EDITORIAL
Continued from Page 1

parks, gyms, swimming pools or one of the state's 150,000 bus stops.

It also led to challenges from groups like the Southern Center for Human Rights, which argued that it would force some offenders to live in their cars or in the woods, and undermined other efforts to keep track of offenders.

The Georgia Supreme Court ruling that even sex offenders who comply with the law "face the possibility of being repeatedly uprooted and forced to abandon homes." It said the statute loomed over every location that a sex offender chose to call home and added that although the case in question particularly involves a day-care center, next time it could be a playground, a school bus stop, a skating rink or a church."

Editor's Note: These laws make no sense. It's irrational in that it doesn't prevent sex offenders from going near these places (schools, churches, parks, etc.)---they just can't sleep there! ■

QUOTES
Continued from page 7

their heads. Getting suffers to believe…is part of the challenge in treating them." See the Psychohearsay Awareness letter, at p. 4; Excerpt from the Santa Barbara Newspress, March 24, 2004, pB2 [Sounds Familiar]

"About 20% of people who make an appointment with a mental health professional never show up, and another 20% never come for a second visit. Forty percent of patients who start taking an antidepressant drug, quit with in a month, and most get no follow-up. (Psychhearsay Awareness letter, @ p.5; excerpt from Harvard Mental Health letter, Vol. 21, No. 7)■

FOOLISH PREDICTIONS
By: Robert LeFort

The human predilection for prophecy appears to be irresistible. Consider the example of Michel de Nostredame (known as Nostradamus), the 16th century Frenach Pshysician who took up prophesizing in his 40's.

Then there was Edgar Cayce, a modern Nostradamaus, also profited from sympathy on the part of his patrons. There is also talk that the Mayan Calendar has established that the end of the World is to be 2012, while Alan Greenspan contends that massive starvation and global warming will affect out final demise no later than 2038.

Currently, we have the State hired "psych" evaluators who with their reliable prediction tools, such as Static-99, attempt to splay their trade to the court prosecutors, and to the jury.

The State has missed their opportunity to hire these "experts" to predict the future of all of us. We should be asking them, "When will the World end?" or "When will the stock market go up or down?" Or maybe, "Will I die, in this place?" If it was up to them, I'm sure they could get that right. For, as was stated in my "one and only 1998 trial" (although, I am still here, doing time on that trial), "He will re-offend before the day he dies." And, when asked if they thought it was unethical to lock up a person, possibly for the rest of his life, although he may not re-offend, the answer was, "No." "It is better to be safe than sorry, we have to err on the side of caution."

Do they really care about being "accurate?" I think we all know the answer. It is all about the almighty dollar. They continue to get "rich" at the expense of our pitiful lives. Despite a long-standing precedent asserting that prediction (and its author) will be so valued in inverse proportion to the validity of the prediction. Just think about it, "it is better to be safe than sorry." Still, there is always the chance that at least a few of the predictions will not come TRUE, wouldn't you say? This "reliability" given to the "experts" must change soon!!! ■

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 Bauwens "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 Vlahoitis	12/04/04
Crowin Weltey	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
James Aceves	07/20/07
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

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EDITORIAL

Offender Restrictions Overturned
From the Associated Press

Atlanta---Georgia's top court overturned a state law that banned registered sex offenders from living within 1,000 feet of schools, churches and other areas where children congregate.

"It is apparent that there is no place in Georgia where a registered sex offender can live without being continually at risk of being rejected," read the opinion written by presiding justice Carol W. Hunstein.

Civil rights groups had argued that the law would render vast residential areas off limits to Georgia's approximately 10,000 registered sex offenders and could backfire by encouraging them to stop reporting their whereabouts to authorities.

State lawmakers adopted the law in 2006, calling it crucial to protecting the state's most vulnerable population: Children.

Though many states and municipalities bar sex offenders from living near schools, Georgia's law, which took effect in 2006, prohibited them from living, working or loitering within 1,000 feet of just about anywhere children gather---schools, churches,

Continued on Page 8

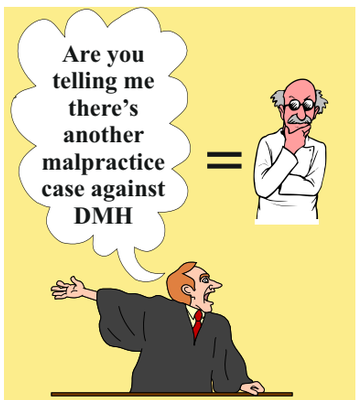
YOUR RIGHTS

S.V.P.'s Have No Constitutional "Rights"
By: Lawrence Halbert Sr.

"For the reasons that follow, we agree with [leake] that the civil Discovery Act of 1986, (Code of Civil Procedure §2016 et seq.) applies in SVPA proceedings." *People v. Leake*, (2001) 104 Cal. Rptr. 2d 767

California Code of Civil Procedure [§2016-2036] 2016(a) "this article may be cited as the Civil Dicovery Act of 1986." And in *Bagration v. Superior court*, (2003) 3 Cal. Rptr. 3d 292, quoting *Cheek v. Superior Court*, 94 Cal. App. 4th 980, concluded the the [C.D.A. of '86] applied to SVP proceedings because the Act expressly applied to both actions and special proceeding of a civil nature. "The legislature was deemed to have enacted the S.V.P.A. with knowledge of existing statutes, and there is no exception in the

Continued on Page 2



Mental Health Malpractice?
By: R.D. LeFort

"As you probably [should] know, the mental health fields are in crisis. Over the last few decades, the fields of clinical psychology, psychiatry and social work have been undermined by a wide gap between research and practice. "Less and less of what researchers do finds its way into the consulting room and less and less of what practitioners do derives from scientific evidence" says Scott Lilienfeld, Ph.D., an associate professor of psychology at Emory University and the editor of SRMHP [Scientific Review of Mental Health Practice]. This deepening divide is eroding the scientific foundations of clinical psychology and allied disciplines and is lowering the opinion of these fields in the minds of the public. The public's perception of mental health

Continued on Page 4

S.V.P.'S HAVE NO CONSTITUTIONAL "RIGHTS"

Continued from page 1

S.V.P.A. statute.

Judicial remedies are divided into classes, actions and special proceedings. (C.C.P. §21) An action for purposes of the Civil Discovery Act of 1986, includes a civil action and a special proceeding of a civil nature. (C.C.P. 2016 (b)(1))

The Civil Discovery Act became effective on July 1, 1987. It was enacted to govern all discovery proceedings in actions filed after its enactment. Civil discovery statutes are to be given practical interpretation consistent with the purpose to ease the course of litigation. Discovery statutes [§2016 et seq] are to be liberally construed and their purpose is to further efficient, economical disposition of cases according to right and justice on the merits.

The First Appellate Court, Fifth Division, ruled in *People v. Burns*, No. A106643, Cal. App. April 12, 2005, "a person subject to the S.V.P.A. has **no constitutional right** to the presence of counsel at a mental evaluation interview. "This right would be inconsistent with the civil nature of S.V.P.A. proceedings and would impede, not promote the legislative goal." The ruling goes on to say, "because the attendance of counsel at the interview might interfere with the rapport between the expert and the alleged SVP and frustrate the legislative goal of obtaining the evaluation of defendant's mental state by an impartial expert."

This ruling makes no sense in that it contradicts the well established Discovery Act. §2032 (g)(1) states: The attorney for the examinee conducted for discovery purposes, and to record steno graphically or by audiotape any words spoken to or by the examinee during any phase of the examination, this observer may monitor the examination, but shall not participate in or disrupt it. If attorney's representative is to sit as observer, the representative shall be authorized to act by writing subscribed by the attorney who identifies the representative.

If in judgment of the observer the examiner becomes abusive to the examinee or undertakes to engage in unauthorized diagnostic tests and procedures, the observer may suspend it to enable the party being examined or producing the examinee to make a motion for a protective order. If the observer begins to participate in or disrupt the examination, the person conducting the examination may suspend the examination to move for a protective order. [Emphasis Added]

This section was implemented, and speaks directly to, the need to **protect** the discovery process and make special proceedings, that are civil in nature, a level ball field. Listen to what the Notes and Decisions has to say: The Civil Discovery Act was intended to bring new form of order to civil discovery and to eliminate some of the more undesirable elements of the adversarial system including "sporting" a theory of litigation that of, namely surprise at trial. Discovery simply tries to take the same element out of trial preparation while yet retaining the adversary nature of the trial itself. The fact that counsel still conducts much of the pretrial preparation and discovery without judicial assistance does not mean parties in litigation can operate outside the applicable parameters of the discovery act or may violate other laws or common laws in their zeal to pursue litigation. The discovery statutes are intended to safeguard against surprise and to expedite litigation between citizens to insure dispensation of justice by state courts through elimination of false or baseless claims and to place litigants on equal footing. The rules of discovery contemplate a two-way disclosure and do not envision that one party may sit back in idleness and savor the fruits which his adversary, through diligence, has cultivated.

Is the S.V.P.A a criminal or a special proceeding that is civil in nature? "Rapport between the expert and the alleged S.V.P.? What rapport? This is an adversarial interview, involving liberty interests, that is the equivalent of law enforcement interrogation involving criminal charges. The state evaluators come to the interview, with all your past information and having read all your files, their minds already made up, based upon your having the predicate offenses. The face-to-face interview is just a formality. Without an attorney present it allows the psychologists to manipulate the interview. Denying an attorney to observe the interview allows for the examiner to guide the examination towards their purpose, which may not be factual, and then later say that the facts are true. A personal note, in one of my first interviews the interviewer said I was a very "manipulative and self-centered man, who spoke of his crimes as if they were common everyday occurrences." It wasn't until several years later that when I re-interviewed, with the same examiner with a tape recorder, I had suddenly changed to a sensitive, sincere and remorseful person, who cried over the shame and remorse of his past." When the state evaluator comes to interview there is no consent form to release your information. When the defense doctors interview you, they need a consent form. Where is the level ball field? Finally, what is this ting they call a "legislative goal?" The legislative goal is to commit the person, not objectively or even fairly, evaluate and, if needed, treat and release(Maybe).

This only goes to show how prejudiced the courts are to the rights of the most hated class of offender. Sexually Violent Predators, along with the lust of the psychologists, for power and money, that have convinced these judges that we [S.V.P.'s] are evil personified.

Please see accompanying article (Code of Civil Procedure) for more information about the Civil Discovery Act. ■

NINTH CIRCUIT COURT MEMORANDUM TERRY JAY MYERS

Continued from Page 6

violated his fourth Amendment protection from unreasonable searches and seizures. A search violates the fourth Amendment if it is "arbitrary, retaliatory, or clearly exceeds the legitimate purpose of detention." *Id.* At 993. Here, Myers adduced evidence that, on a weekly basis, defendants forced him to strip naked and stand covered only with a blanket while his cell was searched. Moreover, on one occasion defendants ordered him from his cell and forced him to undergo a strip search, which involved a visual cavity search.

The district court erred in entering judgment for defendants on Myers's Fourteenth Amendment right to privacy claim. The Fourteenth Amendment protects a "sphere of privacy" and includes the "naked body." *Id.* At 1000. It is the state's burden to show compelling justifications to support a policy that results in an invasion of a detainee's privacy. *Id.* At 1000 n. 17. Here, Myers adduced evidence that defendants told him that females would watch him shower as soon as he began Ad-Seg detention and that it actually happened everyday.

The district court erred in dismissing Myers's equal protection claim. To survive a motion to dismiss, Myers's complaint must have set fourth and argument upon which a set of facts might have existed to show that during his confinement the discrimination against him was irrational or arbitrary. *Id.* At 999. His complaint adequately presented this legal theory and there is a set of facts upon which he could sustain his claim.

Finally, because of the complexity of this case, we instruct the district court to appoint counsel to represent Myers. *See Jones v. Blanas,* 393 F. 3d, 918, 937 (9th. Cir. 2004)

We VACATE and REMAND.

(Endnote #1)
A person is subject to commitment under the SVPA if he or she "has been convicted of a sexually violent offense against one or more victims and...has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior." CAL. Welf. & Inst. Code sec. 6600(a)(1).

(Endnote #2)
The district court purported to enter judgment on Myers's access to the courts First Amendment claim, but that claim was actually a Fourteenth Amendment claim. *See Hydrick v. Hunter,* 500 F. 3d 978, 1000 (9th. Cir. 2007).
Myers's appeals only his fourth and Fourteenth Amendment claims from that order, further proceedings, and INSTRUCT that counsel be appointed for Myers on remand. ■

QUOTES

"We can choose to use our growing knowledge to enslave people in ways never dreamed of before, depersonalizing them, controlling them by means so carefully selected that they will perhaps never be aware of their loss of personhood." Carl R. Rogers, Former president of the American Psychological Association. (1979)

The techniques used by Western psychiatrists are, with few exceptions, on exactly the same plane as the techniques used by witch doctors. E. Fuller Torrey, Psychiatrist (1995)

"[T]he American flag stands for justice and liberty for all Americans not just the privileged few; that every official is capable of making mistakes and has a duty to ensure that appropriate measures are used to prevent innocent persons from being imprisoned; and that the appearance of justice is not itself justice and "to pass the buck" is unacceptable in the name of justice. Dolores Owen, Missouri Cure

"The rights of every man are diminished when the rights of one man are threatened." President, John F. Kennedy (Justice Watch, Summer, 04, 1120 Garden St. Cincinnati, OH 45214)

"It is no defense if our current system is more the product of neglect than of purpose. Out of sight, out of mind is an unacceptable excuse for a prison system that incarcerates over 2 million human beings in the United States." (Supreme Court Justice, Anthony M. Kennedy)

"Asking prosecutors what we should do about wrongful convictions is like asking Hannibal Lecter what we should do about cannibalism." (Rob Warden, Center on Wrongful Convictions at Northwestern University)

"To tell the truth , is dangerous….." Anonymous

Case Law

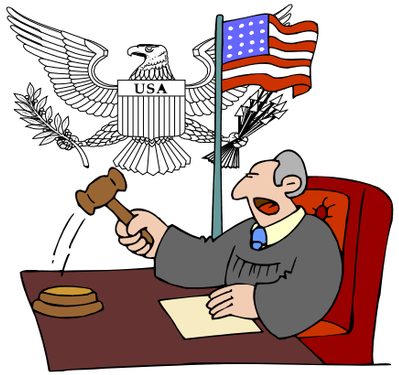
It is a long established principle that, even when governmental purpose is legitimate and substantial, that purpose "cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved." (Shelton v. Tucker, 1960, 364 U.S. 479, 488; 81 S.Ct. 247; 5L 2d 231)
If there are other reasonable ways to achieve those goals with a lesser burden on constitutionally protected interests, a state may not choose the way of greater interference. If it acts at all, it must choose "less drastic means." (Shelton v. Tucker, Supra 364 U.S. 479, 488)

Moreover, due process requires that the conditions and duration of involuntary commitment bear some reasonable relation to the purpose for which persons are committed. (Seling v. Young (2001) 531 U.S. 250, 265)

"Hypochondria is a psychiatric ailment featuring persistent unwarranted fears about having a serious disease. A breakthrough study found that psychotherapy can help hypochondriacs deal with their fears. But the treatment has its limits: A quarter of the patients quit after being told the problem was in

Continued on Page 8

New Ruling



NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MEMORANDUM

TERRY JAY MYERS,
Plaintiff-Appellant
No. 06-16935
D.C. No. CV-03-00241-LKK
v.
JIM POPE, SHERIFF; DON VAN BUSKIRK, CAPTAIN; CASELICA, SERGEANT; SEALS, SHERIFF; C. OBLINGER, DEPUTY; SHASTA COUNTY BOARD OF SUPERVISOR AND CAROL BIRCH,
Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of California Lawrence K. Karlton, District Judge, Presiding

Argued and Submitted October 20, 2008 San Francisco, California

Before: Hug, Roth**, and Clifton, Circuit Judges

---

* This disposition is not appropriate for publication and is not precedent except as provided by 9th. Cir. R. 36-3

* The Honorable Jane R. Roth, Senior United States Circuit Judge for the Third Circuit, sitting by designation.

This case arises from Terry J. Myers's confinement in Shasta County Jail's Administrative Segregation (Ad-Seg) unit for approximately nine months between February 2002 and December 2002. Myers was in custody there as a civil detainee pursuant to California's Welfare and Institution Code §6600–the Sexually Violent Predator Act (SVPA) (end note #1). Myers filed suit under 42 U.S.C.§ 1983 seeking injunctive and monetary relief for violations of his constitutional rights during his confinement. The District Court ruled for defendants in two orders that Myers now appeals: (1) the September 2006 order granting summary judgment and entering judgment for defendants on Myers's Fourth, Sixth, and Fourteenth Amendment claims; (endnote #2), and (2) the September 2004 order granting the defendants' motion to dismiss Myers's Equal Protection claims. For reasons that follow, we VACATE the district court's decisions, REMAND this matter for:

I.

The District Court erred by holding that Myers waived his due process rights. Under California Penal Code 4002(b), a person held under the sexually violent predator laws during the specified semiannual hearings "shall be held in administrative segregation" which means "separate and secure housing that does not involve any deprivation of privileges other than what is necessary to protect the inmates and staff." The person may waive his right to administrative segregation, but if he does so and the wavier is granted, he "shall be placed with inmates charged with similar offenses or similar histories."

The medical unit to which Myers was originally assigned had reasonable amenities, but the administrative unit to which he was transferred was very harsh with few of the normal privileges. Myers was offered an opportunity to be moved from this administrative unit and to be housed with regular penal inmates. He refused. He was never offered housing that met the statutory definition of administrative segregation. Myers's refusal to waive his statutory right to be held in administrative segregation cannot be construed as a waiver of his due process right to be held in non-punitive conditions of confinement.

The district court's qualified immunity analysis was equally flawed. Qualified immunity shields government officials from liability for civil damages "Insofar as their conduct does not violate clearly established statutory or Constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald,* 547 U.S. 800, 818 (1982). Here, Myers's substantive due process rights were clearly established in 2002. *See Hydrick v. Hunter,* 550 F. 3d 978, 989 (9th. Cir.. 2007) (Holding that the law was clearly established, even in 1997, that civil detainees, including SVP's should be detained in non-punitive conditions). The district court did not address Myers's procedural due process claim. We thus vacate its grant of summary judgment for Myers's Fourteenth Amendment due process claims–both substantive and procedural.

II.

The district court also erred in entering judgment for defendants on Myers's claim that the defendants violated his fourteenth Amendment rights by denying him access to the courts. "The right of access to courts has been found to encompass the right to talk in person and on the telephone with counsel in confidential settings..." *Hydrick,* 500 f. 3d at 999. Here, Myers adduced evidence that defendants monitored all of his telephone calls.

The district court further erred in entering judgment for defendants on Myers's claim that the defendants

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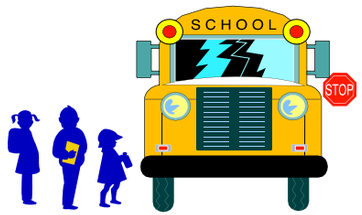

Attack of the preschool perverts
By: Mark Steyn,
Syndicated Columnists
3-4-2008, Orange County Register

Is American public education a form of child abuse? The Washington Post's Brigid Schulte reported, in March of this year, on a student named Randy Castro, who attends school in Woodbridge, VA. Last November at recess he slapped a classmate on her bottom. The teacher took him to the principal. School officials wrote up an incident report and then called police.

Randy Castro is in the first grade. But, at the ripe old age of 6, he's been declared a sex offender by Potomac View Elementary School. He's guilty of sexual harassment, and the incident report will remain on his record for the rest of his school days---and maybe beyond.

Maybe it'll be one of those things that just keeps turning up on background checks forever and ever: Perhaps 34-year-old Randy Castro will apply for a job, and at his prospective employer's computer up will pop his sexual harasser status yet again. Or maybe he'll be able to keep it hushed up until he's 57 and runs for governor of Virginia, and suddenly his political career self-detonates when the sordid details of his spitzeresque sexual pathologies are revealed.

But that's what he is now: Randy Castro, sex offender; The title of the incident report spells out his crime: "Sexual Touching Against Student, Offensive." The curiously placed comma might also be offensive were it not that school officials are having to spend so much of their energies grappling with the first-grade sexual harassment epidemic they can no longer afford to waste time acquiring peripheral skills such as punctuation.

Randy Castro was not apprehended until he was 6, so who knows how long his reign of sexual terror lasted? Sixteen months ago, a school official in Texas accused a 4-year-old of sexual harassment after the boy was observed pressing his face into the breasts of a teacher's aide when he hugged her before boarding the school bus. Fortunately, the school took decisive action and suspended the sick freak.

By the way, is that the first recorded use in history of the English language of the phrase "accused a 4 year-old of sexual harassment?" Well, it won't be the last: In the State of Maryland last year; 16 kindergartners were suspended for sexual harassment, as were three pre-schoolers.

School officials declined to comment to the Washington Post on Master Castro's case on the grounds of student confidentiality. However, they did say that the decision to call the cops was "the result of a misunderstanding." And it's not like he was Tasered or anything.

When school officials call 911 because of a "misunderstanding" with a 6 year-old, the fault is theirs: He's a kid; and their school officials who are suppose to trained and handsomely remunerated to know how to deal with children. Incidentally, the phrase "school officials" isn't quit as rare as "37-year-old teacher's accuses 4-year-old of sexual harassment" but it would still ring foreign to your average old-school schoolmarm in a one room schoolhouse. Back then, schools had schoolchildren and schoolteachers and that was pretty much it. But now grade schools full of "officials," just like the Department of Homeland Security.

So who does get a little breast and butt action in American schools these days? Obviously not your 4 year-old gropers and 6 year-old predators: The system's doing an admiral job of cracking down on those perverts.

No, if you want to get up close and personal with body parts you've got to be a "school official." The 9th U.S. Circuit Court of Appeals recently heard oral arguments in the case of Savana Redding. Back in 2003, Savana was an eighth grader at Safford Middle School in Safford Arizona, when the vice principal, Kerry Wilson, "acting on a tip," discovered a fellow student to have a handful of ibuprofen tablets in her pocket. The other girl said she got them from Savana, who denied it. She had no tablets in her own pocket or in her backpack. Vice Principal Wilson, whose mind works in interesting ways, then decided that Savana might be hiding the ibuprofen in her cleavage or her crotch.

So, without contacting the girl's parents, he ordered a school official to strip-search Savana. She was obliged to expose her breasts and "her pelvic area." If Vice Principal Wilson were a 4 year-old preschooler who had been involved in a stunt like that, he'd now be a registered sex offender for life. But, fortunately he's a "school official" so if he decides to apply search techniques associated with international narcotics traffic he pretty much has a free hand to do so. After all, ibuprofen is serious stuff. As Reason magazine's Jacob Sullum put it, "It's a good thing school took swift action, before anyone got unauthorized relief from menstrual cramps."

The policies of these "school officials" are dignified by the name of "zero tolerance." "Zero sanity" would be more accurate description. One day we'll look back at this period of government-instituted madness and wonder why those entrusted with the care of minors(or, to be more accurate, those who enjoy a de facto state monopoly over care of minors) were unable to do what teachers in civilized societies have been able to do throughout human history exercise individual human judgment.

Michelle Obama called for Americans to pony up even more dough for their public school system. The United States already spends more per

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Mental Health Malpractice?

Continued from page 1

practice is shaped far more today by self-help books, radio psychologists, and sensational media stories…than by objective scientific evaluations. Self-proclaimed gurus are often heralded in the mass media [campaigns] even though their treatments have not been submitted to scientific study," he said.

"The information explosion over the last quarter century is largely being eclipsed by a misinformation explosion: The promotion of untested and pseudoscientific mental health techniques…, and the Internet has accelerated at an unprecedented rate. As a result, the ratio of unscientific to scientific information in various mental health fields is rising alarmingly, while standards for research training in many disciplines, including clinical psychology, have progressively declined. This has led to a substantial decrease in the proportion of individuals with an adequate grounding in basic scientific methodology and critical thinking," Dr. Lilienfeld says

This is also driving the proliferation of invalidated therapeutic, assessment and diagnostic techniques that are being offered to the public [and legislatures]. These untested, and in some cases, harmful practices comprise a major proportion in some cases a majority of the services being provided by mental health professionals [and state hired evaluators].

"Once the reputation of the mental health professions has been sullied, many members of the public understandably will be reluctant to seek mental health care" (excerpted from a letter sent to the Commission for Scientific Medicine and Mental Health, www.csmmh.org). And reprinted from page 5, of the Psychoheresy Awareness letter. May-June 2005. "The collective failure of the mental health professions to stop the proliferation of unsubstantiated [SVP evaluation] practices is eroding the scientific foundations of the professions and is undermining the public's confidence in both the integrity and effectiveness of mental health care." Id. Vol. 13, No. 3.

Remember, it takes as much energy to hold out a helping hand as to point a finger. The best time to do something is between yesterday and tomorrow. And, the real character of a man can be measured by what he does when one is not looking.

Past experience should be a guidepost, not a hitching post. And, a bend in the road of life, is not the end of the road, unless you fail to make the turn.■

ATTACK OF THE PRESCHOOL PERVERTS

Continued from page 3

student than any other developed nation except Switzerland, and at least the Swiss have something to show for it. By any reasonable measure, at least a third of the cash dumped into American schools is entirely wasted. And, if we simply shipped every youngster to boarding school in the Alps instead, the kindergartners might have a sporting chance of making it to second grade before being designated as sexual abusers.

But, I don't expect Michelle Obama to see it like that. An Obama delegate was revealed to have told her next-door neighbor's kids to come down from the tree and quit playing "like monkeys." Unfortunately for her, they were African American, so she was "ticketed" for racist speech by the Carpentersville police, and, after issuing the usual solemn statements deploring such derisive remarks, Sen Obama removed the delegate from his campaign, had her encased in a cement overcoat and lowered into the Chicago River. He, too, operates a "zero tolerance" policy.

Amid the debris of human lives caught up in these idiocies, you can also find the ruins of an indispensable element of civilized society: a sense of proportion. ■

Hare: does psychotherapy do psychopaths more harm than good?

Linking Brain Dysfunction to Disordered/ Criminal/Psychopathic behavior

One good reason for studying biological anomalies in psychopathic offenders is that psychotherapeutic approaches rarely are successful in treating these criminals. In fact, Robert Hare, an expert on psychopathic behavior, argues that current sociological and psychological interventions may be worse than useless.

In a recent presentation to the American Neuropsychiatric Association, Hare noted that treatment seems to increase, rather than decrease, the rate of recidivism among criminal psychopaths. Among the research he cited:

1. One study of criminals released from a program for personality-disordered offenders compared 176 who received intensive group and individual therapy with 146 who were not treated. The rate of violent offending decreased in non-psychopaths receiving treatment, but increased among treated psychopaths when compared with psychopaths who received no treatment.

2. Another study of more than 300 offenders receiving social skills training and anger management therapy found that one-year reconviction rates were significantly higher in treated than in non-treated psychopaths.

3. A third study found that sex offenders most likely to re-offend were those with strong psychopathic tendencies who were rated as "good risks" by psychological personnel because of their insight into their problems. In other words, Hare said, recidivism occurred most often in psychopaths "who had the ability to convince the therapists they had made good progress in treatment."

Hare speculates that psychotherapy simply helps a psychopath learn more about how other people think, and thus "improves his ability to con."

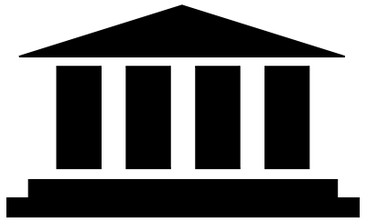
See "Treatment for psychopaths is likely to make them worse," Carl Sherman, Clinical Psychiatry News, Vol. 28, No. 5, May 2000, p. 38 ■

Thank you!

The Gulag Staff would like to thank Bob Landis and his father Sam Landis for bearing the expense of copying this issue and past issues of the Gulag News for which all of us enjoy reading. We would also like to tank the few who have donated to help with the printing expenses.

Donations should be sent to John D. Olson - 555 Freeman Rd. #139 - Central Point, OR. 97502 - All donations are appreciated.■

United States Supreme Court



Scienter? What is it?

The United States Supreme Court in *Kanasa v. Hendericks*, (117 S.Ct 2027), determined that Kansas was not finding scienter, therefore, the Kansas law was constitutional. The Court's position is simple; using scienter in S.V.P. proceedings is indicative of penal intent.

The concept of scienter is not that difficult to grasp, but it seems to have eluded the Legislature, the prosecution and even the courts in California. In fact, it may have happened to you and you don't even know what happened, you just know something didn't seem right and you didn't know what to call it.

Simply put, scienter is using hearsay to show that you may have done something wrong that you should have guarded against. In other words, the D.A. is trying to show that you committed a certain offense or enhancement that you were not convicted of by using hearsay evidence not previously adjudicated or sworn. While Hendricks stated that the use of scienter shows penal intent, the court did not define it since the courts have already done so: "[S]cienter requires at least knowing misconduct, which may, of course, be proven as a matter of inference from circumstantial evidence." (*Cremi v. Brown*; 955 F. Supp 499, 510, [D.Md. 1997]) and: "The term scienter refers to a mental state embracing intent to deceive, manipulate or defraud." (*Ernst & Ernst v. Hochfelder*; 96 S.Ct. 1375, 1381-2 n. 12, [1976])

Scienter is a necessary element of penal and most civil litigation. With it, a case can continue, without it, it may not. Now comes a new law where the use of scienter is forbidden. Such a concept is alien to virtually all of the legal minds involved, so the use of scienter is wide spread throughout the California judicial system.

Just because the Legislature and courts say that the D.A. can use hearsay evidence to show you may have done something you should have guarded against does not make it constitutional, especially when the U.S. Supreme Court has said otherwise. If you feel that the D.A. used hearsay evidence to prove to the judge at probable cause, or the jury at trial, that you did something you were not convicted of, and the judge or jury found that hearsay to be true, then they found scienter and the law changed from civil to penal at that point. YOU MUST have your attorney preserve that issue for future litigation.■

RE-ENTRY

For a "List of Pamphlets" on Social Security that can be mailed to you or a loved one, call 1-800-772-1213 or write the Social Security Administration, Office of Supply Warehouse Management, 239 Supply Blvd., 6301 Security Blvd., Baltimore, MD. 21235

For re-entry info., call Contact Open Inc. (Offender Preparation & Education Network) Po. Box 472223, Garland, TX 75047-2223 or call 977-271-1971. Also, openinc.org

To locate a substance abuse treatment center in your area, see samhsa.gov. Also, there is now access to recovery grants in 14 states. (CA., CT., FL., NJ., ID., IL.,LA.,MO.,NM.,TN.,TX., WA., WI., & WY.) ■