

# Coalition For Prisoners' Rights Newsletter

Vol. 24, No. 2 P.O. Box 1911, Santa Fe, NM 87504-1911 February 1999

## AGAINST LENIENCY FOR TESTIMONY: VOICES IN THE WILDERNESS

In July 1998, a three judge panel of the 10th Circuit Court of Appeals entered a stunning decision that prohibited federal prosecutors from using a witness' testimony if there was any promise of leniency in the witness' own criminal case. United States v. Singleton, 144 F.3d 1343, (10th Cir. 1998). In less than ten days that decision was vacated, and in January the full 10th Circuit Court of Appeals reversed the July

1998 decision, relying on "the longstanding practice of leniency for testimony." United States v. Singleton, No. 97-3178, 1999 WL 6469 (Jan. 8, 1999).

The three judges who had written the original decision dissented from the majority opinion that now allows the federal government to offer a witness leniency in exchange for that witness' testimony. But their voices have been all but lost in the in  
(continued on next page)

### WE STAND IN SOLIDARITY WITH ALL THOSE CELEBRATING BLACK HISTORY MONTH IN FEBRUARY

"As another has said, to handicap a student by teaching him that his black face is a curse and that his struggle to change his condition is hopeless is the worst sort of lynching. It kills one's aspirations and dooms him to vagabondage and crime. It is strange, then, that friends of truth and the promoters of freedom have not risen up against the present propaganda in the schools and crushed it." -- Carter G. Woodson

**FORWARD TO THE STRUGGLES AND VICTORIES OF 1999!**



## LENIENCY cont.

the resounding rejection of their July 1998 decision. In more than 40 cases in over 20 jurisdictions that cite the original Singleton decision, thirty-eight have disagreed with it. Given the government's heavy reliance on buying testimony in order to secure convictions, this result was sadly predictable.

What is astounding is that two federal district courts have had the courage and wisdom to adopt and apply the reasoning of the original Singleton decision. In United States v. Lowery, Jr., 15 F.Supp.2d 1348 (S.D. Fla. 1998), the court granted a defendant's motion to suppress the testimony of three co-defendants who had entered into plea bargains with the government.

Applying a plain language interpretation to 18 U.S. Code Section 201(c)(2) that provides for a fine or imprisonment to "whoever" offers anything of value for testimony, the Lowery court, like the original Singleton court, decided the federal government fit within the definition of "whoever." What is good for the goose was good for the gander. The court stated, "Where a witness, either for the [government] or the defense, knows that a promise of leniency or other thing of value is inextricably intertwined with his testimony, the incentive to lie and to curry favor is tremendous. . . . [I]ncluding the pros-

ecution [in prohibiting payment for testimony] would not work an obvious absurdity, but would clearly preserve the integrity of the judicial process."

In United States v. Fraquela, No. CRIM.A. 96-0339, 1998 WL 560352 (E.D. La. Aug. 27, 1998), District Judge Berrigan entered an order granting the defendant a new trial because the testimony of several pivotal witnesses violated Section 201(c)(2). Judge Berrigan rejected the government's argument that it only offered leniency for "truthful" testimony, noting that "it is frankly difficult to envision a more powerful incentive to shade testimony a particular way than avoiding criminal conviction and loss of freedom."

Although these voices for integrity are virtually lost in the wilderness, Congress may have heard at least an echo of justice on October 21, 1998, when it enacted 28 U.S. Code Section 530B, the "Citizens Protection Act of 1998." Taking effect in April 1999, the new law will require federal prosecutors and all government attorneys to follow state rules regarding ethical conduct including prohibitions against communicating with persons who have an attorney. Praised by the criminal defense bar and corporate counsel and denounced by the U.S. Department of Justice, it remains to be seen whether this new law will sound even a whisper.



# IN MEMORIAM

Sixty-eight people were executed by state governments in the U.S. in 1998. By the end of 1998, 500 people had been executed since the U.S. moratorium on state murders ended in 1976.

Jan. 21	Lloyd Wayne Hampton	IL	June 26	Leopoldo Narvaiz	TX
Jan. 21	Jose Jesus Ceja	AZ	July 8	Wilburn A. Henderson	AR
Jan. 29	Robert A. Smith	IN	July 10	John Plath	SC
Jan. 30	Ricky Lee Sanderson	NC	July 14	Thomas Thompson	CA
Feb. 3	Karla Faye Tucker	TX	July 23	Danny Lee King	VA
Feb. 9	Steven Ceon Renfro	TX	Aug. 5	Stephen Edward Wood	OK
Feb 10	Tony A. Mackall	VA	Aug. 14	Zane Brown Hill	NC
Feb. 20	Michael E. Long	OK	Aug. 20	Lance Chandler	VA
Feb. 24	Terry Allen Langford	MT	Aug. 26	Genaro Ruiz Camacho	TX
Feb. 25	Reginald Powell	MO	Aug. 31	Johnile DuBois	VA
Mar. 6	John Arnold	SC	Spet. 9	Delbert Teague	TX
Mar. 11	Jerry Lee Hogue	TX	Sept. 23	David Castillo	TX
Mar. 18	Douglas Buchanan, Jr.	VA	Spet. 23	Kenneth Stewart	VA
Mar. 23	Gerald Stano	FL	Spet. 25	Sammy Roberts	SC
Mar. 24	Leo Alexander Jones	FL	Oct. 1	Javier Cruz	TX
Mar. 25	Milton Griffin-El	MO	Oct. 5	Roderick Abeyta	NV
Mar. 25	Ronald Watkins	VA	Oct. 7	Jonathan Nobles	TX
Mar. 30	Judy Buenoano	FL	Oct. 13	Jeremy Vargas	WA
Mar. 31	Daniel Remeta	FL	Oct. 14	Dwyane Wright	VA
Apr. 14	Angel Francisco Breard	VA	Oct. 21	Rondald L. Fitzgerald	VA
Apr. 22	Glennon Sweet	MO	Nov. 16	Tyrone Gilliam	MD
Apr. 22	Jose Villafuerte	AZ	Nov. 17	Kenneth Allen McDuff	TX
Apr. 22	Joseph Cannon	TX	Nov. 17	Kenneth Wilson	VA
Apr. 24	Lesely Lee Gosch	TX	Nov. 20	John Thomas Noland	NC
Apr. 29	Arthur Martin Ross	AZ	Dec. 3	Kevin DeWayne Cardwell	VA
Apr. 29	Frank Basil McFarland	TX	Dec. 4	Larry Gilbert	SC
May 8	Steven A. Thompson	Al	Dec. 4	J.D. Gleaton	SC
May 18	Robert A. Carter	TX	Dec. 7	Daniel Lee Corwin	TX
May 19	Pedro Cruz Muniz	TX	Dec. 8	Jeff Emery	TX
June 3	Douglas E. Gretzler	AZ	Dec. 10	Tuan Nguyen	OK
June 9	David Loomis Cargill	GA	Dec. 11	Louis Truesdale	SC
June 11	Clifford Holt Boggess	TX	Dec. 15	James Ronald Meanes	TX
June 15	Johnny Pyles	TX	Dec. 17	John Wayne Duvall	OK
June 18	Dennis Wayne Eaton	VA	Dec. 18	Andy Smith	SC

Twenty-one of the 68, or 31%, of those killed by states in 1998 were African-American.



# VOICES FROM INSIDE



## **TRAFFIC STOP**

Cross City FL      November 16, 1998

In Knowles v. Iowa, 12 Fed.Law Wkly S-27, on December 11, 1998, the U.S. Supreme Court rendered a very valuable decision concerning unconstitutional traffic stops that end in an arrest due to sheriffs departments or state police conducting narcotics sweeps and finding contraband in the vehicle...The Supreme Court held that when an officer stops a defendant for speeding and elects to issue a citation rather than making a full custodial arrest and the officer searches the vehicle, that violates the 4th Amendment. This is true even if the search is authorized by statute.

## **RATIONAL RECOVERY**

Dover NH      December 20, 1999

Are you being coerced into participating in an AA or NA 12 step program? They have been ruled religious in character by a number of federal and state courts short of the U.S. Supreme Court..."Rational Recovery" is your alternative to AA/NA 12 step religious programs. It can be reached at: Box 800, Lotus CA 95651.

## **AMERICANS WITH DISABILITIES ACT RIGHTS**

Rosharon TX      December 29, 1998

...To all physically and/or psychiatrically disabled inmates who are being denied benefits, services, programs or activities (e.g. class or custody promotion, vocational and pre-release programs, jobs) which are offered to non-disabled inmates and are being denied solely because of your disability. If so, your civil rights according to the Americans with Disabilities Act of 1990 are being violated.

Federal Civil Cause G-98-318 regarding these issues was filed June 29, 1998 in U.S. District Court, Southern District of Texas, Galveston Division. Also, this issue is being addressed by the U.S. Department of Justice, Civil Rights Division, Disability Section as DOJ complaint #204-74-210. Their investigation began November 9, 1998 and their contact person is Eugenia Martin.



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Mailing list additions and address changes should go into effect within two months from their post-marked date. We don't have the resources to acknowledge these requests by letter. Requests for referrals and other correspondence will be answered within four to six weeks. 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 mentioned.**

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## CIA MANUALS

Fairfax SC January 4, 1999

...Two CIA manuals available describe methods for interrogation and torture: isolation, sensory deprivation, strip searches, inadequate or insufficient food, temperature extremes, and lack of sunlight and fresh air. Is it coincidental that these methods are replicated in many prisons, especially special or security management or housing units? Clearly what's happening in these prison units is torture... clearly these methods violate constitutional rights. Both manuals are available through Parascope, 1430 Willamette #329, Eugene OR 97401. (541) 686-5771.

## PATTERN OF CONDUCT

Santa Fe NM January 16, 1999

...A clear pattern of intentional misconduct by NM DOC officials, employees, CCA employees and Wackenhut prison employees, intended to cause serious harm and even death to inmates, exists...On December 2, 1998, I was told by the Security Threat Group coordinator and a captain that I had to inform (snitch) on other inmates or my visits would continue to be suspended forever and I would be sent out of state to a prison where I would be killed.

I am not the only inmate being told he must snitch on other inmates or he will be sent out of New Mexico to be killed. CCA staff have intentionally labled some inmates as snitches. The governor told state employees to blame the inmates, not CCA because he wants private prisons. State officials know the private prisons are severely understaffed and undertrained and are placing inmates at risk of serious injury and death.

## VIOLATIONS

Honolulu HI January 19, 1999

Inmates at the Halawa High Security Facility are living under conditions that violate their rights...Many staff members (not all) are psychologically and physically abusive. The facility is in violation of many safety and building codes. HHSF needs to be torn down.





## VOICES FROM INSIDE continued

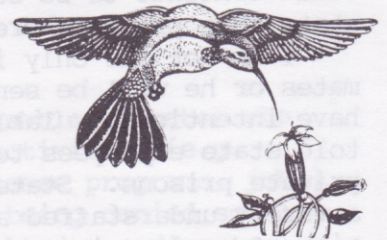
### CONCERNED CITIZENS

Gatesville TX January 19, 1999

...We must continue filing grievances on legitimate unconstitutional treatment and the lack of medical attention. Things can only better - and they will! But it starts here, with us. Then, by getting our friends and families involved, we must encourage them to participate. It's time to put our pride aside and start letting the public know the truth within the walls. Contact: Texas Inmate Association (TIFA), PO Box 181253, Austin TX 78718. WWW.FLASH.NET-TIFA

### M.C.I.

...We are asking everyone presently incarcerated in the New York State correctional system to have their family and friends call M.C.I. and ask why the benefits of their 10-10-220 services (to call anywhere in the U.S. for 99¢ for the first minute and 10¢ for each additional minute up to 20 minutes) are not available to prisoners using their phone system. Presently it costs \$3.33 for your family to accept your call and 33¢ for each additional minute. The DOC receives kick-backs from M.C.I. for services implemented in each and every jail of well over a million dollars each and every year. Please ask your loved ones to call M.C.I. at 1-800-388-7346.



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## VOICES IN SOLIDARITY

### ATTENTION NEW MEXICO PRISONERS

...Habeas corpus is available to challenge both unlawful convictions and unlawful conditions of confinement...unfortunately, except in rare circumstances, the Public Defender Department cannot draft and file habeas corpus petitions on behalf of confined inmates; instead, our office only represent a habeas corpus Petitioner after the inmate has prepared a petition pro se, filed it with the court, and the court has decided that the petition has enough merit to warrant the appointment of the Public Defender...

To file a petition, complete:(1) the affidavit of indigency; (2) the notice of appointment of counsel; (3) the eligibility determination for indigent defense services; and, (4) the petition for a writ of habeas corpus...

Whenever possible, I will try my best to give inmates whatever advice or assistance they may need in order to complete the petition. Write me for the NM Public Defender Pro Se Habeas Corpus packet of new forms, or call me collect at (505) 841-5026 with any questions concerning habeas corpus relief. Brian Pori, Habeas Corpus Attorney, Public Defender Department, 505 Central Ave NW, Albuquerque NM 87102.

### LOVE & ROSES

Sells assortments of red satin roses and teddy bears, especially for prisoners, payable by check, money order or stamps: Love & Roses, 1630 Manning Ave #312, Reedley CA 93654. For order forms, contact Jermaine Hicks 760638 Terrell Unit 12002 S.FM 350, Livingston TX 77351

### ANYONE WHO KNEW ME WHEN

I would like to hear from prisoners, especially anyone who knew me when I was serving the seven years I served in Alabama. Melvin Arnold, 5010 N Royal Palm Ave, Sarasota FL 34234-3852.

### ANGELS CARE & BE BLESSED MINISTRIES, INTERNATIONAL

Last April I founded the above prison ministry to provide non-denominational spiritual support and correspondence for inmates. Already we correspond with and provide spiritual support to over 400 prisoners in 65 prisons from Canada to Egypt. Please check out our web-site. PO Box 5191, Harrisburg PA 17110-0191, e-mail: Angels5191@Juno.Com; <http://www.angelfire.com/pa/angelscare>

### ADDRESS CORRECTION

New address for information on the Missouri Prison Labor Union: Jerome White-Bey, 37479, PO Box 900, Jefferson City MO 65102.



# Crime of the Month

## aka Crimetoppers

America's mass media fat cats have lost whatever little taste they may have had for real competition. Already in 1982, 50 corporations controlled half of the media business; by 1986 that number was down to 29 and in 1993 to only 20. The Federal Communications Commission has ignored the law and failed to resist the creation of monopolies and concentrated ownership.

The result of this is that a handful of people have the power to tell us only what they want us to know. Thus, when reporters dig up investigative reports about industrial or government misdeeds and an advertiser or politician objects, the media quickly issue a retraction and the reporter is routinely discredited, fired, or both.

This happened 2 years ago when the San Jose Mercury News reported on contra/CIA complicity in drug trafficking in South Central Los Angeles. It happened again in 1997 when Tampa Bay Fox TV news reported on the controversial use of Monsanto growth hormones developed to increase milk production, which scientists believe causes cancer. And again in 1998 when CNN charged that U.S. forces used sarin nerve gas in Laos. And again when the Cincinnati Enquirer published a series on Chiquita Brand International, accusing the company of serious maltreatment and intimidation of Honduran workers and citizens.

The more we watch the news, the less we know. Will we ever know the truth? Not likely and that is our Crime of the Month.



Coalition for Prisoners' Rights/  
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Non-Profit Organization  
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