This Publication is dedicated to and Written by American Citizens Fraudulently held under the California SVP Act.

ECHOES OF THE GULAG

Volume VII No 3 Published Bimonthly at Coalinga, CA. July / August 2006

EDITORAL
WHY ARE COURSE SPECIFIERS IMPORTANT

By Lance Purcell

The most important issue facing the SVP candidate or defendant is the refusal of clinical staff to supply the truth about the source of information for the various diagnosis: that source being in most cases prior history. In many cases the foundation of the diagnosis go back twenty or more years with no subsequent arrests for sexually violent or predatory behavior in the interim. Nevertheless, when the diagnosis are made Course Severity and Specifiers (DSM-IV tr p. 2) are routinely ignored. The use of one of the Course Specifiers gives the reader to understand the current status of a mental disorder diagnosis which though having been made in the historical past (though never only by history) is no longer productive of signs or symptoms. This is not by accident of oversight, but by design. When the person designated as mentally disordered points out the lack of signs or symptoms to support the diagnosis, they are informed that administration will not let the doctors "soften" the diagnosis in question, even if they agree in principle (i.e.; that the diagnosis were probably wrong to begin with.)

What this means is that administration officials are making diagnoses by remote control and for political reasons rather than ethical ones.

There are three Severity Specifiers which may be used **(Mild, Moderate, & Severe)** and three Course Specifiers **(In Partial Remission, In full Remission, & Prior History)**.

Continued on Page 8.

SEXUALLY VIOLENT PREDATOR FACT OR FICTION

By: Don Hale

Let me see if I got this right. For over 10 years, the California Department of Mental Health has received well over $500,000,000 (Five Hundred Million Dollars), an average of $117,000 (One hundred seventeen thousand) per person here at Atascadero State Hospital who are, or may be a SVP. That is not including court or medical costs per person. All they have to show for this is three (3) people that have been released to a less secure alternative. And the Department of Mental Health fought the courts not to release them! So is the so-called "State of the Art" hospital actually saying treatment is a failure? Hum!

Don't worry about how much it costs the taxpayers, you are safe in the community because over 500 of the 88,000 plus serious sex offenders in California are here. The media will also help you think the cost is well worth it by showing you the few serious sex offenders that do reoffend. It's only the so-called "Worst of the Worst' here at ASH, the Sexually Violent Predator that makes the headlines and news casts. What about the 87,000 plus other sex offenders in the community? You know, the ones who own homes, company's, hold down jobs, are paying taxes and leading normal lives? This would not be the news people would want to hear of know about, would it?

Does the public know about the U.S. Department of Justice Report about sex offenders and their likelihood of Re-offense?

Continued on Page 2.

SWEAR TO TELL THE TRUTH

By Mark J. Sullivan: Certified Criminal Defense Specialist Excerpts from an article in Crime <> Justice & America submitted by : Jerry Burns.

The 16 most important things to do - and not do - on the witness stand.

Whether you're the defendant or a witness, proper preparation - following the lawyers advice - can be the single most important thing you can do to affect the outcome of the case.

1) Listen To The Question:

This seems pretty obvious, but you would be surprised how many judges interrupt witnesses to tell them exactly that. You're likely to be somewhat nervous - and that could make you try to anticipate the question. Don't. Wait for the lawyer to ask the entire question, and make sure you understand what is being asked.

2) Think Before You Answer:

Don't rush. Wait for the questioner to finish his question before you begin your answer. Waiting for the question to be asked will allow the other attorney to object if necessary.

3) Answer The Question And Only The Question:

Many witnesses believe they have to carry the entire case by themselves. If the question calls for a yes or no answer, try to answer yes or no. This is where most witnesses make serious mistakes. Witnesses don't make cases; lawyers do.

Continued on page 2

A NOTE FROM JOHN O.

If you wish Echoes to continue please donate what you can. Make donations to John Olson PO Box 3293 Central Point, OR 97502.

PREDATOR

Continued from page 1

Where 80% of sex crimes are first time offenders. The report states that the risk of reoffense, by serious sex offenders, with prior convictions, is only 5.7%, not the 40% to 50% the "hired guns" for the DMH predict to meet the S.V.P.A. predict.

That's right, the DMH psychologists that evaluate people to meet the criteria for SVP, if you have two (2) sex crimes, you have a mental disorder! Will you reoffend? The "Hired guns" have a tool for prediction that says you will. They ask the questions, then answer the questions, they raise the bar to change the prediction and bingo you re offend! Who's really the manipulator? Hum! This tool is the best there is! Yep, imported and proven on Canadians with a "moderate" accuracy rate. So, the DMH psychologist can predict a "definite maybe" you will reoffend. If only I was Canadian!

The co-author of this 1999 tool now states, in a 2005 report, that other factors are to be considered and the prediction rate is half of what it was but somehow, the "hired guns" refuse to acknowledge this. I would not jeopardize my $300,000 a year income either! Besides, even though they served years in prison for those crimes and paid their debt, they are still sex offenders!

What about the percentage of sex offenders the "hired guns" said would reoffend if released, then were released by the courts? How many reoffend? You guessed it, 5.7%, sound familiar?

Speaking of the legal system, do you think a Superior Court Judge, who is elected into that position, is going to risk not being re-elected by the public finding out a possible sexually violent predator was released? No wonder so few have won probable cause since 1996. But not to worry, you will be represented by a public defender, who will do all he can to ..ah..get you to trial in about 3 years. Then, because your lawyer believes in you, will refuse to appeal your case so he can move on to the next person who has been waiting as long as have. So fear not! You can appeal your case yourself! Then within 5 to 7 years, have the Appellate Court and the Supreme Court tell you the same thing the Superior Court did. Ah, the legal system, how fair, how honest.

So the next time you cash your check and see how much they take out in taxes, remember you are paying 3 times your annual income to house me here and 3 times that to a "hired gun" to say I belong here. Also I have 2 strikes and would get 25 to life, in prison, f or something as simple as stealing a candy bar.

But hey, it's your money and I have no business telling you how to spend it, or where it goes, just like the Department of Mental Health.

******

TELL THE TRUTH

Continued from page 1

Don't worry that if the "right question isn't asked, the truth will not (sic) come out. Both attorneys have the right to ask an almost unlimited number of follow-up questions.

4) Do Not Volunteer Information

Too often, criminal (defendants and witnesses) forget to answer only the question that is asked. With one simple, unnecessary and counter-productive statement, you attorney's success is all for naught.

5) Tell The Absolute Truth:

Tell the truth, even if it conflicts with "your side's" other testimony or evidence. Juries understand that two people witnessing the same incident can remember it differently. In fact, if all of the witnesses tell the exact same story, it can look contrived and suspicious. You can't get in trouble if you just tell the truth. Remember that if telling truth would convict you, your lawyer can simply keep you off the witness stand.

6) Don't Spar, And Don't Take Sides:

Resist the temptation to spar with the opposing attorney. In fact, treat each of the attorneys with equal politeness. The jury will respect that, and they will reward you with credibility points.

7) Direct Your Answers To The Attorney:

I instruct my witnesses to be polite and direct their answers to the attorney who is asking the questions.

There are exceptions, such as when the question asks you to do so ("Please explain to the jury where you were..."). In that case, you should turn to the jury and direct your answer to them. And sometimes, for dramatic purposed, if you are answering the most important question of the trial, you may want to turn and face the jury as you testify.

My experience is that juries see it as impolite when witnesses constantly turn away from the attorney whose questions they are answering, and direct their response to them. Juror's get the feeling that they are being played up to, or manipulated. They sense that the witness has an agenda. They know that that's not proper duty of a witness.

8) Guessing And Estimating:

Don't guess at any answers. Guesses are inherently unreliable, and are therefore inadmissible in court. However, you may be asked to give an estimate, and estimates are relied upon in courts all the time. You may be asked to give your best estimate. If you are not guessing, you may do so. On the other hand, you may also respond by stating that you do not believe that your estimate would be reliable, if such is the case.

9) Body Language:

Be sure not to react with body language to negative testimony.

Continued on page 3

TRUTH

Continued from page 2

If you sit attentively, keep a poker face, and avoid visibly reacting to negative testimony, you will preclude the possibility of everyone in court knowing your inter most thoughts and that's critical.

Other dangerous body language to avoid: 1. Don't fold your arms across your chest. 2. Keep your hands away from your mouth. This makes you look as if you are lying. 3. Don't mumble. Speak up and with confidence. Use the microphone, and sit up straight. 4. Don't get up and leave just because you think the questioning has stopped. Remain seated until the judge tells you that you are excuse.

10) "To The Best Of My Recollection":

Avoid the tendency to say things like, "To the best of my knowledge," or "To the best of my recollection." You have already been sworn to testify truthfully, and that means " to the best of your knowledge or recollection".

11) Don't Answer Any Questions You Don't Understand:

Do not look to your own attorney for signals or clues when you are being cross-examined. The jury will pick up on it, and it will affect their decision making.

13) Don't Talk To Your Attorney:

Not while a witness is testifying, anyway. While your input on the proceedings is always important, your lawyer needs to give his undivided attention to the current testimony. Write down your comments, and make sure to remind your attorney to check them out before he finishes his examination of the witness.

14) Consulting With Your Attorney:

If necessary, you may ask the judge's permission to consult with your lawyer before you answer a question. Don't do this too often, and don't automatically assume that you will be granted that opportunity; but if your seriously confused and don't want to say the wrong thing, you have the right to ask.

15) More About Telling The Truth:

If any lawyer has spoken with you about your testimony and you're asked about it, tell the absolute truth. It is perfectly allowable for a lawyer or an investigator to discuss the facts of the case with you , and to give you pointers on how to testify effectively.

16) Don't Discuss Testimony With Other Witnesses:

Most of the time, the court will order that all witnesses in the case be excluded from the courtroom while other witnesses testify. This is to prevent witnesses from allowing other evidence they hear to color or taint their testimony.

Mark J. Sullivan, Attorney at Law
Certified Criminal Law Specialist
777 E. Tahquitz Canyon Way, Suite 315, Palm Springs, California 92262
Tel: (760) 327-1529

******

EDITORS NOTE

MR. Todd Melnik, Attorney at Law, now has openings for new clients.

If you are financially able, I urge you to contact Mr. Melnik @ 20920 - B Warner Center Lane Woodland Hills, Ca. 91367-6540

Mr. Melnik has not lost a case in the last 7 years. He is extremely diligent and knowledgable in defending Welfare & Institution Code 6600 cases

******

EQUAL JUSTICE UNDER THE LAW

By: Tony Iannalfo

Those five words are inscribed over the entrance to the Supreme Court Building in Washington, DC.

Of all the phrases that could have been chosen, providing "Equal Justice" was deemed the most important role of the Supreme Court. However, the courts have perverted "Equal Justice" into meaning certain groups of people are exempt from this protection.

You don't see the government civilly committing, robbers, murders, burglars, car jackers, drug users or alcoholics to mental hospitals after serving their prison sentences. But sex offenders, that's a whole different story. Then "Equal Justice" no longer applies.

The government claims sex offenders have mental disorders that need to be treated after the prison sentence is completed. Yet, sex offenders have one of the lowest recidivism rates of ALL offenders.

******

ASH'S UNDERGROUND RULES (A.D.)

DMH has no authority to create or limit the rights of 6600's

By: J. Hydrick

DMH and officials at Ash, purport to have the authority to adopt regulations pertaining to patients rights for all non-LPS patients under Welfare & Institutions Code §§4005.1 & 4027.

However, section 4027 only grants DMH authority to adopt regulations that affect the rights of a specific group of mentally ill offenders receiving treatment. They are Penal Code §§1026, 1026.2, 1364, 1370, 1610, 2684 and Welfare & Institutions Code §1756. Furthermore, 6600's are not "persons" receiving treatment as mentally Disordered Sex Offenders held pursuant to the repealed MDSO Law (Penal Code §1364.)

For an administrative regulation to be valid, it must be within the scope of the authority conferred by the enabling statute. Terhune v. Superior Court, 65, Cal. 4th 864, 672-3 (Cal. Ct. App. 1998)

Individuals committed pursuant to Welfare & Institutions Code §6600

Continued on page 8

CHAPTER 154 OF THE AEDPA

California has not demonstrated that it has qualified or complied with the Requirements of Chapter 154 of the AEDPA.

See, Sandoval v. Calderon, 241 F. 32d 756 (9th. Cir.) cert. denied, 534 U.S. 847 (2001) (Same as Ashmus v. Woodford, 202 F. 3d 1160, 1165 (9th. Cir>) cert. denied, 531 U.S. 916 (2000); Ainsworth v. Calderon, 138 F. 3d 787 (9th. Cir. 1998), amended 152 F. 3d 1223 (9th. Cir. 1998) aff'd sub nom Conclusion:

" The State of California seeks to opt-in to the procedural advantages of Chapter 154 of the AEDPA with respect to Troy A. Ashmus' petition for federal habeas corpus. The state has not demonstrated, however, that it has complied with the unambiguous requirements of that statute. During all times relevant to this appeal and at least until 1998, California failed to establish "by rule of its court of last resort or by statute a mechanism..."

And, the AEDPA, applies only to capital prisoners whose convictions were affirmed after a particular date. Calderon v. Ashmus, 118, S. Ct. 1694, 1695, 523 U.S. 740. [Death row inmates; Chapter 154 will apply in capital cases only is the state meets certain conditions. id. at pg. 1696

The Court of Appeals agreed in large part with the Districts Court's conclusion that California does not qualify and therefore found Chapter 154 inapplicable. Id. at 1697. "If the class members file habeas petitions and the state asserts Chapter 154, the members obviously can litigate California's compliance with Chapter 154 at that time." Id. at pg. 1699. (Chief Justice REHNQUIST delivered the opinion of the court) (Justice BREYER with whom Justice SOUTER joins, concurring).

In, Ashmus v. Calderon, 123 F. 3d 1199 (9th. Cir. 1997), the district court held that California does not qualify under Chapter 154 of the act and issued a declatory judgment to that effect and preliminary enjoined California from attempting to invoke any of Chapter 154 benefits. Ashmus v. Calderon, 935 F. Supp. 1048 (N.D. Cal. 1996). The 9th. Circuit had /has jurisdiction under 28 U.S.C. §1292(a)(1) to review the district court's preliminary injunction "Chapter 154 applies only if a state "opts-in" and qualifies under either the "post conviction" or "unitary review" procedures set forth respectfully in Section 2261 and 2265 of Chapter 154." Ashmus v. Calderon, 123 F. 3d at pg. 1202.

"The district court, in a thorough and well reasoned opinion issued under severe time constraints, Congress, correctly determined that California does not presently qualify under Chapter 154 and properly issued its declatory judgment." Id. at pg. 1209.

In, Ashmus v. Calderon, 935 F. Supp. 1048 (N.D. Cal. 1996), the court held, "Presumably, Congress could have made Chapter 154 applicable to all states, regardless of their provisions of competent counsel to state prisoners for collateral review. However, Congress has not done so and it has entrusted to the federal judiciary the responsibility and obligation for determining whether Chapter 154 applies to a given state." Id. at pg. 1057 n. 8.

"As the supreme Court emphasized, 'given the importance of a first habeas petition, it is particularly important that any rule that would deprive inmates of all access to the writ should be both clear and fair.' Lonchar v. Thomas, 517 U.S. 314, 116 S. Ct. 1293, 1302." (Unquestionably, plaintiffs also fall within the class of people whom Congress intended to confer rights upon under the habeas corpus provisions of Chapter 153 and 154. Ashmus v. Calderon, 935 F. Supp.. 1048, 1062.

Under the case of Ashmus v. Calderon, 31 F. Supp.. 2d 1175 (N.D. Cal. 1998), the court held, "In order to qualify, state must establish a system to assure that capital defendants receive competent legal representation for their state habeas claims." Id. at pg. 1177. As shown in Hill, 941 F. Supp.. at 1134, "Congress...did not intend that the new habeas provisions would necessarily apply to every state, but only those states that "opt-in" to the act by meeting certain preconditions." Id. at pg. 1181.

"Nevertheless, Congress also clearly mandated compliance with the quid pro quo arrangement. No state is entitled to the benefits of Chapter 154 unless they qualifying procedures are 'established.' This reflect the simple judgment by Congress well documented in the legislative history, that greater deference to state proceedings is only appropriate after states have genuinely provided a mechanism that assures competent counsel to petitioners whose federal habeas rights would be restricted." Id. at pg. 1181, n 9.

"Thus is determining whether California has "established" qualifying procedures, the court must carefully examine whether the quid pro quo has truly been met or whether the state is overreaching..." see, Powell Committee Report, comment, 135 Cong. Rec. S13483." Id. at pg. 1182, n10. "Any other rule does violence to the concept of quid pro quo relationship." Id. As pointed out in Satcher v. Netherland, 944 F. Supp.. 1222, 1243 (E.D. Va. 1996), (state could not opt-in where system in effect when habeas petition was finally denied was deficient), rev'd on other grounds and aff'd, 126

F. 3d 561 (4th. Cir. 1997, cert. denied, Satcher v. Pruett, 522 U.S. 1010, 118 S. Ct. 595, 139 L.Ed. 2d 431 (1997). Id. 1182. Also see, Satcher, 944 F. Supp.. at 1242; id. at pg. 1183, n11. And, under the conclusion of Ashmus v. Calderon, 31 F. Supp.. 2d 1174, 1193-1207, (III CONCLUSION) "Accordingly and good cause appearing, the court hereby ORDERS that Chapter 154 SHALL NOT APPLY to these proceedings. IT IS SO ORDERED."

Cf. Moore v. Calderon, 108 F. 3d 261, 263 (9th. Cir.) cert. denied, 521 U.S. 1111 (1997; Also see Fed. Habeas Corpus, Prac & Proc., 4th Ed. 2001, LEXIS NEXIS, at pg.. 123-24, (and 2003, supplement, at pg. 12.)

******

DEAN'S CORNER

Dear Mr. Sanchez, I would like to thank you for... Letting me, get to know your friendly side. You always seemed to be unaffected by my venting. I'd like to thank you for staying in control of yourself when I said stupid stuff, you know stuff like inappropriate statements, and un-cool comments about staff or anybody. I'd like to say thanks for tolerating my poor grammar whenever you read the story's I'd written, and not being insulted whenever I'd walk away cussing a blue streak after correcting my work. I'd really like to thank you from the bottom of my heart for coming up to me when I was depressed out of my mind and patting me on the back, asking if there was something wrong and could yo do something for me.

I used to watch you on the court yard walking your laps, and still stopping to be polite whenever someone would start a conversation with you. I really liked the way you'd help the real patients around the hospital find their way. I like the way you'd tell somebody off whenever they did something you didn't like, to not only you, but to somebody else even if you didn't know them. Your unfailing loyalty to our cause, and your devotion to the rules we live by.

I would like to thank you for sharing yourself with me, and letting me get to know you. Thanks Mr. Sanchez, for getting to know me

This is only my breath, you need not inhale.

******

UNINTENDED CONSEQUENCES MEGAN'S LAW

Source: Friends of the Legislature Newsletter, May / June 2005

By FCL's unofficial account, 32 bills dealing specifically with sex offenders we introduced in the first year of the Legislative session. Due to the gravity and the nature of most heinous sex offenses, they elicit a quick response from lawmakers. Clearly, we are beginning to realize the unintended consequences of hastily crafted legislation.

While most sex offenses are committed by family members or acquaintances, new laws are aimed at offenses committed by strangers. In addition to penalty enhancements, they seek to restrict the movement of sex offenders on parole. A bill to prohibit convicted sex offenders from living within one half mile of a day care center may sound good but fails to take into account that most day care centers are in unlicensed private homes and are unbeknown to most people.

Current law requires the Department of Justice (DOJ) to publish the names, addresses, and photographs of persons convicted of sex offenses on the internet where they can be viewed by the public. SB 277 by Jim Battin, R., La Quinta and AB 438 by Nicole Parra, D., Hanford, would allow rental property owners to not rent to persons included the DOJ's web site. Landlords would also be allowed to evict them. If these bills become law, persons convicted of sex offenses could become homeless which would make them harder to track. Ironically, it would defeat the entire purpose of Megan's Law which requires convicted sex offenders to register with local police departments. AB 35 by Todd Spitzer, R., Orange, would also require information about a sex offender's employment be posted on the DOJ's web site, which would lead to employment discrimination. Both AB 35 and AB 438 failed in the Assembly Public Safety Committee. SB 277 will be amended to remove the provisions for rental property owners.

(see website:www.fclca.org

******

WHO KNEW?

Submitted by: Robert Wenzel

Psychologist believe that people use to different mental systems for thinking about risk. The first is logical and analytical. The other is intuitive and emotional. Feelings alone can also cause us to make illogical calculations.

A 1993 experiment offered people a chance to win a dollar by drawing a red jelly bean from one of two bowls. One bowl had 100 beans, 7 of them red. The other had 10 beans, only one of them red. Many people preferred the bowl with 7 red beans. They knew their odds were worse, but they said they FELT as if they had a better chance.

In another experiment, clinicians were far more likely to release a mental patient from a hospital if told he had a 20 percent chance of becoming violent than if told 20 out of 100 such patients would become violent.

Continued on page 6

WHO KNEW

Continued from page 5

The second scenario, though statistically equivalent to the first, created a visual image of violent patients.

A savvy risk analyzer uses both the emotional and analytical systems to make good decisions, says psychologist Paul Slovic of the University of Oregon, "You need your feelings to put a cross-check on you analysis, and you need analysis to keep your feelings in check."

So keep your wits, analyze your situation and crunch the numbers.

By Joel Achenbach, Washington Post staff writer as seen in the September 2003 issue of National Geographic magazine.

******

NO FORCING THERAPY ON SEX OFFENDERS

From: LAW.COM

A 9th. Circuit Court of Appeals opinion could make it harder to force convicted sex offenders into certain forms of state-mandated therapy.

The court reversed a Montana district court ruling against Lawrence Antelope who was convicted of possessing child pornography in a sting operation. Antelope refused to participate in "autobiographical" therapy unless he was promised he would not be prosecuted for past crimes.

As Antelope appealed the therapy order, his failure to comply caused him to incur additional penalties in what 9th. Circuit Judge M. Margaret McKeown described as a "never-ending loop tape" of appeals and prison sentences.

McKeown, backed by Judge Ronald Gould and Senior Judge Melvin Brunetti, ruled Antelope was unjustly denied his 5th. Amendment rights against incriminating himself. Reversing a Montana Court's ruling, McKeown found that Antelope could not be forced into the therapy or be punished for refusing to undergo it.

"Antelope's successful participation in [the therapy program] triggered a real danger of self incrimination, not simply a remote or speculative threat, "McKeown wrote. "We have no doubt admissions of past crimes would likely make their way into the hands of prosecutors."

Concerned that he would be forced to incriminate himself, Antelope challenged the requirement. The district court judge assured him that his confidences would be protected as privileged information between him an his counselor.

A California Department of Corrections spokeswoman said it may be "premature" to gauge what effect the ruling may have on the state's treatment programs for sex offenders.

I was under the impression that when you are in a confidential situation with a psychologist or psychotherapist that that information is confidential," said spokeswoman Margo Bach.

But such disclosures aren't protected, said Santa Clara County Deputy Public Defender Andrea Flint, whose clients include graduates from California's Sexually Violent Predator program at Atascadero State Hospital.

Unlike other criminals, sexual offenders in California are not offered 5th. Amendment rights protections, she said.

Flint hailed the ruling, saying she hoped it could be used "in breaking down the barrier keeping convicted sex offenders from 5th, Amendment protections. The case is U.S. v. Antelope, 05 C.D.O.S. 745

******

HARSH PENALTIES PACIFY THE PUBLIC

Excerpts from Karen Terry, June 05 on pe.com

Community members appeal to their local and state politicians to pass strict laws so that their children are protected from the sexual predators who commit vile acts.

The question is, how effective are these laws in protecting the community? The answer, unfortunately, not very well. In order to develop informed policy, it is necessary to understand some basic facts about sexual offenders.

First, sex offenders constitute a heterogeneous population of individuals. The term "sex offenders" encompasses individuals as disparate as an exhibitionist, a violent rapist, a 19-year-old-high school senior who has intercourse with his 15-year -old girlfriend, a sports coach who abuses hundreds of kids in his care and a mother who sexually abuses a son.

Second, most sex offenders do not attack strangers; approximately 75 percent of adult victims know their attackers and more than 90 percent of child victims know or are related to those who abuse them.

Third, most convicted sex offenders live in the community, not jail or prison and most field agents in charge of supervising them have little or no specialized knowledge about this population and few resources to monitor them thoroughly.

Fourth, sex offenders as a group have a lower recidivism rate than any other type of violent offender except murders.

Fifth, the policies that have been implemented in the last decade are largely based upon emotionally charged cases of child sexual abuse and murder.

Take for example Megan's Law and civil schemes to commit sex offenders to secure facilities after they complete their criminal sentence. All states have a form of Megan's Law and sixteen states have civil commitment schemes.

The problem with Megan's Law and civil commitment statutes is they are blanket policies implemented after tragic cases. Fact is, violent child molesters who attack strangers are among the rarest types of sex offenders.

Continued on page 7

HARSH PENALITIES

Continued from page 6

To date, no studies have shown that Megan's Law is effective at preventing sexual abuse. Community notification works against sex offenders and may actually encourage rather than reduce recidivism. Notification policies ostracize these individuals from the community, stigmatizing them and often preventing them from forming law abiding relationships.

It is difficult to control the feeling of disgust and hatred toward people who commit terrible acts against the most vulnerable victims. But we must evaluate policies objectively rather than emotionally. We can not effectively reduce or control sexual abuse until we understand and monitor the abusers.

******

ADMISSION OF GUILT

Excerpts from Dr. Ralph C. Underwager, Ph.D.

Dr. Underwager was addressing concerns of sex offender treatment programs that require an admission of guilt as part of the therapeutic regiment.

There is no scientific data supporting the therapeutic efficacy of requiring an admission of guilt. In fact, such imposition of the moralism of the treatment program is counter therapeutic and prevents healing and positive changes for the subjected to such treatment (Levine & Doherty; Wakefield & Underwger, 1991).

There is no Justification for requiring such an admission of guilt in order to benefit from therapy. The research that shows the methods of therapy that are effective and succeed in reducing recidivism are those that do not require an admission of guilt but proceed along individualized, behavioral and cognitive directions (Laws, 1989; Wakefield & Underwager, 1991).

Requiring admission of guilt is to require repentance. There is nothing in the training of any mental health professional that qualifies them as either capable of discerning repentance or capable of effective response to repentance. It is improper and incompetent practice for mental health professional to require a behavior as part of a treatment regime that is outside the area of training, knowledge and competence of the mental health professional.

Mental health professionals also have an ethical obligation which includes informing the potential patient of the nature of the intended procedures, their validity, reliability and possible side effects.

There is a large body of jurisprudence regarding the right to refuse treatment. Much of this has to do with forced or coerced treatment with drugs. One of the issues involved in this body of legal scholarship and rulings is the 8th. Amendment prohibition against cruel and unusual punishment. It is the intent, the actual procedure, and the results that are important, not whether the state calls a practice treatment instead of punishment.

There is no scientific basis for requiring either treatment or admission of guilt. There is a high probability that the procedure of requiring participation in the treatment program under threat of sanction and requiring an admission of guilt are unethical behaviors for the treatment staff.. There are serious questions of infringement of Constitutional rights guaranteed in the 5th. and 8th. Amendments.

(Wakefield, H., Underwager, R. (1991) Issues In Child Abuse Accusations, 3(1), 7-13. Dr. Ralph Underwager, Ph.d., Institute for Psychological Therapies, E-Mail: underDOG@tc.umn.edu, web page: www.jpt-forensics.com)

******

PHONE SNAFU

By Norman Hobbs

The admin-istrator of Atascadero State Hospital (ASH), presumably Mel Hunter, executive Director, arranged for the communications carrier, M.C.I., to discontinue the automated collect calling system service on the patient outgoing phones at ASH effectively doubling the cost of each patient initiated call from the unit phone. This appears to be the administration's answer to Jeff Gambortd's successful legal challenge to the inadequacy of existing phone service provided to the overcrowded Sexually Violent Predator (SVP) detainees at ASH. All outgoing calls originating from the collect only phone on each unit as provided to ASH detainees pursuant to the right to telephone access and private communication with an attorney (California Code of Regulations Title 9, Section 880 and Administrative Directive (AD) 103 and AD 709), are now "Operator Assisted" calls which add a minimum of $1.30 to the cost of each call initiated by ASH residents on the unit telephone.

The cost for each call placed from the phone provided for patients' use when calling within the State of California is $4.99 connection fee plus $1.00 for operator assistance, plus a $.30 surcharge, plus $.89 per minute, totaling to $7.18 for a 1 minute call to the party accepting a call from a resident at ASH. Out of state call rates are assessed an even higher fee rate. Compare the current calling rates with those $4.00 calls made through the automated system prior to the change 2005.

The ASH Operation Manual consists of Administrative Directives (ADs) and Special orders covering all aspects of operations, procedures, and patient activities at Atascadero State Hospital. These ADs and Special Orders are more likely than not to be secret rules not accessible by ASH residents per order of Mel Hunter. Such is the case with AD 103 and AD 709 dealing with communications including telephone access by patients and staff.

Continued on page 8.

EDITORAL

Continued from page 1

While DSM does not require the use of Severity and Course the only reason for not using them would be if the client or patient currently has a full - blown, active disorder. The unqualified diagnosis of a mental disorder (with no Course Specifier) would be self-evidently accurate because mental disorders (Axis I) present signs and symptoms which are "acute, florid, and responsive to treatment,"(Essential Psychopathology and its Treatment, Maxman & Ward, p. 14). It is unethical to make a diagnosis based solely on Prior History without present information. Maxman and Ward make the point when insisting that, "present information is more reliable that past information." They continue, "Signs are more reliable than symptoms, because signs can be observed. Objective findings are more reliable than intuitive, interpretive, and introspective findings." In the case where historical information routinely takes precedence over observable signs and symptoms this is in itself a sign and symptom of a decided agenda: that of finding each person who comes under forensic scrutiny as having met the criteria for the SVPA

Incidentally, these are the selfsame people who then require our unqualified trust that they are honest ethical agents who can be relied upon for advice and guidance in the most intimate of domains; healing of the heart.

******

PHONE SNAFU

Continued from page 7.

Of course these secret regulations also include searches of patients and housing areas and most other aspects of staff / patient interactions and my be changed upon a whim of Department of mental Health / Atascadero State Hospital administrators whereby any action by staff, interaction between staff and ASH resident, or hospital policy can be changed to justify any and all actions taken against a hospital resident.

Anytime ASH residents win a new privilege, right, or some expansion of an existing right, two or more rights, privileges, recreational activity, or desirable program will be eliminated or severely restricted. This is vindictiveness of the highest degree instigated against hospital residents by the highest echelon in the ASH administration.

******

UNDERGROUND RULES

Continued from page 3

et seq are not included in this list. While W&IC §4005.1 grants DMH the authority to "adopt and enforce rules and regulations necessary to carry out its duties under this division", there are no provisions in Division 4 granting DMH the authority to create or limit the rights of 6600's. W&IC §6600s et seq, are included in Division 6 of the Welfare & Institutions Code.

Even if such authority did exist, it does not include the ability of DMH to create or limit the Constitutional rights of the 6600's currently housed and or in custody of the DMH.

******

GOING MAD

During a visit to a Mental Asylum, a visitor asked the Director what the criterion was which defined whether or not a patient should be institutionalized.

"Well," said the Director," we fill up a bath, then we offer a teaspoon, a teacup and a bucket to the patient and ask them to empty the bathtub."

"I understand," said the visitor. 'A normal person would use the bucket because it's bigger than the spoon or the teacup."

"No," said the Director, " a normal person would pull the plug.

Do you want a room with or without a view?" From the Internet.

Absent Comrads
In Memoriam

ECHOES ask everyone, everywhere to pause for a brief moment each day and remember, with kindness, each of these, our 28 Absent Comrades.

Robert Cloverdale	1998
Jim Davis	1/21/1999
Colman	2000
Freddy Copper	2000
David Stansberry	5/10/2000
Donald Lockett	1/23/2001
Edward Samuels	5/10/2001
Charles Rodgs	5/29/2000
Larry Goddard	6/02/2001
Dean Danforth	7/27/2001
Lolyd Johnson	2002
Wayne Graybeal	2002
Greg Brewer "Shuggo"	7/04/2002
Patrick Brehm	3/15/2003
Robert Alperin	3/15/2003
Tim McClanahan	3/15/2003
Wayne Porter	8/18/2003
Cash O'Dowd	12/11/2003
Elmer Bock	4/07/2004
Dave Gentek	8/23/2004
Joe Vlahiotis	12/04/2004
Corwin Wellsy	12/13/2004
Ross Washington	1/30/2005
Richard Bishop	2/07/2005
Alton Robinson	3/19/2005
Robert Canfield	8/29/2005
Geraldo Sanchez	9/24/2005
Robert Brooks	11/24/2005

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

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

ECHOES OF THE GULAG

Published bimonthly at
Coalinga State Hospital

Articles for publication are always needed. But they cannot be returned. The Editor retains the right to edit, modify or reject any article submitted. Publisher does not accept responsibility for the veracity of any submitted article.

Echoes Editor
Tony Lamalfa

Circulation Manager
Lawrence Halbert

Editorial Board
Ted Karsai
Lawrence Halbert
Lance Purcell

Design and Typography
John Olson

EDITORS EMERITUS
Don Plyler – Tim McClanahan

Echoes E-mail address
www.gulagnews@yahoo.com