

# Coalition For Prisoners' Rights Newsletter

Vol. 32, No. 4

PO Box 1911, Santa Fe NM 87504-1911

April 2007

## DIAGNOSIS UNDISPUTED

The diagnosis is undisputed. Prison medical systems are and have been critically and chronically ill. In 2002 (that is five years ago!), The National Commission on Correctional Health Care released the report, "The Health Status of Soon-to-be Released Prisoners" with the scathing, but unfortunately not surprising finding that "indisputably tens of thousands of inmates are being released into the community every year with undiagnosed or untreated communicable disease, chronic disease, and mental illness."

The prognosis is bleak as prison officials and both state and federal governments persistently fail to comply with prescribed treatments for improvement. Despite governments' legal and moral obligations to provide health care for prisoners, it has been necessary

to bring numerous class action lawsuits in the attempt to enforce this right. In 1993, 40 states were under court orders of this nature and many continue to be.

For example, most recently, the Prison Law Office has taken the California prison system to court in a federal class action lawsuit regarding dental care. *Perez v. Tilton*, ND Cal. No. C-05-5241. A settlement was reached and Judge Thelton Henderson entered an amended stipulation and order on August 21, 2006, finding that prisoners' constitutional rights had been violated.

Under the settlement, prisoners may still raise dental care problems in administrative hearings and may still file individual lawsuits concerning dental care. There are provisions for screening, education and regular dental exams.

(continued on next page)

## DIAGNOSIS UNDISPUTED, cont.

An individual treatment plan is supposed to be developed for every prisoner who needs dental treatment. Every facility is to always have a dentist on call and emergency dental care is to be available 24/7.

Even under the best case scenario, the terms of the settlement are scheduled to take place in stages until 2011. It remains to be seen whether this settlement has teeth sufficient to enforce compliance.

In a preceding case, *Plata v. Davis*, 329 F.3d 1101 (9th Cir. 2003), California's entire \$1.1 billion-a-year prison medical system was taken over by an outside administrator. In May 2005, however, the CDC was back in court and Judge Henderson ordered the most sweeping medical takeover in U.S. prison history, citing "incompetence and outright depravity in the rendering of medical care." In that system, a prisoner died every week because of medical negligence or malpractice.

State officials have conceded the shoddy care received by prisoners and have not appealed the ruling.

California is not alone in its prison system medical care scandals. There are also class actions in Texas and Ohio and serious problems in the Delaware prison system. Women prisoners in Wisconsin and Texas have especially harrowing experiences. The struggle continues.

### RESOURCE

Prison Law Office  
General Delivery  
San Quentin CA 94964

## Qué debe hacer si la policía lo detiene --producido por la American Civil Liberties

Elija cuidadosamente sus palabras; controle sus movimientos, gestos físicos y reacciones.

Nunca discuta con la policía. Recuerde que todo lo que usted diga o haga puede ser usado en su contra.

Mantenga las manos donde el oficial de policía pueda verlas. No trate de huir. No toque a ningún oficial de policía.

No oponga resistencia aún cuando crea que es inocente.

No proteste en el lugar de la detención ni le diga al oficial que ha cometido un error o que presentará una queja.

No realice declaración alguna con respecto al incidente.

Solicite un abogado inmediatamente al momento del arresto.

Recuerde los números de placa de los oficiales y los del patrullero.

Anote todo lo que recuerde TAN PRONTO COMO SEA POSIBLE.

Trate de encontrar testigos y anote sus nombres y números de teléfono.

Si resulta lesionado, tome fotografías de las lesiones tan pronto como le sea posible, pero primero asegúrese de buscar atención médica.

Si cree que se han violado sus derechos, presente una denuncia por escrito ante el departamento de asuntos internos del distrito policial o la comisión de quejas por asuntos civiles o comuníquese con la línea directa de ACLU llamando al 1-877-6-PROFILE.

Mantén la calma.

No firmes nada que no entienda.

# WOMEN ON DEATH ROW

Women make up about 10% of murder arrests, but only 2% of execution sentences and only 1% of the people on Death Rows. They are 59 of the 3,350 total on Death Rows in this country as of January 1, 2007. Of the jurisdictions with execution sentences, only 25 states have sentenced women to execution since 1976. That was when execution was reinstated by the U.S. Supreme Court after it had been declared unconstitutional and then three years later was said to be okay if there were separate guilt/innocence and sentencing phases in the court proceedings.

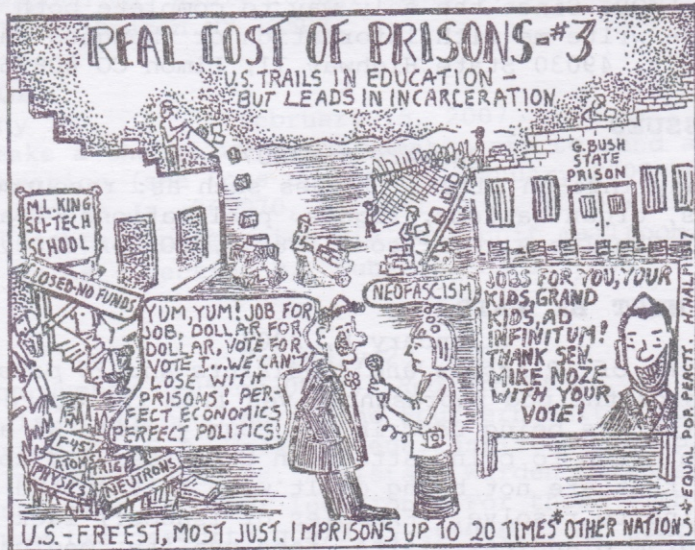
California and Texas have the most women on Death Row, with 18 waiting for execution in each state. North Carolina has the next highest number of women with 16; Florida has 15. There are 11 women on Death Row in Ohio and 10 in Alabama. The other jurisdictions in which women have been sentenced to execution are:

Arizona, Arkansas, Delaware, federal (in Iowa), Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Missouri, Nevada, New Jersey, Pennsylvania, South Carolina, Tennessee and Virginia.

Since 1976, 11 women have been executed. Seven of them had been convicted of killing a family member--five of them had been of killing their husbands, one of killing her lover and one of killing two of her children. These women have been on Death Rows for periods of from a few months to over 20 years.

The women on Death Rows range in age from 23 to 73. Eighty percent of them are between 30 and 50. Sixty percent of the women on Death Rows are described as white, 28% as African American, 10% as Latina and 2% as Native American. Those killed are described as 64% being white, 25% Latino, 8% as African American and 3% as Asian.

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# Coalition for Prisoners' Rights Newsletter



VOICES  
FROM  
INSIDE  
since 1976

## INVESTIGATION

Huntsville TX

November 8, 2008, letter dated October 17, 2006

excerpt of letter from Mark J. Kappelhoff, Section Chief, Criminal Section, Civil Rights Division, 950 Pennsylvania Ave NW, Washington 20530

...The Federal Bureau of Investigation has been requested to conduct a preliminary investigation into the death of Terreth A. White. You can be assured that if the evidence shows that there is a prosecutable violation of federal criminal civil rights statutes, appropriate action will be taken....We will further consider allegations of excessive physical force by correctional officers if the persons involved in the incident(s) will write to us directly and provide specific information about the circumstances surrounding the incident(s). They should include the date(s) of the incident(s), the sequence of events leading up to and including the incident(s), a description of the injuries sustained, copies of medical reports and the names of involved law enforcement officials and possible witnesses...

## JUVENILE LWOP

Limon CO

I am a juvenile who was sentenced to Life Without Parole. I believe since it's unconstitutional to give us the death penalty it should be the same as LWOP. Since the only way to complete both sentences is your death. Please write me with information or thoughts on this. Jeff Johnson, 86873, 49030 State Highway 71, Limon CO 80826.

## LIFERS' ISSUES

Sterling CO

January 5, 2007

I seek any info on Lifers' issues such as: resources, directories, associations, organizations, rights, publications. I am able to receive inmate mail. Charles A. Garrison, 108271, PO Box 6000, Sterling CO 80751

## ATTENTION MUST BE PAID

Santa Fe NM

January 8, 2007

with a listing of 19 issues and complaints and 26 prisoner signatures

I am one of the pod representatives from the state holding population that is being used in the county jail. We are writing you as a collective group to bring attention to issues and complaints from individuals that are not being dealt with or that the administration is not attempting to resolve. (Examples of issues:) lack of caseworkers, lack of program planning, visits, food quality, medication problems, undocumented/undiagnosed MRSA cases, recreation, pod reps ignored....

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.

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## **LIFE SENTENCES**

Wyoming MI

January 23, 2007

I am serving 2 Life sentences and one Life Without Parole. These sentences stem from a Felony Murder conviction in which I was found to be the aider and abettor at 17 years old. I've been working with several organizations in Michigan to help end the practice of sentencing individuals like myself to die in prison. The Michigan ACLU has been working with Deborah Labelle to change legislation (see [www.aclumich.org](http://www.aclumich.org), [www.secondchancelegislation.org](http://www.secondchancelegislation.org)) ...Late in 2005 legislation was introduced into both the House and the State Senate. The bills are being re-submitted this month (see [www.michigan.gov](http://www.michigan.gov) No.'s 5512-5514). If you have information which you believe may be useful to us, please contact me: Danielle, Attn: Gregory Wines, PO Box 9585, Wyoming MI 49509.

## **FAMILIES & FRIENDS OF FOREIGN NATIONALS IMPRISONED IN THE U.S**

Beacon NY

February 14, 2007

Looking for Families and Friends of Foreign Nationals Imprisoned in the U.S.A. and Abroad concerning our rights and the rights of our loved ones. Please respond to: Ashly Young, 05A6208, Fishkill Correctional Facility, Box 1245, Beacon NY 12508.

## **ADDRESS CHANGE**

Tennessee Colony TX

February 15, 2007

I seek to make a change in where inmates are to send an affidavit/declaration (see Loss or Damage, January 2007 Newsletter): send to Roy E. Addicks Jr, 861070, Michael Unit, PO Box 4500, Tennessee colony TX 75886 (obtain permission via your unit mailroom, pursuant to correspondence rules - Section B., Subsections 1. \_\_.)

## **UPDATE**

Angleton TX

February 23, 2007

Civil Action Number G-05-cv-00505, *Redfern et al. v. Trinci et al.* Our litigation is still pending in the Southern United States District Court at Galveston TX. F.L. Walker, legal assistant for plaintiff Redfern has filed 102 pleadings. Assistant Warden Defendants Bell and Green have transferred to other locations. For those with Internet access, go to [www.txs.uscourts.gov/3:05-cv-00505](http://www.txs.uscourts.gov/3:05-cv-00505), or contact Freddie Lee Walker, 457485, Scott Unit, 6999 Retrieve Rd, Angleton TX 77515.

## **MORE COMMENTS ON SIRAK**

**I.** Marysville OH, January 30, 2007-Five years ago Sirak said we'd all be out; we're still here. **II.** Abilene TX, January 31, 2007-I have some thirty years experience of dealing with a corrupt, out-moded parole system. Civil actions of this nature take considerably longer than the five years that Sirak's efforts have encompassed. This endeavor is all about recognizing that there needs to be change because the system, in its present form, is not working!!! **III.** Beaumont TX, February 2, 2007-I am appalled by your attack on my attorney Norman L. Sirak. **IV.** Gatesville TX, February 6, 2007-I am grateful to have this kind of qualified assistance available to challenge unconstitutional parole policies in Texas. **V.** Amarillo TX, February 8, 2007-Here on the Clements Unit, we that are coming up for parole are speaking with the commissioner on a telecam. I believe that started to come about due to Mr. Sirak's lawsuit. It's him that's pulling for us. **VI.** Dayton TX, February 11, 2007-In the past, courts did not give a *Heck* [v. *Humphrey*, 114 S.Ct. 2364 (1994)] about our parole dreams. Finally we can challenge parole suitability and eligibility [Wilkinson v. Dotson, 125 S.Ct. 1242(2005)]. **VII.** Dayton TX, February 12, 2007-Thanks to Norman Sirak and his supporters for representing us in this landmark complaint. **VIII.** Gatesville TX, February 12, 2007-The current case in Texas is no longer Thunderhorse, it is now Philip Brasfield v. Rissi L. Owens, case no. A-05-CA-1009-SS. Let's not throw out the baby with the bath water like the Judge in Ohio did. **IX.** Gatesville TX, February 12, 2007-This lawsuit will be won. How? (Because) State Senator John Whitmire (D-Houston) has admitted the parole board members and commissioners are not following their own rules and policies and that this is the direct cause of the problems now under litigation. **X.** Teague TX, February 14, 2007-Prisons are big business in Texas. Millions of dollars are generated each year by Texas Industries, livestock and "free labor." That's why they want to keep us as long as possible. **XI.** Navasota TX, February 24, 2007-After reading the article attacking Mr. Norman L. Sirak and the lawsuits he has filed in Ohio, Texas and Pennsylvania for parole reform, I am now writing to cancel any further issues of your newsletter. **XII.** Tennessee Colony TX, February 26, 2007-We have a lawyer trying to help us. Please put my name, number, and address: Robert Conway, 428166, Michael Unit, PO Box 4500, Tennessee Colony TX 75886. **XIII.** Tennessee Colony TX-Thank you for trying Mr. Sirak-the only one trying to help.

**From Norman L. Sirak** Progress Report for February 13, 2007  
(excerpted from 5 1/2 pages)

The article appearing in the Coalition for Prisoners' Rights Newsletter was written by Steve Gumpel (who) served 18 years in OH prisons ....Half our (Texas) issues have already been won...All over Texas prisoners are leaving earlier than expected because of my lawsuit...Many of these Texas issues appear in Pennsylvania...But getting a few people out here and there is not the point. We need to fix the system...

### **From the Coalition for Prisoners' Rights**

Steve Gumpel is completely unknown to the Coalition. The *Voices from Inside* section of the Newsletter is excerpted from prisoners' letters. It is our general policy to print all Newsletter articles unsigned.



**VOICES  
IN  
SOLIDARITY**

**MIM BANNED**

According to several prison administrators, the director of the division of Adult Institutions for California issued a memo in December "directing an immediate ban on the receipt, possession, or distribution of literature/publications from MIM to or by inmates in the custody of the CDCR." MIM needs help to fight this through the legal system. Systematic rejection of all mail from an organization based on disagreement with the sender's politics is not legal. It appears prisons are violating their own rules by not notifying prisoners of the mail censorship.

**A MOTHER REMEMBERS**

It's been seven years since my son DAVID MARK TROY, from Connecticut, died in Wallens Ridge Prison, Big Stone Gap VA, on April 5, 2000. His birthday is February 4; he had just turned 27. His family misses him so much. I want to keep his memory alive and help other inmates and hope no one has to go through what we did.

**LITERATURE AVAILABLE**

The Philadelphia Church of God has free literature available on request. Write for list. There is a limit of 5 pieces at one time to those who request it *themselves for themselves*. Philadelphia Church of God, PO Box 3700, Edmond OK 73083.

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**THANK YOU FOR THE PROMPT RETURNS OF SUB RENEWALS & FOR STAMPS**  
Everyone **MUST** return their whole Subscription Renewal Form by May 1, 2007, to continue to get their CPR Newsletter. If you did not receive your February issue & the renewal form it contained, send us: your last name; first name & middle initial; and, if currently imprisoned, your ID number; street address; city; state & zip code. Please write clearly and **DO NOT** include any extra information or requests on the form.  
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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.

# Crime of the Month

**aka Crimetoppers**

Bechtel corporation recently took over the running of Los Alamos National Laboratory, long time bomb producer near Santa Fe, New Mexico, after years of scandals and security lapses there under the management of the University of California. Bechtel is now being paid richly to make nuclear weapons. Is this a good idea??

The company has a history of making lots of money by spending public funds, and while its projects are not always completed, it always get paid. The obliteration of Iraq's civic buildings, roads and power plants has proved to be a billion-dollar bonanza for Bechtel. Clearly the lesson is: To build you must first destroy.

For instance, Bechtel received a \$2.4 billion no-bid contract at the

beginning of the Iraq war to help coordinate and rebuild a large part of Iraq's infrastructure. But the company's reconstruction failures range from shoddy school repairs to failing to finish a large hospital on time and within budget. The special inspector general for Iraq reconstruction (SIGIR) released an audit of the Basra Children's Hospital Project showing it to be \$70 to \$90 million over budget and a year and a half behind schedule.

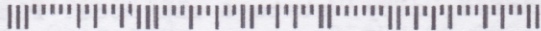
The company won't say how much of its revenue comes from its Iraq contracts, but it probably amounts to about 10% of the total haul.

Fouling the environment while feeding at the public trough is this month's crime and Bechtel is one guilty pig.



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4/07

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