

The Rehabilitation Fallacy

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By Kevin D. Sawyer

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“There is reason in supposing that the finest natures, when under alien conditions, receive more injury than the inferior, because the contrast is greater.” – Plato (Republic)

The word rehabilitation in the context of prisoner reform is as dichotomous as Janus, the god of gates and doorways in Roman Mythology, having two faces looking in opposite directions. Rehabilitation, as the name implies in California’s penal colonies, is a misnomer because it is out of reach for many inmates or does not exist as a viable option in many prisons; and to a minority of inmates the effort to repair them is completely useless simply because they are not broken.

The California Department of Corrections and Rehabilitation operates on a false set of assumptions, the first of which is to suggest all of the men it receives are defective and in need of repair. The second supposition is that all of these men who are ostensibly broken can be fixed by using the same rehabilitative methods. Additionally, the state equivocates between its adjunct ‘R’ in its name and punishment.

A prison term handed down by a criminal court of law is for the purpose of punishment in and of itself. Draconian sentencing, as if that was not enough, is the final step in this judicial process. However, in California prisons officials take a reverse avant-garde approach by wreaking their own forms of devastation. They supersede court mandates and mete out their own wave of terror fostering the criminogenic effect prison has on men.

Former San Quentin State Prison Warden Clinton Duffy recognized that “...there is a saturation point in practically every man’s servitude beyond which every additional hour is wasted and destructive punishment.”¹

I understand fully that the system’s machinery is geared to grind men up. When one is Black, like myself, and begins to push back against the machine we are considered the greater quintessential racialized enemy of the state.

I have been placed behind a high wall that separates me from society; a wall reared to hold me captive until my sentence of death by prison is completed. Yet I refuse to crawl or join the ranks of the enemy power structure just because I have taken a hard fall in the eyes of the law.

My ancestry was built by enduring hard luck and the hard jolts in life. It is why I will persevere. Rehabilitation is for the other guy; the formless, amorphous coward who accepts all that society says is wrong with him.

Then too, even if rehabilitation were readily available to all prisoners in the Golden State the law mandates something to the contrary. Oftentimes, in moments of circumspection, I view this matter from a cynical angle and ask myself, and others, what does it matter, anyway?

The reason for such cynicism is due in large part to the fact that as a defendant who has been convicted of a felony in California I was sentenced pursuant to Penal Code section 1170(a)(1), which promulgates, in part: “The Legislature finds and declares that the purpose of imprisonment

for crime is punishment.” This ostensibly answers the question above. I was not placed in prison for rehabilitation.

Angela Y. Davis makes it clear that, “It was assumed that people went to prison in order to pay their debts to society, and to learn how to become better citizens. Regardless of whether these assumptions reflected the realities of imprisonment, it is significant that the very concept of rehabilitation has become anachronistic. Incapacitation and punishment are now the unmitigated goals of imprisonment; there is not even a veneer of rehabilitation.”²

In July 2005, under then-governor Arnold Schwarzenegger, California added the letter ‘R’ to CDC, which extended the name to read California Department of Corrections and ‘Rehabilitation’ (CDCR). The addition of the ‘R’ to the name was nothing more than window dressing because many prisoners in this state’s prison system are here for “punishment,” not rehabilitation. A simple name change does not supersede the intent of California lawmakers, particularly when funding for so-called rehabilitation is cut by the state and almost non-existent.

“The addition of the word ‘rehabilitation’ to our department’s name was significant. It is not enough to incarcerate; one of our core public safety missions is to give inmates opportunities to live productive, law-abiding lives through programs that better prepare them for their return to our communities. CDCR’s heavy investments in rehabilitation are paying off,” said former CDCR Secretary Jeff Beard. “We now have a network of reentry hubs, and we are rebuilding our training, education and substance abuse programs to make the ‘R’ in CDCR a reality.”³

On a visit to San Quentin State Prison in September 2015, United States District Court Judge Thelton Henderson told an audience of inmates and other guests that when he attended law school in 1962 students were taught three purposes of prison; they were punishment, deterrence and rehabilitation. He said rehabilitation has gone away.

“If we really want rehabilitation, then we have to start talking about decarceration. How is rehabilitation possible when there is no way that people can exercise their freedoms?”⁴

The real purpose of my imprisonment, like many others, is not “rehabilitation,” not “punishment,” or to deter others from committing crime. My incarceration is part of the age-old program meant to reduce me in such a way that I fall into a state of complete submission to my captors. Animals are trained using this method.

I, however, do not accept the appendage to my character marking me a beast and therefore reject all state efforts to punish me into submission. That is not going to happen. I am not an animal and I do not acknowledge the state’s agents of repression who pigeonhole every inmate as being one and the same due to the unfortunate nature of our circumstance resulting from a criminal conviction.

If one allows the evil machinations of the state to take effect it may destroy him altogether, or it could reveal the best he has to offer. Everyone is affected by the state, both prisoner and guard, and no one who lives or works here remains a normal human being, assuming they were normal upon their arrival.

This, I say, is why I can not allow my memories of this place to be left behind. I will use what I recall to fuel my ambitions because I am starved for something beyond mere justice. And I cease to remain angry.

Never have I believed the lies and insults about me. For these reasons, I cannot reform under the system's idea of rehabilitation; understanding that I have been pushed beyond a line from which there can be no forgiveness or retreat now that I am charging, because I am aware of the fact that my captors will not be content until I have been driven six feet under.

I have no time to focus on whatever punishment the state is attempting to inflict on me through its ineffective means of social control. I will not allow it to detract from what I am doing for myself.

The carceral State of California, like others, uses common mechanisms such as branding, zero tolerance and tough-on-crime rhetoric to mask its malfeasance and insidious Jim Crow methods to deal with its 21st Century "negro problem" on those of us who dare to cross the "color line" and other tacit demarcation points.

Most of the programs in prison that purport to rehabilitate prisoners are for that certain class that has release dates. These programs unintentionally, or perhaps deliberately, exclude many inmates in the general population who have received indeterminate sentences, or life terms. The implicit message to a prisoner who is a Lifer in California is that we do not matter, are not counted in the grand scheme of nominal state rehabilitative efforts, and are a waste of taxpayers money to fix, much less to educate, assuming we are all broken.

Part of my quandary stems from the fact that I have no sad stories or anecdotes to share with anyone about how I grew up in poverty, even though I do come from humble beginnings. I did not drop out of high school. I graduated with my class, on time. I was not disenfranchised in the same sense as many of my ancestors. I was not one of the many misguided, angry and fatherless children roaming the inner cities with a chip on my shoulder. My mother was not a drug addict or a prostitute, and I did not come from one of the many communities in America that are plagued with drugs, gangs, violence and all the other misery depicting Black life on the evening news.

None of that is my story. I am one who is, and has always been, *habilitated*. My incarceration is not based on any particular crime. Rather, accusations of multiple classes of crimes totaling more than 15 committed in different jurisdictions. All were ascribed to me, a process known as "clearing the books."

My confinement is due in part to my status in the middleclass which more than a few malefactors working in law enforcement and the courts scorned, so I had to be jailed, confined, and locked away for good. I occupied an ambiguous position in the eyes of white America because although successful, I "didn't know my place."

Never have I performed prescribed acts as other Blacks; those possessing the proclivity to lean toward assimilation, so I was not able to elude the iniquitous forces of racism and repression. I had to be broken, reeducated, and rehabilitated if I were to live among the Black bourgeoisie and the integrated middleclass.

Prison is my ground zero, my underground, 20 years past my zero hour. Here, I do not and will not conform, nor do I need the weight of punitive reform miring me in the muck of the underclass who themselves need a singularity of purpose. I stand by George Jackson's words in his book *Soledad Brother*: "They'll never count me among the broken men." For this reason alone I press on to become a greater me. I have never waited for someone to educate, save, or rehabilitate me; and especially not the state.

Co-founder of the Equal Justice Initiative, attorney and author Bryan Stevenson recognizes that in the United States, "We've given up on rehabilitation, education, and services for the imprisoned because providing assistance to the incarcerated is apparently too kind and compassionate." ⁵

Baffling as it may sound, I am a minority among my Black peers in prison; one who arrived at the prison gate with a Bachelor of Arts degree in mass communication from California State University, Hayward. Prior to my incarceration I had a professional career that lasted 14 continuous years working in the telecommunications industry for MCI Telecommunications, Inc., AB Communications, ICG Telecom Group, and Healy & Company as an independent contractor at Pacific Bell Mobile Services.

I owned my home, paid my taxes, cared for and supported my child and I fulfilled all other obligations expected of good American citizens. After college I expanded my erudition by studying music and recording arts engineering at Los Medanos College, later starting my own small production company.

With all of this taking place, I also initiated the process of applying to graduate school at the University of San Francisco to pursue a Master's degree in telecommunications on what I hoped would have been a California Public Utilities Commission minority scholarship.

Since my incarceration, in 1996, and as of this writing, I have read more than 355 books. At California State Prison Solano I studied six years in the electrical vocation where I became a certified electrician through the *National Center for Construction Education and Research*. While at Folsom State Prison I used my own money to study and complete a paralegal/legal assistant program through *Blackstone Career Institute* where I earned a diploma for my avocation.

Although not required of me, I enrolled in and completed five undergraduate college courses through Coastline Community College, Patten College and Feather River College. Curious about Catholicism I studied three church teaching courses offered in San Quentin's Catholic Chapel.

Throughout my years of imprisonment I have written numerous published and unpublished news articles, short stories, essays, and poems. Currently, I play guitar in one of the prison bands. I attend a guitar workshop even though I am a guitarist of 33 years. I have been enrolled in a piano class for three years, a weekly creative writing workshop for the past four years and I have taken part in two poetry classes.

I am the associated editor for *San Quentin News* and a member of its editorial board. Some of my writings have been appeared in the *San Francisco Chronicle*, *California Prison Focus*, *The Pioneer*, *San Francisco Bay View*, *The Life of the Law*, *Brothers in Pen* anthologies, *Iron City Magazine*, *580 Split* and in limited editions of poetry published by the William James Association. The *Journal of Prisoners on Prisons* has also presented a writing of mine at the 15th International Conference on Penal Abolition in Canada; the piece has since been accepted for publication.

Each of these things I have done without incitement. In various capacities, I have done most of these things outside of prison. To say that rehabilitative offerings in prison were the impetus for my involvement in any of the above activities would be untruthful. I brought my talents to prison. I did not discover them here.

If anything, the state has attempted to stifle my creativity. In one instance, San Quentin's special security squad, "goon squad" in prison vernacular, attempted to validate me as a member or associate of the Black Guerilla Family prison gang because of the books I have read and for the nature of what it deemed as my "revolutionary" prose. The plan for my so-called rehabilitation by the California Department of Corrections and Rehabilitation was simple: Lock me up in a supermax prison isolation unit, to silence me through intense sensory deprivation and intellectual castration.

As Davis points out, "Today African-Americans and Latinos are vastly overrepresented in these supermax prisons and control units, the first of which emerged when federal correctional authorities began to send prisoners housed throughout the system whom they deemed to be 'dangerous.'" ⁶

In the prison goon's quest to "rehabilitate" me, or change my independent thinking, they overtly violated my rights under the United States Constitution's First Amendment and 14th Amendment. The Orwellian "thought police" follow Ray Bradbury's book-burning script in *Fahrenheit 451* and call it rehabilitation but disguise it as a safety and security issue.

Fortunately, my litigation skills learned over the years have thus far helped me to fend off the assault on my erudition and intellect. At the present I have a Civil Rights suit pending in the United States District Court for the Northern District of California. Case number CV 15-00220-JD is the only weapon I am able to use for adjudication of the matter.

If I am broken, as the state implies, how might I be fixed? I do not buy into the discourse on rehabilitation because nothing that is taught in prison is new to me. Prison has not offered me anything that I have not already been exposed to or taken advantage of in my past.

Prison and so-called rehabilitation for someone like me is complicated. No one here is going to teach me how to earn a high school diploma, balance a checkbook, purchase a home, write a resume, obtain a passport, fill out a job application or get a hired and hold a job. I have already done these things, and more. And I will reiterate that I did not learn any of it while in prison.

Mine is not another pathetic prison story about rehabilitation, or how I overcame some immoral form of addiction. It is a snippet of my continuous learning through the arts, introspection, and self-determination to prevail over a nefarious system that is trying to bury me.

I see the truth of my situation. State actions and improprieties had attendant consequences that produced a new world for me. However, I do not spend my time addressing subjects such as fairness, remorse, or accepting responsibility. For one to entertain any notion about the truth of my imprisonment typically solicits more questions than answers. No discussion on those subjects will change my 48-years-to-life sentence. I become eligible to be denied parole when I am 75 years old, more than 20 years from now.

There is no denial on my part about the stark reality of the world in which I live. I am one person the state is attempting to punish. Squandering my precious time on the discourse of issues that offer me no relief is not the best way for me to utilize my time or realize my other potentials. Understanding and reflecting on the past will not take me back to it. Among the many ways to waste one's time in prison, that is one of them.

Early in my captivity I realized, "By the time [a defendant] is tried, convicted, and sentenced, he has learned from other prisoners just what the penitentiary is like and just what to do and what to expect. You start doing time the minute the handcuffs are on your wrists." ⁷

Much of what I do is in the face of racial disparity, and there are many other forms of disparity that exist in prison. But no one cares about that because it is so commonplace. What I am doing here in this bedlam is in its infancy because I am growing each day. I enjoy what I do because it is an extension of my life on the other side of the prison gate. My performance over the last 20 years in carceral environments has not been to impress anyone or to convince some parole board more than two decades from now that I am a “changed” man, I am who I have always been, something the courts chose to overlook and dismissed.

It is not my intention to cast a dark shadow over the many wonderful programs that are available for prisoners at San Quentin and beyond. For the inmates who need these programs, they should take full advantage of them. In fact, self-help programs should be available at all California state prisons, but the truth is they are not.

San Quentin is the state’s flagship prison that allows the CDCR to boast of “rehabilitation” – the great misnomer to mask everything that is wrong with mass incarceration. Too bad, I cannot earn a Master’s degree here since the taxpayers are generously funding my stay at a cost now approaching more than \$60,000 a year.

“The steps to eliminate prisoner’s access to college level education began 20 years ago when Congress passed the Violent Crime Control and Law Enforcement Act restricting access to Pell grants for imprisoned men and women across the country.”⁸

This is not a complaint. I simply do not see myself as one who is in need of the state’s so-called “programming” through its one-size-fits-all rehabilitation. No one is going to save me, because I am not drowning. My immediate problem is my incarceration.

So for the time being, I am compelled to continue advancing by reinventing myself over, and over again. If someone wishes to call this rehabilitation, have at it -- just don’t give credit to the state for what I have accomplished on my own, before and during my incarceration.

End Notes

1. *The San Quentin Story* (1950), by Warden Clinton T. Duffy, Doubleday & Company, Inc., Garden City, New York, p. 96.
2. *The Meaning of Freedom* (2012), by Angela Y. Davis, City Lights Books, San Francisco, California, p. 39.
3. *Inside CDCR*, The California Department of Corrections and Rehabilitation Newsletter, article titled, “A decade ago, a new name affirmed mission of CDCR, by OPEC Staff, August 28, 2015 (The Governor’s Reorganization Plan (Chapter 10, Statutes of 2005) was signed into law by Governor Arnold Schwarzenegger in May 2005, creating the California Department of Corrections and Rehabilitation (CDCR) on July 1, 2005).
4. *The Meaning of Freedom* (2012), by Angela Y. Davis, City Lights Books, San Francisco, California, p. 143.
5. *Just Mercy: A Story of Justice and Redemption* (2014), by Bryan Stevenson, p. 15.
6. *Are Prisons Obsolete?* (2003), by Angela Y. Davis, p. 49.
7. *You Can’t Win*, 2nd Edition (2001), by Jack Black, AK Press, San Francisco, Calif., p. 82.
8. *Abolitionist*, spring 2015, Issue No. 24, p. 3.

About the Author

Kevin D. Sawyer is an African American native of San Francisco, California, born in 1963. He has written numerous unpublished short stories, memoirs, essays, poems and journals that chronicle his jail experience. Some of his work has appeared in *The Oakland Post* (Post News Group), *California Prison Focus*, *San Francisco Chronicle*, *The Life of the Law* (blog), *San Francisco Bay View*, *The Pioneer* (California State University, East Bay), *Brothers in Pen* anthologies, *Iron City Magazine*, *580 Split* and limited editions of poetry published by the William James Association. His writing has also been presented at the 15th International Conference on Penal Abolition by the *Journal of Prisoners on Prisons* in Ottawa, Canada.

Sawyer is the associate editor for *San Quentin News*, a member of the Society of Professional Journalists (SPJ), and a 2016 recipient of The James Aronson Social Justice Journalism Award. He was also on the *News* team that won the 2014 James Madison Freedom of Information Award from the SPJ. Prior to his incarceration he worked 14 successive years in the telecommunications industry for several corporations. He is a certified electrician through the National Center for Construction Education and Research and an accomplished guitar and piano player. He holds a Bachelor of Arts degree in mass communication with a broadcasting option from California State University, Hayward, and a Diploma as a paralegal from Blackstone Career Institute. He is currently working on a novel.