



Behind the Walls

by Larry Baker #35021
O.S.P. Correspondent

David Wright #39816
Assistant Editor

EDITOR'S NOTE: The difficulties don't end at the gate for men serving time at the Oregon State Penitentiary. The days following release are often as trying as the days spent behind bars. This is the second part in a series that looks at the different ways four men faced the challenges of life outside.

by Howard Goodman

Vernell Franklin: "To me it appears they're trying to force me back to crime, back to the penitentiary. They're trying to kick me out of society."

Vernell Franklin's \$100 didn't last two days.

He paid his wife's \$82 gas bill the day he got home, he says. He ate on the remaining \$18.

At least he didn't have to wear prison-issue. He had clothes of his own.

And he had an address. His wife had been attending school in Salem during the 12 months of his imprisonment.

He also had a job. But it didn't last long.

He was parole-ordered in December 1978 to a job selling and installing hearing aids. Pay was strictly commission. He stuck with it for only two weeks. "I was going to starve," he says. "I walked up and down the street. I couldn't sell anything. I didn't know anything about hearing aids."

Franklin is 28, a thin, tawny man with street-smarts, a quick tongue, piercing eyes and a cat's lithe movements. He lights a cigarette with graceful fingers and sketches his background.

"I've got to bum them," he grimaces, blowing out a match. "I can't even afford my own cigarettes the way things are."

He grew up in Oakland, Calif., he says, then spent four years in the Marine Corps. He drew an 18-month tour in Vietnam. He got out on an honorable discharge.

In 1974, he says, he came to Oregon, where he has relatives. He lived in Salem about a year. He worked at canneries, a car wash, a salvage tire company.

"I couldn't handle this stuff," he says. He moved to Klamath Falls.

He worked for the Klamath Alcohol and Drug Abuse Center, he says. He had had experience helping addicted servicemen at a de-toxification center in Anchorage, Alaska, he says. He found a talent for communicating with addictive personalities.

The Klamath center lost its federal funding after a year, Franklin says.

He was out of a job. He was dealing drugs. And he was on a collision course with the law.

In 1974 he was sentenced to small fines and periods of probation on charges of illegal liquor sales, possessing a concealed weapon and activity in dangerous drugs.

In April 1977 he was arrested on three counts of criminal activity in drugs.

Two counts were dismissed. He was convicted of the third count in March 1978 and sentenced to five years at the Oregon State Penitentiary.

The drug was heroin, Franklin says. He was convicted for transporting it.

He served nine months. He says he got by fine in the joint. He became a member of Uhuru—a Black inmates' group—and a drug therapy group.

Now two weeks into his parole, Franklin was looking for a job. He and his wife were living in an apartment, largely on money from parents.

He got hired by Capitol Car Wash in downtown Salem. It was minimum wage work, he says.

It was winter and working days were infrequent. Franklin looked for something better.

In July he landed a job at Fairview Hospital and Training Center.

He worked there 4½ months, becoming a certified psychiatric aide. But he had frequent difficulties with supervisors. He got too many of the worst assignments, he says. He got fired.

Oregon State Hospital hired him in mid-August. They put him on the graveyard shift on Ward 35B.

"I straightened up that ward," he says bitterly. "I took money out of my own pocket and bought Pine-Sol. I disinfected that place. I scrubbed each night for hours."

His employers warned him about excessive absences. He was out several days after a patient broke his nose in a scuffle, Franklin says. He missed several days more to visit his sick mother in Klamath Falls, he says.

But things looked good. Parole was scheduled to end in December.



VERNELL FRANKLIN

Franklin was about to take courses at Chemeketa Community College. He and his wife were enjoying the A-frame house they rented in

Northeast Salem. Franklin has a green thumb; the house flourished with plants.

Then, Nov. 20, police came to his house and arrested him on charges of first-degree kidnap and fourth-degree assault.

A Salem man had told police that Franklin was one of three men who forced him into a car, drove him to an apartment and beat him. They suspected him of having broken into one of their houses, the man said.

Franklin said he was innocent. He knew nothing of any kidnap or beating, he said. He told police his only connection was that he gave a ride that morning to the complainant and the two other alleged attackers, after the reported time of the incident.

Authorities dropped the kidnap charge the next morning. Franklin was freed from Marion County Jail two days later after posting \$125 bond.

But Franklin was returned to jail Nov. 30. His parole officer, reacting to news of his arrest, had revoked his parole and suspended plans to end his parole Dec. 1.

Franklin spent five days in Marion County Jail. Sheriff deputies put him first in a tank where his cellmates were tough, young, racist whites, he says. They harassed him. At one point they set fire to his hair, he says.

Deputies moved him to another cell, with prisoners with psychiatric problems, he says. Some of them had been his patients at Ward 35B.

Franklin requested a transfer to better quarters. He wanted to go back to the Oregon State Penitentiary.

The assault charge against Franklin was dropped Dec. 5. The complainant failed to show up in court.

But Franklin was still jailed. He was being held to await a hearing on the alleged parole violation.

Several hours after the court dismissed the assault charge, authorities honored Franklin's request. They transferred him to OSP.

Franklin's lawyer called the parole board to tell them of the court's decision. He asked them to work fast. If Franklin missed work Dec. 7, he'd be fired, his employers had said. They said he'd been accumulating too many absences.

The parole board acted. Franklin left the pen. He reported to work on time.

But his boss told him he was fired.

Oregon State Hospital official offer little explanation. They don't need to. They say only that they were exercising special firing prerogatives granted them during an employee's probationary six-month period.

Franklin is convinced his firing is the result of conversations between the local parole office and hospital officials.

His parole officer, David Dunn, confirms his superior talked to hospital officials about his November arrest.

Franklin is still looking for work.

He and his wife had to give up their house and move into an apartment. They've taken in a roommate. They're getting by on unemployment, Franklin says. They've applied for food stamps.

In mid-January, the parole board held a hearing to determine whether Franklin had indeed violated parole.

If so they could extend parole or return him to the pen. If not, they could set him free of parole.

The hearings officer in charge of the case reached no decision. He in-

stead gave parole officer Dunn several weeks to produce the Salem man who claimed he'd been kidnapped and beaten.

Franklin says he was being railroaded back to prison. Dunn says he was only doing his job—protecting the public from a potentially dangerous person.

Dunn says that by the police reports and by his own study of the case, "it's pretty obvious" Franklin was involved in the alleged November kidnap and assault.

Because of his responsibility to the public safety, he says, he must try to persuade the parole board of Franklin's involvement.

Unlike a court of law, the parole board is not bound by strict rules of evidence. Guilt does not have to be determined "beyond a reasonable doubt." The board needs only to have "probable cause" to believe a parolee committed a crime.

Franklin, in effect, was being tried a second time for a charge once tossed out of court.

"This is just unreal," Franklin says. "They're just steadily screwing us. My wife and I are nervous wrecks. They're playing a game with me. They're definitely trying to put me back in the penitentiary. They're saying I'm a risk to society."

Dunn says he thinks Franklin "poses some risk to the community."

He pointed to Franklin's uneven employment record since his release. And in a written report to the parole board, he assessed Franklin's "parole adjustment" as "marginal."

He also cited a five years' bench probation Franklin received in 1978 for second-degree assault, and noted the charge Franklin was originally arrested on, in 1977, was attempted murder.

Franklin admits shooting a man—a man with a violent history who attacked Franklin's wife during a fracas at their house, he says. He says he shot in her defense.

Klamath Falls sources say the man, shot in the stomach with a .243-caliber rifle, recovered.

"Does that make me a dangerous person?" Franklin asks. And what possible bearing, he asks, should the incident have in judging his behavior on parole?

"On that whole 11 months I was on parole, I didn't do drugs and I didn't stick no one up," he says. "I don't see why they're doing this to me." Dunn says the parole board has the responsibility to take into account every bit of evidence that might help it judge if a parolee is likely to endanger society.

Dunn produced the witness this month at a second parole hearing. Franklin and his witnesses weren't there.

Franklin's attorney, Craig Rockwell, says the board gave inadequate notice. Franklin was out of town.

A third hearing is scheduled for later this month.

As he awaited the first hearing, Franklin despaired of beating the charges.

"Who's going to take my word for anything?" Franklin asks. "The cops are just going on hearsay evidence. And I'm automatically guilty because I'm an ex-con."

"Ex-con is just a title. People think it means you're bad," he says. "It's not true. That's like cops saying all police are bad. We're people."

He's still looking for work, he says. He's left applications at West-tronix, the county, the city.

He wants to leave all this and move to Oakland, he says. His father owns a record store. He would manage it. He and his wife would live upstairs. He hopes the parole board will go for that.

"I refuse to resort to my old life-style," he says. "Because I can't stand being locked up. If I have to wash dishes or wash cars, I'll do it."

"It's a promise I made to myself and God. I'm not going back. I can only go so low. I'm not going to drown. I'll hold my breath."

He shook his head.

"It sounds so unreal," he says. "people say, 'Man, you got to be exaggerating.' They say, 'Man, that doesn't happen today. Not in Salem.'"

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Washimagra District recipients of awards at Camp Fire's annual meeting on Feb. 8, include, back row, left to right, Marlene Grate, Carol Morton, Florence Plummer. Front row, left to right, Fran Davis, Diane Pavlatos. (Photo by Barbara Hill)

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Thomas Boothe, Ph.D