

ECHOES OF THE GULAG

Volume III, Number 2

Published Bimonthly at Atascadero, CA.

March, 2003

ONE MAN CAN!

“MAKE IT HAPPEN”

**SPECIAL
EDITION!!!
SEE- DMH
BUDGET-
PAGE 4 !!!**

Keeping The Faith

By Jean Matulis, Attorney At Law

Last fall I had the experience of co-representing **John Howard Hardacre** against criminal charges which were filed against him, after two staff members claimed injuries in the courses of restraining him to take his stamp collection. Mr. Hardacre had verbally challenged the staff's right to take away his stamps and had sat in a chair that blocked their access to his storage locker. After a "Code Red" was called, a large group of ASH employees attempted to physically remove Mr. Hardacre from the chair, and the reported injuries occurred in the process.

At trial, witnesses offered varied and somewhat conflicting explanations for why ASH staff had decided to take Mr. Hardacre's stamps in the first place. However, it was undisputed that no one had documented or reported a denial of rights for "good cause" as described in the DMH policies and regulations.

Mr. Hardacre was acquitted of three of four felonies charged, but was convicted of one felony count of battery relating to the fracture of staff person's leg which had become pinned between the chair and a bed. Because Mr. Hardacre had prior felony convictions, it only took one felony to subject him to the Three Strikes Law. In December, he was given a sentence of 25 years to life.

Many people at ASH have expressed concern about how this situation was handled and feel Mr. Hardacre was "set up." However, Mr. Hardacre has maintained a positive attitude throughout this experience and prays regularly for all the people involved in the incident.

There are a couple of interesting aspects of this case I would like to share with readers of the "ECHOES OF THE GULAG".

One aspect was a pretrial ruling that had a powerful impact on the case. Over our objections, the judge allowed the prosecution to introduce evidence during the guilt phase that Mr. Hardacre had previously committed "serious felony convictions." Ordinarily, such evidence is not introduced unless a recognized exception applies, such as for impeachment when the defendant takes the witness stand in his own defense, or when a prior conviction is an element of the offense currently charged. None of these conditions existed in Mr. Hardacre's case.

The prosecution had argued that such evidence was necessary because, if the jury was not aware that Mr. Hardacre had serious felony convictions, the actions of the Atascadero staff would appear "ludicrous." Implicit in this reasoning was the assumption that it is permissible to treat individuals with prior convictions differently than other civilly committed people. Although the Department of Mental Health is currently attempting to get new regulations adopted which would recognize a distinction between SVPs and other civilly committed people, current law requires no such distinction.

Another aspect of this case I would like to discuss arose during sentencing. One of the ASH staff appeared at the hearing and made a statement denouncing Mr. Hardacre as a "hypocrite" because he claims to be a Christian. According to this staff member, Mr. Hardacre's 30 year history would undermine such a claim. I respect this staff person's right to express his opinions and feelings. However, although this is not my area of expertise, I would have to disagree with his doctrine. It has always been my understanding that a prerequisite for Christianity is not a sinless past, but rather the recognition of one's *sinfulness* and need of salvation.

Article continued on next page---

When each of us arrived at ASH, we were mad. Mad as hell. We bitched to anyone who would listen: Wives, lovers, friends, etc. Then we gave up. More or less, we said "It does not matter, no one is listening, no one cares, so I might as well shut up and give up." We did not use those exact words, but we might as well have because that is exactly what happened.

One man did not buy into that attitude. One man said, "There is someone out there who is going to listen. Some where there is someone who will expose this attempt at social engineering, and I have to find them."

That one man is **Victor Woodard**, a 49 year old hosprisoners from Alameda County. If you do not know him, make it a point to go out of your way to meet him, and thank him. From the day he got here, Victor has been tireless in his battle against the state, the courts, DMH.

When **ECHOES** needed copy cards, stamps, envelopes, etc. etc. Victor has always been Johnny-on-the-spot begging every one to kick down. Acting on his own, he has written hundreds of letters to various media in the State...trolling for a reporter who would pull the covers off this half-billion dollar fiasco.

After years of screaming, Victor Woodard finally landed a big one. Patricia Steele, a TV reporter from KRON in San Francisco read one of Woodard's letters and called him. Based on Vic's claims, she came to ASH and did the best article (for us) ever reported; and she is trying to get the segment shown nationwide.

Back to the point of this article: Don't give up or give in. Get your family and friends to call and write their Legislators again and again. Bury the Courts in paperwork. Ask why schools are being closed because of a budget shortfall while DMH has spent over \$500,000,000 with no results at Atascadero State Hospital on SVP's.

Absent Comrades In Memoriam

ECHOES asks everyone, everywhere, to pause for a brief moment each day and remember, with kindness, each of these, our Absent Comrades.

Jim Davis.....Jan. 21, 1999
 Dean Danforth.....July 27, 2001
 Larry Goddard June 2, 2001
 Edward Samradi..... May 3, 2001
 Donald Lockett..... Jan. 23, 2001
 David Stansberry..... May 10, 2000
 Charles Rodgers..... May 29, 2000
 Dan Cloverdance.....1998
 Colman..... 2000
 Greg Bowen-"Sluggo".....July 3, 2002
 Lolyd Johnson.....2002
 Wayne Graybeal.....2002
 Freddy Cooper.....2002
 Released from this oppressive prison by
 the Compassionate Hand of God.

ECHOES OF THE GULAG

*Is published bimonthly at
 Atascadero State Hosprison.*

*Articles for publication are always
 needed, but they cannot be returned.
 The Publisher retains the right to
 to edit, modify or reject any
 submitted copy.*

*Publisher does not accept responsibility
 for the veracity of any submitted articles.*

Echoes On the Internet:-W16600.org

Tim P. McClanahan
 (805) 468-3157
 Publisher

Lawrence Halbert
 Circulation Manager

Editorial Board

Tony Iannalfo
Richard Bishop
Lawrence Halbert

Design and Typography
 Courtesy of Sam D. - S.C.C.
 Washington SVP Program

EDITOR EMERITUS
Don Plyler

"KEEPING THE FAITH"

Continued From Page One

Mr. Hardacre is no less eligible for redemption than the people who stand ready to accuse him.

This staff person also expressed concern that if Mr. Hardacre was not given a life sentence, it would send a message to others at ASH and would jeopardize the safety of ASH staff as a whole. Again, I respect this person's right to express his views, as well as his right to a safe working environment. However, it is also important that the patients feel safe, and free from arbitrary and oppressive actions by staff. Unlike staff, patients do not have the ability to call for backup or support when they feel their own safety is in jeopardy. Hospital police do not accept calls from patients. Evidence at trial also showed that patients are unable to place calls to the Patient's Rights Office. It is important that staff at ASH feel safe, but the same is true for the inmates.

It is Mr. Hardacre's hope that whatever happens to him, serious consideration will be given to how all people at ASH treat one another. In the meantime, he continues to pray for everybody, and continues to keep his faith.

Something New!

Check Page 10!!!

At times, **ECHOES** will present articles or a series of articles, by those who are important to **ECHOES** publication. These are people "behind the scenes", some of whom we cannot name, but who are important to the very existence of the **ECHOES**.

In this particular issue, you will find **Scott Felix** begins a new column, Page 10. In his series, Scott, presently housed in the San Francisco County Jail, presents his thoughts and feelings. Scott will be mailing this issue to every member of the State Legislature and 80 leading media outlets in the State. See: **Page 10 onward for the first in a series of articles**

Constitutional Law

By Richard C. Bishop

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." (13th Amendment, U.S. Constitution) Almost every day judges who are sworn to uphold the Constitution sentence Americans to involuntary servitude in state and federal hospitals.

"No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin money, emit Bills of Credit; make any thing but gold and silver coin a tender in payment of debts; pass any Bill of Attainder, *ex post facto* law, or grant any Title of Nobility." (Article 1, Section 10, U.S. Constitution)

In 1995, the State of California enacted a law against general descriptions of persons based on their previous criminal convictions that deprived them of their contractual right to be restored to liberty upon the lawful completion of their terms of imprisonment. Instead they now could be committed by a Court to renewable two-year terms of involuntary servitude in a state hospital, based almost entirely on the opinion of psychologists and psychiatrists who are selected and appointed by the state agency responsible for operating the hospital and which manages the funds appropriated to implement the law.

Is the above not a description of a Bill of Attainder; does it not employ *ex post facto* provisions; and does it not impair the obligation of contracts?

In the words of Alexander Hamilton, government "...cannot, without tyranny, disenfranchise or punish whole classes of citizens by general descriptions, without trial and conviction of offenses known by laws previously established, declaring the offense and prescribing the penalty. This is a dictate of natural justice and a fundamental principle of law and liberty." (The Unjust Treatment of Loyalists, 1784--- Hamilton was arguing against the proposal by some prominent Virginians for the enactment of a state Bill of Attainder aimed at citizens who had not taken up arms but professed loyalty to the Crown during the recent war. It was proposed that they be disenfranchised, dispossessed of all their property; and banished to England.)

PHONE COMPANIES BATTLE FOR PRISON HOSPITAL SERVICES.

From the Los Angeles Times Business Section

Compiled from various L/A. Times news reports by C.R. Williams, Stalag 32

A battle is brewing in California between the Big Phone companies over who is to get the biggest slice of the State's very lucrative prison/hospital phone services to inmates and their families.

The big contenders in the squabble are WorldCom's MCI unit and SBC Communication's, Pacific Bell unit in particular, and between "Baby Bell" local phone companies and long-distance rivals in general.

Pacific Bell (which has now changed its name to simply SBC) is the dominant player in the California market, and is edging its way into the long distance market by asking the state to let it charge MCI (the nation's #2 carrier) and others higher rates to lease its lines. This, of course, can only translate into ever-steeper rates for prisoners and their families.

California authorities have had their own lucrative contract with MCI by splitting the profits to provide local and long distance calls covering 85% of the 3,000 pay phones in prisons, hospital lock-ups and juvenile facilities state-wide. The remaining 15% of call services have been provided by Verizon Communications.

In records available from/with the California Department of General Services, these 3,000 phones have generated revenue of \$85 Million in just a year period in 2001. The averages out to nearly \$30,000 profit per telephone in each of the 49 contracted state facilities.

In hearings before the Public Utilities Commission, the agency indicated strong concerns with the "new" SBC (Pacific Bell) due to its power over competitors as well as its ability to keep costs artificially high. This has been an on-going concern for a number of years with prisoners, patients, and their families who, in general, are low-income consumers and who feel the phone companies have taken unfair advantage of their misfortune; they are the marginal segment of society who are least able to afford the higher than average collect-call

fees now being charged. The muscling for big bucks by SBC in California is raising eyebrows, as the company has a disreputable history of using its monopoly power as the State's main service carrier to lock out healthy competition.

It is interesting to note that SBC shares reportedly rose when it was learned that the company was pushing aggressively in the California state-facilities market. This means more profit for the stockholders, the corporate honchos and, of course, the State treasury—again, at the expense of prisoners, patients, juvenile detainees and their families.

Another question which arises is what the "new" SBC (Pacific Bell) intends to do with the \$50 Million contract for naming rights to the new "Pacific Ball Park" it signed with the San Francisco Giants in 1996. The ball field just opened its doors in 2000 and the contract was to last 24 years. It is going to be a public relations nightmare for the Giants to deal with its disgruntled fans as rumors run rampant of some name change possibly looming ahead. SBC has plans to take most of 2003 to replace the old Pacific Bell logo on existing company equipment, phones and its trucks as well.

ANTI-ANDROGEN DISASTER

By: Neal Williamson, Tier 23

I first started on Anti-androgens (Depro Provera) in 1999. The Doctor on Unit 21 told me it would show the Court I was serious about changing my past behaviors. A short time later I switched over to Lupron, on the Doctor's advice. That was two years ago.

I had a bone density test done on 1-30-03 and I found out on 2-8-03 that my bones are brittle and I am at moderate risk for bone fractures. All this due to the prolonged Lupron use.

There are others here who are worse off than I, because of Lupron. I feel that the Doctors are using us as guinea pigs to see what the long term effects of Lupron and Depro Provera actually are.

I hope any one reading this, who is thinking about any anti-androgens, get outside opinions about long term use, because of the possibility of lifetime bone damage.

Mr. Dean's Corner

Unless you deserve to be, don't sweat it. If you got it coming, oh well!

Euphoric comes to mind as a feeling I get every time I check one of the alligator mouths that work here.

In this swamp of ours there are a select group of little alligators that are always snapping at our toes. No matter what we do, we are violating the rules of their swamp. No matter what we are doing, we are in the wrong.

Why try to do right when everything we do is wrong?

Somewhere in the sentence I am supposed to say something about Self-Respect, not today, I'm not

No, the right or wrong of what we are doing is small and meaningless compared to the violation, the wrong, that the doctors and the staff have done to us in the name of what is right in our world.

Do Unit Supervisors have the authority to DC Dr. Lapp's orders? The reason I have asked this question is because Ward 4 Unit Supervisor Heidi Federer has taken it upon herself to DC a Doctor's order that a patient be given a special mattress, to help the patient with his sleeping disorder.

The patient in question almost died because of his sleeping disorder and the then lack of the mattress ordered by the Doctor.

ECHOES Correction:

In the January 2003 ECHOES OF THE GULAG there was a mis-communication from our Hosprison "grapevine" concerning the release of six SVPs out of San Francisco County. Our Bay Area Office confirms that the D.A. on Christmas Eve did, in fact, drop the Petition on one James Rosenberg as a result of one of the evaluators reversed their opinion and a stipulation by the prisoner to extend his parole by one year. As a condition of parole, Rosenberg must wear an ankle bracelet with Global Tracking, participate in out-patient parole treatment with various other parole conditions. For the record, the D.A. did not drop six other SVP petitions. The San Francisco Sheriff moved 6 SVP civil detainees from the civil detainee housing unit into Ad-Seg over a suit. However, its clear the D.A. within the City and County of San Francisco is looking for other options for some cases

Fiscal Year Budget

Department Of Mental Health

The fiscal year 2001-2002 budget for the Department of Mental Health from all sources, as included in the 2001-2002 Budget Act, was \$2,384,739,000 (Two Billion, Three Hundred Eighty Four Million, Seven Hundred Thirty-Nine Thousand dollars) which is a 29.4% increase over the published mid-year budget for the year.

Questions about the information offered here can be verified by contacting the Budget Office at (916) 654-2383. The items listed below pertain ONLY to the portion of the budget dedicated to the enforcement of the Sexually Violent Predator Act of 1996; and the resulting cost to/of Atascadero State Hospital. No transportation or Court costs are included.

An increase of \$349,287,000 (Three Hundred Forty-Nine Million, Two Hundred Eighty-Seven thousand dollars), from the Public Building Fund for the construction of a 1,500 bed treatment facility to house the SVP population.

A General Fund increase of \$485,000 to pay for contract evaluators to complete the required number of clinical evaluations mandated by the Courts as part of the SVP commitment process. (NOTE: This was for re-commitment and does not include the original two required evaluations. Some evaluators' make over \$250,000 per year).

An increase of 22 Sexually Violent Predator (SVP) beds at a half-year General Fund cost of \$737,000. This adjustment will result in an increase of 22.7 positions at Atascadero State Hospital.

A General Fund increase of \$198,000 (half year) to support an additional 1.6 positions in the level-of-care required for the SVP population.

A General Fund increase of \$2,995,000 (half year) and a corresponding decrease of \$2,995,000 (half year) in

realignment reimbursements to reflect the overhead shift associated with the increase of the JC/PC and SVP populations.

A General Fund increase of Six Million, Eight Hundred Eighty-Nine thousand, (\$6,889,000)(one time only) to purchase 25 modular buildings (\$280,000 per module) to allow DMH to convert space now used for treatment and recreation into patient housing at Atascadero and Patton State Hospitals. Atascadero will install nine (9) modular buildings and Patton will install 16. This will allow a maximum creation of 500 beds. (Note: at least half this figure applies to Atascadero).

A General Fund increase of Five Million, (\$5,000,000)(one time only) to upgrade and/or install personnel alarm systems in various locations at Atascadero, Metropolitan and Patton State hospitals. (Note: once again, \$1,500,000 of this figure is dedicated to ASH. ASH has more alarm systems than any pen in the State!)

An increase of \$2,484,000 to provide recruitment and retention pay differentials for Psychiatric Social Workers at ASH, Napa and Patton State Hospitals and the Inpatient Psychiatric Program at Vacaville and for the Hospital Police Officer Services at ASH. (Note: it cannot be determined how much of this is strictly ASH costs).

A General Fund increase of \$650,000 (One time only) for a start-up costs to develop a Psychiatric Technician Training School at West Hills Community College in Coalinga. This is a critical effort to ensure the availability of a sufficient number of qualified Psychiatric Technicians to staff the new 1,500 bed facility which will open in October 2004. (Note: Since at least 800 Psych. Techs will be needed, the question arises: How large are these classes going to be? How long the course?)

A General Fund increase of \$375,000 to provide partial year funding for 6 positions to oversee recruitment, training and resource development associated with the new 1,500 bed SVP treatment facility. (Note: that is \$128,000 per year, per position).

A General Fund increase of Seven Million, Eight Hundred Ninety-Four

thousand (\$7,894,000) to reflect full year funding for level-of-care staff costs and overhead shift associated with an increase of 128 JC/PC patients and 12 SVP patients added to the state hospital population during Fiscal Year 2000-2001. (Note: At least \$790,000 for the SVPs).

A General Fund increase of \$2,956,000 to reflect full year funding for the 148 new level-of-care positions added at ASH as a result of the construction of the 258 bed addition. (Note: That is over \$11,450 per bed per year).

A General Fund increase of One Million One Hundred Forty-Seven thousand (\$1,147,000) to provide (1) half year funding for a Fiscal Year 2001-2002 population increase of 29 patients (\$269,000); (2) Funding for an additional 252 state hospital liaison visits (\$35,000); (3) Funding to increase the annual costs per patient in the Conditional Release Program from \$18,561 to \$19,472. (\$696,000); and (4) Funding to increase the average cost of a state hospital visit from \$136.50 to \$167.00. (\$147,000).

A General Fund increase of \$956,000 for the construction phase to complete improvements in the perimeter and roofline security at ASH. (Note: A "knee-jerk" reaction to an attempted escape.)

A General Fund increase of \$632,000 for the preliminary plans phase to construct a multi-purpose building at ASH. This building which will be constructed within the Hospital's secure perimeter, will house the academic and vocational education treatment activities used by all patients. This will also accommodate the expansion of those activities as a result of the 258 bed addition to the hospital.

ENDNOTES: So far the State has wasted over \$500,000,00 (Half a Billion dollars) on this attempt at social engineering; and this figure does not include legal fees, transportation, jailing, trials, attorney fees, appeals, et cetera. Nor does it include outside medical costs for those who have had operations, heart attacks, cancer treatment, etc. The total figure is well over a Billion dollars.

How many schools could that build and staff? How many police officers could that money put on the streets to better protect society from the 80,000 registered sex offenders in California?

Building a Defense Team

Submitted by N.J. Hubbs, Tier 29

The concept of building a defense team can be a difficult one for people to grasp due mainly to the inadequate defense services available to those unable to afford an attorney. Equal protection principles require that such disparity be eliminated, and having access to county funded experts is helpful in order to eliminate such disparity, as well as allowing the defendant to form a defense team.

Members of the team may include investigators, researchers, paralegals, psychologists, medical experts, jury selection experts, and specific scientific experts. The possibilities are limited only by the creativity of the defense team members and circumstances of a particular case.

In California, as in most other jurisdictions, there are statutory provisions that provide for the Court to fund necessary team members. Once a need has been established, and the appropriate funds have been allotted by the court, the defendant is free to obtain the experts of his or her choice.

Experts are generally paid at an hourly rate with a limit on the amount of the expense, although the court may provide additional funds if convinced of the need.

The defendant is encouraged to talk to informed others to elicit information about forming a defense team and developing a defense strategy.

Guidelines For Obtaining Experts

1. Your Constitutional right to the effective assistance of counsel includes the right to ancillary services which are reasonably necessary in the preparation of your defense. Coronevsky v. Superior Court, 36 Cal. 3d 307, 318-319 (1984). California Penal Code sections 987.8(g)(f) and 987.9 and Evidence Code Section 730 provide the statutory basis which underlie this right. However, you are not entitled to the use of a particular expert. (People v. Young, 189 Cal. App. 3d 891, 902(1987)) The Court is not obligated to give a defendant "all the assistance that his wealthier counterpart may be able to afford!! (Ake v. Oklahoma, 470 U.S. 68, 77 (1985).

2. The burden is on the defendant to show the requested funds/expert is reasonably necessary to insure presentation of a

defense. (Coronevsky v. Superior Court, supra, 36 Cal. 3d at p.320; People v. Young, supra.) This is probably the most litigated issue in this area. (E.g. Lucero v. Superior Court, 122 Cal. App. 3d 484, 490 (survey related to venue motion not necessary); Pruett v. Superior Court, 96 Cal. App. 936, 942 (1979)(inadequate showing to justify investigators services); People v. Gunnerson, 74 Cal. App. 3d 370, 378 (1977)(cardiologist necessary to testify on cause of death).

3. The test as to whether a defendant is sufficiently poor to qualify for the county to fund services is whether he or she is financially able to pay for these services. (Anderson v. Justice Court, 79 Cal. App. 3d 398, 403 (1979). Therefore, the defendant receives such funding even if he or she has retained counsel.

4. The application for funding of experts may be sealed and made *ex parte*, if the declaration might reveal something to the prosecution if exposed in the prosecutor's presence. (Prudhomme v. Superior Court, 2 Cal. 3d 320, (1970), People v. Faxel, 91 Cal. App. 3d 327, 330, fn. 1 (1979).

5. The Court may hold one additional hearing within six months of the criminal proceedings to determine one's ability to pay all or part of the costs for court allocated legal services for defense. (Cal. Penal Code, Section 987.81 (a). However, unless there are unusual circumstances, a defendant sentenced to state prison shall be determined to be unable to pay these costs. (Cal. Penal Code, Section 987.8(g)(2)(B).)

6. Court appointed counsel for a criminal defendant is entitled to compensation for expenses incurred in a writ proceeding. (Charlton v. Superior Court, 93 Cal. App.3d 856 (1979). However, one should be aware that there are usually very specific requirements and procedures that must be filed for in order to receive such compensation, depending upon the court.

7. If an attorney fails to put together a defense team, the defendant may raise an ineffective assistance of counsel issue or file a Marsden Motion. (People v. Ladesma, 43 Cal.3d 171, (1987); People v. Marsden, 2 Cal.3d 118 (1970). In raising such issues, the defendant should be able to obtain new counsel, or have his or her attorney proceed with obtaining the necessary experts, or, at least, build a record for appeal.

INEFFECTIVE ASSISTANCE OF COUNSEL---CURRENT STANDARD FOR ACTUAL INEFFECTIVENESS

Reprint From Prison Legal Clinic, Sept. 2002

We are often asked for a definition of ineffective assistance of counsel. According to the West Group Binder on this subject, here is the current standard:

In its decision in Strickland v. Washington, 466 U.S. 668, 80 L.Ed 2d 674, 104 S.Ct. 2052, the United States Supreme Court first established Constitutional criteria for the assessment and resolution of ineffective assistance of counsel claims.

A defendant must show both that his or her defense counsel performed deficiently and that performance actually prejudiced the defense. Moreover, the court emphasized that the two prongs of his ineffective inquiry, performance and prejudice, are independent of one another. Hence, if a petitioner fails to satisfy either prong, his or her ineffectiveness claim fails.

The standard that the Supreme Court adopted in Strickland to satisfy the "performance" prong of the two-part ineffectiveness test is that of "reasonably effective assistance." In addition, defendant must overcome the presumption under Strickland that the counsel's conduct was reasonable.

One of the most common claims in regards to ineffective assistance of counsel is that a defendant's attorney failed to investigate possible mitigating factors in preparation for the defendant's trial. The Court in Strickland held: counsel has a duty to make reasonable investigation or to make reasonable decision that makes particular investigations unnecessary. In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all circumstances, applying a heavy measure of deference to counsel's judgment.

The reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements or actions. When a defendant has given counsel reason to believe that pursuing certain investigations would be fruitless or even harmful, counsel's failure to pursue those investigations may not be later challenged as unreasonable.

Dumbing America Down

By Richard C. Bishop

It is paradoxical that human beings know so little about human nature. What is even more puzzling is the fact that psychiatrists and psychologists, people who one imagines would be most interested in the scientific investigation of humanness, don't seem to care. For them, it's good enough to pretend to know; as long as they still get the big bucks for their assumed expertise.

Nearly fifty years ago in college I took an introductory psychology course. One thing that really struck me as odd was the presentation of at least six different theories of personality. Why not just one generally accepted model of how the mind works? How can they diagnose mental illness, or treat it, if they have no fundamental model of the mind to guide them?

But surely there has been some progress in nearly fifty years. You would think so. Well, in a Fall Sale 2002 catalog from Oxford University Press, I find this: "Ten Theories of Human Nature, Third Edition." That is an increase of three theories since "Seven Theories of Human Nature" was published in 1974. Some progress!

Of course, shrinks aren't the only ones pulling the wool over their own eyes. Many times I have been told by people—some of them friends of mine—that evolution is "just a theory." I can overlook their misconception of the scientific meaning of "theory." What they mean to say is, "What right-thinking person would believe he was descended from an ape?" But the facts of evolution, gathered painstakingly, bit by bit with scientific rigor over more than one hundred fifty years, demonstrate conclusively that humans are indeed close relatives of the great apes—gorillas, chimpanzees, baboons, orangutans and gibbons. DNA analysis shows that humans and chimps share ninety-eight percent of their genetic endowment. Does this make us any less human? Does it demean us? Of course not, no more than it demeans today's Australians to know that many of their ancestors were convicted felons deported from England.

Americans, while rejecting evolution, generally accept the "fact" that psychologists and psychiatrists are indeed

scientists, experts endowed with a thorough understanding of the workings of the mind, who accurately diagnose mental disorders and devise masterful therapies to humanly heal those who are "suffering" from mental problems. That is the uncritical attitude of most Americans, including those who are so reluctant to accept a scientific explanation for the origins of humanity.

The members of Congress are such a lot—know nothings and prigs who hate any scientific research that might force them to reconsider their head-in-sand belief systems. They will vote billions for pork-barrel projects and war, but not one penny for evolution or honest sex-education; funding the arts but only for the art they approve. They even established a federal National Institute of Mental Health to help psychiatrists propagandize America with psychobabble.

Is it any wonder that Americans are becoming the most poorly informed people in the world? Before long, Americans will be going to China for a first-rate education, to learn state-of-the-art science and technology. And, they will stay there to practice what they have learned in well-paying jobs. The rest of the world will be laughing at the dumb Americans who had it all but then denied science, while American politicians will be gnashing their teeth and threatening to bomb Athens or New Delhi out of existence.

New Sex Offender Risk Assessment Instrument

Submitted By Garry Johannes

An international team of researchers announced today (8-2001) the results of a multi-year study of sex offense recidivism that conclusively showed that whether or not sex offenders will re-offend can be accurately predicted on the basis of which side of their heads they part their hair. Men who part their hair on the right side, a condition known as "hairline personality disorder", were 69% more likely to recidivate than men who parted their hair on the left. Men who didn't part their hair at all, a diagnosis known as "hairline disorder NOS (not otherwise specified) also re-offended at slightly higher rates.

Additional risk correlations, such as having a pet parakeet before the age of 8 or never having ridden a mule in the Grand

Canyon as an adult, were also noted but were not as predictive as the hair part preference.

The study was conducted by an internationally renowned team of sex researchers headed by Dr.s Phooey Huey and Louie Louie of Hunglow University in Singapore and Dr. Dick Dewey of the LaPond Institute. Sex offender populations were studied in three countries, Uzbekistan, Greenland, and Papua, New Guinea.

The results of the team's research were hailed as a major breakthrough by Dr. Siskind Fraud of the American Serious Sex Offender Healing League (ASSOHL). "What really excites us about this study," he said, "is that it not only shows how to predict recidivism but also how to prevent it. This study proves that through treatment, i.e. by teaching these men to part their hair on the left, they can be completely rehabilitated. Frequently this can be accomplished simply by delivering a shallow chop to the left side of the scalp with the sharp blade of a long-handled axe, augmented by regular doses of Dupe-ron, a stiff hair gel made from snake oil. In more resistant cases it may be necessary to surgically remove the hair altogether, or even the whole head, but the point is that with minimal treatment or minor surgery these former predators can now be safely released into the community."

Anyone wishing to obtain a copy of this breakthrough study can do by writing the International Journal of Psychobabble, LaPond Institute, Mallardville, Louisiana, and requesting the Huey, Dewey and Louie, et al. study. This material can also be obtained via the Internet at ww.quack.com.

God She Laughed y

By: Richard C. Bishop

If there is a God, She must be laughing her head off. She's probably wondering, as She glances at her cosmic clock, whether it might be wise to drop the curtain on humanity a bit sooner than planned.

Her thoughts coalesce into ripples and eddies in the fabric of space and time.

With the power of a billion galaxies, they race across the universe at hyper-light speed, heading straight toward....

In Recognition

By: Stephen K. Wilson

In 1999, after serving four different parole "curfew" violations, I was surprised by being subjected to the SVPA. The reason why I was "surprised" was because the State had twice previously examined me and said that I did not meet the criteria pertaining to predicate offenses and Axis I diagnosis. Once it was clear to me that the state intended to change horses as a reprisal for legal action I was litigating against CDC and BPT while on parole, I decided to find any and all loopholes in this law. It would be poetic justice since I would be utilizing paralegal and research training of which the State provided to me free of charge during my C.Y.A. days. The end result was what caused the Alameda County Courts to look at the SVPA in a different manner.

I discovered meritorious arguments of Ex Post Facto as it relates to the specific codified and uncodified provisions of Stats. 1981, Ch. 928; Bill of Attainder; Due Process Clause violations on both administrative and judicial levels; Equal Protection; violation of the impairment of contracts clause of the State and Federal Constitutions; equitable and judicial estoppel in relation to judicial and administrative levels, inter alia.

Many people will ask if what I discovered was so great, then why did I not get released. The answer is because I never asserted a legal position that my findings were limited to only me. I could have lied to the Court and been released, but I could not do that with good conscience after finding empathy toward others whom were equally affected by the SVPA. When I told the truth, the judge said that he was afraid of that being the situation and denied my claims.

I was disillusioned before actually being transferred to ASH. I was under the impression that people were working together for the good of all. So, I sent copies of my legal claims with a messenger. People immediately started to tear everything apart and take selfish attitudes. Work of which I freely gave for our specific class became a single subject "motions." I've read each and every issue of the Gulag (Both ECHOES and VOICES) and only once was anything ever mentioned about any of the contentions I had introduced.

Prior to my arrival, everyone had seemed to have given up on proving the law was in fact unconstitutional. But, by the time that people began to research of authorities of which I had used to support my claims, every legal-beagle was suddenly enlightened!

I write this the night after Patricia Steele's KRON news report was aired. A short clip regarding Ms. Steele's investigation was featured in the latest **GULAG**. For a rag which, by history, has been absolutely wonderful in giving credit where credit is due in other situations, the credit for such was never provided. So, I will take this opportunity to set the record clear of any and all speculation. Mr. Woodward believed in the legal work that I have done for him to the degree of doing everything he could to get copies to anybody that would pay attention. He mailed copies to the San Francisco Bay Area media companies. KRON received copies of his federal Habeas Corpus petition and the related pleadings filed within the action. The news editor at KRON gave his copy to Patricia Steele to research and investigate because she also holds a degree in law.

The reported (Steele) took the arguments and researched them herself, and came to the conclusion that I had done a "fantastic" job in both research and presentation. She believed that I had clearly shown the California SVPA to be unconstitutional despite the Hendricks and Hubbart opinions. She called Mr. Woodward and was referred to me.

After our conversation, I determined that Ms. Steele was sincere and opened the door by providing direct access to individuals among us who could help us look like decent human beings instead of the types that ASH prefers to present to the media.

So, the next time some of you feel like making light and fun of Mr. Woodward for pursuing my work in general, you may also want to remember that the first real good media report about us being held unconstitutionally came as a direct result of two African-American men doing what they do best for the good of all of us and not just the few or the individual.

Remember...No good deed goes unpunished!

Psychology Comments

Psychology, Public Policy and Law
Vol. 4, No.1-2, March/June, 1998
By American Psychological Association

THINGS DO NOT CHANGE MUCH-OR
WHAT WAS TRUE THEN IS TRUE NOW.

Pg. 68—Not all high risk sexual offenders recidivate, and many sexual offenders DO change highly deviant lifestyles. The research record, however, has found that evaluators have little success in determining whether sexual offenders have benefited from treatment. (Dix, 1976; Rice, Quinsey & Harris, 1989)

Pg. 88: No studies have demonstrated that clinicians' judgments are more accurate than those of laypersons, and there is at least one study showing that they are not. (Quinsey & Amtman, 1979).

Pg. 91—Much more rarely, it is argued that neither clinical judgment nor actuarial instruments should be used because neither is sufficiently accurate to warrant use in important decisions. We agree that absolute accuracy is important and that personal liberty should NOT be infringed without sufficient reason. (Harris, Rice and Quinsey—1993)

Pg. 95—The results of studies of humanistic and psychodynamic treatments are quite discouraging. As in the case of similar kinds of programs directed toward reducing the recidivism rates of offenders in general (Andrews, et al. 1990): It is clear that these treatments do not reduce violent and sexual re-offending by rapists and child molesters. Even more discouraging is the suggestion that they (treatment programs) may even increase the likelihood of new sexual offenses. (See also Harris, Rice & Cormier, 1994, 1992)

Pg. 105—Programs offered in the community were more effective than those institutions. (Andrews, et al. 1990)

Sam's Weird & Wonderful Words

Trypall—tall, lanky, slovenly person.

Pishachi—Female devil or ghost, especially one that dislikes travelers and pregnant women.

Aboulia—loss of will or volition, as a mental illness.

YES, THESE REALLY ARE WORDS.

Hey, Sue and Lana— What's Up! -Got a Prob?

By Matt L. Williams, A.K.A. "Linus"

Friday, January 31, 2003, Psych. Tech Sue Hughes came alongside me as I was marched along with Unit 29 to the chow-hall for breakfast. She told me the burgundy colored cotton bedspread on my steel plate hospital cot presented a safety and security problem and I would have to give it to her. I explained that for the past 9 weeks it had been on my cot and had not presented any problems and I wanted to keep it. I explained how I hand washed it so it was not a health issue for not being clean.

Why Sue Hughes singled me out I don't know as there are other burgundy colored bedspreads on the unit which haven't created a safety and security issue.

Around 10 A.M., while I waited on the unit to talk to the Unit Supervisor, Debbie Vargues, also a Psych. Tech., Sue Hughes again approached me carrying a folded green polyester bed-spread and told me I had to give her the red bed spread. I told her I wouldn't sleep under the polyester-nylon spread because nylon bothers my skin. She left, but returned soon with a ratty and torn white cotton blanket she said I could use. Of course, I declined this offer.

While I continued to wait for Debbie Vargues, another Psych. Tech. Lana Garcia, had entered my bed area with no one present, secretly stripped my red bedspread from my cot, leaving the cot in total disarray, sheets a plunder as if a "tiny tornado" had simply struck from the sky. Of course, neither asked my permission or even informed me afterward. She simply left the mess for "discovery".

"Discovering" my cot disheveled, and the red cotton bedspread gone, I went to the nursing station where I confronted Mr. Hal Gasch about the taking of the bedspread and the resulting mess. Hal said he knew nothing about it and had nothing to do with it.

Just a couple of minutes later, Psych. Tech. Lana Garcia came bippity-bopping down the hallway chirping in her incessant psychotic high-pitched way, as if her "Nimbus 2000" wasn't sitting her properly. She saw me and began waving her hands in the air in some kind of sick victory dance, saying "I did it, I took it!". She began to

strut in an arrogant manner as she passed by me in an attempt to show her control, power and authority over men and masculinity in general.

It is unconscionable that a Hospital, purporting to be a treatment facility for people suffering from mental disorders, would employ or retain persons who derive pleasure from antagonizing hospital residents, subjecting them to imaginary rules, as if playing with paper dolls.

However, it appears Sue and Lana fit such a criteria. Such personal affronts and harassment as is routinely performed by Sue Hughes and Lana Garcia would not be tolerated by a real employer.

Debbie Vargues finally made an appearance on the unit and said the color of the bedspread didn't matter to her. She, of course, did nothing to aid in its return.

Thus, on and on continue the personal control and power displays by Sue Hughes and Lana Garcia who suffer their own psychotic dominance disorders.

We must all fight back by submitting written complaints to the Nursing and Psych. Tech. Licensing Board and the State Personnel Board, who are required to investigate ethics violations and unprofessional conduct.

Another Sue Hughes Complaint

By Norman Hubbs, Unit 29

The emphatic, caring and considerate Psych. Tech. Sue Hughes, Unit 29 continues to demonstrate how ASH staff are trained to help heal and rehabilitate Patients and restrain us in our way of thinking to conform by the ethics and examples they set for us to follow.

On January 18, 2003, a Saturday, Staff on Unit 29 conducted the Weekly Random Cell (Oops!), Room, Search without any hassle or incident. On Monday, January 20, 2003, Martin Luther King's holiday, Sue Hughes got a "feather up her bustle" and decided to do another "random" room search herself.

Sue peeled my pictures off the wall, tearing one in the process, stripped my sheet metal bed, taking my unauthorized extra sheet and blanket. My pleading of having cold feet due to documented medical problems and the air vent blowing cold air directly down on me might as well have been directed at the floor tile.

Sue says, "Mr. Hubbs, I am just conducting a random search and following the A.D."

Well, Sue, what A.D. states you are required to peel a man's pictures off the wall to look behind them, can't you feel if something is behind them with your hand like all other unit staff?

Yes! Take it! Tear it, Break it, You have the Power and Authority!

Although I am a citizen the same as you, I am compelled to be your unwilling guest pending a trial at some future, indefinite, date. Because I must be held in a secure facility until that trial, I am subjected to merciless whim and will. You can deprive me of property, Force me to sleep on a metal slab under a cold air-blower and tell me when to eat and go to bed. This you do in the name of treatment and rehabilitation, so that I will recognize some hurt or harm you believe I have caused some person in the past.

Yeah, Sue, you who are without Sin, you being so concerned for my health, comfort, welfare and state of mind, so empathic, compassionate and considerate; let me learn to be loving just like you.

INTERESTING STATS

By: Norman Hubbs

California State Employee

Average Pay Per Year

Superior Court Judge-----\$ 142,000

Director of C.D.C. -----\$ 138,000

Correctional Officer-----\$ 54,000

C.O with Overtime ---\$145,000 Max

Deputy D. A. -----\$ 51 to 78,000

Deputy Public Defender \$51 to 78,000

Teacher [National Average \$ 42,500

Note: In 2002, 23,000 Correctional Officers In California earned \$ 200,000,000.00 in Overtime!

One S.V.P. at ASH cost to State: \$ 190,050.34

Note: Each S.V.P. Costs the State Four Teachers, with change left over

Ed. Note: These figures were gleaned from various newspaper articles.

New Thoughts & Some Worth Repeating—“Be ye Argute”

Submitted by Sam D.—Echoes Staff

An emotional response to a situation is the single greatest barrier to power [self-knowledge and control] a mistake that will cost you a lot more than any temporary satisfaction you might gain by always expressing your true feelings.

Emotions cloud reason, and if you cannot see the situation clearly, you cannot prepare for and respond to it with any degree of control. [I would like to suggest these comments, if considered, may be applicable to those incarcerated under civil laws in dysfunctional environments.]

“If you are gloomy, gravitate to the cheerful. If you are prone to isolation, force yourself to befriend the gregarious. Never associate with those who share your defects—they will enforce everything that holds you back. Make this a rule of life and you will benefit more than from all the therapy in the world.”

What gets us into trouble in the realm of power is often our own over-reaction to the moves of our enemies and rivals. That over-reaction creates problems we would have avoided had we been more reasonable.

By yielding, you in fact control the situation; because your surrender is part of a larger plan to lull them into believing, they have defeated you. This is the essence of the surrender tactic: Inwardly you stay firm, but outwardly you bend. You have to remember that you only *appear* to surrender, like the animal that plays dead to save its hide.

Our good name and reputation depend more on what we conceal than what we reveal.

Reputation depends more on what is hidden than on what is seen. If you can't be good, be careful. (Baltasar Gracian, 1601-1658)

Letters... (1)

It has come to the attention of this concerned citizen Gestapo (HPO) officers believe and condone physical sexual abuse of inmates at Atascadero State Hosprison. During a recent conversation with Gestapo officers regarding random shakedowns being conducted in the main courtyard, the officers, when asked where the rule is that authorizes them to conduct blatant violations of our personal liberty, stated, “There is a sign posted, when you enter the institution which states “you are now entering state property and subject to random shakedowns at any time.” It goes on to say the authority cited is in the California Penal Code.

During a recent deposition, an inmate posed this question to the Attorney General, regarding the sign and shakedowns. The A.G. stated that they (Hospital Police) cannot use that sign as a rule inside a secure facility. Further, it is the opinion of this concerned citizen that, in as much as this Hosprison is governed by the Department of Mental Health, and its regulations primarily stem from the Welfare and Institutions Codes, that the California Penal Code should not be utilized in this fashion.

Numerous violations of this type are committed and condoned by the Hosprison police, and further, when they do conduct these random shakedowns, they seem to enjoy it. That is clearly an indicator of a sadistic and disturbed propensity to inflict intentional pain and suffering on the population at large and the citizens (6600's) of this institution. Three inmates of this institution have been, in the past, physically assaulted, because they questioned or categorically refused to be fondled and probed by these Sexually Violent Predators in uniform. These sick persons use their badges and the color of authority to fulfill their sadistic sexual fantasies and when someone objects, they get beat down. These incidents are tantamount to Forcible Rape, and as such, should be prosecuted by the powers that be.

In closing, it is the belief of this concerned citizen, that since they (Gestapo Officers) seem to enjoy these random shakedowns so much, every citizen in this Hosprison should begin to line up in front of the yard shack and request their own random shakedown. What the hell? If they're going to get theirs, we should get ours, right?

Sincerely, **Bill Kitchens**

(2) Dear Editor:

When I first arrived here I took it as a given that I could not take the staffs word for anything, and I was right, their word is no good.

[Now, people, let us move over a little so the bullshit up above us doesn't fall down on us.]

I find a lot of my peers are looking for the easy confrontation with staff, the ones where your ass isn't held responsible for your actions. I am actually kind of amused when you find yourself in over your head. Now really, boys, don't stand there in front of God and your peers and say you didn't start this crap you've found yourself in.

I might agree with some of the things Mr. Sundquist has to say and of course, some of the things he is saying fires the blood, but the last I heard, we still have the right to voice our concerns in prison or out.

Mr. Sundquist says a lot of real that is pretty hard to stomach. But, then again, if some of it wasn't real true, maybe then you would be singing the same kind of tune. The man has a belief in what he is spouting, he's got the right. Now, if you want to give up some of the few rights you have left, then maybe you'll be able to shut him up, but then that'll mean you are wearing the wrong color of clothing.

I had the occasion to talk with someone I have a little respect for, or rather had respect for, and before I could get even my questions out, he was harping about that assh54@ and how he should be taken out and shot. Oh! Man, you should have heard the crying, sniveling and whining coming forth to meet my questions.

If you had been there, you could not have helped yourself, you would've fallen out!

I am not going to harp on the old fellow nor am I going to mention him by name. Yes, as a responsible adult, I too get tired of the crying and whining that goes on around me, but then I have a choice of staying there or moving on. The staff have to stay and listen to the sniveling and whining going on around them. Some of them can handle this kind of personal attack, and in some cases, enjoy it. I believe Mr. Sundquist is being generous in his scathing letter to the Editor, sure he hurts some feelings for his scolding, but I am afraid the man isn't too far off the mark.

Mr. Sundquist is sharing his breath, you need not inhale.----- **Jeff Dean**

View From The Bay-

By: Scott Felix—

Welcome to the Freedom Fighters

section of the ECHOES.

This article honors all those dedicated people who have, over the years, continued to make a personal sacrifice for the good of not only their personal integrity, but for all those weaker individuals who are not only scared to stand up for their rights, but are so insecure within themselves that they have not yet found their own personal self-respect.

Why do people use or abuse themselves or others? It is quite simple, it comes down to a lack of self-respect. This is why the clinical and staff personnel at Atascadero use threats like denial of your little plastic hall card, and dreams of freedom and family, to intimidate and control. If staff, fundamentally, had any self-respect, they would not need "power trips" and control; there would be more basic human decency, even some respect, between staff and residents, based on basic humanness. Were that to happen much of the ASH environment would change, in many ways.

Control. Why do we all want to be in control? How does abuse play a role in a lack of personal self-respect, or how does using power or control over another provide a feeling of self-worth; whether or not the person is engulfed in their own pain, anger and/or lack of self-esteem?

The question is how can these types of people, staff or resident, stand-up to what is wrong in our society or at Atascadero if they do not feel good about themselves and are being trained by individuals who find some justification of good or self-worth through your and my demise as humans?

Really, what is the 411 on why the whole system has lied and used our crimes to deceive the public, but releases thousands with the same or worse crimes back into the communities with no treatment and often, no monitoring?

Look. Pick up the California Penal Code Book, review Welfare and Institutions Code Sections §§ 6250, 6300-6300.2, 5325.1-5326.9 violations subsections (a)(d) inclusive with Section 5150 as these sections apply to involuntary civil commitments and patients rights for those who are confined at Atascadero State Hosprison.

The right to dignity, personal autonomy and all those civil and patients rights described in California's Welfare and Institutions Code §§ 5326, 5325.1 inclusive, apply to all involuntary civil commitments being detained under California law.

Wake Up! You are a citizen. We are entitled to the same rights as those at Napa and Patton State Hospitals. The only reason we cannot wear our own clothes is that staff would be forced to wear uniforms.

Look at the facts: why are you denied access to the canteen, gym, main yard, jobs, arts, crafts and music rooms if you refuse to participate in the Hosprison groups?

Why? It is all about money. The almighty dollar bill, from the inception of the SVP Act, the motives of the State of California Department of Corrections, in concert with the Legislature and mental health officials, was to create a mental scheme to funnel millions of those dollars into the State DMH system.

Ask yourself why the so called "professionals" apply their intimidation tactics in order to secure your participation in SOCP, treatment, even bingo games (remember, they write down who participates), why do they threaten you and lie to you about what will happen if you do not go into treatment? Again, it comes down to money, they have to justify their job salaries and the money allocated for alleged treatment and Hosprison staff salaries. The more people "in treatment", the more money can be allocated, requested in future budgets; the bigger the 6600 sham gets the bigger the "empire" that can be built on the backs of the 6600's.

Again, why would staff shift leads, unit stupidvisors and administrators retaliate by denying yard smoke breaks, late night, or the opportunity to eat some popcorn and play Bingo as an involuntary "civil" commitment without being marked down on a \$Patient \$Activity \$heet?

Simply put, when you participate in the "treatment" groups, you are actively engaged in the process at DMH, Atascadero State Hosprison; and you thereby are actively engaged in your continued incarceration, in the unconstitutional and unconscionable continuation of the SVP laws.

So, what can you do? Actually, there is quite a bit you can do to bring down the SVP travesty of justice and conscience.

You can achieve a level of freedom, the right to choose, even in the ASH Hosprison, by asserting your right not to participate in your financial incarceration. Stay out of groups, stay focused on, and fight for, your rights, disband "sell-out" Ward governments, hold community meetings with the Patients Rights Advocate present, get majority votes to show unity as to your opposition to staff intransigence, punitive mind-sets and actions; then watch the administration and staff retaliate. When they do retaliate, make sure to keep a "paper-trail", sue and litigate against individual staff in their "personal and private" capacities, you have rights and for every violation of those rights, or for your attempt to utilize those rights, you can sue.

Hit them in the pocketbook, even in their personal pocketbooks; sue the counties that sent you to ASH, if you can't do it, find someone to help you do it. Get together, many heads working together get results.

Remember, "If you don't stand for something, you'll fall for anything".

Look within yourselves and make a change because ASH and the SVP laws are no more and no less than modern day slavery, warehousing and government big business. Yes, have no doubt, civil commitment is big business, creating more jobs for the DMH as they build additional hosprisons while keeping the public and even its own employees, blind with fear and paranoia concerning the unknown, the alleged sick, perverted, deviant, worse of the worse, SVP's. As much as anything, it is all about money, job security for DMH hacks and "professional" whores and the politics of public fear.

The key issue is the money and we must all make an individual and collective effort to let the federal and state government entities, legislature, media, know and take notice as to the waste of resources, public tax dollars, lives, the unbelievable waste found within the SVP "programs".

And, for those of you who have "sold out", believe the lies you are told, has it really worked? Hell no! You can't manipulate these staff members by selling yourself out, you are still locked up and getting screwed at every level, while staff uses us, one against the other, to keep us separated, and we, in our own stupidity, allow it.

CONTINUED ON NEXT PAGE—

VIEW FROM THE BAY-CONTINUED:

Those who are strong judge the weak, while the weak in return use the staff for their own advantage as we all act like a barrel of crabs clawing on each other, while the staff sit back enjoying the show and the Department of Mental Health and Hosprison officials get more money while you participate in groups.

Stop looking for the next person to do the right thing first, no more lies to yourself, take a stand and demand your civil and patient's rights.

Stop and think just for a moment, what the Governor and the Legislature would do if they saw no participation in groups, in a program, for which they had allocated millions of dollars. If there were no active participation, just people living and burning up the budget to no good end?

There are some professionals with the ethics needed to stand behind their professional obligations as nurses, psych-techs, psychologists and mental health officials. These are people who took an oath and/or entered into the mental health field to make a real difference in treating the truly mentally ill, and not to become a medical prison guard, or to take part in this SVP law madness. They know, even if not openly admitted, that there are wrongs being committed in the name of "treatment" so they to should take some collective action through their unions. Concerned individuals, staff and residents can file anonymous letters to the news media, Latham and Watkins, and to the Governor, exposing the misuse of mental health concepts, facilities and staff to promulgate the mockery of human decency and justice as practiced under the SVP law.

When union members are denied their pay, or proper working conditions, they go on strike until the officials in the administration give them their just due, and we, as ASH "patients" must do no less when demanding our civil, patient and Constitutional rights. Resist the SOCP and the SVP law with letters to officials, from yourself, your friends and family members,, demand your Annual reviews and court hearings, go to trial, don't be a paper commitment or "stipulate", stay positive and polite, but fight, while you demand your civil and patient rights using passive resistance.

If you, as an individual, for the next six months, or even 90 days, stop participating in the entire program, you, along with others, will make the State and federal officials who are monitoring this law take notice. Once it is more than obvious this "program" is not working, that there is real resistance to it, then there is a distinct possibility that the Governor and Legislature may find reason to consider repealing the Sexually Violent Predator Act as they did when the fed's cut the funding for the SOTEP statute and program. They may just realize that "social engineering and experimentation" does not, in fact, work.

Ask yourself why are the same State personnel who lobbied for the SVP law to the Legislature, now the same political henchmen who ran the State's SOTEP treatment at ASH, and even went to Washington State to monitor the SVP commitment program there? Specifically Janice Marques and C. Nelson. Marques, as Special Master to the Washington SCC, was receiving, at the end, some \$1,500.00 a day, plus expenses and air-fare, and got this money on personal vacation or sick days taken from her job in California. Certainly, California would not have paid her to be working in Sacramento, while she was in Washington and taking Washington State pay. Again, money and "feathering one's own nest" are reasons, also, for the SVPA.

Is not this conflict of interest, not only professionally, but ethically? You cannot lobby for a law that you will personally be involved with in its daily operation, oversee "treatment" and policy, and then receive considerable financial gain from it. We have a situation where a select group of bureaucrats and hand picked colleagues can control the law, the intake, and release of people, the budget and policies of a program they designed and run. This, alone, is not ethical or professional.

All of the things I have mentioned, the injustice, the punitive attitudes, the illegalities and unconstitutionality, the lack of real release provisions, the perversion of law and decency as found at ASH, all must be resisted and fought, daily. You can not give up or give in.

"State cannot punish one for exercising Constitutionally protected rights" Guam v. Fegurur, 800 F.2d 1470 (9th Cir. 1986)

Washington Notes:

By Sam D.—ECHOES Typographer

What is Realistically Gained?

It is, must be, fundamentally wrong, legally, morally, constitutionally and in conscience, to hold any one under an alleged "civil" statute(s) for what the State thinks a person might do in the future.

Those held under such "civil" laws have paid the price, set by society, for whatever crimes they may have committed and are then re-incarcerated, without any further criminal acts, under the alleged "civil" laws for indefinite, actually, life time sentences, with little or no recourse allowing them to find release.

The only other countries that have utilized such indefinite incarceration, based on alleged mental health problems, in order to confine alleged societal "undesirables" have most notably been the National Socialist [NAZI] regime of Germany during World War II; and various Communist regimes since that time.

Dictators, Nazi's and Communists have long used tactics based on fear and ignorance to manipulate and control the greater majority of the media and public.

Such tactics are used to raise public paranoia concerning religious groups, Jews, homosexuals, rapists, and/or political opponents; as well as any other "selected" group seen as "undesirable" or in opposition to the ruling groups philosophy or goals. Unfortunately, we are now witness to these very tactics in the United States.

Today, against all standards of ethics and morality commonly thought to be "American"; the politicians and pundits, State Legislators, and media; each for their own ends, rant and rail against "sexual predators" to such an extent that the public sees "predators" around nearly every corner.

What the public is not told is that the greater majority of alleged "sexual predators" locked up in mental wards, Hosprison and prisons are no different, and often less dangerous, than those individuals routinely released by the various State Departments of Correction directly back into communities without any "treatment" at all.

CONTINUED ON NEXT PAGE:

Washington Notes-Continued:

Speaking of "treatment"; the public is rarely told, if ever, by the politicians, what it costs in public tax dollars to confine people who have done their statutorily defined time in prison, and are then placed in "treatment" programs that do not "treat", and that have been adjudicated "inadequate" and "irreparable harm" in federal and State courts. [Turay, et al v. Seling, et al., C91-0664 WDWA] The question must be asked, what, in fact, is accomplished, other than horrendous costs and burden upon the taxpayer, by these experiments in "social engineering"?

We are not saying that there are not some individuals who need to be locked up. Indeed there are some who need such confinement-- but for the greater majority of those locked up in mental health, "civil" commitment "programs"; no viable justification exists other than to keep employed certain State functionaries and those who sell their personal and professional ethics without conscience.

Such mental health schemes have been ongoing since the 1940's and beyond, and, if the truth were known, none of these "treatment" programs have ever stopped the inappropriate sexual acting out in the societies attempting to so legislate morality.

The programs have, however, provided work for alleged professionals who, in all likelihood, could not have made it in private practice or industry.

Based on the known and revealed odd sexual proclivities of certain Washington State Special Commitment Center staff, the question must also be asked: "How can those with their own mental and sexual problems, felons in their own right, in some cases, be of any value in attempting to "change" others in an SVP program? [Have you done a background check on your Therapists, staff, and Psychologists at ASH? I would wager some have interesting backgrounds they would prefer you do not know about.]. Also, in Washington, we have had some eight (8) out of twelve or so, Forensic Therapist, who hold classes, interviews, etc., on unit, quit, or be fired for various reasons. Those still around are, according to comments from some, actively seeking employment elsewhere. Does not say much about the consistency and continuity of a viable "treatment" program; but then, the SCC has long been known as the way "not to do it" in professional circles, and has long been under a federal court injunction as being "inadequate" and "harmful".

Presently, there are several lawsuits and Habeas Corpus actions in the Washington State Supreme Court and in the Federal District Courts, as well as in the Ninth Circuit Court of Appeals. These cases attack such things as false record keeping and reliance upon same to a Constitutionally significant degree, and the Ninth Circuit Court of Appeals allowed, on its own volition, a re-opening of the facial attack on the Washington SVP law; which attack has been subsequently briefed to that Court. [Young] Moreover, also in Young an attack has been mounted on In re Detention of Young, 122 Wn.2d at 1, based on collateral and judicial estoppel. This case is the seminal case used in many major decisions upholding the Washington SVP law, and is written into the RCW 71.09 SVP statute here. If invalidation of In re Detention of Young can be accomplished, there should have some interesting consequences.—End—

From: _____

To: _____
