

Coalition For Prisoners' Rights Newsletter

Vol. 26, No. 10 P.O. Box 1911, Santa Fe, NM 87504-1911 October 2001

SEPTEMBER 11, 2001: WHAT IS THE MEANING OF THIS?

As members of the human family, we are grieved by the loss of life, the suffering and the sorrow that have resulted from the tragic events of September 11. The readers of this newsletter well know how US state and federal government laws, agencies and policies hurt people especially poor people - individuals, families and communities. That oppressive treatment at home has been going on for several hundred years. We know who suffers from it.

There is no reason to believe that the reality of US behavior in other peoples' countries is any different: that US government agencies, policies and programs hurt people, especially poor people - individuals, families and communities, all over the world. The examples are many. The double standard we have lived by is extreme.

One historic milestone is the Monroe Doctrine of 1823 in which the US president proclaimed that US influence and only US influence should rule in Latin America. The US has invaded the countries of Central America innumerable times. And in the last 30 years, the countries we have attacked

include: Grenada, Panama, Nicaragua, Guatemala, Vietnam, Cambodia, Libya, Iraq, the Sudan, Kosovo and Colombia. We must acknowledge that the US is the world's largest arms dealer - profiting from the sales of weapons at home and throughout the world.

Think of the recent domestic so-called "wars" and their effects on us personally and on those we know and love: the war on poverty, the war on cancer, the war on drugs. Look at what the government has money for and does not have money for.

This is a time of sadness and of fear. We fear for the future - for what the US will do, both at home and abroad. Both will affect us for the rest of our lives. Increasingly repressive actions are already being put in place at home. Examples include the movement for broader wiretap authority, Internet monitoring and control and the new Justice Department rules to allow people suspected of immigration violations to be held indefinitely. We fear the creation of de facto martial law. We believe that the challenge before us all is to break the cycle of violence and ret-

(cont. on next page)

MEANING cont.

tribution. We commend congresswoman

Barbara Lee, who stood alone in congress in the effort to this end.

We must examine our deepest beliefs and struggle to live them out. In the

LITIGATION UPDATE: TAMMS SUPERMAX PRISON

The Uptown People's Law Center has filed three class action lawsuits, addressing fundamental problems with the way Tamms is run.

In *Westefer v. Snyder*, 00-162-GPM, in the U.S. District Court in the So. Dist. of Ill. (East St. Louis), we alleged that the men at Tamms were chosen because of vague allegations of gang leadership or membership, often despite the fact that they have virtually no disciplinary violations for decades. Others were chosen because of their active litigation against the Department, to isolate them and send a message to other jail-house lawyers. The case survived a motion to dismiss on the retaliation claim and is now in discovery. The Department has insisted that the documents which really explain why men were transferred to Tamms are confidential and cannot be disclosed. We are awaiting a ruling from the court on this issue.

In *Arnett v. Snyder*, 4-00-895, in the App. Ct. of Ill., 4th Dist. (Springfield) we challenged a uniquely disgusting punishment implemented at Tamms. For a wide variety of offenses, any individual guard can punish a man by depriving him of all meals for up to six days, and substituting a so called "meal loaf". Meal loaf is a

hardest times, wherever we are, we must struggle to be kind to one another. We must unite and make our voices, speaking for peace and justice, heard.

concoction of navy beans, canned spinach, bread crumbs, tomato paste, apple sauce, garlic powder and dried milk, all baked into a solid, unappetizing brick, frozen and then reheated in a microwave. One state legislator aptly characterized it as "pig slop." Prisoners are given no opportunity to defend themselves before being punished, and have no opportunity for any hearing until after the punishment complete. We expect a ruling before Thanksgiving.

In *Almodovar v. Snyder*, 99 MR 404, in the Cir. Ct. for Sangamon County (Springfield) we have challenged the Administration's violation of their representation that prisoners would typically only stay at Tamms for one year. After we filed suit, the Department instituted a new rule, requiring that prisoners become informants against gang leaders as a condition of even being considered for release from Tamms. Since the Department announced this policy, everyone knew that any prisoner transferred out of Tamms had agreed to become a snitch. Worse, this label put a prisoner's family on the outside at risk of retaliation. Our complaint is awaiting a ruling from the trial judge on defendants' Motion to Dismiss.

WHAT WE HAVE IN COMMON

After the tragic events of September 11, it may surprise you to know that the United States has something in common with Iran, Iraq, Egypt, Afghanistan, and Saudi Arabia. That something is the death penalty. As of June 1, 2001, there were 109 countries that had abolished the death penalty, in law or in practice, and only 86 countries that continued to kill people for violating the law. In 2000, the top five killers were China, Iraq, Iran, Saudi Arabia and the United States, in that order.

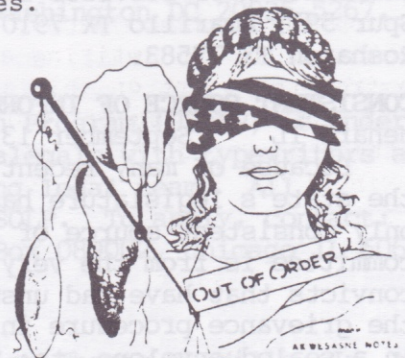
Last year, the European Union asked the United States to declare a moratorium on federal executions. Our response was to kill McVeigh and Garza. Other nations, including Germany, South Africa and Canada, now refuse to extradite people to the United States to face criminal charges unless they are assured that those people will not be killed if found guilty.

The United States also has a long history of violating the rights of foreign nationals. Under Article 36 of the 1963 Vienna Convention on Consular Relations, when local authorities arrest a person who is not a U.S. citizen, the authorities must immediately tell that person that he or she can ask to have the appropriate consulate informed of the arrest. Nations that have signed the Con-

vention are also required to allow unfettered communication between the consulate and the person arrested. The United States ratified this convention without reservations in 1969. However, there are 105 foreign nationals on death row in this country. Many of these people were not told that they could obtain assistance from their consulate.

In 1999, the World Court at The Hague issued an order telling the state of Arizona not to kill Walter and Karl La Grand, citizens of Germany. The order was based on the fact that the LaGrands were not told of their right to contact their consulate until ten years after they were convicted and sentenced to death. Arizona killed them anyway.

What happened in New York City and Washington D.C. is a tragedy. However, if we are going to seek the support of international law to bring the perpetrators to justice, we ought to abide by it ourselves.



**VOICES
FROM
INSIDE**

since 1976



PAROLING

Navasota TX August 7, 2001

TDC prisoners without a mandatory discharge date: What you have to do is find a place that doesn't have a contract with TDC. Get lists from your chaplain, changes class, instructor, Project Rio or write to Highland Park Presbyterian Church Prison ministry in Dallas - 3821 University Blvd, zip:75205. Go for large capacity places like the Salvation Army or the Dallas Life Foundation...

HUSBAH

Moreno Valley CA August 16, 2001

Muslim prisoners and parolees: Please contact HUSBAH (DAWAH for Muslims) for more information on lawsuit re prayer, with SASE to Najah Rasheed, Husbah Inc, 24436 Webster Ave, Moreno Valley CA 92553. As Salaamu Aliakum!!!

TREATMENT

Rosharon TX September 4, 2001

A lawsuit has been filed by Texas inmates in federal court to force the TDCJ and the UT Medical Branch to provide treatment for the Hepatitis C virus. The suit: Whiting v. Kelly, civil action number G 01-429, filed in Galveston county, has requested class action status and that an attorney be appointed. Anyone wishing to help or to contribute information or services should write to: Michael Whiting, 67-716, 96 Spur 591, Amarillo TX 79107 or to Michael Short, 774048, 1200 FM 655 Rosharon TX 77583.

CONSISTENT SOURCE OF INFORMATION NEEDED

Menard IL September 13, 2001 (The 30th Anniversary of Attica)

Because of many recent problems within the Illinois prison system, the state's legislature has established a prison reform committee. The only consistent source of information for this well-intentioned committee is from the very system they need to regulate...All Illinois convicts that have had unsuccessful experiences attempting to utilize the grievance procedure in any IDOC facility, please relate all details, in a sealed envelope, to: Thomas Johnson, state representative, Prison Reform Committee, 27 W 031 North Avenue, West Chicago IL 60185. Mark the envelope "Privileged Mail" and seal it.

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.**

FUNERALS - I.

Represa CA September 6, 2001

In response to being allowed to attend funerals for family members: Here in California, it doesn't matter if the funeral is today and you parole tomorrow, you're not going. When a cop dies, they lock us down so everyone can go to the funeral.

FUNERALS - II.

Whiteville TN September 10, 2001

I am a Wisconsin prisoner housed out of state. Wisconsin used to allow inmates to go to funerals and death bed visits, but they changed that policy not too many years ago. They now don't allow inmates in maximum or medium custody to attend funerals or death bed visits under any circumstances - only minimum security inmates!

"THE ALLIANCE FOR CITIZENS RIGHTS"

Huntsville TX September 12, 2001

The United States Offenders Litigation Program (USOLP) has changed its title to "The Alliance for Citizens Rights." The President is Rachel Stafford, the Vice-President is Stacie Branham, the Executive Director is Sylvester G. McGee II. The Alliance is a national, non-partisan public interest group, an organization of Americans against criminal injustice. For free information and membership information, contact Stacie S. Branham, PO Box 65267, Washington DC 20035-5267.

UNITED STATES OFFENDER LITIGATION PROGRAM

Chicago IL September 14, 2001

The United States Offenders Litigation Program (USOLP) is under new management. We are seeking certified paralegals with typewriters and good law library access to join our growing legal team. All writing/typing supplies provided by the USOLP. To apply, contact: Christopher Holly, Director, 9895472, PO Box 089002, Chicago IL 60608.

TO FIND

Shirley MA August 15, 2001

If anyone has used or is currently using Thomas W. Mills, Jr. as an appeal and/or a parole attorney, please contact: Scott A. Burgess, W55741, PO Box 8000, Shirley MA 01464.



GUILTY

Gatesville TX August 27, 2001

On August 20, 2001, a US District Court in Houston found James "Andy" Collins, former Executive Director of the Texas Department of Criminal Justice (TDCJ), guilty of bribery, fraud, money laundering and conspiracy. Collins and his co-conspirator, Yank Barry, former Vita-Pro CEO, face up to 70 years in prison and fines of \$2 million. The federal charges grew from a 1995 kickback scheme where Collins and Barry conspired to sell \$33.7 million of a soy-based meat substitute substance to TDCJ. They are free on bond until they are sentenced on November 19.

NEW MEXICO DNA STATUTE

A new DNA statute became law in New Mexico in July 2001. It allows people convicted of crimes who claim that DNA evidence would establish actual innocence to ask for a new trial or to have the sentence set aside. To qualify for this, the person convicted must: 1) have DNA testing, 2) allow the DA use of the DNA test results to investigate that case and 3) allow the DA use of the test results to investigate other cases. The convicted person must also be able to prove that: 1) s/he was convicted at a trial, 2) s/he has no pending appeal for this conviction, 3) her/his identity was an issue during the trial, 4) the evidence s/he wishes DNA testing done on was secured by law enforcement, 5) the chain of custody on it is intact, 6) DNA tests were not run on the evidence because of lack of technology, 7) the evidence would have been admissible at trial, and 8) the evidence would establish that a reasonable jury could not find him guilty beyond a reasonable doubt. You must file before July 1, 2002. The statute is 31-1A-1 in NM Statutes Annotated: Procedures for Consideration of DNA Evidence.

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VOICES IN SOLIDARITY

TILTING AGAINST THE RUMOR MILL

Rumor #1: We have gotten several letters stating that they had heard we give away money. We wish! We don't. We can't. Our struggle is to raise enough to keep the Newsletter going. Sorry.

Rumor #2: We have been asked by folks in both New Mexico and Ohio if it is true that there is a law (the "Eisenhower Act") which states that all prisoners in the US will be executed if there is a land war here. We checked with attorneys, other experts and the Internet. There was no such provision to be found. The Eisenhower Act is about money for programs to improve math and science teaching.

NEW MEXICO SUPREME COURT LAW LIBRARY SERVICE

It is the policy of the Supreme Court Law Library to supply copies of case law and statutes to New Mexico prisoners to the extent permitted by our staff and facilities. The Law Library has no attorneys on hand, so it cannot do legal research or give legal advice. Prisoners are asked to limit requests as much as possible; its staff cannot copy more than 10 pages per month for any individual. The Law Library address is: P.O. Drawer L, Santa Fe NM 87504.

IN MEMORIAM

This issue is dedicated to the life and work of Ginny Mackey, model for justice. Ginny consistently lived out her beliefs. She knew that punishment is not justice. We remember and honor her. We will keep on doing the work, strengthened by her spirit.

RESOURCES FOR PEACE, JUSTICE & NONVIOLENCE INFORMATION

American Friends Service Committee
1501 Cherry Street
Philadelphia PA 19102-1479
215-241-7000
www.afsc.org

Murder Victims Families for Reconciliation
2161 Mass. Ave.
Cambridge MA 02140
617-868-0007
www.mvfr.org

Detention Watch Network News
Lutheran Immigration & Refugee Svc.
700 Light Street, 2nd Floor
Baltimore MD 21230
410-230-2700

War Resisters League
339 Lafayette St.
New York NY 10012
212-228-0450
www.nonviolence.org/wrl/nva.htm

Crime of the Month

aka Crimetoppers

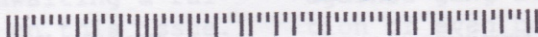
For some months the hysteria reflected in the media hype would have us believe that the Social Security system is going to collapse any day now. Yet even the gloomiest forecasters say that Social Security will take in enough revenue to keep its promises for the next 34 years. For years to come, Social Security will continue to create huge surpluses and is said to be the most efficient insurance program in the U.S., with administrative costs of less than 1% of payout. By comparison, the administrative cost of individual account systems in Britain and Chile, programs that the stock market gurus cite as models, range from 15% to 20% of annual revenue.

Economists like Max Skidmore, author of Social Security and its Enemies: The case of America's Most Efficient Insurance Program, maintain that the main reason for the projected shortfall is based on forecasts that the economy will grow much more slowly in the future. Assuming this is the case, then the profit advantages of diverting some of the Social Security fund in to the market must be grossly overstated. Those projecting rosy profits must have forgotten that the Social Security system was created to repair the wreckage of the 1929 stock market crash. The Social Security crisis is beginning to sound like another big scare for a fast buck.

That's our Crime of the Month.



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CAROL L. COUCH



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