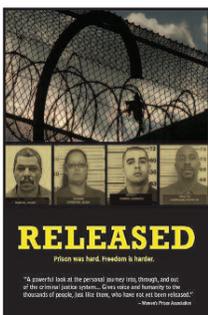


BOOK AND DVD REVIEWS

Released

A film by Philip Messina
The Video Project (2013)
Reviewed by Sejal H. Patel



By age 10, Casimiro Torres had learned to negotiate life with his single, alcoholic mother. The state took him and his brother away from their mom and placed them in a juvenile detention center

under the care of physically and sexually abusive counselors. The young brothers ran away, scraping by on the streets by stealing food and searching in vain for their mother. “I started getting high to numb the pain,” Torres remembers. Torres was ultimately arrested 67 times and served 16 years in prison.

I watched Torres tell his story in the 2013 documentary film *Released*. In the film, Torres and three other former inmates shared their life stories from adolescence to incarceration to redemption. As criminal defense attorneys, we have heard these stories — so often, in fact, that child, drug, sexual, and physical abuse and recidivism feel like weathered, warped folk tales. We see evidence of what our clients have endured in sentencing memos and probation reports. Our clients’ personal histories cloak our work with empathy, with a sense of injustice that these people were born into jail as much as they were later placed in one. And then it is no wonder what happens to them upon their release.

Released is a film adapted from the 2008 off-Broadway play “The Castle,” in which Torres, Vilma Ortiz Donovan, Kenneth Harrigan, and Angel Ramos sit

on wooden stools and take turns speaking. Their experiences share a trilogy format — three lives in one, really: before prison, in prison, and after prison. The title of the movie draws our eyes to the third of those stories, or the “after prison” part. The film asks us to consider what being released from prison really means.

None of the four speakers experienced much by way of security in their lives before they went to jail. They told stories in the film about scouring through garbage cans looking for food and living in homes of fists, bottles, and needles. Some doubted their own sanity. Others found no growth or opportunity in education. They all felt constantly threatened about how to protect their bodies. These offenders were, at their core, vulnerable people. Prison provided more stability to them in some ways than being on the outside. This inverted truth lies at the heart of the film — freedom can be more punitive than incarceration. Angel Ramos put it best when he said of his release after a 30-year sentence: “How do I live like a normal human being when I have no idea what normal is?”

That said, prison was no panacea. There too, the inmates’ sense of security was constantly under threat, where a failure to nod to another inmate could lead to a death sentence. Torres tells us in the film that his left forearm is covered with knife wounds because he used that hand to defend, and the other to punch. Kenneth Harrigan reframed his life narrative in order to survive. “Make the cell where you want to be,” he counseled himself so that he felt some control over his situation. He found two places of solace when he was locked up — the church and the law library. And Ramos found hope in a prison volunteer and educator named May who taught him to read.



Vilma Ortiz Donovan wanted to leave drug dealing behind, but she did not trust that she was smart enough to make anything of her life.

Torres, Harrigan, Ramos, and Donovan each declare at the end of the film: “I am a taxpayer.” The ending is somewhat glib, like an IRS commercial, but the point of it is well-taken. To succeed upon release, people need jobs. Happy endings are possible, but the film tells us that we need more places like the Castle to make that happen.

“The Castle” is the name of a 60-bed residence in West Harlem that, along with companion facilities in Manhattan, takes ex-convicts in and helps them become productive members of society. The Fortune Society, founded

About the Reviewer

Sejal H. Patel is a San Francisco-based criminal appellate attorney and writer.

The opinions expressed in reviews are those of the reviewers and do not necessarily reflect the opinion of NACDL.

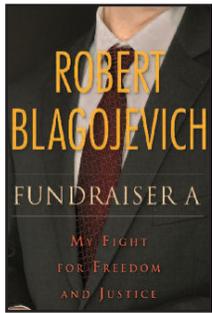
in 1967 by David Rothenberg, runs the Castle and takes a “whole client” approach to helping inmates re-enter society. Staff members provide inmates with a place to live and help them with employment, education, families, and their health.

Torres, Harrigan, Ramos, and Donovan credit the Fortune Society with helping them turn their lives around. “We need a thousand Castles,” they say. Torres now works as a substance abuse counselor, Harrigan is a minister, Ramos is in school, and Donovan both works at the Fortune Society and is in community college. Each finds his or her own version of release, inside and out. ■

Fundraiser A

My Fight for Freedom and Justice

By Robert Blagojevich
Northern Illinois University Press (2015)
Reviewed by David Raybin



As a Nashville attorney, I defend clients tried in federal court. In one month-long case, I found myself holding my client’s wrist to have bodily connection when the jury delivered its verdict. The sound of the acquittal reverberated through our arms like electricity.

By the end of such a trial a lawyer knows everything there is to know about the client. Or so I thought. Many intimate and personal moments that a client experiences are never fully conveyed to the attorney. This book provides insight into a federal criminal trial from the viewpoint of the citizen accused.

We are all familiar with Rod Blagojevich who, as governor of Illinois, was accused of trying to sell Barack Obama’s former Senate seat to the highest bidder. This was a scandal of the first order, unnecessarily contaminating the president-elect’s victory.

Arrested, impeached, and cast from office, former Gov. Blagojevich found himself in federal court indicted for a multitude of crimes. There was — and is — a serious question as to why his brother, Robert, also found himself standing trial for alleged complicity in soliciting funds for the sale of the Senate seat.

Robert Blagojevich’s book recounts his life-changing experience when facing the power of the United States of America, hell-bent on providing him with a prison cell adjacent to his more famous brother.

A well-respected Nashville businessman, Robert Blagojevich enjoyed significant success because of his organizational skills. It was for that reason his brother asked him to assist in raising re-election funds.

The book commences with Robert’s fingerprinting and booking. This seemingly “routine” event is presented in chilling text illustrating the citizen’s vulnerability.

Following this prologue the author conveys how he spent some four months embroiled in fundraising activities in the rough and tumble world of Chicago politics. Indeed, he was later referenced in federal papers as “Fundraiser A,” giving the book its title.

It was only after his brother was arrested that Robert learned the federal government had been monitoring conversations that allegedly suggested he was involved in some vast scheme to sell the Senate seat. He certainly seemed to be a tempting target: What prosecutor does not love a conspiracy?

Robert’s life is on hold as he waits to see if he will be charged as well. The remainder of this well-written book is a straightforward narrative of the subsequent indictment, the first trial, and the ordeal Robert endured.

The prosecutors were not the only source of worry. The author’s frustration with his brother is palpable when Rod is on a talk show flippantly discussing the brothers’ wiretapped conversations played on national television. The author relates that “this was just another indication that I had a problem with Rod as a potential co-defendant.” Indeed.

Several poignant descriptions illustrate the author’s relationships with the remainder of his supportive family. The book is at its best when Robert addresses his adoption of a stoic attitude and his desire to stay physically fit so he could “carry on” and survive the blitz. Robert walked the delicate balance of being actively involved in the case while allowing his first-class attorney, Michael Ettinger, to captain the ship.

The trial ended in a hung jury for both brothers. Robert and his attorney played “chicken” when the government offered Robert a severance if he would agree to be tried after his brother’s next trial. This seemed like an appealing option, but the defense team refused. In

short order the federal government dismissed the charges against Robert.

While he retained his freedom, it is left to the reader to determine whether he ever received justice. The author delightfully exhibits the naiveté of any first-time defendant lamenting that the prosecutors “seemed to choose to ignore my consistently ethical behavior [exhibited in the wiretaps] and ultimately used me as a pawn in their prosecution of my brother.”

As experienced criminal defense lawyers know, the government could hardly care what kind of “good person” a defendant might be. It is only their alleged sin that is of interest. After reading this excellent, short work I am convinced that Robert Blagojevich’s only sin was aligning himself with his brother, who, at the end of the book, we find omitted Robert from the prison visitors’ list.

I recommend the book, not only for attorneys and judges but also for clients facing a federal criminal trial. It is as informative as Alan Ellis’ *Federal Prison Guidebook*. ■

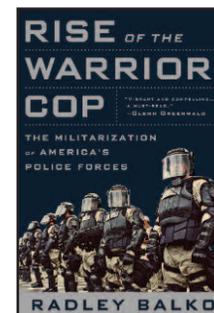
About the Reviewer

David Raybin, with Hollins, Raybin & Weissman, P.C., maintains a criminal trial and appellate practice in Nashville, Tenn.

Rise of the Warrior Cop

The Militarization of America’s Police Forces

By Radley Balko
Public Affairs (2013)
Reviewed by Lucia Walinchus



Tonight, somewhere in your state, armed men will bust open the door of a sleeping house and wake up the occupants at gunpoint. The armed men aren’t burglars. (Although they will probably take things later, as we shall see.) Instead, the assailants will storm the house, launch flash-bang grenades, and ostensibly give the assaulted citizens post-traumatic stress disorder as part of a public service. We funded this.

But wait: weren’t those house occupants dangerous? In a word: no.

Radley Balko lays out the reasons the

police usually target peaceful citizens in *Rise of the Warrior Cop*, an incredibly well-researched tome. Importantly, he does a good job of not blaming the police force, but rather the failed policies that give officers incentives to target the least harmful suspects — police funding based on the number of arrests, solitary informants paid based on the number and not the quality of tips, and no repercussions for rights violations during raids. Balko weaves in numerous heartbreaking anecdotes of people hurt by police raids, for example by heart attack. Or they are shot after reaching for a legal weapon in their defense, despite reasonably believing in the 3 a.m. confusion that they are being robbed.

Balko quotes the New York City chief of police, who estimates that at least 10 percent of raids are faulty. Incredibly, the chief says this in the *defense* of police intrusion — in other words, in any given month, “only” 45 homes in the city are broken into and terrorized though the warrant is based on flawed information. In the rare instances when people actually do sue the police for rights violations, they typically only get a monetary settlement — in other words, police practices do not change, and ironically the source of relief

is the same terrorized taxpayers.

The author calls this trend the “militarization” of the police force, but really it is more than that: the police are not necessarily capable of more force, but they use force on the wrong people. For example, Balko notes that if anyone is actually suspected of being dangerous, police will often pick up that person somewhere outside of his or her home to minimize the chance that the suspect will shoot back and harm officers.

Balko particularly targets civil asset forfeiture laws that provide a big incentive to seize funds and goods from drug suspects. Although these policies have been tempered a bit at the federal level, federal and state asset forfeiture laws still allow the government to seize assets without a conviction. Balko argues that this creates a perverse incentive to target property instead of crime. For example, it makes more sense to wait and arrest a drug dealer after he is flush with cash rather than when he initially receives a shipment of drugs. Or if government agents find a large parcel of land with a small amount of drugs growing on it, they might offer to drop the charges against a landowner willing to turn over the land. The government will make this offer even if the parcel includes hundreds

of acres and there is no evidence that the owner knew of an illicit garden. As Balko points out, why would a suspect be less dangerous after handing over property? In essence, instead of focusing most police resources on murderers, burglars, and sexual assailants — the most dangerous elements of society — they are concentrating on low-level, nonviolent, though more profitable, crimes.

In the era of Michael Brown and Freddie Gray, it is hard not to imagine a more relevant book than *Rise of the Warrior Cop*. Balko’s greatest strength is the book’s detailed history of the policies that gave rise to modern police work, and how they have fallen from grace. Sadly, neither liberal nor conservative politicians ever gain traction on fixing the situation, despite the fact that the former traditionally see themselves as champions of civil rights and the latter see themselves as a bulwark against big government abuses. This book is a must-read for anyone interested in reforming the criminal justice system. ■

About the Reviewer

Lucia Walinchus is an attorney and journalist in Enid, Okla.

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