

An Open Appeal to the Public

By: Luis Gonzalez

This article is an appeal to the American public, particularly as a redress of the ignorance that erodes the social fabric of our society. Moreover, license is granted to political and state officials to propagate an indifference to a group of people at the expense of its own citizens.

Wrongful convictions have become common in America. Wrongful convictions, however, are not unique to modern America. Throughout history there have been wrongdoings and people found guilty of crimes ranging from stealing a chicken or a horse, to murdering a neighbor, have consistently been treated unequally under the law. Consider the following: An accused community member is treated differently than a stranger passing through it. A town leader receives preferential treatment not afforded the down drunk. Those who appear different, odd, e.g., misunderstood religious communities, the homeless, the poor, are readily seen as evil-doers or outcasts. Criminal charges, both the true and false, against "outcasts", are seldom adjudicated in their favor. The accused, by the very act of accusation, can be transformed from an esteemed member of a community to a pariah or outcast.

Under the circumstances mentioned above, it is the impression of "otherness", not necessary the evidence or lack thereof, that leads to wrongful convictions in this country, as is the case throughout the world, for centuries. However, many other factors are present when we look at those most likely to be accused and convicted of crimes. Informal polling of current prison populations at local, state and federal levels, reveal that:

- Eighty percent (80%) of convicts were living at or below national poverty levels
- Nearly fifty percent (50%) of convicts have documented mental disorders, which increases to nearly ninety percent (90%), when drug and alcohol addiction are included
- Ninety-six percent (96%) are unable to garner help, support or finances from five or more people in their community, this includes revered family and friends
- Eighty-six (86%) describe themselves as feeling "outcast"
- Added to these factors is the reality that ninety percent (90%) of convicted prisoners are guilty of some or all of the charges against them (even though many were convicted of victimless, consensual sexual related acts or non-violent "crimes"). The other ten percent (10%) are innocent, but still serving time, without the necessary assistance for relief

- Other factors include such legislative laws as the Anti-terrorism and Effective Death Penalty Act (EADPA) designed to create a statute of limitations on habeas corpus relief access. This increases prison population with prisoners that have evidence of innocence, but are “barred” from the federal courts because of this act. And “no!”, the state does not automatically seek after truth or the interest of justice. The state is all too often satisfied with a “legal” conviction, in spite of evidence that contradicts guilt. It is the Federal court’s over-riding authority, which often compel state(s) to provide relief for wrongful convictions.

As Americans, we protest against foreign powers for their injustices. Yet, in American courts, a conviction can be rendered without evidence; the individual victim is substituted for the state (contrary to popular belief, the state is sovereign, not the individual); prosecutors can generate motives through circumstantial natural events, and perceived crimes can be conjured-up and made to fit the patterns of the prosecutor’s theories. Anyone without the assistance of a criminal attorney can be found guilty of any alleged crime. The general public does not know the true designs of the justice system. This type of justice gives the state an advantage over its citizens.

Sensationalizing crimes under these conditions, the media finds it easy and profitable to demonize the accused. Public officials are then able to score political points and generate tax revenue for being “tough on crime”. Politicians and the chiefs of every police department rally against the voiceless, powerless and downtrodden scapegoats in society. Once again, the politicians clamor, “Gothem City is safe once more!” Still...“tomorrow there remains a ‘Joker’”, who is armed and dangerous; “Don’t dare go near, Underdog is here!” Let the enforcers, heroes of the community, apprehend him! Thank “god” for heroes! Communities are content that the guilty are sent to prison, and shun them as “ex-cons” after release. Never is the state debt ever paid, since there is no such thing as a paid debt to society. An ex-con will serve as serfs, second class citizens, until death!

This unjust social and political climate could easily be reversed in America by restoration of justice by restoring civil liberties to released prisoners, and by simply not sensationalizing crimes. In some European Union countries, for example, it is illegal to publicize criminal cases until after a verdict has been reached. Infamous murder, terrorist, and especially child molestation cases are highly sensationalized in the United States for weeks, even months, before the case goes before the courts and juries return their verdicts. This inevitably biases the public and prospective juries based on pundits’ opinions, rather than facts or evidence presented in the courts. In European Union countries, with the absence of such pre-verdict media coverage, there is on sensationalized speculations and demonizing of suspects; fear and

outrage is minimized and courts of competent jurisdiction are more able to faithfully mete out justice in the public interest. Have you considered what "services" the media provide polite societies when it sensationalizes crime? In most cases, police are able to arrest suspects and keep potentially violent criminals in custody until a verdict is reached after a jury trial. When an accused is released on his own recognizance, due consideration by the tending judge is taken into account of the potential threat posed on the community. Will media discussion and speculation about the crime or suspect's background in any way protect the public? The answer to both questions is "no". In cases where perpetrators are still at large, a legitimate argument could be made that publicity may help apprehend the suspect, or prevent the commission of further crimes; but once the suspect is taken into custody, further media coverage compromises due process and the right of the accused to receive a fair and speedy trial, per due process of the "civil rights" are violated. By allowing the media to sensationalize crime also sends a message that committing crime is a great way to become notorious and provides some people the incentive to try "besting" a criminal act that has earned some other guy months of media attention, leading to "copy-cat" crimes.

Besides compromising public safety, it is unethical for the media to sensationalize and glorify the despicable acts of "real" criminals. Media insults adds further injury to the wrongfully-accused by effectively denying them the right to prove their innocence in a courtroom setting that is not biased by political or social pressures created by sensationalized print and broadcast coverage. When American politicians and media use criminal cases for sensationalized news-bites and campaign slogans, it's then in their interest to make sure their expedient and often wrong opinions, are not challenged or turned against them later.

As it stands now, the wrongfully convicted can spend decades attempting to prove their innocence with ample evidence, only to serve their entire sentence, or the rest of their lives in prison so that media pundits, courts and politicians can avoid the embarrassment of admitting to having mistakenly sent innocent persons to prison. Right now in America, there are thousands of legitimate cases of wrongful imprisonments sentenced through the nation's court system. But the system prefers to side-step truth, fairness and justice by invoking procedures designed to uphold, rather than reverse wrongful convictions.

Countries that prohibit sensationalizing crime and criminals understand that pre-conviction media coverage compromises justice by prejudicing courts and public opinion. When wrongful convictions occur in a nation where crimes are not sensationalized, they can be treated as honest mistakes to be corrected without fear of political or media backlash. If a country bans media coverage until after conviction, the story of guilt or innocence becomes a report on factual events. There are no notorious defendants paraded in front of cameras, no irrational fear of continuing crime waves. Thus, the use of convictions for political advantage is

minimized. It is then a legitimate news story that can be reported as "case closed", without resorting to fear-generating innuendos and speculations. The story may last a day or two before it is history.

Innocent people must be provided the venue in which the purpose is to reverse, not uphold, wrongful convictions. A lay litigant enters a temple of mysteries whose ceremonies are dark, complex and unfathomable. Pre-trial procedures are the cabalistic rituals of the lawyers and judges, who serve as high priests. The layman knows nothing of their tactical significance. So, never, ever waive your rights to any procedure! The layman knows only that his case remains in limbo while the priest and high priest chant their lengthy and arcane pre-trial rites! You're the sacrifice! You have been told you have rights. But these rights can only be administered with your own ability to recognize them, or pay the "fee" for a chance for freedom through an attorney that, at the end, can double-cross you. After all, what is your life worth for release? Bar for the rights one has, then for every right that a person has. Someone else has a duty to uphold that right, usually by a competent defense attorney. The duty of a defense lawyer is to defend you with those rights. An attorney may sense your ignorance and if you have financial backing, he will persuade you to give it up for the freedom; by legal bribes, your attorney can manifest his court miracles. A poor layman simply does not have the funds or the knowledge of prayers in law to adjudicate a defense for himself. The mere fact that you have "rights" is courtesy, is meaningless, unless you know how to enforce them yourself. The American public has not the slightest clue, only those in the know, do. But, "money" redeems the keys of freedom for the guilty and innocent alike. The laymen are simply like fish in a glass bowl at your favorite Asian market, ready to be served in its misfortune.

Once incarcerated, a prisoner finds himself in a perpetual battle of oppression, inadequate law library with outdated information. Months and years of facility lockdowns restricts anyone's ability to mount a legal research. With communication break-downs, family inaccurately believes the prisoner has forgotten them and abandonment results. This lack of communication with family rips devastation, family members stigmatize, feel ashamed and any promises left are soon broken. Mail tampering and ultimate deliveries are said to be unintentional, nevertheless, frequent. Public phone access is restricted to one call per month. Depending on the prisoner's status, this restriction can last for as long as five years, and add four more years for longer sentences (i.e., 15 years or more). The agonies of a prisoner do not end here. Deprivation of nutritional foods, aids ones poor health; with equally poor health and dental services. Meanwhile, family gives- up on a prisoner's cause, and lose hope. Pernicious justice robs the mercy of every family, especially the children.

If one should manage to hold on to any of his humanity after experiencing the above, then consider this additional tragedy. The prevalence of bestializing the weak is even more

shocking! Sexual predation is rampant, not only from prisoners preying upon other prisoners, but from among those charged to protect, as well. The inherent nature of the institutionalized prison environment is not conducive to the natural order of community cohabitation. The fact that men are compelled to cohabit in such close quarters over extended periods, ultimately leads to psycho-sexual emasculation.

Meanwhile, prosecutors and judges are promoted. They run for political offices on their impeccable ninety-seven (97%) conviction rate. The public masses are taught since infancy to believe and rely on the "authorities". Perhaps in our current social climate, they prefer to stay ignorant of the abuses in prison and the warehousing of America's sons, fathers, brothers and citizens in order to grow an economy. In the State of California there have been three (3) great economic booms: the Forty-Niners (49'ers), The Gold Rush, The Railroad, and now, the current Prison Industrial Complex!

The irony of it all is when it's time to prosecute a "hero", they are presented in the best light possible. God forbid, if these "heroes" should lose their post without pay. Any disciplinary action taken against these "keepers-of-the-gate" are often sealed, and media coverage is brief and soon forgotten; "taking one for the team" is rewarded in private. Moreoften, these officers are not disciplined, but rather promoted. If ever any of these heroes is fired, they find positions in other state agencies.

Though most of you may never find yourself in prison, statistics indicate that you know someone who is, or have been. Some of you have likely served some time behind prison walls at some period in the past. Statistics reveal that one (1) in every thirty-two (32) Americans are subjects of the American justice system. The prison system is California's largest "self-made" industry.

Yes, I am a prisoner at one of the most notorious (in my estimation the worse) prisons in the State of California. Just being in any prison, away from family, is hardship enough, but it is even more devastating when you're convicted of a crime and yet, is innocent.

The things that I have exposed in this article are not of natural occurrence, but are systematically designed by ruling cliques with the aim and purpose to incubate a society of automatons.

Note: The author, Luis Gonzalez, asserts to be innocent of his conviction. He relishes in a free-wheeling, unabashed love for all truths, no matter whose ox is gored. Assist or dissuade, you may bestir Luis Gonzalez with your opinion by conveying it directly to: Luis Gonzalez, T-67569, CSP-Corcoran, 3C02-202, P.O. Box 3471, Corcoran, California 93212-3471