit. But still.

Larry 07:29

Haha. Where's that clip that you play? (Andy: Which one? The laughing one?) Yes.

Andy 07:34

I mean, it's right here. *plays laugh track* But that's what he does. And he's adamant that he must go do this, or else fire and brimstone, and, you know, Armageddon events happen.

Larry 07:50

My understanding is they will continue to carry his name on the registry. That is not the same thing as registering, but they will continue to carry his name on the registry is my understanding in Nevada. So therefore, it'll show he was temporarily there and no longer there. If he were to get relief from registration, he would still have that record in Nevada, because I don't believe they remove those from temporary visits. So that's all I can tell you. I can't advise him on one strategy versus the other. But I don't think they take the names off the website.

Andy 08:23

And to be clear, we... specifically you more- So I am just like a guy that does a podcast, but you are a person with legal knowledge. But you are not a lawyer and you are not telling I am the lawyer guy. And I'm telling you, you don't have to do this. You're not saying that either. Right?

Larry 08:39

That is correct. I'm telling you that the law is clear. He is correct. I'm telling you, my belief is from my research that I did in the past that they don't remove your name. I'm not telling you what to do beyond that.

Andy 08:53

Okay, let's move along. Set up this thing with a prison mail issues that we're going to talk about.

Larry 09:00

Certainly. Prison mail is becoming a significant problem across the country in terms of crackdowns on the entry of mail from all sources, family members, as well as organizations. And the prisons have made it very difficult for mail to come. They've restricted labels, for example. That's very common nowadays. But in the recent couple of years, they've gone to a scanning system where people don't actually receive their correspondence anymore. They receive a scanned copy. So what we have here is the pronouncement by the New Mexico Department of Corrections of what starts February 1 here. So if you don't mind, if you could just read the directive as it was given to the inmates.

Andy 10:01

Alright. Any personal mail that is not sent to this address after January 31, 2022, will be Returned to sender. All legal mail, cashier's checks and money orders will be sent to the facility. Mail

will no longer be accepted that is comprised of cardboard or other rigid parchment and capable of running through the scanner. For example, United States Postal Service postal rigid Express envelopes that lay flat but do not bend without creasing would not be accepted and magazines will not be accepted. All Mail must be properly addressed with the identification information to clearly identify the inmate in custody. Mail will be Returned to sender if information is insufficient to reasonably determine the identity of the inmate for whom it is intended. Packages mailed to inmates will not be accepted but will be Returned to sender unopened. Items that are impossible to inspect without destruction will be Returned to sender, glued items, greeting cards. Items that are unacceptable will not be separated or thrown out. The entire envelope with its original contents will be Returned to sender.

Larry 11:16

Okay, now the funny thing about that is they don't actually follow that policy. The prisons that have such policies, this is becoming effective February 1 in our state. This mail processing is owned by securus Are you familiar with securus?

Andy 11:33

Barely. hey were just coming up when I was getting out

Larry 11:37

Hey're phone service, communications provider, but now they've gotten into the mail scanning business apparently. So this mail for New Mexico will be sent to Tampa, Florida. And other state correctional systems are using this system in Tampa, Florida, where we have to send. I believe it's Pennsylvania and some other states are using the same processor in Florida. And the inmates, of course, are not enamored by this because they can't get their holiday cards. They can't actually smell the perfume from their loved one or whatever. They don't want the scanned copy because people who scan tend to be a little bit on the lazy side. And when pages go through crooked, there's technology that will straighten those. We have that technology here. That's how I know about it, and I can put them in crooked and most of the time it aligns them correctly. But they get blurry cross feeds, and they get horrible scans, missing pages. So they're not enamored by it. But as the complaints have come into lawmakers, which I happen to be affiliated with one, the Cabinet Secretary of the Department of Corrections decided that the inquiries were becoming a significant concern. So the Secretary wrote a letter to key lawmakers and you can read that if you don't mind.

Andy 13:04

Very good. Okay, responses from Corrections Secretary of New Mexico. Good morning senators and representatives. I understand that you may be receiving constituent inquiries about changes being made to mail processing for incarcerated persons within the New Mexico corrections department. In speaking with Senator yesterday, he asked that I reach out to you and share information on what we have been experiencing, how we have addressed it, and the changes forthcoming in February. In mid 2021, facilities within the New Mexico corrections department began to see a marked increase in serious incidents related to the use of substance referred to as spice, K2, or synthetic marijuana. This substance is often laced with fentanyl, and other dangerous chemicals and cannot be visually detected or tested for. The drug is most often soaked into paper, dried and sent into facilities by

mail. Since July 2021, the number of inmates requiring serious medical treatment and hospitalization due to overdose and aggressive access substantially increased. Extreme aggressive behavior associated with the use of substance has also resulted in increased incidents, assaults on staff and staff members exposed to the substance have had serious reactions requiring medical attention. Over the past few months, our larger facilities began photocopying mail by hand with rented copy machines. On February 1, 2022, all non-legal mail will be sent to the Mail Processing Center. I've included the information being posted in facilities below so that you are able to see exactly the same information being provided to our populations. Newspapers will be available to inmates via a library checkout. Legal mail will continue to be received facilities and newsletters, as long as they meet the criteria below, will be accepted through the processing center. This information was posted in late December. Our wardens and facility leadership will spend the month of January conducting townhall meetings with inmates and our constituent services office to prepare to respond to inquiries from the public. I hope this message provides you with the information you need. If I can be a further assistance, please reach out to me directly anytime. Does this cross any First Amendment? Are you allowed to just get magazines, of what sailboat magazines, computer magazines? Do you have a right to have that stuff received?

Larry 15:33

The courts are kind of in varying degrees of what rights you have. And I'd have to do some research to really figure that out. And that's hopefully what we'll do in the coming weeks to figure out what rights you have. Facilities certainly have the right to try to maintain a safe environment for the residents and the staff. So there's no question about that. That's just a no brainer there. But what you do about that is the problem, how you deal with it as the problem. This is collective punishment and collective punishment is frowned on by international law. And collective punishment means that you take the entire group, and you say, but for the actions of a few, this is what we're going to do to all of you. And those podcast listeners have heard me say, the police frown on that when they are told that because a few officers have acted improperly, you're painting us with the same brush. And I agree with the police completely on that. They should not be painted with a brush, but I also wish that the police, which this is kind of an arm of the police, the corrections officers and the administration, I wish they would practice that same policy here. First of all, I'm not sure about all these exposures. We had an article that we won't probably have enough time to get to tonight that has information about this incidental exposure to certain drugs not being a legitimate thing. That it's imagined. Since I'm not an expert, I'm not going to go there. But what I will tell you, if I were the corrections secretary, you would not like me very much. Because my policy would be very clear. If you got overdosed on anything in my institution, when you get back to the institution, you will be put in administrative segregation. And you will remain in administrative segregation indefinitely until you tell us how you got this substance into our facility. And that would be how I would propose to deal with this. We know who we would have information on who we took to the hospital, I think that would be a given. And I think there would be blood tests that we could determine why you were in the hospital. If you had drugs that had caused the hospitalization, we would have that information. We probably would not get the drugs because they're in your system.

And they were flushed down the toilet when the shakedown started or whatever. But we would have enough information and evidence that you were on something that you weren't supposed to be on. And you would remain in the hole indefinitely. And I will assure you that at some point, the person will want to come out of administrative segregation, and they will begin to talk. And when they talk, then the person who is revealed, they will be arrested as well if we can get enough corroborating evidence. Then, it wouldn't be too long to where this problem would start to diminish without having to impose collective punishment. So I think a solution would be completely different than what they're doing by depriving people of their greeting cards. And of actually being able to have the real correspondence. I know it doesn't mean much to a person on the outside. But it means everything to a person on the inside, trying to stay connected. When they actually get to see the letter and hold the letter that their loved one wrote, I know people have trouble relating to that. But that's really all some of these people have.

Andy 19:05

Let me ask you this, though. Like with the telephone stuff, the telephone, that's not a prison telephone, that is a private company that creates a contract. And then there's a kickback to the prison, if I'm not mistaken, for those phones to be housed there in the prison. They've got to be doing something like this. What is the economic pressure that Securus is presenting to them saying, Hey, if you do this for us, then you don't need the staff or the mailroom and we'll give you some kind of kickback of some sort for making this happen.

Larry 19:37

I haven't thought about that. That's a great question. I don't see where the cut would come from. I know Securus is getting paid, according to news accounts here, \$3.50 per month per inmate. In a corrections department that's approaching 7000 inmates, I mean, you can do the math. That'd be a couple \$100,000 a month. I'm not clear if our privately operated prisons are participating but I'm guessing they are.

Andy 20:00

But for them to kick back and then say you're not going to receive any magazines, just as an example, because I mean, that's one of the ways that I sort of stay... I was in prison, but I wasn't *in* prison because I maintained a whole, you know, a procession of information coming into me that kept me from becoming institutionalized, more so than maybe I ended up being. But you know, like listening to the radio, and reading free world magazines kept me from then participating in slamming dominoes on the table.

Larry 20:29

Absolutely. And I believe that the courts will back the inmates on some of the challenges. Clearly you don't have the right to any magazine you want. You have certain limited rights in terms of material from the outside. And the case law is going to have to develop. The case law, as it's been developed, did not contemplate scanned mail, did not contemplate denial of magazines. So I think a southern jargon to use would be newly plowed earth that we'll have to do with this. The other southern term would be well plowed earth if something has been litigated over and over, and you've got multiple precedential decisions. But

this is going to be newly plowed Earth on some of the stuff because we just didn't deal with this stuff 10 years ago, five years ago.

Andy 21:19

I think that's why they stopped selling likee stamps or like, I guess that's why they stopped letting you have stamps sent in from home. Because they weren't marking those up on the store. So there's no revenue stream there. Not like they're selling you a 10 cent soup for 50 cents, whatever the going rate is. And so they weren't marking up stamps, but they wouldn't let the stamps come in from the free word because people would lace those with things that you could lick. I am not a drug person, I have no idea how this stuff works.

Larry 21:46

On the magazines, like I was saying, it's going to be newly plowed Earth. The organizations that have a significant prison outreach are going to have to collaborate. And this may be that kumbaya moment where we all come together, where we figure out how this is impairing our operations. Because a lot of the rejections of mail are being done to our organizational mail saying that this is friends or family and it's not. We're not friends or family, I mean, in the literal sense of what they're interpreting. We're business entities, but they're stamping it friends or family mail - rejected. And so we're gonna have to collaborate and figure out what is the prudent course of action. We're going to have to accumulate documentation from the inmates in terms of how they're feeding them with the mail? Are they documenting it? Are they being told what's been returned? And why? Or is it just vanishing into oblivion? I can just tell you what's gonna happen. This is one of those fine private companies that's in the business to make a profit. I really doubt they're going to seriously document what they are receiving that's not acceptable. And that there's not going to be a paper trail of what's being returned, or if it's being returned, and all these kind of things that would help the inmate to know how they can communicate with their loved one to follow the policy. So what's really going to end up happening is a lot of stuff is going to make it into a waste repository bin. And it's just not going to be scannable. And nothing's going to be done about it. And people are going to be irritated because they've had letters sent to them that they never will receive and never know they existed. That's what's going to happen, in addition to business mail, like what we send is never going to make it to them. And the only reason we'll know is if they actually return it, which in some instances, we're getting returns saying that it's they don't accept friends or family correspondence.

Andy 23:39

Could they just do this: If you are the one that ends up ODing, you are now no longer allowed to receive mail.

Larry 23:47

I don't think you could do that broad of a policy, but you certainly could screen their mail. That's what I'm telling you. That's what would happen to when you get into administrative segregation. Under my administration, you would get absolutely the bare minimum of what the Constitution requires us to give you, and you will talk because there's a person- and I forget his name. It may come to me before the podcast is over- who's in Fort Leavenworth who's been in no human contact for about 30 over

30 years. Silverstein. I forget his first name. But if anybody wants to Google Silverstein, if he hasn't died, he's been held under the lights in the bowels at Fort Leavenworth for decades. Because they're mad at him. He killed a correctional officer at the time when the federal government had no death penalty, and he will remain there. And that's what you would do. If you get high in my prison, you will be put in administrative segregation and you will remain there because we're trying to run a safe institution for our staff and for other residents. And we're not gonna let you as an individual disrupt that. So I think the prison would have broad latitude, but I don't know they could restrict all mail. But I think they would be able to do intervention on the mail. Maybe photocopy it, a person who's overdosed on something. But see you don't know for sure that they overdosed on something that came through the mail. A lot of contraband comes in by staffers, guards, and various staffers that are entering prisons. And despite their best efforts, they are not able to eliminate that flow of contraband.

Andy 25:22

100%. I would bet 95% of contraband that's in prisons came from someone that was allowed to walk through the gates. It didn't come from mom and dad sending you stuff or your homie or whatever, sending stuff in. There's just no way that it happens that way.

Larry 25:47

Has anybody Googled Silverstein yet? Usually, with our studio audience, we have hundreds of responses very quickly.

Andy 25:53

Um, no one has said anything to me. All right, well, then let's move on, Larry, because we could drive around this bus for hours and hours and hours. We're gonna do this one where we're going to talk about what's going to come up in the new election or the upcoming election talking about the crime rate. That's what they're going to focus on in the election. Do you wanna set that up better than I did?

Larry 26:21

Sure, as I tell people, our public policy is largely a reflection of where the public is, at any given time. And the public right now has an elevated sensitivity about crime. Not just in my state where it's really elevated, but across the country. And the party that is not in power, which is this moment is the Republican Party, they are picking up on where the people are. And they're setting up the Campaign for 2022. So we've got a short segment we're going to play tonight from Fox News, which most people consider to be a fairly reliable source when it comes to news. I'm not saying I do, but I'm saying many people consider it to be a very reliable source. But this is what the Republicans are saying that the campaign of 2022 for Congress just might look like.

Andy 27:14

Alright, well, that's hopefully this works.

Anchor (Fox News) 27:18

Guy, Republicans are hammering Democrats on the national level, even on a few points. No bail for nonviolent crimes. Prosecutors, in some jurisdictions not even enforcing laws. And of course, there's defund the police. How legitimate an issue is this? Clearly it

is on the local level, how legitimate an issue is it on the national level?

Respondent (Fox News)

Well, it's a big issue. And I think Julie's right, I would call it trickle up is the effect here, where it might be happening at local levels. Because as you mentioned, Chris, some prosecutors and DAs have effectively decriminalized low level crime or even mid-level crime. But if that's seen as a Democratic issue, that could trickle up to the White House, and certainly to congressional races coming up in 2022. I see Republicans hammering on this general issue set virtually every single day. And I think a big element of it, Chris, is the recidivism. The reoffending of people who in many cases get out with no bail or very low bail from that horrible series of killings up in Waukesha, Wisconsin, at the Christmas parade, all the way to the guy who burned down the Fox News Christmas tree in New York, he was out within hours, because of so called reforms in New York. There are people who are dangerous who should not be on the streets. And far too many of them are. And I think people feel that.

Larry 28:41

So there's where we're headed in the 2022 election cycle. And the reason why we're headed there is because the people are there. The people, meaning the population. They believe that they're not safe right now. And they believe the reason they're not safe is because of the policies of the Democrat Party, which he just mentioned. The no cash bail, and the decriminalization, effectively- prosecutors like Crasner in Philadelphia that said I just won't prosecute these things. Their storyline is that this is what's making you unsafe. And there will be significant, significant pushback at the polls in November. And I've already gone on record predicting there's going to be dozens of US House seats lost. And crime will play a big part of the election cycle coming up. Won't be the only part of it. It'll also be you know, the economy of course. You know, we've had segments about the economy about I mean, we've got the lowest unemployment rate we've had in decades so it's almost back down to the level it was before the start of the pandemic. We've got wages soaring because you can't find any employees. But apparently, the storyline is going to be the economy is faltering and all that. But like crime is going to be an even... you can scare people more about the about crime than you can about the economy. If everybody who wants a job has a job, it's hard to scare people about the economy. You can scare him and say that the inflation boogeyman is gonna swallow you up. But crime is something that's difficult to quantify. You can tell people that crime is really high, although murder rates are still much lower than they were in the 90s in most cities, but you can scare people a lot with crime. And that's what's going to happen. And it's going to result in a significant change in the direction of public policy very soon.

Andy 30:46

So we're going to go back to the law and order President kind of style of administration.

Larry 30:51

That is correct. And I just did the Google on Tom Silverstein. He died in 2019. So he's no longer in the bowels of Fort Leavenworth. But he did stay there about 40 years. Okay, so that's about the Fox News clip that we had for that. Didn't we have another clip?

Andy 31:09

Oh, yeah, I got another clip. I got another one.

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Larry 32:04

Okay, well, I'll be happy to set it up. What we have here is a clip from United States Senator Rand Paul from Kentucky who is a big Libertarian. He's a big libertarian who believes in being fiscally restrained and he's voted against all disaster relief in recent memory. Whether it be for Puerto Rico, whether it be for the Gulf Coast, wherever it's for, he's been anti disaster relief. But amazingly, with this clip, you're gonna see a big flip flop. Go ahead.

News Reporter 32:41

The damage from tornadoes here in Kentucky is just so obviously devastating. You can see it everywhere you look and the need for federal aid is dire. And it's putting Kentucky Senator Rand Paul, his past opposition to disaster relief, into the spotlight. John Avlon with the reality check.

John Avlon 33:06

Hours after a devastating December tornado tore through Kentucky, causing more than 200 miles of destruction, Senator Rand Paul was asking President Joe Biden for aid from the federal government. Now this is pretty standard stuff, except for the fact that it came from Rand Paul. Because the Kentucky Senator who hails from the first family of American libertarians has a long record of opposing federal aid for disaster victims. Except apparently, when it impact his constituents. Suddenly all those reflexive attacks on socialist big government spending don't seem to apply. But after superstorm Sandy, it was a different story. Rand Paul strenuously opposed relief, getting in a spat with then New Jersey Governor Chris Christie, and accusing aide advocates in the northeast of being greedy. Two years later, Rand Paul opposed aid for the victims of hurricanes Maria, Irma and Harvey that hit Puerto Rico in the Gulf Coast, saying this on the Senate floor.

Senator Rand Paul 34:02

People here will say they have great compassion and they want to help the people of Puerto Rico and the people of Texas and the people of Florida. But notice they have great compassion with someone else's money.

John Avlon 34:13

And that's not all. He tried to block the extension of the 9/11 victims compensation fund opposed efforts to bolster FEMA emergency disaster relief fund. And just a few months ago, he blocked Louisiana Senator John Kennedy's attempt to pass the 1.1 billion Gulf Coast hurricane aid act by unanimous consent. But

now that Kentuckians are in dire need, Rand Paul's singing a different tune. Gone are the demands for delay and request for finds of funds elsewhere. Now he wants the Feds filthy lucre as fast as possible.

Andy 34:44

Hey, Larry, I noticed that Oh, was I gonna say they didn't play any clips of him saying that per se.

Larry 34:54

They did have the clip of the of the part, notice how they don't want to give away their own money. That's the part. But if we played the whole clip, there's other stuff of him saying, he being Rand Paul... he's a typical hypocrite, let me run off some listeners here. That's typical with Libertarians. The Libertarians are for small government except for the things that they receive from the government. And they believe in receiving those things. But then they don't like for the taxes to be paid that cover the expense of those things that they're for. So as far as I'm concerned, most libertarians are just like Rand Paul.

Andy 35:38

We're gonna get a bunch of hate mail about using a clip from CNN. You said Fox News, people consider that to be a reliable source of information. People are gonna come back and say CNN is not reliable.

Larry 35:49

Well, I mean, those were his words, though. I mean, I don't know what they can say. This is him demanding aid. This is not our imagination. And this is him blocking aid and condemning it. I mean, I don't know. If they've got a problem with that, I don't have anything for them.

Andy 36:07

I understand completely. I am just kind of picking, picking, picking, picking. Um, anything else? Because we are sort of running short on time and want to do this segment with Brenda about advocacy work. Is there anything else you want to cover?

Larry 36:21

Let's roll over to advocacy. Let's do it.

Andy 36:25

Very good. Joining us now is Brenda Jones, who is an advocate and also a stellar leader for the movement in general. And she's going to talk to us quickly about what's going on in advocacy work and how people might get started and what they would want to focus on and so forth. Brenda, welcome. Welcome. Welcome. As always, you have been here before and you know the rules. You can say whatever you want, I think, how are you?

Brenda 36:54

Hey, I'm doing fine.

Andy 36:56

Excellent. So I've talked to you during the week and created a whole slew of questions. So we have to keep answers very short. I didn't write your answers for you. Are you okay with that?

Brenda 37:08

I'm perfectly fine with that.

Andy 37:11

We got to boost your volume up for me a little bit. Um, so you are there in the state of Maryland. And you decided to start doing advocacy work? How long ago give or take?

Brenda 37:22

I started in 2010.

Andy 37:25

2010. And it is not you. You are not the registrant. It is some family member or friend.

Brenda 37:32

That is correct.

Andy 37:36

You didn't know anything about doing advocacy work? So start it all off.

Brenda 37:40

I was totally a deer caught in the headlights?

Andy 37:44

So I'm trying to figure out how to like frame all these questions and go through it all. So like Larry's a special candidate in so many ways, but Larry has been doing this since he was like still wearing diapers. And you come to this much later in the game? Do you need a special degree from some sort of masterclass to talk to legislators? Is any of that required? Do you need a special handshake?

Unknown Speaker 38:14

No. Quick answer for you.

Andy 38:16

Can you elaborate just a hair?

Brenda 38:18

A little more answer than that. No. You need... In my opinion, your qualifications are you need to be a good listener and you need to be willing to step out and be able to speak fairly well? Those would be the two qualifications.

Andy 38:43

Would you then suggest that you almost like build your talking points, and then more or less rehearse them?

Brenda 38:50

I definitely did that. I don't often- I'm not good at speaking off the cuff, generally speaking, unless I've rehearsed. There are some people who have a good idea in their head of what the talking points are. They can keep them in their head and they spit them out whenever. But for me, yeah, definitely. What we would do is look at the bills coming up, a particular bill, and we would then think, okay, what are the specific issues we have with the bill. And we make little bullet points, and we'd usually write them up real nice and pretty, and put them on our on our state letterhead. And we'd have that in hand. But I wouldn't walk into a state legislator's

office and start reading from my bullet points. I would have it there. And I would give a 30-second elevator speech because I tended to do cold calling. And so, I would walk into an office and say is the senator or the delegate there? And they usually say no, and, and I would say fine. Well, I hope they'll consider these points about this issue we're concerned about this bill, and blah, blah, blah, blah, blah. 30 seconds, I'm generally done. If the person's interested, I'd give them more info. Yeah, that was kind of how I work it.

Andy 40:14

You touched on a point I was just because I was having a conversation with someone who's like, I can't get a day off from work. And so you just said something about 30 seconds. Now I know there's multiple people that you would want to go see, but you're in and you're out in roughly five minutes tops I would guess. Even if the person is there for you to talk to them, they're not going to let you talk to them for an hour.

Brenda 40:34

Oh, no, no. What I tended to do- I have a day job. Which means I'm definitely not a professional lobbyist with capital P or a capital L. I am a concerned citizen, or I sometimes think of myself as a citizen lobbyist. So I'm doing this, I take a day off work, I take, you know, a vacation day. And I usually go down on the same day there's a hearing. So I would lose a whole day. But I would have all my people lined up. And I would go to the specific people I needed to talk to. And I rarely had appointments. When I was really organized, I would have appointments, but I would just go to them about- they were committee members- And I would go and talk to them about the bill in advance of the hearing that I was going to be testifying on that afternoon. So yeah, and I would just go from door to door. Now, that's when it's not COVID. For the last two years, there have been no going door to door. The offices are closed. So in a way that makes it a little easier. You just need to call one phone number after another and leave your messages.

Andy 41:50

I'm going to take like a radical detour. I see online, like on the NARSOL Connection site, I see on Reddit, I see people say hey, sign this petition to remove the registry. change.org and places like that. In my brain, I'm like screaming that this is... Fine, you get your 5000 signatures. I'm pretty sure that these do nothing. I mean, maybe they do a 10th of a percent of good, but I'm pretty sure that they do effectively nothing. And I see them all the time.

Brenda 42:20

Andy, Andy, Andy... If you could only see how far back in the back of my head my eyeballs are right now. Number one, this issue is not going to garner 5000 signatures. I've been doing this for 10 years, and you're not going them. Number two, what little research I've done and the information that I've seen, nothing's going to happen. Plus, who are you going to give a petition to? You got your 5000, who are you going to hand that petition to? You're going to hand it to a legislator, because the only people that are going to be able to get rid of the registry is a legislator who's got to change a law. So you're right back where you started again. So why spend all that time... You know, you could post that thing everywhere you wanted to, and it's not going to change a single law because that's going to be done either through the legislature or through the courts.

Andy 43:25

So how do you find bills to focus on? And do you use any specialized tools? Like in Larry's case, he probably uses like a big stone tablet with a chisel.

Brenda 43:49

I've heard that chisel.

Andy 43:40

Do you just use a notebook? Are you old school? Do you use Excel spreadsheets? And how do you find them?

Brenda 43:46

Well, okay. Several questions there. I will keep it brief and kind of high level. But, for me, again this is me, the citizen advocate in my state. Everybody can do this. It's easier in some states than others. But you go to your state legislature's website, and there's generally a way to look up bills. There is also software out there that some folks use that will do the searching for you if you put in the right keywords. But I'm a little old school on that. I do go to my state's website. Most of bills that I need to watch for can be found if I search for sexual offense.

Andy 44:28

Okay, that would be the next question. So can you more or less pull it up by typing that word?

Brenda 44:34

Most of them will. I do do a cross check and some other people do some cross checks. Occasionally something doesn't work, but that gets 90% of them. Then we try to keep an eye out for the random other because we focus in real close. We're not doing a lot of other criminal justice issues and things like that. But we will check it because there may be the occasional one that isn't directly to do with a person forced to register. But you know, but it may still impinge on them in some way. So anyway, you do your search, right. So and then you look at the bills that come up. In my state, and again, it is different in every state. Depends on how the legislature is put together and how fancy their website is. But then I can flag those and track them and keep an eye out from there on: When is there going to be a hearing? Who sponsored the bill? There's links to who sponsored it. And from there, you can get their information. But the main focus for us has tended to be when is the bill being heard. Most of the bills that we get do have a brief moment in the sun where a committee- In ours, it's assigned to one committee usually in each chamber, again, varies from state to state. So we watch to see when a bill is going to be heard, and if we want to actually be there and testify, you know, we make arrangements to do that. If we just want to submit testimony or make phone calls, you know, that sets our deadline. Okay, if we're going to have bullet points, we've got to have it ready before that. So that sets the stage for that. Now, what technology do we use? I keep mine generally either in a very, very simple spreadsheet, or in a table in a Word document, because those are what get passed around amongst the rest of us who are helping track bills.

Andy 46:33

And you've said this multiple times so far. You said testifying? What does that mean? Do you go to court and you place your

hand on the Bible and you're in your front of 1000s of people. You're on television and you're saying I support PFRs?

Brenda 46:46

Ah, no. Not exactly. When you testify at a hearing, it's a legislative hearing. You're not in a court of law, you're not putting your hand on a Bible. And it can feel a little like it sometimes. But it is public. And a lot of states now do record them. Audio and or video technologies improved over the last few years. So you are on record and visible. I'm not generally aware that there's a camera on me, but it's there, or a microphone is on recording. So people can either be listening live, or go back later and listen and hear all the testimony. So yes, it's public, but not that kind of public. And what happens is, everybody who is interested in the bill who has an opinion for or against, will be sitting there in a committee room. All the members of the committee are in a great big semi-circle. This is the way it is in mine anyway. In some, they may be in rows or something. But in mine, it's a big ol' semi-circle. And the chair will say okay, we're hearing House Bill blahdy, blah. And let's hear the people in support of it. And the sponsor gets up and bloviates about how wonderful it will be to send more PFRs to prison, I'm making this up. And then the various other sponsors and so on, they get up and they talk about how great it all is. And then when we run out of people who are in support of it, those of us who are against it, get to go up and tell what we think is wrong with the bill. And everybody except the sponsor has about three minutes. Lately, it's been two minutes. *Two* minutes.

Andy 48:42

Another question I was gonna ask is how long do you have. So you only have 200 or 300 words per minute, you only have to write roughly one page of text.

Brenda 48:52

Well, here's the lovely thing. This is the way it works for me. Again, I mentioned that as soon as we know we want to have a response to a bill, positive or negative, we'll put together as many bullet points as we need. If that bill is a piece of crap, we can have three pages if we need to. Lots of bullet points, lots of reasoning, lots of references, you know, we can just be as fancy as they want. But when we get up there to speak, we have to pick and choose because we can't read the whole thing. So what you do is you submit your written testimony. And then from there, when it's your turn to testify, you say the committee has our entire response tucked into your folders because we provide that. And then you just point out I want to pick on these particular things. And the lovely thing in our legislature, since the people in favor of it go first, we can sit there and put little checkmarks next to the ones we want to especially hit on. If we find out that they're really focusing in on how dangerous somebody is, we can pick the points that point out that they're totally wrong. If they're picking on some story that they're worried about, then we might come back and say that's an isolated incident. You know, so we have a chance to kind of have a rebuttal moment in addition to our testimony. But all the testimony can be written there, and it could be much longer than two minutes worth of speaking.

Andy 50:23

Do you think it's okay for a person that is on, especially if they're on supervision- a bunch of us are certainly on the registry just by

itself- but if you're on supervision, do you think that there's a danger of going to testify?

Brenda 50:41

My experience has been that here in Maryland, we've had a number of registrants go and speak. And I know at least one person who came and spoke while still on supervision. And there was never any danger that I detected. It is worth keeping in mind that, as I mentioned, before, it's public. Your face is going to be up there, your words are going to be up there. So as far as testifying, you want to keep that in mind. There may be some other issue. Like one guy testified once, then he was a landlord, he did rental properties and flipped houses. And one of his constituents saw him, found out about it. So his business had some waves. So you know, it's worth considering that. But I want to quickly jump in and point out, you know, if you're not comfortable with that, or you just hate public speaking, whatever it may be, the testimony is important. But there's so much you can do before that like. Like I say, going door to door, or making those phone calls. Those are all things you could do that are not publicly recorded, and they're not going to, you know... your face isn't going to be accidentally splashed out somewhere. So, yeah, there's a lot of things you could do short of that. You can even just assist in writing. If you're a good writer, you could help us with the bullet points. You know, that kind of thing. So, but making the phone calls, that only takes a minute. I was sharing this on the Connection site the other day that, you know, not everybody wants to get up and speak. But just about anybody can have a list of people to call. That first phone call is really hard because it's scary. But just remember that you're not going to be talking to the actual lawmaker. You're going to be talking to an assistant in a front desk somewhere, probably, or leaving a voicemail. So all you got to do is just say, this is Andy and I'm from so-and-so, Georgia. And I want to express the concern about House Bill 123. And we hope that the Senator will vote no on this bill because of, and you just pick a couple of your favorite bullet points. Takes, again, 30 seconds, right? And so unless the person comes back and says, Oh, tell me more, you're done. And if they say, tell me more, you got your little bullet point cheat sheet, you're ready to go. But that's it, you're done. You have cast your vote, and you move on to the next committee member. You call that person. And that's it's very powerful, and it's very empowering, because you feel like you're actually doing something, you know, that can impact you.

Andy 53:55

To then push things further, an individual, I will call him Eeyore, he is just like, ah, nothing's gonna change. But so if the public is so much in favor of a scorched earth policy against PFRs, and politicians want to be reelected, how is supporting anything for our good, how is that possible? They're just gonna shoot anything that we propose down because the public is so in favor of this.

Brenda 54:25

Well, two things I want to point out. One is all the stuff that you've heard me talk about, nine times out of 10, we're there to shoot down new legislation. We're trying to kill bills. And that is a little easier and it's far more common. It is much harder to come in and propose a bill. There's a lot more steps involved. You've got to have a lot more support. You've got to be more out there, you got to have more people lined up to testify, you know, yada, yada. There's a lot of extra steps. But killing a bill involves going in there

and being rational and being able to backup your facts and sticking to the bill. There's a huge amount of impact just in killing bills. And, yes, it's true. Killing bills isn't going to take the registry down. It's not going to fix any of the problems. What we're doing, though, is keeping it from getting worse. And I think that that's a huge impact. And I can tell you, for a fact, I know of a lady. This was a wife of a PFR, who, like me back in the day, had never darkened the door. Found out about a residency restriction, I think that was coming up in her state that was being proposed. Was absolutely terrified but showed up and provided decent testimony. Everybody was so shocked that somebody was even there to testify against this wonderful bill, that they all kind of stopped and listened. And that bill did not pass. She was the only one there, didn't have a big committee, didn't have a big budget, she just showed up as a concerned citizen, and stuck to the bill and explained what the problem was. So one person with a good case, so to speak, can come in there and stop a bill. And I've certainly personally witnessed that, blocking bad bills just showing up.

Larry 57:06

I was gonna jump in. Maryland has been a significant affiliate there in stopping bills. And I don't know who made that comment. I don't know what state they're in or anything else.

Brenda 57:21

Different state, yeah.

Larry 57:23

I'm talking about the person Andy is referring to that issued the comment. I don't know who made that particular comment about, it's all over, we can't do anything. But let me ask you this to the person who made that comment, would you like to pay huge fees like you do in Louisiana? Would you like to pay the notification fees that you have to pay for the cost of notifying people within 2500 feet of you? Would you like to have to give a travel itinerary to leave your county and get a travel permit when you're not on supervision like you have to do in the state of Alabama? Would you like to... I mean, I can go on and on with things that you don't have. Would you like to be prohibited from living with your children like you are in Tennessee, which is under a federal court injunction? I mean, if you think it can't get any worse then again... (Brenda: Just sit back and don't do anything.) Just don't do anything. Maryland has very few restrictions. I think you can live anywhere in Maryland. I think maybe Ocean City might be the only place that has any restrictions. I don't even know if those are still in effect. (Brenda: No, I don't think so.) But Maryland, you can live anywhere. And I don't believe... does Maryland have any employment restrictions in state statute? I'm not talking about supervision restrictions.

Brenda 58:34

No. There's maybe some indirect things about certifications, things that you need certificates for.

Larry 58:41

But those are imposed by the occupation. Are there any prohibitions in the registry? I don't think there are

Brenda 58:47

Nothing in the registry, nothing in state law. So yeah, so much more subtle. So we've kept it out. And part of that was a combination of us fighting back in the day. But also, we have a fairly liberal legislature. But that hasn't necessarily stopped it. You know, but it's also we've been there to fight them. The Adam Walsh Act passed back in 2010. That's when I got started. We didn't stop the Adam Walsh Act. We just stopped some of the extremes from our testimony. And later years, you know, they wanted to come back for more. They tried to make things tougher. They tried to do civil commitment. They've come back a couple of times trying to add residency restrictions. (Larry: Voting restrictions.) Voting restrictions. Several years in a row, they wanted to keep people from being able to vote at most of our polling places or at schools. "They're not allowed there any other day of the year, why should they be allowed there on election day when there aren't any kids?" Ha. So we had that, you know, pop up a few years in a row. We would show up and testify.

Andy 1:00:05

And that was the whole point, though, is if we sit by and do nothing, how much worse could it get? (Brenda: It can get much worse.) And that everybody needs to figure out where they can chip in, whether that's being there testifying, whether that's helping analyze, whether that's helping write bullet points, whether that's calling, donating money, whatever these things are, figure out where you can fit in. That was my whole point of bringing up that question was, what's the point?

Brenda 1:00:36

The point is definitely keep things from getting worse. And if we can get strong enough, and enough people start showing up, then organizations like mine will, and like NARSOL, but in the States, we will get enough clout that we could successfully, you know, file some sort of a bill that would start improving things as well, start rolling back stuff that's already there. But we're not going to likely ever file a bill that's going to say, no more registry. But we might, maybe, kind of, file a bill in some states anyway, to have a path off. Like, like some states have, like in Maryland, there is no path off other than at 10 years for tier one. So it'd be kind of nice if people on tier two or tier three might have, at some point, have some kind of an option to get off. So I don't know, you know, it would take us out of compliance. So but that that would be the kind of thing, that if we build up enough clout, enough support, and enough public sentiment, which is another whole topic, to understand the harm that these laws caused, we could conceivably come in someday with something positive and promoted and start pushing changes in legislation like that. Or one of Larry's- one of the great bills- one of the great things that we're fighting via a legal challenge will come in and they'll say, You can't do this anymore. There needs to be a path off and then we'll be there ready. And we'll say, fine. Here's a wonderful bill that we want to share with you. I think this is perfect. And we can be there at the table.

Andy 1:02:26

We're gonna cut it there, but I want to make sure that we cover this. I want to bring this one comment in from in chat. Says several years ago, I managed to kill a bill with phone calls. Some numbskull freshman legislator introduced an amendment that would add homeschools to the residency restrictions. I pointed

out that that would require notifying PFRs of the addresses which surely wasn't your intent, was it?

Brenda 1:02:49

Yes. Sometimes we can be very devious when we're advocating. Yes, yes.

Andy 1:02:55

Were you going to say something Larry?

Larry 1:02:57

No, I'm good. She's done a great job. You have done a great job.

Andy 1:03:01

Thank you very much. Like you said, when I put my mind to it, when I think about these things, maybe. And then I asked a bunch of people in Discord and had conversation and got under one person's skin. And that created half of the questions. (Brenda: There you go. Those were good questions.) Brenda, as always, you're really special. I appreciate you very much. And always, I appreciate you coming on and spending your time with us. (Brenda: Well, thank you. Thank you. It's always fun to be here.) And can people reach out to you? You want to say anything publicly about how people can find you?

Brenda 1:03:33

Well, I just recommend that they go through the contact page at NARSOL. I generally get things very quickly through that if need be. I am available at NARSOL and if you are in Maryland, you are welcome to reach out to fairregistry.org. I was mostly wearing my Maryland hat today. So if there are any Maryland folks out there, be sure to check out fairregistry.org. And if you want to get involved, we'd be glad to have you.

Andy 1:03:59

Very good. Thank you very much again. And you have a great night, Brenda. Appreciate it. (Brenda: You too.) Larry, vamp for a minute so I can reconfigure your picture back.

Larry 1:04:11

We're looking forward to having some people submit some testimonials to us for our website at FYPeducation.org, which is largely complete. Just a few finishing touches remaining. So those who read our transcripts, those who listened to us, if we've impacted your life in a positive way. We would appreciate a testimonial. We're not going to invent them. We're going to post what you say, of course without your real name. And we're going to have those for people to understand that we are a benefit amazingly, to your life. We provide information and resources that are very difficult to obtain.

Andy 1:04:51

Outstanding. Very good. Yes. FYPeducation.org is the website for all of that. Do you want to do anything else before we do Who's that Speaker?

Larry 1:05:04

Oh, we're running long in the tooth so let's do Who's that Speaker? Who was that speaker last week? I didn't even know that one.

Andy 1:05:12

Okay, so last week I pulled this one. Someone suggested this and I know it was very hard. *Plays clip* Okay, so he says, someone set me up, and that b-word, she set me up. That was the mayor of DC, probably like in the early 80s. And he got busted by an a sting doing cocaine. They're like on the job. They had a camera like in the suitcase or something. It's all grainy looking. And but he got kind of screwed up, Mayor Marion Barry, and no one wrote in. But one person wrote in and said that that was Jim Baker.

Larry 1:05:55

Oh, not quite.

Andy 1:05:57

No, not quite. Alright. And then this one. I'm not going to give you any clues. If you don't know who this is, then... I don't know. Go read some history. But here's this week's

Who's that Speaker?

I did not have sexual relations with that woman.

Andy 1:06:15

All right, if you don't know, and don't say it in chat. But if you know who that is, write me over at registrymatterscast@gmail.com say, who's that speaker, anything of that sort and the first one- I'm sure it'll be in in like 10 minutes from now- first one to get that, you get all of the prize and accolades and all of that good stuff. So is that it, Larry?

Larry 1:06:38

What about it, we should come up with some fabulous prizes. Once we get the new year rolling with our full website, we should have a prize category for something. (Andy: I'm okay with that.) So we got to figure out what it is. Maybe we'll send someone podcast transcripts at no cost if you get that right for a period of time.

Andy 1:06:59

Or some swag, man. Cupholders. I mean, I already have coasters. And I have fridge magnets that I never did anything with. I give them out at the conference.

Larry 1:07:11

We have those very fancy pens that were donated to us a few years ago. I have those still here at the FYP Global Operations Center.

Andy 1:07:20

Absolutely. I guess one of the administrative staff members could send them up because I am really bad at doing anything of that sort. Anything of that sort.

Larry 1:07:30

We could do that. We could handle that here at our operations center.

Andy 1:07:34

Outstanding. Perfect. Brenda again, thank you so much. I really appreciate it. Larry, as always you are the master. I'm going to play your little clip because I like it.

MacArthur Clip 1:07:43

I agree with you entirely. That is why I am here.

Andy 1:07:45

Cuz you're the man, the myth, the legend. Head on over to registrymatters.co for show notes, and voicemail 747-227-4477. As I said registrymatterscast@gmail.com and patreon.com/registrymatters. Oh, I forgot to tell about the new patron. We did get a new patron and that is Bill. He is good friend of mine here in Georgia. Thank you very much. And now he can get the podcast when I release it first thing on Sunday morning usually and any other bonus content that we kick out. Anything else before we go? You want to just say goodnight or do you want to offer any words of wisdom?

Larry 1:08:26

I'm looking forward to the fantastic year of 2022.

Andy 1:08:32

Awesome. Thank you so much, Larry and I will talk to you soon. Good night, everybody.

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