

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



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

EDITORIAL

An Uncomfortable Truth



Most sex crimes are committed by people we might count as friends

Partial re-print from the New Scientist, Feb. 24, 2007

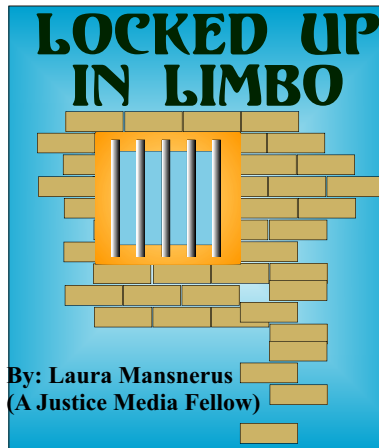
SEX offenders are breed apart, notorious recidivists who are driven by deviant sexual desires. That, at least, is the common perception. The facts are rather different. Most sex offenders do not fit any psychiatric diagnosis related to sexual deviance.

Reconviction rates for this group as a whole are relatively low compared with other types of criminals. Most importantly, the majority are not a breed apart.

The label "sex offender" is a rag-bag term that covers individuals who have committed a wide range of offenses. Some are nasty opportunists for whom rape or child abuse is just one in a long string of diverse crimes. Most knew their victims: they assaulted acquaintances, family members or friends. Others are young men who had sex with under-age girlfriends. The stereotypical predator, persistently targeting vulnerable strangers, is rare.

Sex offenders are not the group that

Continued on Page 12



By: Laura Mansnerus
(A Justice Media Fellow)

Prisons are an outsized business in California, and these days Californians have an outsized monument to their fear of something prisons cannot contain: sex crimes. At Coalinga State Hospital sex offenders who have served prison terms are serving more time, having been involuntarily committed as "sexually violent predators." Californians appear determined to fill the place and then some, as a referendum in November of 2006* expanded the commitment law to make virtually every sex offender in the prison system eligible for lifetime detention. And so the numbers at Coalinga, now about 700*, will never stop growing.

Coalinga is preventive detention in perfect form. The inmates are confined for what they think, or what they might do if released or, more precisely, what a psychologist guesses they might do. If

Continued on Page 2



Mental Illness and the Second Amendment

By; Robert LeFort

The state has moved to ban the involuntary civil commitment from being able to hunt, and own a firearm in the exercise of their Second Amendment Right, But look who is being paid to wield authority to use a handgun, compared to those of us who have never used a handgun/weapon, in the commission of a crime.

"Studies have suggested that law enforcement officers may suffer from neurotic disorders, such as Post Traumatic Stress Disorder (PTSD) at a frequency greater than those in the general population. Scientific

Continued on Page 3



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

LOCKED UP IN LIMBO

Continued from page 1

that seems unconstitutional in a 1970's kind of way, the courts are largely unmoved. And if people are locked up for years before a court asks too many questions, it is because of what some lawyers call "the pedophile exception to the due-process clause."

Maybe it would be surprising if America, now accustomed to the terrorist exception to the Constitution, was *not* warm to a pedophile exception. But legal scholars and psychiatric experts have almost nothing good to say about using the mental health system to institutionalize offenders. The idea has proven an especially bad one in California, whose mental system is under federal monitoring because of widespread civil rights violations. The cost of running Coalinga, already galloping, are compounded by the costs of processing thousands more offenders; under the new Jessica's Law, the number referred for evaluation has risen from fifty to about 750 each month.

In its enthusiasm for preventative detention, California, as is its tendency, is like all America only more so. The word "predator," not so long ago a mere metaphor, has come to encompass flashers and peeping toms, and locking up the whole of them lot of them has become a legislative reflex across the country. Eric Janus, president and dean of the William Mitchell College of Law in St. Paul and the author of *Failure to protect*, about the civil commitment laws, refers to a "third wave" in the last couple of years.

Around 1990 a handful of states rewrote their mental health laws to reel in sex offenders---most of whom were not mentally ill by any definition---as their prison terms expired. In the mid-90's especially after the Supreme Court upheld Kansas's Sexually Violent Predator Act, a dozen others followed suit. The panic flared again in 2006 and '07: New Hampshire and New York

enacted commitment laws, and a change in Virginia's law quickly tripled its population. Congress approved the civil commitment of sex offenders in federal prisons, including the growing percentage who land there on pornography charges.

"I was thinking probably it was going to go away, with states scared off by the financial burden," Janus said. "But what with New York jumping in, that's a bellwether state in some ways. It would be a little surprising if it didn't spread further."

At this point legislators need not worry about the courts. The laws may rely on a web of legal fictions---that the inmates are psychiatric patients that their detention is not punitive, that actuarial tests can predict their behavior---but they are Supreme Court-approved fictions. In the 1997 decision *Kansas v. Hendricks* Justice Clarence Thomas wrote that the offenders were not being punished and that their rights to personal liberty were outweighed by the demand of public safety.

The pronouncement that the commitments are civil rather than criminal makes it possible to dispense with a lot of fact-finding. Civil commitment does not require the constitutional protections afforded defendants accused if, say, kiting checks or stealing cars. The process can skirt concerns like cross-examining or airing exculpatory evidence. It can rely on psychiatrists who may base their opinions on any evidence at all, including accounts of long-age offenses that were never investigated or heard by a court. Some states do not allow juries or open hearings.

The California law provides for a jury trial, but not a speedy one. Defense lawyers detect no sense of urgency on the states part, and a spokesman for the Coalinga residence, Niles Carr, says about half do not have lawyers assigned to them. Carr himself is temporarily committed; he's been waiting for trial nine years.

The federal commitment law took a hit in September when a federal district judge held that Congress did not have the

authority to confine people leaving federal prisons although the state could do it. Three of the five plaintiffs, who were certified as "sexually dangerous persons" and held at the prison in Butner, North Carolina, had served time for receiving or possessing child pornography. There's no telling from the decision whether any of the pornography defendants poses a danger to anyone beyond his computer screen. But the case invites questions about whether prosecutors are in fact capturing the people they so often call "the worst of the worst."

The worst of the worst are, in fact, being imprisoned for longer and longer terms. Among the more than 4,000 men who have been committed under these laws in twenty states are many indisputably violent criminals though few murderers. There are men who assault women. There are flashers and voyeurs, legions of child molesters whose crimes did not involve force or penetration and gay men who had sex with teenagers. (In some states, soliciting a minor is a qualifying offense)

Treatment may or may not be a fiction. Most Coalinga inmates do not participate in treatment, in part because therapists' reports can be used against them in court. Those who do follow the program, in California as elsewhere, almost never satisfy their jailers. More than 200 men identified as sexually violent predators by the state's Mental Health Department have been released by the courts, usually without any treatment, but according to spokeswoman Nancy Kincaid, the department has never recommended release. When it tracked ninety-three of those released over a six-year period, it found that six had been arrested for new sex crimes.

As for the pileup of new candidates awaiting evaluation, Kincaid said very few would be committed. But Coalinga has plenty of room. It was built three years ago, at a cost of \$388+ million, to house 1,500 men. In California, that's barely a start.

(This story re-printed from The Nation, December 31, 2007) *Edited Text . ■



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

Mental Illness And The 2nd Amendment

Continued from Page 1

investigation has repeatedly demonstrated that psychotic individuals are somewhat less prone to acts of significant violence than those individuals judged to be sane. In view of the medical evidence, an arbitrary firearms prohibition directed at the mentally ill is both unconstitutional and scientifically repugnant. It is naïve to assume that psychiatry can reliably identify mentally ill individuals who, specifically, are threatening. To believe that such diagnoses can be made with any degree of consistency or accuracy is either delusional or wishful thinking, or both.

Prior restraint has repeatedly been judged not to be constitutional and in addition, it is not moral. For better or worse, firearm ownership should not be prohibited on the basis of admittedly imperfect psychiatric science. To do so is intellectually disingenuous and will only serve to broaden the already perniciously intrusive and overly broad scope of government intrusion into the private lives of free people. Davis J. Morris, MD., Guns & Ammo, May 2005, at pp. 12-13.

The fact that the sexually violent predator population is considered to have a mental disorder, or abnormality and it is said that "we" had a mental disorder back when we were convicted in the criminal court process. We should be able to get our "Second Amendment" right, to bear arms back then. What do you think? Should we petition our governmental representatives and get our criminal record(s) expunged? At some point, the courts must recognize and once and for all time, decide if we did, or do not, have a mental disorder now. If we did then, we should be able to file on the IAC we received and get the criminal record(s) corrected. Or, in the

alternative, admit that the criminal offense/conviction was not a product of a mental disorder, meaning that the said Paraphilia does not exist today. Unless there is some sort of "relevant evidence of a currently diagnosed mental disorder" as the sexually violent predator act requires of course.

The state cannot have it both ways, although they continue to think they can from the decisions we have received in the state courts. We must continue to keep on fighting until we prevail on this issue. Remember, everyone could eventually be "at risk" of an "arbitrary and capricious" label placed by the state/legislature.

Those who fail to fight for their rights, don't deserve to enjoy the protections given by them. This is echoed in the voices of our forefathers themselves.

Continue, in the hope that we will on day prevail. ■

Editor's Note:



Alan Rigby has just had a book, he's written over the last 10 years concerning this commitment law and treatment, published. If you get the chance read, "It's Okay, We're Only Sex Offenders." ■

The web site for this publication is:

www.xlibris.com

Page 3 of 12



South Dakota has become the first state to achieve ballot status for a Judicial Accountability Amendment

The legal reform movement was founded by Ron Branson, of Riverside, California in April, 1995. Judicial Accountability, or "J.A.I.L.," is an amendment designed to make the Judicial Branch of State Government answerable and accountable to "we, the people," through an independent entity rather than being only accountable unto itself. This "self-policing" has been the problem with all the agencies "we" have dealt with, under the SVPA and the various complaint processes.

Would anyone allow criminals (i.e. those who commit criminal actions), the power to self-police themselves and hold themselves accountable for their actions? Of course not! That's why we have trials by juries, comprised of 12 independent citizens.

If judges refuse to hold the DMH (and CDC/BPT) criminal actions and their oversight committees/Boards accountable for the illegal actions of staff members, then, judges need to be held

Continued on Page 4



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

Judicial Accountability

Continued from page 3

accountable for their failures, through a structure that establishes an independent jury of citizens.

We, the people, need to collect the signatures necessary to secure our responsibility (i.e. ownership), as constituents, over all branches of government and restore their ability to control and assure the proper function of the judicial branch. The people have always had "but have forgotten" that "we" have the responsibility to assure honesty in government. (See, CA. Const. Art. V, §1; Art. IV, §22.

Honest, fair lawyers have nothing to fear from this proposed legislation either. But, from the way judges have been ruling in SVPA probable cause hearings (i.e. as long as you have two DMH evaluators say you meet the criteria you meet probable cause) and the contrary appellate court rules (just keep that individual incarcerated, no matter what), we need a Judicial Accountability Amendment in California to place the oversight of the judicial branch of the state government back into the hands of "we, the people," where it belongs.

"It is our solemn duty to protect 'our system of ordered liberty guaranteed by the constitution,' even or especially when it is the most despised among us at risk." (Justice Tom Chambers, In Re Detention of Marshall (no. 75521-3, Dec. 22, 2005 (quoting Young. 122 Wn. 2nd. At 60) 'an Orwellian dangerousness court'; We are, almost always, literally [the constitution's] last guardians."). Honorable Judges should be respected but they should be treated like the rest of us if they make a decision that was unreasonable, or beyond their volitional control. There must be some way that "we, the people" can do something about such arbitrary actions by our judges. Thus, Judicial Accountability, or J.A.I.L., is the way to do it.

Let's began the process by starting a letter writing campaign to our state representatives and start collecting the signatures needed. ■



Melnik's The Man By: Bob Wenzel

I'm living proof that Todd Melnik is so good, I got my freedom back with only a 10-2 jury trial! Not only that, I never took the stand to testify. I've since taken to calling Mr. Melnik "The Professor of Science." The word science is what Mr. Melnik is all about. I sat at the table and watched him shred the state evaluators and even flipped two of the three against me by them admitting that I was not a "high risk." For my defense, we used only two experts, one which I never interviewed with. Both Doctors: Brian Abbott and Howard Barbaree were excellent and each spent three days being questioned by Mr. Melnik. They were both good, but it takes a man like Mr. Melnik to know how to question them properly and get the most mileage from their testimonies. We also used 4 staff members from A.S.H. and Coalinga and they were helpful as well. That's all it took due to Mr. Melnik's vast knowledge of these cases and how to work a jury by educating them as a quality professor would.

As for the state evaluators against me, Mr. Melnik took them to task and made them look like complete idiots with little knowledge. It seems one of the state doctors had made in excess of \$90,000 during the month of June alone. Only Mr. Melnik could have found this valuable information and after pressing the doctor on the stand, she admitted the job was very lucrative. She was on track to make a million dollars for the year

2007. That's pretty good money for telling fables against the 6600 population.

I encourage each of you to call everyone you knowof and raise the money it takes to hire the best attorney in this state. So far, Mr. Melnik has gotten every one of his clients out for a flawless record. His expertise is no match for the state evaluators or the D.A.'s in this state. Whether he gets the state evaluator's to flip before trial, or faces them head on, Mr. Melnik's a proven winner. I'm now enjoying my freedom everyday and so can you if you choose Mr. Melnik to "defend" you. Everyone's got family and/or friends in the community they can call upon to help finance your next "and last" trial.

I am saddened to leave so many of my friends behind at Coalinga and A.S.H., but I offer you hope that you too can be where I am now. I truly believe your day will come to join me on the outside as a free man. I will continue to stay in touch with many of my friends from the hosprison to keep you encouraged and to learn how well I am doing out here. I will tell you that after 17 straight years of being locked up, it does take some getting use to being able to walk around without seeing razor wire and fences. The adjustment has been easier than I thought it would be. After all, we've all lived out here before and know how to do it.

Lastly, I never took one day of treatment phases while at either hosprison, but what did make a big difference was taking some classes at C.S.H. such as preventing relapse, thinking skills type classes, relationship skills, managing stress, coping with anxiety and depression and interpersonal skills. All of those were a huge part of my defense. Mr. Melnik can only help those that help themselves. You've got to have something to sell the jury and that applies to all of you. You've got to show some *change* so that you are not considered "currently dangerous". Also, make yourself a release plan. Mine was three pages and I did give a copy to all of the evaluators either for or against me. It wouldn't hurt to do a relapse plan either. Remember, you've got to prove to the jury that you have taken steps to prevent a relapse. Only you can do that for yourself. That's it in the nut shell. Hire Todd Melnik, take some classes, work on change, and soon you'll be free. Oh, and never give up hope. Best of luck to all of you. ☺

Editors Note:

Mr. Melnik can be reached at (818) 995-7777 or (866) 995-6777 20920-B-warner Center. Ln., Woodland Hills, CA 91367-6540



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

Ninth Circuit Court Of Appeals

Mental Health Law



DMH Doctor
I Didn't Know
I was violating
The Law

By:
**Institute of Law,
Psychiatry and Public Policy,
The University of Virginia**

The Ninth Circuit Court of Appeals recently ruled California's practice of withdrawing money from accounts of involuntary committed patients without adequate notice and consent violates federal law. Under California law, patients who are committed to state psychiatric facilities are held liable for the cost of their care, treatment and support. California deducted the money, including Social Security benefits for these services from patient accounts. However, the court found California's procedure unacceptable.

California protocol required upon commitment all patients received a "Statement of Financial Liability" informing them they were responsible for the cost of their care. The state then

conducted a financial investigation to determine an appropriate contribution and to calculate the bill. Patients were asked to sign an "Authorization for Deposit and Withdrawal" in which they agreed to deposit their money, including Social Security benefits, into a trust account maintained by the hospital. The form also gave the trust officer authority to withdraw money from the account. When an individual patient's total deposits exceeded \$ 500.00, the hospital could apply the excess toward the patient's care.

The state's practice was challenged in a class action suit brought by several patients on behalf of "all current and future patients involuntarily committed to California State Hospitals." Five of the six patients either refused to sign the authorization or revoke their authorization for withdrawal. Even if a patient declined, California removed money from the patients' fund and informed them of their right to appeal the withdrawals. But the appeal process was never described; rather, they simply instructed patients to contact the trust officer who administered the deposit fund.

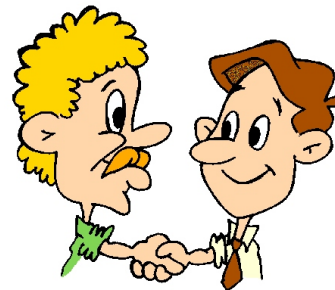
The district court enjoined both California's practice of withdrawing Social Security benefits without consent and the state's deduction of any funds from the patients accounts without adequate notice. The lower court required patients be informed about the proposed share of costs and how that determination was made, their right to appeal the determination and the appeals process and procedure. Adequate notice must include a warning that certain benefits are exempt from legal process and cannot be used to pay for the cost of care without "the patient's knowing, affirmative and unequivocal consent."

The Court of Appeals affirmed the district court opinion; Social Security benefits cannot be deducted absent meaningful patient consent and adequate notice must be provided, The Court further found that California's practice was preempted by federal statute. The nonassignment provision of the Social

Security Act, 42 U.S.C. Section 407(a), provides "the right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity and none of the moneys paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law."

The court decided California's procedure of withdrawal constituted "other legal process" even though there is no threat of court involvement or formal legal proceedings. The interpretation is consistent with the purpose of the federal statute, which is designed to protect Social Security beneficiaries from claims of their creditors. To interpret the statute more narrowly would allow the state to obtain benefits through procedures that afford less protection than those of the judicial process.

Contrary to the states argument, the court also noted that patients do not have an implied contract with hospitals. A contract requires consent and involuntary committed, by definition, is devoid of consent. ■



Thank you!

The Gulag would like to thank Sam L. for bearing the expense for copying the November / December 2007 and the January-May 2008 issues of the Gulag. ■



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

Mr. Dean's Corner

Can we do this the right Way, if given the chance?

I'm sitting on the little court yard reading a book titled "Army Blue" and it's a pretty good read, even though it started out slow. All of a sudden the words in the book jumped out at me. So, I read it again and it surprised me just how some lines in a book can relate to some of our everyday happenings.

The book is about three generations of soldiers and while it is about a family having to come together in some crisis within its own realm it says something that relates to our problems. We do alright as long as we're in prison, but when we're really in need of each others strength we are sadly lacking. Our ability to look out for ourselves and what we want is really apparent, or is it our greed, it really doesn't matter all that much as nobody's going to change.

We are so wrapped up in our own needs that we're making it easier for them (DMH) to keep us for the rest of our lives. Our attention is costing us years, we're so wrapped up in ourselves that we're not paying attention to the people that are screwing us blind. The things these folks are pulling on us is going unchecked because all we care about is how we're gonna be late to the Senators meeting or arts & crafts on the ward, or whats on the "tube." Nobody is interested in us, but (DMH) and all their minions. We were interested in looking out for each other while we were in the joint, what's changed? Obviously, we're not paying the right kind of attention to our surroundings and it's kicking our butts.! There is only one time I can count that for the most part we were of one mind and that's when someone was gone for two days before anyone else became aware he was gone; One Time!

Only one time were we of one mind, or as some would say on the same page. I know I'm not the only person here that see's something is wrong. Playing the rebel isn't getting us anywhere. We don't need lone rangers. We need unity, if we are ever going to survive this hell! I don't pretend to have all the answers. I'm just one man that see's what's lacking in himself and figures if he can see it so can you.

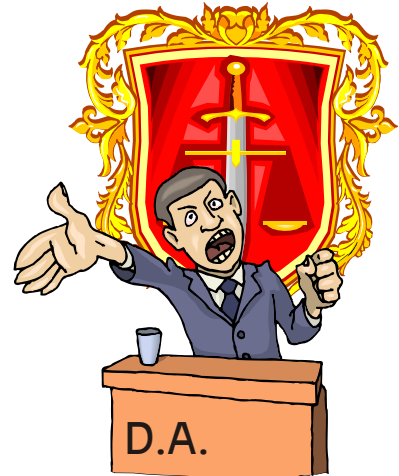
For those of you that remember we once found out how afraid these people can get when we stick together. I really do understand how each of you is in some way happy with little peace in you lives and how hard it was to gain. I know how important it is for you to keep and protect it. All you really need to do is "think." Just think about how happy your going to be if you're little bit of peace keeps you here the rest of your life!

This is only my breathe, you don't have to inhale ■



Murder and Assault at ASH

On March 29, 2008 Paul Rael was murdered by another patient on his unit at Atascadero State Hospital. Allegedly, Richard McKee, a dual commitment from San Diego County, beat and strangled Paul in the middle of the night. This happened after Paul had been threatened by the same person days before the attack. On the same night Raymond Chester was beaten by the same individual and left with broken bones. Why the perpetrator was not on a one on one, with staff, is anyone's guess? Staff was aware the person was unstable but did nothing to protect other members on the unit. Hopefully, Paul's family will file a wrongful death claim against the Department of Mental Health, because this should never have happened!! Our condolences go out to the Rael family for their loss. ■



OVERZEALOUS PROSECUTORS, Cross-Examine Yourself

By: Alan Hirsch,
Professor of legal studies at
Williams College

By all appearances, the sexual assault case against member of the Duke University Lacrosse team involved serious prosecutorial, if not downright misconduct.

Sadly, such conduct is not uncommon. Prosecutors blatantly or subtly overstep professional bounds all too frequently. In a 2003 study, the Center for Public Integrity found that, since 1970, trial and appellate courts cited prosecutorial misconduct as a factor when dismissing charges, reversing convictions or reducing sentences in more than 2,000 cases. In thousands more, courts labeled prosecutorial behavior inappropriate but upheld convictions nevertheless.

The New York based Innocent Project, whose DNA testing has led to the exoneration of 180 wrongly convicted people in the last 15 years, has studied these cases. It cites the following prosecutorial abuses as contributing to the punishment of the innocent: suppression of information favorable to the defense, knowingly use false

Continued on Page 7



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

testimony, improper closing arguments, coerced witnesses, false statements to the jury and fabrication of evidence.

Prosecutors are public servants who are suppose to be committed to justice rather than the single-minded pursuit of victory. The Supreme Court has referred to their "twofold aim": to ensure that "guilt shall not escape or innocence suffer."

Why is the second half of that command often neglected? Why do some prosecutors seem indifferent to the risk that their behavior will result in punishment of the innocent? The answer to these questions involves a combination of at least three factors.

First, the asymmetry of the criminal justice system arguably places unrealistic demands on prosecutors. Defense attorneys may pursue acquittals without regard for truth and are subject to few ethical constraints. For example, defense attorneys generally are not bound to share evidence unfavorable to their client, but a prosecutor's failure to share exculpatory material is a serious no-no likely to result in a conviction being reversed. Prosecutors understandably aren't fond of unequal combat. With trials structured as zero-sum competitions featuring a clear winner and loser, they resist allowing their opponent overwhelming tactical advantage.

Personal ambition compounds competitive instincts. Many prosecutors are elected. They wish to be re-elected and often aspire to higher office. One rarely wins popular acclaim for the indictment not brought (because of doubts as to guilt or because evidence was illegally obtained) or the case lost (because of appropriate restraint). Professionalism in prosecution can be subtle and unpublicized, whereas wins and losses are out there for everyone to see. Moreover, restraint is easily mistaken for weakness, rashness for strength.

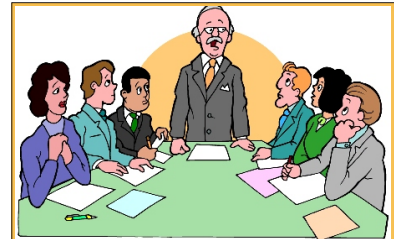
Another cause of prosecutorial misconduct is the deep-seated human need to rationalize away our errors. It would be awfully difficult for a

prosecutor to admit that he or she should not have brought charges. The prosecutor retains the discretion to drop charges, but it would amount to an admission that he or she has shattered the lives of innocent people. Who among us is capable of acknowledging mistakes of such magnitude?

The role of rationalization is in clearest display after DNA exonerates those already convicted. The occasional brave prosecutor will apologize and take action to release the man he or his office wrongly put behind bars, but more often the prosecutor refuses to admit the obvious. Though he routinely argues to juries about the infallibility of DNA evidence, now he isn't so sure. Or, though he advanced a theory about the defendant's guilt with certainty, he now abandons that theory while nevertheless maintaining the belief in guilt.

Consider the case of Earl Washington, a mentally retarded man convicted of rape and murder in Virginia who never should have been prosecuted. The case against him consisted of a wildly inaccurate confession, whose errors included misidentifying the race of the victim. Some time after Washington's conviction, DNA testing ruled him out as the source of the seminal fluid found in the victim. The prosecution merely changed its theory of the case, arguing that Washington was not the rapist but an accomplice. They stuck to that story (supported by zero evidence) even after Washington received a pardon and even though no neutral observer has found his guilt a realistic possibility.

Prosecutorial misconduct should not surprise us. Prosecutor's are lawyers (intent on victory), politicians (craving popularity) and human beings (needing to rationalize serious errors). The question is what medicine can be prescribed to treat the malignant influences on their behavior. The solution begins with the right kind of public pressure. We must judge prosecutors by much more than how many headlines and convictions they muster. ■



Panel Hears Concerns About Sex Offender Law

Reprinted from an article
by: John Simmerman, Staff Writer

California's new anti-predator law has forced many paroled sex offenders into homelessness, made residential treatment facilities off-limits and threatened to steer police assets away from the most dangerous sex criminals, according to testimony Monday (Jan. 7) before a state panel.

The hearing at City Hall in San Francisco was the first of three across the state this week where law enforcement, treatment providers and the public can lodge concerns over proposition 83.

The California Sex Offender Management Board, which held the hearing at City Hall in San Francisco, is expected to recommend changes this month in a report to the legislature.

Proposition 83, known as Jessica's Law, passed in November 2006, toughening penalties for many sex crimes. Its most controversial provision bans newly released sex offenders from living within 2,000 feet of a school or park where children "regularly gather." It also requires lifetime GPS monitoring of freed felons.

Since the state began to enforce the 2,000-foot rule last fall, San Francisco has seen the most extreme fallout, with virtually no space for sex offender parolees to live. The result: Dozens of sex offenders there have opted to register as transients, bouncing from bed to bed or sleeping outside to avoid a parole violation.

A Media-News story, weeks ago highlighted a Bay Area-wide spike in the number of released sex offenders who

Continued on Page 8



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

Sex Offender Law

Continued from page 8

are registering as transients, sometimes at their parole agent's suggestion.

Most of them wear GPS anklets and they must check in daily with their parole agents. Critics say a lack of stability could make homeless sex offenders more prone to commit new crimes.

"We need to know what we can do to house this population, rather than them becoming desperados," said San Francisco Supervisor Jake McGoldrick. "They're telling people to hit the streets. You defeat the whole purpose."

The laws left unclear just who will monitor sex offenders with GPS once they leave parole, as more than 600 sex offenders already have. Also, it sets no penalty for their failure to comply.

Changes could include how authorities measure 2,000 feet. Parole agents now mark off the distance about four-tenths of a mile "as the crow flies." But the law doesn't make it clear, and one sheriff's deputy noted that major freeways often stand between a home and a park or school.

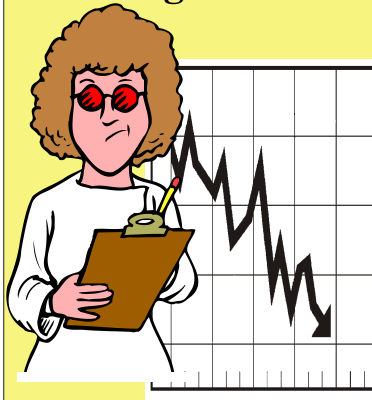
The author of Jessica's Law, Sen. George Runner, R-Lancaster, has criticized the state's early enforcement of the law and said policymakers should find more creative ways to make it work.

Board Chairwoman, Suzanne Brown-McBride said, some changes come in regulations, others in legislation. Meanwhile, the state is fighting legal challenges to the law, which voters backed.

"I think the intentions were great, but the ramifications...people couldn't see it," said sheriff's Sgt. Blayn Persiani of Santa Clara County's Sexual Assault Felony Enforcement task force. He said the lifetime GPS provision threatens to sap resources from tracking down dangerous sex offenders who fail to register. "If we're chasing down GPS alarms all day long, it's just like chasing ghosts," he said. "It's a false sense of security for the public." ■

Reach John Simmerman at (925) 943-8072 or log onto...
jsimmerman@bayareanewsgroup.com

Sex offender screening program fails to show meaningful results



By: John Simmerman
Reprint from the
Contra Costa Times, 1/15/2008

Although the state spent \$25 million more last year to screen thousands of violent sex offenders for mental illness, records show the effort resulted in none being sent to a state hospital after completing a prison term.

The screening was launched in 2006 under laws that legislators and voters passed to try to keep sexual predators behind bars after they've completed their prison sentence.

While local prosecutors say they're filing more court petitions to commit offenders to state hospitals, experts say most of the newly eligible convict simply don't meet the expanded definition of a Sexually Violent Predator.

"We were really identifying the highest-risk sex offenders for the most part," before the law changed, said Amy Phenix, a psychologist who evaluated inmates and trains other evaluators under contract with the state Department of Mental Health. "I haven't noted any cases where they wouldn't have qualified before, and they do now, that I would recommend for commitment."

Proposition 83, along with state legislation, expands the list of sex crimes that can qualify an inmate for commitment. An inmate can be committed for an offense against a single victim, rather than the multiple-victim requirement under previous laws.

The changes created a wave of soon-to-be released inmates who were screened to determine if they have a diagnosed mental disorder that makes them "likely to engage in sexually violent, predatory criminal conduct without appropriate treatment and custody."

Referrals from corrections officials to the mental health agency ballooned from a monthly average of 45 to 750, according to agency data. The number of SVP candidates who were given full psychological evaluations rose to nearly 2,500 from about 240 in the year before the change.

The increase has led to a nearly sixfold rise in the number of former inmates being held at Coalinga State Hospital past the end of their prison sentences, awaiting commitment trials, as well as delays in ordering evaluations for inmates approaching their release dates.

The state pays about \$12,500 a month to house a former inmate in Coalinga, more than twice the cost of prison housing. In the mean time, the number of commitments ticked up from 24 to 27 last year, but all 27 would have qualified under the earlier law, said agency spokeswoman Nancy Kincaid.

Psychologists say some disorders can be diagnosed only with recurring behavior over at least six months. For many inmates with a single sex offense, there is no verifiable pattern. "It's casting a larger net to look for more of the fish you want to find," said clinical psychologist Mark Miculian, who does SVP evaluations for the state. "You are also going to capture a lot of fish you may not want."

Two psychologists are assigned to independently evaluate each inmate. If

Continued on Page 9



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

Sex offender screening program fails to show meaningful results

Continued from page 8

they disagree, two more are assigned. The state pays about \$7,500 for each pair of evaluations, said Kincaid.

The annual cost for evaluations this year is projected at \$27 million.

Supporters say the new law will prevent some of the worst violent offenders from slipping through the cracks. Critics, including some mental health experts, say it has done little more than feed a cottage industry for state-hired psychologists.

Since California's law went into effect in 1996, 582 offenders have been committed under the program. Fewer than a dozen have undergone the five-step treatment program and been released, according to the agency. ■



69 Year old man refused medical care! I came to Coalinga State Hospital on March 5th, 2006 with a medical condition. There was a small sore on the tip of my left ear. Repeatedly, I was refused medical care from one doctor Peter Bresler, the Chief Medical Officer of this institution for some 13 to 14

months. While other staff tried to get me help Dr. Bresler again and again blocked their best efforts. The small sore began to bleed and the ear was slowly decaying and had turned to cancer. With all this I was refused medical treatment. Finally, I was sent to Morro Bay to see Doctor Novy, a dermatologist specialist, who checked me and stated, "Your in great danger, from the neglect, of loosing your ear and some jawbone."

He recommended a specialist who would do my surgery and I was brought back to Coalinga. Now, 5 months has passed and still no medical treatment. I was then sent to Delano to see Doctor Suesbury, a nose, throat and ear specialist who said, " Why did they let this go so long?" He said, "It would take a team of specilists at UC Davis to save your life." But, Doctor Bresler refused to send me for that surgery. Instead, he sent me to French Hospital to a plastic surgeon named Charles Charkelson, who chopped off a piece of my ear.

My left ear is now gone, eaten away and like me a victim of cancer, but February 1st, 2008 doctors from U.M.C., Fresno have stated I have tumors. They are located on the skull behind where my left ear was. I am now taking radiation and chemo to try and kill the tumors.

Doctor Bresler and his medical staff caused me to have have cancer! This can not be undone or forgiven!!

Sgt. John Wells, Hospital Police Officer, took pictures as this cancer was eating away at me. My attorney, Chris Williams, Scott Gold and the L.A. Times have the story and those pictures.

Sgt. John Wells refused to file charges and went so far as to lie about it. The frosting on the cake was a case number to a non-existent case, case no. 07-07-0697. A lie!! The D.A.'s office and the sheriff's know nothing of this fabrication.

Good news comes at last to this dismal tale. The D.A.'s office will work with me to right this wrong as best they can. This story is true, so help me God!! ■



Standard Assessment Protocol Challenged

By:

Michael St. Martin & John La Blanc

On April 1, 2008, the Office of Administrative Law (OAL) agreed to hear a petition alleging that the Department of Mental Health has issued, utilized, enforced, or attempted to enforce the Clinical Evaluators Handbook and Standardized Assessment Protocol as an underground regulation in violation of California Government Code §11340 et seq.

We understand the amount of pressure the Department of Mental Health will attempt to exert on the petition process. It is our hope that each and every Public Defenders office in the state will submit an Amicus Curiae as well as any other concerned persons, in support of our position that the HANDBOOK is an underground regulation and must go through the lawful promulgation process if it to be used. Our position is supported by several California attorneys, including Todd Melnik and Michael Aye.

Deadline for Public Comment: May 19, 2008
Deadline for Agency Response: June 2, 2008
Deadline for petitioner Rebuttal: 15 days after agencies response
Deadline for OAL Decision: August 18, 2008 ■

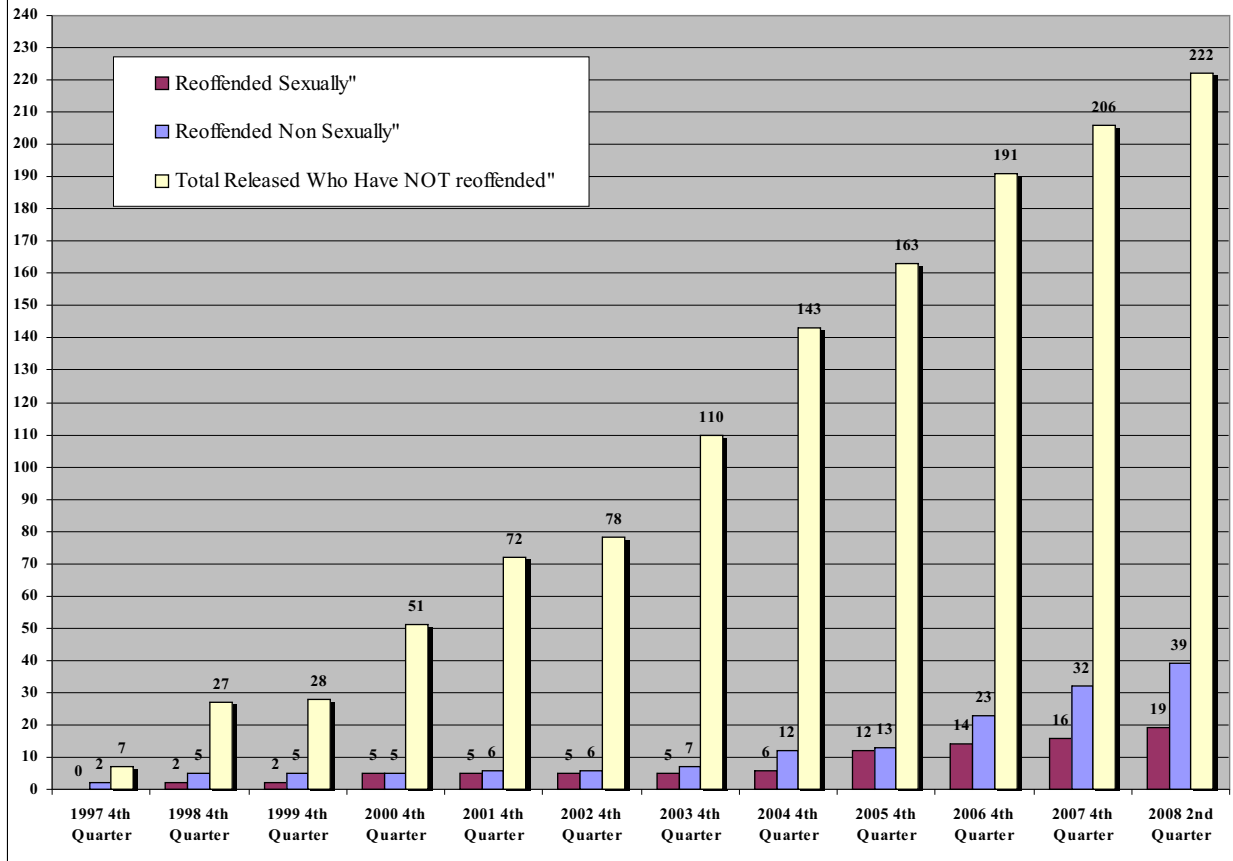


Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
 E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

Comparison Chart of 6600's Who Have & Have Not Reoffended



This Comparison Chart of 6600's who have and have not reoffended developed over the last 10-1/2 years by Glen Green with assistance of Tony Iannalfo.

The **totals are cumulative** and as you can see that the number of those who have not reoffended either sexually or non-sexually are **significantly smaller** than those who have continued to live free in our

communities throughout the US.

As of the second quarter of 2008, there have been 280 people released from either Atascadero or Coalinga State Hospitals and of those 280, 222 still have **not** reoffended, that's a 94% of successfully reintegration back into society.

For all interested parties, you can obtain a current "Statistical Report" of 6600's who have been released, which

is updated and published quarterly with current listing of past and present individuals released, county break-down to where they were released, an up-dated comparison chart, like the one above and much more.

For a detailed current analysis & Statistical Report of all those who have been released, contact Glen Green on Unit 4 or email him at; ■ gfg1258@yahoo.com

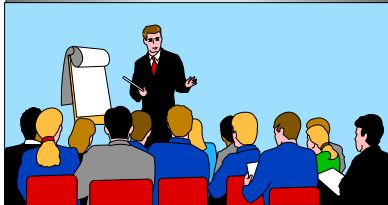


Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

VOICES OF THE EXPERTS



The following excerpts are a compilation of quotes from experts in Constitutional Law, Law Enforcement and Psychology, regarding the effectiveness of proximity (residency restrictions) and registration laws.

"If the 2,000-foot rule had been in effect 10 years ago, I can't think of a single case from our files that would have been any different."

--**Robert Shilling-Detective/Seattle, WA Crimes Against Children Division**

"What you're doing is pushing people more underground, pushing them away from treatment and pushing them away from monitoring, you're really not improving the safety, but you are giving people a false sense of safety."

--**John Gruber, Executive Director of the Association for the Treatment of Sexual Abusers**

"The recent wave of sex offender legislation is based on emotion and myths about sex offenders which are not supported by valid research or evidence. The NACDL encourages criminal defense lawyers, prosecutors and legislators to oppose legislation based upon myth and emotion. In doing so we can ensure both public safety and due process."

--**Report of the Sex Offender Policy Task Force, National Association of Criminal Defense Lawyers**

"What we are doing with sexual predator laws is creating or enlarging and exception to those constraints. We're saying the government can take away people's liberty...based on a prediction that somebody might be dangerous in the future."

--**Eric Janus, Vice Dean, William Mitchell College of Law**

"Though laudable in their intent, there is little evidence that recently enacted housing policies achieve their stated goals of reducing recidivistic sexual violence. In fact, there is little research at all evaluating the effectiveness of these policies. Furthermore, these policies are not evidence-based in their development or implementation, as they tend to capture the widely heterogeneous group of sex offenders rather than utilize risk assessment technology to identify those who pose a higher danger to public safety."

--**Jill S. Levenson, Ph.D., Assistant Professor of Human Services, Lynn University**

"The law was well-intentioned, but we don't see any evidence of a connection between where a person lives and where they might offend."

--**Corwin R. Ritchie, Iowa County Attorneys Association**

"We're not aware of any evidence that residency restrictions have prevented a child from being victimized."

--**Carolyn Atwell-Davis, Director of Legislative Affairs, National Center for Missing and Exploited Children.**

"We went from knowing where about 90% of them were. We're lucky if we know where 50 to 55% of them are now...the law created an atmosphere

Continued on Page 12



It costs approximately \$100.00 per issue to produce, copy and mail 500 issues of the Gulag News. The Gulag News is distributed all over California and the U.S.

All donations, no matter how small, are appreciated. If you wish The Gulag News to continue please help us with whatever you can. Send donations C/O Lawrence Halbert, Po. Box 2024, Castro Valley, Ca. 94546. Thank you from all of us at the Gulag News. ■

"Articles Needed"

Up to date articles are needed for The Gulag News. If you have factual stories, legal case cites, or anything that pertains to this commitment, please submit them to Tony Iannalfo or Glen Green at Coalinga State Hospital. Anyone, this includes staff, free persons and so-called patients can send articles to us at Po. Box 5003, Coalinga, Ca. 93210-5003.

This newsletter is your voice, however, we do not need any sniveling and whining. Articles should be kept as concise as possible, because of the space restriction of the newsletter. I hope everyone will try to contribute. All articles are subject to editing, for language and grammar. Our voice needs to be heard and if we stay persistent we will be heard. Thanks to all. ■



Gulag News



Volume IX - No1 Published in Coalinga California Jan./Feb./Mar./Apr. 2008
E-Mail us at gulagnews@yahoo.com or visit us on line at www.voicesfromthegulag.org

EDITORIAL

Continued from Page 1

society has most to fear from. Given the large numbers who are convicted of burglary, violent assault and other non sexual offenses, you or your loved one are more likely to be raped by someone previously jailed for one of these crimes. Most who are convicted of a sex crime have no previous criminal record.

Raymond Knight, a psychologist at Brandeis University in Massachusetts found disturbing results while conducting research into the roots of abuse against women (Annals of the New York Academy of Sciences, vol. 989, p.72). In a sample of blue-collar American men, 36% admitted to having done at least one of the following: using or threatening force in an attempt to obtain sex from a woman; having or attempting to have sex with a woman too drunk or high to say no; or plying a woman with drink or drugs to that end. Such behavior is not the preserve of working-class men: some studies suggest that about 15% of women attending U.S. colleges fall victim to rape or attempted rape, committed by privileged young men.

There is a false assumption that previously convicted sex offenders pose the main threat and that imposing severe penalties on them will solve the problem. In the U.S., huge sums are spent on indefinite "civil commitment" for those judged to dangerous sexual predators, never mind that keeping these people locked up will barely dent the sex crime statistics.

We should look beyond the few perpetrators who get caught and see the majority of sex offending for what it is; the manifestation of widespread, wrong-headed attitudes towards women and sex. Rather than being an identifiable delinquent out-group, rapists and child abusers are more likely to be the kinds of people we count as friends, colleagues and neighbors.

The evidence is overwhelming that the biggest opportunity for reducing sex crimes lies in reaching apparently normal men with no criminal record. We need to take a hard look at the attitudes that lie behind these offenses and re-establish what acceptable sexual behavior is. ■

Voices of the Experts

Continued from Page 11

that these individuals can't find a place to live."

--**Sheriff Don Zeller, Linn County, Iowa**

"It may be time to do away with sex offender registration laws altogether. At the very least, the federal government should commission research to study the laws' effectiveness. In the meantime, several changes should be made. States should differentiate between serious and non-serious offenders and only require registration of the most serious offenders. Next, public access to online sites should be dismantled, and registries should be kept at the local police stations. This would provide at least a minimal screening process to those seeking inquiries...Lastly, we should experiment with restorative justice models such as what has happened in Canada where sex offenders moving into a community meet with members of the community in a public forum facilitated by a trained mediator. This type of forum gives the community an opportunity to meet the offender face to face and express their concerns and for the offender to show the community that he is earnestly seeking to change his life."

--**Rachel King, Professor of Law, Howard University School of Law, Washington, D.C.**

"When I talk with friends, colleagues and neighbors regarding this law, the first reaction is that we must do everything we can do to protect our children. Absolutely. But I am afraid this statute gives parents and communities a false sense of protection against crimes that most often occur NOT at school bus stops, but where children are in the greatest danger: their own homes." ■

--**J. Tom Morgan, Former DeKalb County DA**

Absent Comrades In Memoriam

ECHOES asks everyone, everywhere to pause for a brief moment each day and remember, with kindness, each of these, our 33 Absent Comrades.

Robert Cloverdance	1998
Jim Davis	01/21/99
Carl Colman	06/19/98
Donald Hughes	11/07/00
David Stansberry	05/10/00
Donald Lockett	01/23/01
Charles Rogers	05/29/00
Edward Samradi	05/10/01
Larry Goddard	06/02/01
Dean Danforth	07/27/01
Lloyd Johnson	11/05/02
Wayne Graybeal	10/10/02
Greg Bowen "Sluggo"	07/04/02
Patrick Brehm	03/15/03
Robert Alperin	03/15/03
Tim McClanahan	03/15/03
Wayne Porter	08/18/03
Cash O' Dowd	12/11/03
Elmer Bock	04/07/04
David Gonick	08/23/04
Joe Vlahofis	12/04/04
Crowin Weltley	12/13/04
Ross Washington	01/30/05
Richard Bishop	02/07/05
Alton Robinson	08/19/05
Robert Canfield	08/29/05
Geraldo Sanchez	09/24/05
Jerald Brooks	11/24/05
Frank Valadao	11/08/07
Donoven Myrick	02/16/08
Paul Real	03/30/08
Paul Pederson	06/11/08

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

ECHOES OF THE GULAG

Published 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 Iannalfo
- Reproduction -
- Manager Lawrence Halbert
- Editorial Board Ted Karsai
- Lance Purcell
- Layout Design & -
- Typography Glen F. Green
- EDITORS EMERITUS. Don Plyler
- Tim McClanahan