

"Sam Adams. 'The law serves those in power. That is the function and purpose of the law. The only honest question is who holds that power. The rest is hypocrisy.'" ("John Adams" by Walter Bernstein)

The CALIFORNIA STATE prison system was formerly referred to as the CALIFORNIA DEPARTMENT OF CORRECTIONS (CDC) but in recent years was renamed the "CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION" (CDCR). Most other states run with the simpler "DEPARTMENT OF CORRECTIONS" but CALIFORNIA adds "REHABILITATION" to the title, as if its prison system stands above the rest. Not only is the implication here absurdly false, I personally believe it evinces a deceptive and delusional nature of those who run CALIFORNIA's prisons. Let's analyze the following facts.

In considering the title, the CDCR is supposed to be a department which accomplishes the function of "correction" and "rehabilitation" of the people that it holds captive. So what exactly does it mean to correct and rehabilitate someone?

Correction, referenced under "Correct," is defined:

"Set right; amend 2. admonish; punish" (The American Century Dictionary)

Rehabilitation, referenced under "rehabilitate," is defined:

"Restore to effectiveness or normal life by training
3. Restore to proper condition." (Ibid.)

In choosing this title, the CDCR assumes the obligation to correct those it holds captive. By having the audacity to add "REHABILITATION" to the title (basically implying superiority in comparison with other prison systems), it should be held to a superior performance standard but can not even meet its own set standards. If the CDCR does not meet

its self-stated purpose then it lacks legitimacy and is unfit to wield authority over anyone.

Here is the CDCR's own language concerning its purpose:

"The primary objectives of the correctional institutions are to protect the public by safely keeping persons committed to the custody of the Director of Corrections, and to afford such persons with every reasonable opportunity and encouragement to participate in rehabilitative activities." (see California Code of Regulations Title 15, Section 3270)

So the question becomes: Does the CDCR truly correct and rehabilitate its captives??? If we let the evidence speak for itself, it answers with a clear and convincing "No!"

For starters, CALIFORNIA has the highest rate of recidivism in the nation; is this indicative of people being corrected and rehabilitated? Of course not, and this fact alone totally rebuts the idea that the CDCR is meeting its own stated purpose, or the meaning of the words in its title.

I think that it is universally accepted that the best way to lead is by example. Thus, if the department's purpose is to correct and rehabilitate (by definition make a person effective and in proper condition), then it reasonably follows that those whom staff the department should set an example by conducting themselves in a lawful, effective, and proper manner. Doesn't that make sense?

If so, this creates a problem for the CDCR, which has a shockingly extensive history of outrageous staff misconduct. The various Court Reporter's volumes is a source full of damning evidence against the CDCR on this issue. Here are a few examples which illustrates the egregious actions of the CDCR's staff:

- The court found that the policies at Pelican Bay

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Prison contributed to a "Culture of Separation" that perpetuated interracial violence and ordered the prison officials to stop preferential treatment on the basis of race. (*Escalera v. Terhune* (Del. Norte Superior Ct. Dec. 10, 2002), No. HCPBDD-5164)

- The CDCR admitted that race was the only factor in the decision to exclude black inmates from the critical-worker list during lockdowns. (*Walker v. Gomez* (9th Cir. 2004), 370 F.3d 969)
- Inmates were required to clean attic when staff knew or suspected presence of asbestos. (*Wallis v. Baldwin* (9th Cir. 1995) 70 F.3d 1074, 1077)
- Pelican Bay State Prison staff were found to regularly use excessive force against inmates including carrying out assaults on inmates and using fetal-position restraints. (*Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146, 1161-1181, 1254)
- The Ninth Circuit Court of Appeals held that a prisoner had presented a triable Eighth Amendment claim by presenting evidence of a "gladiator-like scenario" in which corrections officers made jokes about potential fights on racially integrated exercise yards then delayed in intervening in the ensuing fights. (*Robinson v. Prunty* (9th Cir. 2001) 249 F.3d 862, 866-867)

"Wild animals never kill for sport. Man is the only one to whom the torture and death of his fellow creatures is amusing in itself." (James A. Froude)

Racism, a willful disregard for human safety, a thirst for violence, these are the attributes of the CDCR staff. If staging dog fights is unacceptable then how much better is it that the prison guards stage human fights?! Much of this same conduct is still routinely practiced by CAL. STATE prison guards.

Amazingly CAL. STATE prison guards (whom fancy to be referred as "CORRECTIONAL PEACE OFFICERS"), upon assuming color of authority, all take an oath to promote/uphold the law; the same as other so-called law enforcement officers. Additionally, they're among the most generously compensated group of prison guards in the nation. But as the above-referenced cases show, "officers" can be as deficient in morals and ethics as anyone else.

And consider this, the average prisoner does not have the necessary skills to litigate a court case, nor the financial means to hire an attorney, making the reported cases merely the tip of the iceberg on staff misconduct. If the staff generally cannot set an ethical & positive example, then naturally correction and rehabilitation won't be achieved. This highlights yet another layer of failure from the CDCR.

It has been determined that socio-economic pressures are the general common denominator, of the root cause, in why people end up in prison. Basically, the majority of prisoners are in prison based on drug and economic issues. It doesn't take rocket science to figure out that in the interest of effectively correcting and rehabilitating, much of the focus should be on drug treatment, improving life & social skills, along with academic and technical education. Remember, deficiencies in these areas is what drove most prisoners to prison to begin with. Logic dictates, and pertinent studies have shown, that improvement in these areas drastically reduces the likelihood that one will reoffend. It seems that the CDCR's decision makers reject these studies, logic, and reason.

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Most people whom have had dealings with the CDCR, know that logic and reason are not commonplace within it. A recent CDCR action which supports this conclusion is its response to the Jaycee Dugard case; whereas the general public consensus is that the CDCR bears much of the blame for her not being found sooner (because of the incompetence of the CDCR parole agents assigned to monitor/supervise her captor). Yet soon after she was found (something the CDCR people had nothing to do with), the CDCR hosted an event congratulating its staff members for a job well done on the case !!?

Nothing much else is needed to grasp that the decision makers within the CDCR are delusional and narcissistic beyond belief, although there is plenty of other proof. Heck, many of the prison guards readily admit how unreasonable CDCR policies and procedures are.

But as far as the CDCR providing effective rehabilitative education and programs, it does so for a slim percentile of the prisoner population. The majority of the prisoners that are interested in participating in the various programs are put on a "waiting list" and are usually either transferred or released before being able to enroll.

As for formal education; correspondence college courses are offered, the prisoner being responsible for covering the cost. This being "the land of the fee," if the prisoner can not satisfy the financial requirements then he or she is excluded from participation; that is the case for many prisoners. Of course, GED classes are liberally offered but if a prisoner has a high school education already then tough luck on formal education.

Prisoners in CAL. spend most of their time in the CDCR performing menial job assignments which keep the prison functioning; or locked in cells due to the prison being on lockdown status; or on the exercise yard/dayroom. In other

words doing mostly idle time, which leaves a prisoner in a worst condition upon his or her release. This is neither corrective, rehabilitative, nor does it lead an iota toward the goal of eliminating crime. In fact it creates crime in society. Although, more crime serves the true interests of the prison guards' union; that being economic security for their members and more political power for the union.

I believe that you get the point: the CDCR is the polar opposite of an institution for actual correction and rehabilitation. Now what happens when a government agency is not living up to its self imposed responsibilities? I mean, the bureaucrats consciously chose to insert corrections and rehabilitation into the title, shouldn't they be obligated to correct and rehabilitate?

Just like if I advertise myself as a plumber, then I'll be expected to effectively repair a plumbing issue when called upon. Or if I'm doing business as an auto-mechanic, I'll be expected to properly repair a malfunctioning automobile placed in my care. If I did not meet my expectations in those instances then I would be in dishonor and there would be consequences for me to face, just as there should be dishonor and consequences for any ineffective government agency.

How absurd would it be advertising myself an auto-mechanic, yet I only effectively repair 30% (or less) of the vehicles brought in to me? If a person does not adequately provide the services that he/she advertises then that person is considered a fraud, charlatan, miscreant, or whatever other adjective applies. The same is applicable to a company, organization, or in this case "Department."

Thus we find that the CDCR is a fraud and as such lacks legitimacy. The people of California state won't be forced to finance an illegitimate private business, so why should they be forced to finance an illegitimate government agency???

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That is a crime coined "extortion," which violates 18 U.S.C.A. §§ 871 and 1951.

Ironically the CDCR staff is among, if not the most, generously compensated group of STATE prison employees in the entire nation; this is despite CAL., at this time in Feb. 2012, having the highest rate of recidivism in the nation. Like insatiable parasites, the CALIFORNIA prison guards' union demand that the STATE TREASURY consistently appease their gluttony; while the budgets for health care, education, and human services suffer the consequences. This is one of the things which make clear whom your elected STATE officials are really in office serving. That is the prison guards' union and any other special interests group that fund their political careers and "High Society" lifestyle.

As time passed away from the American Revolutionary War, and the drafting of the Declaration of Independence and Constitution, the spirit and principles of that time have been in a steady process of slow erosion. The Founders established this nation to be governed by and for the people; not a nation by and for the corporations/big business leaders, politicians, bureaucrats, lawyers and judges, enforced by their intelligence and law enforcement guard dogs. Sadly the latter is what this nation has become and it contrasts the original intent for it.

Another sad fact is that without action from the People, the STATE and FEDERAL ruling class will continue to push their policies & agenda; which in effect continues the erosion of the Constitution and is in conflict with the interests of the People.

"But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security." (Declaration of Independence)

The politicians and bureaucrats have become increasingly

arrogant, as in the case of the CDCR. They feel it acceptable to consistently fail in meeting their duties that they are above consequences.

The final sad fact is that as things currently stand, they are appropriate in their sentiments. They're not gonna hold themselves accountable and if we, the people, don't then they will only increase in lawlessness. I'm not suggesting another revolutionary war but action on our part is definitely required.

Being as how our tax dollars fund the government and its various agencies, one way to hold them accountable is for us to stop funding them. The same way that we can refuse to support a fraudulent business or illegitimate organization, when a government official/department/branch is committing a blatant fraud we can, it is our duty, to refuse funding.

Applying all of this to the CDCR (although it applies to any branch of the state or federal government), unless a: ¹ "ridiculous rate of recidivism, ² normalized staff misconduct, ³ complete deviation from industry standards, and ⁴ institutionalized racism; from what the state has coined the corrections and rehabilitation department, is the ends to the means, then we should demand drastic & immediate improvement from it. And if this demand is not met then we should treat it like Enron.

"Fraud. An intentional perversion of the truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives or is intended to deceive another so that he should act upon it to his legal injury. Anything calculated to deceive, whether it be by a single act or combination, or by suppression of truth, or suggestion of what is false, whether it be by direct falsehood or

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"innuendo, by speech or silence, word of mouth, or look or gesture." (Black's Law Dictionary)