

The Long Reach Of Prison System



FRANK NUBIN
'Bitter as hell'

Frank Nubin works steadily at a good job, lives with his wife in a neat East Oakland home, and in the past 22 months has been convicted of one minor legal offense — being drunk in public.

This Friday, barring a last-minute legal coup, Nubin will be taken to San Quentin to begin serving up to ten months because the California Adult Authority says he needs "rehabilitation."

And the fact that he has, for the most part, stayed out of serious trouble for nearly two years, apparently cuts no ice with the State of California.

"He is a potentially dangerous man,"

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gerous man," Deputy Attorney General D. Stuart Candland said yesterday. It was Candland who won a court order last week to send Nubin back to San Quentin to complete an unfinished prison term.

"The Adult Authority has pursued this in its usual outrageous, ruthless manner," said Salle Soladay of San Rafael, Nubin's lawyer.

"I'm bitter," said Nubin.

"Bitter as hell."

The fact that Nubin, who has been in and out of prisons since he was 18 years old, hasn't already had to serve the ten months he "owes" the State involves a long series of legal maneuvers and what the Adult Authority calls a clerical error.

Nubin, who is 46 years old and black, was only days away from the end of his last parole term when he was arrested on Christmas Eve,

1968, on a charge of assaulting his common-law wife—a charge that was later dismissed.

DATES

On Jan. 3, 1969 — one day before Nubin's parole time was scheduled to end, giving him a clean start — the Adult Authority revoked his parole and sent him back to San Quentin.

In a letter to Nubin officially informing him of the action, however, the Adult Authority gave the date of his parole revocation as Jan. 31,

1969 — a date when he legally would have been free of Adult Authority control. The Adult Authority later called it a typing error.

The error was enough for Judge E. Warren McGuire of Marin County Superior Court to grant a writ of habeas corpus in September, 1969, ordering Nubin freed. Despite an appeal by the attorney general's office, the prisoner was released Jan. 26, 1970, on a \$5000 bond.

While his attorneys battled state efforts to get Nubin back behind bars, Nubin married a new wife, Ernice, 45, moved into her comfortable home at 3030 60th avenue in Oakland, and got a job as a welder for an Emeryville Steel firm, where he said he now makes as much as \$1100 a month.

CLASSES

Several times a week, he attends union-sponsored classes to learn to be a structural engineer.

Besides the one arrest for drunkenness — he says he has now joined Alcoholics Anonymous — his police record for the past 22 months includes one arrest on a battery charge — again involving his former common-law wife — which was dismissed.

So he was stunned when Judge McGuire, after hearing new arguments by Deputy Attorney General Candland, issued the order last Friday for Nubin to be returned to prison.

QUESTION

"What's the purpose of it all?" Nubin asked yesterday as he sat in his living room. "It's cheaper for the system to let me go than to send me back . . . There is no rehabilitation program.

"A man spends four or five years in San Quentin, he's retarded — not physically, but in life . . .

"I'm no slave laborer."

Miss Soladay said she is working frantically to try to get Nubin's return to prison delayed while she goes to federal court with a new petition for a writ of habeas corpus.

And Judge McGuire, who had asked the Adult Authority to consider a new parole for Nubin "as soon as possible," said Miss Soladay's request for a stay, which he hadn't received yet, "could be considered."

Candland said he was certain that if Nubin goes back to prison, the Adult Authority will consider his case "immediately" and "take everything into consideration" in deciding whether Nubin will be released right away or serve the full ten months.

Commenting on the time Nubin has been out of prison, Candland mentioned the battery arrest, which he said proves that Nubin is "a potentially dangerous man, and they (the Adult Authority) should have the time to work with him . . .