

Daniel Manville- PARTIAL

2nd Chance Project- Episode 3

Full Transcript of Interview

The following is a complete transcript from the interview Sarah O'Connor conducted in the Winter of 2017.

Interviewer, Sarah O'Connor= SO

Interviewee, Daniel Manville= RV

DM: To go to trial on a medical claim, you need an expert. Experts cost five, ten, twenty, fifty thousand dollars. Inmates doesn't have that. The state doesn't mind you know, paying all this money to experts or using their own doctors that say things that, when you really look at the records, aren't true. They get affidavits from these people and a lot of times I found that these affidavits when we get involved and we have our experts look at them; where do they come up with this stuff? So, it that is another big hurdle for inmates seeking to litigate uh medical cases or mental health cases.

SO: Right. Well I'm sure the prison doesn't go out of its way to help people with who want to file a suit in some way.

DM: Oh no. If anything, that's stuff a lot of times once you file the lawsuit, well before you file a lawsuit you gotta file grievances and exhaust the grievance process, and if you don't do that properly, then the court will dismiss your lawsuit but once you file the grievance, a number of officers will retaliate against you. They'll write a false misconduct ticket saying that you threatened them so what happens then is you go from being in general population, being found guilty because the officers said you did it and you're saying you didn't do it and since you're a convict, the hearing officers are not going to give your statement the same level of consideration as an officer and they, hearing officers always say "officers have no reason to lie" but that's wrong because we have won numerous cases on retaliation where they've written false misconduct cases on people so, and the problem is that you know, these are more or less NDOC people that are doing - listening to the testimony and they rule against the inmate.

SO: Right -

DM: It's a system that is not set up to really be fair.

SO: Well, um, Daniel, can you tell me a little about how you ended up in this work? I know many years ago you spent time in prison yourself. Can you tell me, um, what, how that happened and when that was?

DM: Uh, I spent 3 years, 4 months 20 days, 22 hours, and 17 minutes confined and I lecture a lot and I always started off with that because it kinda breaks the ice okay, people are always wondering how long you were, and you know what for, and everything else like this, so when I

first got out of prison in '76 I started basically on my, you know, whenever I talked to groups I would start like that and it would break the ice and people would laugh, and I'd say I was never counting. And so I went in prison in 1973. Prisoner's rights hits was just beginning and I got out in '76. So when I went in prison, like I said, prison rights were just starting and I had completed three years of an undergraduate degree from Central Michigan University and I finished that degree by court (sponsored?) courses so I had decided once I went to prison I would do something with my time. So you can either do time, or you let time do you, and I decided that I was gonna do the time in the manner I wanted. Also, when I was there, they brought in Wayne State University College of life-long learning the last two years, and of their programs, so their people could pick up a bachelor's degree, so I picked up another bachelor's degree. But at the same time, I had a friend who was going to law school at Wayne State University and at the end of each semester, she would ask me whether, you know, which of her law books from the class that she took, did I want. Back then, she could bring them up, drop them off, and they would give it to me. So I was reading textbooks that were used for law school and I also taught myself how to do legal research, and then a friend, well he became a friend, he came to prison that had completed almost two years at University of Michigan law school, he went to prison, and we hooked up and we more or less created a jailhouse lawyer law firm inside the prison so we'd help other people do litigation and you know, things that we felt violated our rights to litigate on that too. So I decided based upon all that, and really the way the prisons operated back then, and they still do, I decided that you know, I had to do something. And my advantage was I'm a white male, and so, society, back then probably more so messed up than even now they just hear minority or whatever, it really creates problems for you, and really a lot of things getting jobs, things like this, and for those who are confined coming out and trying to get jobs is extremely difficult. You know there's supposed to be this push in mass incarceration, naturally, there's a push to ban the box, which means that when you first apply for a city, county job that you don't have to list on your application that you have a prior felony conviction but at the point that you're saying the last, one of the last three?, they can then ask whether you have a felony conviction and then you can explain it and by then, you kinda establish yourself, so it's not automatically, you know, a ban for them hiring you, and it gives you know, those with convictions as far as I'm concerned, a better chance at getting hired and when I got out of prison, I had (???) and I had finished twenty (??) and on my resume, I could cover for that time period that I was in prison, so if I applied to a job for you, you would never know that I was in prison you know, because my resume showed no two, four, six year gaps, and my employment history, and most people coming out of prison, that's what they had they had this big gap and anybody that had any sense, they could then tell that this individual, you know, was probably in prison,

SO: Yeah. What landed you in prison?

DM: Drug-related manslaughter. I took the life of an individual.

SO: And the three years then seems like a pretty reasonable sentence.

DM: Well, I was like, I had and I was working for this probation authority out of Flint (?) in that time period, and the guy that was in charge of it wrote like a seven-page letter to the judge, and

this guy had been in the criminal justice system all his life and he really helped me with that letter and at the point in time in sentencing, the judge said “look, Manville, you have two choices: you can go to prison and waste your life or you go to prison and do something constructive with your life”. And when I put in for admission to the state bar, we went back to this state judge and ask him for a letter of recommendation. And he was retired then, but he wrote to the state bar and said “look at it, this is what I told Manville then and from everything that I’ve seen, everything I’ve read about him, he did what I suggested and I would have no objection if you admitted him to the bar.

SO: Right. That’s really unusual.

DM: Well, Yes, it is. I mean there’s more ex-offenders being admitted to the bar now than there ever was as far as I’m concerned, and I generally paid attention to this over you know, since I got involved in this process and I been contacted by people all over the country and you know, how the process of going to law school and the process of getting admitted and I testified as an expert witness in a number of cases where an individual sought admission to the bar. And I helped them get admitted but, you know, once I got, I mean, in prison because of what I saw in prison and how they treated people, I decided and plus it was the beginning development of a new area of the law and for the experience that I was going through in there, I felt I could use all that and try to bring about some justice.

SO: Do you think that your sentence, if it happened today, would have happened any different?

DM: Well, with the same type of people supporting me, it probably would have been the same generally it should have been, I mean to be honest with you, it should have been more. Look at it, I checked the license number, okay, we’re basically, he ripped off some friends for money and drugs and we played like in forces to try to get all that stuff back. Any other community except for college environment and having people like that supporting me you know, I would have been in prison for a long time.

SO: Was it a shocking experience, ending up in prison?

DM: It, you know, it was but yet it wasn’t because I had spent basically three years in the military and even though I was going to college, I was kind of living on the streets, I was running up heroin, cocaine, I mean I was doing everything, I was living a crazy life that would’ve ended up killing me.

SO: Was that in Michigan?

DM: Yes.

SO: Mhmm.

DM: Right, so I mean at times I tell people that prison was almost one of the best things that happened to me in life because I was on the down swirl, I was leaving the couch environment

and dealing drugs on the streets and in Flint, so you know, you had to carry a gun there, you always had to be worried about somebody ripping you off, so it was not, the future was not looking good for me.

SO: So prison gave you a chance to reorient your life.

DM: Yeah, and like I said, when I went to prison, I had a choice. I mean, there for a while, I got involved with dealing drugs in prison. Because that's the world I came from and I had the ability to bring drugs in and other stuff like this but then, you know, I sat in my cell one day and said what do you want to do with your life? When you get out, you can't go back to the college environment to deal drugs I mean you have to go to the streets to deal drugs and I'm gonna get killed or I'm gonna kill somebody I'm gonna be back here, or do I want to be a lawyer, do I want to be a judge, do I want to be a legislature? I actually sat in my cell and thought about all that, you know at that point –

SO: Was there anything that happened at that point that made you start thinking in that way?

DM: No, it was just, you know, well I mean, I think part of it was that I already see, I mean part of the reason why I enrolled in Central was because I had a GI bill and by being enrolled in Central, I could get my GI bill payment every month so that gave me money, and the prison system, and you know, even though my parents were alive, my dad was a prison guard and my dad knew the prison system so he would not send me money and I could not run any games on him so I was using my GI bill to do other stuff to get money, and you know, once I started writing the papers for my classes, and most of the people I was doing correspondent courses with, they wanted me to write about the prison system because they had a student that was living it. And most of the courses I was taking I was majoring (??) that time so and it gave me, you know, time to sit back and reflect the -

SO: Would you say that education was the key factor in your turning your life around?

DM: Yes, and I would say that has to be a key factor in almost everybody's life. You know, to turn their life around. I know one guy, well two guys, they went in with less than a high school education, serving basically life prisons...life sentences, sorry. And in there, they got educated, both of them ended up getting bachelor's degrees in different areas. They're both out here, they're both very successful. And there's numerous other people that I can tell you about the same thing, I mean not everybody, you know, needs, you know, a Bachelor's degree from the prison system to change their life around but most of the people going like I said, going (??) for education, how are you going to come out and get a good job and make money to you know, survive, to have a family, unless you get, you know, either an education, which were talking about an academic education or you learn skills like welding –

SO: Right. How much access do you think prisoners have now to that kind of education?

DM: Very little. Over, you know, when I went, when I was in prison, they had Jackson Community College at Jackson Prison and they had a lot of people enrolled in that and they had

the Wayne State University College of Life-Long Learning and Spring Arbor College came in there and eventually legislature cut all that. They eliminated it

SO: The funding for it –

DM: Right, they cut the funding for it. And I lobbied against it. And it did not do any good I said look at it, you're paying \$25,000 a year to keep somebody incarcerated, you can spend, \$2,500 – 3,000 a year to educate them and you know, you're not gonna have a 100% success rate, but if you have even prevent 70-80% of these people from coming back, you know, if you just think of 100 people and you can keep 70 of them from coming back at \$25,000, I mean that is a tremendous amount of money that you can save.

SO: That's right.

DM: Plus then, the people, they get employed, they pay taxes, their girlfriends, wives, their kids are not on welfare I mean one thing after the other and it just really can impact on the money that the state is paying to take care of people.

SO: How many programs, do you know how many programs there are in the prisons in Michigan right now? Educational programs?

DM: They have a GED program that you have to complete your GED before you even get paroled but they have now started at one prison like a trig (?) program, but that's at one prison, and that one prison probably has like 30 people enrolled and you have a prison population of about 43,000. And you know, probably, even if you really cut it way down and if only 10,000 people need something like that, but you're only providing it for 30, I mean what is that saying? Yeah, you're helping 30 people, but you know, you (??) to give it more.

SO: Did President Obama's reinstating pell grants for prisoners have any effect?

DM: Well, there wasn't an existent you know, a strong enough to say yes, I mean, I know for some people it did, it gave them the ability to put in for school and stuff like this, but to me, why can't you use pell grants for auto-mechanic welding?

SO: Mhmm.

DM: Other programs, then the prison system, I mean not everybody can, like I said, end up being you know, with a law degree coming out of prison and becoming a professor but there's other levels in it. I know people that became managers and manufacturing situations they worked themselves up they got hired, and they worked themselves up to positions and people that are – came out of there became cooks, things like this because they worked in a kitchen in a prison system and you know, they never really did anything, you know, before going to prison, and they learnt these little skills they could give, you know they could take and give them you know, set up a program so they can walk out of there with a certificate and pulmonary art. You know, there's a lot that can be done than not, I mean it's gonna cost a little bit of money but the tradeoff is you can prevent somebody from coming back and now they're paying \$30,000-50,000 a year to find somebody.

SO: Right.

DM: If you can impact on 10 people, 100 people, I mean, the money you save you know, in the short term, in the long term, and the families that you bring back together, the taxes, you name it, and right now in the prison system, in all prisons in the United States, there developing huge, huge population periodically (?) Prisoners or patients -

SO: Do you imagine any changes under President Trump in terms of the number of people in prison or the types of cases that um, will, you'll be working with?

DM: Well, if our, you know, the reading I've done is the people he has put in a different position, it's gonna probably, I would not, you know, it would not surprise me if the pell grant stuff is cut back or eliminated again. And, it's like Obama about his pardon or commutation or sentences or stuff like that I may be wrong, but I don't see that coming from Trump. Here's a good example of one of the negatives that probably come out of Trump and his presidency is that you know... black lives matter is a big issue out there and people or police officers were being shot you know and killed and There was talk about legislation coming out of Congress to basically make it extremely difficult for people that were shot, killed, beat up by police to sue them.

SO: Mhmm

DM: And I mean it's difficult enough given the Supreme Court has given them a lot of protection, police officers. They are talking about making it a lot more difficult about putting limitations on how much money they can get and if the uhhh... You know it's just it's hard to say the general feeling is going to be not continue to improve. I mean there is a big push for/to limit mass incarceration. In Michigan it used to be up to 52,000 and now we're down to 43,000 in state prisoners, so do they keep going down or go back up or stay the same? Our concern is that it'll you know go back up.

SO: Because of?

DM: Just because of the people that have been you know been appointed by Trump to the different agencies can because of their mentalities and I mean you know our Attorney General that they refused to give a federal judgeship to because it's racists.

SO: Right

DM: Policies in the way (???) then, he becomes the Attorney General and I mean I you know. Generally paying attention to what's going on leading up to his being confirmed by the Senate and I tend to be a lot more liberal than he is, but I did not see much in a way of where he had really changed his viewpoints. You know back in the fifties you could be more outwardly racist, nowadays you can't put it on (???) as much as you did back then. You know that's why I can say that an outwardly he would you know walk the walk and give a good talk, but you what I mean to walk the walk of being unracist, I don't see that in him. And when the majority of people incarcerated are minorities, especially black I think you know it's going to be negative.

SO: I know you have so many that you could draw from, but just one or two examples of cases that were particularly important you thought.

DM: Well I mean every time that we do a plan of action and we settle it or win to me that's very important because what happens is that we impact umm more than one person. It's like yeah you know I said the dental case. If we can change and get an order saying hey you can't deny people you know routine care when they have pain.

SO: Right

DM: And offer them only extraction. If we can win on that then that's going to be a tremendous victory. (messy)

SO: But what, maybe what's a person that you think about that you particularly remember?

DM: One I think is you know... one case is very important and it may not be you know too many people out there. This inmate was from you know middle east and his family was over there he came to the United States in the 90's was going to (___wayne___) state and he ended up you know killing somebody, so he's in prison for life. He... his parents did not speak English, write English or anything else like that. So whenever he would get letters from them... He... the prison system would reject it because they... their reason was they could not read it, so they didn't know whether they were planning on you know sending drugs to him, escapes or whatever like that. They never really tried to go to a university and say hey can we send you these letters and you translate them for us and one of the reasons they didn't do that is because how do we know? How would we know whether this person that they sent the letter to was you? know a referable person and or was a sleeper and wouldn't tell us that they were going to come and you know try to get him out, which I think was really stupid. Because the guy had been working at the university for a long time and you know they can do checks on this you know individual. And so after a few times trying to get this in you know the letters and everything. Okay he just gave up writing his family. And the other need for communication in a prison system is to telephone call and if you got the money and you know you can make the call, but MDOC policy was that they could not, inmates could only call the United States, Mexico or Puerto Rico, and Canada. And so our thing was you gotta make something available to this guy, you can't completely deny him. And so we were appointed by the court and we started litigating it and the prison systems will have contracts outside you know telephone providers to you know provide these collect calls and everything. Well the tele... you know they were coming up for renewal the contract and one of the things they were talking about was to expand the service and... We tried to settle this case and they even admitted they were talking about this in the contract. And this is what the guy wanted was just a you know. And we were only going for him we were not bringing class action I thought that if we won we might impact, but you know we were only suing on the behalf of him and they would not settle even though they were talking about changing everything and opening up, so we went to trial and we spent four days trying the case and they had one of their security people come in you and say look at you know we can record it, but we can't do this and we can't interpret it or whatever and you know it violates the good organization of the institution and everything and it would cost us millions of dollars to hire people to do it and everything and I questioned them and I basically showed that was all a lie that they could of to me they could have easily done it by going to the universities or even you know there's people working for the state of Michigan that have that ability to you know interpret things from

foreign countries, but you know they never even tried any of that. So we won and we got an injunction saying that they had to open you know... allow him to do it. Within 30 days they issued a new policy basically making it available for prisoners to call 168 different countries.

SO: Wow that's amazing.

DM: Right and to me you know they just kept postponing it, postponing it and you know you know it was just it made no sense plus it cost them about \$70,000 in attorney fees, which they could of. If they had settled way earlier on I would have waived the fees.

SO: Right.

DM: But instead the state had to give the clinic \$70,000 in fees, it just like you know these are inmates and we aren't going to give them anything and we don't care how much harm is done to them.

SO: That's a great story. Do you feel like this is the kind of thing that keeps you going? Or what would you say motivates you every morning when you get up?

DM: I told my students if I drink, haha. I might not be doing, nah, I'm just kidding, I don't think but you know it's so frustrating, but yeah it's a combination of that and also with the students okay a number of the students are going to become prosecutors.

SO: Right.

DM: Usually eight out of every ten students I usually get two or three that will tell me they are going to become prosecutors. And still accept them in the clinic you know what I do is I accept people that have an interest in litigation an interest in learning and the other thing is that most of them by the time they're done with the clinic is _____ (50:06) When I first started the clinic I would not have given a second look at any of these people at the time of sentencing or anything else like this if I had been a prosecutor, but most of them will say I'm not going to open the jail gates and let everyone out, but they said that as the prosecutor I will listen to you. Yeah and read the document to see who these people are and to look at it and see what whether they really deserve five years and not one year. Or do they deserve prison and not jail and probation, so I've impacted you know on a positive level I would rather have everybody come out you know prison's rights attorney, but I know better and I'm willing to you know settle changing people because finding _____ (51:00) when they've gone to work for the prosecutor's office they may have made an impact on others and some of the students here that will go into private practice they won't do straight prisoners' rights, but they will do a case or two a year with a big firm that'll do a case or two a year. I have some students that have graduated and working with firms and when the firm accepts a case or whatever and they're working on it, they'll call me and say hey what about this? What about that?

SO: That's wonderful.

DM: Yeah, so I mean we had a case when a woman was in a wheelchair and she was going to see her husband up there they were giving her _____ (51:45) problems. She was quadriplegic

and she had a special drinking cup, they would not let her bring that special, clear, see-thru cup into the prison and in the visiting room and she even agreed that they could dump out the water and fill it up with their water, right? But for some reason, there was something wrong about her bringing in that plastic cup, see-thru and bringing in water that was even the prison water you know and she needed that. She needed that access to liquid and so we had to sue and fight them for that.

SO: Wow.

DM: And they also had this you know it's just I mean when we won just to see her and how happy she was...

SO: Yeah

DM: And we had to stay on top of it because there is stupid prison officials that would give her all kind of static when she came up to visit because she had sued them.

SO: Right. Well what, when you thought. What would you like for people to get out of hearing your story?

DM: That people in society will do wrong like I did and for the majority of people you cannot throw away the key. There's a lot of people that I hear from that they got in a situation like I did and mine was more or less a decision of choice but I also you know it was just what I was doing at that time period. But we get you know, we do stuff wrong in life and some are serious enough that we may have to go to prison, but if you give them... you know you don't throw away the key and while in prison you give them the opportunity to develop themselves... to you know tech programs to you know education to trade programs that... a lot of these people will return to society and will not go back. That they will become productive members, that they will become taxpayers, but you have to give them that opportunity in prison and when they get out you have to give them the opportunity to do that. Back in 78 I think it was, I was getting my master's degree from Michigan State University and I did an internship with the... Pressure committee of the House of Representatives in Michigan. One of the things that they asked me you know to work on was licensing of ex-offenders and I did a lot of research around the country and everything. What we came up with at that time period was you know... What we came up with, except for being a police officer that there was no absolute ban to being licensed in a ___?? area. What the licensing people would look at was the crime, how long you did in prison, how long you've been out of prison and so if you had a crime for drugs and you wanted to be a pharmacist, then they could look a little closer at you for that and say okay we don't think two years is sufficient because of this and that reason. But you know generally if you are trying to get licensed in an area that your conviction is related to they could deny you at a minimum of two years. But if I had a conviction for drunk and disorderly in many places you now can go to prison a second and third time that they cannot automatically deny you a license after two years for a DUI if you've been out of prison, you're in AA you're doing all of the stuff you're supposed to be doing.

SO: Mhmm

DM: And that to me in itself is what I want people to take from this is that give these people a chance. Some are going to fail, but you have a lot more success and just because one fails don't hold it against everybody else. I mean hell if we did that with legislators, if we did that for politicians and everybody else like that I mean where would be? If you yourself I mean I don't think there is anybody in life that has not had some type of situation where they had done wrong or on the borders of doing wrong something like that and they pull themselves back, give that person a chance.

SO: Right. Okay well that is great Daniel. I think that's all the questions I have for you and it was wonderful talking with you. That was really, really good.

