

Abuse in the California prison system

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The following commentary was submitted to the WSWWS by David McGowan. McGowan is the author of the recently published book Derailing Democracy.

A very interesting pair of stories appeared in the *Los Angeles Times* on March 23. The articles, both very brief *Associated Press* releases, did not appear on the same page and no indication was given that there was any connection between the two. Taken together, however, these two clippings paint a revealing portrait of the American civil and criminal justice system.

The first of the two, appearing on page A29, concerns a civil rights lawsuit brought by an inmate at California's Corcoran State Prison against five of the prison's guards. The inmate, Ronnie Dewberry, had been representing himself in the case, which was dismissed by Judge M.D. Crocker on March 21. To understand the nature of Mr. Dewberry's suit, it is necessary to review the recent history of Corcoran Prison.

Corcoran is probably the most brutal of all of California's prisons, a state that leads the nation in the rush to incarcerate ever greater numbers of people in increasingly harsh conditions. Nowhere in the world is the prison population rising faster than in California. In December of 1998, the *Atlantic Monthly* reported that in just 20 years the inmate population in the state had grown from 19,600 to 159,000, an eight fold increase, and that the "state holds more inmates in its jails and prisons than do France, Great Britain, Germany, Japan, Singapore, and the Netherlands combined."

These numbers are expected to increase rapidly in the next few years. The *Los Angeles Times* reported on August 16, 1999 that California is in the midst of the nation's largest prison building program. This \$5 billion plan is scheduled to give the state an additional 64,000 prison beds. The key role that the prison system increasingly plays in US social policy, particularly in the state of California, can be judged from a report by the Justice Policy Institute, from October 1996, which stated: "From 1984 to 1994, California built 21 prisons, and only one state university ... the prison system realized a 209%

increase in funding, compared to a 15% increase in state university funding."

And yet even within the vastness of California's penal system, Corcoran State Prison managed to stand out. It first attained notoriety a few years ago when allegations began surfacing that guards at the prison had forced prisoners to stage "gladiator" fights in the prison yard, and that these same guards had regularly shot those prisoners who did not perform adequately. Amnesty International has reported that at least seven prisoners were shot dead at these fights. *Esquire* magazine added, in September of 1999, that "forty three more Corcoran prisoners were shot and seriously wounded, some paralyzed."

Other reports on Corcoran tell of the prison's so-called "Booty Bandit," a very large and sadistically violent inmate. There have been repeated allegations of guards "disciplining" other inmates by locking them up for the night with the "Booty Bandit," with the full knowledge and expectation that the inmate would be repeatedly raped and beaten. Other witnesses have charged that new arrivals at the prison were routinely forced to run a gauntlet of prison guards, who savagely beat, kicked and clubbed the new inmates as an initiation into the prison.

All of this was rather candidly acknowledged in the *Esquire* piece by former Corcoran guard Roscoe Pondexter, the most feared and respected of the prison's guards, nicknamed "Bonecrusher." Interviewed for the article, Pondexter candidly admits that all such activities were indeed standard procedure at the prison, and that he was an active participant. The article also notes that "after each killing, an internal review board would determine that the use of force was necessary, that the shooting had been a 'good shoot,' and then things would carry on as usual."

Also included was a rather chilling quote from Pondexter concerning the attitude among the guards and the atmosphere of brutality at the prison: "It didn't matter to us. Who we killed, who was killed. It didn't matter and everybody got cleared." Pondexter was at the time of this article scheduled to appear to offer this testimony in a

series of suits brought by Corcoran inmates. Suits very much like that of Ronnie Dewberry, who had alleged that he was wounded when shots were fired after he was placed in the yard with his known enemies and a fight ensued.

The AP release notes: "The inmate argued his case before a civil jury, but was frustrated in his continued attempts to question correctional officers about how many times weapons were used to break up fights, if rival gang factions were placed together and how many times black inmates were shot at." Though not explicitly stated, the implication is clearly that the judge and/or the state's attorney repeatedly blocked Dewberry's attempts to introduce relevant evidence revealing the barbaric nature of the prison and its guards.

Following Dewberry's attempted presentation of evidence, the state's attorney moved that the charges be dismissed, and the judge concurred, stating: "I just don't think the facts added up to a violation of your civil rights." Interestingly enough, on page A30 of the same edition of the *Times*, another story appeared concerning the conviction of Francisco Gavaldon on charges that he had arranged to have his estranged wife killed. He was also convicted on a conspiracy charge, stemming from a plan of Gavaldon's to "get his son—14 years old at the time—to hit his wife's daughter—10 at the time—in the mouth and blame Donna Gavaldon for the injury." The plan was formulated "in an effort to improve his chances for child custody."

And how is this related to Mr. Dewberry's case? By the fact that Francisco Gavaldon is, as is duly noted, "a former Corcoran State Prison guard." Such is the caliber of men chosen to guard California's most notorious prison. But no matter. As Dewberry's case, as well as those of numerous others, amply illustrates, in the nation's courtrooms, as in Corcoran Prison, it doesn't matter and everybody gets cleared.



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