

Coalition For Prisoners' Rights Newsletter

Vol. 29, No. 9 PO Box 1911, Santa Fe NM 87504-1911 September 2004

OUR LITTLEST PRISONERS

Children who are currently incarcerated, as is with children in society at large, remain the most vulnerable to mistreatment, including physical and sexual abuse. For those currently incarcerated, much of the abuse and mistreatment is at the hands of prison guards while a small percentage is inflicted by other adult prisoners.

In at least 20 states, children who are tried and convicted as adults are imprisoned with adults. As you know, these are inhumane conditions for adults and are certainly not human or appropriate for children and youth. Children and youth in adult institutions are 8 times more likely to commit suicide, five times more likely to be raped and three times more likely to be beaten by staff than children in "juvenile justice" facilities. Children and youth are subjected to medical neglect, being locked in

their cells for most of the day, and having little or no access to educational services.

The situation in "juvenile justice" programs remains bleak as well. Florida's "Juvenile Justice" Agency is one example of corruption that afflicts our children who are incarcerated. Over the past several months there have been two juvenile deaths, reported incidents of sex between guards and incarcerated girls, documented use of excessive force by staff, and falsified reports. Florida is not alone. It seems that most if not all "juvenile justice" agencies in the US have become a mirror to the inhumane treatment in adult institutions.

Children and youth whose parents are incarcerated also suffer greatly. Incarceration of parents, specifically primary caregivers, has many long lasting detrimental effects on children. What appears to suffer most is the quality of the

(continued on next page)

OUR LITTLEST PRISONERS, cont.

attachment in the child-parent relationship. Often this leads to children that have difficulty with peer relationships and lower cognitive abilities. In addition, it has been estimated that up to 70% of young children with incarcerated mothers exhibited emotional or psychological difficulties including anxiety and depression.

Despite these negative effects on our children, legislation and policy continues to neglect these vulnerable persons. In recent years national and state legislation has set its goals on broadening the circumstances in which children may be tried as an adult. We are one of only two nations in the world that has yet to agree and sign, without conditions, the UN convention on the Rights of the Child. The US is in clear violation of this document, as well as universal human rights standards, most notable for its use of execution with youth.

The US is one of 5 nations in the world (the four others are China, Democratic Republic of the Congo, Iran, and Pakistan) that continues to permit executing children.

This fall, for the first time in 15 years, the US Supreme Court is scheduled to hear *Roper v. Simmons*, a case that will determine the constitutionality of executing youth.

Yes, it is true, the US is disproportionately powerful in many areas and now also leads the world with the number of children behind bars. According to Amnesty International, "to give you a comparison, the US has more than 5 times the number of incarcerated children as India, a country of nine hundred million people."

Grupos religiosos socorren a inmigrantes

La asociación humanitaria "No más muertes," integrada por 16 grupos religiosos, informó que en las últimas seis semanas ha socorrido a 542 indocumentados cerca de las poblaciones fronterizas de Arivaca y Douglas, en Arizona.

Rick Ufford Chase, portavoz de la agrupación, dijo que hasta el principio de agosto, 239 personas se han ofrecido como voluntarios para brindar ayuda a los indocumentados que corren peligro en el desierto.

Desde el pasado 10 de junio, "No más muertes" comenzó a operar dos campamentos en el desierto a los que los indocumentados llegan en busca de agua, comida y un lugar para descansar. Además, los voluntarios recorren continuamente el desierto en busca de personas que necesiten ayuda.

Piden reforma para estudiantes inmigrantes

Líderes inmigrantes de toda la nación se reunieron al fin de julio al margen de la Convención Demócrata para reclamar una reforma migratoria que permita a los estudiantes indocumentados acceder a estudios superiores.

Eliseo Medina, vicepresidente del Sindicato de Empleados de Servicios (SEIU), que tiene el mayor número de inmigrantes del país, y otros destacados líderes, hicieron un llamamiento al Congreso para que apruebe el proyecto de ley conocido como DREAM, que otorgaría residencia legal a al menos 65.000 estudiantes indocumentados de secundaria en EE.UU. Dijo Medina: "Queremos resultados, ver a nuestros hijos acceder a la universidad."

WORLD LEADERS URGE U.S. TO END TEEN EXECUTIONS

In July 2004, the leaders of 48 nations and two Nobel Peace Prize winners asked the US Supreme Court to end the practice of executing those convicted of crimes when they were under the age of 18.

Former US President Jimmy Carter and former Soviet President Mikhail Gorbachev, both Nobel laureates, were joined by the 25-member European Union and 23 other nations in an *amicus curiae* brief filed with the high court.

"Countries whose human rights records are criticized by the United States have no incentive to improve their records when the United States fails to meet the most fundamental baseline standards," said the brief.

A group of former US diplomats pointed out that this country is one

of the few nations that allows execution of those who were convicted of committing their crimes when they were younger than 18. This leaves the US diplomatically isolated and vulnerable to charges of hypocrisy on human rights issues, the group said.

The *amicus* brief argued that executing juveniles "violates widely accepted human rights norms and the minimum standards of human rights set forth by the United Nations."

Between 1990 and 2003, the US executed more juveniles than the whole rest of the world. During their October 2004 term, the US Supreme Court, in the case of *Roper v. Simmons*, will consider whether capital punishment of juveniles is unconstitutionally cruel.

LEADING BACKWARD

Be wary when you see headlines proclaiming that Texas is considering changes to their death penalty. Many of us who are opposed to Life Without the Possibility of Parole (LWOP), regard it as "death by imprisonment." So the planned introduction of LWOP by state Senator Eddie Lucio, is in fact an expansion of the death penalty.

In contrast, the Pennsylvania state senate has passed a bill, SR 149, for a year-long study of LWOP and aging in prison. They are now considering parole for Lifers because of economics. Most people sentenced to life had non-capital cases and many have no prior criminal record.

YET AGAIN

Texas commits, however, about 1/3 of the executions in the US. That comes out to a state killing every 12 1/2 days, on the average.

Some prosecutors have protested LWOP as a sentence in Texas, saying they will be less likely to secure an execution. But many agree that the public would like to see the change made. Punishment indeed makes strange bedfellows--this is a measure that is advocated both by those who support executions and by those who oppose them.

During now-president Bush's time as governor of Texas more than 150 people were executed. Now there are 456 people on death row there.



VOICES
FROM
INSIDE

since 1976

PREVAILING

Bessemer AL June 24, 2004

At the oral hearing in the 11th US Circuit Court, I prevailed on all 3 issues: 1) Freedom of Speech, 2) Retaliation, and 3) Conspiracy:

From: Solicitor General, State of Alabama, Kevin C. Newsom

To: Federal Appeals Judges Carnes, Dubina, and Mills

"I write regarding the case of Lake v. Henry, No. 03-12663-FF, which is scheduled to be argued orally this Friday, May 28, 2004...

"I have come to the conclusion that in at least one respect the district court's decision in this case was in error, and the State's defense of that court's decision misguided. Accordingly, the State will request at argument that this Court remand (in part) Lake's case to the district court for further proceedings. I do not take this step lightly...

"[d]ismissal of Mr. Lake's First Amendment claims--without leave to amend--was in my judgment inappropriate...

"[i]n addition to invoking expressly the rights of free speech, free exercise of religion, peaceable assembly, and petition, Mr. Lake's complaint alleges that he was punished for 'writing ant-American propaganda on the black board during Islamic service (sic).'"

ACTIVISM AND ADVOCACY

Woodville MS July 2, 2004

We are interested in beginning a chartered non-profit organization to focus on improving relations between inmates and staff, to protect inmates' rights, to promote rehabilitative programs and to educate for positive change, growth and development in our lives. We request advice and information: Charles Owens, L5101 and/or Richard Jacobs, K8170, CCA-WCCF, 2999 US Highway 61 North, Woodville MS 39669.

NO SISTER

Coleman FL July 20, 2004

There is a bill in the House known as H.R. 4036. Congressman Danny K. Davis of Illinois introduced the bill on March 25, 2004, to revive and reintroduce the federal parole system. As of today, there is no "sister" bill in the Senate. Therefore, nothing will happen until some Senator(s) places the proposed bill in the Senate. Push this parole bill!

THE NEW MEXICO CENTER FOR SOCIAL JUSTICE (formerly COPA)

We have now been joined by legal counsel Antonio Maestas and expect 2 additional attorneys in the near future. We will now be able to help in other areas besides prison issues. PO Box 80243, Albuquerque NM 87198.

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." 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.*

FREE A MAN

Raleigh NC

July 21, 2004

I am a prisoner on death row because of the false testimony of an informant, Venice Taylor, of Kinston NC. If he was involved in your case, please send any information to: Beverly Brabham, Attorney, PO Box 273, Adamsville AL 35005.

PROPOSITION 66

Crescent City, Lanacaster, Coalinga CA July, 2004

Write friends and family to register and vote to have California's Three Strikes Law amended to "violent and/or serious" convictions in the November 2 election. For more information/to help, contact: FACTS, 3982 S Figueroa St, Suite 207-A, Los Angeles CA 90037, www.facts1.com

ALSO-PRO

El Paso TX

July 26, 2004

Is a fledgling prisoners' rights/legal assistance organization. Our first major project is to utilize the US Supreme Court's decision in *Blakely v. Washington* to gain eligibility for federal prisoners who were denied the one year sentence reduction for a USSG 2D1.1b1 weapon enhancement. For info and possible assistance, please contact: Eustacia Hulstine, Executive Director of ALSO-PRO, 1641 Girard Blvd SE, Albuquerque NM 87106. Enclose a SASE for further details.

09/04

CONGRATULATIONS TO DWIGHT DURAN!

Who received from the National Campaign for Tolerance signed by Morris Dees and Rosa Parks, co-chairs a certificate with the following text on July 5, 2004:

"That the name of Mr. Dwight Duran be placed on the Wall of Tolerance, honoring those who are taking a personal, public stand against hate, injustice and intolerance, and who are leading the way toward a more just America as Founding Members of the National Campaign for Tolerance"

Dwight has struggled for justice in many ways, for many years, perhaps most publicly as the named plaintiff in the long running Duran prison conditions consent decree in NM. Well earned Dwight! Thank you for all you have done and continue to do!



ACCESS

Smyrna DE

July 24, 2004

Elwood M. Willis, et al. v. Brian D. Engrem, et al. CA No. 04-186-KAT has been docketed in US District Court regarding grievance procedure access. Inmates should complete a federal civil procedures rule 18 joiner of claims motion to join the 10 inmates already party to the suit. Contact para-legal Ron Proctor, 163750, 19DU3, DCC, 1181 Paddock Road, Smyrna DE 19977. This case will be expanded to include inmate assaults from 2001 to date at the SHU and MHU units.

THANK YOU

Rosharon TX

August 2004

Thank you D. Maya for your information and recommendations. They will be put to good use for those of us on the Red Path.

PROPOSED REGULATION

Crescent City CA

August 2, 2004

This is in opposition to the CDC proposed regulation per PC 5058.3 to increase the percentage of restitution collected from inmate wages and family donations from the current 30% to 44%, later 55%. We must contend that no just penological interest has been expressed in the director's notice to justify its action. The current proposal is detrimental to the stability of the CDC inmate population.

Public hearings on this matter will be on September 11, 2004, at Resources Agency Auditorium, 1416 9th St, Sacramento CA, from 9 am to 12 pm. One can write ROMS: PO Box 942883, Sacramento CA 94283, fax 916-322-3842, e-mail: RPMB@executive corr.ca, phone 916-322-9702.

CIVIL SUIT

Beeville TX

August 8, 2004

Civil suit has been filed in Federal Court in Corpus Christi concerning 8th Amendment violations regarding conditions of confinement due to structural damage and severe safety issues as a result. Anyone with complaints of water filling up their cells at each rain and mold in their cells please send statements and completed grievances to: Abraham Weber, 1141650, McConnell Unit, 3001 S Emily Drive, Beeville TX 78102, for possible inclusion and creation of a class action filing. The 1983 was filed July 2004, CA No. C-04-378 in US District Court. No direct inmate mail allowed.

NEW COOPERATIVE

Shirley MA

August 12, 2004

If your facility allows prisoner to prisoner correspondence and you would like to join the Massachusetts Prisoner Pen-Pal Cooperative, please contact: Timothy J. Muise, W66927, SBCC, PO Box 8000, Shirley MA 01464-8000.

VOICES IN SOLIDARITY



Subtitled "A Guide to a Healthy Life in Solitary," this valuable resource by Al Koron of White Deer PA is available free to all prisoners on request. Write to: CPR Books, PO Box 1911, Santa Fe NM 87504.

VETERANS ANTHOLOGY PROJECT

The American Friends Service Committee (AFSC) mid-Atlantic regional office is sponsoring an anthology, comprised solely of incarcerated veterans' writings. For more information send an SASE to: American Friends Service Committee, Attn: Veterans Anthology Project, 4806 York Road, Baltimore MD 21212.

PRISONERS AND FAMILIES FOR EQUAL RIGHTS AND JUSTICE (PAFERJ)

PAFERJ does not provide legal aid or advice. We are planning a rally against the Virginia Parole Board in the fall on the Capitol grounds in Richmond VA, to protest the unfair, arbitrary, and capricious policies of the Virginia Parole Board, for example denying parole under the pretext of the "serious nature of the crime." The exact date of the rally will be announced soon. We need volunteers to assist in organizing this rally. To participate or assist, please contact: PAFERJ, c/o UNIA-ACL, PO Box 25694, Richmond VA 23260, (804) 573-2519.

MEMORANDUM ON ANDERS BRIEFS - CRIMINAL LAW INSTITUTE

An *Anders* brief is applicable only when a case is on direct appeal and a court appointed appellate lawyer files a brief stating the appeal is frivolous. Such a brief is often called an *Anders* brief or a no-merit appeal. For a list of cases handed down this past year that deal with *Anders* briefs which has been compiled by the Criminal Law Institute of Galveston TX, write: CPR, PO Box 1911, Santa Fe NM 87504.

2nd WORLD CONGRESS AGAINST THE DEATH PENALTY--MONTREAL, CANADA

Sponsored by Penal Reform International (PRI), the End to Capital Punishment Movement (ECPM USA) and the ECPM Network (Together Against the Death Penalty), the Congress will be held October 6-9. On October 10th, the *World Day Against the Death Penalty* will be celebrated. Call (202) 721-5625 or www.Montreal2004.org or www.penalreform.org

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Crime of the Month

aka Crimetoppers

"Being poor is a state of mind," said the newly appointed Secretary of the Department of Housing and Urban Development (HUD), Alfonso Johnson, during his first appearance before the House Financial Services Committee. He was busy pitching the proposed Bush 2005 budget for HUD, which reduces low income housing assistance by \$1.66 billion and reduces the number of eligible families by 250,000.

What's more, new regulations will increase the eligibility for individuals to 80% of the median income. This differs from the previous standard that required 75% of the families receiving housing assistance to have incomes less than 30% of their areas median income. While those with higher incomes need lower subsidies and more families will

receive assistance, this approach drastically reduces the number of the poorest families who will be served.

According to Johnson, "Affordable housing is not a big problem. Rental housing is affordable and plentiful." Perhaps he failed to read a report issued recently by the Joint Center for Housing Studies at Harvard. It says that almost 1/3 of all households spend 30% of their incomes on housing and 13% spend 50% or more.

The National Low Income Housing Coalition reports that in the country as a whole, only 3 rental housing units are affordable and available for every 100 extremely poor families who need them.

HUD's Johnson is hardly the savior of the lowest income renters and that is our Crime of the Month.



MEMORANDUM FOR THE DIRECTOR, CRIMINAL JUSTICE DIVISION
SUBJECT: [Illegible]
DATE: 09/04
FROM: [Illegible]
TO: [Illegible]
[Illegible text follows, including a barcode and address information]

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