

Coalition For Prisoners' Rights Newsletter

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Invisible Death Sentences

SYMBOL OF DESPAIR & DAMAGE

The following lays out some of the consequences of the sentence of Life Without the Possibility of Parole (LWOP). This sentence, of death-by-incarceration, has over the past 20 years become widespread and much more commonly carried out than execution sentences. In 2017, there were a total of 23 executions.

Currently, Louisiana has the highest percentage of LWOP prisoners in the country. Massachusetts, is second, with 12.4% of Massachusetts state prisoners doing LWOP sentences. In Massachusetts, which has a felony murder law, LWOP sentences are mandatory for first degree murder convictions. Those between the ages of 14 to 17 convicted of first degree murder as minors, were subject to mandatory LWOP sentences until 2014 and the Supreme Court *Miller* decision. There are 65 "first degree" lifers, originally sentenced to LWOP in Massachusetts, who were juveniles at the time the crime they were convicted of was committed.

LWOP sentences in Massachusetts have increased from 695 in 1999 to 1,066 in mid-2017. This is a rate of 25 per year. Massachusetts now has no execution sentence. There are a number of conditions that those with execution-sentences have that LWOP prisoners do not. They include: the right to "death-certified" trial attorneys, bifurcated jury trials that determine guilt and sentence separately, extensive post-conviction legal assistance and multiple procedural and evaluative safeguards of those sentenced to execution.

Legal counsel is only optional for Motion for New Trial appeals. Just 10 to 20% of LWOP cases are reversed, while 68% of execution sentences are. The 1996 Antiterrorism and Effective Death Penalty Act exacerbates the situation by restricting access to meaningful federal Habeas Corpus review.

Over the eight years ending in 2016, 66 LWOP prisoners in Massachusetts died in prison and another 20, falsely convicted, were finally released, often after decades of incarceration. Older prisoners are much more expensive to take care of.

Our entrenched system of mass incarceration is so extreme that we are forced to regard small steps toward sense and humanity as great accomplishments. The case of the nine jails on 400 acre Rikers Island located in New York City's East River, is an example of this. The goal is to reduce the imprisoned population from approximately 10,000 to half that amount in 10 years. And this would cost \$10.6 billion. Those still jailed would be held near each of the five New York boroughs courthouses, and Rikers Island itself would no longer be used as a prison. The very terrible irony is that these numbers do, in fact, represent a significant improvement. There we would be, cheering "safer, more modern jails that could more easily provide services to inmates and offer better conditions for guards."

First steps would include reducing pretrial detention and pretrial supervision and eventually eliminate money bail, expanding diversion programs for those with street drug charges and mental illness, and changes in state law to treat some "low level" charges (ex: "fare-beating", marijuana, prostitution and possession of "gravity knives") as civil rather than criminal matters. Time involved in resolving cases should be substantially reduced. Sentencing should be changed to eliminate short sentences, increase alternatives to incarceration, raise the age of those tried as adults and redress the racism in the system reflected in those imprisoned.

"The use of Rikers Island must be phased out over the next ten years...Given Riker's location and history...in place of the penal colony model (we) recommend the establishment of jail facilities in all five boroughs located closer to where New Yorkers live and work." from the *Report of the Independent Commission on New York City Criminal Justice and Incarceration Reform*.

The goals could hardly be more modest. Their accomplishment is very uncertain. And we are still dealing with the symptoms, not the causes of our terrible inequity and therefore injustice.

Senadores de EEUU afirman que el gobierno de Trump no envió ayuda a Puerto Rico tras huracán

Los dos senadores de Connecticut despues de una visita a Puerto Rico advirtiendo que la isla continúa en un estado “deplorable” más de 100 días después del paso del huracán María. El Congreso aprobó un paquete de ayuda para catástrofes de 36.500 millones de dólares para los estados devastados por el huracán y Puerto Rico, pero un gran parte de los fondos necesarios, incluyendo el programa de vivienda Community Development Block Grants, no han llegado a la isla.

Un senador expresó que La Casa Blanca le envía muy poco dinero al gobierno puertorriqueño, haciéndolo pasar por todo tipo de burocracia y papeleos innecesarios. Y el resultado de ello es que la economía sigue desangrándose.

THEY JUST DON'T GET IT

So the New Mexico Secretary of Education recently stated publicly that the policy and practice of “Manifest Destiny” was one of the fundamental principles that built the U.S.

Fortunately, the All Pueblo Council of Governors (of New Mexico’s 19 sovereign pueblos and the Ysleta de Sur in Texas) in a public letter in response stated among other points that the comments were: “disgraceful, lacking any sensitivity, understanding and appreciation of the atrocious impacts of Manifest Destiny upon generations of our people.”

The idea of Manifest Destiny in fact created an ideological justification for invading Mexican territory, going to war with Spain and dispossessing Native Americans. History needs to be re-written.

To receive the CPR Newsletter by postal mail monthly, send us up to 12 self-addressed, stamped envelopes (with the CPR return address).

Keep sending us address changes and renewal requests in order for us to maintain the mailing list for our January holiday card/new calendar as accurately as possible.

Also, note that the *only* address to be sure to reach us at is: PO Box 1911, Santa Fe NM 87504. Some resource address listings are incorrect in this regard.

And still: NONE OF US ARE LAWYERS OR LEGAL WORKERS; for our protection, *please do not mark envelopes addressed to us as “Legal Mail.”*

Many, many thanks to the Real Cost of Prisons Project for posting our Newsletter on-line for free downloading and free distribution. It is at: www.realcostofprisonsproject.org--this is a GREAT site! Thank you for all your support!

ANOTHER OFFENSE

Yes, Joe Arpaio is running in the Arizona Republican primary for the U.S. Senate. A slow learner, at the age of 85, apparently it still isn’t enough for him to have been the brutal and morally repugnant sheriff of Maricopa County for the 24 years from 1993 to 2016. His main qualification for the position, besides his long record of cruel and unrepentant racism is his having been pardoned by the current U.S. president for his conviction of defying an injunction to end his office’s arbitrary and anti-immigrant stops.

What’s the Story Really About?

The NYTimes states that household incomes have risen in the past two years, with the strongest gains coming for those in the poorest families. And that unemployment for African-Americans fell to 6.8% in November, 2017, the lowest rate on record.

But, as always, it is vital to look at the context. Which is the successful effort of those in power to continue and to increase total inequality. If we have any doubts about this we only have to look at who the new tax bill benefits.

So yes, there is a tight job market. But also, it is going along with a lack of significant wage growth for U.S. workers. One way that is being accomplished is some changes in how soon-to-be released prisoners and some released prisoners are treated in the job market.

In Wisconsin, for example, some prisoners are being hired at full wages to work in factories while still incarcerated. Of course the pay of \$14 an hour remains a “very low income” for a family of three and by federal definition is less than of 50% of the median income of such a household.

Another example of all that glitters is not gold comes from Arizona, where some real estate developers complain that there is a “labor shortage”. So now there is a sheriff’s office which will contact recently released people and refer them to the local contractors association. Farm owners in California and New Mexico also need more workers. It is harder to find people willing to work for the low pay and poor working conditions....

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“Who we listen to determines what we hear. Where we stand determines what we see. What we do determines who we are.”

--Robert McAfee Brown, 1920-2001