

COALITION FOR PRISONERS' RIGHTS NEWSLETTER

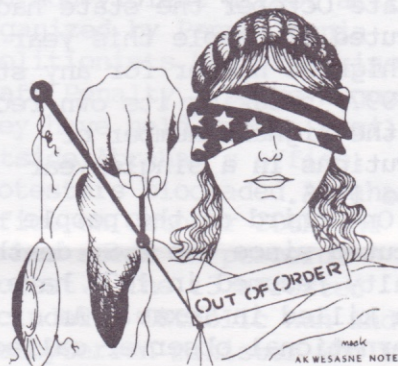
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Perverse & Troubling "Justice"

In late October, four U.S. Supreme Court justices called Texas' death penalty law "perverse" and "troubling". But they agreed to deny a hearing for the appeal of death row prisoner Arthur Brown in order to wait and see what other courts do with the issue raised in "further study".

It was an unusual move for the justices to issue a letter explaining how they agreed to let someone be executed under a law they see as unjust. But it's only the latest perverse and troubling case in this country's 20-year struggle to make the death penalty look good.

The trouble with Texas law raised in Brown's case (Brown v. Texas, No.96-9187), is that juries are required to consider a defendant's "future dangerousness" but not allowed to consider or discuss how long the person would actually be in prison if given an alternative "life" sentence. In noncapital



cases in Texas, however, state law requires that juries are told when the defendant would be eligible for parole.

Brown would have had to serve 35 years before being eligible for parole, if sentenced to "life." Texas law was recently changed so that life for a capital felony is now at least 40 years before being eligible for parole.

The death penalty rule "unquestionably tips the scales in favor of a death sentence that a fully informed jury might not give," the justices wrote.

(continued on next page)

"JUSTICE", CONT.

Even so, court observers say that the justices agreed not to hear Brown's appeal because the four who signed the letter of explanation - Stevens, Souter, Ginsberg and Breyer - didn't think they could get a fifth vote needed to actually overturn the Texas sentencing law at this time.

Meanwhile, Texas is setting new records for executing the people who are sentenced to death under its perverse law. By late October the state had executed 31 people this year - the highest number for any state in 1997, breaking its own record for the highest number of executions in a single year since 1935.

One-third of the people executed since the U.S. death penalty resumed in 1976 have been killed in Texas. An international observer called the Texas system a "conveyor belt of death."

The state's Roman Catholic bishops issued a statement last month to urge Texans to abolish the death penalty. All 21 bishops called for an end to the death penalty and urged Texans to contact elected officials to change the law. The bishops said the death penalty is not a deterrent to crime, has racist overtones, costs millions of dollars and contributes to "a climate of violence."

While Texas may be a leader, it's certainly not alone. 38 states now allow the death penalty and 29 states have

carried out executions since 1976. Oregon, Kentucky and Colorado each conducted their first executions since 1962 within the last year.

In Colorado, the governor claimed he turned down Gary Davis' clemency appeal before Davis' October execution because the governor cared about the "rules and laws that keep us civil." In Florida, the state supreme court found that use of the electric chair for executions is not cruel or unusual punishment, despite the foot-long flames which shot from a prisoner's face mask in a March, 1997, execution.

As former U.S. Supreme Court justice Harry Blackmun admitted, we cannot make the machinery of death penalty laws civil, logical or just. New Supreme Court justices continue to find these laws perverse, no matter how popular. The verdict is clear: Death Row Must Go.

The Coalition for Prisoners' Rights Newsletter is published monthly by the Prison Project of Santa Fe, Inc., PO Box 1911, Santa Fe NM 87504-1911.

Subscription rates are: free to prisoners, their family members, and ex-prisoners who request it themselves; \$12/year for other individuals; \$25/year for government agencies and for-profit institutions. Please do not send us other peoples' names for our mailing list; we can no longer respond to these requests. We appreciate those who help us by sharing their newsletters.

Death Penalty Fightbacks

UN Monitor to Review U.S. Death Penalty

A member of the Human Rights Commission of the United Nations, Bacre Waly Ndiaye, visited the U.S. in September to report on the use of the death penalty here. Although he was initially welcomed by the Clinton administration, Ndiaye later reported not being given access to high ranking officials. Ndiaye is also reviewing deaths in U.S. prisons or in police custody.

Ndiaye believes the International Covenant on Civil and Political Rights may grant prisoners broader protection than the U.S. Constitution. The Human Rights Commission does not prohibit the death penalty, Ndiaye explained, "But there are several restrictions in terms of extending the scope of the death penalty, considering that it should be a very exceptional measure... The overall aim is to work gradually toward the abolition of the death penalty. So any move in the opposite direction is to my view undermining the convention."

Ndiaye said the U.S. is second only to China in expanding its use of the death penalty. China refused to allow Ndiaye to visit.

Shutting Down America's Deadliest DA

13 abolitionists were arrested in Philadelphia on October 20th, in a protest of "America's deadliest DA." Lynne

Abraham, Philadelphia's district attorney, is seeking re-election in November. 115 of the 210 people on Pennsylvania's death row are from Philadelphia. Of these, 90% are Black or Hispanic. Only 2 counties in the nation - 1 in California and the other in Texas - send more people to death row.

The 13 arrested in Philadelphia are part of a new movement of civil disobedience and non-violent direct action organized by Pennsylvania Abolitionists United Against the Death Penalty. Since August they have held weekly vigils outside Abraham's office. The protesters blockaded Abraham's office on October 20th and sat on her steps in peaceful protest. The 13 arrested included a Catholic nun and a Presbyterian minister who were charged with blocking the sidewalk. Court dates were set for November.

In addition to the sit-in, members of the group circulated copies of a letter asking Abraham to create a commission to study legal representation in capital cases, as well as racial and economic bias in death penalty sentencing.

CONGRATULATIONS!
Your race and
poverty have qualified
you as one of our
FINALISTS!





VOICES FROM INSIDE

INFORMATION NEEDED

Plymouth WI September 25, 1997

...I would like to hear from anyone out there who could tell me if there is a double jeopardy case related to conduct reports. The situation is that I refused to follow a direct order, and upon completion of the hole time, I continued to refuse the same order, as the order I am asked to follow causes me concern for my health and safety. I would appreciate any information on this issue that anyone may have. Robert R. Paulk, 86977, K.M.C.I., P.O. Box 31, Plymouth WI 53073-0031

ALLIANCE OF INCARCERATED CANADIANS

Sault, Ontario, Canada September 26, 1997

We are an Alliance of Canadian men and women who are imprisoned in the state of Michigan and are joined together with other Canadian citizens who are similarly imprisoned in other state and federal prisons throughout the U.S.A. The purpose of the Alliance of Incarcerated Canadians in U.S. prisons is to assist Canadian citizens who are interested in returning home to Canada pursuant to the Canada-United States Treaty Act of 1978 No.12, and the Council of Europe Convention on the Transfer of Sentenced Persons...

We desire to hear from all Canadians who have applied for transfer and were denied. They must provide a copy of their denial, with 3, first class unused stamps. Since the creation of A.I.C.A.P., in the spring of 1995, we have since then included other foreign nationals imprisoned within the United States... A.I.C.A.P., 811 Peoples Rd, Ste. 2, Sault, Ontario, Canada P6C 3V8. (40¢ for ½ oz., 46¢ for 1 oz.)

SENTENCING SURPRISES

Draper UT September 30, 1997

...You might be interested in a couple of issues confronting Utah prisoners. The state of Utah since about 1985 has doubled the time served for a conviction...Conditions have become worse each year - education, recreation, food and medical services have all declined. Utah is one of the few states with indeterminate sentencing...Utah has 4,700 prisoners in prison and about 20,000 probationers and parolees...

The Utah Board of Pardons capriciously decides how many years a prisoner will be imprisoned within the sentencing time frames...Promises ...given to defendants...by public defenders and prosecutors are lies.

NOTICE OF CHANGE OF LETTERS POLICY

As many of you know, the delays in answering our mail have continued to grow. We know that these delays can mean that information or suggestions we send are too late to help with a specific issue or concern. As the volume of our mail continues to grow, we have struggled to find a way to solve this problem. We regret having to implement the following changes, but they are necessary to our effort to work effectively. STARTING NOVEMBER 15, 1997:

1) We will respond to all letters for which we have information or resources to offer within 6 weeks, if we have your current address. If you have not heard from us within 6 weeks, it means that we do not have anything in our resource files which relates to your concerns or request.

2) We will not respond by letter to those sending us letters for publication marked "Do Print." If we can print it, we will do so within 8 weeks of receiving it. We will continue to send 2 extra copies of the issue to those whose letters we have printed.

3) We will continue to read and file all letters received. We will respond in the ways listed above to as many as we possibly can, and in a timely manner.

4) Letters postmarked before November 15 will be responded to as described above, as soon as we can. Current mail will be kept up to date during this transition period.

5) We will continue to respond to requests to be added to the newsletter mailing list and to changes of address notices only by adding the new names to our mailing list and by changing addresses as requested.

We wish we did not have to do this, but we see no other alternative with the resources we have available to us and our constantly increasing volume of mail.

Mailing list additions and address changes should go into effect within 2 months from their postmarked date; we don't have the resources to acknowledge these requests by letter. Letters intended for publication must say "Do Print."

The Coalition makes information available on resources and services for prisoners. We strongly urge that readers keep copies of all papers, especially legal papers, sent to those offering assistance, and be careful about sending money. **In most cases we do not have direct experience with the quality or reliability of the services provided by the groups we mention.**

Sentences given by judges have no meaning. The Utah Board of Pardons exercises total power over the judgment of the prisoner. This second sentencing process, a complete surprise to the prisoner and his family, has no due process...

PARDON AND PAROLE PROBLEMS

Kenedy TX October 6, 1997

...You got staff members writing counterfeit disciplinary offense cases...They have the power to tell and deceive the community by saying an inmate is assaulting an officer, but it's really the officers who are doing the assaulting...

According to records from the Board of Pardon and Paroles, the current governor of Texas has granted pardons to 13 Anglos and 1 Hispanic. No Blacks have been given pardons. I feel like they are trying to keep each and every Black person in prison...They use us to cut down these fields, pick cotton and much more. Texas is making money off the prison system - that's why I feel like they don't want to release any of us inmates...

LAW LIBRARY UPDATE

Florence AZ October 19, 1997

....As they have done away with our law library (Casey v. Lewis), I am attempting to use the paralegal system. I was given the paperwork, but staff refuses repeatedly to pick up my request for paralegal assistance. They have even admitted that they were specifically given orders not to pick up the paralegal requests in our pod. This is just a small fraction of the abuses being perpetrated here in SMU II. Right now there are inmates being refused bedding, mattresses, hygiene supplies, soap, showers, recreation...

People are gassed here daily while in their cells posing no risk to anyone...

REACH OUT AND TOUCH M.C.I.

Vacaville CA October 20, 1997

We now have a formal complaint filed with the California Public Utilities Commission challenging the \$3 surcharge on our collect calls.

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VOICES FROM INSIDE continued

The case is entitled: Lynda Dabrowski v. MCI Telecommunications Corporation, case no. 97-08-036. Administrative law judge Patricia Bennett is assigned to our case...

We have now found another issue that we did not raise in our complaint. After reviewing several of our phone bills, we discovered that approximately 2 to 4 calls were billed for 16 minutes. This is an impossibility, because all pay phones within California prisons are pre-programmed at 15 minutes...

We are requesting that anyone who can, please call the Consumer Affairs branch of the California Public Utilities Commission at 1-800-649-7570, and keep lodging informal complaints regarding the \$3 surcharge and the extra minutes being added to our phone calls.

MEDICAL DATA NEEDED

Canyon City CO October 20, 1997

I am collecting data and information on inmates who have received written reports for not being able to produce urine samples because of medical problems or who were impaired because of medication and unable to produce a certain amount in a specific time frame - U.A. on command. If you have had this problem before and were written up and taken before a disciplinary committee, please drop me a line: T. Willsey, 63529, Box 999, Canyon City CO 81215. We are trying to determine if this is a wide spread abuse towards people with medical problems or just within the Colorado system...

YOUTH RIGHTS

Brazoria TX October 20, 1997

I am one of the many youngsters who have been certified in Texas and thrown behind the walls of TDCJ-ID...I'm working on a law suit concerning the child labor laws. Many youngsters were certified without the courts thinking of that law or any other law concerning children. TDC has violated the child labor law, with many youngsters working here today on the Clements unit...They think that just because they were certified as adults that they were excluded from the child labor law. But the decision of our certification was based upon the fact that our minds are capable of standing trial as adults, but that did not mean we weren't children anymore...Anyone with any knowledge of the situation or who can provide any assistance with this lawsuit please write: Jake Ortiz, 774694, Clements Unit, Rt. 1 Box 1077, Brazoria TX 77422.



CALIFORNIANS 2 AMEND THREE STRIKES

... Our purpose is to bring not only media attention to what is transpiring within our court system, but to also be a political vanguard to ensure that our politicians are completely aware of the need and the urgency to pass a new senate bill introduced by senator Barbara Lee, D-Oakland, which will be coming up for review by the political powers in January of 1998, but it will be under a different SB number...

C.A.T.S. (Californians 2 Amend Three Strikes), 2729 N. Bristol Suite B5-112, Santa Ana CA 92706; 714-667-0388.

FAMILIES AGAINST DISPARATE SENTENCES

Got a loved one in prison? Live in Ohio? We are FADS, Families Against Disparate Sentences, a family-of-prisoners oriented group working to bring changes to how men and women in Ohio prisons can achieve equality in sentencing...Our plans include exploring legal remedies to correct the disparities, writing to legislators for changes in the law...

Contact: FADS, 2785 Coldsprings Dr., Beavercreek OH 45434.

RENEGADE ARTISTS PRESENT

We are working on getting a program organized for Native Americans and are trying to find out what is needed and what is of interest to you. We are an artists co-op who promote "Art with a heart."... We would like to ask Native American prisoners the following:

1) What kind of impact would a comprehensive arts and spiritual program brought into prison have for you? 2) What kind of activities, workshops and presentations would you like to see? 3) What is important to you in the creative and spiritual field and why?

Please respond to: Renegade Artists Present, PO Box 9307, Albuquerque NM 87119; 505-265-2577.

NORTH COAST XPRESS

Follow any thread in the prison issues we cover and it will lead to the social-political-economic reality of this county. Or, conversely, look at our coverage of racism, the war on drugs, war against crime, war against the poor, war against children, war against immigrants, war against "terrorists," corporate control of politics and economy, surveillance of citizens, search-and-seizure - and any one of these threads will lead to the criminal justice system. PO Box 1226, Occidental CA 95465 - 1 yr, \$20, institutions \$45, foreign subs \$35, prisoners \$10.

CRIME OF THE MONTH

aka CrimeToppers

Whirlpool, makers of those washing machines that look so nice in advertisements, recently announced it would lay off 4,700 workers. The value of Whirlpool stock immediately rose 14 %.

At about the same time, Food Lion said it would lay off 3,100 workers. Stock in that corporation rose by 3 %.

The class war, as these figures show, is increasingly being waged for the benefit of the well-to-do players in the stock market.

An executive of a job-placement company remarked not long ago that an increasing number of business decisions are "shareholder-driven, even compared to a decade ago. Companies that don't make their earnings expectations are punished by the stock market."

Not surprisingly, the

generally skyrocketing prices in the stock market during the 1990s are portrayed in most of the media as a sign of a healthy economy. The rising value of stocks are proof, we are continually led to believe, that the so-called free-market economy (otherwise known as dog-eat-dog capitalism) is working.

The economy isn't working for millions of ordinary people in the country, however. This sacrifice of workers' jobs, and their sense of security, at the altar of the stock market is our Crime of the Month.

Not long ago, UPS workers successfully struck for better pay, job security and benefits. That kind of solidarity is the answer to the war on workers being waged for the benefit of the investing class.



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