

Coalition For Prisoners' Rights Newsletter

Vol. 30, No. 7

PO Box 1911, Santa Fe NM 87504-1911

July 2005

THERE IS NO PRISON HEALTH

Take, for example, California. In April 2005 there was a state senate hearing, at which, despite the expenditure of \$1.1 billion annually, witnesses testified to the deplorable health care facilities, incompetent doctors, and bureaucratic red tape.

State officials acknowledged that, in spite of the fact that California spends two and three times as much per prisoner as most other states (it ranks 3rd in such spending per prisoner, after Massachusetts and Maine), there are many absolutely deplorable conditions.

The state is currently pretending that they will hand over responsibility for the health care of their 165,000 prisoners at the state's 32 prisons to outside managed care providers within about 18 months. What this dodge will in fact do is push the health care crisis

off until there is a new set of lawmakers which can put off action again.

Similar conditions exist in most states. Such as New York, where much of the medical care is provided by the for-profit company Prison Health Services (PHS) of Tennessee. The failings there are the same: doctors underqualified or out of reach, nurses doing tasks beyond their training, prescription drugs withheld, shocking incompetence, and employee misconduct rampant.

PHS currently has 86 contracts in 28 states and now controls the care of about one in every 10 people behind bars.

Under these conditions, it is the mental health status of many of those locked up that make suicide the leading cause of death among US imprisoned--about 5 times higher than in the so-called free world. Little wonder.

HUMAN RIGHTS BELONG TO ALL PEOPLES

COMMISSION ON SAFETY AND ABUSE IN AMERICA'S PRISONS

According to its web-site (<http://www.vera.org>), the Vera Institute of Justice's Commission on Safety and Abuse in America's Prisons: "Is a national effort to clarify the nature and extent of violence, sexual abuse, degradation, and other serious safety failures and abuses in prisons and jails throughout the United States, as well as the consequences for prisoners, corrections officers, and the public at large.

"On any given day, 2.2 million people are incarcerated in the United States, and over the course of a year, an estimated 13.5 million individuals spend time in prison or jail. 750,000 men and women work in these facilities. The annual cost: more than \$60 billion. At this moment, the effectiveness and decency of America's approach to corrections has the attention of policy makers at all levels of government and in both political parties. Now is the right time for a national discussion about the most serious problems of life behind bars and for constructive recommendations for reform."

The Commission will be holding hearings through January of 2006 in various locations.

Since 1961, the Vera Institute for Justice, has worked to improve the services for safety and justice. Its staff is currently involved in over two dozen projects to reveal more about the meaning of justice as well as to make a positive difference in the lives of individuals in this country and others around the world.

VERA INSTITUTE OF JUSTICE
233 BROADWAY, 12th Floor
New York, NY 10279

PRISON IS NOT AN EQUAL OPPORTUNITY PUNISHMENT

These figures are from 2002

Select US incarceration rates:

Whites:	353 per 100,000
Blacks:	2,470 per 100,000
Latina/os:	895 per 100,000

Incarceration rates for men only:

All males:	1,309 per 100,000
White males:	649 per 100,000
Black males:	4,810 per 100,000
Latinos:	1,740 per 100,000

Black incarceration by age:

25 to 29:	12,877 per 100,000
Adult men:	7,150 per 100,000

QUE PARADOJA!

El abogado defensor de los terroristas disfrazados de militares que gobernaron Argentina hace algunos años, sostuvo en una conferencia que dictó en Buenos Aires que el asesinato, la tortura y la desaparición forzada son métodos políticos que se justifican cuando se trata de defender la democracia.

Para él, la tarea de los gneocidas fue "espectacular." "En qué país--preguntó--se liquidó la subversión con tanta efectividad?...La acción de la inteligencia fue formidable...Las Fuerzas Armadas combatieron el terrorismo con una profesionalidad digna del mayor encomio. Y lo destruyeron."

Pero, según parece, no lo destruyeron del todo porque él mismo afirma que "seguimos en guerra." En esa guerra se podrá atacar países, destruir culturas, asesinar personas, torturar y desaparecer gentes, con el pretexto de preservar la democracia y derrotar el terrorismo.

Racial Bias Admitted with New Trial

In the case of *Miller-El v. Dretke*, after 20 years of going to court, the US Supreme Court has finally decided that it agrees with Thomas Miller-El and his attorneys. The Dallas County prosecutor's office deliberately eliminated African-Americans from the jury that tried Miller-El. That jury convicted him and sentenced him to death for two 1985 shooting deaths. So Miller-El will at last be given a new trial.

In the *Miller-El* case, the evidence of racial bias in jury selection was strong. The Dallas County prosecutor's office was still using a written manual from the 1960s that told prosecutors that it would be easier to get a conviction if they eliminated African-Americans among others, from juries.

In addition, prosecutors "shuffled" the group of potential jurors to keep African-Americans at the end of the list for selection to juries. They also asked them a different set of questions about the death penalty designed to make it easier to disqualify African-Americans.

As the Supreme Court observed in a previous opinion involving Miller-El's case, there were 108 people called for jury duty the day Miller-El was tried. Twenty of them were African-American. Nine of those 20 were excused for cause or by agreement. Ten of the remaining 11 were struck off the jury by the prosecution. So the jury that originally tried Miller-El had 11 whites and one African-American.

Not only is this discrimination outrageous in and of itself, but also it has taken an entire generation to redress this extreme

injustice.

One of the Supreme Court justices pointed out: "despite the strength of his claim, Miller-El's challenge has resulted in 17 years of largely unsuccessful and protracted litigation, including eight different judicial proceedings and eight different judicial opinions, and involving 23 judges." This is 17 years, 8 court cases and 23 judges too many.

We are all too painfully aware of how many other people are in similar situations. We wish, as a first step, that all might have the persistence and resources that have prevailed in this case.

INFORMATION WANTED

Author Sasha Abramsky is researching a book on how prisons have changed over the past several decades, and how living conditions for prisoners have changed. Abramsky is particularly interested in access to health care services, access to mental health services and the confinement conditions of the mentally ill. He also seeks information on the use of Tasers, gas, and restraint devices, as well as (lack of) access to drug treatment programs and to meaningful job training, the use of triple-bunking in overcrowded prisons and the imprisonment of juveniles in adult prisons.

Readers with firsthand experience with any of these issues please write: Sasha Abramsky, c/o CPR Books, PO Box 1911, Santa Fe NM 87504. Please indicate whether you give permission to be quoted in the book. Thank you for your help.

Coalition for Prisoners' Rights Newsletter



VOICES
FROM
INSIDE

since 1976

REACH OUT

Crescent City CA

May 4, 2005

The Callifornia Supreme Court has received the response from the California Attorney General on behalf of the CDCO and also the reply of the New Afrikan Conscious Prisoners. The state is discriminating against them, with its policy and practices of insensitivity toward their diverse cultural heritage. This includes cultural Kiswahili heritage, language, humanity, art and literature. The case is filed as *In re James Baridi Williams*, Cal. Supreme Court Case No. 124421.

LWOP

Woodville MIS

May 12, 2005

All Mississippi state prisoners who have been sentenced to Life Without Parole (LWOP), are encouraged to write the state senators and representatives, urging them to abolish LWOP. Prisoners are also encouraged to have their family and friends on the "outside" write or call them and make their voices as voting citizens heard. Explain to them that LWOP is inhumane and that this is in direct conflict with the goals of rehabilitation and prevention that the criminal justice system is supposed to pursue. A list of the state's senators & representatives is available from your prison law library. Just request the roster.

ASSISTED SUICIDE

Suffied CT

May 13, 2005

Today, Connecticut assisted in the suicide execution of Michael Ross, who waived all his appellate rights after having been on Death Row for 19 years. It has been said that he was not competent to waive these rights. This was the first execution in connecticut in 45 years.

MEDICAL FILES

Pine Bluff AR

May 15, 2005

The Arkansas Department of Corrections does not allow inmates or their families to obtain copies of their medical files (so inmates have greater difficulty bringing suit against them). I have initiated civil proceedings on this, but I need information on other states' and BOP policies regarding this issue. Please send info to: Scott Scanlon, 118511, Diagnostic Unit 2Bks, 7500 Correction Circle, Pine Bluff AR 71603. (No direct inmate correspondence allowed.)

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.

FEDERAL REVIEW

Kenedy TX

May 26, 2005

Dye v. Ambriz, No. 04-511009, now has the TDCJ grievance process under review in the 5th Circuit US Court of Appeals. Anyone having documentation or declarations on the failed grievance system within TDCJ please contact: Christopher Dye, 3716 S Congress, Austin TX 78704. Non-prisoners can write directly to: Christopher Dye, 805217, 899 FM 632, Kenedy TX 78119. Oppression can be answered by solidarity.

PROPER TREATMENT

Winnebago WI

May 27, 2005

A transsexual prisoner involved in a federal lawsuit against the DOC for failing to provide proper treatment to transsexual inmates would like to hear from any inmates directly or via a third party about how transsexuals are treated in your prison system. I can receive mail from prisoners. Donna Dawn Konitzer, 105033, PO Box 220, Winnebago WI 54985.

PROPOSED LEGISLATION

Woodville TX

May 29, 2005

...Toward the problem of prisoners' disenfranchisement by incarceration, proposed legislation by senators Hillary Clinton, Tubby Smith and Barbara Boxer offers a glimpse of hope. Their bill, if passed, would allow all former prisoners to vote after they have completed their sentences.

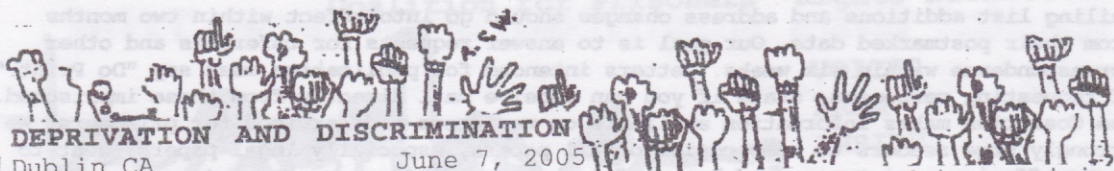
THE MUSLIM PRISONER MINISTRY

Kansas City MO

June 1, 2005

The Muslim Prisoner Ministry(MPM) is an organization dedicated to assisting Muslims who are incarcerated in the practice of the religion of Al-Islam. MPM is associated with the leadership of Imam W.D. Mohammed and recognizes him as the leader of the Muslim Community in America. Issues include: Muslim prisoners' ability to be buried as a Muslim, having access to Islamic books and materials, establishing Islamically oriented drug treatment programs in prisons, helping to free wrongfully convicted and detained Muslims. Membership is \$4/year for prisoners and includes receiving the Muslim Prisoner Bulletin. Write: The Muslim Prisoner Ministry, 3936 South Benton, Kansas City MO 64130.

7/05



Dublin CA

June 7, 2005

This letter is being written as an effort to be heard in remaining able to practice the Native ways while incarcerated. The Bureau of Prisons is rapidly implementing changes that affect our spiritual beliefs and practices without heed to our communities both inside and outside the walls. Please take time to contact your tribal council, senators, and congresspeople. There is power in the people.

RELIEF

Olney Springs CO June 9, 2005

If you were injured, abused, threatened, or abandoned before, during, or after the riot that took place at the Crowley County Correctional Facility on July 20, 2004, the law firm representing us needs to hear from you as soon as possible. Currently there are 120+ litigants in this case. Please send your letter with a brief description of what happened to you to: Trine & Metcalf, P.C., 1435 Arapahoe Ave, Boulder CO 80302.

WAIVERS - II.

Beaumont TX

June 2005

I'd like to arrange a way to gather affidavits, systemwide from others who were coerced into signing these renunciation waivers as our only means of getting out of Ad.Seg. though we/they are not gang members. Brian Montgomery, 717833, Stiles Unit, 3060 FM 3514, Beaumont TX 77705.


5TH CIRCUIT COA DEALS MAJOR BLOW TO MDOC OFFICER

Parchman MS

June 12, 2005

The US 5th Circuit Court of Appeals in New Orleans has awarded an MDOC state prisoner \$275,000 in a failure-to-protect case brought against several MDOC officials, *Combs v. Holman et al.*, on appeal from the US District Court for the Southern District of Mississippi, 3:00-CV-36-L-N, No. 04-60067. On September 1, 1999, Stephen Michael Combs, then 47, was housed at the Central Mississippi Correctional Facility, 720 disability. Combs suffered 18 stab wounds and blows to his upper body, face and right hand and suffers from Post-Traumatic Stress Disorder.

On January 18, 2000, Combs filed a *pro se* lawsuit under 42 U.S.C. sec. 1983 against various individuals and state officials, including the acting watch commander...Liability was established by a bench trial on May 21 and 22, 2002. A trial on the damages was held on October 2, 2003. On June 1, 2005, the US Federal Court of Appeals stated: "We find no reversible errors as to the factual findings and liability holding." Combs said: "We had begged the MDOC staff for almost a year to do something about my attacker. My injuries were totally preventable."



VOICES IN SOLIDARITY

ARIZONA GOVERNOR VETOES MEXICO PRISON LEGISLATION

The proposal (HB2709), would have been to contract to have a private prison built in Mexico to house undocumented immigrants now imprisoned in Arizona. The governor, Janet Napolitano, said it would have increased state costs for legal expenses and prisoner transportation, required an international treaty and raised "a variety of complex constitutional and jurisdictional issues related to each inmate."

"DOIN' TIME: THROUGH THE VISITING GLASS"

Fresh from a smash run in Santa Fe NM, and soon to be seen in San Francisco and in Ireland, scripts for Ashley Lucas' play "Doin' Time" are now available for the asking from: CPR Books, PO Box 1911, Santa Fe NM 87504. The writer/performer thanks all those who are and have been imprisoned and their families for their continuing support and contributions which have made this play the powerful success it is.

BEWARE OF IDENTITY THEFT

Some Michigan prisoners have received a form from an organization calling itself *Inmate Outreach Program*, signed by Tracey Green, 1235 Fairfax Street NE, Winter Haven FL. They offer cash assistance to prisoners if they fill out the form. But, the form asks for your social security number. Neither the organization nor the individual are listed in telephone information, nor, according to the police department there is it listed as an organization in the city. They think it is likely an identity theft scam. From Douglas J Tjapkes, President, INNOCENT!, 20 W Muskegon Ave, Muskegon MI 49440, (231) 728-7225.

WORLD'S LEADING JAILER--TIME FOR A CHANGE

MARCH ON WASHINGTON, Saturday, August 13, 2005, from 9 am to noon.

Events begin on Friday evening, and will be held in and near Washington DC with the Saturday event at Lafayette Park, across from the White House. Details are updated daily on the Internet at: www.JourneyForJustice.org This terrible legacy and its days of legitimacy are over. All of us together will win this fight for freedom.

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 names of other people; order only for yourself. We appreciate those who help us by sharing their newsletter and by sending stamps and other contributions.

Crime of the Month

aka Crimetoppers

Mercury is a highly toxic metal, liquid at ordinary temperatures, which occurs naturally in tiny amounts. Prior to industrialization, there was very little mercury in the air or water. But corporations, in their infinite wisdom, have seen to it that the amount of mercury being allowed in air and water is increasing in humans to a dangerous level. The source of this danger is the air we breathe and the food we eat.

Mercury is particularly dangerous to the developing brain and nervous systems of children. Already 8% of women in the United States have mercury levels that would threaten a fetus should the woman become pregnant.

One example of this dangerous pollution is large coal burning electric plants since coal tends to contain

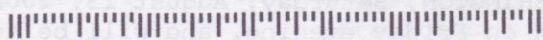
mercury. The mercury is launched into the air along with other pollutants. People can breathe it directly, or the mercury falls to the ground in rain, and it gets into the water. Fish are particularly high sources of mercury.

There have been efforts to get mercury out of the air by requiring the cleaning of coal burning power plant exhaust. But recently, the Environmental Improvement Agency has weakened the rules for cleaning this exhaust, so these large polluters (and political contributors) can continue to spew mercury into our lives profitably.

Child endangerment and child abuse are the Crimes of this Month. And the perps are owners of the large coal burning electric plants, and the regulators that they regulate.



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7/05

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