

SIX ESSAYS

By California Three Strike

Drug War Prisoner

EUGENE
DEY

March 11, 2005

Eugene Dey P-37964
L5-221
P.O. Box 2210
Susanville, CA 96127

2

"THE CALIFORNIA PRISONCRAT AND NOTHING MORE TO GIVE"

By Eugene Alexander Dey

Governor Schwarzenegger campaigned on the platform of cleaning up how politics are conducted in California. Due to a budget deficit of \$14 billion, no state agency will be able to escape across-the-board cut-backs. However, corrections has an unholy advantage over all other segments of state government.

The California Department of Corrections (CDC) is an unmanageable conglomerate of 32 state prisons, with a \$5.3 billion budget. The Schwarzenegger administration has offered a number of cost-cutting ideas -- from releasing inmates early, revamping the parole system, and closing down prisons.

There are two opposing schools-of-thought on the issue of drugs, crime, and public safety in California.

On one side are the bipartisan proponents of the drug war and prison industrialism. They are dogmatic in their support for all manners of unforgiving criminal justice precepts, no matter how ill-conceived or ineffective.

These advocates of heavy-handed punishments are well-funded and lead by the California Correctional Peace Officers Association (CCPOA). They are brilliant in their tactics by investing in candidates on both sides of the political spectrum. With their annual \$20 million war chest, they have no equal.

On the other side of the debate are the anti-drug war, 3
pro-human rights opponents of the American prison phenomenon
-- i.e., those of us locked-up, our loved ones, and a very small
number of dedicated prisoner-advocates. Our allies are generally
volunteer activists who operate on shoestring budgets.

On its face, the CCPOA is simply a union looking out for
the interests of their constituents. However, their successes
have created a power-vacuum.

Corrections is an industry lavishly rewarded for a
generation of miserable recidivism rates, scandals, and
controversies. They have been allowed to expand and grow despite
their failures.

The contemporary criminal justice ideology of punishment
over rehabilitation relieves prison administrators from the
burden of being required to manage in a results-oriented
atmosphere. This has allowed the prison system to concentrate
its resources on their guards, as opposed to the inmates.

Points to consider:

- From 1984 to 1994, twenty-one state prisons were built
and only one state university.

- College fees are raised every year and education budgets
for students K-12 always get hit hard.

- Prison guards are paid better than all state educators,
including tenured CSU professors.

- Prison vocational classes were virtually eliminated when
the CDC had to lay-off workers. It was determined that
correctional educators -- CDC employees who actually provide
a meaningful service -- not guards, were expendable.

- The CCPOA negotiated a 34 percent pay raise in 2002 when
the state was in the middle of a fiscal crisis.

As far as corrections go, the CDC is too large and the union representing the 29,000 prison guards too powerful. 4

A number of things have to happen if the CDC is ever to assume their place alongside, not above, other state agencies.

- All nonviolent drug offenders, including second and third strikers, need to be placed in community-based treatment facilities. Incarcerating drug offenders in \$30,000 a year prison beds for lengthy and life sentences needs to come to an end.

- Change the state's recidivist sentencing schemes so that lengthy and life sentences are only given to violent criminals and sexual predators.

- Permanently close-down a number of prisons in response to these moves. Begin with the older, dilapidated prisons -- but don't stop there.

The sweetheart deals the CCPOA received for generous campaign contributions need to be identified and undone. These are inexcusable quid pro quos.

Case in point, CDC overtime:

Recalled Governor Gray Davis was unconditionally indebted to the CCPOA for millions in campaign contributions. In addition to giving the guards a \$1 billion pay raise in 2002, he restricted a warden's power to discipline guards who abuse the process of calling in sick.

The CDC was already a state agency depending heavily on overtime. Davis allowed the CDC to become even more so dependent on overtime by knowingly providing rank-and-file guards the power to write their own rules. Because the union runs corrections, not upper echelon administrators, chronic overtime abuses result in the department going over budget by half of a billion dollars a year. This is how a prison guard is able to earn a salary of over \$100,000.

While the Schwarzenegger administration talks about inmate population cuts and prison closures, California is the recipient of a skewed state government. And the guard's power-base is still unmatched. A whole generation of CCPOA-owned lawmakers are still in Sacramento waiting to do the guard's bidding. 5

It is not my position that corrections is the only problem plaguing our society. Nor do I attempt to diminish society's justifiable concern with public safety. But the correctional special interests have been a corrupting influence for so long something drastic needs to be done.

As an inmate I've lived under the reign of the CCPOA for over half a decade as a nonviolent three strikes drug offender. I see firsthand what society cannot. I see an army of overpaid correctional officers absolutely bloated on government funds. They own this state and think it's funny. They need to be placed on half rations, not us.

California inmates as a demographic have nothing else to give. We are forced to spend the rest of our lives in these Gulags of pillaged humanity. The guards have taken it all.

It is through mismanagement and greed that a \$5.3 billion state agency looks to the inmate population when pressured by the legislature to trim costs. They extort us -- we are economic hostages.

All the money we receive from our loved ones and the collect-only telephone calls we place are both heavily taxed. Currently, 33 percent is deducted from all incoming moneys -- which will increase to an astounding 55 percent in mid-2004. All of it under the guise of restitution. The telephone service providers have been awarded the lucrative California prison contract without even having to place a bid -- with the CDC receiving tens of millions in kickbacks. We receive the worst deal imaginable due to this "no-bid" arrangement.

These are merely a few examples. Welcome to the world of the California state prisoner where cumulative injustices are inflicted on the entire population who simply have no voice, no rights, no representation. 6

As state prisoners in the California prison system, we are mere fodder. We are the king's peasants and treated accordingly. Taxation without representation has a renewed meaning for 160,000 of us and our loved ones. Oppression comes to mind.

This is not just about budget problems, pork barrel politics, and spending cuts -- this is about people. This is about society.

As a member of a voiceless population, I speak for all when I say: "Enough is enough. We have nothing more to give. You've taken it all. Give some of it back and leave us alone."

When looking for some other miserable demographic to demonize -- the prisoncrat should simply look in the mirror.

"CALIFORNIA'S THREE STRIKES AND THE NONVIOLENT LIFER"

By Eugene Alexander Dey

They say a criminal always returns to the scene of the crime. Approaching the place where I was arrested near the Antelope exit on I-80, an enormous sense of loss overwhelmed me. I felt like I was viewing the spot where I was killed.

This was the second day of a two day journey from one end of the state to the other. Shackled at the waist and again at the ankles, I was a state prisoner in transit from a correctional facility in southern-California to another in Susanville. The experience of seeing my hometown was almost too much to bare. It has been six long years.

I am a three strikes drug offender serving a sentence of 26 to life for possession of methamphetamine. Ten years into this heavy-handed social experiment and stories like mine are all-too-common. Regardless of what the proponents of draconian legislation profess, my only crime is I am a man with a past. People like me are not criminals. We are collateral damage in the war on drugs.

Three strikes is not an entirely misguided concept. If someone has perpetrated three acts of violence on three separate occasions, then by all means bring down on them the full weight of the criminal justice system. This is more than enough for any society to endure. At some point, enough is enough.

Yet, California has gone too far. They included "any" felony within the language of the statute. This covers too much ground. If someone has two or more serious or violent felony priors and find themselves arrested for a bad check, a drunk driving, or a drug charge they are automatically eligible for a life sentence. Only California applies this sentencing mandate in such a manner.

Serious Criminality and Making a Break

My background is common among three strikers -- it involves robbery, burglary and drugs.

My introduction to the criminal justice system began in 1984 when I was 18. An accomplice and I robbed a North Highlands convenience store. No one was injured. I received a year in the county jail.

In 1988, I received a 12 year prison term for two separate residential burglaries. Again, no one was injured.

Since addiction to methamphetamine was the root cause of my deviance, I chose to rehabilitate myself. At that time,

state prisons offered a number of incentives and programs.

I took advantage of them all.

8

By the time I paroled from prison in 1994, I was college educated and a published writer. I had made a break with my antisocial past and left prison a better man. The felonious youngster who committed those crimes no longer existed.

The college programs then-offered by the California Department of Corrections (CDC) provided one with the opportunity to change for the better. A college education gives a convicted felon an opportunity to assimilate back into society. That is exactly what I did. I closed one chapter and started a new one.

Upon release I studied sociology full-time at CSUS while I owned and operated a small construction company. I became a full-on multitasker and was moving up the socioeconomic ladder.

Sadly, after over seven years of sobriety, I relapsed. In a moment of weakness, I started using again. In doing so, I reawakened a dormant disease.

One night in 1998, I was pulled over by the CHP who discovered a small amount of methamphetamine and marijuana in my vehicle. Ever since that fateful night I have been treated like a killer. All I did was relapse. In my addiction, I bothered no one.

While all nonviolent three strikers have their own individualized stories, we all suffer from precisely the same injustice. It is simply wrong to incarcerate someone for life when they have not committed a violent crime. At worst, we should be in community-based treatment facilities by virtue of our decisions to discontinue committing serious crime. We do not belong in prison -- especially not for life.

Corrections

9

The CDC of today barely resembles the prison system I entered in 1988. Almost every program of consequence has been eliminated. Post-secondary correctional education was canceled in the '90s along with family visiting and weight training. The few remaining vocational programs have recently been discontinued. And visiting has been cut-down to only two-days a week.

Furthermore, there are tens of thousands of 1st and 2nd strikers serving lengthy sentences. Many of them are nonviolent offenders like myself. While they might not be serving life, their prison terms have been doubled and they must serve 80 percent to 85 percent of their sentences. Thus, correctional facilities across the state are teeming with nonviolent 1st, 2nd, and 3rd strikers who are not offered any meaningful programs or incentives to better themselves.

Treatment for the disease of addiction is slowly being embraced by correctional administrators. The CDC has begun to offer substance abuse programs. Because only 8,226 treatment beds are available to serve a population of 160,000 inmates, only a small percentage are eligible.

To receive life for addiction is bad enough. The injustice is amplified when we are excluded from both community-based and institutional treatment. Contemporary correctional methodologies are not based on logic or solid evidence -- but have become a mosaic of miseries.

The Supreme Court and State Government

Thousands of us, our loved ones, and supporters were hoping for a favorable ruling in Lockyer v. Andrade and Ewing v. California (2003). Under California law, petty theft, a misdemeanor, can be elevated to a felony. This is the most

extreme example of the toughest sentencing law in the American criminal justice system. /0

In a 5 to 4 ruling, the Supreme Court held that sending petty theft offenders to prison for life did not violate the 8th Amendment's ban against cruel and unusual punishment. Had the three strikes been successfully challenged in Andrade and Ewing, many of us would have tried to expand the scope of the decision to fit our cases. This just wasn't meant to be.

Generally, the high court avoids usurping a state's sovereign right to create their own laws. Thus, state legislatures are responsible for fixing their own laws, not the courts.

All over the country state governments are modifying and abandoning many of their toughest measures. Even Michigan and New York, who had some of the most severe anti-drug measures in the nation, have modified their sentencing schemes.

State governments are coming to the conclusion that being smart-on-crime means they cannot continue to indefinitely support mammoth prison systems.

With California lawmakers among the toughest in the nation, there is a lot of pressure for them to get smart as well. Whether or not they do so remains to be seen.

Six Down and Twenty To Go

When the prison bus pulled into Susanville, I was in bad shape. While the aches and pains from a 12 hour shackled bus ride would heal, psychologically, I was a mess. The trip through my hometown of Sacramento exacerbated the fact I'm not even eligible for parole until 2024. The painful realities of my situation stay with me morning, noon and night. The ghosts from my past and present torture me in my sleep and stalk me like a Grim Reaper throughout the day. Welcome to my world.

Whether it be by voter-initiative or through the legislature, three strikes needs to be changed. The goal should never be to set free predators and violent recidivists, but to close an ugly chapter of California history where both shoplifters and drug addicts receive life sentences alongside murderers and child molesters. //

While I am sure an avalanche of drug war advocates would disagree, but I am not a criminal. I'm just some guy who wants to give his elderly mom a hug and a kiss as a freeman before she dies. Is that too much to ask?

Life For Nothing When Child Predators Go Free

The Supreme Court's decisions in Andrade and Ewing surprised hardly anyone, while the holding in Stogner literally came out of nowhere. The proponents of maintaining the three strikes status quo argued that a litany of nonviolent third strikers would be unleashed on society if the law were upset in any way. Public safety was the battle cry. Yet, just a few months later that same court released about 800 child molesters on that very same society. This simply fails to make any sense.

The Stogner court heard arguments on a state's limits in its ex post facto zeal to protect its children, while the Andrade and Ewing court had to decide whether three strikes violates the Eighth Amendment's ban against cruel and unusual punishment. One would think the nonviolent third strikers would stand a better chance than the child rapists.

Sex offenders committing heinous acts generally fuel draconian sentencing statutes. Most of us serving third strike life sentences have absolutely no sexual deviance in our backgrounds whatsoever. What makes it all harder to accept is the fact that child predators received constitutional relief

while us nonviolent nobodies will pay with our lives for
victimless crimes of insignificance.

The Narrowly Divided Supreme Court

The philosophical make-up of the Supreme Court is split
down the middle. Chief Justice Rhenquist and Associate Justices
Kennedy, Scalia, and Thomas comprise the right, with Associate
Justices Breyer, Ginsburg, Souter and Stevens on the left.
Justice Sandra Day O'Connor is the swing vote on nearly all
key decisions.

These justices can be counted on to assume their positions
of predictability as O'Connor inevitably decides if a sentence
is cruel and unusual punishment, whether the statute of
limitations can be extended, or, in cases of the death penalty,
if someone lives or dies.

With the Supreme Court so narrowly divided, there is a
lot at stake. For President Bush's Republican Party, the 2004
November election holds the potential for the winner to appoint
two or more justices. For the warmonger Bush, it is his duty
as a right-winger to fill the Supreme Court with young
conservatives.

Since the Republicans control all three branches of the
federal government, the only check remaining on the Bush
administration is the filibuster. To the chagrin of the
Republicans, Enrique Estrada, nominee for the D.C. Circuit,
withdrew his name from consideration on September 4, 2003.
He was considered on the fast-track to the Supreme Court and
a stealth conservative.

With one Bush fast-track nominee down and at least two
others to go, the Democratic filibuster continues in the Senate
as the high court produces a series of 5 to 4 decisions.

Total Recall

California Republicans are trying to steal the Governor's office less than a year after Gov. Gray Davis was reelected.

I am no lover of Davis. He has and continues to be a staunch advocate of overly harsh punishments, prison industrialism, and undying support for the drug war.

Davis has an unholy alliance with the California Correctional Peace Officers Association (CCPOA), the rich and powerful union which represents the interests of the prison guards. They serve as the financial lifeblood of maintaining huge prison systems no matter what it costs. The CCPOA buys politicians and influence the way the Mafia used to buy judges, prosecutors and cops -- with dirty money.

However, despite obvious disdain for a bought and paid for prisoncrat like Davis, the recall of his election is absurd. The problems in the Golden State are myriad. The recall simply does not go far enough. Too much blame is placed on Davis, a Democrat, when the Republicans run the entire federal government -- which is also in dire financial straits.

If anything, the current recession is the fault of the Bush administration for launching a war in the Middle East when domestic matters screamed for attention. Only a Republican would lead a nation into a quagmire like Iraq and then attempt to justify it with powerful presidential propaganda. Bush is better suited to Captain the Titanic than serve as president. He should be impeached.

For a Republican to claim he could solve California's budget deficits when both houses of the state legislature are controlled by the Democrats is one of the biggest lies ever told. Since the Republicans brought the recall into fruition, Democrats and Republicans will remain at war in the Golden State for quite

sometime -- especially if a Republican wins the recall election.

Now it all makes sense as I pay with the rest of my life ¹⁴ for the crime of nothing. Having to pay my debt to this insane society is the cruelest joke of them all. Only I am not laughing. If I deserve 26 years to life for a nonviolent drug offense, then all government officials deserve to be recalled.

"The Industry of Death Has Outlived It's Usefulness"

By Eugene Alexander Dey

America should abolish the death penalty. It is an ugly and mean-spirited law. Moreover, it is simply wrong to trust American trial courts to determine if one should live or die -- regardless of the offense. This includes the recent abduction and murder of the 11 year old girl in Sarasota, Florida.

A capital crime brings out the worst in society. Murder in any form is a terrible thing. Even worse are overzealous prosecutors and law enforcement officers who go too far in their efforts to solve the crime and severely punish the offender.

At best, a guilty killer confesses on his own, removing any doubt as to guilt. At worst, an innocent person is sent to their death. Too often the phenomenon of actual innocence is caused by questionable testimony, jail-house informants who should never be trusted, and overly suggestive identification procedures conducted by bias law enforcement.

The only real chance the accused has in a capital trial is the ability to retain top-notch legal representation. Justice is not cheap in America.

Don't forsake our Drug War Brothers & Sisters!

Scott Peterson, who is accused of killing his pregnant 15
wife and facing the death penalty, was able to afford noted
trial attorney, Mark Gerragos. No matter how the case turns-out,
Gerragos is a skilled litigator who will diligently represent
the accused.

In the adversarial testing process, both the prosecutor
and the defense attorneys are opponents. Each have their roles.
The prosecutor is the seeker-of-truth and represents the
interests of the people. The defense attorney is duty-bound
to challenge his opponent at every stage of the proceedings.

Most capital defendants are poor, uneducated males, and
disproportionately African American. The quality of appointed
representation indigent defendants receive is not even close
to what is needed to overcome the efforts of pro-death
prosecutors. While Peterson will receive the best defense only
money can buy, the poor get what they always get -- the bare
minimum.

I have a hard-time finding sympathy for someone who
viciously murders, rapes and molests. Maybe if the system could
guarantee perfection, perhaps death would be warranted. However,
the American system of justice is far from perfect. It's a
mosaic of miseries.

America's courts are busy processing an endless supply
of drug offenders. Due process, adequate representation, and
other constitutional safeguards become distorted in the fast-food
mentality of American justice. It is foolish to believe a
well-oiled incarceration machine should be trusted to fairly
and justly try a capital crime -- 100 percent of the time.

The option of life without the possibility of parole (LWOP)
in lieu of the capital punishment is viable. As an inmate law
clerk in a maximum security prison, I befriended many LWOP

inmates who at one point faced death. Once their appeals are exhausted, the realization sets-in that they will never see the streets again. What society does not see is the dead-to-the-world look in their eyes -- it is not a pretty sight. LWOP is a very harsh penalty. /6

It costs roughly \$2 million to try a capital case in California, six times higher than a non-capital trial. A death row inmate receives an automatic appeal that can take decades -- all at the expense of the taxpayer. That very same inmate given the lesser penalty of LWOP is only guaranteed a one-shot appeal that is usually finalized in a couple of years.

As a California prisoner serving a life sentence for a nonviolent drug offense, I have firsthand knowledge how justice works for those of us on the bottom rungs of society. We get what we pay for -- a fraction of what a rich man gets.

As California prepared to execute death row inmate Kevin Cooper, I had no way of knowing if he really killed that family in Chino Hills in the early '80s. No one does. But I do know one thing -- capital punishment no longer has a place in a civilized society. It had a purpose in the mid-19th Century, and it came swiftly at the end of a rope. In modern times, the death penalty is an abomination that needs to be expunged from the law books forever.

EUGENE ALEXANDER DEY is a three strikes offender serving a life sentence in Susanville State Prison. He is a college educated freelance writer who represents himself as he challenges his conviction and sentence.

EUGENE ALEXANDER DEY is an nonviolent drug offender serving a three strikes life sentence at the state prison in Susanville. He is also a Sacramento native, a freelance writer, and a former student at CSUS who majored in Sociology with a concentration in crime and deviance. Currently he represents himself in pro se as he challenges his conviction and sentence.

JUSTICE IN THE GOLDEN STATE

By Eugene Alexander Dey

Two landmark 5 to 4 Supreme Court decisions came-down in 2003 that stabbed my comrades and I in the heart. Thousands of us are serving life sentences for nonviolent crimes while child sex abusers are barred from prosecution, exonerated and liberated. Nothing makes sense anymore. With California's recall just around the corner and the 2004 election cycle kicking into gear, I cannot escape the feeling that we are all going to die in prison because of a justice system that has been permanently compromised.

These Are The Facts

On March 5, 2003, in Lockyer v. Andrade and Ewing v. California, the Supreme Court of the United States ruled it was not cruel and unusual punishment to send minor criminals to prison for life.

Three strikes came into being in 1994 after Richard Allen Davis, a sexual predator with a long rap sheet, killed a 12 year old Polly Klaas. California lawmakers and voters quickly adopted an all-inclusive repeat offender law that literally included "all" offenders.

Ten years later, even though early indications did not look good, we hoped the Supreme Court would do the right thing and rule California was going too far in its desire to crackdown on violence. We were wrong.

"This court has a longstanding tradition of deferring to state legislatures in making and implementing such important policy decisions," wrote Sandra Day O'Connor for the majority. She lied.

Then, on June 26, 2003, in Stogner v. California, the high court struck-down a 1993 law which allowed the prosecution of child molesters when the statute of limitations had already expired. Many of those prosecuted under this law had committed unspeakable acts. Marion Reynolds Stogner was convicted of repeatedly raping his daughters from 1955 to 1973. 18

At a glance, this child sex crime law seems like a justifiable concern about child molestation. After all, sex offenders are often brilliant in masking their deviance as they victimize a helpless demographic. Child molesters are considered monsters.

However, the Supreme Court held that California's 1993 child sex crime law failed to come within the retroactivity limits of the Constitution. In cases of child molestation, unlike sending minor criminals to prison for life, a state is not always able to change its laws.

"The CDC And Meaningful Access To The Courts"

By Eugene Alexander Dey

Even though the Supreme Court held prisoners do not have a "free-standing right" to a law library, prison systems are still obligated to provide inmates with meaningful access to the courts. (See Lewis v. Casey (1996) 518 U.S. 343)

"Each facility shall provide materials through its law library to provide meaningful access to the courts." (15 CCR § 3122(a)) Therefore, meaningful access is achieved in the California Department of Corrections (CDC) when a facility library is stocked with the lengthy inventory of legal materials listed in DOM § 53060.11. Further, the DOM states these

materials shall be kept current and "A continuing subscription shall be maintained..." (DOM § 53060.12.)

19

condition issues to the federal courts. Further, state habeas rules do not require a filing fee. Copies of 602s, IAC agendas and minutes (if available), declarations, and any other supporting documentation should be appended to the petition. A separate memorandum of points and authorities should be prepared as well.

The decision to proceed to the state or federal courts should be well thought out. If feasible, numerous inmates who are members of the group 602 should bring forth a number of court challenges to put as much pressure on the CDC and offending institutions as possible.

For prisoners already litigating claims in the courts, especially under 28 USC § 2254 (habeas) or 42 USC § 1983 (civil), they should motion the court for appointment of counsel. The movant should include the same above-mentioned attachments and point towards the correct authorities authorizing the court to appoint counsel. Additionally, the movant should ask the court to order the CDC to bring their collections into compliance.

Because of scarce tax dollars, and the bureaucratic disobedience displayed by the CDC, this particular prison condition needs to be challenged on many fronts -- especially behind the wall.

Meaningful Access Stands As Is

After Lewis v. Casey, supra, the CDC attempted to relieve themselves of the duty to maintain numerous legal collections in each of their 32 prisons.

In Gilmore v. California (9th Cir. 2000) 220 F.3d 987, the Ninth Circuit ordered the district court to conduct an

evidentiary hearing so the CDC could develop a constitutional alternative to the decades-old practice of maintaining expensive law libraries. The CDC inevitably abandoned their efforts in 2002 because they could not show the court how they would meet their constitutional obligations absent the updated materials. (See stipulation in Gilmore v. California, No. C-66-45878-SI (U.S. Dist. Ct., N.D. Cal., April 6, 2002))

Despite the CDC's unsuccessful legal challenge, the collections of legal materials throughout the nation's largest prison system have fallen into various stages of disrepair. Since budget deficits are the cause, the problem is likely to get worse before it gets any better.

Challenging the CDC

In order to begin a serious challenge to this unconstitutional prison condition, prisoner litigants should begin by filing individual and/or group 602s. Moreover, Inmate Advisory Councils (IAC) should include this issue on their agendas in order to show a reviewing court that local efforts are futile.

State habeas petitions would be the obvious choice because of the time-consuming and convoluted nature of bringing prison

LEAVING PRISON A BETTER MAN

By Eugene Alexander Dey

Into The Belly of the Beast

In 1988, as a twenty-two year old high school dropout, I was ready to make a break with my past. Although I never intended it to be as such, I had become a violence-prone drug addict with a twelve year prison sentence.

As much as I hate to admit it, when I was younger, I had 21 issues. To be perfectly honest, I still do. I guess, in some ways, I always will. Despite these dysfunctions, I come to you with how I transformed myself into a marketable product. I found a way to save myself from myself despite myself.

It was a real easy decision. I took a long look around my new environment, I took an even longer look at myself, and decided to make a 180 degree change. I was not happy. I knew my life would continue to be a mosaic of miseries if I didn't make a needed change.

A Re-invention of Self

The key to change is to invest in strengths while identifying weaknesses. If you abuse drugs and alcohol, have a poor work history or a record of robbing and stealing -- you have some serious weaknesses. You have to decide if you want to live or die. To live the life of someone who isn't willing to work for a living is not living at all. It's like being dead and not even knowing it.

I reinvented myself. I changed. I spent my time away from society bettering myself. I was so confused and embarrassed for allowing this to happen that I decided I would never allow my weaknesses get the better of me ever again. I became a tireless taskmaster. I strove to build a better man with a superhuman work-ethic.

To make such a move for the better while incarcerated is often an individualized sojourn into voluntary solitude. In such places, the temptation to further one's deviance is peer pressure of the worst kind. Individuals become targets as the population separate themselves into alliances along ethnic and geographic lines. Celebrating one's deviance takes precedence. Under such pressure it takes a truly strong individual to stand alone.

I made a number of moves. I was able to earn a college degree. I quit smoking cigarettes and abstained from drugs.

I began to do things with seriousness and determination. 22
Suddenly words like perseverance, honor and integrity began to mean something to me. I transformed myself into a runner and a workout junkie.

I was starving for knowledge, became a voracious reader and developed into a writer. I wrote letters, stories and articles to the point of exhaustion. I even began to keep a journal. I did the things I would never do back in my neighborhood. I truly went through a metamorphosis.

Serving as unknowing role models were my fellow convicts. The vast majority of those who populate a correctional facility are textbook examples of what not to be. Few prison populations are able to escape the clutches of the downward spiral. I used those unfortunate individuals who could not find the wherewithal to break away from themselves -- as constant reminders.

I embraced a reverse ideology. Behavior my nefarious constituents considered normative, I chose to label taboo and shunned. Smoking cigarettes, doing drugs and getting tattoos became the rites of passage into the population of hopelessness. These are the gateways which retard one's ability to indentify the need to change and grow. Prison is an ugly word.

Change is a difficult endeavor if one refuses to seek the truth. The answers to many of our problems are right in front of our faces. The truth lies in the eyes of that tricky devil staring back at you when you look in the mirror. No one really knows you like you do.

If one wants to enjoy a decent life -- whether it be on the inside or the outside -- then one has to be willing to work hard. For those of us who have already made multiple mistakes in life, we have to work harder than everyone else. It is through repetition that the rigors of doing the right thing become easier over time. That is, if one wants to come back from the dead.

Saying good bye to yourself, as painful as that may be, 23
is the sweetest of farewells. The joys of reinvention are what
open the doors to opportunity. These are the same doors closed
for those who have been unable to make that break on their own.

Failure is assured by a below-average work-ethic. We
continue to invest in corrupt and self-destructive behavior
that has not served us well. These are the hells through which
we pass on our journeys into the heart of recidivistic darkness.

All of which came to me in an epiphany. It seemed as if
I learned as much overnight, in some god-awful prison cell,
at my lowest moment. I looked around at the meager resources
offered by the prison and took full advantage of them "all"
in a manic amalgam of guilt-ridden overcompensation. I realized
that I could do anything. My failures motivated me. Nothing
could stop me. I learned walking on water is not impossible
if one has to get somewhere real bad -- and I mean no disrespect.

That is one of the keys for those of us of a like-mind.
Investing in what is right and walking forever away from what
is wrong. That is what must be done. If one wants it bad
enough, then one can make it happen.

An Upwardly Mobile Assimilation

For all my hard-work and determination, I truly left prison
on a roll. This was 1994 and I was twenty-eight years old.
I was college educated and a recently published writer. I had
a body chiseled from heart-pounding workouts. I had a fist
full of dreams, a full-on game-plan, and not a lot else. But
I didn't need anything else. I took my taskmaster work-ethic
I developed in prison, along with my short-, medium, and
long-term goals, and applied them to the world beyond the wall.

As soon as I got out, I put into action years of planning.
In addition to making huge sacrifices to start a construction
company, I simultaneously went to college full-time as well.
This wasn't me leaving prison into the arms of opportunity.
This was my implementing a step-by-step plan formulated years
before.

A Non-traditional Recidivist

Not all stories have a happy ending, though. In addition to being many things, I'm far from perfect. You see, with my legendary work-ethic and all that I worked so hard to achieve, I was still a drug addict. I relapsed. In all my self-imposed regiments of goal-orientation, in hindsight, I didn't really look long enough at myself.

I was a functioning addict. In California, for some of us, that is all it takes -- three strikes and you are out. That is exactly what happened to me, I got struck-out. For a couple hundred dollars worth of drugs, I received a life sentence.

Nonetheless, that is my problem. I have to live with my mistakes for the rest of my life. And that is what I do -- I live. I refuse to die. I refuse to quit. I truly am a taskmaster who spends each day writing, studying, exercising -- and practicing law without a license. It is my duty as a soldier in the drug war to fight the good fight.

If you are getting out next year, in ten years, or never at all, it shouldn't matter. For some of us, change is the necessary break with a past that has served as the basis for innumerable sorrows. Take my story and go one step further.

Are you willing to make that break and refuse to be among the walking dead? Don't show me ... show yourself.

EUGENE ALEXANDER DEY is a nonviolent drug offender serving a three strikes life sentence at the state prison in Susanville. He is also a Sacramento native, a freelance writer, and a former student at CSUS who majored in Sociology with a concentration in crime and deviance. Currently he represents himself in pro se as he challenges his conviction and sentence.

Eugene Dey P-37864
L5-221
P.O. Box 2210
Susanville, CA 96127

SOUTH CHICAGO
ABC ZINE DISTRO
PO BOX 721
HOMWOOD, IL 60430