

Coalition For Prisoners' Rights Newsletter

Vol. 29, No. 7

PO Box 1911, Santa Fe NM 87504-1911

July 2004

IN THE NAME OF DEMOCRACY

The good news is that according to the Associated Press on June 15, 400 men were freed from Abu Ghraib prison in Iraq on June 14, although it had been announced that the release would total 650. Dozens of other men have been notified they would be released this week, but the prisoners don't trust that the US will honor such promises.

The Monday, June 14 releases were the 5th major ones since the torture of Iraqi detainees became public. The US will continue to hold 4,000 to 5,000 prisoners said to be "a threat" to the US occupation of Iraq. According to the Taguba report, 70% to 90% of Iraqi civilians held at Abu Ghraib were in prison by accident.

The US has also promised to improve its prisons in Afghanistan, which include a network of 20 jails. Recently

inspected by a general Jacoby, allegations of abuse there include the deaths of at least 3 prisoners.

The Associated Press has also obtained US Army records showing that the noncommissioned officers who heard complaints of prisoner abuse at Abu Ghraib from at least 5 US soldiers as early as last fall, did little to stop the mistreatment.

As a *New York Times* columnist wrote: "The message with regard to the treatment of prisoners in the US has been clear for years: Treat them any way you'd like. They're just animals. The detainees in Iraq were treated like animals too, a logical extension of the way we treat prisoners here at home."

Other recent disclosures include the "torture memo," written in August 2002 by the Justice Department at the request

(cont. on next page)

The Name of DEMOCRACY, cont.

of the CIA and the White House. It states that it "may be justified" to torture al-Qaeda suspects and speculates that international law, which categorically prohibits torture, "may be unconstitutional."

The "Rumsfeld memo" was written in March 2003 at the Pentagon. It declared not only that the US president has the power to evade international law and to torture prisoners from other countries, but also that interrogators who follow the president's commands can, in addition, be held immune from prosecution.

And what is congress doing? Not much. The House of Representatives is now silent and the Senate Armed Services Committee is moving at such a leisurely pace that it's hard to believe there will be much of a report ready before the November elections.

Amnesty International (AI) released a report on May 26 plainly stating an unusual amount of truth: The Bush administration has "openly eroded human rights" which has made the world a more dangerous place. "As a strategy, the war on terror is bankrupt of vision and bereft of principle. Sacrificing human rights in the name of security at home, turning a blind eye to abuses abroad, and using preemptive military force where and when it chooses have neither increased security nor ensured liberty." Hundreds of people from other countries remain in indefinite detention without charge or trial outside the US mainland.

The AI includes further information that torture or other ill-treatment was frequently

reported. "Detainees suffered extreme heat while housed in tents and were supplied with insufficient water, inadequate washing facilities, open trenches for toilets, no changes of clothes, and no books, newspapers, radios or writing materials. Detainees were routinely subjected to cruel, inhuman or degrading treatment during arrest and the first 24 hours of detention. Former detainees stated they were forced to lie face down on the ground, were held handcuffed, hooded or blindfolded, and were not given water or food or allowed to go to the toilet. Torture and ill-treatment included prolonged sleep deprivation; prolonged restraint in painful positions, sometimes combined with exposure to loud music; prolonged hooding; and exposure to bright lights." And on and on. We know the story.

As a US battalion commander near Baghdad has said: "With a heavy dose of fear and violence, and a lot of money for projects, I think we can convince these people that we are here to help them." A White House spokesperson has put it this way: "People in those countries did not have the kinds of protections that we're used to in the United States, and now they do."

Even the American Correctional Association has said publicly: "We do not deny that there is abuse in America's correctional systems." This behavior is not acceptable. Our symbolic question is: "Who made the hoods?"

"Those who can make you believe absurdities can also make you commit atrocities." --Voltaire

SAD SUPREME COURT SYLLABUS

"SCHRIRO V. SUMMERLIN, NO.03-526, Respondent was convicted of first-degree murder and sentenced to death under Arizona's capital sentence scheme then in effect, which authorized the trial judge, rather than the jury, to determine the presence of aggravating circumstances that make the defendant eligible for the death sentence. The State Supreme Court affirmed on direct review. While respondent's subsequent federal habeas case was pending in the Ninth Circuit, this Court decided that *Apprendi v. New Jersey*, 530 U.S. 466, 490, required the existence of an aggravating factor to be proved to a jury rather than a judge under Arizona's scheme. *Ring v. Arizona*, 536 U.S. 584, 603-609. The Ninth circuit invalidated respondent's death sentence, rejecting the argument that *Ring* did not apply because respondent's conviction and sentence had become final on direct review before *Ring* was decided. Held: *Ring* does not apply retroactively to cases already final on direct review. Pp. 3-10.

MUJERES ENCARCELADAS

Cirujano General ha reportado en los ultimos 10 años que el maltrato es el causal mayor de lesiones en mujeres en los Estados Unidos. Cada día entre 5 y 11 mujeres son asesinadas por una pareja hombre, entre 1,800 y 4,000 por año.

Un estudio en 1995 sobre las mujeres en el sistema de prisiones en California encuentro que el 71% de mujeres encarceladas habian experimentado actual abuso fisico, antes de cumplir 18 años de edad y el 62% de quienes experimentaron

(a) A "new rule" resulting from a decision of this Court applies to convictions that are already final only in limited circumstances. New substantive rules generally apply retroactively, but new procedural rules generally do not--only "'watershed rules of criminal procedure' implicating the fundamental fairness and accuracy of the criminal proceeding" are given retroactive effect. *Saffle v. Parks*, 494 U.S. 484, 495. Such a rule must be one "without which the likelihood of an accurate conviction is seriously diminished," *Teague v. Lane*, 489 U.S. 288, 313. Pp. 3-4.

(b) *Ring's* holding is properly classified as procedural. It did not alter the range of conduct or the class of persons subject to the death penalty in Arizona, but only the method of determining whether the defendant engaged in that conduct. P. 4-6.

(c) *Ring* did not announce a watershed rule of criminal procedure. This Court cannot confidently say that judicial factfinding seriously diminishes accuracy. Pp. 7-10. 341 F.3d 1082, reversed & remanded."

actual abuso fisico era despues de los 18 años.

En 1994 hubieron aproximadamente 600 mujeres en prision en California y aproximadamente 4,000 mujeres en prision a nivel nacional convictas por matar a una pareja hombre abusivo.

From the Nat'l. Clearinghouse for the Defense of Battered Women, 125 S 9th St, Suite 302, Phila. PA 19107. re-printed from the CCWP newsletter, 1540 Market, Rm 490, SF CA 94102.

Coalition for Prisoners' Rights Newsletter



VOICES
FROM
INSIDE

since 1976

CONFERENCE

Kenedy TX February 29, 2004

Abu Ghraib or Cook County? Shoutout Support Rally & March Friday
August 13, 3-5 pm, Cook County Jail, 26th & California, Chicago IL.
Prison Abolition Conference, August 14-15. (708) 534-1334, 339-7902.

STAND UP

Muskegon MI May 12, 2004

The only time I have seen bravery like a white prisoner standing up to defend a black person was the time a white supremacist was being beaten and a black woman protected him, saying he has a right to his beliefs and views...Our real enemies are those who comprise the machine, not each other. We are all human beings trying to survive...

NO TREATMENT

Crowley CO May 19, 2004

The deliberate refusal to treat incarcerated transgendered individuals must stop! Most DOC's use as an excuse that no treatment (hormonal therapy) was received on the outs and therefore will not initiate treatment. I am seeking transgendered/transsexual/intersexed individuals in CDOC not receiving any form of treatment to help stop this. I am already filed in the USDC, Dist. of Colo. no. 04-D-377 (CBS) Qz'Etax v. Ortiz, et al.; am seeking class certification. Help by sending information, including detailed accounts of lack of treatment to: Zarissa L. Qz'Etax-Dorn, 113868, PO Box 1000, Crowley CO 81034-1000.

STANDARD OF CARE

Kincheloe MI May 31, 2004

The state just cut \$5.9 million from MDOC Correctional Medical Services. Yet, in the last 5 facilities I have been in over 10 years, inmates have been denied medical testing for hepatitis C...I am the V-P of the National Lifers of America Chapter 1010 (A.J. Pallitto, 202144, K.C.F., 16770 S. Water Tower Dr., Kincheloe MI 49788). Our chapter is currently working on changing/supporting the infamous Felony Murder Bill by corresponding with state representatives & senators here in MI.

DEAL WITH IT

Tecumseh NE June 1, 2004

We the Inmates of Tecumseh State Correctional Institution are being continuously treated and spoken to rudely and disrespectfully daily by Corporal A who makes it a point to go out of his way to harass certain

07/04

Mailing list additions and address changes should go into effect within two months from their postmarked date. Our goal is to answer requests for referrals and other correspondence within six weeks. Letters intended for publication must say "Do Print." We can only print a fraction of letters we receive. If requesting responses, state if you can receive mail directly from those imprisoned. The Coalition makes information available on resources and services for prisoners. We strongly urge readers to 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.* NONE OF US ARE LAWYERS nor do we have any information or access to pro bono attorneys.

individuals, especially ones of Hispanic, Native American, and African American Nationalities. It is abundantly clear by his behavior that he is a racist. We ask that you take our request more seriously than this administration has. [SIGNED BY 170 prisoners]

LWOP

Marion NC June 1, 2004

All prisoners sentenced to Life Without Parole (LWOP): actively take a position, working together, to assist in having this law amended to abolish these indirect forms of death sentences. We all need each other; if no challenges are currently underway, let's take the initiative to get something started. Our justice system is producing massive injustice

PRISONERS ARE PEOPLE AND HUMAN TOO (PAPHT)

Marquette WI June 7, 2004

We hope to improve society's opinion of us by providing web visitors and the internet community with insight about the facts and realities of incarcerated life: <http://members.fortunecity.com/papht>.

FAMILY AND FRIENDS ADVOCATING FOR INMATE RIGHTS (FAIR)

Tamms IL June 14, 2004

There is a new coalition forming of friends and families of inmates, uniting various existing organizations. The purpose is to take action for positive changes within the IDOC. Contact: Bill Ryan, (708) 531-9923, 22237 Sunnyside Ave, Westchester IL 60154-5223.

SHOE SHOP

Graterford PA June 15, 2004

At the shoe shop here, which produces shoes for all the PA state prisons, supervisors have been taking short cuts and making excuses not to give earned raises to the inmates, who work in hot and unsafe areas.

SUPPORT GROUP

McAlester OK June 17, 2004

Oklahoma doesn't have any outside support organization for G/L/T/B prisoners. I am interested in starting one. Cannot receive inmate mail. With help/ideas, contact: Charles Killingsworth, 124596, PO Box 97, McAlester OK 74502.



PRISONERS' TREATMENT AND CONDITIONS -- HERE AND THERE

Tehachapi CA May 21, 2004

Hypocrisy is alive and well, as recent events show, pointing to the prisoner abuse in Iraq. This is exactly how the US operates. Prison guards are trained to inflict torture. One underground rule that the CDCO has been implementing is indeterminate SHU status for disruptive prisoners. They want to keep the SHU population artificially inflated.

Lovelady TX May 28, 2004

Texas state representative Jessica Farrar (Dist.148, PO Box 30099, Houston TX 77249), recently went on the Texas House's Criminal Justice committee. Encourage your friends, families, and others to write to her to report abuses. Seize the moment!...In 1999, when George Bush was governor, Judge William Wayne Justice commented: "Simply stated, the culture of sadistic and malicious violence that continues to pervade the prison system violates contemporary standards of decency."

Malone FL May 31, 2004

What few papers I have gotten ahold of discuss abuse of the prisoners. No, not here in America. The media want to cover the abuse in the desert where innocent people (us & them) are dying for oil & gold.

Houston TX June 7, 2004

The prison system in Iraq has nothing on TDC...I have seen paralyzed men forced to crawl to chow, men, beaten, men denied medical attention.

Orlando FL June 7, 2004

What they did to the prisoners of Iraq is nothing more than what is being done to American prisoners on a daily basis. Except here it is being done high tech, in cleverly sophisticated ways of abusing and discriminating against the vast majority of us.

Chipley FL June 10, 2004

Those photographs in Iraq are nothing new. The US is expert in prison brutality. They got their practice and expertise on us. Please encourage all your readers to write international organizations and send articles showing brutality, illegal convictions, and innocent citizens serving half their lives in because a prosecutor used false evidence.

Woodville TX June 12, 2004

As the public's attention is riveted on the abuses in Iraq, perhaps the public should also be informed about the mistreatments which occur daily in Texas and in other states in the US. As in Iraq, lack of transparency is the common denominator of prisoner abuse. With their enormous power over prisoners, guards commonly and correctly believe that they can get away with whatever they do.

VOICES IN SOLIDARITY



UPDATE AND THANK YOU

To the more than 350 folks who wrote to me about my play *Doin' Time: Through the Visiting Glass*. The show has had 3 successful performances, with several more scheduled. Please excuse the delay in responding to your letters. I will try to get back to everyone this summer. I hope to continue to develop the script and tour the show around the country in the next couple of years. For more information: Ashley Lucas, UCSD, Theatre Dept., Mail Code 0344, 9500 Gilman Dr., La Jolla CA 92093-1080.

eTc CAMPAIGN UPDATE, May 2004

We are aware of some activity regarding prison telephone systems in 39 states and the District of Columbia, including administrative, legislative and litigation action. We believe there have been positive outcomes in 31 of these. Much work remains; we are determined to continue our efforts until we achieve the reasonable rates we all deserve. For more information contact: Kay Perry, Coordinator, eTc Campaign, c/o MI-CURE, PO Box 2736, (269) 383-0028, kayperry@aol.com

BOOKS OFFER

For any TDCJ unit, especially Death Row, VISION offers 5 quality secondhand books (shipping & handling included) or 5 books per month by arrangement, for \$20 US, payable by credit cards only (except American Express). The books are sent surface mail from England and take 28 days to arrive. For further information, write: Sheena Dewan, VISION, 101 Southwark Street, London SE1 OJF, UK (postage: \$.80 for the 1st oz.)

RESOURCES

Rita Newton, Exec Dir	Stan Basler, Director	Dianne Hunter, Coordinator
OK Conf of Churches	Crim Jus & Mercy Mins	FAMM State Chapter of OK
301 NW 36th Street	OK Conf, U Meth Chur	3100 Garden Vista
Oklahoma City OK 73118	1501 NW 24th Street	Edmond OK 73034
(405) 525-2928	Oklahoma City OK 73106	(405) 844-0816
Newsletter: "IMPACT"	(405) 530-2015	diannehunter711@hotmail.com

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Crime of the Month

aka Crimetoppers

While commemorating the life of ex-president Ronald Reagan recently, the US corporate media was busily rewriting history. Many journalists and news commentators could not say enough about this "vital, optimistic leader," evoking a picture of his role as a western movie hero telling outlaws to put down their guns.

After congress finally passed sanctions against the apartheid government of South Africa, Reagan vetoed the measure. In Central America, Reagan's record is even worse. His 8 years in office was one of the bloodiest eras in western hemisphere history. The death toll was staggering: more than 70,000 political killings in El Salvador, more than 100,000 in Guatemala and the responsibility for 50,000 deaths

in Nicaragua. As the Nicaraguan foreign minister of the 80s says, "Reagan was the butcher of my people. We should not ever forget the crimes he committed."

In the US, Reagan was the backer of what even Bush Sr. characterized as "voodoo economics," causing one of the biggest deficits in US history. Still, the corporate media cheered him on as he fired all the air-traffic controllers in 1983 after they struck for better pay and working conditions.

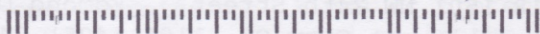
No doubt Reagan will be remembered by some as one of the most important US presidents of the 20th century, but much of the credit is due to corporate media's interest in airbrushing the story and their uncanny ability to look the other way.

And that, is our Crime of the Month.



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07/04

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