

Coalition For Prisoners' Rights Newsletter

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January 2002

BUT WHAT'S THE GOOD NEWS?

In the midst of all the turmoil and tragedy of this year in general and of recent months in particular, there appear to be a few rays of light to take note of as we start a new year.

Perhaps one of the most important changes is the positive example set by California in passing a voter initiative by 61% which took effect in July and provides for treatment rather than for prison for most with nonviolent first and second drug convictions.

Connecticut also has ended a 10 year old mandatory prison term requirement for those with nonviolent drug convictions. Although half of those arrested on drug charges are white, 9 out of 10 people locked up in Connecticut on drug charges are African-American or Hispanic.

In addition, Louisiana has eliminated mandatory prison time for burglary, possession of small

amounts of drugs, prostitution and obscenity convictions. Louisiana currently has the highest per capita incarceration rate in the country.

Other states with recent positive sentencing law changes include Indiana and North Dakota which have dropped some 1990s requirements of long terms without the possibility of parole. Iowa now gives judges discretion in imposing previously mandatory 5 year sentences for low-level drug convictions and certain property convictions including burglary. Mississippi has passed a law changing the requirement for parole eligibility from 85% of time served to 25% of the sentence for those with first time nonviolent convictions. West Virginia has a new law to fund counties to develop alternatives to prison (like electronic monitoring and
(cont. on next page)

GOOD NEWS cont.

day centers for probationers) to reduce the number of incarcerated.

The rate of increase in the number of people locked-up has already begun to go down; we look for the absolute numbers to also.

There even appear to be a couple of positive changes in federal prisons. The US Bureau of Prisons said in October that it will begin offering a "no-flesh diet." At Marion IL federal prison 20% of the prisoners are said to be eating that way.

At the federal prison in Florence CO, a total of 10 guards were indicted on 52 counts of abuse against at least 20 prisoners from 1995 to 1997 in the Special Housing Unit. Of course all but one are still employed by the pen.

In related action, in February, the leadership of the American Bar

Association voted to recommend ending "zero tolerance" school discipline policies. Such policies have often been used without regard to the circumstances or nature of the occurrence or the student's history. The ABA's House of Delegates approved recommending changes to immigration law that have made it far easier for the INS to use secret evidence against non-citizens, retaining it only, for example, in "extraordinary cases where there are legitimate national-security concerns." They also approved a proposal calling for government funded lawyers to represent unaccompanied children during immigration proceedings.

Despair is a luxury we cannot afford.



LOOK BACK, LOOK AHEAD

In the last year or two there have been some very significant, and we hope permanent, developments concerning the death penalty. Yes, this country is still killing more than one person a week. However, for the second straight year, the number of state-sponsored killings has dropped. In 1999, United States killed 98 people for killing people. In 2000 that number dropped to 85 and in 2001, it dropped to 66 people. That's still 66 people too many, but we can hope that the trend will continue. In addition, the year 2000 saw the lowest number of death sentences handed out since 1981. And public support for the death penalty continues to fall. In 1994 80% of the public supported the death penalty, while in 2001, only 65% of the public did, according to the nationally-recognized Gallup Poll.

In 2002 we hope that the United States Supreme Court finally realizes the blatant hypocrisy of its current position and rules that killing people who

Terrorism must be universally condemned, whether perpetrated by an individual or a state, by US "enemies" or allies, foreign or domestic. Terrorists depend on a supporting population and feed on secrecy. We must share all information about their methods. Can we make ourselves safer by making ourselves less free? People with no rights are not safe from attack

are mentally retarded is cruel and unusual punishment. In 1987, the Supreme Court said that there was no consensus against such executions and therefore they were not unconstitutional. Today, however, 18 states and the federal government have adopted laws which eliminate execution as a sentencing possibility for someone considered to be mentally retarded. In 2001, the Tennessee Supreme Court decided that killing people who are mentally retarded is cruel and unusual punishment.

In addition, we predict many more people on death row will have their convictions or their sentences overturned on appeal. In Illinois, four men who had been convicted of rape and murder in 1986 were released and charges were dropped because DNA tests proved they were innocent.

In both Illinois and Oklahoma, forensic labs have come under suspicion of having falsified their data, which have been used to obtain death sentences.

We can't clean blood with blood.

-- as all too many of us know from personal experience.

RESOURCE

Revolutionary Assoc. of Women of Afghanistan (RAWA): an organization of Afgan women struggling for peace, freedom, democracy and women's rights in fundamentalism-blighted Afganistan.

RAWA, PO Box 374, Quetta, Pakistan (postage: 80 cents)

VOICES FROM INSIDE

since 1976



CONNECT AND HELP

Tennessee Colony TX November 5, 2001

Fifteen percent of prisoners nationwide are seriously mentally ill. We need to organize and to fight along with our families and advocacy groups for proper care, legal representation, and recognition of our legitimate needs. We are being exploited and illegally treated from arrest, trial, imprisonment, and throughout parole, resulting in the "revolving door syndrome" with no adequate attempt made to address and to correct our disorders while we are locked up and away from any chance of obtaining proper treatment and training. Successfully understanding, stabilizing, and managing our illness is our only way of staying out of legal troubles. We must connect with each other and existing organizations and fight together and help each other.

CAACAC

Gatesville TX November 19, 2001

The Coalition Against the American Correctional Association (CAACA) is organizing to oppose the American Correctional Association (ACA) conference scheduled for January 2002 in San Antonio TX. The ACA is the self-proclaimed standard-bearer for all state, federal, and county jails and prisons. The ACA has a vested and economic interest in expanding the prison-industrial complex. For more information: Ernesto Aguilar, PO Box 667233, Houston TX 77266 or EvaOwens@swbell.net.

MEALS

Soledad CA November 20, 2001

We the undersigned (97 names attached) herein attest to unsanitary food conditons as a daily practice within the confines of Salinas Valley State Prison:

Meals are prepared under a dirty ceiling containing spiders, flies, and mites; food trays are stored outside; the officers who serve the food are not equipped with aprons, hairnets nor gloves; we are not allowed fruit within the cell and thousands of apples are thrown away on a regular basis; everyone is served foods that are high in cholesterol, fat, starch, sugar and salt; the dishwashing machine wash-water temperature does not meet the 180 degrees food services sanitation standard; the food that is served to us is under the regulated amount...

LEMON CHICKEN

Parchman MS November 21, 2001

The "Good old boy system" is as strong in MS today as it was a

Mailing list additions and address changes should go into effect within two months from their postmarked 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.* NONE OF US ARE LAWYERS

hundred years ago. We have no law library here at CMCF 3, and if you attempt to research case law concerning our conditions here through inmate legal assistance (ILA) they'll send you things you neither asked for or find useful. ILA has sent recipes instead of cases - I can tell you how to make lemon chicken...

CHAPEL SERVICES

Mount Olive WV November 21, 2001

At MOCC, the 96 prisoners housed in the QII unit are not permitted to attend chapel services. The policy reads that QII prisoners' religious rights are met by viewing religious services on TV. Yet, they constantly take our TVs as punishment...

UPDATE

Rosharon TX November 25, 2001

Re Hazel v. Johnson, H-01-2132: All defendants have been served and their attorney, Charles Eldred, has filed his answer... Everyone must fully document any incidents - general accusations of abuse and racism will not do. Terrence Hazel, 563233, Ramsey I, 1100 FM 655, zip: 77583.

ANTHRAX I.

Santa Fe NM November 30, 2001

The North Supermax unit was placed on lockdown status after an inmate somewhere else sent anthrax through the mail. No mail incoming or outgoing for 48 hours. What will they think of next? That we will be on a lockdown status until they kill all the Taliban in Afghanistan? Or the 3 remaining on NM's Death Row? The secretary of corrections was seen high-fiving the wardens after they executed Terry Clark on November 6, 2001. Terry Clark wanted to die to get out of this hell hole...

WONDERFUL NEWS

Huntsville TX December 1, 2001

I have struggled long and hard to prove that I am innocent and that I was wrongly convicted over 14 years ago. The alleged victim in my case has now come forward. She recently filed an affidavit in which she stated that the prosecutors forced her to falsely testify against me, against her will. The Innocence Project at the University of Houston (cont.)



(100 Law Center, Houston TX 77204-6371) is working diligently on my case. They are so convinced that the alleged victim is telling the truth now that they have secured an attorney to represent her and protect her from the prosecutors. My case serves as a prime example of what can go wrong when corrupt prosecutors fail to uphold their duty not to convict, but to see to it that justice is done. In 1993, the federal court ruled that the prosecutors had routinely engaged in organized criminal activity. They not only wrongly destroyed my life, they wrongfully destroyed the alleged victim's as well and robbed her of her childhood. Perhaps by publicizing this, others who have been the victims of corrupt prosecutors will be encouraged to keep up the good fight, and perhaps something can be done to keep prosecutors from committing such horrible offenses in the future...

ANTHRAX II.

Ionia MI December 16, 2001

Due to recent events involving suspicious materials being sent through the mail, the MDOC has conveniently changed the policy concerning the opening of legal mail in the presence of the prisoner. Despite there being no known cases of anthrax or any other potential hazards in MI, the MDOC director has issued a memo mandating that all legal mail now be opened outside the presence of the prisoner. To help: Brian Dombrasuky, 261047, 1727 W Blue Water Highway, Ionia MI 48846.

TRIPLE JEOPARDY

Kinder LA December 18, 2001

The Louisiana legislature has implemented a "risk review release panel" for nonviolent habitual offenders. The legislation gave the Louisiana DOC the authority to set up the procedures. The DOC proposed against the release of nonviolent habitual offenders, the district attorneys' offices also did and last, but not least, the prison of the incarcerated individuals has proposed against the release of the prisoners who are eligible under the current law...

NO POLICY NUMBER

Bayport MN December 9, 2001

Our MN DOC has blanketed the ADA policy. They posted the "Notice to Offender" in most units about their "Disability Discrimination Co-mplaint Procedure," but they kept the policy number off the notice so we can't get the policy to assist us...



VOICES IN SOLIDARITY

CORRECTION:

Tan Books and Publishers, PO Box 424, Rockford IL 61105 offers ONLY Catholic books; there are NO other kinds that they offer. This is their St. Anthony Mary Claret Mission Program.

THE ALLIANCE FOR CITIZENS RIGHTS

Is seeking individuals who are being denied treatment for Hepatitis C by DOCs. We will assist you in filing a 28 U>S>C> 1983 action to get treatment. Send all relevant information (be detailed) to Rachel Stafford, Spring Farm, Bradford Lane, Long Barton, Nr Sherborne, Dorset, England DT9 6E5. (postage: 80 cents)

CALL FOR ARTISTS

Western Prison Project invites incarcerated artists to submit their work for possible inclusion in their "Justice Matters" Newsletter. Cover art, cartoons & other graphics needed. PO Box 40085, Portland OR 97240.

UPDATE ON LITIGATION

On October 10, 2001, US District Judge Barbara B. Crabb granted the plaintiffs' (the prisoners) motion for preliminary injunction and ordered the defendants (the WI DOC) to remove the seriously mentally ill from the Supermax Correctional Institution in Boscobel WI. The decision is reported: Jones'El v. Berge, 164 F.Supp.2d 1096 (W.D. Wis. 2001). The attorney: David C. Fathi, ACLU National Prison Project, 733 15th St NW Suite 620, Washington DC 20005.

ALSO NPP OF THE ACLU: SEXUALLY ASSAULTED IN PRISON OR JAIL?

The NPP of the ACLU wishes to bring lawsuits on behalf of persons who have been sexually assaulted while in prison or jail, either by other prisoners or by staff. Legal representation, if provided, will be free. Craig Cowie, Atty.

THANK YOU UNITARIAN UNIVERSALIST FUND FOR A JUST SOCIETY

The CPR is pleased to now be funded in part by the Unitarian Universalist Fund For A Just Society. PO Box 40, Boston MA 02117.

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Crime of the Month

In spite of its exposure to thousands of illegal schemes, some very creative, the US Department of Justice has for years resorted to ordinary lies to justify budget increases to counter "terrorism." Even after the September 11 attack, the Department continues to overstate its record of arresting and convicting "terrorists." Since 1983, the official government definition of terrorists are those who perpetrate premeditated, politically motivated violence against noncombatant targets.

But, in fact, the Department has labeled as "terrorists" passengers getting drunk on airplanes,

aka Crimetoppers

prisoners rioting to get better food and the mentally disturbed. In the case against the man who got drunk on United Airlines the judge ruled that it wasn't terrorism, only a man "being an annoyance beyond belief." And, as one attorney said of the 7 Chinese sailors convicted of commandeering a boat, "This isn't a political crime-this is economic."

With a budget of \$22 billion a year, shouldn't the Department be required to hire some people who know that lying to Congress is a no-no?

It's also our Crime of the Month.



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