

Behind the Walls

by Larry Baker #35021
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By Rod Addicks

For more than two years I had been trying to get my post conviction petition heard in court. Now the hearing seems almost anticlimatic after the lengthy preparation. Fifty witnesses were deposed without my presence and six were questioned in the court while I was there. Overall most of the issues I wanted presented were, but there were some which I felt were important that were not. The fact that I had an attorney prevented me from getting all that I thought was pertinent in the record. I am not knocking my attorney, he did a good job on what he presented; it is just that there was much more that I thought was relevant that he did not. He always assured me that any issue I wanted raised and he did not raise was protected for further appeals -- but that is not the point as far as I am concerned. I have waited five years to get justice and I do not want to wait another five years.

One of the major problems, in my opinion, with the post conviction process was the fact that my attorney and the state's attorney deposed 50 witnesses without me. I am the one who has worked on my case for five years, my attorney only became involved in the last year and a half. I am the one who knows what happened from my continuous study. I am the one who knows when a witness misunderstands what the attorneys were asking from the questions I requested, yet when the responses were inappropriate to the meaning of the question I was not there to clarify it. There was much information that got into the record that was erroneous. Some of it was not necessarily a lie as such, it was just incorrect responses to misunderstood questions. For example: there were two women named Harriette involved in the case. Several witnesses got them confused and had I been there to point out which Harriette was being referred to the testimony could have been corrected. As it stood neither the state's attorney nor my attorney could figure how the responses fit. There were several similar areas. There was even an instance where a Multnomah County Court official had me totally confused with someone else. The lawyers let it go uncorrected simply because they didn't know it was wrong. Arrangements should have been made to allow me to be present at the depositions.

Another thing that particularly stands out to me is the fact that police officer Englert was allowed to continue to change his testimony time and time again with no sanction by the state's attorney, Scott McAlister. McAlister told me, in the presence of counsel and a court



ROD ADDICKS

reporter, that if he discovered Englert was lying he would have no alternative but to bring prejudice charges against him. The record shows Englert gave conflicting responses under oath several times, yet when an attempt was made to clarify his testimony he reverted to: "I don't recall," or "I don't remember." This seems to be a standard procedure for policemen; maybe they learn it in cadet school.

Some examples of Englert's sidestepping: At trial he claimed that my wife accompanied a key state's witness and me on an important (to the prosecution's theory) trip we took. At the post conviction hearing, Englert changed his testimony and said she did not go (which would have hurt their case). Then, he changed it back again when he resumed the stand two months later and said she did go! Isn't this outrageous? No defendant could get away with this kind of stream jumping. The fact was that my wife did not accompany us on the trip and it totally destroyed the credibility of the prosecution's case as they claimed this witness would have been scared to death to ride with me alone. In one place Englert claimed that my desk calendar did not contain a woman's name. When it was pointed out that it did, he changed his story and said, "Oh, I got the name somewhere else," when he had already admitted seeing the calendar before. There were numerous similar areas.

I do not feel it is fair for a person convicted of a crime, who is trying to follow all the rules and present the real truth, to have to listen when the prosecutorial authorities commit perjury in their efforts to keep him in jail. I have in my possession from my years of studying my case evidence of over twenty instances of what I believe is misrepresentation of the truth to the courts by former

prosecutor and present member of the Portland School Board, Forrest Rieke. Yet, when Mr. Rieke took the witness stand these incidents were not pointed out to him and he was not asked to explain them. I am sure he would have responded as he did with most of the relevant questions asked: "I don't recall, I don't remember," but at least he would have known we were aware of his previous inconsistent responses and he may have been more careful with other important areas.

For instance: at the trial Mr. Rieke claimed that the prosecution did not have possession of my firearm (that I believe proved I was telling the truth and that their witnesses were lying). The fact is that the prosecution had the gun stolen from my car, before I was arrested, and they suppressed it from evidence. Subsequent to my trial newspaper reporters learned from police agent and informant Billy Anglin, that sergeant Englert told Anglin to take my pistol to the Richland, Washington, police department. Both Anglin and Englert have had to admit this at my post conviction hearing. Another example is that Mr. Rieke misrepresented at the trial the deals made to key state witnesses. He later admitted under oath that the deal made to at least one witness was different than was represented at the trial. At trial this key witness testified that he was promised that the prosecutor would go to the Washington and Oregon parole boards on his behalf. Not only did Rieke not correct this testimony, but at one point he clearly stated to the court that the deal was exactly as officer Englert had stated -- that they would go to the parole board for the witness. Later, at this witness's post conviction hearing, Rieke testified under oath that he had given him immunity to several arson charges, armed robbery, burglary, theft, and other crimes. This information was not brought out at my post conviction hearing and I thought it was extremely relevant. Hopefully, we will be able to point it out in arguments, but I would have liked for Mr. Rieke to have been asked to reconcile his inconsistent testimony. The fact is that his testimony in the different hearings and trials is contradictory but is all reported in sworn trial transcripts.

As far as the result of my post conviction, I am still cautiously optimistic. We have proven that what I claim is true. I am sure the judge has a sense of justice and with that in mind I don't see how he can reasonably deny me. But I have been through too much the past five years to get overly optimistic. For now, it's more of the familiar wait, until the decision is rendered.

CELL TALK

By Asmar Abdu Seifullah
aka Joe West #40404

THE THREAT OF VIOLENCE

Once again the nation's news services are filled with reports of violence. There is an atmosphere of undeclared war hanging over us like an invisible virus of disease and death. Recently in Greensboro, North Carolina, the violent reemergence of the Klu Klux Klan reminded many of us of the turbulent days of reconstruction, when sheet wearing night riders lighted the night with flaming crosses and hanging Black corpses. As these morally sick and insane degenerates seek to reestablish the plantation mentality and white supremacy, the idle masses stare in disbelief. In the quake of the Klan's daylight display of racism, the streets of Greensboro were left covered with blood, leaving five dead or wounded.

Many people were surprised by this blatant display of violence, others merely nodded their heads knowingly as the hidden character of America's personality manifested itself once again. Unfortunately those people most aware of this quirk in a segment of America's populace have always been on the receiving end of the lash and remain relatively quiet. Their fear engrained in them from years of slavery and colonization.

One of the big stories in the news today is the prison riot at the New Mexico state prison. The death toll is now at 39 and rising and until the smoke clears a final count isn't possible. It's not surprising that such a violent event took place, when one considers that the word prison carries strong connotations of violence in most peoples minds. What's surprising is that the public can be fooled into believing that the same thing won't happen again. It seems like only yesterday that we were reading about Attica and the

same ingredients that existed in Attica and New Mexico exist in almost every penal institution in the country.

The day to day drudgery of prison life wears away the veneer that covers men's souls, hearts, and minds. The loneliness coupled with despair destroys the basic humanness of men confined and eventually the confined man becomes as hard as the bars and walls that imprisons him. In most cases the process is gradual and takes place over a long period of time. If you're one of the lucky ones you're released before the final metamorphosis is complete. However, there are large numbers of men beyond the retribution of hope, these men are the ones that are eventually transformed into vicious lumps of non-human flesh. They live only to strike out at the system that has destroyed their dreams.

"The code of the concrete jungle is survival of the strongest." The weak specimens are either consumed in the hunt or they become jailhouse punks and protective custody cases. There is no room in prison for informers as was proven in New Mexico. "Riot is the nightmare that visits prison authorities nightly and it's the bedmate of all incarcerated men." "Riot," is the final frustration, the ultimate act of rebellion for men who can see no way out of the bars and walls that confine them. It's an act of desperately lost men, the men who haunt the corridors of prison and have become what's known as the "living dead." When men are confined, cramped and crowded into small spaces of pain, violent reaction is unavoidable. A common cliché among prisoners is that "you are doing life until you get out." In essence this statement means that one must be prepared to kill or be

killed at any given moment. It's a statement that exemplifies the epitome of convict mentality and strange as it may sound, it's a very true statement of fact. Tomorrow isn't promised to anybody; the order of the day in any prison is "survive." Survive even if it means murder or the destruction of the soul; survive even if it means being sodomized by the guy next door; survive even if it means the madness of riot -- survive -- survive -- survive!"

The fact that most of the violence was directed toward fellow prisoners in the New Mexico riot only shows the degree of frustration that has mounted inside of the prisoners. In their rage and frustration the prisoners still weren't able to strike out at the real object of their oppression. In the community riots that took place in the ghetto during the 60's Black people burned and looted their own communities. Most social psychologists agree that violence is usually perpetrated against the closest object. Let's not be confused by the fact that these confined men killed each other rather than attack the prison system itself. In killing informants, the prisoners were in fact striking out at the system.

True, no intelligent man condones senseless violence or the murder of innocent men, but the question that we must all ask ourselves is whether or not the violence was senseless. "If we find that there are issues behind the violence that took place in New Mexico, then it's our duty as human beings to answer those issues with workable answers that'll remove the possibility of future violence. As a people we must begin to take a closer look at the internal problems that are plaguing our nation if we're to survive.

Lucid walls of time

Edited by Julius D. Snowden, 38013

AND IT IS NIGHT

By Gary Wm. Holt

And if is night
I know for I can hear...
the drops of water
the ticks of time
the noises of loneliness
I know that I am alone...
And yet you are here.
Tell me but one thing.
Why is love?
Why do I sit and reminisce when
I have other things to do
Probably because
you are gone
We always love the things we cannot have
How close can one come to total happiness?
And yet "they" say
Happiness is never grand
Why is love?
I really don't care
I know that for me
Love is need...
And it is night.

TO AND FRO

By Gary Wm. Holt
41300

travelling to another
I've just come from the other
caught between
the two
not a part of either...
bouncing back and forth
slowly chipping the foundations
so that I may be
free
and motionless at last
so I may set root
upon my hill
and build my temple...

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REPORT

Exodus Forums are becoming Community Forums. During the month of January many community citizens joined our forums, seeking to share our concerns on making our community a better place to live. ENLIGHTENMENT and ENRICHMENT is the food for better understanding our own responsibility to our own community.

GENERAL STATEMENT TO BLACKS OF OUR COMMUNITY

ACCOUNTABILITY

Black History Month should make us aware of our choice of accountability.

We can be accountable because we ourselves choose to be; or, we can be made to be accountable by outside forces. We will be accountable one way or the other. If we fail to develop our own program, we will surely fall victim of someone elses program.

Everyone will demonstrate accountability to something or someone on an ongoing basis, people will account to: Family, job, friends, home, car, utilities, appliances, church, clubs, TV programs, IRS, The Government, alcohol, dope, sex, general comfort and security to name a few accountability subjects.

Black History reveals that many Blacks have not yet taken the time to sit down and prioritize an accountability schedule, some don't believe it is important to do so. For those, their lives are totally governed by outside forces they responded or react to what ever crisis situation that have grown to over shadow their life at any given time. These individuals are accountable to what and who ever forces them to be accountable.

Accountability on a random basis is not going to be good enough to write good accountable Black History for the future.

Learning to prioritize accountability is the key to positive Black History. You should prioritize in the following order. The first four areas are:

- 1- To be accountable to your family, for they are the source of your strength.
- 2- To be accountable to your job or profession, for it's the source of your lively hood.
- 3- To be accountable to friends, for they are your source of security.
- 4- To be accountable to your community, so that it can be accountable to you.

Thomas Boothe Ph.D

A PERSONAL MOMENT FOR THOSE WHO CARE

When Thomas Edison lit the first electric light people must have felt smug with their knowledge. A little more knowledge and we begin to realize how much was left to learn. Now years later we begin to realize we don't even know what electricity is. As a child learns they go through these steps to become well adjusted adults. Love isn't learned from a text but the more we learn of love, the more wonderful things we know will come in future lessons.

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