

**From Prison To
Kennedy Center Stage:
Starting over at the top**

**By
Dennis Sobin**

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Front cover photo: Author Dennis Sobin incarcerated at the
Correctional Treatment Facility, Washington, DC (*photo by Carolyn
Cosmos*)

Back cover photo: Author Dennis Sobin performing on stage at the
John F. Kennedy Center for the Performing Arts, Washington, DC
(*photo by Donovan Berry*)

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Chapter One

A Producer in Prison

My friend and fellow convict Jim was the first to inform me that my date of expected release held special significance for the planet. It had nothing to do with the fact that I was returning to the so-called free world after ten and half years behind bars. It was that the day, January 6th, was the Day of the Epiphany—a widely celebrated church festival. It's when the three kings arrived in Bethlehem to bring gifts to the baby Jesus.

The word epiphany, of course, has a second, more generic meaning. The dictionary defines it as “a sudden striking understanding of something.” What would this forebode for my return? As I sat in a bus terminal on January 6, 2003 playing my new guitar, it started to come together.

The instrument was a welcome home gift from an outside friend. Too bad I didn't have a home to go to at the time. But I still had an automobile somewhere in Washington, DC, though I could not remember where I had parked it. No, it must have been towed, or rusted away, by now. Probably towed. Nothing rusts away in the nation's capital. People and things get melted down. That happens often. Recycling. Maybe the steel guitar strings I was playing had come from my car.

About the epiphany I was experiencing, it was the thought that freedom is not so much a place as a state of mind. During my time in prison I had learned to become happy; truly happy. I was limited in where I could go, but not in what I could think. Before my stay in prison, just the opposite was true.

My trial in a Bible Belt section of Florida in 1992 was a casebook example of injustice to the extreme. Without facts or evidence to convict me, the prosecutor told the jury to consider what was going through my mind when I produced a documentary for cable television. Its subject: clothes-optional beaches and resorts in the state known for oranges and political outrages. The video was done tastefully; it was wholesome. But the jury was asked to consider what if it fell into the wrong hands? What if children turned on a television or video player and watched?

In any other part of America, prosecuting someone for such a work of media art would be absurd. But not in Pasco County, Florida, where fundamentalist churches abounded and the resorts that I captured in my documentary are both a legal embarrassment and a closely guarded secret. The prosecutor himself, now in private

practice representing defendants, seemed miffed that an over-zealous vice cop had arrested me. But he was caught in a bind. He couldn't go against the police since they were on the same team. So he offered me a plea deal that my attorney said I'd be crazy not to accept. I could walk away with a small fine if I pleaded to a minor, mundane offense. Trespassing would do. I wouldn't, I didn't and today, if I had to do it over, I still wouldn't. In fact I was so outraged at the time that I spoke out boldly against the prosecutor, the police and local politicians in the press. I had taken my naïve notion of America as a free society to heart. But they were all twiddling their thumbs and reading their Bibles while they watched this travesty unfold. This was more than a town without pity. It was a place without common sense.

The prosecutor didn't like my words of criticism. So he moved forward on all counts. He even added a few as he went along. I would not only be charged in state court with producing a potentially hazardous video, but in federal court for not having all my financial ducks in a row. I'll be the first to admit that my bookkeeping was not the best. But my dealings with people were always honest. Even the prosecutor couldn't find anyone who could claim otherwise. But honesty and observing financial regulations are not always one and the same.

So I went through two trials. Acquitted of most counts, I was convicted of others. Throughout the ordeal, I felt as if I were being chased by an angry mob, each member with a Bible in one hand and a gun in the other. The barrage of bullets came at me like a hailstorm. Inevitably, some hit. When the smoke cleared, I found myself on my way to spending the next 10 years and 4 months of my life in state and federal prisons serving consecutive sentences.

One of the attorneys who wrote to me while I was in prison about the injustice of my situation, said I wasn't unique. "The criminal justice system in America is a cesspool." He said this after reflecting on some of his clients who had drowned in it. He had handled the cases of death row inmates, some of whom had been victims of mistaken identity. The government had made errors in condemning them but was not about to correct itself. Better to bury its mistakes.

By the time I had gotten the letter from this sympathetic attorney, I had heard from other people on the inside and the outside about mistakes. From fellow prisoners I got alarming tales, from outsiders I got facts and figures to show that what happened to me is common.

The United States is the world's largest jailer. We can afford to put millions in prison because of our great wealth. We do this because there is paranoia in a multi-ethnic, multi-idea culture. Diversity brings fear. Such fear can be overcome but the process is not easy. Sometimes it is easier to confine those we fear—people who look or act differently than the majority, who chose pot over booze, commercial sex over romantic coupling, and self defense over calling the cops. Because such individuals don't think like the majority, people often feel uncomfortable around them. Society puts them out of sight so they'll be out of mind. It's an expensive way to handle fear and prejudice. But a rich country can afford it.

Could it be worse? Certainly. We no longer have slavery, no longer have lynchings, never had a Holocaust as in Europe, didn't have a revolution where we beheaded and executed our leaders. Even the much despised George W. Bush was not harmed. Nor has his black successor to the White House, Barack Obama. Not bad for a country with a long history of violence, discrimination and hatred.

Still we send large numbers to jail. In one sense it's a way to vent our bigotries and frustrations. By having so many jails and prisons—more than 5,000 across the nation—we have constructed edifices telling citizens that we don't live in such a free society after all. We can't hurt others, not even their feelings. That's America; love it or leave it. You leave it when you go to prison.

Whose feelings did I hurt to deserve such expulsion? The answer, virtually everyone in a large swath of Florida who didn't want its shameful secrets revealed or its prosecutor, the elected keeper of those secrets, vilified.

My epiphany upon release from prison confirmed the insight I got during my decade there. America is a free society largely to the extent that people are free to get in trouble and be thrown in jail. Think of it in terms of living on a flat mountain top, a plateau. You're safe as long as you don't wander near the edges. If you do, you stand in danger of falling off.

In another country with a reputation for not being free, you have fences all around the perimeter of that plateau. Citizens are restricted in what they can read, what types of television they can watch, what movies they can see, what politics they can practice, and the rules go on. If you're not used to living in such a country, you feel intimidated, almost suffocated. That's how visitors react.

But the more one thinks about it, the rules there are clear, the fences are as obvious as they are imposing. To fall off the mountain, you're going to have to do some serious scaling of the barriers around you. In other words, unlike America, dropping off the side is not as easy as wandering to the edges.

My friend Ben brought this point home to me when we played music together in prison. He was my senior, a wise man who left a highly successful life behind him. He had operated successful businesses, making a comfortable living for himself and his family. Ben was one of the first entrepreneurs in America to recognize the enormous potential and profit of cell phones. He made his killing during the early days, and then knew enough to get out when the telephone giants entered and took over the field. It didn't matter at that point since Ben was able to bankroll other ventures in which he also excelled. If you met the man you would understand why. Kind and low-key in every way, people feel comfortable talking to him. They sense his honesty, his underlying energy, his drive to make friends and to make money.

I've met few people in my life who have embodied more of the American spirit than this hardworking, insightful, outgoing and dedicated businessman. Ben loved America with all its flags, traditions, history and affluence. And America loved Ben, bestowing wealth and pride in him that made his tall frame walk erect, his head held high. A strong influence on his children, they also excelled in the American dream. One boy brought particular honor to Ben by rising to major rank in the military. When Ben and I got out of prison, he would email me about his son's accomplishments. They weren't minor, as the military itself recognized. His officer son participated in public forums, a well-spoken man full of ideals and determination. Great at connecting with people, he was a significant asset to the goal of furthering the ideas and standing of his country. A chip off the old block in every way.

So how did such a model father and exemplary citizen as Ben end up in prison for years, losing his wife, much of his wealth, and nearly all of his sanity? His wife left him when she started and then stopped drinking, meeting her new soul mate and sex partner at an AA meeting. Ben's wealth dissipated because he wasn't able to manage it in prison where rules about "not conducting a business" are firmly enforced. His sanity slipped with the daily grind of prison life, turning Ben from a patient man into a short fuse. I remember when he yelled at a prison officer for no good reason. "I pay more in taxes on the outside than your entire salary!" he screamed.

What was Ben's criminal offense that required him to turn in his suit and tie for a shabby prison outfit? From being a taxpayer to becoming a tax burden? From occupying a spacious suburban home to living in a small barren bathroom, which best describes a prison cell with its toilet, sink and bunk bed compressed into a tiny space?

Ben had pressed the wrong key on his personal computer.

That was it. I know it's hard to fathom. If you believe that America is truly free as Ben did, you would think that a person can do as he wishes with his own computer. Even break it, as long as he doesn't do it over someone's head. Even if he presses a key that will destroy all of the data on his computer, what difference does it make if the data was his?

Ben in fact hit the save button on his computer so he didn't destroy anything. The prosecutor said he should have destroyed what he was looking at. Then he wouldn't have gone to prison.

What kind of double talk is that coming from the mouth of a powerful prosecutor? A person who can drag anyone into court. And whose authority is so scary that he or she can convince most people who are dragged there to plead guilty to something, anything, innocent or guilty. Or risk a sentence of double or triple what is being offered.

Who wouldn't plead guilty to avoid that? I am the exception. Not that I am completely alone in my stubbornness. But the percentage is small; in some regions of America as few as one in fifty defendants insist on their right to a trial. Can we blame Ben and others for pleading guilty even when they felt they weren't? I couldn't understand them for being so gutless. But in the summer of 2008, five and a half years after I exited prison, I followed their example. It pains me to admit it, that I stood in front of a judge and pleaded guilty when I knew I was innocent. But I was desperate to stay out of jail to be able to produce the second annual "From Prison to the Stage" program at the Kennedy Center. My sister had brought the action against me after I sought an accounting of my inheritance that she and my son had stolen from me when I was in prison. She was anxious to send me back.

So at the age of 64, I played the game for the first time in my life. Saying I was guilty, apologizing for my alleged crime, assuring the judge I knew I did wrong and that it would not be repeated. Then falling on the mercy of the court. Instead of years in prison, my sentence amounted to only days in jail; and I got time off for good behavior. Did I feel good a few days later when I was free again? Frankly, I was too busy preparing for the Kennedy Center to feel anything. I now know why innocent people plead guilty.

If what I did in communicating *by email* in a pleasant manner to my sister was a crime, Ben's action in pushing the save key on his computer wasn't anything but his own personal business. What did he save? He saved images that he found on the Internet that were considered to be "inappropriate." What were those images? I don't know since Ben didn't show them to me. He couldn't because when the police hauled him away they also took his computer. I suspect they involved pictures of over-aged or under-aged individuals in less than full clothing. Ben had been curious, so he looked at them. Can't a person in a free society do that? Even the prosecutor admitted that a person can. But he said that the line is drawn when it comes to saving such images, and Ben had crossed that line.

If that makes sense to you, you're a lot smarter than Ben and me. When looking at something on the Internet and you want to save it so you can see it later, why not push the save button as Ben did? Who would know this fine point of the law?

When a person pleads guilty as Ben did, the law is not questioned. All one does is stand before a judge, lower his head, and say he's sorry. Ben said to me in prison, "What's the good of living in a free country if it means you're only free to go to jail? Why don't politicians tell us how easy it is to wind up here? I love this country but we need to stop pretending that we're free. I'm not saying that I want freedom since I know it can lead to problems in the wrong hands. I just want to know what the score is up front. I want the government to level with us."

A truthful politician is like an honest con man. The term is an oxymoron. I once ran for mayor of Washington, DC on an honesty platform and was trounced severely. I could hardly get the truth out of my mouth about the absurdity of the drug war, the waste of using police for morality enforcement, and other issues before my opponents laughed at me. One of them was Marion Barry, the victor in that election. He supported the drug laws though he himself was using drugs at the time. When elected, he became careless and was caught in his hypocrisy. He got six months at the Federal Correctional Institution in Petersburg, Virginia. The same place that I would be headed a few years later.

I guess I was a hypocrite also in that election. While I opposed drug laws, I didn't personally use drugs. I had no problem with self control, with abstinence. So why would I care about the laws that force people to do what I did voluntarily? Laws that punish them if

they can't or won't abstain from drugs, commercial sex, questionable computer downloads or many other prohibited practices. Why wouldn't I, like other serious office seekers, want to keep these laws in effect? What right did I have to go against majority rule? If the bulk of the population wants a law, why speak out against it no matter how wasteful or selectively enforceable it is? Particularly if my behavior is not personally affected by it. Let the public have its fun by locking up millions of people who are different than they are. It's their money to run expensive prisons for their neighbors who they will be incarcerating.

Just like my coming around to pleading guilty to something I didn't do late in life, I learned my lesson on the campaign trail. When I run for office again—should that occur—I will not give the faintest hint of hypocrisy. If I again propose the decriminalization of drugs, I will use them boldly on the campaign trail. And if I don't use them, I will keep my mouth shut about proposing something to upset the majority.

When I arrived in prison after the election, I was asked by inmates who hadn't followed my campaign how I did. I said, "I got 2,000 votes and 10 years in prison." They were impressed, particularly the short timers.

No more mixing honesty and politics for me. It's too combustible a combination; the one ingredient is incompatible with the other.

In one sense, Barry went to prison for his being too honest also. He didn't hesitate during the election to tell people the truth in private, including novices in the political arena like me. "You can count on politicians to do just one thing," he said, "and that's lie." If I run again, I will not tell the truth. I have already spent enough time in prison, having spoken more truth than most people convey in 10 lifetimes. I hope that my constituents will forgive me this small exercise in survival.

Ben continued to love America when he got out of prison. He understood it better after his experience. Though not a free society, he considered it still a magnificent one. When politicians speak of the United States being the capital of the free world, he could now wink along with them. We are the wealthiest nation on the planet. Perhaps material abundance and personal freedom are not compatible with each other. How else to keep the poor and politically unconnected in check except to have many of them locked up. That means a multitude of pervasive, complex and often illogical laws.

Should individuals become troublemakers they will be accused of running afoul of them, and be removed from society. The wealthy and powerful don't have to worry. They rise above laws. It's one reason why people want to acquire riches, even if they don't value the trinkets money can buy. The person whom you are, rather than what you did, can keep you out of prison. That's why people strive for success in America. The autos and airplanes are nice, but the greasing of the system that money provides is better. Ted Kennedy didn't go to prison for drowning an extra-marital girlfriend. Richard Nixon didn't for burglarizing the Watergate, and Bill Clinton didn't for sexually exploiting an intern and then lying under oath about it.

Ben, on the outside, was soon back to his old entrepreneurial self. A sadder but wiser man, he could have argued with his military son about the shortcomings of America, as I did with my government lawyer son. But he didn't. As a result, Ben's son sent his father to glamorous places around the world. My son sent me to jail, albeit for relatively short stays. Once for entering City Hall to testify at a public hearing after he engineered a stay away order against me. I was impressed as I sat in jail, just as Hitler's father must have been impressed to see similar bold cunning and blind ambition in his offspring. In Hitler's case, the goal was genocide by gas; in my son's, patricide by law.

I was surprised that Ben didn't at least resent a relatively new development in America that restricted freedom. Statutes were suddenly being passed mandating that certain categories of law violators register with their local police departments, who would in turn put out their photo, name and address on the Internet. This would allow potential employers and landlords to reject them and for vigilantes full of hate to track them down and kill them. That's the way it played out in a number of instances. The yellow Star of David imposed by the Nazis on outer garments worn by Jews was in some ways more merciful. At least names and addresses were not printed in newspapers or scrawled on the walls of public buildings.

Affected by the new laws, Ben withheld judgment on them for a while. He wanted to know whether he had enough pull to get exempted from them. As it turned out, he had. So he remained silent. He let his lawyer do the talking, and then only to get his exemption. America worked after all. Why had he ever doubted it? You get what you pay for in a capitalist society, whether quality legal services or special exemptions. Ben was able to pay since he had set up a new and successful business with another son.

Don't think by the tone of this discussion that I am at odds with Ben in any way. Or even with his capitalist philosophy. What is

the alternative? Communism? We already know that it doesn't work. It's not just a matter of history but common sense. If everyone is going to be compensated the same despite unequal talent and effort, most people will not exert themselves. If new inventions or inventiveness go unrewarded, people will not think at all. They simply will do mundane, repetitive tasks needed to get by. To hell with motivation cuts and higher productivity. These things won't make a person any richer in a communist society.

You must understand that like Ben, I've had my share of special privileges. That short sentence I received in mid-2008, almost 16 years after being handed my 10-year sentence, was not solely because I pleaded guilty. It was because my standing and influence in the community was high. The judge knew about the annual extravaganza at the Kennedy Center that I produced, and also about the successful Prison Art Gallery I had created. He knew too about the classical guitar playing I learned in prison that got me publicity and appreciative audiences. And most of what I did, I donated without fee. I have never been materialistic, so this wasn't a big sacrifice. What can money achieve compared to the friends one makes when contributing to the public good?

In sentencing me to the few days in jail in 2008, the judge said "I'd sentence you to a period of community service, but you already do so much of that." I was relieved because court-ordered community service in Washington involves clearing trash from streets and sidewalks while you wear a brightly colored vest identifying you as a forced laborer. Its lettering tells the world that you are a criminal compelled by the court to do this. People look at you as if you are working on a chain gang, and the comparison is not farfetched.

Being on the same wavelength with Ben, more or less, I got along well with him during and after our time in prison together. He exited before me, which turned out to be a blessing. Shortly before Ben left, I completed the recording of 33 songs for a CD I was producing, *Prison Tracks*. It was done in secret at the prison with the cooperation of sympathetic staff. One officer in particular was a catalyst, providing a boom box for the project. The cassette player was normally used for exercise classes in the prison gym, which I attended. During one session of the class, I noticed that it had a recording capability. By then I had been in prison for eight years and never saw such a device on the inside. But here it was. An opportunity I didn't want to pass up.

I made arrangements with the amiable staffer to take the machine to another prison building where the music room was located. My prison job was to clean that room. For a few minutes each day I

