

# FERMENT

Vol.X,#4 July 24,1996

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*Revision/Reprinting of "What Was That Thing That Gandhi Said About Western Civilization?" (October 10.1984)*

## **Disorder and the Law**

There is a region in the psyche which , despite all scientific conditioning, sustains the primitive conviction that madness is sacred, that the insane must be respected because they are partly divine. We would never promote this as a therapeutic axiom, yet it must embody some validity beyond superstition.

The story related here qualifies as a tragedy. Our use of the word may have been influenced by my attendance at a lecture delivered at U.C. Berkeley in September, 1984 by the novelist Iris

Murdoch. She proposed the thesis that the term "tragedy", properly understood, applies only to the theatre, never to real life.

Still, if anything in my experience can serve as an model for tragedy, it would be this account. The problem remains that tragedy presented *in vivo* is very difficult to clarify . One cannot easily place specific experience of events, causes and persons in the classic categories. Although one can perhaps identify the victim, it is never possible to isolate him : Actuality distributes victimization between persons and institutions. We are all actors; all audience. We cannot unequivocally interpret the workings of catharsis.

The dispensation of failure, guilt or blame among all the participants is also somewhat arbitrary. The operation of a mechanism of predestination, a fatal machine, is probably the only feature common to all tragedy. Individuals, or communities, or entire nations, will find themselves locked into the inexorable vortex of an blind cosmology against which there is no appeal, only dignity in resignation.

Tragedy, like the straight line, is an abstraction. No situation corresponds exactly to its unrelieved scenario: despair and hope are ever inextricable, defeat is never without overtones of victory, good and evil never separate out, like chemical elements, in spotless purity.

Yet even as the engineer who uses straight lines does not need the Platonic idea of the straight line, our appropriation of the word "tragedy" is a pragmatic approximation. Given my predilection for politics I tend to deem tragic those situations in which the stupidity of society's institutions overwhelms the defenceless decency in human nature.

This is not the abstract tragedy of Iris Murdoch, in the sense of the philosopher or playwright: pure tragedy precludes all implication of moral outrage. It is our intention, however, to dwell very much on outrage.

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The smile radiated from her face. Its character was of the kind which, in one stroke, completely disarms yet commands absolute obedience. She was in her mid-thirties, soft-spoken, genteel in manner, accent and posture, a blue-blood, certainly a product of the American plutocracy.

It proclaimed: I've singled you out. I like you. You're going to take care of me.

The net skein that descended from her right shoulder held a large black linen pouch. Her stiffly framed backpack was filled to overflowing. Black hair cascaded down to the small of her back. Having gotten my attention she walked right up to me and asked: "How've you been?" I was certain we had never met before, though I was to learn, soon enough, all about this young woman who confronted me in just this manner, in the beginning of August, 1984, as our paths crossed inside the bus terminal in Santa Cruz, California.

She asked me where I was going, then suggested we have breakfast together. First, however, she wanted to change her blouse; the one she was wearing had been ripped. It was, like her floppy straw hat and body-length pullover dress, tinted a uniform bleached tan.

She spread confusion everywhere along the length of her trajectory. With the same frankness with which she had approached me, she spoke to ticket-sellers at the bus terminal, store

clerks, waiters and waitresses. Her requests, uttered in a velvet voice with such unruffled urbanity, could not have been more ordinary. Only the ensuing dialogue revealed that she was indisputably out of her mind. She was one of those psychotics who can function lucidly in a few well-defined areas such as grooming or diction, yet quite simply cannot cope in any other domain. This terrified some and charmed others: I belonged to the latter category. So delighted was I by her combination of gentleness with indecipherable confusion that I fell completely under her spell.

The term 'schizophrenic' means all things to all people; yet I have seen enough such cases in my life, (*and have even, caught in the midst of wild crises, been obliged to get them into asylums*), that I can project this diagnosis with adequate confidence. Her thought patterns lacked the coherence of either association or logic. Personal symbolic meanings were attached to words, individuals, places, objects. One felt oneself in the presence of a gross deterioration of affect, her emotional responses having little connection with surrounding events, sometimes none at all. Her facial muscles were fixed in a rictus of terror. She was totally confused about dates, times and places <sup>1</sup>. It wasn't clear that she knew she was in Santa Cruz. Not the least of her handicaps was that she was incapable of making decisions: every triviality was accompanied with doubt and confusion.

I stayed with her for the better part of the day. Over breakfast she lectured me on the virtues of acidophilus yogurt as universal cure-all. The afternoon was taken up with reassuring her, from what she had told me, that she really ought to be in San Jose, not here, nor Monterey, nor Berkeley.

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<sup>1</sup> a common enough condition. granted.

Then I walked her back to the Greyhound terminal and put her on the bus. She gave her name as Vanessa Ingebo-Young. Parting was sad, even from so short an acquaintance. The amplitude of her random walk made it unlikely that I would ever be seeing her again.

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In this surmise I was to prove mistaken. Within a month, Vanessa would land herself in jail.

We had exchanged addresses before leave-taking, twin vagabonds living through post office boxes and friends' apartments. Her life was actually better organized than mine: she subscribed to an commercial answering service and had a bank account; the bequests, I assumed, of a family which had decided that it owed her money and nothing else.

Returning to Berkeley, I sent her a postcard and left her a message with her answering service. Postal box number and voice mail were provided by the same company, located on the first floor of 2000 Center Street in downtown Berkeley. Iris Murdoch had not taken account of those situations in which the classical unities are so much in abundance that no good dramatist would use them for fear of being accused of caricature: this location will turn out to possess a bit too much unity of place.

I heard nothing from her for 3 weeks. On September 4th I received a letter from an entity identified as *A OGO 81 Alameda County Jail Module B7*, alias Valerie Ingebo. Five pages written with pencil, only slightly less incoherent than her conversation. The language was educated, the grammar demotic. Fact, figures and names were thrown together in that delicious jumble that had kindled my fondness for her at the beginning. Form and content of

her letter demonstrated that she was unable to cope with any aspect of her situation. Yet the story that emerged was simple enough:

On August 23rd Vanessa-Valerie had been arrested for shop-lifting at Certain Foods , a health-food store on Telegraph Avenue . She was apprehended walking out the door with a milk-shake, a daily newspaper and some facial cream. The trial date was set for September 18th.

She wasn't sure that she had a public defender, but was furious at the judge for not allowing her to choose her own lawyer. She did know that she was being held on \$1500 bail. She didn't know how to contact a bail bondsman, nor how to arrange to send him a \$150 money order from her bank. She claimed at first that the charges were false. Then she conceded that she might have taken something but that the shop-owner, Ron, had given her his word that he would not call the police.

In between and around all of this she spinned a wild tale of wanderings through Monterey, San Jose, Palo Alto and Marin County. She also mentioned a health-food conference in Boston that she wanted to attend , subsidized by a stranger who promised her \$3000. She had pinned her hopes on him, but he had neither appeared in court nor come through with the bail money.

Through the unbroken stream of fantasies and inconsistencies, despite the random, ungrammatical flow of the discourse, she managed to touch all the bases. Globally the message was clear: she wanted me to do everything in my power to obtain her release. She asked me for bail or bond money; to persuade Certain Foods to drop the charges; to find her a bonding agency ; to negotiate a money order through her bank; to set up a

place for her to stay temporarily when she got out. Its' tone, far from being demanding, was flattering , praising me not only for abilities I do have but also for hosts of things I was in no danger of possessing, such as bank accounts or places to live.

The obligation placed upon me was nevertheless considerable. She was the gentle soul I'd encountered in Santa Cruz, for whom I had developed a particular fondness; she was a profoundly deranged woman helpless in the grips of the penal system; above all, hers was a sick mind surrounded by the horrors of the most despicable of all American institutions, the county jail. This final reason was alone sufficient to place all my resources in her service.

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It is difficult to persuade humane people, pursuing lives that are both productive and comfortable, that the iniquities of the American county jail could have ever developed in a democratic society. Herein only the shock of direct experience can teach. Until I myself was thrust into this *univers concentrationnaire*<sup>1</sup> , I was as ignorant as the next person: my previous experience , in connection with political activism against the Vietnamese war, had been with prisons , and among these the elite: the so-called 'country club' federal penitentiaries of Danbury, Connecticut and Allenwood, Pennsylvania.

Incarceration in a county jail is nothing less than the most thorough-going deprivation of human rights instituted under existing United States law. In no mental hospital, nor in the army, nor in any state or federal prison, are American citizens so completely at the mercy of the total institution. The county jails are

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<sup>1</sup>in the town of Owego in upstate New York, not far from Cornell University , in the spring of 1979.

properly to be classified with the other warehouses for people unable to fend for themselves: the homes for the retarded, the private concession chains of rest homes for the elderly (Ferment VIII, #10, May 10th, 1994) , the reform schools. Many, perhaps most, of the publicized suicides and rapes, accounts of sadistic beatings , prison riots , deaths through enforced drug withdrawal or medical neglect, murders of inmates by other inmates, flash fires, death by asphyxiation and other brutalities, come out of the lock-ups and the county jails.

On this grisly list we must include the violation of children. In many parts of the country runaway children of all ages are routinely sent to the county jails and placed in with the adult population. There they run a high risk of being raped , and it is not unusual to discover them afterwards with their wrists slashed, or hanging by their belts from the bars of their cells. What, then, is a county jail? Why are conditions in them so horrible?

After being arrested on suspicion of criminal conduct, suspects are routinely sent to a temporary lock-up or holding pen, generally the county jail. The evidence against them may be *prima facia* or circumstantial, or based on the testimony of witnesses who may be either impartial or maliciously intentioned, or simply a matter of their having been in the wrong place at the wrong time. Persons accused of crimes but not yet tried or sentenced account for most of a county jail's population . A small proportion , ( 5% nationally ) , may be serving out their sentences in the county jail because the state prison is super-saturated to the point beyond which further crowding is impossible . Many have yet to be arraigned.

Detention in jail may go on for days, weeks, even months, before one is brought before a judge and formally charged. This is because, despite constitutional guarantees of a speedy trial, the catastrophic surge in caseloads has overwhelmed the finite capacities of the judiciary .

Since the mid-1980's the ascendancy of the new vindictiveness ( *see Appendix* ) , has ushered in a glorious Renaissance in repressive legislation, against people involved in activities that may interfere with government controlled monopolies such as the traffic in drugs, terrorism, fraud, armed violence and illegal immigration. Unless one feels more comfortable in speaking about a leap , of several orders of magnitude, in the incorrigible evilness of the American character.

The *de facto* punishments of living in a jail have a way of being worse than the *de jure* punishments inflicted on those who , conformant with some infantile theory of morality, are 'paying society back' in a prison. What is the cause of this paradox peculiar to the county jail, whereby persons deemed innocent until proven guilty are denied more civil rights than sentenced convicts ? It appears to be derived from a technicality: since suspected or suspicious persons can't be codified by the binary opposition of innocence versus guilt, a body of laws adequate for their protection has never been developed. It is only by casting all the exceptions into Limbo, that the penal system can uphold the Law of the Excluded Middle.

Local lock-ups, holding pens, and county jails fall outside the province of both state and federal law: each jurisdiction is therefore at liberty to invent procedures corresponding to its own perception

of its insecurity. The manacled individual being driven to a county jail in a police van will soon discover that he is unable to defend his basic civil rights in such important areas as : body searches; use of personal items such as belts, watches, cosmetics; availability of items or facilities for basic hygiene, soap, toothpaste, showers, changes of clothing; pencils, pens or paper for letter writing ( *letter writing can be censored, even prohibited in county jails* ) ; incoming or outgoing telephone calls; visiting hours; restrictions on visitors; availability and quality of medical care; access to lawyers or to a legal library; protection from summary deportation ( *it is legal to transport prisoners across the state from one county to another without notice, thereby severing all contact with lawyers, relatives and friends* ); minimal nutritional standards; minimal fire protection. Regulations exist on the books to deal with all these things , but the people who run the jail don't consider themselves obliged to uphold them. They will say, honestly or otherwise, that the jail is out of date, the treasury plundered by corrupt city officials, the staff overworked, the working conditions too dangerous. Everyone, from the warden down to the drug addict who dies in his cell because he is forced to go cold turkey, is a victim.

Life in a county jail has a way of getting down to the basics: a pencil stub passed from cell to cell; one broom, only a few bristles remaining, for sweeping the whole building; an unvarying dinner diet of stringy, foul-smelling chicken legs; ancient radiators, freezing cell blocks and broken plumbing; a prison 'library' containing four dog-eared Westerns. Modern refinements of cruelty have also been introduced : televisions and transistor

radios broadcasting from dawn to midnight at ear-splitting volume.

Then come the assaults. And the rapes. And the lazy guards. And the hostile guards. And the bullies, and the sadists: the beatings and the broken jaws. And the fires, caused by negligence or mental illness. And the burning mattresses, stuffed with materials 'against all the regulations', that murder entire cell blocks. And the riots. And the unbelievable appalling unrelenting gross stupidity.

To summarize: persons in prisons lose some of their civil rights. Persons in jails lose *all* of their civil rights. Yet the members of the former class have already been convicted of crimes, whereas the members of the latter are presumed to be innocent until proven guilty. Once you are sentenced, and sent to a prison, you have much better chance of living in an environment that must conform to laws designed to protect you. You are also better empowered: there have been many class-action lawsuits against prisons that violate their own laws. There are very few class action suits against county jails, given the transitory character of the population and the absolute power of the local administration over the conduct of their routine operations.

And it was - through a causal linkage of persons and circumstances : the owner of *Certain Foods* , the police, lawyers and judge - into such a place, the Alameda County Jail in Santa Rita that, for the failed theft of a milkshake and a Sunday newspaper, my unfortunate friend was cast.

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That evening I sat by a window of the Coquelot Cafe on University Avenue in Berkeley, writing up a long letter for

Vanessa-Valerie Ingebo-Young, ( otherwise known as A OGO 81 ) , resident in the Alameda County Jail, Module B7. Her letter to me had been received less than 10 hours before . Rendered oppressive by the dim illumination, wraiths of activity writhed about the steamy interior like the hot gases at the mouth of a volcano. My gaze was directed out onto the street,

, from which people entered in discrete groups like tight bursts of lightning. I went down the small list of things I'd been able to do for her. I reminded her that her environment was dangerous, and counseled prudence at all times. A few anecdotes were included to cheer her up. The envelope was addressed and sealed , the letter walked down the block and mailed .

The "International DADA Art Festival of 1984 " was fizzling that night in a performance space at 16th and Mission Streets in San Francisco ; so I took the BART , an expensive \$4.50, and traveled across the Bay. There is little to record from this event, one more bit of evidence that the artist, like the Bengal tiger, is an endangered species. The task of communicating with the functionaries of the Alameda County Jail would begin the next day.

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" IN - GE -BO !? That sure is an odd name, Mister. I bet you ain't gonna find nobody out here with a name like that!"

My only connection to this alien world was the cheap, wise-cracking voice at the other end. Evidently people with names like "Ingebo" didn't shoplift. A bit of shuffling in the background; I could almost touch the computer monitor on the table before her. In a moment she was back on the line:

" Here it is - Ingebo, Valerie - A OGO 81 Module 7. She's been in since August 23rd."

" Will you accept a short telephone message for her?"

" No sir. We don't take no messages! Visiting hours are from 6 to 9, Tuesdays , Wednesdays and Thursdays, Sundays from 11 to 3. "

Hanging up the receiver I was well aware that it would be an exercise in futility to go there right away. Instinct and experience alike recognized that the receptionist had omitted some essential detail. Very few persons in our society recognize the exalted value of accurate, adequate information. The author does not consider himself blameless in this respect. For virtually everyone, ( save perhaps Claude Levi-Strauss, or Jim Peebles, or Stephen Hawking, or Simon Scama, or people like them, whose breadth of knowledge is so staggering that they need feel no insecurity ) , the desire to appear informed is much stronger than their pride in accuracy.

I therefore do not accuse this over-worked receptionist of malice or any deliberate intention to deceive. All the same , I was rescued from a day's useless travel and expense through an independent consultation with alternative sources of information.

It was from a crisis center located a few blocks away from the downtown area, Berkeley Support Services, vital lifeline for the hundreds of homeless castaways that throng the streets of America's most dynamic <sup>1</sup> college town, that I obtained a new mixture of fact and error, incorrect as to the visiting hours, but correct on the matter of identification : if I could not produce an official California State Identity Card issued by the Department of Motor Vehicles, something recognizably official that it could hold

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<sup>1</sup>and non-linear, and chaotic

as security, I could be Nelson Rockefeller himself, the butcher of Atticus, and Santa Rita wouldn't let me past the front desk. Further inquiries revealed that a passport would serve almost as well. Circumstances being merely the outward manifestations of the ultimate conspiracy against us, I'd lost my passport just the week before <sup>1</sup>.

The Murdochian Fates had dictated that I should wander about stateless in my own country, undocumented and displaced, while the police were rounding up my friends and throwing them in jails! Upon further reflection I came to understand that there is a time to lose passports. And a time to obtain I.D. cards. Between these poles, all sorts of things fall into the void.

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*Certain Foods* is buried in the aorta of Telegraph Avenue, between the Mediterranean Cafe, hangout for artists and pan-handlers, and a comicbook bookstore. Across the street stand a row of flower stalls and bookstores: Cody's, the largest of these, fills up the corner. <sup>2</sup>

The opinions of most of the shopkeepers of Telegraph Avenue have been shaped by a Marxian economic determinism of exceptional simplicity: to wit, a clientele composed of Berkeley students, ( straight, square or hip ) ; the deranged street people who call the Avenue livingroom and bedroom ; crass tourists who see Telegraph Avenue as a clone of Fisherman's Wharf, another Camino Réal; tough street gangs on vacation from downtown

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<sup>1</sup>in Santa Cruz! Human imagination cannot devise any situation that has not already played itself out ,(in simulacrum), in Santa Cruz. Read, for example "The Eudaemonic Pie" by Thomas A. Bass (Houghton Mifflin, 1985)

<sup>2</sup>This is not an advertisement for Cody's: we've had our quarrels. But it is really hard to find serious fault with a bookstore that braved the anti-Rushdie Islamic fanatics in the 1980's. and paid the price.

Oakland; Berkeley's city police and the nastier University of California campus police; and a sprinkling of normal humanity. The store owners who manage to survive here have developed what one might describe as a jaundiced view of the world.

They have little patience or understanding for important issues like tenure, academic freedom, the First Amendment, Elementary Kinship Structures in the Trobriand Islands, or divestment from South African corporations. Whatever idealism they once possessed has long since dwindled away, and many of them feel that the gods laid a special curse on them when they became stuck in a community where the obsession with profits has little meaning.

Ron shared this outlook. Yet I had been wrong in thinking him heartless. He didn't know that Vanessa was still in jail : he didn't even know that she had been sent there! He freely admitted that he was ignorant of the workings of the criminal justice system. He'd been under the impression that she had been released on the same day, with a notice to return for trial at a later date.

"It's not the first time for her." he explained, with the air of a seasoned veteran who knows all about that kind of person. He agreed with me that she was psychotic. By all means he would drop charges. How did one go about dropping charges?

Could I tell him what he should do? I told him to call the public defender. He might have to take time off to visit his office; he might even have to show up in court. Given the manic pace of commerce at Certain Foods, I recognized that Ron would be hard put to find as much as half an hour away from his work. It was a matter of priorities. He struck me as somewhat shallow, unable to objectify the circumstances in which Vanessa had been placed.

At the very least he promised to drop charges at the trial on September 18th. He impressed on me the fact that it was my responsibility to control Vanessa Ingebo-Young's future behavior.

"I want guarantees from you that she won't come in here again."

"I'll take care of it", I promised him, as if I could have the least effect on the impulses that ruled the soul of a Vanessa-Valerie!

That evening another letter was written and sent on its way: Certain Foods had agreed to drop charges.

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My attempt to acquire a California I.D. card at the Department of Motor Vehicles ended in , (predictable to those of us addicted to fatalism), disaster. Only after a wait of two hours, followed by some bureaucratic procedure, was I told that I'd not be receiving the card in less than 6 weeks. All hope of visiting Vanessa evaporated before my eyes. Augmenting injury with insult, I received a postcard 2 weeks later informing me that I would have return to the Department of Motor Vehicles and repeat the whole ritual .

The photographic apparatus had been switched off . My banishment from the visiting rooms of the Alameda County Jail was overdetermined. Whatever lay in store for Vanessa in her remaining two weeks there , she would have to face it alone.

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On the basis of my personal experience I have more respect for the average public defender than for most private lawyers. Dershowitz notwithstanding, idealism is one of the necessary qualities in a good lawyer, and public defenders tend to be better

endowed in that quarter. When it comes to law, as in many other professions, one is advised to look for the best that money can't buy!

Berkeley's Office of the Public Defender is centrally located, on the 2nd floor of that central edifice, the Center Building, at 2000 Center Street. I walked into it on the afternoon of September 11th. The desk on the left was occupied by a lawyer who invited me to sit down, and listened as I intoned the saga of Vanessa. The circumstances, he agreed, were dismal though, he reminded me, not unique. He did not interrupt me until I described the frustrations I'd accumulated from trying to obtain a California State I.D. card.

His voice suddenly rose half an octave:

"Do you mean to tell me that she's sitting in that frigging jail all this time and you haven't been able to see her? God damn it! What is it with them! Won't anything do? Can't you just go to the drugstore, feed a dollar into one of those booths, get yourself a picture and have it notarized?"

If public defenders know so little about the devious ways of jails, what hope is there for the rest of us? He got up and went into the next room to consult some records. When he re-entered the office, he pointed to the other desk by the window:

'That's Mr. Harpham's desk', he said, 'He's her lawyer. Come back at 2.'

Harpham turned out to be slangy, knowledgeable and pragmatic. Perplexity wrote itself on his brow like the graffiti on a wall in the South Bronx, as he bent over his desk and studied the transcript of her arraignment. What eventually came out was a slow chuckle.

“ You know what it says here, Mr. Lisker? Judge Conger offered her a suspended sentence with three months probation. She shouldn't have spent even one day in that jail! ”

“ So why is she still in there? ”

“Your friend Valerie turned it down! She insisted on a jury trial. I find that very difficult to understand.” He squinted at the carbon offset. “ She stands accused of stealing a Sunday paper, a milk shake and a few cosmetics from Certain Foods . A jury trial makes no sense at all. Can you explain her to me?”

“ She's obviously psychotic. Have you tried having a conversation with her? ”

Harpham played with his ballpoint pen, savoring some private joke. His shadow fell across his desk in the dull light seeping in through the window from the overcast day. Then he let out a sigh and nodded :

“ I agree. Oh - and there's this.” Harpham pulled up another Xeroxed sheet :

“This lists all of her other indictments for petty theft and shop-lifting. ” He leaned against the back of his easy chair, posturing himself for informality:

“ She's going to be released on September 18th, you know. What next? ” It was my turn to sigh and shrug:

“ We both know the answer to that; half the time she doesn't even know where she is. She's going to take things again and end up in jail.”

Harpham's regard showed concern:

“Can't you do something? Can't you have a no - bullshit talk with her and straighten her out?”

Yet another person who imagined I had superhuman capacities for controlling the whims of a Vanessa-Valerie Ingebo-Young!

“ This month-long ordeal in the Alameda County Jail may have put the fear of God in her” , I replied, without conviction “ I doubt it, but you never know. ”

Harpham stood up and walked me to the door: “Okay, Roy: you come to the hearing on September 18th and tell the prosecutor and Judge Conger that Ron offered to drop the charges. Valerie will be back on the streets that afternoon.

In the meantime, ”, we shook hands, “she’s going to have to spend another 7 days in the company of prostitutes, muggers, drug addicts, and thieves.”

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The Talmud tells us that proximity always requires a measure of distance: too precise a distinction ought not be made between direct and indirect contact. From September 4th when I received her letter and September 18th when she appeared in court, I had no direct contact with Vanessa. Yet there existed many indirect ways of helping her, and in this way being in touch with her. Of course I wrote to her every day.

These letters were filled with details about events in the outside world. They were long and perhaps tiresome, yet my purpose in writing them was to give her something with which to fill up at least an hour of her time: incarceration, when not oppressive or dangerous, can be excruciatingly boring. They weren’t difficult to write : drafting and sending scores of letters to people who never respond is an old habit of mine. In fact I’m almost always writing; and when I’m not writing I’m talking; and

when I'm not talking I'm making music; and when I'm not doing that I'm going around stirring up trouble - according to some people, anyway .

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Monday, September 14th - a bit of luck. Boona Cheema, the director of Berkeley Support Services , was a friend of a key figure in the Santa Rita daedalum: the women's psychiatric social worker. I joined Boona in her office as she crawled the limbs of an arbor of phone numbers that ended us up in Santa Rita's clinic. Miraculously, we reached this accredited disciple of Weber and Freud as she was returning to her office just after seeing Vanessa. Her condition was described as "better" - whatever that meant.

She also said that Vanessa had expressed the desire that I might visit her. We discussed the possibilities, but there was no getting around the non-negotiable issue of the California State I.D. card . She did promise to tell her that I had called, to explain why I couldn't visit, and to reassure her that I would be in court.

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After decades of devoting my life to becoming a *literatorus* , I find myself unable to relate any fact, everso mundane or even technical, without weaving a story around it. The temptation is all the more irresistible given that I do in fact lead somewhat of a charmed existence, the events of which so often fly to me on the wings of legend. The tale of how I obtained enough money to rent a room for Vanessa for a few days, \$50 to cover her initial expenses, and some money left over for myself is every bit as improbable as that of Vanessa herself.

Who will believe me if I confess that I raised \$250 by playing the violin for one hour at a Mafia wedding banquet in downtown

San Francisco? Only the full accounting would convince those that love and trust me that I am telling the truth, but I cannot do this because that story would fill more pages than the present one. They treated me well, though I am no glorifier of the Mafia, which is why I don't write scripts for Hollywood.

That part of the adventure was relatively easy. It turned out to be much more difficult to find Vanessa a place to stay. Today's America classifies persons in possession of less than \$100 as vagrants. I finally reserved a bed and breakfast room at \$25 a night in the neighborhood of the Ashby BART station. It was either that or the Shattuck hotel at \$42. At the other end of the spectrum there were the streets around Telegraph Avenue, where hundreds of wounded minds huddle one night upon the next.

All dates do arrive eventually if we will but wait long enough for them. September 18th arrived about two weeks late. Centrally located in the Center Building at 2000 Center Street, one can discover, adjacent to the Office of the Public Defender, the 2nd Municipal Court of Berkeley. I had contracted a disquieting affection for this dour cinderblock heap, devoid in itself of all charm or color. We waited for an hour in the corridor of the 3rd floor until the courtroom opened at 9AM. The morning's schedule was posted outside the door: 6 cases, the last being Vanessa's, the length of the proceedings depending in part on the time of arrival of the Santa Rita paddy wagon.

The docket was vintage Berkeley, meaning that it was far from routine even by Berkeley's standards<sup>1</sup>: a man accused by his neighbors of child molestation; a young black woman from Oakland who hadn't shown up for her previous court appointment

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<sup>1</sup>which is normal for Berkeley

and risked a charge of contempt of court; a few minor landlord-tenant disputes, things that ought to be handled by Mediation Centers ; the final session of a sensational case, that of Jim Pinkowski, which had made the headlines 4 months before; Vanessa's hearing.

It was our good fortune that a sensitive and generous woman like Judge Conger was presiding on the bench that morning. Compromises were arranged, charges dropped, sentences suspended, parole granted. Nobody went to prison. The man accused of child molestation told the court that his neighbors had tried to withdraw their charges but have been prevented from doing so by the police. He had been promised by them that they would call later that day to confirm his story. He was allowed to return to his home.

The woman from Oakland explained her failure to appear for her hearing by claiming that it had fallen on a day which her religion, ( no indication of which religion she was referring to ), considered a holiday. A suspended sentence, with a reproach and a warning.

Sitting with his father and mother, grouped together like a family in church waiting to take communion, was Jim Pinkowski. A young man of college age, obese with thick glasses, dressed in an ill-fitting suit. he looked agreeably contrite and rather helpless. Unlike Vanessa, Pinkowski was a celebrity.

Another parable of Telegraph Avenue. He already had a reputation as a cartoonist. His own comic book was on sale at local bookstores. Part of its content was given over the evil inherent in

banks and bankers; the remainder expounded his utopian proposals for a universal generic banking system.

One might credit him with the invention of yet one more ingenious method for getting oneself fired from a job one doesn't like. On the morning of June 25th, 1984, Pinkowski walked through the doors of the Telegraph Avenue branch of Gianinni's Bank of America, where he worked as a teller. In his pocket was an empty .32 caliber automatic pistol. Waving to friends and colleagues, he passed through the lobby to a conference room at the back of the building. There he proceeded to lock himself in. His demands were shouted through the glass doors: press conferences to publicize his economic theories.

Otherwise he would commit suicide. Pinkowski surrendered to the police after hosting press conferences with the Daily Californian, KALX, the San Francisco Chronicle and TV stations KGO and KRON. Only in Berkeley. A few days later he was free on his own recognizance. Today's court appearance was the last of several over the previous four months.

Conger placed him on probation for 3 years. He was ordered to pay \$500 in damages to the detested computerized Bank of America, while his parents promised to send him to a psychiatrist: the old story of Law and Psychiatry jumping into bed together every other day of the week.

Off to the right of the judge's dais, a doorway stood open, providing convenient access for persons with technical, janitorial or moral relevance to the machinery of justice. As Judge Conger deliberated over Jim Pinkowski's fate, Vanessa's black hair flashed through it like the brief flutter of a bird's wings among the trees. The lumbering prison guard who followed close upon,

clanking handcuffs and club, paused briefly to cast a long, , craven look over the courtroom, then moved on. My long vigil had been rewarded: Vanessa and I would be seeing one another in a few minutes.

Harpham entered, greeting me with a wave of the hand, then went to the front of the courtroom. With Judge Conger and the prosecutor, also a woman, they entered into a lengthy discussion, using that technotalk that sounds so good in the movies and which sets lawyers off from the rest of us: 'Justice' is a mixture of High Shakespeare and low Comedia del'Arte. <sup>1</sup>

From the drift of their conversation I was able to learn that an entire jury was waiting in an adjoining room , assembled since 9AM for the sole purpose of weighing in judgment on Vanessa's inherent criminality . Both judge and lawyers were baffled, unable to comprehend Vanessa's insistence on a jury trial for a case of petty shop-lifting .

Harpham argued for dismissal. Even the prosecutor seemed to waver. They shared the vague feeling that wasting the time of 12 honorable and upright citizens might be construed as a breach of common courtesy . Judge Conger then requested that Vanessa be brought into the courtroom and asked if she still wanted a jury trial.

Now Harpham came over to talk to me. Barring a change of heart on the part of Vanessa, ( highly unlikely inasmuch as she had chosen to remain in jail a month just to get her jury, even writing a long letter to the judge protesting her innocence), the

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<sup>1</sup>No-one understood this better than Shakesneare himself.

only chance for avoiding a potentially lengthy trial, one that might drag on for weeks, lay in Ron's promise to drop the charges.

Ron hadn't contacted anyone. Was I certain I had understood him correctly? I was. Midway through our conversation, Vanessa at last made her entrance into the courtroom. Despite his rough appearance and bullying manner, I am convinced that the guard that accompanied her had tears in his eyes. Prison guards, no more than the rest of us, are not without compassion. Few spectacles are more pitiable,( or more frightening) , than that of a fellow human being deprived of reason. Despite this, two lawyers and a judge would argue for another fifteen minutes about her motives for a jury trial.

From what I could ascertain, she had not been injured. Vanessa was wearing prison regulation. Her features were ashen and demoralized. Overheated quarters, unwholesome air and little exercise for a month had taken their toll . She did not acknowledge my presence at first, but later turned around to look at me. It was then that I saw that the letters I'd written were in her shirt's upper pocket.

Another consultation began, involving Harpham , the prosecutor and myself. After talking briefly with me, the prosecutor went out into the corridor to call Certain Foods. She soon returned: Ron had indeed made a promise to me to drop the charges.

Yet between today and the day we'd met and spoken, a subaltern impediment had flotsamed. As a condition for her release Ron was demanding that I, Roy Lisker, return to Certain Foods that day to reimburse him for the items that Vanessa had stolen!

I'm a pragmatist in such situations: Okay, I lied , I'll come by this afternoon. That's the way of the world. If Certain Foods expected to be rewarded for having put a friend of mine, a helpless mental case, through hell for a month, it would be better for everyone concerned if I broke my word. Experience with my own twisted nature has taught me that my belief in non-violence is sincere , but that I have ambiguous feelings about vandalism. The results of such a visit might well land *me* in Santa Rita ! With prosecutor and defender unanimous, Judge Conger moved for dismissal .

This was not to the liking of a Vanessa Ingebo - Young ! She rose up from her seat; she was outraged: " Your honor - I can't allow this! I don't want the charges dropped!" With total disregard for propriety, social convention, or the nice feelings of all us good souls trying to help her, she was determined to stay in jail until the world turned honest. "Nobody's consulted me! My rights are being violated! I want a jury trial. I want the whole world will know what's being done to me!"

Even Judge Conger, tolerance exemplified, expressed irritation. Judicature must be based on the assumption of the existence, at some basic level , of rational judgment in all concerned parties: how dare this obstinate young woman make her job so difficult? "Case dismissed!" she hissed, "You can't open it again."

" Your honor, once again I must protest!" Vanessa had watched her television; she knew what it was to have one's day in court: " I've been treated horribly! I have a right to be heard!" In desperation Conger turned - what else is new? - to me.

“ Mr. Lisker, would you go over and explain the situation to the defendant?”

At last! Five minutes of personal contact after weeks of misery, anxiety and separation. By transforming a criminal dispute into a political one, Vanessa had made my task that much easier. Seasoned leftist that I am, I told her, in so many words, that the cause would be better served if she got out of jail and continued the struggle on the outside. I promised to help her in the organization of her campaign.

She was willing to listen to me. There is not a soul on this planet so crazy that it can dispense with the need to save face. My arguments were successful and she assented to the decision of the court. Her only request was that the letter she had sent the judge be returned to her.

I prepared to tell her about the place I'd found for her and the money I'd put aside. But as I waited, estimating the time it would take to get through the formalities of her release, a new glitch emerged: not imagining that she would be released, Vanessa had neglected to bring her street clothes with her. This obliged her to return to Santa Rita, change into them, and be booked out from there. Conger asked that she be returned to the antechamber at the back to wait for the next Santa Rita hippiemobile.

With a magnificent huff, Vanessa stood up and strode out of the room. Before disappearing through the doorway, she turned around and once again acknowledged my presence. I was another one of those ubiquitous authority figures administering the great courthouse of the cosmos, a benign rather than malevolent being charged with the management of forces over which she had no control.

The remainder of the day was a noisy misinformation nightmare. When would the bus arrive? Had it perhaps already come? Or already left? Was it possible that she was still stuck in 2000

Center Street? Could she be back in the courtroom, getting her jury trial after all? Was there public transportation to get me to Santa Rita?

The answers depended on whom one asked. Was there transportation available for Vanessa to return to Berkeley? ( Yes, No, Maybe). Did the jail provided transportation for released detainees to be returned to their homes? ( Yes, No, Maybe) 3 hours passed with many of these problems still unresolved.

I went back to Harpham's office around 2 . A phone call placed to the Alameda County Jail confirmed that Vanessa was back in her cell waiting to be released. After he hung up, I asked him if there was some way I could let her know that I had a place to stay and \$50 waiting for her, as well as information about where to meet me in Berkeley later that evening.

" I can't guarantee anything. I'll try."

He dialed Santa Rita a second time . Yes, Valerie Ingebo was still there. There was something very strange about all this: somebody else had just called about her a minute ago.

Harpham

explained that this somebody else had been himself. He was her public defender and wanted to leave a message for her.

" We don't take no incoming messages. "

Even the public defender of an inmate whose case had been dismissed was not allow to communicate with his client! He commented as he hung up the phone: "It doesn't surprise me. My

office used to be out near the weapons research facilities at Lawrence Livermore Labs. The anti-military protestors arrested there are processed through Santa Rita. I couldn't get the jail to do a thing for them once they were inside."

Before leaving the building I stopped into the message service on the first floor to leave a note in her PO Box and a message with the operator. These stated that I would be in the Coquelot Cafe that evening from 7 to 11.

I waited until midnight then went home . I left messages for her, all of them unanswered, over the next month. We didn't run into each other again for six months. Then one evening in March I sighted her coming out of the BART station in downtown Berkeley.

She was wearing a backpack and carrying a duffel bag. She didn't seem to be in crisis, and since I couldn't really do anything for her in the larger context , ( and I was human enough to be angry with her that she had never contacted me), I just watched her as she drifted away.

I don't remember what happened to the \$50. I hope that it went to a good cause. There is, of course, a high degree of predictability in the unpredictability of Vanessas. Our paths may cross again. I hope above all that she is well and not in prison, jail, or an asylum, although this may be the safest place for her. She is totally dependent on the presence of good-will and understanding in her immediate environment at all times. As we all discover soon enough, these are not universally present.

Society is anxious that abnormal behavior be either punished or cured. If the behavior is incurable, only punishment remains. In

our own day, with the closing down of the mental hospitals and the eviction of their populations, we have seen the frightful emergence of a third alternative: abandonment.

Beyond these three options our imaginations are limited. Civilization is superficial at best. People who study these matters tell us that in cultures considered more primitive they are often dealt with in a healthier way. When we , as individuals find ourselves confronted by them ,we must be satisfied in the thought that we have done our best.

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## APPENDIX

# The New Vindictiveness

An official prison census in 1930 placed the combined populations of state and federal prisons at about 130,000. By the 1980's it stood near 330,000. Assuming linear growth, we are speaking of an additional increment to the total population of about 40,000 inmates per decade .

Between 1985 and 1995, the prison population rose to over 1,050,000. If 330,000 is taken from this we have a jump of 720,000. When this is divided by the increment of 40,000 per decade, we see that *there has been an 18-fold increase in the rate of incarceration of our citizens over the past decade.*

These figures are subject to many interpretations. One can say that the enthusiasm with which the police force is rounding up citizens has multiplied 18-fold . One can also speculate that it is the longer sentences which have led to a cumulative overcrowding in the prisons. I don't have the corresponding figures for the

county jails, save that they were holding 500,000 detainees by the end of 1994.

The conclusion that we have become a police state is inescapable. With regard to the mentally ill: E. Fuller Torrey, writing in 1988 ( *Nowhere to Go: The Tragic Odyssey of the Mentally Ill* ) stated that the number of serious mental cases in our jails and prisons was about 100,000. Estimating the total inmate population at that time as 500,000, this means that 20% of all incarcerated persons should have been in hospitals.

This quotation is from an address given in 1991 by Ray Coleman, former president of the American Jail Association, to members of Congress:

*“ Jails have become the dumping grounds for the mentally ill. Mentally ill individuals sometimes spend three to four months in jail without a trial, for a misdemeanor such as a ‘dine-and-dash’, sometimes while judges try without success to get them into a treatment situation. If they were not mentally ill, they’d be released on recognizance. These individuals are seriously ill. They are not serious criminals.”*

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