

THE AMERICAN GULAG SYSTEM

Or Why 440,000 Wrongfully Convicted
People Are Just The Tip Of The Iceberg

Updated July 8, 2016



Having been involved in the “wrongful conviction” community for a number of years now, it has finally dawned on me that this entire phenomena of imprisoning innocent people is much more than a judicial system gone awry. While Americans are gradually beginning to realize that many people have been convicted of crimes they never committed, few are aware of the true magnitude of the problem.

This paper is written for the benefit of those who are presently wrongfully imprisoned and can’t understand why they have fallen victim to this horror. And it is written for the many thousands of tax paying citizens who are not only paying to house these innocent people, but are beginning to see that something is very drastically wrong. As with many controversial issues of the day, they can’t quite put their finger on the real problem.

As a prelude, read the many articles in, *How The System Works*:

<http://truthinjustice.org/systemworks.htm> Then read about how the system was changed to keep the wrongfully convicted from ever achieving freedom:

<https://theintercept.com/2016/05/04/the-untold-story-of-bill-clintons-other-crime-bill>

The Publicity

Let's start with the book and movie, *Fatal Vision*:

https://en.wikipedia.org/wiki/Fatal_Vision_controversy It is the story about a U.S. Army medical doctor, Jeffrey R. MacDonald. MacDonald was convicted of murdering his entire family in an exceptionally gruesome crime spree in February, 1970. Despite a clear lack of motive, a lack of sufficient evidence — and the admission of one of the “hippie” murder participants that she was involved in the murder (along with other drugged out hippies), MacDonald remains in prison to this day. His numerous appeals have fallen onto deaf ears.

Then there is the movie, *Conviction*, shown in theaters in 2010:

[https://en.wikipedia.org/wiki/Conviction_\(2010_film\)](https://en.wikipedia.org/wiki/Conviction_(2010_film)) It is based on the true story of Kenny Waters, convicted of a murder that he had nothing to do with. Incredibly, his sister, who completely believed in his innocence, went to college and then onto law school to obtain a law degree. Her sole ambition was to free her brother. Incredibly she was able to accomplish that seemingly impossible feat.

More recently, we have the hit Netflix docuseries, *Making A Murderer*:

https://en.wikipedia.org/wiki/Making_a_Murderer . Falsely convicted of a rape charge, Steven Avery is released after 18 years on DNA evidence. Two weeks before he is to receive a \$36 million settlement for wrongful conviction, he is again framed for a murder he could not have possibly committed. This docuseries has been viewed by over 19 million people. Avery remains incarcerated to this day. His case is presently pending appeal.

These movies and books, along with countless others through the years, have raised the public consciousness of the public to the phenomena of wrongful convictions. But the perception still remains that all of these cases are somehow exceptions to the rule. Most people think that overall, the American judicial system still works most of the time. It just needs a little tweaking to fix its obvious inadequacies.

Really?

I maintain that the entire judicial/law enforcement/prison industry complex has simply morphed into a duplicate of the former Soviet Gulag System initiated under Stalin:

<https://en.wikipedia.org/wiki/Gulag>

The American Gulag System is in many ways the same program. Read these many articles that compare the two:

<https://www.google.com/search?q=american+gulag+vs+russian+gulag+&ie=utf-8&oe=utf-8#safe=off&q=american+gulag+vs+soviet+gulag>



Under Stalin, anyone, rich or poor, high society or peasant, could be sentenced to decades of work in these death camps. Conditions there were barbaric at best. Inmates were literally worked to death. Barely fed enough food (such as it was) to keep them alive, they had no medical facilities, and were abused daily in every possible way. Like today, many were innocent of their “crimes.” And like today, even the guilty received unjust sentences: <http://gulaghistory.org>

But wait! Surely you can’t compare these horrid conditions of yesterday to today’s modern prisons?

Well, let’s look at what we have today in the U.S. and see if it compares.

Like the Soviet Union, we have a high percentage of wrongful convictions. We have the same work programs, where inmates are coerced/forced to work for pennies on the dollar (allowing the prisons to reap huge profits, in effect stealing jobs from the average person on the outside.) Keeping the bunks full insures that the state will pay the prisons for each inmate, often at a rate that rivals a luxury hotel.

Expenses are kept down by serving only the cheapest, unhealthy foods. Adequate medical help is spotty, with inmates often required to pay to see the doctor. Basic necessities of life must be

purchased by the families of the inmates. Already impoverished by the legal fight to get their loved ones out of prison and by the loss of their chief bread-winner, they are then forced to pay 50-100% more for simple items like toothpaste or a TV. Phone calls that cost most people nothing are exorbitant and limited to 15 minutes.

Overcrowding is the rule in most prisons, which are rarely adequately heated or air conditioned. Rehabilitation is of course rare. Self-education and college extension courses exist only in some prisons. Violence of every kind (sometimes even from the guards) is a part of the paradigm.

Mail, packages, and personal belongings are routinely “lost.” The noise in prison is constant. Should one be unfortunate to be on the wrong side of the prison officials, you are sent to the “hole.” Life there is clearly inhumane, with many suicide attempts.

Parole works for some, but not if you are innocent. They want to see some remorse. How can you show remorse for a crime you never committed? If you are innocent, you will serve your entire sentence.

Then there are the private prisons. Life there is often worse, as the corporation cuts even more corners to show a profit for the shareholders (many of which are judicial/law enforcement/prison industry personnel.) Few have any real oversight by the state. They also have sweetheart deals with the state guaranteeing them that the bunks will always be filled.

The chances of an innocent person getting out of prison range from slim to none. Unless one has adequate resources and an outside attorney, it is usually a lost cause. Often, the evidence that would exonerate a person is conveniently lost, misplaced or corrupted. Jailhouse lawyers often do an excellent job of preparing the necessary paperwork (using manual typewriters — computers are rare in prison,) but lack the connections to the outside court systems to really play the game correctly. Oddly, most outside attorneys don’t want to help and close their eyes to this entire nightmare. Unless you have money, that is.

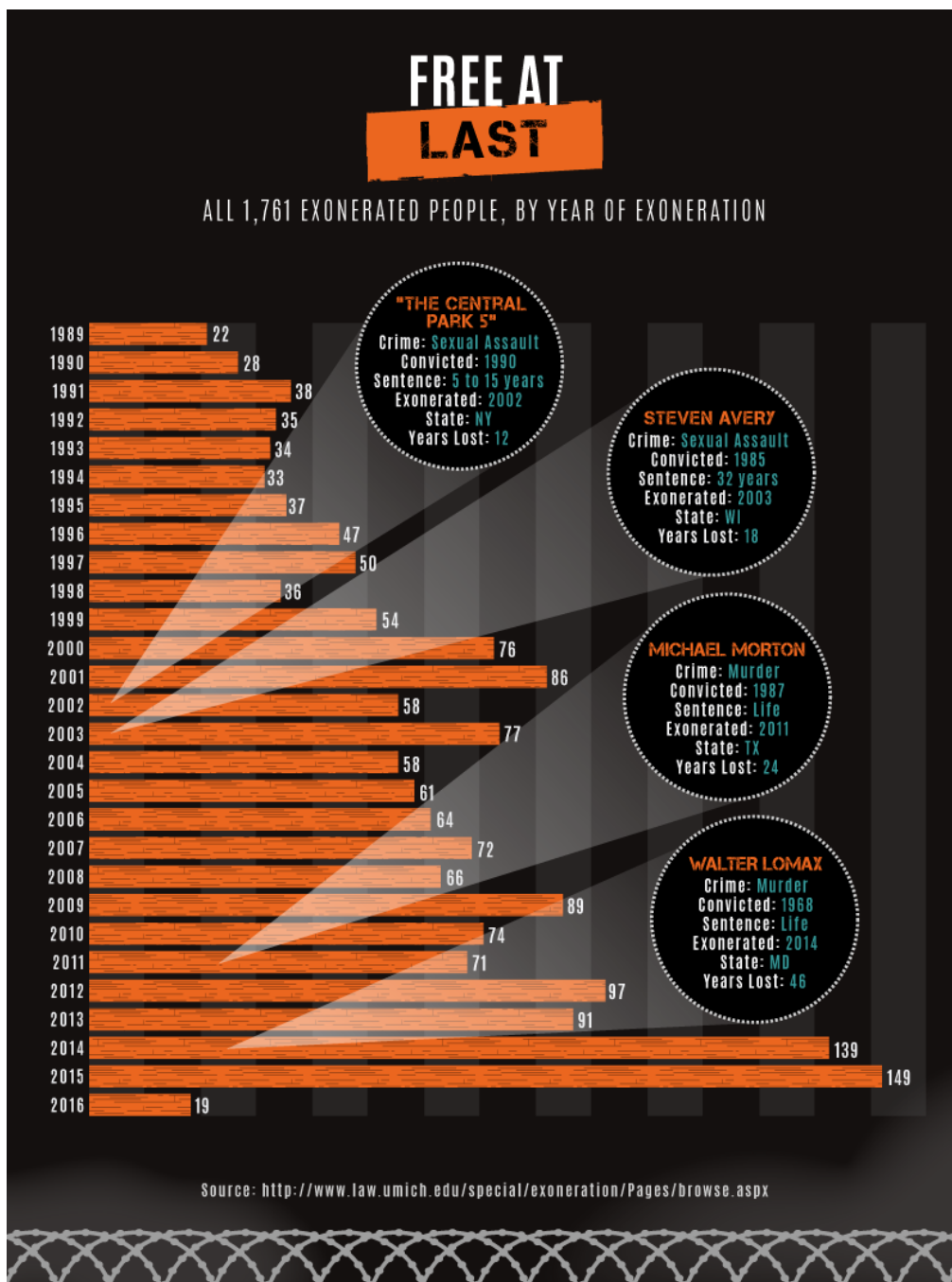
Rarely mentioned is another prison system where conditions are often worse. The illegal immigration detention system, where undocumented immigrants are housed, moved around, and deported in a system that receives little review or oversight. Most of it is privately run. If one is abused there, who are they going to call? Read: <https://www.amazon.com/American-Gulag-Inside-Immigration-Prisons/dp/0520246691>

It should also be noted that women's prisons are often worse than the men's. Between sexual abuse and the lack of basic female supplies, life there can be equally disparaging. Ironically, the hit Netflix series, *Orange Is The New Black*, is filmed in an actual prison where the real conditions are much worse than what is portrayed in the series.

The Wrongfully Convicted

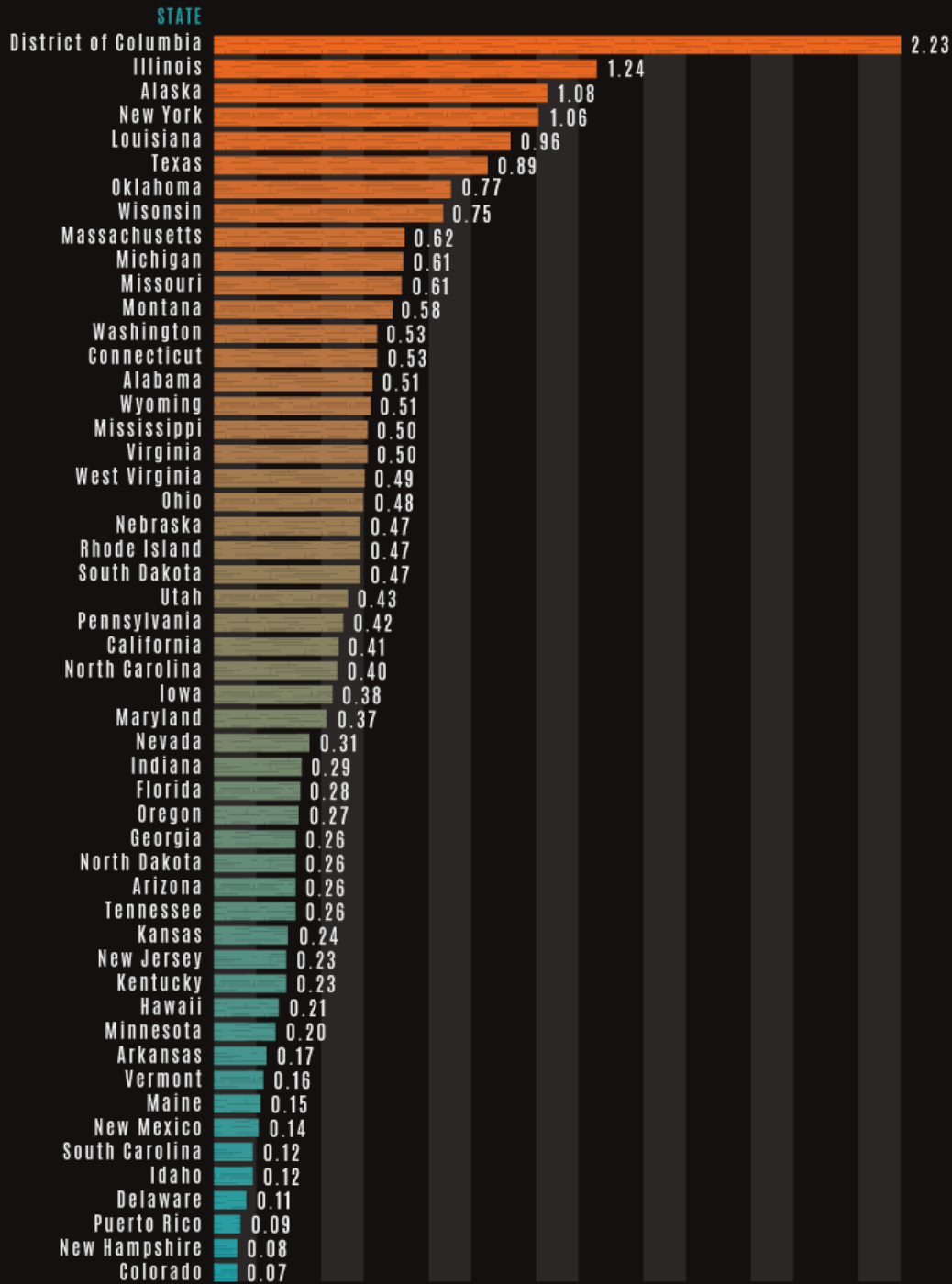
The following charts were made by the Aizman Law Firm:

<http://www.lacriminaldefensepartners.com/years-lost-prison>



WHICH STATES HAVE HAD THE MOST WRONGFUL CONVICTIONS OVERTURNED?

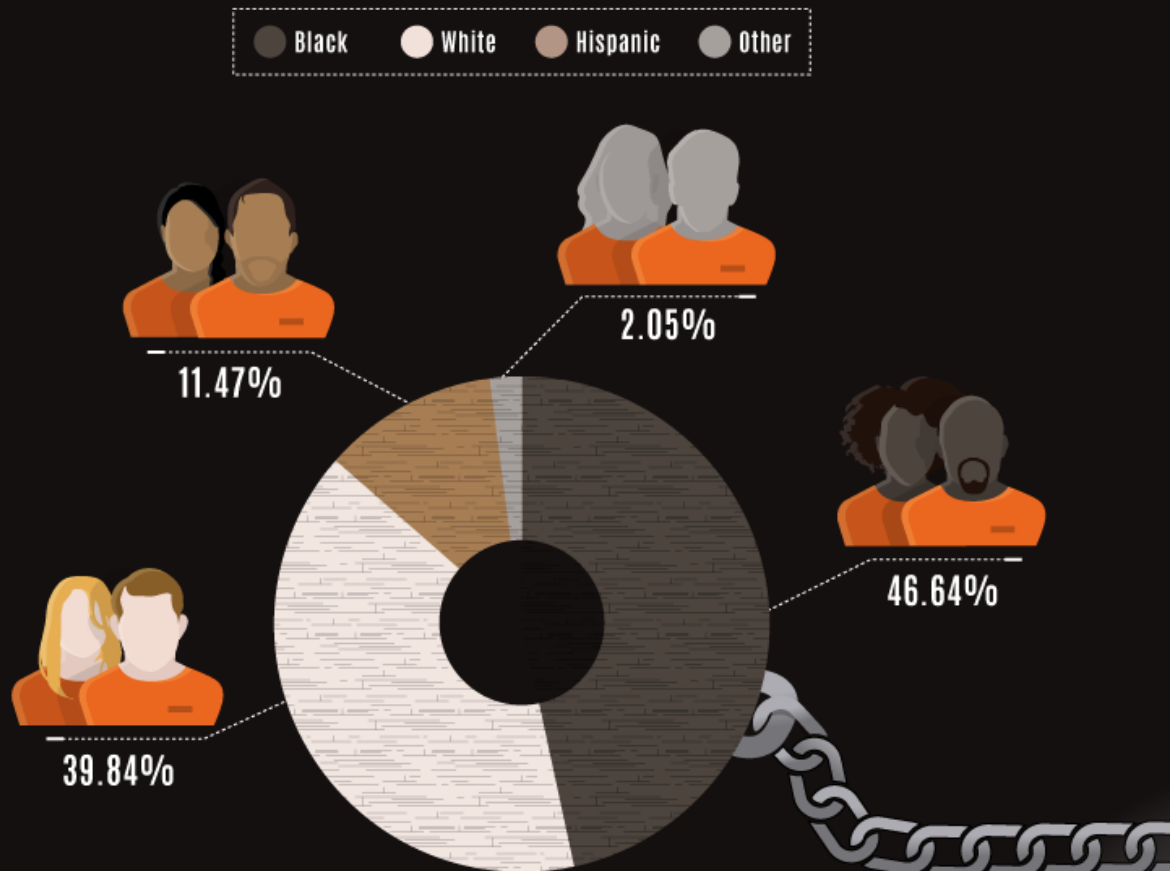
NUMBER OF EXONERATED CASES IN EACH STATE, PER 100K



Source: <http://www.law.umich.edu/special/exoneration/Pages/browse.aspx>

RACIAL COMPOSITION OF WRONGFULLY CONVICTED PEOPLE

TOTAL PERCENTAGE OF EXONERATED CASES, BY RACE

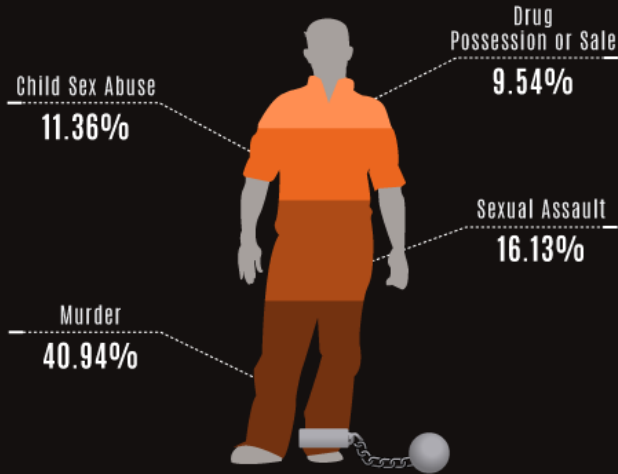


Source: <http://www.law.umich.edu/special/exoneration/Pages/browse.aspx>

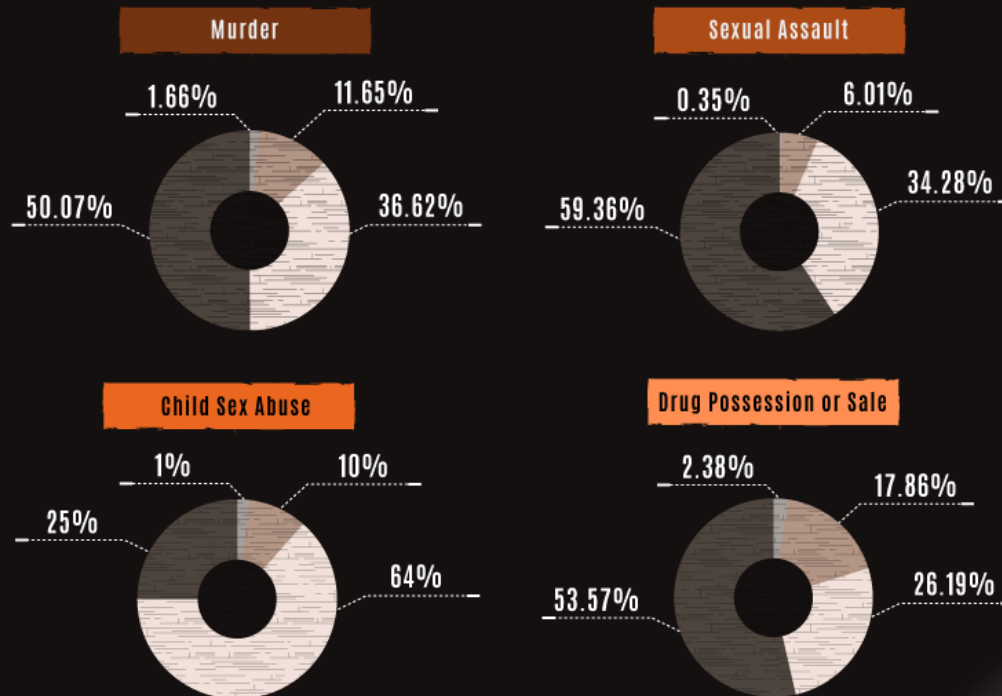
WHICH CRIMES ARE PEOPLE MOST OFTEN WRONGFULLY CONVICTED OF?

TOP CRIMES OF EXONERATED CASES

PERCENTAGE OF TOTAL CASES, BY CRIME



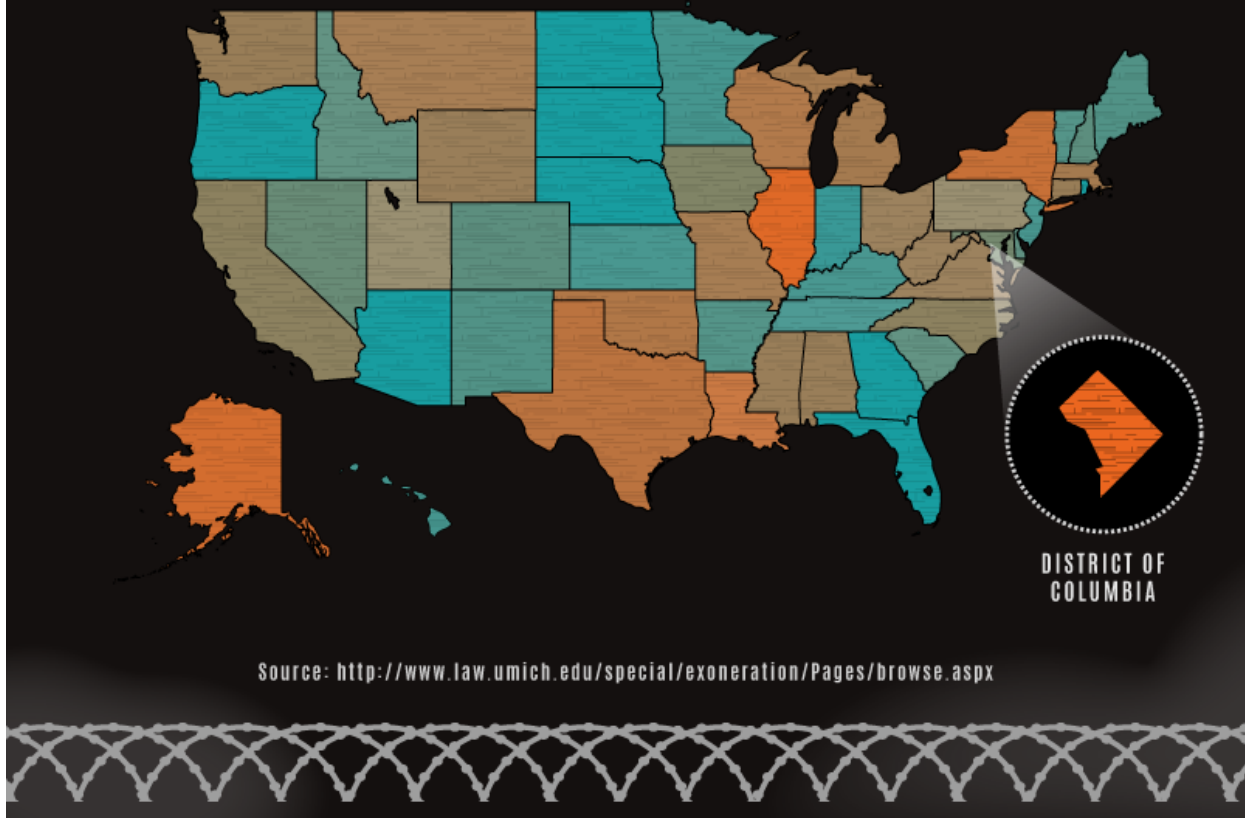
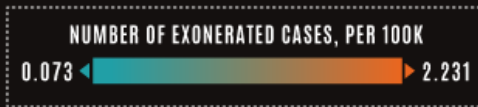
PERCENTAGE OF CRIME CASES, BY RACE



Source: <http://www.law.umich.edu/special/exoneration/Pages/browse.aspx>

WHICH STATES HAVE HAD THE MOST WRONGFUL CONVICTIONS OVERTURNED?

NUMBER OF EXONERATED CASES IN EACH STATE, PER 100K



There are about 2.2 million people in U.S. prisons:

https://en.wikipedia.org/wiki/Incarceration_in_the_United_States

Far from the 3-5% usually quoted, there are at least **440,000 innocent people** presently in U.S. prisons, **about 20%**:

<http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6952&context=jclc>

10,000 innocent people are added to the U.S. prison system **each year**. Half the people in prison are there for drug offenses, often non-violent:

<http://fivethirtyeight.com/datalab/releasing-drug-offenders-wont-end-mass-incarceration>

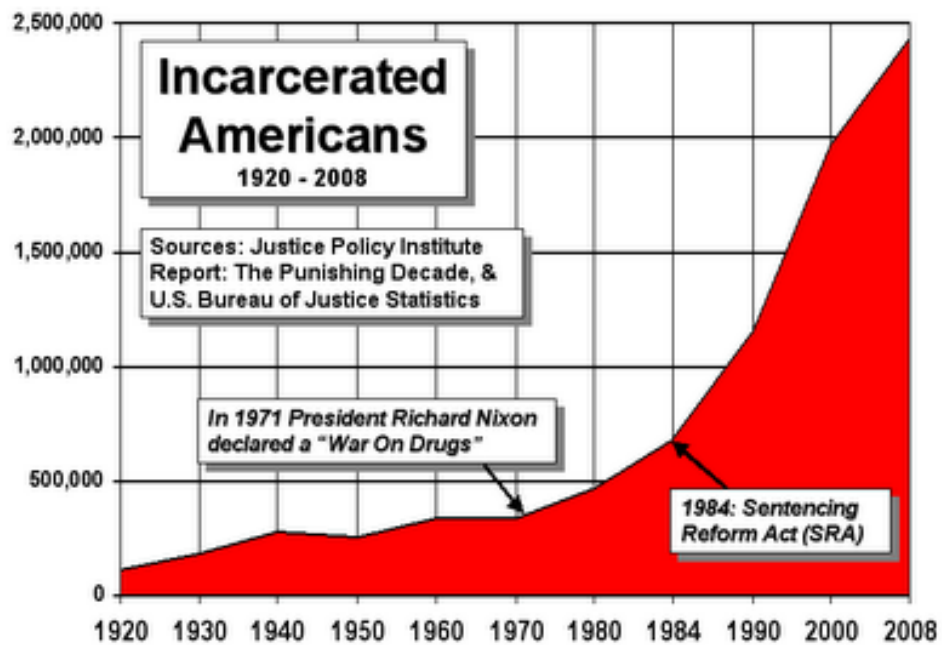
Since 1989, only 1,761 people have been exonerated based on new evidence of innocence, an average of 65 per year: <http://www.lacriminaldefensepartners.com/years-lost-prison>

How does the U.S. compare with the rest of the world in total incarceration?



When did this incredible jump in convictions start? It started when the “War On Drugs” got into full swing and the U.S. switched from rehabilitation to punishment:

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3762476>



Not everyone has the “luxury” of a small 2 person cell.



A Word About The Exoneration Process

After conviction, most wrongfully convicted people file an appeal, assuming that the wrongs of their trial (usually a mistaken eyewitness identification, judicial improprieties, police destruction or withholding of evidence, ineffective counsel, etc.) will be judicially corrected. But the fact is that it rarely happens. It makes no difference how “good” your case is, most convictions are rubberstamped by higher courts within the same state system. One’s only hope is usually with the “habeas” stage conducted at the federal level. Unfortunately, you must exhaust all remedies at the state level before you can move to the federal level.

It’s All About The Money

Other factors designed to keep the bunks full are the harsh sentences often imposed on people, sentencing them for years past what would seem reasonable. To this day, people are serving life sentences for possession of marijuana, or life sentences for petty theft on a third conviction. These sentences do not serve the public or the accused. But they do guarantee free lifetime labor and income from the state for their presence: <http://www.harshjustice.org>

Worse, many inmates are kept way past their designated release dates. No one in the prison can ever adequately explain why that is: <http://www.sevendaysvt.com/vermont/packed-prisons-retain-inmates-past-their-release-dates/Content?oid=2481690>

Welcome to the American Gulag System!

Ken N.