

ECHOES OF THE GULAG

Volume III, Number 5

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AUGUST, 2003

Flim Flam Forensics!

“WRONG AGAIN!”

EDITORIAL

Texas' Moderate Approach to Civil Commitment

The civil commitment of sexually violent predators (SVP) remains controversial with the practice of forensic psychiatry and psychology. Despite this controversy, states across the United States continue to enact statutes calling for civil commitment of those individuals who have a history of sexual offenses who also suffer from mental or behavioral abnormalities. With the exception of Texas, all of the state statutes call for inpatient commitment in secure facilities. Texas, on the other hand, has an outpatient commitment model.

In May, 1999, the Texas Legislature passed its version of an SVP statute, Texas Health and Safety Code, Sect. 841 (Vernon, 1999). The legislature opted to enact such legislation in Texas noting: “a small, but extremely dangerous group of sexually violent predators exists and those predators have a behavioral abnormality that is not amenable to traditional mental illness treatment modalities and that makes the predators likely to engage in predatory acts of sexual violence.”

While there are many, in the psychiatric community, who disagree with the logic of the Legislature when deciding to enact this legislation, the Texas Legislature decided to follow similar language found in the statutes of other states with civil commitment of sexually violent predators.

If committed as a sexually violent predator, the individual must comply with treatment and other requirements as specified by the Texas Council on Sex Offender Treatment. The state allows for criminal prosecution of those predators who fail to comply with the requirements placed upon them. The unique part of the Texas statute is that it allows reintegration into the community. In this sense, the Texas statute is at the forefront of this area of the law nationally and provides another option for those states considering the enactment of civil commitment of sexually violent predators. Texas, by using the least restrictive alternative of outpatient treatment is able to provide civil commitment at a greatly diminished cost. Also, there is no evidence that this program has taken funding from traditional mental health programs.

Although neither the United States nor Texas Supreme Court has yet reviewed the statute, the trial court in Texas has ruled that the statute is constitutional. Controversy among forensic psychologists and psychiatrists concerning these commitments continues; however, empirically guided clinical assessment, when performed by qualified professionals can meet the ethical guidelines of the profession and be of relevance to judges and juries as well.

(Source of Information: Rahn K. Bailey, M.D.)

“Wrong Again”

By Tony Iannalfo

After enacting the Sexually Violent Predator Act (Welfare & Institutions Code §6600), the legislature expected psychologists and psychiatrists from the Department of Mental Health to find persons submitted to them for evaluation to meet the criteria of this statute. The criteria requires that the person have a current mental disorder that makes he or she **likely** to re-offend. Most had no mental disorder prior to prison incarceration. Paying an estimated minimum cost of \$2,000.00 per evaluation (The statute requires two), what a cash cow it has turned out to be. The State evaluators are subjected to finding the “worst of the worst” sexual offenders due to their alleged mental disorder(s), to which, they can not control sexual behaviors.

Each of the men listed in this article were evaluated by, at least, two state evaluators. Each of them were deemed to be **LIKELY** to re-offend and too dangerous to be released, even on bond.

The state evaluators swore they were perverts of the worst kind.

All of these men, (84 of them) were released through either court proceedings or jury trials during the past 7 plus years and only 4 are known to have re-offended.

If my math is correct, the state evaluators were wrong close to 95% of the time!

CONTINUED ON PAGE TWO--

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
 Tim McClanahan.....March 14, 2003

Released from this oppressive prison by the Compassionate Hand of God.

ECHOES OF THE GULAG

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"WRONG AGAIN"

Continued From Page One

I am sure this is not a complete list of all the men that have been deemed **LIKELY** to re-offend and as extremely dangerous. If the number of persons, released is higher, and I believe it is, the state evaluators rate of failure is even greater than 95 percent.

The attorneys that represent us should subpoena the official records, from the Department of Mental Health, to see the actual figures of those who have been evaluated and deemed **LIKELY** to re-offend. Then those names could be submitted to the Department of Justice to see just how many, if any, of those released sexually re-offend. This writer believes there are many more than this list reflects and if that is true, the evaluators were wrong, as stated, more than 95% of the time.

\$6600's Who Have Been Released

Name:	County:
Adams, James	San Bernardino
Peters, Greg	Orange
Burrows, Delmar	Sacramento
Hamlin, Jason	Alameda
Quiroz, James	San Bernardino
Murillo, Richard	San Bernardino
Reams, Thomas	Alameda
Hayze, Dexter	Alameda
Walker, Robert	San Luis Obispo
Robinson, J.	San Bernardino
Hopper, Douglas	Orange
Ferris, Mark	Orange
West, Lonnie	Fresno
Hunt, Don	Butte
Todd, Anthony	Alameda
Lamphere, David	Sacramento
Salas, Al	Solano
Morwici, Dan	L.A.
Corbin, John	L.A.
Nash, DeWayne	L.A.
Corrino, Billy	L.A.
Smith, Edmond	L.A.
George, Eugene	L.A.
Field, Melvin	L.A.
Ferietto, Pet	L.A.
Daniel, David	L.A.
Johnson, Marvin	L.A.
Furillo, John	L.A.
Warren, Michael	L.A.
Pierre, Leonard	L.A.
Kent, Micheal	L.A.

Name:	County
Perry, Nathan	L.A.
Garcia, John	L.A.
Mendibles, Frank	L.A.
Douglas, Tyrone	L.A.
Freeman, Rick	L.A.
Mitchell, Graying	L.A.
Mata, James	L.A.
Jackson, Dion	L.A.
Phillips, Schamen	L.A.
Panate, Robert	L.A.
Bean, Paul	L.A.
Bradley, Alan	L.A.
Furtado, Doug	L.A.
Hill, Larry	L.A.
Lecommo, Doug	San Francisco
Garcia, Pete	San Bernardino
Rodgers, Gerald	" "
Cook, Thomas	" "
Miller, James	San Mateo
Peters, James	Ventura
Mercer, James	Orange
Carter, Kenny	Santa Clara
Rodriquez, Louie	San Bernardino
Cook, Tom	San Luis Obispo
Hastings, E.	San Bernardino
Bradford, Andre	Stockton
Keyser, Bill	Alameda
Stevens, Michael	Alameda
Auquiano, Rojelio	San Mateo
Salcido, Carlos	San Francisco
Spencer, L	San Bernardino
Torres, Hugo	" "
Ryley, Bruce	Fresno
Turner, James	San Diego
Royster, Harold	San Luis Obispo
Hererra, Ronald	Ventura
Weber, Ken	San Francisco
Gaten, Cinciare	Stockton
Vandershiut, Kimbal	Riverside
Phillips, Gregory	Orange
Mendoza, Raymond	Merced
Ptyler, Don	Contra Costa
Ivey, ??	San Luis Obispo
Mosier, Anthony	Orange
Morre, Isaac	Fresno
Simms, Donald	Contra Costa
Yost, Nick	San Mateo
Gray, Samuel	San Bernardino
Sterling, Bob	Contra Costa
Harellson, Rayfield	San Diego
McDaniels, Robert	Orange
Ford, Gary	San Bernardino

Not necessarily all the names, nor are the names arranged alphabetically, etc. We apologize for any mis-spelling.

**NATIONAL ASSOCIATION
OF STATE MENTAL
HEALTH PROGRAM
DIRECTORS
POSITION STATEMENT**

The National Association of State Mental Health Program Directors believes legislation allowing for the civil commitment of dangerous sex offenders who do not have a mental illness to psychiatric hospitals following completion of their prison sentences creates the following risks:

(1) Laws which provide for the civil commitment of dangerous sex offenders for purposes that are principally punitive or for the purpose of continuing confinement, rather than for the purpose of providing treatment or psychiatric services, disrupt the State's ability to provide services for people with treatable psychiatric illnesses and undermines the mission and integrity of the public mental health system.

(2) The civil commitment of dangerous sex offenders who may not respond to existing treatment modalities and who will require enormous resources for very long lengths of stay diverts scarce resources away from people who have been diagnosed with mental illness and who both need and desire treatment. If civil commitment processes are adopted to address these concerns, said statutes should adhere to following principals

(A) Statutes used to civilly commit dangerous sex offenders who do not have a mental illness should be distinct from existing statutes for civil commitment of people with mental illnesses. Laws which do not clearly distinguish these procedures stigmatize the civil commitment process and people diagnosed with mental illness who receive services under a commitment under a commitment process. Such stigma prevents people from seeking necessary and effective treatment for diagnosable mental illness.

(B) Facilities and treatment programs for dangerous sex offenders should be

administered and funded outside the state mental health agency in order to maintain the mission and integrity of the public mental health system.

Confinement and treatment of dangerous sex offenders or others who do not have a diagnosable mental illness are beyond the scope of that traditionally administered by state mental health.

(C) Treatment programs for dangerous sex offenders should be administered under programmatic guidelines and philosophies that recognize the differences between those criminal offenders and people with diagnosable psychiatric illnesses.

(D) If dangerous sex offenders are confined in facilities under purview of the state mental health agency, it is imperative the mental health agency play a significant role in determining committability and diagnosis, treatment strategies and lengths of stay for sex offenders civilly committed under the statute.

(E) Laws providing for civil commitment of dangerous sex offenders should be narrowly drafted to ensure that they only apply to dangerous and violent offenders who pose a significant risk to society if released.

(F) Treatment for people determined to be dangerous sex offenders should be initiated during incarceration. Treatment programs should be rigorously examined, both during incarceration and after, to determine effectiveness and to measure outcomes based on the reduction of recidivism rates.

The National Association of Mental Health Program Directors joins the American Psychiatric Association in calling for an increased investment in research on paraphilic disorders and in the clinical training of mental health professionals regarding assessment and treatment of people with those disorders.

In addition, NASMHPD believes that state mental health agencies should initiate and participate in broader early prevention and intervention efforts to facilitate development of skills and

competencies that help all people to build healthy, meaningful and socially responsible lives.

**FLEEING PSYCHIATRY
AND THE STATE BUDGET.**

By: Jimmy Carty

Every person being evaluated for this commitment has already completed his prison terms. They were not diagnosed or afforded treatment for their criminal behavior and are presently being told they currently cannot control their sexual behaviors. It would make a whole lot more sense to deal with these people, for their criminal behaviors, in prison. Doing so would save the State an enormous amount of money.

In addition the cost of each evaluation, there is the cost of the court proceedings (estimated at \$50,000.00), and the cost to "hospitalize" the persons under such civil commitment is estimated at \$107,000.00 each, annually.

In our legal system, offenders of the law are prosecuted and sent to prison for punishment or rehabilitation. The yearly cost of a prisoner is estimated at \$28,000.00. The average prison term is 5 years. So, the cost would be estimated at \$140,000.00 for a five-year conviction and incarceration in prison. The cost to hospitalize a person, under the SVPA, is estimated at \$214,000.00 for a two-year commitment. (Excluding court, medical & transportation costs, etc.)

To this date, there are over 450 people civilly committed or detained under the SVPA. Not one person going through the offered Sex Offender Commitment program, SOCP, treatment has been released.

You can thank the Department of Mental Health for this. They have blocked/stalled every attempt at release so far. Their position is quite simple. Once you have been designated an SVP, you will always be a danger, because there is no known cure for the fabled disorder we supposedly suffer. Talk about a "Catch 22" situation, this is it!

Land of Milk and Honey?

By: Tony Iannafo

The California budget deficit is above \$38.2 Billion (With a "B") and the cuts are deep in education and health care for seniors and the poor, but the state seems to have endless dollars for overtime and bonuses for its employees.

Judges, prison doctors and state psychiatrists make between \$130,000.00 and \$200,000.00 annually; not to mention the prison guards themselves.

In 1995 there were barely 1000 state employees salaries above \$100,000.00. Since then that number has increased to 5,125 in the 100 K Club.

176 people make more money than the Governor. Almost all of them are staff psychiatrists and doctors at state hospitals and prisons.

Nearly 700 Judges accounted for 46% of workers in peak salary ranges, while two departments—Corrections and Mental Health—accounted for 37%.

One doctor at Napa State Hospital made an extra \$100,752 dollars working in a "medical officer of the day" position.

The list of 1500 high wage earners includes several people who more than doubled their paychecks by working overtime.

What can you do?

Write letters to your elected representatives and to the Editor of your local newspaper. Ask why the State would be willing to pay such overtime rates as opposed to filling in positions, at base rates, that are now being filled with overtime workers.

Two of the Top Ten Highest Paid State Employees—Bong Doan, Patton State Hospital Psychiatrist. He has a "base pay" of \$152,988.00; but picked up "bonuses" of \$93,822.00 for a total pay of \$246,810. **Tim Adler, Patton State Hospital, Psychiatrist.** Base Pay of \$152,988; with "bonuses" of \$91,358

last year brought his total to \$244,346.00.

State Employee OVERTIME

Leaders:

Reydante Edora, Napa State Hosp., Nurse Base salary of \$58,124.00. Bonuses of \$789.00—BUT "overtime" of \$119,842 brings her total to an astounding \$178,845.00, for a nurse!

Liorita Andrada, Metro State Hosp., Nurse, Base of: \$55,956.00, Bonuses of \$1,806 but OVERTIME of \$88,372, for a total of \$146,134.00.

Charles Poncelet, Hospital Nurse, Base of: \$57,056, Bonuses of: \$665, but OVERTIME of \$74,609, for a total of:

\$132,331.00. Nice work if you can get it! Source: State Comptroller:

Compiled by: Marshall Kirkland and Robert Salladay as stated in the San Francisco Chronicle, June 1, 2003

A Minor Clarification Please!!!

By Ken Herman

In Volume III, Number 4, "Echoes of the Gulag" (June, 03) there is an article entitled "Raiders Of the Lost Book Caper" which needs a wee bit of clarification. I, Kenneth Herman, did indeed receive some legal books from the source described in that article and HPO-DPS did some very unethical things with those items. In my case, DPS notified Unit 16 Staff that there was legal mail for to be picked up. My unit staff proceeded to go down to the package room, where the "legal mail" was handed over to them for appropriate distribution to myself on the unit. My unit staff did indeed deliver this "legal mail" to me and (in accordance with ASH procedures) distributed it to me. An entire day later, a unit staff member approached me and said, "Sgt. Vandergon just called and told me that the "legal mail" you got yesterday is being counted not as legal mail, but as a "package." Since I do not have a package waiver, I should have been called to the package room and had that package opened in my presence. D.P.S.

did not do this. They violated their own procedures. Secondly, since this was books, from a professional business address, the package either had to be "legal mail" or books from an "unapproved vendor". In the latter case, a process would be required to take place, which obviously did not. This is a clear example of DPS using the "talisman of security" to curtail, interfere with, and otherwise harass civilly detained individuals from pursuing legal actions, and/or educating themselves in the law. Sieg Heil !, Sgt. Vandergon.

Fresno Federal Court - Eastern District - Rules In Favor of Civil Housing.

By: Frank "Enepi" Sisneros (Apologies to him for late entry)

On April 4, 2003, I "Enepi: Sisneros, had a telephone conference hearing at 1:00 PM on *Frank E. Sisneros v. Bill Whitman, et al.* The issues were conditions of confinement of involuntary, civilly detained persons at Tulare County Jail facilities.

The Court, under Judge Ishil, ruled that the Sheriff's Department of Tulare County and the Board of Supervisors must comply with Federal, State Constitutions and statutes for the housing of involuntarily civilly detained or committed persons pursuant to the Sexually Violent Predator Act.

The Tulare Sheriff's Department must adopt procedures or "policies of rights" in which the involuntarily detained/committed will be housed while in custody of the Sheriff.

Also, consideration of monetary damages are still pending by the Court. (*By the time this is written those damages may have been awarded?)

I will also state to all 6600's at ASH, "don't give up on what is morally right."

Contra Costa Courts Side-Step Yet Another From Release

By: Jimmy Carty

After reading an article in the Daily Journal (March 31, 2003, page 2), it made me ponder. The article pertained to a fellow Hosprisoner, Cary Verse's court ordered, then rescinded, release to CON-REP.

The prosecutor filed a motion, stating that Mr. Verse had filed his "REQUEST FOR RELEASE" untimely and that the "clock resets" after each adjudication (commitment).

The Court agreed and stated that the "clock resets after each recommitment adjudication". Wondering where that was list in the Welfare and Institutions Code, I re-read it and found that the court had, in fact, erred.

Welf. & Institutions Code Sections 6604, 6604.1, indicate that the clock does not reset after each commitment. Mentioned in WIC §6604: "...the person shall not be kept in actual custody longer than two years unless a subsequent **extended commitment is obtained** from the Court..." (emphasis added); and that the "Time spent on conditional release shall not count toward the two year term of commitment, unless the person is placed in a locked facility...". I understand that locked up in a county jail is not considered "conditional release", so the time does count towards the commitment.

Also stated in WIC §6604.1(a): "The two year term of commitment... shall commence on the date upon which the court issued...for any subsequent extended commitments, the term of commitment shall be for two years commencing from the date of the termination of the previous commitment". (Emphasis added).

Nothing, I read, indicated that the "clock resets" upon the completion of commitment proceedings, but contradicts what the Court ruled. I wonder if others (Courts) can read also!

Worthy of thinking about: nothing indicates that the courts can just make you sit (in their jails) and wait for the proceedings to a trial after your commitment date expired. You have a liberty interest—Due Process Right—at stake.

Mr. Dean's Corner

Well on to the races, and lets see who gets crashed, burned or blown up today.

Dear Mom, Let me tell you who got their come-uppance. I'll bet you'd never believe it in a million years. Melvin L. Hunter is now a defendant in our L&W Suit. This man is one of many that stated, on more than one occasion, that he wasn't worried about these rebel supported lawyers, well, he ain't crowing now. All I know is they (His lawyers) are trying to get it all dismissed.]

All these ding-dongs try getting out of everything when they get snatched up and put before a Judge, sniveling about how they had noting to do with treating us badly, that he was seared to do anything 'cause he might lose his job, but that he had nothing to do with this bad treatment or violating anybody's rights. Well, Mom, we finally got that ass, mom, they don't go much higher than Melvin H. Hunter.

Now, If I was sending this to my mom, I think this is about as accurate as you can get when you are trying to explain to your mom the kind of wet dreams your having. Now, I'm not saying those are the kinds of things you tell your mom, but then, around here, there's really surprising crap going on all the time.

Some people handle other people's discomforts in many different ways, myself I prefer to do a little gloating followed by some really loud crying sounds. I have know problems at all in the empathy department, when you have some coming, Melvin doesn't have anything reasonable coming from anyone in our positions.

The evaluator's inour cases are the next ones to fall. When we have all those sorry animals tied up then maybe we'll have some time to take care of the "Garths", and the real punks like Bret Boil, I don't know if I spelled that right or not, just think of a weak sorry animal that will stab you in the back rather than face you. We have a hard row to sew before we're done with these pricks. Some of us more than others will be leaving this hole with real serious bank!

Bank doesn't mean much in giving you back a little of what's been taken from you, but that's a good way to start, dontcha think?

\$

This is only my corner, come share it with me.

(Typed as written)

THE B-B-Q CAPER

By: J. LaBlanc

Learning that in the future, our tier would be having a Bar-B-Que, I asked our tier supervisor, Randy Morrison on June 6, 2003, if that B.B.Q. was planned scheduled treatment.(P.S.T. is considered treatment. Mr. Morrison explained that the date for the B.B.Q., June 5, 2003, was the same as a meal on the tier—a (P.S.T.) actively and that because some of the food from the kitchen was to be included, then the B.B.Q. would be considered as P.S.T. treatment. I pointed out that I was a W&IC 6602; not adjudicated to Atascadero State Hosprison for treatment and I had the right to refuse treatment. Mr. Morrison then made arrangements for two others and myself to instead eat lunch in the inmates dining room, which he did on June 5, 2003, instead of going to the B.B.Q.

Donations for the B.B.Q. had been requested and given from Tier 23 inmates, but inmates were not told the B.B.Q. was considered treatment. It is then ludicrous to imagine donating funds to ones own treatment. The B.B.Q. should not have been combined with ON TIER MEAL.—Continued—

B-B.Que-Caper—Continued:

It is claimed by this administration, (ON TIER MEAL-PROTOCOL 483): "Inmates will increase ability to socially interact with others in a positive manner while in a relaxed setting".

This point and click quote is psychobabble at its finest. Is this to mean the chow hall is a hostile/stressful eating area? If so, why force us to eat there, or in the alternative, why not correct the situation? And are we then not expected or encouraged to "interact" in a positive manner while eating in the chow hall?!?! Additionally, the B.B.Q. was held outside and thereby negates the dictates of Protocol 483. What we have here is a sham. Plain... Simple... Eating disguised as treatment!!!

It is clear, six of us who refuse to accept normal eating as treatment are then forced to by-pass the B.B.Q. foods, (treatment) and thereby eat NON-TREATMENT food in the chow hall. **THIS ADMINISTRATION SHOULD BE ASHAMED OF ITSELF.**

INNOCENCE DOESN'T PAY EITHER

Reprinted from the Los Angeles Times,
May 23, 2003

By: Jonathan Turley (Law Professor,
George Washington Law School)

Across the country, an estimated 10,000 prisoners are serving time for crimes they did not commit. The few who are able to prove their innocence (primarily through DNA testing) often find themselves outside a prison with a handful of cash and a clean shirt as their only compensation. They are the dark secret of the U.S. Justice system—the legal version of "friendly fire" casualties that prosecutors only reluctantly acknowledge.

Other than death, there may be no greater injury that a state can commit than to rob the innocent of their freedom. A recent study showed that the average time spent in jail by the wrongly convicted was 12 years.

Most exhausted their financial resources and lost critical years with their children.

Only 16 states have any system to compensate such individuals, and the level of compensation varies wildly. California recently capped compensation at roughly \$100.00 per day of incarceration—an improvement from a previous \$10,000.00 cap.

Such caps, or even outright prohibition of recovery, create a bizarre situation for citizens. If California neglects a road or a bridge and causes an injury, a citizen may sue and receive ample compensation. But, when the State convicts an individual on dubious grounds and ruins his life, he is entitled to \$100.00 a day in compensation.

Capping or barring such recovery has an obvious effect on prosecutorial decision making. Prosecutors are motivated to maximize their conviction numbers. In the next election, every district attorney wants to be able to cite a significant increase in convictions, and every prosecutor is expected to contribute to the head count. When it turns out they convicted various innocent people; prosecutors generally disavow responsibility and blame the jury for the decision.

The fact is that it is the prosecutors, not the juries, who are most responsible for these tragedies. Despite the presumption of innocence, the reality of a trial is that many jurors presume the defendant guilty. Some prosecution offices have a conviction rate higher than 90%.

For this reason, prosecutors are supposed to exercise discretion. They are supposed to send cases back to investigators when evidence is weak or questionable. But, they rarely do so in a process that looks more like a factory system than a justice system.

If states were required to pay for the negligence of prosecutors, there would be greater emphasis on evidence than on statistics. Prosecutors with a high number of false convictions would impose a heavy (and unpopular) cost on

citizens. The most negligent would effectively price themselves out of office.

In most states, the ranks of the falsely convicted remain forgotten, ignored as unwelcome reminders of the fragility of our justice system. Until the public deals with those unnecessarily harmed by that system, justice will remain a concept best observed from a great distance. (I agree. "R.D. LaFort")

Meditation For Freedom

By: Khanh Nguyen

Recently a few of us started a small meditation group. Our intention was praying for freedom from this Hosprison

We believe that thoughts are very powerful, and they are even more powerful when they are combined with words and deeds. In fact, our thoughts, words and deeds have brought us this experience, whether or not we want to acknowledge it. Having experienced the injustice of this civil commitment sham, we no longer choose to experience it again. So we decided to change our experience collectively through meditation. We have decided to choose freedom, instead of further unjust incarceration.

We decided to meditate every Saturday at 10:30 p.m. for twenty minutes to half an hour. When it was brought to the attention of the Catholic chaplain, Fr. Miskella, he thought it was a good idea. So, he included justice and peace of all people involved—patients and staff, and he extended the days of the week to include every day of the week at 10:30 P.M.

Now we would like to extend this invitation to anyone who would like to participate, including everybody at the SCC in Washington and elsewhere. If you want to seek freedom, justice and peace, please join us spiritually at 10:30 p.m. every night in quiet, peaceful meditation. It does not matter what religious denomination you belong to, true meditation transcends religious boundaries.

CONTINUED ON NEXT PAGE--

Meditation For Freedom-Continued:

According to the trilogy *Conversations With God* by Neale Donald Walsch, we create our life's experiences through thoughts, words and deeds.

If we no longer wish to experience our current circumstances, all we have to do is simply change our thoughts and create new experiences for ourselves. Collective consciousness is thus very powerful, according to the trilogy.

This is the reason why we would like to have as many people involved in this experience as possible.

May you experience peace in meditation and may God grant us freedom and peace now.

INQUIRING MINDS WANT TO KNOW

By: F.J. La Blanc

SYMPATHY AND EMPATHY: (Which A.S.H. says \$6600's lack). In teaching by example, you ever notice how thoughtful employees are about constantly bringing in such a fine array of foods like pizza, meat spreads, cheeses, burgers, cakes, sodas, fresh fruits, veggies, candies and chips to eat in the office right in front of us...eating and flaunting all day and night?. We can only dream and wish...watching as they scarf away...knowing we have no access to such decent foods, but, instead, continue to eat that redundant garbage from the chow hall. Another fine lesson in empathy from our health care providers.

TIME CLOCK !?!?!? Why has ASH been adamantly against having one for over 40 years? Employees have a flagrant pattern of showing up late for work and leaving early. Hang around the key window for a few weeks and observe or read our logs. The most obvious abuses are by those working 4 day, 10 hour shifts. You guessed it: the psych's. They often are 15/30 minutes late and leave just as early; or when every they please throughout the day. They are by no means the only ones.

And lunch,...no wonder most employees leave the facility for their lunch hour, they already ate it while they were supposed to be working!! Of course other staff complain, but nothing gets done. And what kind of rotation is it that allows staff to leave for home an hour early? No wonder there is a shortage of staff and monster overtime.

Again, A.S.H. employees setting examples of behavior for us to follow, this is to keep in mind while our PAS levels are constantly reduced for trivial behavior/rule infractions.

ON OR OFF SITE TRAINING: I had this fiasco/rip-off explained to me this way, by someone who has been there. Under the auspices of training, a bunch of employees sneak, off site, up on the hill, to have a good time. To justify "training", a staff will speak about some hospital related subject they know little or nothing about. Psych-tech/staff involvement or SVP bashing is always in order and maybe a video. The wizard, on paper, charges the state several hours. But, most take off in just a few minutes or don't show up at all. How do you spell scan-do-lus!!!

NURSES: Doesn't it seem that every where you turn, you bump into a nurse? It looks like no matter what the concern, a nurse has to be doing it. Why is it we, so often, have two and sometimes three nurses working on a unit of only 30 or so inmates? This appears to be costly, incompetent management and a pitiful waste of tax dollars.

JUST CAUSE: Pick an employee, any employee and record for 8 hours, what they do minute by minute. The humor and waste would read better than any comic page written. It's not uncommon to see "floater" employees doing nothing more than read a book, maybe open the fridge, for their whole shift. As for the 13% who actually do put in a few days labor, maybe, you can teach your peers responsible work ethics.

A.S.H. AS AN ACCREDITED FACILITY

JACO would accredit a dog house if the floor were swept.

ALTERNATIVE HOUSING

By: Rex A. McCurdy

Superior Court, Napa County
Case No. CR8096

On Thursday May 22, 2003, Napa County Superior Court Judge Ronald Young ruled that, according to Assembly Bill 659, Section 1610, subsection (c); the Petitioner was being inappropriately housed in the Napa County Jail. Judge Young issued an order for the petitioner to be transported back to Atascadero State Hospital, the nearest D.M.H. facility, as a result of the Sheriff's or Public Officer's failure to show that the facility was in compliance with treatment standards dictated by the legislative intent of Assembly Bill 659.

The issue raised by counsel at the hearing which was crucial to the ruling was: Section 1610, subsection (c), which states that "the Public Safety Officer or Sheriff, must submit a written report to the Superior Court Judge within 24 hours of detainees placement in the county jail facility, documenting the reason, circumstances, or behavior that warrants the placement of the detainee in that facility".

In this particular case, the Sheriff failed to submit such a report, and the proceedings had actually progressed to the 72 hour mandated hearing to determine the facilities compliance with treatment standards of the bill.

Presently the W.I.C. 6600 Civil Detainee's are being transported from this hospital directly to the county jail, and detained there during their court appearances. According to section 1610, subsection (c), this is wrong. First of all there has to be a reason, some behavior that justifies the placement in a penal code setting. The Sheriff cannot just arbitrarily place a civilly committed person, or detainee, in the county jail.

CONTINUED ON PAGE 8--

ALTERNATIVE HOUSING—CONT:

Any placement of a civil detainee within a penal setting requires an order from the Superior Court Judge.

The issue being raised here is that the information, or documented behavior will impact upon the jury proceedings. If the Sheriff is documenting some negative behavior that justifies placement in a penal setting, it will be an issue raised at trial. On the other hand, if the Sheriff has not documented any such negative behavior, quite reasonably one would expect the written report to reflect that at trial. It could be an issue raised by the defense to reflect responsible, courteous behavior even in the face of adverse conditions such as a Tri-County transport or county jail placement.

I would encourage every one to read the sub-section closely, and bring this interpretation of the legislative intent to the attention of their Legal Counsel of record.

Legal Note relative to above: See: Alvarez-Machain v. U.S., 96 F.3d 1246 (9th Cir. 1996); Lynch v. Baxley, 744 F.2d 1452 (1984)

A WITCH-HUNT ODYSSEY

By Richard C. Bishop

A recent obituary in the *Los Angeles Times*, (May 19, 2003) reminded me of a story that needs to be told: how the present-day nationwide hysteria over sex offenders got started.

But first, a reminder of how things used to be. Around the time of World War II, Laurette Bender, a psychiatrist at New York City's Bellevue Hospital, interviewed a number of young girls who had been molested by adult men. Expecting to find evidence of emotional trauma, she was surprised to learn that, for the most part, the girls were bright, cheerful and outgoing, completely normal in every way.

Sexual Behavior in the Human Female, published by Alfred C. Kinsey and his colleagues of the Institute for Sex Research at Indiana University, Bloomington, was released in 1953. In their analysis of "sex histories" collected through personal interviews with some 18,000 individuals in all walks of life, including children, Kinsey's group concluded that children were more likely to be traumatized by parental reactions and the legal process when their sexual activities with adults came to light. This point of view prevailed, even in criminology textbooks, into the mid-1970's, and was reflected in the relatively mild contemporary criminal penalties for molestation.

Then along came the witch-hunt set off explosively by Judiannne Densen-Gerber, who died of cancer at age 68 in New York City on May 18, 2003.

Born with a silver spoon in her mouth as heiress to the Densen box manufacturing business, she never-the-less wrote of having experienced an emotionally painful childhood. Both parents were lawyers who left much of her upbringing to household staff.

Driven by an intense need to prove herself competent, after graduating from Bryn Mawr College she earned a law degree at Columbia University and then entered medical school at New York University to earn a Doctorate, and entered the psychiatric profession.

In 1967 she founded Odyssey House, a treatment center for drug addicts in New York City. Her authoritarian approach to group therapy left her open to widespread criticism. She tried to deflect complaints about her therapeutic style by saying, in a 1979 *New York* magazine interview, "I'm feisty, abrasive, difficult, demanding, short-tempered. I don't need to be liked."

Controversial from the start for its unconventional program, Odyssey House was plagued by financial troubles, even with the support of various local and state dignitaries.

There had to be a way to get adequate funding.

By 1976, Judiannne had devised a rescue plan. She toured the porn shops of Times Square and Forty-Second Street, buying an assortment of kiddie porn. She loaded the stuff in the trunk of her car and began a national odyssey of State legislatures. At each Statehouse she gained ready entrance as an authority of the problems of young people. Once on the dais, she produced a lurid display of hundreds of little kids photographed having sex. With no scientific evidence whatsoever to support her claims, she lectured the assembled legislators with her mantra. Children are ruined for life by these experiences, she said. It's worse than murder, she said.

Whether all these elected representatives really believed her is unknown. But, it didn't matter. Ever since the "peace and love" generation of the sixties and early seventies (which scared the hell out of all elected officials), the establishment had been desperately searching for ways to constitutionally scare the bejesus out of citizens in general, but in particular to scare the "free love" movement right out of the flower children. Judiannne gave them the tools, and the reasons, to do it.

Save the Children became the new legislative mantra and religious crusade. Federal money began pouring into Odyssey House in torrents. Soon Odyssey House was opening new centers across the country; even in Australia and New Zealand.

Now other psychiatrists and psychologists saw the riches being reaped by Judiannne's genius, and they couldn't wait to cash in on in too. Soon they were all mouthing her mantras. Never mind whether there was any objective truth to them. Truth is secondary, or maybe even last on the list, in the eyes and hearts of these professionals.

The witch-hunt was on. You know the rest.

THE COMPLICITY OF COMPLIANCE

By: Hari Heath

Most people, like water, choose the easiest path. It is much easier to just go along to get along. Some talk of standing strong, but few actually do it. We conjure up heroes to promote our images of greatness, but Americans are not free, nor brave, because they have chosen the path of compliance. That path is now a super highway, thanks to our complicity with the forces of government and commerce—real, imagined or otherwise.

Where did such complicity begin? It began before our time and will no doubt continue as long as the forces of power can find ways to obtain our compliance. Compliance and complicity are not synonymous words. But compliance creates complicity when we comply with something morally, ethically, lawfully or legally wrong. Our act of complying makes us complicit in the operation of such a wrong.

What do the definers of such words have to say? Compliance: "Submission, obedience; conformance. Black's Law Dictionary, Fifth Edition. "Action in accordance with a request, a command, etc. A tendency to submit easily." Oxford American Dictionary, 1980. "The act or an instance of complying, Obedience to a request, command, etc. The capacity to yield under an applied force. The degree of such yielding. Unworthy acquiescence." Reader's Digest Oxford Complete Word-finder, 1996. Comply: "Act in accordance (with a wish, command, etc.), agree, obey, conform, consent, acquiesce, concur, submit, yield, accede. Reader's Digest Word-finder, 1996. "To yield; to accommodate, or to adapt oneself to; to act in accordance with; to accept." Black's Law Dictionary, 5th Edition.

What happens, as a national consequence, when we "act in accordance with a wish, command, etc. that is morally or lawfully wrong, or

when we obey, conform, consent, acquiesce, submit, accede or "yield under an applied force" to what ordinarily would be a crime if it were not sanctioned by the powers to which we are complying? We "accede, acquiesce and submit" into complicity.

Complicity: "The state of being an accomplice, as in wrong doing." The American Heritage Dictionary of the English Language, 1996. "Partnership in a crime or wrong doing. [complice. See accomplish plus "ity".] Reader's Digest, Oxford Complete Word-finder, 1996. A state of being an accomplice; participation in guilt. Involvement in a crime as a principal or as accessory before fact. May also refer to activities of conspirators". Black's Law, 5th Ed. When we comply with that which is wrong, we become a complice or an accomplice. Complice: "One who is united with others in an ill design, an associate, confederate, accomplice or accessory." Black's Law, 5th Ed/

Accessory: "A partner or helper, especially in a crime or wrong-doing. Accessory, partner in crime, confederate; participator, henchman, collaborator, conspirator, abettor." Readers Digest Oxford Complete Word-finder, 1996.

ACCESSORIES TO CRIMES?

By definition, when we accept, submit or yield to the unconscionable, immoral, or unlawful conduct of government or its commercial affiliates (A.S.H.?), we become partners, accomplices, co-conspirators; or, at the very least, an accessory to the crime.

"The Creator gave his children ears to hear, eyes to see, and minds to reason. How long can a people fail to recognize that which sounds, looks, and figures to be gross evil?" How much smoke would have to be put in the atmosphere before people could be considered irresponsible for not finding and putting out the fire? "At what point do citizens become accomplices to the illegal or immoral actions of their government", asks Harold Thomas? When they agree

to, conform with, consent to, obey, concur with, submit to, yield to, accede to, or especially contribute to, the illegal, unlawful, immoral actions of their government. Then compliance becomes complicity.

The Legislature is prone to dabble in any subject they deem fair game for their "legal" wrangling, but they rarely pay any attention to what subjects the Constitution authorizes them to, "lawfully" legislate upon. Since legislative authority is delegated only to the legislature, complying with bureaucratically created regulations makes one complicit in such "unlawful" schemes. And then there is the manner of judicial doctrines, rules, procedures, and unwritten policies which sadly defy lawful, moral, ethical and even legal, principals.

Unbridled government is the result of compliance and complicity. A Constitutionally non-compliant Congress has passed two volumes of laws which bear no lawful recognition.

The solution is non-compliance. NOT participating whenever you know a thing to be wrong. This is much easier said than done. But, for those who prefer the easy path of compliance, you may continue in your complicity—until total compliance with an oppressive, intrusive beast government is the only option you have left. Under abusive tyranny, non-compliance is not an option.

ANOTHER LAW OF POWER

Distain things you cannot have; ignoring them is the best revenge.

By acknowledging a petty problem, you give it existence and credibility.

The more attention you pay an enemy, the stronger you make him; and a small mistake is often made worse and more visible when you try to fix it. It is sometimes best to leave things alone. If there is something you want, but cannot have, show contempt for it. The less interest you reveal, the more superior you seem.

Toward Understanding Who's On First

By: Lance Purcell

The reason it is wrong for your evaluators and for the District Attorney in your case to rely almost exclusively on your crimes in order to prove you have a mental disorder is because of simple logic: A physical act is not a mental disorder, and no amount of verbal gymnastics can alter the truth of it. Neither does any number of acts (or crimes) total up to a mental disorder.

The reason is that acts, though they may be crimes, can, at best, only indicate the possibility of a mental state; a mere implication. An act might have behind it a genuine mental disorder, but for the purposes of law, one act is not sufficient to establish a genuine mental disorder. You would need several acts or crimes to imply the existence of an uncontrollable impulse. Even then, without supporting evidence, acts alone do not a disorder make. Especially when it is just as likely for an individual to just enjoy breaking a particular law. He might be crazy out of control, or he could just be making a series of decisions based on a risk assessment that allows him to go ahead.

The idea that a person would commit such a thing as a planned-out rape is surely repugnant. He rightly deserves to be punished as a criminal for his behavior, but not sequestered in a mental hospital for the criminally insane in order to be treated for uncontrollable urges.

A litany of your crimes, odious as it might be, is not an individual's mental state. It can only point to the possibility of its existence. It matters not how often an act is performed. It is sufficient evidence to prove a mental disorder on its own.

What sort of corroborative evidence is required in order to bridge the gap between mental disorder and criminal behavior? It turns out that the only way

this can be done is by demonstrating the "currency" of an individual's inability to control his urges. That is why the Supreme Court has insisted on it for it for the proof of mental disorder. Not because they are fond of us, and want the District Attorney to play fair. It is just logic, that's all.

A funny thing about the law; each point of an allegation must be proven beyond a reasonable doubt.

If the DMH, the CDC, or the DA wish to prove current mental disorder, it remains their unenviable task to illustrate the illness by means of recent acts, which would profoundly, imply the existence of its currency and uncontrollable nature. To say that the environment does not allow the behavior altogether evades the point they are required to prove. They cannot be excused of the necessity of proving this point "beyond a reasonable doubt" simply because it cannot be proven.

If the point cannot be proved, or demonstrated beyond a reasonable doubt by extremely powerful implication, they have not met the minimum requirement of the law for a finding in favor of the people.

I will offer, in closing, an example of the way DMH psychiatrists evade their responsibilities in the determination of currency in mental disorders.

Dr. Richard Romanoff, Ph.D., writes the following when faced with explaining why he believes his subject is an SVP. "Overall, on the materials reviewed, I do believe Mr.**** suffers from "congenital" or acquired condition affecting the emotional or volitional capacity that predisposes him to the commission of criminal sexual acts in a degree constituting that person as a menace to the health and safety of others" as required by the WIC 6600 statutes. Specifically, "I believe Mr. **'s more than thirty year history of arrests, that began when he was fourteen years of age and has continued unabated through his most recent arrest in 1993, provides sobering evidence for the

ongoing presence of a complex and intense underlying sexual perversion."

Dr. Romanoff's reliance upon the past makes any other diagnosis absolutely impossible. Indeed, the possible remission of a mental disorder is assumed (erroneously) to be impossible. Whence the requirement for proving current mental disorders? It has not been proved, merely assumed by all parties, even, sadly, by our own collective counsels.

Would a professional psychiatrist lie? Would he or she fake data to wrongfully commit an individual? Ask those who disclosed the recent fiasco at Metropolitan State Hospital. They wrote that wrong diagnoses were common. Can the Court afford to blissfully accept the word of trained forensic psychiatrists? Would they evade their responsibilities, or prostitute their ethics for a monetary reward? (Job and security?)

Quick Quips That May Be Applicable?

By Typographer that had to fill a small space.

- 1) If you believe money is the root of all evil, you've never read WIC §§6600's.
- 2) If trust is required for a true treatment environment, don't you think ASH should quit lying?
- 3) The California Attorneys General... Upholding the law since... when?
- 4) And, on the Sixth Day, Satan created 6600's.
- 5) If your purpose is to show us what it is like to be violated, humiliated, and criminally mistreated, you have succeeded!
- 6) **THE RAPIST**—Ironic how one spells "therapist".
- 7) My mother named me. Now I am a number. That is what ASH has done for me.
- 8) ASH interpretation of Miranda Rights. You have the right to remain...Here!!
- 9) If you are so against people hurting people and breaking the law, why are you working here?

Overt Act and Dangerousness Concerns

By: Bob LeFort, Unit 22

To Whom It May Concern: Our Legislators, Assembly and State Senate Members:

I would like to know how the language of the SVP Act, Welfare and Institutions Code §6600(f) "recent overt act" is to be applied to those who have been released from total confinement following their prison term for a sex offense.

This is of concern due to the fact that both defense attorneys and District Attorneys have only looked as far as the language of WIC Code §6600(d) which is in direct reference to "Danger to health and safety of others... while the offender is in custody."

Strangely the language of "Recent Overt Act" has been deleted from the DEFINITIONS RELEVANT TO SOCP. (Check the Clinical Evaluator Handbook, and Appendix A., W&IC).

I would like to know how the BPT can initiate the screening procedures against those of us that have served their time in prison and have been deemed safe enough to be returned to the community.

Since the State of California has no legislative history on the need for the court to plead and prove a "recent overt act", I have turned to the following "sister state" law, in Washington State, which, along with the Minnesota SVPA, the California SVP Act is (procedurally?) loosely based on.

The Washington State courts have been more active on this subject than most other states. Starting with, In re Young, (Cunningham), 122 Wn.2d 1, 857 P.2d 989, and ending with In re Detention of Albrecht, 147 Wn.2d 1, 51 P.3d 73, and In re Detention of Broten, Docket No. 26704-7-II (Washington Court of Appeals, Division II)(01-31-03). To quote, "after the offender has been released into community, proof of a recent overt act is no longer an impossible burden for the State to meet." Albrecht, 147 Wn.2d at pg. 10.

To relieve the State of the burden of proving a recent overt act because an ex-offender is in jail, or prison, for a technical (Type I) violation of a community placement, would subvert due process. An individual who has recently been free in the community and is subsequently incarcerated for an act which would not in itself qualify as an overt act, or manifestation, cannot necessarily be said to be currently dangerous. See: Albrecht, 147 Wn.2d at 10-11.

It is also important to note that the Ninth Circuit, Court of Appeals, struck down Hawaii's civil commitment statute because it failed to require that the alleged "danger" be imminent, substantial and shown by a recent overt act. See: Suzuki v. Yuen, 617 F.3d 173.

Again, as shown in In re Davis, 37 P.3d 325 (Wash. Appeals, Division I, 2002), when an alleged sex predator was not incarcerated for either a sexually violent offense or **manifestation** that would have qualified as a **recent overt act** at the time the State's petition was filed and therefore the State was required to **plead and prove** that the individual committed a recent overt act at his commitment trial. The attorneys for both the defense and the prosecution have continually ignored this fact.

The language of W&IC §6600(f) is very specific. It does not state a likelihood that the actor may engage in a non-sexually motivated technical parole violation for use of alcohol or drugs, or "jaywalking", etc. but "sexually violent, predatory, criminal behavior" specifically. "Once the offender is released into the community, due process requires a showing of current dangerousness". Albrecht, supra., at page 10.

To confine a citizen against his will because he is supposed to be dangerous in the future, it must be shown that he has been actually dangerous in the **recent past** and that such danger was manifested by an overt act, attempt or threat to do substantial harm to himself or others. Thus, to initiate an SVP petition or to predict dangerousness in the future, both must be based on prior overt manifestations of danger in the recent past, versus 15 to 20 years ago, both to protect the Constitutionality, and the reliability of the prediction under the clear and convincing standard of proof. In order to satisfy Constitutional standards that protect against erroneous deprivations of liberty. For, "no state legislator or executive officer can war against the Constitution without violating his (or her) undertaking to support it." See: Cooper v. Aaron (1958) 358 U.S.1, 78 S.Ct. 1401, 1410, Also see: Article I, Section 7(a), California Constitution; and Fifth Amendment, U.S. Const.

As shown in the case of In re Detention of Gonzales, (Iowa, 2003), 658 N.W. 2d 102, 105-106, the State has been previously interpreting the California SVP Act with what would not be "a reasonable application of the statute. This is because such an unreasonable application would allow the State to reach back in time, seize on a sexually violent offense for which a defendant was discharged, (or released) and couple this with a present confinement for a totally different—or even perhaps trivial- (Technical Type I-violation) offense and use (W&IC §6600(d),) to confine that person," for life under the California SVP Act. (See: In re Gonzales, Id., and the CCR, Title 15, Div. 2, §§2600-2646.1; and the Calif. Dept. Operations Manual, §62090.13.1, and suggested actions, §62090.13.2).

This letter to Legislators, et al. is continued on last page.

Letter to Legislators—Recent Overt Act and Dangerousness—Continued—from Page 11.

Thus, I ask you to review this issue, of grave importance, and let me know "how is the language of W&IC §6600(f), supposed to be applied to those who, like myself, that were released from total confinement and returned (RTC, "date", for "charge", prior to the Discharge (or release) date of ___?. That revocation has resulted in this repetitive and indefinite confinement to the Atascadero State Hospital. For both clinicians and evaluators refuse to grant a "current examination" of the "diagnosed" mental status or condition, or to look for changes that occurred prior to being returned to custody. Once a person has been placed under a "diagnosis" as described in the California SVP Act, (W&IC §6600, et seq.) he is supposedly too dangerous to be released. (Also see the recent CNSNews.com Information Services report(Report to A.P.A., 6/11/2003) and Psychiatric Association Debated Re-classifying Pedophilia, 6/11/2003)

Copy of my letter sent from R.D. LaFort, to Assemblyman Mark Leno, Chairman of the Assembly, Public Safety Commission. (Send one to whomever you think will give you a response.)

Bob La Fort, Unit 22.

KUDO'S TO PATRICIA STEELE

By: J. LaBlanc

Patricia Steele (KRON-T.V.--News Reporter) in San Francisco, California recently produced a show, aired June 26, 2003, on California Connected bringing to light the abuses, exorbitant costs and fallacy of the Sexually Violent Predator law. The facts and comments were extremely well presented and was received by the viewing public.

Thank You Patricia Steele for a job very well done and for bringing to light the costly waste of taxpayer dollars on a program that does not work.

UPDATE FROM NAPA COUNTY

By: Rex McCurdy

The Napa Superior Court steadfastly refuses to order Napa County defendants, from ASH, housed at Napa State Hospital, which is approximately two miles from the County jail. Napa State Hospital would be the most appropriate housing for the three civil commitments from that county.

The Court is, however, ordering the immediate removal, after hearings, directly back to Atascadero State Hospital, which trip usually takes about eighteen to twenty-four hours. The Sheriff's van usually leaves the Napa County jail at 10:30 AM. During this trip, we are given no food, no water and no restroom breaks during the transportation.