



Registry Matters Podcast

Episode 273

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Notice to our subscribers:

Registry Matters will not be recorded during the month of August. We will extend all expiration dates by one month to assure that you receive the requisite number of episodes.

00:01:07

Announcer

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00:01:22

Andy

Recording live from FYP Studios, East and West transmitting across the internet, this is episode 273 of Registry Matters. Good evening to you, sir. Are you roasting still?

00:01:36

Larry

Ah, not too bad today?

00:01:38

Andy

Not too bad. Please make sure you go down to like and subscribe and press the YouTube bell notification button and leave five-star reviews wherever you can and then you can press like I said, the like and subscribe that's up on the screen. Now, if you're watching on YouTube, or then you could also use your favorite podcast app. I use one called Podcast Addict. Great! Search for Registry matters. Download it and you can have all 273 episodes in the archive. If that's how you would like to listen to them. Some people, Larry as you have noticed, they like to go back and listen to the old ones, all the way back to number one.

00:02:13

Larry

I have heard of those people, and I think they're unique individuals.

00:02:18

Andy

I have a clip for that? Don't I?

00:02:22

Ronald Reagan

"Run by the strangest collection of misfits, looney tunes since the advent of the Third Reich."

00:02:29

Andy

Do they fit into that category?

00:02:29

Larry

I think we do. But go ahead.

00:02:33

Andy

Tell me, sir, what are we doing tonight?

00:02:36

Larry

We don't have any major cases to unpack this evening which means we're doing some other stuff, but we do have a case from the Eighth Circuit Court of Appeals that deals with civil commitment. I don't think we talked about that yet. And if we have some time, we can get to some listener questions. We've got a few articles and this live audience has got the room jam-packed. I don't know how you packed them all in here.

00:03:04

Andy

Like sardines man, I used a plunger and just kept squishing. Have you ever seen videos of the train packers in, I guess Japan? Have you ever seen videos of that? [Larry: I have not.] There are so many people that take public transportation in other countries, unlike the United States, that they have people that are assigned on the platform and when the train shows up doors open and as many people as possible pack in. And then you have these extra people that are on the platform, and they keep pushing the people into the cars so that they can get the train maximally loaded and then the doors close and off they go and the people are just completely smushed in there. It's unbelievable what they do, and you can't get a person in the United States to get on a train.

00:03:49

Larry

Well, that would seem like that would put people in pretty close proximity to one another.

00:03:54

Andy

They are beyond close proximity. I mean, everyone is touching everyone's junk and faces and hair and people with B-O. It would be incredible to see this and experience it, in my opinion.

00:04:06

Larry

Well, that kind of reminds me of the way the rumor goes of how the Russian National Airline used to pack people on the

plane standing up and I didn't witness that firsthand, but that was the rumor.

00:04:17

Andy

Eventually you run into a weight limit thing. Can you eventually squish enough people into the aluminum tube where the weight would be exceeded?

00:04:26

Larry

I don't know. We've got pilots that are in our audience.

00:04:30

Andy

We either need a PFR soldier or another person who was at the conference to chime in and tell us, can you pack enough people into a plane to make it not fly? Probably more like a jet airplane? Because I'm sure you could do it with a Cessna or something like that or a little prop. All right, we're gonna move along then, shall we?

00:04:49

Larry

Let's do it.

00:04:51

Andy

We have this comment from a listener, and he said, "Thank you for addressing my issue. Thank you for all the work you are doing. Here is a little more of my information regarding my case. My convictions were in 1998 and I completed my sentence in 2006. I moved from Texas to Wisconsin in March of 2018. 7 months later in October 2018, I was shackled with an ankle monitor. The Wisconsin State Supreme Court's ruling defined multiple offenses; multiple occasions do not apply if all counts are under the same case number. My question is, could the prosecution file a case number on every naughty image? I have a feeling they do not do this, to avoid a backlog in the courts. It is a simple time and money issue. Then in 1998, I was involved in a very high-profile case. The prosecutor split charges from the same incident which gave them two chances at a conviction. I was found guilty in a jury trial and pled out to the second charge. I had two separate case numbers, so I doubt the Wisconsin Supreme Court ruling would affect me. This seems rather strange to me that they would file two case numbers for the same incident. Can you explain?"

00:06:07

Larry

It does seem strange indeed. There could be some circumstances that would justify such a charging strategy. If there were different victims and their behavior was separated in some time, that would be one justification.

Sometimes the person is charged, the police make a public statement, and they seek additional victims. You've seen those things if you've been a victim come forward and if the person does come forward, that can be a brand-new case. Another situation could be that the investigation of the first incident revealed that the unlawful behavior had occurred over a long period of time. The prosecutor may file a new case while the first case is pending based on the new evidence. Again, it could be the same victim, but it could be that say, for example, there was a separation between behavior, let's pretend it's a guy and the minor victim was nine years old when it started. The guy left the scene for whatever reason and didn't have any contact with the minor victim after abusing the minor for a couple of years, and then it resumed when the minor was 14 and the contact resumed. It could be that in the process of investigating that, they didn't know about the entirety of that criminality. They could charge one and then they could come back later and charge another one in a separate case. But if it's truly conduct that was known at the time they filed the first case, my question would be that the defense should have filed a motion for a joinder of the counts. And it would be interesting to know what the nuances were, the particulars. And we're not trying to undo this guy's case per se, we're trying to figure out to help you understand why the things work the way they do. So, we're trying to figure out the overall reason why there would have been two cases where they would have filed two separate case numbers on him because that is rather bizarre.

00:08:12

Andy

And joinder, j-o-i-n-d-e-r, is that just another word for joining?

00:08:17

Larry

Yes, that's all it is. If you had a good case for filing such a motion, you would say this occurred, this is the same episode of criminality. We're gonna be calling the same witnesses and then you always put in that motion in the interest of judicial economy that you would want to join these counts. Now oftentimes you're filing a motion for severance because you don't want to have to have two defendants tried together. You don't want to have two different victims tried together because of the undue prejudice. But there are cases where you would file a Joinder motion as well. So, it can go both ways.

00:08:53

Andy

I'm sure most of us listening would have experience with that. You weren't indicted or charged on one case. You had multiple things, and the DAs then start almost fishing for

straws to find the most extreme example of something just to make you plead out.

00:09:15

Larry

No. [Sarcasm]

00:09:18

Andy

Where's Ashley so I can ask her this question of why do they do that? I mean, you could be guilty of, as I bring up felony jaywalking, but they're gonna make it that you're Charles Manson and manslaughter and all that stuff. But all you did was walk across the street illegally. But hey, now you're going to plead out to it.

00:09:35

Larry

I know you get tired of hearing me say this, and so does the audience; that comes from public pressure. Remember when people run for these offices, that they're elected to, they have to go out and court public opinion to support them. You can easily go out on the campaign trail and say, "I'll tell you what I'm gonna do if I'm elected to be the district attorney for this judicial district, we're gonna put the police under extreme scrutiny and we're gonna review every case they present to us seeking indictment and we're gonna try to whittle the cases down when they have weak cases and we're not gonna file flimsy cases." You can try running that as a campaign platform and see what it does for you. I suspect, in most jurisdictions, it would not carry a lot of favor with the voters. So, therefore, they are responding, they are reflecting us when they make these decisions to charge as many counts as they count. What troubles me is they do take an oath. The prosecution oath is actually even stronger than the defense attorney's oath and they're supposed to only file charges where there's sufficient evidence that they could gain a conviction. But again, when you go out and tell the voters, "I'm not going to file charges unless I've got a really, really strong case," you will be overlooked at your candidacy, and they will choose someone else that says, "I will charge you with everything I can and we'll sort it out later."

00:11:01

Andy

There's also the whole grand jury process. They have to bring in enough evidence to the closed-door meeting to get the charges indicted. They actually bring the case forward.

00:11:13

Larry

Well, if my experience on the grand jury here was any indication, that doesn't take very much.

00:11:19

Andy

We defer to the prosecution that they say that they have enough evidence. Therefore, they do.

00:11:26

Larry

That was my experience. There was very little deliberation. Sometimes no sooner than the prosecution left the room, literally no sooner than they left the room. They had a bell system set up so that when we finished our deliberations, the foreperson could ring the bell and tell them that we had reached a verdict to True Bill or to No Bill. And sometimes as soon as they got outside the door and you heard the door clang shut, everybody outside the room that wasn't supposed to be in deliberations, there would be a raising of hands. The foreperson would raise her hand and there would just be an immediate falling into line. People would raise their hands for *True Bill* and the bell would be wrung and the prosecutor would be right back in the room. It is not what you think.

00:12:12

Andy

And one other quick thing on that; these are normal humans. These aren't professionally trained anything. You're just almost like on jury duty. You're assigned to be on the grand jury.

00:12:23

Larry

That is correct. I receive the summons in the mail with a questionnaire asking about my fitness for service and they ask you a few questions, not significant ones. And they do ask you about your background and I disclosed everything that they ask on the questionnaire. Then they bring in like dozens. So, I think it's close to 100 people and then they do a random lottery. They pull the panel; they need the 12 main jurors and then they pick alternates to fill in for absences and disabilities or whatnot that causes people not to be able to participate. And my name was the first one picked when they started picking panel A. They give you a juror number and they're just randomly selected from the people that were summoned that returned their questionnaires. And that was all there was to it.

00:13:16

Andy

All right. Moving along then.

00:13:18

Larry

Let's keep moving.

00:13:22

Andy

Well, you put this video in here from Fox News. A YouTuber went out and visited Miracle Village in Florida. The story is too long. I didn't even see how long the video was. How long was the video?

00:13:37

Larry

About 5.5 minutes.

00:13:37

Andy

Oh, yeah. Ok. We don't want to play it because we [PFRs] are being lambasted by them. And so, what is your overall reaction to this thing? I wanted to see, what you thought about it.

00:13:50

Larry

Well, my reaction is it's Fox News and they're not known for high standards in their reporting. And, I'm thinking that you, do you remember the \$787 million settlement related to their deliberate lies?

00:14:05

Andy

I do seem to recall, how long ago was that? Four months ago? It wasn't that long ago, three months ago, \$787 million; three-quarters of a billion dollars for their deliberate lies.

00:14:19

Larry

Yes.

00:14:20

Andy

So, should there be a similar lawsuit for this kind of thing?

00:14:24

Larry

I couldn't recommend such a course of action. The legal standards in order to prevail are almost impossible to meet. We would have to show that: (1) they made untrue statements; (2), they knew that they were untrue at the time they made the statements; and (3) we would have to show actual harm and that's usually measured by economics. Can you tell me how we would meet these standards?

00:14:51

Andy

Literally, Larry, I just press buttons. That's why you are here to explain things like this.

00:14:57

Larry

Well, that's what I'm telling you. I don't think that we could, I don't think we could do what Dominion did. I don't think we can show the standards. They were able to show harm to their voting system sales. They were able to show that the statements were untrue, and they were able to extract from Fox personnel that those personnel knew that those statements were untrue. We don't have that in this instance so far to my knowledge.

00:15:22

Andy

And we had some sideline conversations and then I even heard political commentators talking about why did they settle? And your response to that was something to the effect of, "Well, suppose they lose, at least if they get a settlement, they get some level of admission and they got some compensation, but they at least didn't lose."

00:15:42

Larry

Well, that's the reason why every case settles criminal or civil. We settle because we have a controlled landing. We don't know when we put something to a jury what the outcome is gonna be. It could be that Fox would have won. It could have been that Fox would have lost in a lot greater way than what they did lose. Cases are resolved by settlement because you have certainty and outcome.

00:16:07

Andy

Moving along; a prominent state affiliate leader posted this, saying, "A few years ago, I brought up the topic of free speech and free press in a similar discussion. While we hope for press coverage to help spread our message, it's unlikely that we'll see a significant shift away from sensationalized journalism anytime soon. Understandably many with our advocacy are disheartened by the prevalence of biased reporting. Nevertheless, we are committed to presenting facts, evidence, and an alternate viewpoint. What we truly need is a fair chance to respond appropriately, especially in situations where yellow journalism isn't the norm. Can NARSOL ask for equal time?"

00:16:47

Larry

Well, sure, they can ask, but there's no requirement that the time request be granted. And I'm wondering if you or others are suggesting that we bring back big government regulations into the broadcasting industry. Are you saying that we should bring back that Fairness Doctrine, Equal Time Doctrine? Most conservatives are steadfast in their opposition.

00:17:08

Andy

They are and they definitely don't want you to take AM radios out of the electric cars that are coming out either.

00:17:13

Larry

Yeah, we talked about that in preshow.

00:17:16

Andy

We did. What is yellow journalism? I'm not familiar with that term.

00:17:19

Larry

I'm not sure. We'd have to ask that affiliate leader.

00:17:23

Andy

Interesting. Someone look it up and chat for me and tell me what this means so we can fill that in. All right. Well, then Mr. Doom and Gloom, the affiliate leader also stated that reaching out to Fox or any other news reporting agency won't magically result in a correction or any form of rectification. The harm caused by the initial report will persist unless someone takes action to challenge it. That someone could be NARSOL by sending a powerful message, a lawsuit. Are you in support of a lawsuit Mr. Doom and Gloom?

00:18:00

Larry

Not at first glance. This lawsuit has virtually no chance of gaining any traction unless people can produce evidence of a deliberate willful nature that Fox was going out and saying something that was untrue. They have the protection of the first amendment. They don't have to say true things. They can get it wrong; they just can't deliberately get it wrong.

00:18:27

Andy

Come on, man. I mean, that's why the \$787 million suit was filed, because they were able to demonstrate that what they were saying was false and they had evidence to back it up. But that if you had the fairness doctrine, if we had the government regulation, you would at least be forced to present the other side of the story.

00:18:49

Larry

Are you suggesting that we should bring back big government intervention into the broadcasting industry?

00:18:57

Andy

I'm not going to suggest that we do that. I would just only want to present that since those are public airwaves. If Fox News were solely on the internet, you know, the one created by Al Gore, and they're paying for the pipes and so forth, then it seems like they would have a lot more liberty. But when they're renting those licenses from the FCC and all that, it seems like they should have some requirement and this would be on the other side too, that they should have the requirement to be "fair and balanced" as their statement goes.

00:19:30

Larry

Well, unfortunately, that's not the reality of where we are at this time.

00:19:36

Andy

All right. He went on to say evidence serves as the most potential weapon for our advocacy by diligently compiling and organizing instances of journalistic violations and ethical standards. We can create a comprehensive scrapbook of evidence that might prove valuable in a libel and slander case. It's crucial to highlight how these publications, driven by negligence, have led to false statements that adversely affect the reputations of ordinary citizens striving to rebuild their lives within a specific community. This evidence can be instrumental in seeking accountability and justice. So, give me your response to that.

00:20:10

Larry

Well, I'm ok with the idea of coming up with such a list. My question is, "How do we do that?" And in terms of those who've had their reputation harmed, that is an entirely different legal standard. The truth is always a defense to such allegations. If the person is already on the registry, their reputation is generally not good. I would say it's in the toilet if you're on the registry. So, if the story refers to someone as a pedophile, when their offense was not against the child, that person might have a cause of action. Unfortunately, that's a fine line for most jurors because they could care less about that. The fact is they're on the registry and anybody on the registry is not good. So, you'd have to have a pretty open-minded jury panel to get any sympathy. "Well, let's make sure I got this straight. He's a sex offender, but he's not a pedophile and I'm supposed to have sympathy for him because..." In addition, you would have to prove that there's economic harm. That's how we measure damages. And if you already got a reputation that's in the toilet, how are you gonna show that this story harmed your reputation? As I looked at that story, I found it

to be very disheartening. I've watched the whole thing, but these people don't have great reputations that are living in Miracle Village already. I think it said 80% of them are on the registry. I don't know the makeup of the other remaining 20%, but 80% of them are listed on the public registry in the State of Florida.

00:21:53

Andy

And just by the little bit of it that I looked at, this is something that's out in the middle of nowhere and I'm assuming these people have some housing challenges and this is far enough away from the 1,000 or 2,500 ft restrictions that they can at least get in there. It's probably pretty cheap. And so, they're all in a community together. When you make all these living restrictions, you are pushing them out of where they would like to live. I'm saying this with a lot of scare quotes and all that and a lot of sarcasm, "This is where the good people live." So, they're being pushed out and now they're living where you've told them and made them, where they're allowed to live and now you're gonna go harass them for living there. Where do you want them to live?

00:22:35

Larry

Well, the YouTuber sort of made a reference to that point. He says, "Well, because of the restrictions, they can't live at places of their choosing. They end up having to congregate and then that poses a problem." Then the Fox News host, which I don't remember his name, but he said that gives him [Andy: Jesse Waters], gives him an opportunity to plot and strategize. There's no evidence whatsoever to support that's any plotting and strategizing going on. That's very problematic in the old days of Walter Cronkite and Harry Reasoner and David Brinkley and Chet Huntley, those people, they would have said, "Where is your evidence that these people are plotting? This is wild speculation. We can't put this on the air." But that was the old days.

00:23:22

Andy

I just had a point that I wanted to make, and it vanished out of my brain. Maybe it'll come back then. The leader went on and said, "Initiating a lawsuit against Fox on behalf of the citizens of Miracle Village could serve as a compelling first step toward achieving a more equitable playing field." And your reaction to that final statement?

00:23:40

Larry

I'm not at all that sure that we would have the requisite legal standing as an organization to initiate a lawsuit on behalf of those residents. We could certainly assist with funding. But organizational standing is problematic. In such

cases, you've got to convince the court that your organization has some standing and they're very tight in granting organizational standing. So, it's possible, but I suspect we would be more of a funding arm rather than the organization being the plaintiff.

00:24:16

Andy

I'm assuming you're familiar with SLAP laws.

00:24:21

Larry

I am somewhat familiar, but you can enlighten me and the audience.

00:24:26

Andy

I was hoping and I can't remember what the slap stands for, but it's almost like if you watch wrestling where somebody reverses the move on you. If someone is challenging your integrity and you bring them to court, I think the way that this is gonna work that in the end, if you prevail, then the SLAP laws would then make the person that was harassing you pay for your attorney fees and court fees and all that garbage. It makes them have skin in the game for being a harasser instead of just leaving it to where you just have to perpetually defend yourself and pay all the attorney fees. So, I bring that up simply because this seems to be something of a hatchet job. And so now you could then turn around and try to defend your integrity and your reputation, which I get what you said about your reputation is already tarnished. But at a certain point, you're still trying to like move along with your life and whatnot. And to what point does this stuff become slander and so forth that you could then possibly sue and bring in slap laws, maybe?

00:25:30

Larry

Well, I would be willing to look at it, but I'm not gung-ho on initiating a challenge on this. I just don't see that it's likely to gain any traction. I don't think the state of Florida, the federal judiciary, if you were to take this into federal court, I don't think it's gonna be packed with the liberals. Now, when I say that people say, "Well, you don't know who the judges are," and I really don't. But what I do know is how they're appointed and it's the senators of the state that make the nominations. And since Florida hasn't had any liberal senators for a long time, it would be difficult to conceive that there's been very many liberal nominations put forth to any president of either party in the last 20 to 25 years.

00:26:14

Andy

One final point about the yellow people were liars. So, he says his grandparents used to say yellow people were liars. Don't be yellow. That's my understanding of yellow journalism. Journalism that was doing little lies here and there. So just one final piece since neither of us knew what yellow journalism was. Hey, so my take, Larry is, don't watch Fox News. That's my take.

00:26:38

Larry

Well, they have a huge audience. So not too many people are following your advice.

00:26:43

Andy

Yeah, clearly. All right. So, what do I know?

00:26:46

Registry Matters Promo Deleted

00:27:32

Andy

All right let's move along to an article from the Los Angeles Times. And the title is about two more corrections officers charged with sexual abuse of inmates at the notorious FCI Dublin. Tell me what FCI is.

00:27:49

Larry

Federal correctional institution.

00:27:52

Andy

So, two former corrections officers at FCI Dublin were charged with and pleaded guilty to sexually abusing female inmates at the San Francisco Bay area prison that had become known as the rape club. Nakie Nunley, n a k i e, Nakie Nunley. 48 of Fairfield and Andrew Jones, 35 of Pleasanton became the 7th and 8th correction officers to be charged with an ongoing investigation of the notorious facility located 35 miles south of Oakland. According to the US Attorney's Office, Nunley was charged with having sexual contact with five victims while working as a supervisor of a UNICOR call center staffed by inmates and lying about the incidents to federal investigators. UNICOR formerly known as Federal Prison Industries, employs inmates in a variety of roles and provides job training. This is pretty gross Larry.

00:28:45

Larry

Oh, well, it is indeed. According to the US Attorney's office, when Nunley was confronted about his behavior by another

inmate, he threatened her was transfer to another facility and loss of her job. Similarly, Nunley admitted that he told another victim that if she wanted to keep her job at UNICOR, she needed to quote, pull down her underwear and "bend over." That is just really unthinkable, but apparently, it's not so unthinkable.

00:29:19

Andy

Well, tell me this, how could we stop this, Larry?

00:29:21

Larry

I don't know how we would stop this. You always hope for good screening and good ethics of people who work in these places. But as we mentioned in the last episode, I don't think the brightest among us are applying to work in federal or state prisons.

00:29:39

Andy

Come on, Larry. You know that NASA wasn't hiring on that specific day and that's how they ended up at the corrections institutions.

00:29:45

Larry

I really don't know how you would stop it; as it's the human condition. You'd like to think that by leading by example, as I tried to do when I was in property management, I made it clear that certain behavior was not tolerated. I made it clear that we're not running a dating club here, that the tenants are not here for our cherry picking, so you need to find your dates elsewhere. If I find you fraternizing with the tenants on or off company time, you'll be terminated. You can make all that clear, but that doesn't stop them from doing it. No telling how many of my employees had affairs unbeknownst to me.

00:30:16

Andy

Previous investigations of prison staff have resulted in the convictions of Warden Ray Garcia and prison chaplain, PRISON CHAPLAIN!, James Highhouse. Why is the chaplain in on this? Four other corrections officers have either been indicted or pleaded guilty. The Department of Justice Office of the Inspector General is continuing to investigate these heinous allegations at FCI Dublin and is aggressively pursuing justice for victims of sexual abuse at the hands of rogue bop employees, Inspector General Michael E. Horowitz said in a news release,

00:30:52

Larry

But it's also important to point out that previous investigations of prison staff have resulted in the convictions of Warden Ray Garcia and prison Chaplain Highhouse and four other corrections officers have either been indicted or they've even pleaded guilty. And Garcia was sentenced to 70 months in prison and Highhouse was sentenced to an 84-month term. These were not exactly light slip on the risk sentences. And so there's been an accountability.

00:31:29

Andy

The reason why I asked you that, about how could we stop this, is because the leader, well, this is at the Federal Bureau of Prison, that is a position that is appointed by the president.

00:31:47

Larry

I do believe it with following that category. Yes.

00:31:51

Andy

And then the leader of the BOP is appointed by the president. I'm thinking, if the governor would appoint the person over your state-level prison system, and then the President is appointing the person over the Federal Bureau of Prisons, that would be where we change the culture. But who's gonna ask the president? "Hey, Mr. President, are you gonna put someone in the BOP that is going to make sure that no one is sexually abused under their custody?" I don't see that coming up in the town hall.

00:32:19

Larry

I don't see that either. The Bureau of Prisons is within the Department of Justice. So, if the President doesn't make the appointment, it would be the Attorney General, but I think the president does make the appointment. The Attorney General supervises that person that heads the BOP and that person reports to the Attorney General or the Attorney General's designee, so directly it's a part of the Department of Justice.

00:32:43

Andy

Anything else before we move to the next article?

00:32:47

Larry

Well, we don't have a lot of listeners that are subscribers at that institution, but this is some scary stuff.

00:32:55

Andy

No doubt. I mean, you're in a completely, what's the right word? You're just at a complete disadvantage. You have zero negotiation power if you have something of a decent, you know, I'm using "decent" in a lot of liberty there of that. You're probably working in an air-conditioned facility. You're just taking phone calls at a call center kind of place. Those would be reasonably decent working conditions where you're not in the kitchen, peeling potatoes is what I'm trying to compare it to. And then you're being forced to perform sexual favors, or you get transferred somewhere else. That's gross as far as the power disparity.

00:33:37

Larry

Well, you remember what they say, you should have thought about that before you came.

00:33:41

Andy

This article is from Courthouse News Service. The State Assembly's Public Safety Committee did an about-face on Thursday voting to pass a key sex trafficking bill after receiving blowback earlier this week when it failed to advance the legislation. A contentious but quick battle on the assembly floor over proper order pushed Senate Bill 14 to the committee immediately after that morning's session.

00:34:11

Larry

I had originally set this up with the full intention of bashing only the Republicans because this is their mischief. But then I learned that the governor has weighed in and the governor being Gavin Newsom wanted this legislation to advance. So now we're going to be bashing both political parties. But I'm gonna still put my emphasis on the Republicans because they're the ones who put forth the bill. Newsom can't put anything in because he's not in that branch of government. He can only seek sponsors of legislation; he can only sign it if it's passed. This legislation is still Republican legislation, but I'm gonna assign Newsom part of the blame and I suspect he's positioning himself for future national office and he doesn't want to be seen as soft on PFRs. But anyway, the committee previously voted down the bill Tuesday when six Democrats abstained, and two Republicans voted for passage. The bill was unanimously passed in the Senate and was granted reconsideration, meaning it was returned to the committee for another vote. The committee held no discussion Thursday and passed at 6 to 0 with two members. Abstaining onlookers erupted in applause after the vote, sending the bill to the Assembly Appropriations Committee. This story is a week old, and the bill is moving forward last time I checked.

00:35:41

Andy

The bill, authored by State Senator Shannon Grove, a Bakersville Republican, would add human trafficking of a minor for purposes of a commercial sex act to the list of serious felonies. Those felonies have greater penalties and fall under the state's three strikes law. Under the law, an offender is sentenced to life imprisonment following a third strike. "The fastest growing criminal industry in the world is buying and selling of human beings in California is one of the largest hubs for human trafficking," Grove said in a statement in the bill's analysis. She added it will also help strengthen protections for the millions of victims of sex trafficking and serve as a deterrent for those that wish to perpetuate this horrendous crime.

00:36:22

Larry

That is what she is quoted as saying. But Reginald Byron Jones Sawyer Sr., a Los Angeles Democrat and the committee's chairman, in a statement, he said the three strikes model is ineffective at preventing crime. We will not build on a deeply flawed sentencing system that unfairly punishes disadvantaged communities. He went on to say, "Senate Bill 14 makes no new corrective actions or enhancements to laws already in place. Ultimately, members of the Assembly's Public Safety Committee understood the author's intent, but recognized this bill needs considerable work and granted reconsideration," he said.

00:36:59

Andy

Governor Gavin Newsom told reporters after the failed vote Tuesday, that he cares deeply about the issue and called Grove to discuss the bill. Assembly Speaker Robert Rivas also said he had talked with Grove. Why do you think that he did that sir?

00:37:19

Larry

It's what I said earlier. I think it's politics, pure and simple. Newsom knows that he cannot be a credible candidate for president or vice president if he's on the wrong side of this issue. And I will note that the Democrat party was on the right side of the issue until the political backlash started. They were planning to let this matter die.

00:37:44

Andy

That doesn't sound cool. Do you think Newsom has presidential aspirations?

00:37:48

Larry

Oh absolutely. Biden is 114 years old and, by accounts, is suffering from some cognitive decline. He's ready to jump in if need be. If there's any type of push to get Biden to step aside, he'll be there ready to step in.

00:38:06

Andy

And would you call him a qualified candidate?

00:38:09

Larry

Well, certainly he's qualified.

00:38:13

Andy

I don't mean because he's just 35 and a naturally born citizen.

00:38:17

Larry

Well, I mean, he's been the chief executive officer of the largest state in the country, and he's been the chief executive officer of what is it, the sixth largest economy? He doesn't have, [Andy: I thought it was the eighth. I don't want to split hairs.] He doesn't have a lot of foreign policy experience. But I don't think Governor Reagan had much foreign policy experience when he was elected president. I know for a fact that Mr. Trump didn't have a lot of foreign policy experience when he was elected president nor [Andy: clearly that doesn't matter]. Nor did Jimmy Carter. I mean, I can go on and on, but I think in terms of executive experience, he has wonderful executive experience. You may not agree with him on all his policy initiatives, but he is certainly qualified.

00:38:57

Andy

All right. I don't know anything about him really. That's the reason why I'm asking and then in all the politics stuff that I listened to, I can't say that I have ever heard anyone prop him up to say that he might jump in that race if that became available. And maybe that's because Biden being the incumbent, like they don't really do much to say anybody that would take him down.

00:39:20

Larry

Well, running against an incumbent is rare. It does happen. Jimmy Carter faced a challenge in 1980. Ronald Reagan challenged sitting President Ford, but since 1980 it's been very rare. No one's coming to mind that challenged a sitting president for the nomination within their own party. But it does happen.

00:39:39

Andy

I see. All right. Well, then, anything else there before we go along.

00:39:42

Larry

No, we got one more thing here, I think.

00:39:46

Andy

Oh, there's two. This is from Courthouse News Service. The article State's Eighth Circuit once again has given its blessing to a Minnesota program that detains certain PFRS indefinitely, finding that neither the program nor the conditions it subjects its detainees to violate the First, Fourth, or Fourteenth amendment rights. The program at issue, the Minnesota sex offender program houses about 740 civilly committed men in two high security facilities in the rural parts of the state. Most, but not all of those detainees have PFR type convictions. In many cases, multiple such offenses and judges determined all to be a sexually dangerous person or have a sexual psychopathic personality under the terms of Minnesota law, which first took effect in the mid 19 nineties. I gotta say that doesn't sound right at all, sir.

00:40:42

Larry

I agree. It doesn't sound right, but everything that isn't right does not magically become unconstitutional. According to the article, "Minnesota's program, one of 20 around the United States, mostly detains people who have completed prison sentences but serves as a life sentence more often than not. Only a handful of detainees have ever been transferred out of the program's high-security facilities, most of them in the last few years." Just because we don't like it, that doesn't make it unconstitutional.

00:41:17

Andy

Is it not unconstitutional because they have had something similar to due process?

00:41:27

Larry

That is part of it. I didn't dig into this as deeply as I normally would have, but they've had due process and there is a process by which you can be released. Just no one ever meets the standard, but it's not a life sentence per se. It's just a life sentence in practice. It's like people with IML saying, "I can't travel." You can travel all you want to; you just may not be admitted. But that's the state's argument here is that you have no right necessarily to be released. John Hinckley was reviewed many, many, many times

before he was released after shooting President Reagan, but he eventually was released. They're using the fact that civil commitment does not guarantee release. Remember Hinckley was civilly committed, being found not guilty by reason of insanity. He was sent to a mental hospital in Washington DC, and he stayed there for decades, and he eventually was released, but he did not get to decide the timing. The mental health professionals, in conjunction with the court system, decided the timing of his release.

00:42:31

Andy

Have you ever heard any interviews with him? And I'm asking that because at the last two NARSOL conferences, there have been phone calls with people that are civilly committed. I don't recall where those individuals were, nor their names. And I apologize for that, but they sound fully cognitively able to process the world. They don't sound "crazy." And I know that that's not the appropriate word, but I think you get what I'm getting at.

00:42:58

Larry

Well, Hinckley sounded very rational too. His logic was that he was going to curry favor with a famous actress.

00:43:06

Andy

Oh, ok. And that idea is not looney tunes.

00:43:09

Larry

But having a conversation with him on other topics, he sounded rational.

00:43:15

Andy

I wonder if he ever decided to go, maybe that wasn't one of the better ideas I've ever had.

00:43:21

Larry

Well, it took him 40 years to be free. So, I hope he had that realization.

00:43:26

Andy

So, he thought that if he shot Reagan, he would get a date with Christie Brinkley or whomever it was. I don't have any idea, but that's what he was thinking.

00:43:33

Larry

It was Jodie Foster, but that's what he was thinking.

00:43:36

Andy

Seriously? It was Jodie Foster. Jodie Foster, I had such a crush on her.

00:43:39

Larry

He was obsessed about the movie Taxi.

00:43:43

Andy

Oh, ok. All right then, maybe, that would be worth it. I don't know. All right. And, so this is a very old case though. Detainees brought a class action suit against the program in 2011, alleging that it violated their constitutional rights by effectively detaining them indefinitely using vague treatment goals as benchmarks to determine whether they were eligible for release or lower security detention. They enjoyed an early success when a federal judge deemed the program unconstitutional in 2015. However, the Eighth Circuit overturned that ruling in 2017. Wasn't this a continuation of that same case?

00:44:18

Larry

Yes, it is. According to the article, this appeal and the same suit concerned the federal court's determination of the program's conditions including double occupancy rooms, barbed wire, random searches, use of restraints and other prison-like security trappings and the lack of nursing and medical staff assigned to the program's assisted living unit were not excessive arbitrary or purposeless and are not punitive. The Eighth Circuit affirmed the decision on Thursday, and we should have a link to it for those who want to read it,

00:44:52

Andy

A quote from the opinion, "Appellants focused only on the impact of the policy on their treatment and failed to address the other legitimate government objectives. It addresses such as preserving institutional order at the MS OP." This was attributed to Judge Bobby Shepherd, a George W. Bush appointee.

00:45:12

Larry

Now, why do you always have to throw this in. What's the relevance if you appointed a judge?

00:45:17

Andy

I'm just bringing it up as an observation. I will also note that Judge Shepherd went on to say, "Arguments claiming a failure to staff medical personnel in assisted living units

showing deliberate indifference to detainees' health, was sparse and failed to point to any injuries resulting from this alleged deliberate indifference."

00:45:38

Larry

Remember we need evidence for all of our assertions because the burden rests with us. It's also important to note that the court stated the program's detainees are also frequent flyers in the Minnesota State courts, often filing pro se complaints about the program's conditions. Based on all their frequent flying, they've probably lost some credibility.

00:45:59

Andy

Do you believe that if you're constantly filing stuff, like the most egregious claim and they're doing terrible, terrible, terrible things that are documented and identified, that the judge would then be like, "Whatever. This is the 50th time you filed something."

00:46:16

Larry

It does eventually get to that point. I will make the offer that anyone who is in our audience that wants this, who is in civil commitment, FYP will send the opinion to you so you can read it word for word because I know people in civil commitment are latching on to any hope that they can find. There might be a granule of hope somewhere in this order. So, if anybody wants it, you have to be in civil commitment, but I'll send it to you if you ask.

00:46:41

Andy

Well, riddle me this though, in these environments, you have just slightly above zero way to preserve any evidence. If you did happen to get something and you stash it in your locker. And then next thing you know, there's some shakedown and your evidence is now gone. You certainly don't have cameras and you can't run around and interview people very freely. How would you then collect any evidence to support a claim?

00:47:10

Larry

You do raise some interesting challenges.

00:47:15

Andy

Finally, Larry, you put this article in here about House Democrats. This is from the Hill House Democrats introducing a bill to end solitary confinement. And I was wondering, what is the likelihood of it passing a Republican controlled house?

[Laugh Track]

Andy

And with that, sir, I think we are done, unless you have any other topics that you would like to discuss before we close out the show.

00:47:46

Larry

Did you want me to elaborate any further on my answer of the likelihood of this passing? Or is that clear to you?

00:47:51

Andy

By all means, please elaborate.

00:47:55

Larry

It would be most unlikely that some legislation would pass a Republican controlled House of Representatives that would prohibit prison administrators from making security classification decisions. I just see this as being really laughable. I do. It's not going anywhere.

00:48:16

Andy

I got you. All right. Any final subjects? Topics? Anything you want to toss out there before we get out of here?

00:48:23

Larry

Just let people know that we likely won't be recording during the month of August due to our travel schedules.

00:48:29

Andy

I believe that that is accurate. I did forget about one towards the end of the month and yeah, we're gonna meet up with some friends on a Saturday night and just won't be

able to make it. There may be one squeezed in there, but I'm not positive about that. So, yeah, pretty much all of August we won't be around, but you can find me on Discord. Maybe we could get you in on Discord, Larry. We could do a chatting with Larry during the month that might work if the temperature gets below 100 in your neck of the woods, [Larry: we can do that]. Cool. Try and schedule that. We will try to schedule that up.

So, without anything else, please go over to <https://registrymatters.co> where you can find the show notes and links and all that stuff. The transcript is over at <https://FYPEducation.org>. Leave voicemail 747-227-4477. We haven't had a voice mail in a while. You can leave an email over at registrymatterscast@gmail.com. And of course, please, as all the other people that do support us, and we thank you so very much for being a patron.

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And so that's <https://patreon.com/registrymatters>. And without anything else, Larry, I bid you a fine, fine, fine evening and I hope that you stay out of trouble and stay cool, and we will talk to you soon.

00:49:56

Larry

Good night, take care.

00:50:07

Announcer

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