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Illustration below posted on the Facebook page of:
Pennsylvania Coalition for the Fair Sentencing of Youth (PACFSY)  9/9/2014
From The Desk of The Editor

Welcome to THE MOVEMENT,

There is a monstrous medical and healthcare crisis occurring in America’s prison systems today. The public is mostly unaware of what is really going on in prisons, but year after year the facade of a humane, law-abiding, and rehabilitative prison system is slowly crumbling away and exposing these prison officials for who they truly are – Demons!

CNN and the Pittsburgh Post-Gazette media outlets recently reported that a preliminary report by the Human Rights Coalition and the Abolitionist Law Center titled “No Escape: Exposure to Toxic Coal Waste at State Correctional Institution Fayette” found that between January 2010 and December 2013, prisoners at SCI-Fayette in LaBelle, PA died from cancer, were diagnosed with tumors and thyroid disorders, and experienced respiratory problems, gastrointestinal problems, skin rashes, cysts, and abscesses.

Why? Because in 2003, the Pennsylvania Department of Corrections (PADOC) – in total disregard for human life – decided to build this 2,000 bed, $125 million dollar maximum security prison on part of an old strip mine site that had been used as a coal combustion waste disposal site. The toxic waste at the 506-acre site, which borders SCI-Fayette on two sides, includes 40 million tons of coal mining waste rock, two coal slurry ponds, and millions of cubic yards of carcinogenic (poisonous) fly ash.

In December 2011 the Department of Justice (DOJ) announced an investigation into SCI-Cresson, a mental health prison located 90 miles east of Pittsburgh, PA for abuse and torture of mentally ill prisoners. An investigation by The Nation uncovered details that SCI-Cresson prison officials beat mentally ill prisoners, goaded mentally ill prisoners to kill themselves, denied mentally ill prisoners mental health treatment, and subjected mentally ill prisoners to excessively prolonged periods of solitary confinement resulting in a slew of suicides. Prompting The Nation publication to rhetorically ask in a article “Why are prisoners committing suicide in Pennsylvania?” Of course such actions were not confined to SCI-Cresson only.

Historically, Pennsylvania has been at the forefront of prisoner abuse and torture, and it has continued to experiment with new forms of isolation-torture. Beginning with America’s first prison ever, Eastern State Penitentiary in Philadelphia, PA that spread the experimental “penitentiary” model of so-called “penal reform” across the United States and overseas. It was labeled the Behavioral Modification Unit (BMU) from 1970-78, then came the Special Management Units (SMU) from 1991-present, then came the Long Term Segregation Units (LTSU) from 2000-2005 which were replaced by the Secure Special Needs Units (SSNU) for the mentally ill from 2005 to present. Now there is the Restrictive Release List (RRL) which is “indefinite” solitary confinement designation from 2001 to present. The PADOC is simply playing the age-old shell game. Let’s call it – ‘Hide The Solitary Torture Chamber Under A Series of Acronyms’ game, from the courts and public.

In 1989 the California Department of Correction and Rehabilitation (CDCR) introduced the Secure Housing Unit (SHU) – another behavioral modification torture chamber – at Pelican Bay State Prison where prisoners were kept under indefinite solitary confinement and subjected to physical and psychological abuse and torture by prison officials. This was later exposed through the civil action case Madrid v. Gomez, 889 F. Supp. 1129, 1146 (N.D. Cal. 1995). In July 2011, over 3,000 prisoners in California’s SHUs went on a statewide hunger strike protesting their indefinite solitary confinement, inadequate medical care, semi-starvation, and physical and psychological abuse and torture by prison officials. Culminating into a human rights action to the United Nations Human Rights Council filed by the Center for Human Rights and Constitutional Law on behalf of those 3,000 prisoners in the CDCR against the United States of America for violation of international human rights laws.

Aspirin substituting as medical care, toxic environment, and solitary confinement for the mentally ill only scratch the surface of what occurs in prison. The public should read The Movement to further discover the real face of prison and its impact on society.

Kerry ‘Shakabona’ Marshall
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Bellefonte, PA 16823

www.hrealition.org
Welcome to The Movement Magazine

You've just come upon a dynamic and unique magazine that informs the public and speaks raw truth to power by educating the masses in society on major social issues of the day as it relates to human rights. While some of the writing is by journalists and professionals, much of the writings printed in THE MOVEMENT magazine are by activists, prisoners, and the families of prisoners. We publish four issues of THE MOVEMENT magazine a year and all back issues remain posted on the website - hrcoalition.org.

THE MOVEMENT magazine is an independent Voice of the Voiceless. We are unapologetically for human rights and solidly against status quo, racism, poverty, militarism, and the so-called criminal justice system.

We call for building a 'National Prisoners Human Rights & Abolish Prisons Movement', as well as forming coalitions with other social movements, throughout the United States to end the injustices of the establishment. THE MOVEMENT magazine advocates for human rights, justice, equality, freedom, protection of Mother Earth, peace, and total social-political economic transformation of the United States.

We especially encourage families of prisoners and prisoners (particularly women prisoners) to submit their writings of stories and experiences that critically examine the so-called Criminal Justice System (i.e., police, DA's Office, Public Defenders Office, courts, Parole Board, Dept. of Corrections, for-profit private prison corporations, and lobby groups) to THE MOVEMENT magazine.

Each issue of THE MOVEMENT magazine focuses on the Criminal Justice System, racism and poverty as human rights issues and what people can do to bring about change. Additional poems, art, political satire cartoons, announcements, and more are included. Unsolicited writings and graphics are accepted and welcomed. We won't guarantee printing but we'd like to see your work. If you want your work or photos returned to you, then include a self-addressed stamped envelope. This and other correspondence should be sent via regular mail to:

Human Rights Coalition
Attention: Newsletter Committee
4134 Lancaster Avenue
Philadelphia, PA 19104

Call for Contributors

THE MOVEMENT magazine is looking for quality, writing, especially from the families of prisoners, prisoners, and former prisoners that contribute to critical thought and reflection in the various sections of this magazine. In particular we are interested in the following:

Feature articles: In-depth, analytical articles that critically examine the criminal justice system, poverty, racism, and that provide solutions to those issues.

Book reviews/political satire art/poetry: Is there a book you'd like to review for THE MOVEMENT magazine? Do you create political satire cartoons or other artwork? Do you write poetry? Let us know and send us copies of your work.

Letters: We love to hear from you. Families of prisoners and prisoners send a shout-out letter and visiting room photo for our 'Love Knows No Bars' section, and send your letters to the Editor for our new 'Writings of Multiplicity' section of THE MOVEMENT. Please let us know if we have your permission to print your letter.

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We publish four issues of THE MOVEMENT magazine per year.

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4134 Lancaster Ave, Phila., PA 19104, ATTENTION: Charitable Donations.
“ALL POWER TO THE PEOPLE”

O-BEAST-ITY

Seeing news reports on America being the fattest country in the world, and the First Lady’s program to fight childhood obesity (The Let’s Move!! Campaign), leads me to wonder why there is no governmental urgency to address the other obesity-like epidemic affecting America, the one stemming from mass incarceration.

I view mass incarceration as an obesity-like epidemic because America represents only 5% of the world’s population, yet, our penal system has locked up 25% of the world’s population. That’s a HEAVY burden on taxpayers!

Our penal system has earned the nickname “The Beast” because it’s huge, its appetite is insatiable, and it is out of control. The Beast is made up of the court system, which forms the head, a broken school system, which forms the left arm, a combination of over-zealous police and prosecutors, which forms the right arm, overcrowded prison systems, which forms the “belly of the beast”, and your tax dollars, which forms the legs that prop the beast up. And its HEART, “Prison for Profit” policy, has become diseased. On 3/31/14, USA TODAY published an article titled “USA’s costly justice system is being taken apart”, chronicling the problem with our current penal policy.

To date, the beast has swallowed up 2.2 Million live carcasses, mostly those of the black, brown and POOR white people.

I say “live carcasses” because this class of Americans are considered dead to the rest of society... DEAD beat, DEAD broke, DEAD weight... just plain DEAD!!! And since society doesn’t care about them, they have become the prey of choice to the beast. As a live carcass inside the belly of the beast, I feel that the only way to slim it down is with a healthy regimen consisting of a proper diet, endurance training, and strength training.

A proper diet for the beast is people “rightfully” convicted of crimes. But lately, the beast has been allowed to feast on the live carcasses of the innocent, the poor and the illiterate people, while those rightfully convicted are an optional side dish. It’s a poor diet, and its ever-expanding waistline, is a symptom of the various forms of immunity given to those who break the law to feed the beast. CNN has profiled numerous cases where there was never enough evidence to convict, but the wrong person is convicted, and after the case is overturned, no-one is ever held accountable for that.

For examples of cases where prosecutors were without enough evidence to convict, it would be rather easy for me to point out the highly publicized cases of Mumia Abu-Jamal or Lorenzo “Cat” Johnson, but that would not do justice to the not so publicized cases like the one of a legally blind man named Tyshaunt Love (google his case... it REEKS of innocent innocence). Immunity for rogue cops, D.A.s, and Judges conspiring to enslave the innocent, poor and illiterate people is wrong, and is against everything the framers of the Constitution stood for. In Federalist Paper #51, James Madison stressed the imperative of obliging the government to control itself by pointing out that “If men were angels, no government would be necessary [and] If angels were to govern men, neither external nor internal controls on government would be necessary”. But a proper diet alone is not enough to shrink the belly of the beast, endurance training is a must. By endurance training I mean that prisons, being charged with the responsibility of making “corrections” in an offender’s behavior, must act in accordance with those enduring principles by educating and rehabilitating offenders so that they are less likely to re-offend.

On 2/25/13, The Huffington Post published an article titled “The Norwegian Prison Where Inmates Are Treated Like People”, authored by Mr. Ervin James. Mr. James reported on his trip to Bastoy Prison Island in Norway, a place where critics brand the living conditions “cushy [and] luxurious”, while the inmates say “it’s like living in a village, a community”. Inmates on Bastoy Island live in 6 man bungalows, each having their own room, but they share the kitchen and other facilities (televisions, computers and integral showers). “Only one meal a day is provided in the dining hall. The men earn the equivalent of £6 a day and are given a food allowance each month of around £70 with which to buy provisions for their self-prepared breakfasts and evening meals from the island’s well-stocked mini-supermarket”. Every man works and is allowed to go fishing on his free time. There are just too many perks to name them all. But those who branded this prison a “Holiday camp”, have failed to take into account its purpose... to serve as “an arena of developing responsibility”.

Governor Arne Nilsen said that “In closed prisons we keep them locked up for some years and then let them back out, not having had any real responsibility for working or cooking. In the law, being sent to prison is nothing to do with putting you in a terrible prison to make you suffer. The punishment is that you lose your freedom. If we treat people like animals when they are in prison they are likely to behave like animals. Here we pay attention to you as human beings”. “A clinical psychologist by profession, Nilsen shrugs off any notion that he is running a holiday camp. --

“You don’t change people by power”, he says. “For the victim, the offender is in prison. That is justice. I’m not stupid. I’m a realist. Here I give prisoners respect, this way we teach them to respect others. But we are watching all the time. It is important that when they are released they are less likely to commit more crimes. That is justice for society”.

I am in agreement with Governor Nilsen, which is why I believe that endurance training is essential. But strength training for the beast is necessary as well. The responsibility of society is more than just paying taxes to lock up criminals, you also have to assist us in rebuilding our lives upon release, because the deck is stacked against us. What happened to me is but one of many UNHEARD OF examples of people trying to change, but receive no assistance, and wind up back in jail.

(Continued on page 7)
I was paroled from SCI-Huntingdon in January of 2001 and released to a home-plan bearing the address of the residence I was arrested at. SEEING that I was set up for failure, I set out to prove them wrong... I swore off hustling and got a job my first month home, but I had bigger aspirations, so I went to a medical trade school and became a Medical Assistant. My criminal record limited me to being a Medical Assistant. I actually wanted to be an Ultrasound Technician. After successfully completing the course and externship, I was sent on a few interviews and never landed a job because of my criminal record. But the one event that turned me back into the old me was the response I got about a job interview I had with a well known hair restoration company. I got a call from them two days later informing me that I didn’t get the job, and when I asked the lady “Why”, she said that it was “because [I] had bad credit”. I thought “first my criminal record, and now that I’m off parole, it’s my credit”! All I could do was laugh. That was the end of my job hunting adventure, I went back to doing what I used to do, and here I am, back where I started... IN JAIL!! A little support, in the form of affording me the opportunity to PROVE my willingness to change, would have, no doubt, kept me out of the streets and out of jail.

As a community, we are only as strong as our weakest link, and you, the community at large, along with the various Departments/Bureaus of “Corrections”, must do more to assist folks like myself because, as governor Nilsen acknowledges, “justice for society demands that people we release from prison should be less likely to cause further harm or distress to others, and better equipped to live as law-abiding citizens”. Being “better equipped to live as a law-abiding citizen” is something that is best taught through practice. Sporting teams practice, students do internships, and musicians rehearse... for the sole purpose of insuring that what was instilled in them becomes instinctual. Right living is no different, it takes practice. In my heyday, locking me up without “correcting” my behavior was an opportunity for me to polish my flaws and gear up for another run. Today, my hope is to be acclimated to right living through practice while I’m incarcerated, because that is rehabilitation to me... a better investment of the tax-payer’s dollar.

That said, I believe that if Pennsylvania came up with a program that dedicated one State Prison and three halfway houses in each region to the imperative of rehabilitation, equipped them with necessary programming, education and job training, plus a nurturing staff teaching prisoners (starting 2 years before their minimum) to respect the law, their communities and society as a whole, the belly of the beast will rapidly decrease, and its HEART problems will be cured. “LET’S MOVE” on that!!!

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Mass Incarceration on Trial: A Remarkable Court Decision and the Future of Prisons in America Hard-cover
by Jonathan Simon (Author)

Mass Incarceration on Trial examines a series of landmark decisions about prison conditions—culminating in Brown v. Plata, decided in May 2011 by the U.S. Supreme Court—that has opened an unexpected escape route from this trap of “tough on crime” politics. This set of rulings points toward values that could restore legitimate order to American prisons and, ultimately, lead to the demise of mass incarceration. Simon argues that much like the school segregation cases of the last century, these new cases represent a major breakthrough in jurisprudence—moving us from a hollowed-out vision of civil rights to the threshold of human rights and giving court backing for the argument that, because the conditions it creates are fundamentally cruel and unusual, mass incarceration is inherently unconstitutional.

You may purchase from Amazon.com.
AMY GOODMAN: This is Democracy Now!, democracynow.org, The War and Peace Report. I’m Amy Goodman, with Juan González.

JUAN GONZÁLEZ: Well, the struggle to overhaul the criminal justice system in the United States has reached a pivotal moment. From the Obama administration’s push to reform harsh and racially biased sentencing for drug offenses to the recent decision by New York state to reform its use of solitary confinement, there is a growing momentum toward rethinking the system. But new battles have also emerged, like the fight over Stand Your Ground laws in states like Florida, where a number of recent court cases have highlighted the issue of racial bias in the court system. Marissa Alexander, an African-American woman of color who fired what she says was a warning shot into a wall near her abusive husband, is facing up to 60 years in prison at her retrial. Michael Dunn, who shot and killed an African-American teenager in a dispute over loud music in the same state of Florida, is facing a minimum of 60 years for attempted murder, but the jury failed to convict him of the central charge in the case: the murder of Jordan Davis, a case that, for many, recalled the shooting of Trayvon Martin by George Zimmerman.

AMY GOODMAN: To talk more about these issues, the world-renowned author, activist, scholar, Angela Davis, professor emerita at the University of California, Santa Cruz. For over four decades, she has been one of the most influential activists and intellectuals in the United States. She’s speaking here in New York on Friday at the Beyond the Bars conference up at Columbia University.

It’s great to have you here, Angela.

ANGELA DAVIS: Thank you, Amy.

AMY GOODMAN: Can you talk about the conference on Friday?

ANGELA DAVIS: This is a conference that is happening at Columbia University. My good friend Kathy Boudin has been organizing this conference for the last three years. And as many people know, Kathy spent a quarter of a century behind bars. Kathy and I went to high school together, believe it or not, not very far from the Women’s House of Detention in Greenwich Village, so we’ve known each other for many years. And it’s very exciting that our lives have come together again around this—around these issues relating to prison abolition.

(Continued on page 9)
Kathy has been doing work around long-termists. And I think it’s extremely important to recognize that we can’t just focus our questions on people who are, quote, "innocent" or people who seem, according to the propaganda and the ideology, less dangerous, but we have to look at the damage that prison does, not only to those who are inside, but those on the outside, when people are kept behind bars for decades and decades. Of course, Eddie Conway had been in prison for 44 years, and that is just unimaginable. So, the conference tomorrow, on Friday—Friday and Saturday, actually—is going to address a range of issues, "Beyond the Bars: Breaking Through," breaking through precisely because there have been some important victories over the recent period, and how do we use those as a springboard to continue.

JUAN GONZÁLEZ: I wanted to ask you—in terms of the growing prison population, the fastest-growing sector of that population are people being detained on immigration offenses. I think the—more than 50 percent of all the prosecutions of the U.S. Justice Department last year were immigration-related, either misdemeanors or felonies. And to what degree the—this country is coming to grips, obviously, with the continued issue of having to have some kind of a 21st century immigration policy? And Europe is facing the same problems, in terms of the immigrants from Africa and other parts of the world that are coming into Europe, that we’re not dealing with the other side of globalization that is resulting in immigration crackdowns.

ANGELA DAVIS: Absolutely, absolutely. And I had the opportunity to teach in Frankfurt, Germany, during the month of December, and met with a number of immigration activists. And what we talked about was the importance of creating a global movement in defense of immigrant rights, challenging the consequences of globalization and, you know, the post-colonial repression that has been instituted, literally, all over the world.

As a matter of fact, the company G4S, which, as I pointed out, is in the deportation business, is responsible for the death of a young man who was being deported from England, from Britain, to Angola, a young man by the name of Jimmy Mubenga. I think his name was. He was—he was killed on a British Airlines plane by guards who used what they called a karaoke hold, by pressing him into the front—the back of the seat in front of him to keep him from talking. So, when I was in Frankfurt, I learned about all of these horror stories happening in immigration detention facilities.

And if we are going to mount an effective campaign against what we call the prison-industrial complex, it has to take into consideration that, as you pointed out, immigrant detention is the fastest-growing area of that, of that complex. And, of course, we know that some of the most repressive immigration laws have been drafted by private prison companies precisely because they see immigrant detention as the most profitable sector of the private prison industry.

AMY GOODMAN: The prison guard lobby in California is extremely powerful, as it is in many places in the United States. I was just in Texas, and many were shocked that the prison guard lobby came out against solitary confinement in Texas because, they said, it makes prisoners more violent. And then, interestingly, in New York, New York is ending the practice of solitary confinement for juveniles.

ANGELA DAVIS: Exactly. And we know that there have been demonstrations by prisoners all over the country against solitary confinement, and especially the very, very long hunger strike in California in which prisoners stood up against this most barbarian form of punishment. And in a sense, one can look at solitary confinement as a microcosm of the whole system, solitary confinement within a prison. The prison is solitary confinement within the society. And how can one expect to create any kind of rehabilitation, which unfortunately prisons still claim that they rehabilitate, in the context of the kind of isolation that happens in these institutions? So, solitary confinement needs to be abolished, yes, but I think that is a strong argument for the abolition of imprisonment as the dominant mode of punishment.

JUAN GONZÁLEZ: I wanted to ask you about—we had talked earlier about this whole issue of what had happened to the sort of the progressive movement under Obama. We’re having an interesting experiment right here in New York City now with this new progressive government, where we have a mayor, all of the—the majority of the City Council, as well as the—all the other elected officials are all progressive liberals, some very radical. And yet, the new mayor has openly espoused keeping the grassroots movement going as a pressure point. In fact, I think today there’s a huge gathering of housing activists, affordable housing activists, pressing the agenda that the mayor has laid out in terms of creating more affordable housing. So there seems to be an attempt to not let the movement get co-opted or die once you get these more sympathetic officials elected. And I’m wondering if you’re sensing across the country whether the grassroots movement is continuing to hold politicians to the fire in any way possible.

ANGELA DAVIS: Well, I certainly hope this works in New York. And it was good that a progressive mayor was elected. My sense has always been that one cannot necessarily count on elected officials for leadership, which is what we tend to do. The movement has to give political leadership, and hopefully that happens in New York.

I know that Ras Baraka is running for mayor of Newark, and I’m looking at that election very closely. And, of course, we unfortunately lost his father, Amiri Baraka, not very long ago, and Amiri was a very strong supporter of his son. As a matter of fact, Amiri had invited me to come to Newark some months ago. I think it was back in October.
where I went and spoke at an incredible, an arousing event for Ras. So, let’s see what happens in Newark, as well, especially given its history, its radical history.

And it might be a trend all over the country. Who—you know, who knows? And I think we still have to do that with Obama.

AMY GOODMAN: You gave the Martin Luther King address at the Academy of Music—

ANGELA DAVIS: Oh, yes.

AMY GOODMAN: —in front of Mayor de Blasio, his wife and Bill Bratton, as well, the police commissioner. What was your message to them?

ANGELA DAVIS: Well, I don’t know whether it was in front of them. I think they left before I spoke. But I saw them, but I don’t think they got to see me. Yeah, and I know that some people were a bit disturbed by that fact. I had no idea that they were going to speak there, by the way. I was invited to give the Martin Luther King address.

And I think the stop-and-frisk issue, which has been so important in New York—I remember Jazz Hayden and the leadership that he gave to that movement—that cannot be resolved simply by dropping—by settling the lawsuits. And I think this is the strategy now. And I think it will be important to settle those lawsuits, but the issue of stop-and-frisk runs so much more deeply. And I think it’s only grassroots progressive organizations that will have the power to chart a path towards the abolition of stop-and-frisk.

JUAN GONZÁLEZ: Well, I want to turn to a clip from the recent documentary, Free Angela and All Political Prisoners, directed by Shola Lynch. Here, a young Angela Davis speaks about the right to self-defense.

ANGELA DAVIS: I’m representing the Che-Lumumba Club of the Communist Party. There is a conspiracy in the land. It’s a conspiracy to wipe out, to murder, every single Black Panther in America and to wipe out the black community as a whole. Brothers and sisters, this is genocide. We have to call it by its name. This is genocide.

AUDIENCE MEMBER: Right on!

ANGELA DAVIS: This conspiracy to commit murder and genocide on our people forces us to exercise our constitutional right to bear arms and to use those arms to defend our community, our families and ourselves. Power to the people!

JUAN GONZÁLEZ: That was a clip from the documentary Free Angela and All Political Prisoners. Now, Angela, the whole issue of the right to self-defense, it’s some—it’s an issue that has receded in the public consciousness, even in the progressive or radical, revolutionary movement here in this country.

ANGELA DAVIS: Yes. And, of course, that was a key issue during the 1960s, the 1970s. The Black Panther Party was initially called the Black Panther Party for Self-Defense. We had Deacons for Defense. And we had Robert Williams in North Carolina, who eventually wrote a book called Negroes with Guns, because he argued that black people had the right to stand up to the violence of the Ku Klux Klan. I often point out that when I was growing up, my father had guns in the house, and I saw him pull out those guns when we feared that the Ku Klux Klan was about to bomb our house. And there were many bombings in our neighborhood.

AMY GOODMAN: You grew up in Birmingham.

ANGELA DAVIS: I grew up in Birmingham. And it wasn’t such a major issue. It was simply understood that we had the right to self-defense. And let me point out that now, today, there are 300 [million] guns in the U.S. There are more guns in this country than anywhere else in the world. And there’s a connection between the number of guns and the number of people in prison. And certainly, that is not about the question of self-defense, which historically goes back to the era of Reconstruction, Radical Reconstruction, when black people were determined to defend the efforts to create a new society in the aftermath of slavery. And it was when the—under the Hayes-Tilden Compromise that the military was withdrawn, federal troops were withdrawn from the South, that Radical Reconstruction was dismantled. And as W.E.B. Du Bois said, democracy died then, except within the hearts of black people. So, the right to self-defense was very much connected with the effort to build democracy.

Today, the issue of gun control, it’s very different. I would say, today, that everybody should be disarmed—and not only civilians: We should disarm the police, and eventually the military. You know, considering that there are enough guns in this country to kill every single—I mean, there are more—there are as many guns as there are people in this country, and it makes no sense.

AMY GOODMAN: Angela Davis, I wanted to get your take on the first time—this is 2014—that a black director has won an Oscar for Best Film, and that film was 12 Years a Slave. Your thoughts on 12 Years a Slave? They were presented on Sunday night, the Academy Awards. It’s about a free black man, kidnapped, sold into slavery. Steve McQueen was the director, who spoke on behalf of the film.

STEVE McQUEEN: Everyone—everyone deserves not just to survive, but to live. This is the most important legacy of Solomon Northup. I dedicate this award to all the people who have endured slavery and the 21 million people who still suffer slavery today. Thank you very much. Thank you.

AMY GOODMAN: There you have it, Steve McQueen, 12 Years a Slave, a remarkable film.

(Continued on page 11)
ANGELA DAVIS: Absolutely. And I am so happy to see this film. It is sparking a new conversation around the role of slavery in the history of this country. And I’ve often pointed out that the history of the United States of America is a history of slavery. The majority of the years since 1619 to 1865, 240-some years, and that means that there—we’ve only had 150 or so years without slavery. But then, if one looks at the argument that someone like Douglas Blackmon makes in his book, Slavery by Another Name: The Re-Enslavement of [Black] Americans from the Civil War to World War II, one realizes that the convict lease system was an even more insidious form of slavery. And it was not disestablished until the 1940s. So, I think it’s good to have discussions around slavery again. It’s strange that they only happen when films are released. I remember the last really major discussion in this country was back in the 70s, when Roots came out.

JUAN GONZÁLEZ: When Roots came out, yeah.

AMY GOODMAN: What is the connection between slavery and prisons today?

ANGELA DAVIS: Well, I would say that the prison-industrial complex reminds us that we live with the ghost of slavery. Punishment was used in the aftermath of slavery in order to re-establish slavery. So the bridge is the convict lease system, when vast numbers of black people were forced into servitude, often by capitalist corporations from the North. I grew up in Birmingham, Alabama. The steel industry, the iron, the mining of iron ore, the mining of coal, which was done by companies like U.S. Steel, was done by people who were forced into servitude after having been criminalized and arrested for reasons that often amounted to talking too loud or failing to look at a white person walking down the street. So, the criminalization of blackness, which is at the core of the vast prison population today, finds its roots in slavery and in the aftermath of slavery.

JUAN GONZÁLEZ: And then, of course, once you’ve got a criminal record, even after coming out, let’s say, with a stop-and-frisk or a minor sentence, you now then have this criminal record, which is a cross to bear in terms of employment or opportunities to access the general benefits of the society.

ANGELA DAVIS: Exactly. That’s why there are Ban the Box movements all over the country. Get rid of the box that asks, "Have you ever been convicted of a crime?"

AMY GOODMAN: And has that passed in California?

ANGELA DAVIS: California has been very good, because, of course, the—All of Us or None, which is an organization of former prisoners, former felons, has been conducting this struggle for a long time. And on the campus at NYU, there are efforts to get rid of the box, abolish the box, in student applications, student applications for admissions.

But getting back to 12 Years a Slave, I do have some critical observations. And I think it’s important, even as we applaud such a great film, to point out that it was based—that it was based on a slave narrative of someone who was free. And my question is: Would people have identified with a slave who had never been free, someone who had been denied the opportunity to get an education? Would it have been possible to create that kind of interest? And I have to say I don’t think so. I think it was really only because Solomon Northup, the author of the slave narrative, had been a free man.

And then I had some issues about the representation of women. I’m always looking at that, of course. And the fact that I’m critical doesn’t mean that I don’t think the film is a great film. But I was—when I saw that the overwhelming majority of women were represented primarily as objects of violence, as objects of repression. Alfre Woodard, who plays the so-called "wife" of a slaveholder, is the only one who has any agency. You know, all of the other women are just suffering beings. And we know that women played amazing roles in challenging slavery. So I would have, you know, wanted to get some glimpse of that, as well.

AMY GOODMAN: Well, Angela Davis, we want to thank you for spending this extra time with us. Angela Davis, author and activist, professor emeritus at the University of California, Santa Cruz. Can anyone go to the conference tomorrow and—

ANGELA DAVIS: Oh, yes. It’s open. It’s open.

AMY GOODMAN: —Sunday at Columbia?

ANGELA DAVIS: And I should point out that—

AMY GOODMAN: This is the New York audience you’re talking to now.

ANGELA DAVIS: —that I’m speaking. Beth Richie from Chicago, who’s an absolutely amazing scholar-activist, is speaking. And my sister, Fania Davis, whom we saw in the film, who does work on restorative justice, she will also be one of the speakers.

AMY GOODMAN: What is the work she does on restorative justice?

ANGELA DAVIS: She is the executive director of an organization that is called Restorative Justice for Oakland Youth. And as an attorney, she does restorative justice work in terms of keeping people out of the criminal justice system. And her organization works in schools to attempt to teach teachers and students how to resolve conflicts and problems without punitive methods and without the use of violence. So, she and her organization teach kids how to do healing circles. And it’s so wonderful to see these kids, who never knew that it was possible to deal with these problems except by fighting, asking for a circle so that they can talk it through.

Democracy Now. PART 1 found at: www.democracynow.org/2014/3/6/ angela_davis_on_prison_abolition_the
WHO SWEARS TO TELL THE TRUTH, THE WHOLE TRUTH, NOTHING BUT THE TRUTH, SO HELP THEM GOD?

By: Richard G. Hall, Jr.

"The difference between faith and insanity is that faith is the ability to hold firmly to a conclusion that is incompatible with the evidence, whereas insanity is the ability to hold firmly to a conclusion that is incompatible with the evidence."

H.L. Mencken (American Editor/Critic)

Behold! The unemployment rate among African-Americans is the highest that it has been in decades. Over 50% of African-American teenagers are unemployed in fact. Are you aware that an estimated 30% of Black children, due to no fault of their own, live in poverty? According to a study published in the spring of 2010, by the "Insight Center for Community Economic Development" entitled "Lifting as we climb: Women of Color, Wealth, and America's Future". For every dollar of wealth owned by a typical white family, the typical family of color owns a mere $16c.

In fact, statistically speaking, nearly half of all single Black and Hispanic women have zero or negative wealth, which simply means that their debts exceed their assets. Not to mention, the median wealth for a single Black woman is $100; for single Hispanic women, $120.

Further, an estimated one-third of single Hispanic women and one-fourth of single Black women have no checking or savings account. And it has gotten and will more than likely get a whole lot worse, before it gets better. If better is even in the cards. As it stands, the mortgage meltdown has obliterated the wealth of especially Black families than any single event in modern American history. During the first three years of the Obama Administration Black families lost between $71 billion and $92 billion which amounts to a loss of most of the housing gains secured during both the Clinton and Bush Administrations. Keep hope alive if you wish. The fact remains that even with Obama's $75 billion Home Affordable Modification Program, the foreclosure crisis suffered by communities of color across the U.S. is still quite devastating to say the least.

In spite of the above picture of a magnification of all out economic warfare being waged against especially poor minority women and children, according to a previous study based on survey responses at "OccupyWallStreet.org", a pitiful 6.8% of those who participated in such protests in cities across the U.S. were Hispanics. And far more deplorable, only 1.6% were Blacks. This situation gets a whole lot worse when you not only take into consideration what is currently unfolding in cities like Los Angeles, California, but cities across the U.S. when it especially comes to communities of color. According to Adam Rice, the co-chairman of the "Los Angeles Anti-Eviction Campaign", the Realty Trac lists an estimated 7,800 homes in Los Angeles alone that are in foreclosure, and 3,710 which are up for immediate auction. Not to mention, the number of homes in particularly Black and Hispanic communities that have been foreclosed on is 260% more than the number of homes now available for regular sale (3,002). (laantieviction@gmail.com)

Accordingly, the number of homeless men, women and especially children of color as a direct consequence of what amounts to all out economic warfare has skyrocketed. It is estimated that there are currently 150,000 homeless people in Los Angeles. In light of this, how many homeless people of color are currently growing in numbers in other major U.S. Cities, such as Philadelphia, New York, Chicago, New Orleans? And of course, how does this clearly systemically accentuated social phenomenon bear on the crime rate especially in U.S. cities where homelessness, unemployment and other social disenfranchisements remain on the alarming rise? Please note, it is statistically well-established that 7 of 10 crimes are in fact, economically motivated. Therefore, it would be incredulous to assume that mass incarceration is not, and will not continue to be on the rise as a consequence of the above problems.

I initially intended to comment on the growing immoral crisis of punishing irresponsible and severely misguided juveniles with life sentences across the U.S. As it stands, it would be a waste of time. Simply because, like their notoriously bad example setting adult peers, the vast majority of such juveniles are from perpetually poverty

(Continued on page 13)
stricken urban communities of color. Unfortunately, far too many adults who reside in such poverty-torn communities really make no secret of the fact that they don't give a damn about the gauntlet of vices that threaten and corrupt their youth in the first place. Which is exactly why so many are steered down self-destructive, even fatal paths. Ultimately, I fell by the wayside a month after I turned 19 years old in 1977. I was arrested 8 days later, and punished to serve a life sentence 2 years from that. I've been incarcerated for the past 35 straight years. I'm 55 years old now. And I'm here to tell the reader, the vast majority of the poor Black and Hispanic community does not care about Black and Hispanic adult prisoners in prison, or when they're forced to parole back to such communities. In light of this basically historical apathy do you think such communities actually care about the immoral plight suffered by the growing number of poor Black and Hispanic juveniles shouldered with life sentences to be served in America's corrupt, antiquated, dehumanizing adult prisons?

What is the solution to the above? Well, such solutions have been talked and written about for centuries. During the social revolution/civil rights movement people used to loudly sing-- "We Shall Overcome". Since the assassination of Dr. Martin Luther King, Jr. we have witnessed and continue bear witness to the profound truth once pointed out by perhaps one of the greatest military strategist of all time, Napoleon Bonaparte. He strongly warned that "the greatest danger occurs in the moment of victory". The "Great Society" laws" were enacted in 1965 as a superficial measure to pacify millions of discontent poor Americans. Most returned to their poor communities firmly believing that that was that, and that they and their children would live happily ever after. Unfortunately, a great deal of those gains have since been stripped. In too many ways, not much has actually changed but has gotten far worse for people of color and the poor across the U.S. Perhaps you should consider going online and reading an extremely cold article entitled—"Our Nation is Moving Towards Two Societies, One Black, One White—Separate and Unequal: Excerpts from the Kerner Report." (http://historymatters.gmu.edu/d/6545/). If you didn't know any better, you will conclude that President Obama formed the 11 member National Advisory Commission on Civil Disorders simply because the Kerner Report read like it was compiled and released last year. In absence of mass rioting, of course.

In summary, what can be done? Well, someone said that the "Lord helps those who help themselves". According to the late English Philosopher, Sir Edmund Burke, "All that is necessary for evil to triumph is for good people to do nothing". Not to mention, Rock Star Lenny Kravitz proclaimed "That more people are leaving the Church and going back to God". Ultimately, if there is indeed a Heaven, if the Angels were to ever mimic the apathetic and credulous mentalities and behaviors that have become the generational trademarks of America's poor communities of color over the past 4 decades, and sheepishly tolerate their realm to be saturated by all sorts of corruption and inhumanities, and sit about the clouds merely praying for salvation and rescue, rest assured, heaven too shall be overrun by evil, corruption, inhumanity and whatever else collectively constitutes a HELL. You are your own last line of defense. If you do not set a good example and do everything in your practical power to protect your family, and especially your own children, don't keep expecting other people to take care of you and them. If it is not your problem, it certainly is not theirs. As far as anyone's poverty is concerned, it is not that they are poor. The problem has always been, they generally are so addicted to greed, materialism that their downfall is living above their means. Buying only what you really need, opposed to what you think you want because you're brainwashed to keep up with the Joneseses. The rate things are crumbling, you'll end up one of the best dressed homeless people on earth. As for jail and prison. "It is a whole lot easier to stay out, than get out". Stop helping make the American Criminal Justice System to behemoth is has become, and you will have no cause to complain about it.

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Lifetime risk of imprisonment for men born 1965-1969

<table>
<thead>
<tr>
<th>Education Level</th>
<th>White</th>
<th>Black</th>
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</thead>
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<tr>
<td>High School Dropouts</td>
<td>59%</td>
<td>11%</td>
</tr>
<tr>
<td>High School or GED</td>
<td>4%</td>
<td>18%</td>
</tr>
<tr>
<td>Some College</td>
<td>1%</td>
<td>5%</td>
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THE SENTENCING PROJECT
Commutation
for Avis Lee

We arrived at the Merit Review Session, one step in the long process to commutation, just after 9 AM.

The room that held the hearing was on the basement floor of the Capitol building, down a long, carpeted hallway. The double doors were frosted glass with shiny, gold trim. We pushed it open and slipped inside.

I sat toward the back and moved all the way to the wall.

I looked around the small room—much smaller than I expected. What had I expected? Who would come to this session? The 140 on the Board of Pardons’ list? This session, one of three per year, was to decide whether or not to grant a public hearing to these people. The Board had a long backlog of applications for commutation and pardons, people with no other legal recourse yet no shortage of hope.

We had come to hear Avis Lee’s name called.

I focused and listened to the woman at the front of the room in the tan suit, speaking flatly into the microphone, "Alice Blackwell," a pause, "Dr. Williams."

"No," a voice crackled through the speakers in the room.

"Mr. Gubernick," the woman at the front said into the microphone.

"No," said a different voice.

"General Kane."

"No."

"Governor Cawley."

"No," said the man who sat across from her. He wore a dark suit and the nameplate in front of him said "Jim Cawley".

"Hearing denied," the woman said and then she read the next name, "George Brown."

She read each name on the long list of applicants and then the names of each member of the board of pardons in turn and they replied yes or no. Then she would say hearing granted or denied. The first few hearings were denied then Lieutenant Governor Jim Cawley interrupted the woman at the front, "excuse me. You said hearing denied on that last one. It should have been granted. There were two yeses from the board."

"Oh I’m so sorry, yes. Hearing granted," and moved on.

I ripped open the Velcro on my messenger bag and prepared to write.

"Lily Brown. Dr. Williams."

"Yes."

"Mr. Gubernick."

"Yes."

I scribbled the name down. What was different about these people who would get public hearings? Were any of them lifers?

For lifers in the Commonwealth of Pennsylvania, commutation is the only way they have of being released. The process starts with the application. It takes two years and involves a report from the Department of Corrections. The Secretary of Corrections, John Wetzel, can sign off on the application. Then the application goes to the Board of Pardons. It takes the Board of Pardons three years to get to the Merit Review Session stage of an application. Even after someone is granted a public hearing, the board votes for or against commutation. Since 1997, when the votes necessary for commutation went from a majority of the board to a unanimous vote, 6 lifers have had their sentences commuted, none of them were women. If someone gets a unanimous vote, the application goes to the governor, who can refuse to sign off on the commutation.

I scribbled down each name that was followed by, "hearing granted."

I listened to the woman at the front drone on, name after name after name. I listened to the voices on the phone crackling through the old sound system.

Dr. Williams sounded thoughtful, his yeses and nos swallowing until they sounded so similar I could barely distinguish them.

(Continued on page 15)
Mr. Gubernick sometimes said no with what sounded like a scoff like, 'why would this person ever get a public hearing?'

Ms. Williams sounded black, determined, distant, like she was sitting well away from her speakerphone. I imagined her staring off into space, fingers tented in front of her, brow furrowed, as she thought on each of these people who applied for a pardon.

General Kane is the Attorney General. I saw her a couple of years ago when she spoke to a group of lawyers about nonprofit organization and the investigations her office conducts. She is a pretty brunette with an open, pleasant face. She sounded wistful through the old speaker system, almost remorseful as she crooned no, no, no.

Governor Cawley, the lieutenant general, sat at the front of the room, facing us. He leaned to the side in his chair and swiveled it in a listless arc between names. He scowled at us and flipped through a stack of paper on the table in front of him. He seemed to will the woman to read the names off faster. He was always ready with his yes or no. He said them clearly and quickly, his speech clipped and precise.

The woman read through name after name, through the Bs, then Cs, Ds... finally she said the name we were waiting for, "Avis L. Lee."

My head shot up and then my eyes flicked back to my notebook. I wanted to write down the answers of each member of the board.

"Dr. Williams."

"No," I wrote 'no' on the side of the sheet of paper. I could hear groans from the 20 or so people watching the session.

"Mr. Gubernick."

"No," I wrote another 'no' under the first. The audience sighed and scoffed.

"Ms. Williams."

"No," I held my breath and looked up, pen still. We needed these last two votes. Two yeses from the people least likely to vote yes. The other people pulling for Avis seemed to quiet a little as well.

"General Kane."

The attorney general, who I pictured crouching near her speakerphone, piles of disheveled folders stacked high around her, whispering into the phone, frowned lines creased into her pleasant face, said, "no." Five people stood up and stormed out.

I felt my eyes watering and thought about Avis—a 52 year old black woman from Philadelphia, convicted for something that happened when she was 18, 10 years younger than I am now, for being the lookout of a robbery that went wrong, sentenced to life without parole for the death of the man she never saw, the man she had told a bus driver might have been hurt.

"Governor Cawley."

I looked into this man's face, lined with age and what my grandmother would have described as hard living. "no," he looked at me and I know that I imagined one corner of his mouth twisting upward slightly. I know that he must not have smirked, that he looked bored and somber throughout the hour long session but I still felt like he had punched me in the gut.

I pulled out my cellphone to text the people coming to support Avis from Pittsburgh. Should I say that Avis had been denied a public hearing? I shoved my phone back into my pocket and tried to write down the names of the rest of the people who were granted public hearings.

I stayed until the end of that session, maybe because I believed that leaving after Avis's name was called would be another sort of defeat, the admission that I could not even

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handle the rest of the session but I could barely focus enough to write down all of the names.

I stayed until the end and each member of the board had the opportunity to make remarks on the record. None did. They clicked off the conference call one by one until the line repeated, "you are the only person on this call" over and over.

I wanted to go to the front of the room and demand that Jim Cawley explain why he had said no. Why this woman who transcribes braille and hasn't had a misconduct in 22 years shouldn't get a public hearing.

And this is what they want us to focus on. They want us to think about who deserves a public hearing, who deserves to die in prison, who deserves the right to show they are remorseful and redeemed and apologetic instead of talking about how our prisons are dehumanizing and our criminal justice system is racist and classist.

They want us to focus on prisoners who were lookouts and juveniles and who are good prisoners. Those numbers alone are baffling. Over 1200 of the 5100 lifers in Pennsylvania were convicted of second degree murder, felony murder, meaning that they were involved in a felony that resulted in a death. This can mean that someone else involved in the felony killed someone or that the police killed one of the people involved in the felony. Yes, you can be charged for the death of one of your co-defendant by police officers. Pennsylvania has a fifth of the country's juvenile lifers in the only country in the world that sentences young people to die in prison.

But we cannot look only at prisoners who deign to hope that the only broken system that allows lifers a chance at freedom could work for them. We must also remember that all of these systems are designed to oppress us, that the state wants all of these people to die in prison and that we cannot fight only for those who are capable of going through the hoops this system wants them to.

After the Merit Review Session, a group of us met with the governor's Policy Director and the Department of Corrections Policy Director. They talked to us about violence and public safety and the changes they had made to programming for juvenile lifers after Miller.

They said their hands were tied on lifers and the commutation process. They spoke mournfully about people who died in prison navigating the lengthy compassionate release process. Pennsylvania has over 8000 elderly prisoners.

We aren't fooled by attempts to shift the conversation to second degree murder only or juveniles only or sick people only. We aren't tricked by stock narratives about the legislative and executive branches of government.

When we look at violence and harm in our communities, we must do so in a way that allows for healing and transformation and not in ways that merely punish. Safety is not accomplished by punishment alone. We need accountability and a system that acknowledges that people can and do change—even people who commit acts of violence, even people that cause harm.

Dauphin County District Attorney Edward Marsico Jr. said, "for someone who commits a murder, five people should have to agree that it's appropriate to have the sentence commuted."

The Board of Pardons currently includes the attorney general, lieutenant governor, a corrections expert, a victims' advocate, and a psychologist.

Are these the people who should decide who is fit to return to Philadelphia? To Pittsburgh? To Reading?

Public officials seek to turn this conversation into one of victims versus murderers and want us to be fooled by the mirage of due process and review. Most murder victims are killed by people they know. Most murder victims look like the lifer population in Pennsylvania—young black and brown men. These victims and offenders are from the same communities but our criminal justice system puts on a show about how different they are, how unredeemable the criminal, how innocent the victim. Meanwhile, the structural violence that both are subjected to is ignored.

Every lifer in Pennsylvania has people who care about him or her and live without the possibility of parole, the only life sentence in Pennsylvania, declares that the Commonwealth does not believe these people can ever change or contribute to our communities.

Governor Corbett says that Pennsylvania is a “truth in sentencing” state. How would a murder victim’s family feel if their loved one’s murderer was released?

I hope that our communities can learn to understand that people are not the sum of their bad decisions, the product merely of their mistakes. I hope that that family would understand that people can change and that even lifers (especially lifers!) can contribute to our communities and strengthen them.

By: Ashley Henderson, Concerned Citizen
Chris Washington (left) represented himself in a 3 day jury trial where he was allowed to question DOC employee, Major Doleman, as to why he was held in solitary for almost two years without explanation. Major Doleman stated, "If it were left up to me you'd still be in solitary confinement". Imagine, being snatched from the street, locked away, and you had no idea of why you were there or if you'd ever get out.

**Below**— Summer 2014. Maroon and Grandson, after release from 22 years in solitary confinement.

**Above & Below - We love you Chris!** Chris Washington's constitutional rights were shot down by a jury of nine on August 25, 2014, in Philadelphia, PA as his family (pictured left) from New York and South Carolina witnessed. From his family - Chris, this doesn't diminish our love and faith in you; we support your fight to be treated as a HUMAN BEING!
Greeting Comrades,

The purpose of this communication is to update you with Fight for Lifers (FFL) current endeavors, collaborations and future plans. It has been a while since our last communication with you. This communication is being written by Hakim Ali and William Goldsby on behalf of Kariymah McClary, FFL’s current Chair, and the rest of FFL leadership. The members of FFL West and FFL East are some amazing people who have continued to work hard to abolish the life sentence without the possibility of parole and to put a number to that sentence. We will continue this fight to bring our children, sisters, brothers, mothers and fathers home. FFL is a constituent led group consisting of family members of those individuals serving life and other concerned citizens.

October 19, 2013 we sponsored a conference that educated the public about the DA and the role of the common plea court judge. We also educated the public on our three education initiatives which are the Post Conviction Relief Act, The contradictions within the commutation process; The facts surrounding our children being sentenced to life. As a follow up to that conference, we are organizing youth in the community to learn more about this as well as teaching them how to organize to change and resist this horrific oppression. In June 2014 FFL sponsored “A Children of lifers” event and the follow up to that conference is also in the makings.

In January 2014 DeCarcereate PA, invited FFL and the Human Rights Coalition to explore how we could collaborate to fight this ‘death by incarceration’ sentence. As a result of that meeting all three of these groups meet monthly as an emerging coalition which is now the “The Coalition to Abolish Death by Incarceration”. During these pass months the coalition to abolish death by incarceration (CADI) has (a) agreed on committees to work on our collective position, recommendations and strategies to move forward; (b) developing ways to engage other groups and people who are incarcerated. These meetings take place on the second Tuesday of each month. Each meeting has its own character, challenges, successes and assessments, to help us be the best we can be. The coalition has agreed to sponsor a campaign kick-off on November 15th. The location and program format will be announced as we move forward. For more information, inform your families and support teams to contact us at 215 223 8180, (please leave a message if no one answers the call). Other collaborations in the making are our future work with representatives from Villanova University where we are exploring ways to further engage other universities and colleges to join this movement.

Much more information will be forth coming soon about all of our activities present and future.

In the struggle with you forever,
William Goldsby & Hakim Ali, for FFL and The Coalition to Abolish Death by Incarceration

Book Review:

DIVIDED: The Perils of our Growing Inequality

Edited by David Cay Johnston, New Press, 2014

Divided collects the writings of leading scholars, activists, and journalists to provide an illuminating, multifaceted look at inequality in America, exploring its devastating implications in areas as diverse as education, justice, health care, social mobility, and political representation.

How bad is inequality in the United States? According to Pulitzer Prize–winning journalist David Cay Johnston, most Americans, in inflation–adjusted terms, are now back to the average income of 1966. Shockingly, from 2009 to 2011, the top 1 percent got 121 percent of the income gains while the bottom 99 percent saw their income fall. Yet in this most unequal of developed nations, every aspect of inequality remains hotly contested and poorly understood.

Available at Amazon.com
The HomeFront: Serving Our Community!

Lacing Up Our Boots: On the Road to Restore Meaningful Commutation for Lifers in PA

By etta cetera

Despite the disappointment of Avis Lee’s unanimous denial by the Board of Pardons for a public hearing, the August 28 mobilization to PA’s capital with the Campaign to Restore Meaningful Commutation for Lifers was fruitful and rejuvenating. We received great coverage from the Harrisburg ABC affiliate and generocity.org, met with about 20 different legislative offices including a meeting with one of the governor’s aides and DOC policy person, and strengthened our relationship with other justice seekers from around PA. The day was sponsored by Let’s Get Free: The Women & Trans Prisoner Defense Committee, Decarcerate PA, New Voices Pittsburgh: Women of Color for Reproductive Justice and Fight for Lifers West.

40 Supporters from across the state came to stand in solidarity with Avis Lee, who after 3 years of waiting was finally up for decision at the Merit Review Hearing. Three times a year, the board of pardons announces whether or not they think the applicant deserves to go to the next level of the commutation process – the public hearing. The secretary announces the names of about 133 people in alphabetical order with all types of sentences. When their names are called each member of the board announces how they voted. There is no discussion – 4 board members are by speakerphone – one is in person. Very impersonal, unfeeling, uncomplicated, cold, hard and mechanical like the prison system is known to be. No No. No. No. No. No. There is no reasons given as to why or how the board makes decisions about lifers.

I wonder. Did they even read her application? Did they notice the hundreds and hundreds of postcards and letters and names on petitions that supported Avis Lee walking out the prison doors? A woman who gardens and transcribes braille in the prison? A woman who hasn’t had a misconduct in 22 years? A woman who was sentenced at 18 for being a lookout? Who, I ask, are they protecting spending potentially 60 thousand a year to keep this woman locked up?

The press conference started with a contestoria. Whatever, pray tell, do you mean young warrior? Well, a contestoria, which I believe is an Italian word – though I’m not placing any bets - is a giant cloth book popularized by the Bread and Puppet Theater and commonly seen on the streets as a creative way to tell a story. Let’s Get Free created an 8 page book that explains the commutation process of Lifers in PA. There were only a couple fights while designing it because the process is so confusing - even with the DOC pardon specialist power point at hand AND the advice from several loved ones on the inside – that it was hard for us to keep our facts straight. :) 

Some Voices from the Day

Suzanne South spoke on Avis Lee’s behalf sharing her story and making connections between the foster care system and the criminal justice system. Describing how family support, both emotional and financial, plays out in sentencing. Author Jeffries, Avis’ co-defendant had a lawyer. He barely did any time for the same situation. Both Avis and her brother, Dale, had public defenders/appointed counsel. They were all charged with second degree. Avis and Dale are both serving life.

Martha Connelly, Official Visitor with the PA Prison Society and long time justice advocate from Pittsburgh, also made the trip. She spoke about the cost of aging prisoners ranging from 40-120 thousand dollars a year and how people age out of crime.

"It is time we shine a light on the success stories of those that have had a life sentence commuted. They have not simply avoided crime, they have made a difference in their communities as priests, neighborhood center directors, Soros Fellowship recipients, and mentors. The power of mercy has instilled a purpose in these individuals to make amends and to make a difference," says Dr. Brian O’Neill PHD in Criminal Justice and is currently working on a book about commutation.

That Soros Fellow of which Brian speaks is none other than Tyrone Wertz. Tyrone is one of the six men that have had their life sentences commuted in the past 15 years. He is a powerful example of what the commutation process can do for our communities because he has done nothing but give and give of himself since he has been released.

Brenda Emerick, whose son Heath is serving a life sentence, spoke on behalf of Marie Scott. Marie is one of the oldest women serving life, and we heard of all of her accomplishments – they went on and on - from awards re-

(Continued on page 20)
ceived to programs Marie created focusing on parenting and women. Her resume is remarkable. She has done so much important work of building community and creating healing spaces inside the walls. We hope to meet you one day Marie!!

Ellen Melchiondo, Official Visitor of the PA Prison Society and Fight For Lifers East member, spoke about the life of Sharon Peachie Wiggins.

Terrell Johnson and Saundra Cole McKamey spoke about the fight to free Terrell, who was wrongly convicted of murder and sentenced to life. He did 17 years for a crime he didn’t commit. Terrell delivered a powerful speech noting that if Avis did 22 years without a misconduct that’s saying something – it’s hard to stay out of trouble on the inside. Saundra led the charge on the outside and spoke about how the prison system is a business and it’s all about the money.

Michael H. Fox came all the way from Japan – by way of Oregon, to attend the rally. Mike is the Executive Director of Worldwide Women’s Criminal Justice Network and has an online global database of women serving life sentences. WWCJN supports those overly charged, wrongfully convicted, and unfairly sentenced. http://www.wcjn.org/

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Blakk Rapp Madusa had this to say, “I’m a revolutionary hip hop artist. I’m here to talk about the prison state, mass incarceration and abolishing life without parole sentences. I’m a hip hop artist so to speak. I use my art to create social change and awareness about issues that affect black and oppressed communities. For PA to be truly beautiful we can’t continue to uphold these unjust laws. The education system in PA needs to be examined. Is PA preparing its students for a successful life? Or are they giving students psychotropic drugs to deal with attention issues and setting them up to go to jail? I’m working on a documentary called Bring the Beat Back. Bringing the original hip hop back to using it as a tool for empowerment. Bring the Beat Back! Let’s get this movement started!”

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Zoe Mizuho – “I’m here because I’ve been working with The Women and Trans Prisoner Defense Committee for the past couple of years and I correspond with Avis Lee. I believe that the current state of criminal justice system is one of the biggest human rights abuses going on in our country. It’s fundamentally flawed. It’s racist. It’s costing the state millions of dollars. It has lost sight of its purpose. I’m hoping we can talk some sense into the legislators here.”

Bret Grote from the Abolitionist Law Center– “Prison is a place where your rights and humanity are violated and where your health and safety are threatened. A place where you are subjected to arbitrary and brutal violence. PA has the largest percentage of its prison population serving life without parole. It has one of the oldest prison populations in the country. It’s crucial to recognize that life without parole sentences are not being dealt out in PA because overzealous legislators are very concerned about public safety in communities that they have never stepped foot in. LWOP is a pillar of race and class based mass incarceration. It does not serve the value of deterring crime. There is no compelling evidence what so ever that increasing excessive sentences decreases crime.”

A delegation did meet with the Governor’s office, an aide named Jeffery and a DOC policy person named Deborah I believe. Jeffery asked a good question. He asked, “Who would you want on the Parole Board?” Tyrone Wertz suggested more people from affected communities. Brian O’Neill said to get the LT. Governor and Attorney General off of there. Bret Grote looked around and said, “Us. People like us. Lawyers, formerly incarcerated people that had served over 30 years, members from the prison society. People against all forms of violence with justice in their hearts who have time to make decisions.” The board of pardons isn’t even the main job of those who sit on it. How much time do they actually spend on their case load of 500 a year, which is totally backlogged?

(Continued on page 21)
ceived to programs Marie created focusing on parenting and women. Her resume is remarkable. She has done so much important work of building community and creating healing spaces inside the walls. We hope to meet you one day Marie!!

Ellen Melchiondo, Official Visitor of the PA Prison Society and Fight For Lifers East member, spoke about the life of Sharon Peachie Wiggins.

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(Continued on page 21)
After an amazing lunch, hand made by a team back in Pittsburgh, many participants broke up into groups to meet with legislative aides to talk reform. We left with three main leads. One, of course, was Senator Daylin Leach’s Murder Felony Rule (MFR) Bill. His office is working on it. When we have more information we will be encouraging support of his bill. The DOC policy aide told us these statistics about Lifers sentenced under the Murder Felony Rule – 1,100 are men – maybe 42 are women – and 200 of them were sentenced as Juveniles. That means that almost half of the juveniles sentenced to LWOP were sentenced under MFR. Then there was a transformative meeting with Ed Gainey’s office. He is a local Pittsburgh rep, who is from everything I can tell a great guy. I know. I was totally surprised. A politician? Anyway. He organized at the Education Vs. Incarceration panel in Pittsburgh a couple months ago. His aide was awesome and was totally vibing with the delegation and she was very interested to draft legislation. Let's Get Free has a meeting set up with them in early October. And finally, the longest shot was Rep Dan Miller’s office. So one of our angles is for Parole Board Reform – we want the Lieutenant Governor and Attorney General off of the board. Lou, Dan’s aide, said that his office was excited about “de-politicizing” systems. So that might appeal to him to try to reform the board so that people who stand to lose their jobs by voting a certain way won’t be making decisions about people’s lives.

I wonder if an upsurge of people filing for commutation would send any messages that this process is broke? With salt in our eyes and conviction in our hearts, there is movement for Lifers in PA. Throw your discouragement to the wind and lace up your boots comrades! Let's move! Let's get free! For more information check out Letsgetfree.info – Links to articles, footage and photos.

HTTP://LETGETFREE.INFO
HTTP://DECARCERTEPA.INFO
LOOK FOR NEW VOICES Pittsburgh
ON FACEBOOK
The HomeFront: Serving Our Community!

HRC, supporters, and community were there. Where were you?

STILL WE RISE!
Live Poetry and Music in Tribute to Maya Angelou
Malcolm X Park (52nd and Pine St.)
Saturday, July 26th, 5 - 8 pm

Featuring DJ Brotha Onaci, MC Chaplain El and performances by Moundbuilders, LC the Poet, Nightmare Imperium, Luvjoi, Bernadene Davis, Malik Ankh Neter, and more!

The Human Rights Coalition presents an evening of poetry, music, and art in honor and memory of Maya Angelou in Malcolm X Park, 5-8 pm on Saturday, July 26. We celebrate the life and love of Maya Angelou, and we celebrate the life and love in our community through the rhythm and beats of music, dance, and the words of our poets.

www.hrcoalition.org

Above - MC Chaplain El
The HRC’s tribute to Maya Angelou event was a fun day in the park, as well as a time to bring public attention to the New Jim Crow, where in the U.S. millions of men, women, sons, daughters, mothers and fathers are thrown in prison for petty crimes similar to what occurred during the Jim Crow era, and “STILL WE RISE”.
It has been an extraordinary three weeks in the history of the American penal system, perhaps one of the darkest periods on record. In four states, from the Atlantic to the Mississippi, from the Gulf of Mexico to the Great Lakes, the systemic abuse and neglect of inmates, and especially mentally ill inmates, has been investigated, chronicled and disclosed in grim detail to the world by lawyers, government investigators and one federal judge. The conclusions are inescapable: In our zeal to dehumanize criminals we have allowed our prisons to become medieval places of unspeakable cruelty so far beyond constitutional norms that they are barely recognizable.

First, on May 22, the Civil Rights Division of the Justice Department released a report highlighting the unconstitutional conditions of a county prison in Florida. Then, on May 30th, the American Civil Liberties Union filed a federal lawsuit alleging atrocious conditions at a state prison in Mississippi. One day later, the feds again sounded out on behalf of inmates, this time against profound abuse and neglect at a Pennsylvania prison. Finally, last week, a federal judge issued an order describing the unconstitutional "brutality" of the prison in Orleans Parish, Louisiana.

There were many common themes in the reports. In each instance, the mistreatment of mentally ill inmates was highlighted. Prison officials have failed to provide a constitutional level of care in virtually every respect, from providing medication and treatment to protecting the men from committing suicide. In the Louisiana court order, one prison ex-
pert is quoted by the judge as describing an "extraordinary and horrific" situation with the prison there. In the Florida investigation, federal investigators noted that local prison officials "have elected to ignore obvious and serious systemic deficiencies" in the jail's mental health services.

Taken together, these developments shed welcome light on some of the worst government abuses of our time and demonstrate vividly the need for enlightened policies and more human decency and accountability from prison officials. But these lawsuits and investigations and court orders also beg a critical question: If the feds are so concerned with the constitutional rights of mentally ill prisoners in state and local prisons, why is the Justice Department so unwilling to undertake an equally thorough review of the similarly dubious practices and policies now being forced upon mentally ill federal prisoners by the Bureau of Prisons?

The findings from the Florida and California investigations, and the evidence and allegations in Louisiana and Mississippi, are remarkably similar to the evidence and allegations that have been made in two federal civil rights cases about inmate abuse and neglect within the federal penitentiary in Florence, Colorado, the ADX-Florence facility that includes "Supermax," America's most famous prison. Yet the Inspector General of the Justice Department has refused to investigate those allegations against federal prison officials. Nor has the Civil Rights Division of the Department. Nor has Congress. This is unacceptable.

**Florida (the Atlantic)**

In and around Pensacola, Florida, the Justice Department concluded three weeks ago that conditions at the Escambia County Jail manifestly violated the constitutional rights of prisoners there. There was the failure of jail leadership to adequately prevent, monitor and track terrible prisoner-on-prisoner violence. There were chronic and debilitating staff shortages. "Obvious and known systemic deficiencies," Deputy Assistant Attorney General Roy L. Austin, Jr. wrote, "continue to subject prisoners to excessive risk of assault by other prisoners and to inadequate mental health care." Here is the link to the letter.

In their report, the feds listed some of the many ways in which Escambia County fails to meet the constitutional needs of its prisoners:

1) the Jail does not afford prisoners timely and adequate access to appropriately skilled mental health professionals; 2) the Jail routinely fails to provide appropriate medications to prisoners with mental illness; 3) the Jail provides inadequate housing and observations for prisoners with serious mental illness and/or risk of self-injury, including suicide, and; 4) On average, the Jail sends roughly one prisoner per month to the hospital after an incident of self-injury, a rate our expert found indicative of a clearly inadequate mental health program.

Calling the jail's staffing levels for mental health services "grossly inadequate," the Justice Department noted that the jail "employs only a single part-time psychiatrist for the entire facility, and relies heavily on unsupervised trainees to screen and evaluate prisoners for mental illness. Using trainees in this way leads to missed and inadequate diagnoses..." Moreover, the feds wrote, jail records revealed "that many of those requesting mental health care never get past the trainee to see an actual mental health professional... expos[ing] prisoners to a serious risk of harm." Here is just one example offered by the Justice Department:

A prisoner was admitted in 2012 with a history of suicide attempts while incarcerated, most recently in 2011. An initial screening conducted by an intern indicated that the prisoner had a history of schizophrenia with auditory and visual hallucinations and possible retardation and a history of four or five suicide attempts by hanging. After conducting a review of this record, the intern cleared the prisoner for placement in the general population with a referral to psychiatry.

The prisoner was seen by the psychiatrist five days later. The psychiatrist noted that the prisoner was hallucinating and diagnosed him as suffering from paranoid schizophrenia with "poor insight and judgment." Notwithstanding this diagnosis, the prisoner remained housed in the general population without a mental health treatment plan or any follow-up by the a mental health professional. Nine days after his admission to the Jail, the prisoner attempted to kill himself by hanging, and was only prevented from doing so because two prisoners intervened.

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Subsequent to this incident, the prisoner was returned to general population without a treatment plan.

Mississippi (Gulf Stream Waters)

On May 30th, the ACLU filed a long-awaited federal lawsuit against state officials for the atrocious conditions at the East Mississippi Correctional Facility. "The lawsuit filed today," the lawyers wrote, "describes a facility where mentally ill prisoners are often locked in filthy cells and ignored even when they are suffering from serious medical issues. Many cells lack light and working toilets, forcing prisoners to use trays or plastic bags that are tossed through slots in their cell doors. Rats often climb over prisoners' beds, and some prisoners capture the rats, put them on makeshift leashes, and sell them as pets to other inmates."

In such an environment it can be no surprise to anyone that the prison is failing to come close to meeting the constitutional standard for providing mental health care for its many ill inmates. But there is a twist which makes the situation even worse. "Although designated as a facility to care for prisoners with special needs and serious psychiatric disabilities, EMCF denies prisoners even the most rudimentary mental health care services," the ACLU asserts. The prison had made a mockery of its special designation as a facility where mentally ill inmates will be treated -- and treated humanely -- in accordance with Eighth Amendment principles.

Here is the link to the complaint. It reads remarkably like the Justice Department's assessment of conditions at the Escambia County jail in Florida. There is not enough prison staff to adequately diagnose and treat the prisoners. There is not enough room to house them separate from the main prison population. And from prison officials -- public servants -- there is as a matter of routine brutal indifference to the plight of these wretched people. Here is one summary paragraph:

Among the hundreds of mentally ill prisoners at EMCF are many whose untreated illnesses lead to extreme behaviors such as screaming, babbling, throwing excrement and starting fires. Suicide attempts are frequent, some are successful. Other prisoners engage in gross acts of self-mutilation, including electrocution, swallowing shards of glass and razors, and tearing into their flesh with sharp objects. Defendants deny prisoners even rudimentary mental health treatment and, last year, reduced access to psychiatric care.

And here is another:

EMCF's solitary confinement zones house dozens of seriously mentally ill prisoners who are locked down in filthy cells for days, weeks, or even years at a time. . . It is commonplace for cells to lack working lights, leaving prisoners with barely enough light to see during the day and in total darkness at night. . . Correctional officers seldom appear on the housing zones and prisoners are left to fend for themselves, sealed behind solid-front doors.

Pennsylvania (Great Lakes Waters)

The very next day, the Civil Rights Division of the Justice Department issued its damming report on conditions for mentally ill inmates at the Pennsylvania State Correctional Institution at Cresson. The prison is going to close soon, evidently, but federal officials were so alarmed by what they saw at Cresson that they immediately notified state officials that they were going to expand their investigation across Pennsylvania to determine whether "these other prisons also engage in the unlawful use of prolonged and extreme isolation of prisoners with serious mental illness and intellectual disabilities."

The Justice Department's findings here were no less blunt than they had been in evaluating the Florida jail, no less dramatic than the specific and detailed allegation contained in the ACLU's lawsuit against Mississippi officials. At Cresson, there is not enough staff, not enough medicine, and not enough accountability. In Pennsylvania, however, the focus was a bit more narrow. The feds were clearly appalled by the prison staff's routine use of solitary confinement upon mentally ill inmates -- often for years at a time. From the feds May 31st letter:

In addition to finding that Cresson routinely resorts to locking prisoners with serious mental illness in their cells for 22 to 23 hours a day, for months or even years at a time, the department also found that Cresson often denies these prisoners basic necessities and subjects them to harsh and punitive conditions, including excessive uses of force. The depart-
ment concluded that Cresson’s misuse of solitary confinement on prisoners with serious mental illness leads to serious harms, including mental decompensation, clinical depression, psychosis, self-mutilation, and suicide.

The federal report describes a prison in which mentally ill prisoners are locked away so thoroughly that what few mental health professionals are available are unlikely to see the very inmates who need the most care. And what are such rare visits like when they occur? "Cell-side visits at Cresson involve mental health staff standing outside prisoner cell attempting to speak to the prisoners through cracks in door frames or food tray slots, amid the commotion of the unit." How bad is it? Here is just one of the many examples cited by the Justice Department in its report:

Prisoner CC has been diagnosed by the [Pennsylvania Department of Corrections] with schizophrenia and has a past diagnosis of an intellectual disability, a history of psychiatric hospitalization starting at age eight, and an IQ of 55. In July 2011, after spending nearly a year-and-a-half in isolation, he had decompensated to the point of becoming an immediate threat to himself or others and was transferred to the inpatient treatment unit. Ignoring his history of decompensation while in isolation, after three weeks at the [inpatient treatment unit] Cresson officials returned him to isolation...

There, his condition deteriorated again. He ingested objects such as sandwich bags and spoons. He cut his wrists. He tied a sheet around his neck. Cresson staff inappropriately minimized these serious acts of self-injury as "behavioral issues." Then, when he swallowed a nurse's lancet (a plastic device containing a spring-loaded needle), he had to be hospitalized and undergo surgery for the serious injuries he sustained. Again ignoring CC's extensive history of self-harm and decompensation while in isolation, after one month at the infirmary, staff again returned CC to isolation...

**Louisiana (The Mississippi River)**

Finally, last week, U.S. District Judge Lance Africk, an appointee of George W. Bush, issued a lengthy and detailed court order approving a consent decree involving the Orleans Parish Prison. The foul place has been the subject of persistent litigation over the years -- it surely is among the worst in the nation -- but the consent decree is a step toward bringing the rule of law back there. And the order from this judge is a glimpse at the future for those prison officials in Florida and Pennsylvania if they choose to ignore the Justice Department findings that have just been handed to them.

What's it like at OPP? Sexual assault is rampant. So is the use of contraband. So is negligent classification by prison staffers who place violent inmates in the same units with inmates who are less so. There aren't nearly enough prison staffers, not nearly enough supervision over inmates, and, as is always the case, those inmates with severe mental illness are the most vulnerable to the pervasive atmosphere of lawlessness that exists within the prison. Judge Africk started with the obvious:

In 2012, OPP had over 600 transports to local emergency rooms for physical injuries, of which far more than half were related to violence. A similarly sized jail in the Memphis, Tennessee area had 7 emergency room transports related to violence in a comparable period of time. OPP's alarming levels of violence are directly attributable to numerous policies and practices that are gravely deficient, including policies and practices associated with staffing and supervision, contraband, classification, sexual assault, and training and accountability (citations omitted by me).

When it came to the level of mental health care given the prisoners at OPP, Judge Africk declared himself shocked. "During the course of the fairness hearing," he wrote, "the evidence, including credible witness testimony, exposed stark, sometimes shocking, deficiencies in OPP's medical and mental health care system. Inmates with mental health issues are housed in deplorable conditions." It starts with negligent or deliberately indifferent intake procedures by prison officials. Here's one example the judge noted, citing a prison expert:

In his report, Dr. Gage stated that in several cases, including instances of inmate suicide, an initial referral to psychiatry could have changed the outcome of the cases. For example, M.H. committed suicide while still in the Intake Processing Center, notwithstanding that he had previously reported ingesting crack cocaine and he had recently been hospitalized for suicidality. At intake, he was wandering around, and "gravitated toward the exit doors," but he was "herded back to the cells" by staff members. Because he attempted to leave through an exit door, he was placed in an isolation cell. In the isolation cell, he hung himself with his t-shirt.
Here's one more excerpt from the court order to give you a sense of the care these mentally ill prisoners receive at this prison:

After Dr. Gage reviewed the records provided, "[t]here was not one example of a thorough psychiatric assessment by the OPP psychiatrist in any of the records and most were not even minimally adequate."

None of the records included an assessment of suicide risk, rather, "this portion of the assessment consisted in simply noting whether the person expressed suicidal ideation or not. The same was true of homicidal ideation and consideration of danger to others in general." This is consistent with the testimony of an inmate that the extent of psychiatric exams is often limited to: "Are you suicidal or homicidal?" OPP has one full-time psychiatrist who works 40 hours per week. Inmates may wait weeks or months for psychiatric appointments (citations omitted by me).

**The Path Forward**

The conditions within these prisons all share many similar characteristics. But they also share many of the same characteristics of the conditions within federal prisons. From inadequate intake procedures, to negligent supervision of mentally ill prisoners, to inappropriate delivery of medicine and therapy, to the indifference and lack of accountability displayed by prison staff, there is a remarkable degree of similarity between the evidence the feds have found in Florida, Louisiana, and Pennsylvania and the conditions alleged in the two Supermax lawsuits *The Atlantic* has covered so closely over the past year.

So while it's reasonable to applaud the focused federal effort to protect the constitutional rights of mentally ill state prisoners around the country, it's hard to fathom or accept why the Justice Department has been so tepid in its protection of mentally ill federal prisoners. Based upon the evidence already publicly available in the Colorado civil rights cases against the Bureau of Prisons, it is beyond doubt that federal prison practices and policies would similarly fail to meet basic constitutional standards if they were subject to the same review the Civil Rights Division has used to evaluate state and local facilities.

Until such a review comes -- from the Justice Department, from the inspector general of the Justice Department, from Congress -- there will be no meaningful reform within the federal penal system. And until there is such reform on a national scale it will be easier for state and local prison officials to justify the deplorable conditions within their own prisons. In other words, it is critical here for strong leadership from the federal government which goes beyond telling local authorities what they are doing wrong. "Do as I say not as I do" just isn't good enough when mentally ill Americans are sitting in dark cells and shitting on plates.

In the Florida case, the feds praised the new sheriff of Escambia County who, they say, "has implemented meaningful reforms that have led to significant improvements" at the jail. The consent decree in Louisiana, by its nature, represents some level of willingness by prison officials to try to improve inmate conditions. The Cresson prison in Pennsylvania is closing, which means one fewer place where solitary confinement is abused. The Mississippi litigation is too new to assess (although a spokesman for the private company which now runs the Meridien prison implausibly claimed last week that "it's a much better place now.")

The optimist in me sees the good in these developments. The pessimist in me realizes that it is going to take more than letters from federal lawyers or allegations in federal lawsuits to meaningfully reform these awful places. It's going to take money, for starters, and which politician out there wants to lobby for more money for the humane treatment of prisoners? Which judge is going to threaten drastic action if that money isn't spent? And it's going to take a change in attitudes about the mentally ill prisoners themselves. Mistreating them so cruelly, so consistently, says way more about us than it does about them. What a shame.

Inhumanity: The Real Problem with Mass Incarceration

We may disagree on who belongs and who does not belong in prison, or on how long prison sentences should be, or what goals those sentences should be meted out to accomplish those goals, but one thing we should not, must not disagree on, is that those prisons should be humane. What is humane? Humane means, treating a person consistently with their status as a human being. In other words, recognizing their humanity. As I argue in my new book, Mass Incarceration on Trial: A Remarkable Court Decision and the Future of Prisons in America, the real problem with the prisons of mass incarceration in America is precisely that they are inhumane and incapable of respecting human dignity. This core reality of mass imprisonment came to light in an agonizing slow series of cases that began in the early 1990s with two law suits challenging California’s treatment of prisoners with psychiatric disabilities resulting in sweeping orders to reform both California’s notorious Pelican Bay supermax prison, and to reform mental health care and suicide in prisons throughout the state. It continued in 1999 with a lawsuit arguing that the same indifference to the suffering of prisoners griped by disease was true for physical illnesses and injuries as well. Finally, in 2011, the Supreme Court upheld the largest prison population reduction suit in history, Brown v. Plata 131 S.Ct. 1910 (2011), in order to allow adequate medical and mental health care to be finally established.

The Brown decision, although broad in its demand that prisons respect human dignity, focused in deep detail on California’s degrading prisons and chronic-hyper overcrowding. The question remains, is California an outlier? Is the problem mass incarceration or badly managed mass incarceration? Recent media coverage from around the country, possibly sparked by the Brown v. Plata case, is bringing to light remarkably similar problems around the country. The plight of prisoners with significant psychiatric disabilities is a ubiquitous feature of this national problem. The very presence of such prisoners is a clear sign that the legal system (not just prisons) do not treat people convicted of felonies as individuals with particular circumstances and features that condition both their crimes and the kind of prison time they are likely to do, rather they are imprisoned indiscriminately on whole categories of people (that’s the mass in mass incarceration). Their treatment in prison is a sign of something else, a prison order based on war model where prisoners are an enemy force to be contained or if necessary crushed.

In a powerful example of such documentation Erica Goode in the NYTimes tells the story of Charles Toll, a 33 year old man suffering from diabetes and serious psychiatric disabilities, who died of asphyxiation after a “cell extraction” from a supermax cell in a Tennessee state prison (read the article here, one of a series titled “Locked In” intended to document prison conditions nationally). Toll had sprayed correctional officers with an unknown liquid (prisoners in supermax cells have been known to “gas” correctional officers with a mixture of urine and feces) and correctional officers had decided to perform a “cell extraction.”

Outside the door of his solitary confinement cell at Riverbend Maximum Security Institution here, five corrections officers in riot gear lined up, tensely awaiting the order to go in. When it came, they rushed into the small enclosure, pushing Mr. Toll to the floor and pinning him down with an electrified shield while they handcuffed him and shackled his legs.

Such operations are not the exception. They are routines.

In some institutions, extraction is viewed as a last resort. Training emphasizes the need to defuse the situation in other ways if possible, and extractions are tightly supervised. Special care is taken when mentally ill inmates are involved.

(Continued on page 30)
But in many facilities, training is minimal, supervision is lax and forcible removals are conducted reflexively, with little or no attempt at alternate solutions. Corrections officers who are so inclined can easily turn the process into a vehicle for beatings or other prisoner abuse.

More importantly it is deeply embedded in the logic of mass imprisonment. The very same issues and behaviors were the subject of Madrid v. Gomez 889 F. Supp. 1146 (1995) in which a federal judge found such indiscriminate and violent cell extractions and keeping prisoners with serious mental illnesses in supermax conditions both cruel and unusual punishment in violation of the 8th Amendment. Despite the fact that courts in other parts of the country have agreed with Madrid, it is clear that state prisons continue to ignore the constitution. Why?

The story of Charles Toll highlights a number of features of mass incarceration that are endemic to it and which tend to reproduce themselves across the country.

Prisons incarcerate lots of people with serious psychiatric disabilities. These disabilities are probably largely responsible for their crimes but prison regimes do not treat these problems, but rather deny and ignore them.

Prisons rely on supermax units (where prisoners are isolated from all programming and other prisoners and let out of their cell only one hour or two a week for showers or exercises), not just for “worst of the worst,” but as a routine tool to “manage” recalcitrant prisoners.

Prisons generate and exacerbate, chronic illnesses, physical ones like diabetes, and mental ones like schizophrenia, depression, or bi-polar disorder. That did not make much of a difference in the past when prison sentences mainly went to young and relatively fit men, and were for the most part short. Today, when prisoners are older and in worst physical shape, and prison sentences last far longer, prisons are becoming engines of disease. For the individual this can mean a lifetime of deeper illness and suffering (what I call “torture on the installment plan”). For the government, which after the Affordable Care Act has become responsible for financing the health care of the poor in America which includes most of the incarcerated and formerly incarcerated, this an explosive source of cost inflation.

Prison officers do not view themselves as involved in rehabilitation (despite the label correctional officer), or even protection of prisoners, but instead in a tense containment of an enemy mass that can degenerate into lawless war at any time. The only form of recognition that is routinely given to prisoners as individuals tends to be directed at humiliation. This is not a result of hiring sadistic, but a predictable result of operating prisons. Research since the famous “Stanford Prison Experiment” has shown that custody regimes predictably turn “guards” and “inmates” into enemy armies highly motivated to hurt and humiliate each other unless systematic steps are taken to counter act that tendency.

These features frequently lead to torture-like conditions when combined with the chronic illnesses (both mental and physical) they give rise to, and make it impossible for prisons to respect the human dignity of prisoners or of the correctional officers. They lead to the conclusion that mass incarceration itself, that is policies which indiscriminately send people prison based on crime or criminal record with out individual consideration, is unconstitutional. Human dignity, according to the Supreme Court majority in Brown v. Plata, “animates the Eighth Amendment.” It is clear that the kinds of conditions described in this and many stories violate the constitution, but it will take innumerable lawsuits and decades of litigation to enforce that individually.

Instead we badly need a national commitment to restoring humanity to our prisons. At a minimum that will require reducing the chronic overcrowding that exists in more states than not, by dismantling the web of state laws that indiscriminately send people to prison and which extend prison sentences beyond all rational penal purposes despite the grave risk of prolonged incarceration on mental and physical health.

The United States’ prison population has exploded in the last three decades, quadrupling in the last 25 years alone, in large measure because of the growth in private, for-profit prison operators. The prison industry’s lobbying arm has underwritten much state and federal legislation that eases the admission to prison.

The US prison system is a prime expression of capitalism’s parasitism feeding upon the working class, the poor and the youth. Almost 2.3 million men and women are behind bars in America.

According to a new study from Vanderbilt University and published in the *American Journal of Public Health*, it is estimated that an adult male in the US has fully a 9 percent lifetime risk of being imprisoned. For every year spent behind bars, the study reports, a person’s life expectancy decreases by two years. From 1970 to 2005, the US prison population increased by about 700 percent, far outstripping both the crime rates and the growth of the general population in the same period.

Growth in incarceration is of a piece with the growth of the police state apparatus and draconian sentencing laws, as well as the deterioration of social conditions generally, lack of prospects for wide layers of young Americans, and destruction of mental health, homeless and drug treatment programs. The prison industry has reaped enormous profits from this misery.

Thirty years ago last month, a January 29 statement by the American Civil Liberties Union (ACLU) pointed out, two retired military officers and a former prison manager founded Corrections Corporation of America (CCA). Today, as America’s largest for-profit jailer, CCA confines some 81,384 people in 65 prisons and jails while pocketing $1.7 billion annually. The company achieved its start thanks to a contract in 1983 with the Immigration and Naturalization Service, according to Detention Watch Network.

James Hyman, the president of Cornell Companies, a jail company bought in 2010 by the second-largest for-profit prison corporation, GEO Group, told a prospective investor worried about a possible diminishment in American law enforcement activity and confinement: “We do not believe we will see a decline in the need for detention beds particularly in an economy with rising unemployment among American workers.”

Shortly after September 11, 2001, Cornell CEO Steven Logan conducted a conference call with investment and industry analysts in which he candidly said: “It’s clear that since September 11 there’s a heightened focus on detention...more people are gonna get caught. So I would say that’s positive...with the focus on people that are illegal and also from Middle Eastern descent in the United States there are over 900,000 undocumented individuals from Middle Eastern descent...that is a population, for lots of reasons that is being targeted.... The Federal business is the best business for us and...September 11 is increasing that business.”

The Bureau of Justice Statistics indicate that private prison companies house roughly 18 percent of federal prisoners and 6.7 percent of state prisoners. A recent federal survey reports that for-profit firms account for virtually all the new prisons constructed between 2000 and 2005. The dramatic increase in the building of private facilities also coincides with the explosion in immigration detention, thanks to a 1996 law mandating the holding of increased categories of persons in deportation hearings, again especially after 9/11.

Immigrants detained at any one time in 1991 averaged 6,423 persons. By 2011, the average had soared to 32,095, netting runaway revenues for CCA, the GEO group, and other smaller for-profit players. Detention Watch Network reports (Continued on page 32)
that almost half of all immigrants detained by the US government are held in for-profit facilities. Since 2003, nearly 2.5 million persons have passed through immigration detention.

Detention Watch Network also points out that private incarceration companies have been exempted from compliance to Freedom of Information Act requests. For-profit prison firms are likewise protected by a wall of “complex contractor immunity doctrines,” meaning the human pens are largely protected from the public view and discovery as to what is going on inside.

In 2010, the Idaho Correctional Center in Boise, owned by CCA, had become so violent that it came to be referred as a “gladiator school,” after the Associated Press posted a video of a prisoner beating another into a motionless heap on the floor while guards looked on. The ACLU subsequently sued CCA for prisoner relief from the facility’s conditions of barbarity.

It has been alleged that given CCA expenditure vigilance at Boise, the company employed the use of gang intimidation to police the behavior of other inmates, including the suppression of requests for medical care, thereby lessening guard and health attention employment costs. Civil rights organizations sued the GEO Group in the fall of 2010 when Mississippi youths ages 13 to 22 claimed that Walnut Grove Youth Correctional Facility at Walnut Grove, Mississippi, had fostered “barbaric, unconstitutional conditions” where “corruption and violence [had become] rampant.”

By 2009 and 2010, there had been two major uprisings out in Pecos, Texas, at the GEO’s Reeves County Detention Center, for its inhumane conditions, including lack of proper medical care, resulting in multiple deaths. The ACLU followed with a wrongful death suit on behalf of the family of Jesus Manuel Galindo, who had been tossed into solitary confinement for complaining about the deterioration of his health and lack of attention for epilepsy, from which he died in maximum “security.” Recently, a federal judge described conditions in US prisons as “a picture of such horror as should be unrealized anywhere in the civilized world.”

Official federal lobbying records currently available reveal that five detention corporations to which the government has awarded Immigration and Customs Enforcement (ICE) contracts lobbied the US House of Representatives and Senate between 1999 and 2009 at least in the amount of $20,432,000. Companies also directly lobbied the Department of Homeland Security (which oversees ICE), the Department of Justice, the Bureau of Prisons, and the Office of Management and Budget. CCA and GEO lobbied ICE directly.

According to Bloomberg News, February 6, the Idaho Department of Corrections fined prison health care company Corizon more than $200,000 for failing to meet agreed-upon care to inmates. A federal court-appointed expert, Dr. Marc Stern, reported that health at Idaho’s Boise facility was “deplorable,” noting that terminally ill and long-term prisoners were left in soiled clothes and beds, unfed, and that care mistakes resulted in deaths.

The court found last year that the lack of care amounted to “cruel and unusual punishment.” The Idaho Board of Corrections subsequently decided to extend Corizon’s contract through mid-2014.

California Healthline disclosed last month that a federal official filed a report in US District Court saying that the state is “not ready to regain oversight of its prison health care system,” citing an article in the New York Times. Six years prior, a federal judge had determined that an average of one inmate a week died in a California prison “as a result of malpractice or neglect,” and placed the health care of the state’s prison system under the eye of a federal receiver.

Early last month, California’s Democratic governor, Jerry Brown, requested the federal court allow the state to regain health care oversight of the prison system. Special Master Matthew Lopes visited two thirds of the state’s prisons and compiled a report rejecting Brown’s request, noting that “at least 32 inmates committed suicide in 2012, that prisons had lapses in care, and that patients with mental illnesses…were put in isolation units for long periods rather than given treatment.”
Beginning in 2006, Utah-based Management and Training (prison) Corporation housed up to 2,000 immigrants in Willacy County, Texas, the county financing a tent city in a razor-wire compound. Detainees complained about illnesses from the heat, lack of proper air-conditioning and maggot-infested food—following which, the county approved another $50 million to add more tents for another 1,000 persons.

The ACLU sued the ICE for confining children ages 1 to 17 in cells 11 to 12 hours a day at the Hutto Residential Center (owned by CCA) in Taylor, Texas, and for inadequate access to health care, for feeding them “unrecognizable substances,” for providing no toys or play equipment, and for providing no toilet or bathroom privacy. CCA collects $200 a day per person detained at Hutto.

More than 800,000 incarcerated persons in the US suffer from a chronic health problem needing regular attention, such as diabetes, hypertension, heart disease, HIV, and other blood-borne illnesses. According to an American Journal of Public Health 2009 study of federal, state, and “local” jails, access to care is poor. Mental health worsens with incarceration, with the AJPH noting “the prisons’ new societal role as asylums following the mass closures of inpatient mental health facilities in the 1980s (the largest mental institutions in the United States are urban jails).”

From: http://www.wsws.org/en/articles/2013/02/20/pris-t20.html

YOU CAN ACHIEVE

By: Keith Burley

You can achieve it if you believe it,
perceive it in the mind
Persistence is the essence of success I ain’t lyin’
I look at life like a rock that I continuously climb;
behind enemy lines I continue to shine
Through the purgatory my trials and adversities I am,
harder than iron, I made it through the hardest environment
I remember times of the stressin’, regression and depression,
on top of that oppression at overseer’s discretion
But still I count my blessings...
Give my thanks to the Lord
Now my intentions are more pure than my intentions before
Because I analyzed my etiquette, actions and pre-requisites
I had to change the attitude and mood I was arrested wit’
Remove from my recklessness my verbal expression is,
casting out the demon inside.. change is my exorcist
I read positive messages. Put away my prejudice
The essence of this poem is a poetic exegesis,
edited for the minds who can’t comprehend my predicate
My predicate’s been edited
torn from different negatives
Repetitive acts can make a change
seem so incredulous
The road to perdition in prison
is filled with crevices
Still I move on like Moses
did in his exodus
Patience persevered for years
until I exited

THE MOVEMENT

www.hrcollition.org
America's 10 Worst Prisons: Reeves County
An overcrowded, understaffed lockup—with health care bad enough to spark riots. —By James Ridgeway and Jean Casella | May 2013

REEVES COUNTY DETENTION COMPLEX (PECOS, TEXAS) Part 8 of 11 parts.

Serving time in prison is not supposed to be pleasant. Nor, however, is it supposed to include being raped by fellow prisoners or staff, beaten by guards for the slightest provocation, driven mad by long-term solitary confinement, or killed off by medical neglect. These are the fates of thousands of prisoners every year—men, women, and children housed in lockups that give Gitmo and Abu Ghraib a run for their money.

While there's plenty of blame to go around, and while not all of the facilities described in this series have all of the problems we explore, some stand out as particularly bad actors. We've compiled this subjective list of America's 10 worst lockups (plus a handful of dishonorable mentions) based on three years of research, correspondence with prisoners, and interviews with criminal-justice reform advocates concerning the penal facilities with the grimmest claims to infamy. We will roll out the remaining contenders in the coming days, complete with photos and video. Number 8 on our list is a corporate-managed Texas facility where Tylenol apparently passes for significant medical treatment.

The basics: Reeves houses so-called criminal aliens, held for various types of nonviolent violations—some three-quarters of them are held there merely for entering the country without permission. Like thousands of other migrants detained by Immigration and Customs Enforcement (ICE), they have been placed in the hands of a private prison company under contract with the Bureau of Prisons. The GEO Group, which operates Reeves, proudly declares itself "the largest detention/correctional facility under private management in the world."

Overcrowded and understaffed, Reeves has a reputation for horrendously inadequate medical care. In 2008, an epileptic 32-year-old detainee named Jesus Manuel Galindo died of a seizure in his solitary confinement cell. His death, on the heels of at least four others at Reeves over the previous two years, followed repeated pleas from Galindo, his family, and fellow inmates to provide him with effective medication—the prison medical staff only offered him Tylenol—and to move him out of isolation so he could get help quickly when he had seizures.

The sight of Galindo's body being carried out of the prison in what appeared to be a plastic garbage bag sparked the first of several riots in which detainees took hostages and set fire to parts of the mammoth detention complex.

The backlash: A 2010 lawsuit filed in the Galindo case by the ACLU of Texas (PDF) alleged that the prison kept costs down by withholding appropriate medical care—prisoners told ACLU investigators that they routinely would be given "two Tylenols" when they complained of serious medical problems, including stomach ulcers, blood in the urine or stool, lumps that appeared to be spreading, and various previously diagnosed chronic and serious conditions; those who pushed for better treatment ended up in solitary. "Prisoners at RCDC face an impossible situation," said one ACLU attorney. "Private prison officials cut costs and provide deficient care, and the Bureau of Prisons won't hear grievances about private prisons. That is a Catch-22 with deadly consequences."

When we asked the GEO Group about the allegations, the company's VP of Corporate Relations wrote back to say that medical care at Reeves is provided by a separate contractor. (He did not, however, address the ACLU's claim that prisoners who complained were placed in solitary, or a follow-up question asking whether GEO Group employees are in a position to determine which prisoners get access to medical staff when they complain of a problem.) Physicians Network Association, the medical contractor, referred questions to its corporate parent, Correctional Healthcare Companies, which did not respond to our queries.

While the BOP chose not to investigate Galindo's death, officials at Reeves identified several rioters, who were prosecuted and given additional time behind bars. As for the GEO Group, despite a long trail of complaints, lawsuits, and prisoner deaths, its annual revenues have grown steadily over the past two decades, reaching $1.7 billion last year. On the same day the Galindo lawsuit was filed, ICE awarded GEO a contract to operate another detention center in Texas.
Little-Known Health Act Fact:
Prison Inmates Are Signing Up

By ERICA GOODE, MARCH 2014

In a little-noticed outcome of President Obama’s Affordable Care Act, jails and prisons around the country are beginning to sign up inmates for health insurance under the law, taking advantage of the expansion of Medicaid that allows states to extend coverage to single and childless adults — a major part of the prison population.

State and counties are enrolling inmates for two main reasons. Although Medicaid does not cover standard health care for inmates, it can pay for their hospital stays beyond 24 hours — meaning states can transfer millions of dollars of obligations to the federal government.

But the most important benefit of the program, corrections officials say, is that inmates who are enrolled in Medicaid while in jail or prison can have coverage after they get out. People coming out of jail or prison have disproportionately high rates of chronic diseases, especially mental illness and addictive disorders. Few, however, have insurance, and many would qualify for Medicaid under the income test for the program — 138 percent of the poverty line — in the 25 states that have elected to expand their programs.

Health care experts estimate that up to 35 percent of those newly eligible for Medicaid under Mr. Obama’s health care law are people with histories of criminal justice system involvement, including jail and prison inmates and those on parole or probation.

“For those newly covered, it will open up treatment doors for them” and potentially save money in the long run by reducing recidivism, said Dr. Fred Osher, director of health systems and services policy for the Council of State Governments Justice Center. He added that a 2009 study in Washington State found that low-income adults who received treatment for addiction had significantly fewer arrests than those who were untreated.

In Chicago, inmates at the Cook County Jail are being enrolled in Medicaid under the health care law as part of the intake process after they are arrested; the county has submitted more than 4,000 applications for inmates since January 1st.

In Colorado, state prisoners are being signed up when they need extended hospitalization; 93 applications for inmates and 149 for parolees have been submitted so far.

In the Portland area, more than 1,200 inmates have been enrolled through the state exchange, Cover Oregon, while Delaware and Illinois expect to start soon.

Devon Campbell-Williams, an inmate serving time for assault in the Multnomah County Inverness Jail in Portland, Ore., applied for Medicaid in January with the help of an eligibility worker hired by the county to enroll inmates. When he gets out of jail in May, he said, he will have health insurance for the first time, coverage that will allow him to get treatment for his ankle, which he broke in 2007 and has been bothered by ever since.

“It’s going to mean a lot,” Mr. Campbell-Williams said, adding that in the past, “I just went to the hospital, that was really about it.”

Opponents of the Affordable Care Act say that expanding Medicaid has further burdened an already overburdened program, and that allowing enrollment of inmates only worsens the problem. They also contend that while shifting inmate health care costs to the federal government may help states’ budgets, it will deepen the federal deficit. And they assert that allowing newly released inmates to receive Medicaid could present new public relations problems for the Afforda-

(Continued on page 36)
ble Care Act. “There can be little doubt that it would be controversial if it was widely understood that a substantial proportion of the Medicaid expansion that taxpayers are funding would be directed toward convicted criminals,” said Avik Roy, a senior fellow at the Manhattan Institute, a conservative policy group.

Language in the health care law also allows private insurance plans purchased through state exchanges to cover health care for people who are in jail awaiting trial, even in states that have not expanded Medicaid. But few prisoners have incomes high enough to afford the plans, even with federal subsidies, and most state and county correction systems are not yet set up to benefit from that coverage.

In the past, states and counties have paid for almost all the health care services provided to jail and prison inmates, who are guaranteed such care under the Eighth Amendment. According to a report by the Pew Charitable Trusts, 44 states spent $6.5 billion on prison health care in 2008. In Ohio, health care for prisoners cost $225 million in 2010 and accounted for 20 percent of the state’s corrections budget. Extended hospital stays — treatment for cancer or heart attacks or lengthy psychiatric hospitalizations, for example — are particularly expensive.

Stuart Hudson, managing director of health care for Ohio’s Department of Rehabilitation and Correction, said his department, which plans to start enrolling inmates in Medicaid when they have been in the hospital for 24 hours, expects to save $18 million a year through the practice, “although it’s hard to know for sure, because there’s other eligibility factors we have to keep in mind.”

Nancy Griffith, Multnomah County’s director of corrections health, said the county expected to save an estimated $1 million annually in hospital expenses by enrolling eligible inmates and passing the costs to the federal government.

GETTING NEEDED MEDICAL CARE FOR A PRISONER

Sometimes prisoners do not receive the medical care that they need and that they are entitled to while they are incarcerated. Many of the letters and emails that we receive are either from prisoners or from prisoners’ families pertaining to specific medical questions. Unfortunately, we do not currently have the staff to address all of the questions that are raised, particularly when they relate to needed healthcare in a jurisdiction other than Rhode Island. If you have a medical question about either yourself or a family member who is in prison, we suggest the following steps:

1. If you or your loved one has a doctor on the outside, ask if they can communicate directly to his correctional health care providers. In some cases, correctional facilities allow doctors to visit their patients when they need medical attention.
2. You should try contacting the healthcare providers at your/your family member’s prison directly to bring a medical problem to their attention.
3. If you cannot reach the healthcare providers, the medical director’s office will be able to provide the most specific assistance to your health concern.
4. The Department of Corrections website for your state should have appropriate contact information.
5. Several states have legal services organizations that represent or otherwise help prisoners. These organizations will sometimes advocate for individual prisoners who are not receiving proper medical and mental health care and treatment. You should contact these organizations, listed below, to see if they can advise you concerning your case.

Contact Information
Bradley W. Brockmann, Executive Director
The Center for Prisoner Health and Human Rights
Miriam Hospital/Brown University Medical School
8 Third Street, 2nd Floor
Providence, RI 02906
(401) 793-4783
bbrockmann@lifespan.org
Human Rights Coalition Report

Groups say fly ash near state prison in Fayette County causing health problems

September 2, 2014 / By Don Hopey / Pittsburgh Post-Gazette

A report released today raises concerns about inmate cancers and other serious health ailments at a state prison that sits next to a massive Fayette County coal waste dump full of toxic fly ash.

The preliminary report on the ongoing investigation by two human rights organizations into prisoner health at the State Correctional Institution Fayette in LaBelle, found 11 prisoners died from cancer between January 2010 and December 2013, another six have been diagnosed with cancer and eight more have undiagnosed tumors or lumps.

Also, more than 80 percent of 75 prisoners responding to the investigators experienced respiratory problems, 68 percent said they experienced gastrointestinal problems and had skin rashes, cysts and abscesses. Twelve percent, nine of the 75, reported being diagnosed with a thyroid disorder at the prison or having their existing thyroid problems get worse. Many of the prisoners have multiple, overlapping symptoms, the report said.

The 28-page report, titled “No Escape: Exposure to Toxic Coal Waste at State Correctional Institution Fayette,” was released today by the Abolitionist Law Center and the Human Rights Coalition. It is based on a year-long review of prison medical and mortality records, interviews with prisoners, former inmates and residents of LaBelle, and correspondence from more than 40 inmates.

“The number of cancer deaths, reported cancers and undiagnosed tumors raise an alarm. Those and the other illnesses show a need for a more thorough and systematic study of this situation,” said Bret Grote, legal director for the Abolitionist Law Center and one of the authors of the report.

Mr. Grote said the inmate mortality rate at the Fayette prison is higher than that at all but two other state prisons: Graterford, Montgomery County, where more than 700 of the 4,000 prisoners are older inmates serving life terms; and Laurel Highlands, Somerset County, which serves as a nursing home for older, chronically ill inmates.

Susan McNaughton, a state Department of Corrections spokeswoman, said Sunday that once the report is released the department would review its findings and the issues and concerns it raises, adding, “We take these matters seriously.”

Dave La Torre, a spokesman for the Pennsylvania State Corrections Officers Association, also declined to comment on the report but expressed concern for the union’s members.

“We are aware of some officers from SCI Fayette who are suffering from illness,” Mr. La Torre said. “We look forward to reviewing this report to see if there is any connection.”

“It’s scary,” Ann Schwartzman, executive director of the Pennsylvania Prison Society, an advocacy organization for state prison inmates, said. “If it’s true, the state needs to take immediate action. Inmates receive their punishment through sentencing and shouldn’t be further punished by unhealthy conditions in prison.”

She said the organization’s volunteer prison visitors have been aware of the inmate health concerns for several years.


SCI-Fayette County, a state maximum security prison, is located just below the large, fly-ash dump in LaBelle, Fayette County.
TAKE ACTION!

Why is the House Judiciary Committee attacking prisoners and their families?

On June 27th, the PA House Judiciary Committee voted to advance a package of six anti-prisoner bills designed to leverage additional financial penalties against incarcerated people and people facing criminal charges.

BAD BILL HB2386

Rep. Todd Stephens wants to deduct 25% of a prisoner's wages (which are as low as 19 cents/hr) and 75% of all money sent to them by family and friends, and direct that money towards any fees and costs that person owes.

This means a family member would have to pay $200 for a $50 phone card to keep in touch with a loved one in prison.

BAD BILL HB2134

Rep. Kurt Masser wants to significantly increase the minimum penalty cost for a person who is convicted of a crime or is placed in a diversionary program from $60 to $110. People who are incarcerated are required to pay this money before they are eligible for parole.

Inability to pay means people are kept in prison for months or even years after they would otherwise be released (at a huge cost to themselves and the state).

The other bills: propose diverting people's tax refunds to pay court debts (HB2382, introduced by Rep. Kulig); garnishing wages to pay court debts (HB2383, Rep. Toepel); making it easier for counties to collect court debts using collections agencies (HB2384, Rep. Costa); and diverting bail money to pay any owed costs and fines (HB2385, Rep. Delozier).

If passed, this legislation would make conditions worse for people in prison, punish their families and communities, and worsen the impact of mass incarceration in Pennsylvania. These bills do nothing to help people who have been harmed by violence, who would be better served by community-based mediation, mental health care, and other needed social services.

Call your legislators today
and tell them to oppose these bills!

Find more info and contact information for your legislators at decarceratepa.info/badbills.

Call or write the Senate Judiciary Chairs at:

Senator Stewart Greenleaf
(717) 787-8799
Senate Box 203012
Harrisburg, PA 17120-3012

Senator Daylin Leach
(717) 787-5544
Senate Box 203017
Harrisburg, PA 17120-3017

www.decarceratepa.info/badbills

THE MOVEMENT
www.hrecoaltion.org

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FALL 2014 (ISSUE # 24)
## Summary of proposed bills:

<table>
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<tr>
<th>Bill</th>
<th>Author</th>
<th>Summary</th>
<th>Real World Impact</th>
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<tbody>
<tr>
<td>HB2386</td>
<td>Stephens</td>
<td>This bill would authorize prisons to deduct at least 25% of a prisoner's wages and 75% of deposits made to a prisoner's personal accounts for the purpose of collecting restitution or court costs, prisoner filing fees, or any other court-ordered obligation. These deductions would be in addition to money already authorized to be collected for existing support orders.</td>
<td>This puts a huge financial burden on prisoners and their support systems on the outside. It will make it more difficult for family members to stay in touch with incarcerated loved ones, even though studies show that maintaining family connections is important for preventing people from going back to prison.</td>
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<tr>
<td>HB2385</td>
<td>Delozier</td>
<td>This bill would allow for cash bail paid by or on behalf of a defendant that would be otherwise be returned, to be diverted to pay any outstanding restitution, court costs, fines, or fees owed by the defendant for any criminal or delinquency case. The person who deposits the bail money will be notified of this possibility in writing beforehand.</td>
<td>This would create a huge disincentive for people to put up bail money for themselves or others, while creating incentives for locking people up. Fewer people paying bail means more people held in already over-crowded and costly prisons and jails.</td>
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<tr>
<td>HB2384</td>
<td>D. Costa</td>
<td>This bill would require counties that don't use a private collection agency to create a collections enforcement unit for the purpose to collecting restitution and court costs, fines, and fees.</td>
<td>This would funnel taxpayers money to private collection agencies, with no proven benefit to anyone. State funding should be invested in helping people coming home from prison find jobs, not paying private corporations to extort them for money they don't have.</td>
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<tr>
<td>HB2383</td>
<td>Toepel</td>
<td>This bill would give a court order for restitution second priority (after support orders) for wage attachments or garnishments. The county treasurer would be allowed to use credit and debit cards provided for the payment of court costs and fines and make deductions from a bank account, subject to the agreement of the account holder. The bill would allow for the judge at sentencing to order a wage attachment of up to 25% of the defendant's earnings to be used for restitution, fines, or court costs.</td>
<td>Despite formal prohibitions against discrimination, wage garnishment creates an additional barrier for employers to hire formerly incarcerated people. It further punishes formerly incarcerated people who are likely already struggling financially on their return from prison, and makes it less likely that they will either seek or find jobs in the formal economy.</td>
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<tr>
<td>HB2382</td>
<td>Kula</td>
<td>This bill would allow the PA Department of Revenue (the PA tax collector) to work with courts to determine if a taxpayer has court ordered obligations. If the taxpayer has court ordered obligations and is entitled to a refund, the refund can be intercepted to pay those obligations and can be charged an administrative fee.</td>
<td>Taking tax refunds from formerly incarcerated people, whether or not they have the ability to pay, creates further hardships that disproportionately impact poor and working class people.</td>
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<tr>
<td>HB2134</td>
<td>Masser</td>
<td>This bill would increase the minimum penalty cost for a person who pleads guilty or no contest or is convicted of a crime or is placed in a diversionary program from $60 to $110. The bill would also divert an increased amount of money raised from penalty costs to the Crime Victims Compensation Fund.</td>
<td>People in prison are required to pay this money in order to be eligible for parole, regardless of their ability to pay. People are incarcerated for months or even years because they do not have this money. It costs approximately $95 per day to incarcerate someone in the state prison system. In addition to being cruel, this bill makes no financial sense for the state.</td>
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[Decarcerate PA](www.decercratepa.info/badbills)
The fact that Jay Z would use as prominent a stage as the much-buzzed-about "On The Run" tour to comment on prison policy is surprising, as many have criticized the rapper in recent years for failing to take a stand on social and political issues of great prominence to people of color. Jay's remarks come nearly a year after millions lashed out against the rapper on social media when he entered a partnership with Barney's in spite of an ongoing racial discrimination lawsuit the national luxury department store faced.

In 2012, professor and author Cornel West publicly challenged Jay Z to disclose his stake of ownership in the Brooklyn Nets, which at the time stood at 1/15th of a percent before he sold his shares to Jason Kidd. And in 2012, veteran actor and social activist Harry Belafonte gave a disturbing about how he thought Jay Z and Beyoncé didn't use their celebrity status to lead social and political movements. During an interview with The Hollywood Reporter, Belafonte said:

"Today's entertainers] have not told the history of our people, nothing of who we are. I think one of the great abuses of this modern time is that we should have had such high-profile artists, powerful celebrities. But they have turned their back on social responsibility. That goes for Jay-Z and Beyoncé, for example. Give me Bruce Springsteen, and now you're talking. I really think he is black."

Jay Z shot back at Belefonte days later in an interview with Elliott Wilson, CEO of online hip-hop magazine RapRadar. "I'm offended by that because first of all, and this is going to sound arrogant, but my presence is charity," said Jay Z. "Just who I am. Just like Obama's is. Obama provides hope. Whether he does anything, the hope that he provides for a nation, and outside of America is enough. Just being who he is."

Jay Z has lent that presence to some political causes. Last year, he and Beyoncé gave a show of support to the mother of Trayvon Martin during a candle light vigil in Manhattan. He also stood behind then-presidential candidate Barack Obama during the 2008 election, sparking a friendship between the artist and political figure. Whatever the reason for his more direct comments on the prison system, they might help satisfy some of his critics.

The United States still has the highest prisoner population in the world with a total of more than 2 million people behind bars, many of whom committed nonviolent offenses. Our federal and state governments spend more than $74 billion each year to maintain the prisons. While many tough-on-crime philosophers may consider that a worthy investment in compelling criminals to change their ways, studies show that stints in the criminal justice system deepen illegal involvement and make society less safe for all. Michelle Alexander likened the prison system to the "new Jim Crow" in her 2010 book of the same name.

"People are swept into the criminal justice system — particularly in poor communities of color — at very early ages... typically for fairly minor, nonviolent crimes," said Alexander. "[The young black males are] shuttled into prisons, branded as criminals and felons, and then when they're released, they're relegated to a permanent second-class status, stripped of the very rights supposedly won in the civil rights movement — like the right to vote, the right to serve on juries, the right to be free of legal discrimination and employment, and access to education and public benefits. Many of the old forms of discrimination that we supposedly left behind during the Jim Crow era are suddenly legal again, once you've been branded a felon."

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**AS ANOTHER YOUNG BOY COMITS SUICIDE IN AN ADULT PRISON, WE MUST RETHINK THE PROSECUTION OF CHILDREN AS ADULTS**

Marsha Levick

Zachary Proper, age 15, committed suicide two weeks ago in an adult prison in Pennsylvania.

There has been little media coverage of his death, suggesting a disturbing complacency about suicide by youth who would rather take their own lives than endure decades in jail.

How did Zachary end up serving time as an "adult"? At the age of 13, he was charged with killing his grandparents. Under Pennsylvania law, because Zachary was charged with murder, state law required that he be charged as an adult. He ultimately plead guilty to third degree murder of his grandparents and was sentenced to 35-80 years in prison.

Although charged as an adult, Zachary also had the right in Pennsylvania to ask the criminal (Continued on page 41)
court to send his case to juvenile court. His lawyer did just that. The criminal court heard testimony from Zachary himself as well as law enforcement, family members and experts who evaluated Zachary. Zachary’s parents supported their son throughout these court proceedings. While there was testimony about Zachary’s abusive childhood and a prior suicide attempt, the court declined to transfer his case to juvenile court, and was particularly troubled by the absence of a “guarantee” that Zachary would be rehabilitated by age 21, when juvenile court jurisdiction would end. Of course, no expert could offer such a guarantee. But there are highly successful, proven programs that can help kids who commit serious crimes, even those who have committed murder. The chance of success for Zachary would have been especially promising since the juvenile justice system would have had nearly eight years of his adolescence to work with him - a critical period for change and transformation as Zachary matured into adulthood.

Zachary’s story illustrates a long-standing dilemma in this country, one that claws at our nation’s conscience. What do we do with kids who commit serious crimes?

Do we toss them aside or do we finally get them the help they need and deserve as children? Thirteen year-old Zachary, who confessed to killing his grandparents, was also a good student, a member of his school’s football team, and enjoyed swimming, camping and canoeing with his family. But childhood abuse and depression were also part of his story. How can we reasonably hold children accountable for their actions, protect the public and give these children and families some hope for a positive ending?

In their recent book on contemporary justice policy for youth, Rethinking Juvenile Justice, Dr. Laurence Steinberg and Columbia Law Professor Elizabeth Scott recommend that no child younger than 15 be prosecuted and sentenced as an adult.

Dr. Steinberg and Professor Scott explain that youth younger than 15 are likely to be “significantly less culpable than their adult counterparts and substantially more vulnerable to the harsh context of adult prison.” Yet throughout the country, children as young as 10 or younger - than Zachary routinely face adult prosecution and adult prison sentences. Many of these children have a history of abuse or untreated mental illness. But does age or circumstance matter in the U.S. justice system?

The U.S. Supreme Court has repeatedly acknowledged that children must be treated differently in our courts, recognizing the developmental immaturity, reduced impulse control, reduced ability to understand long-term consequences and thus reduced culpability of youth who are charged even with the most serious crimes. This is not to say they should not be held accountable, but rather, that they should be held accountable in age-appropriate ways.

The transfer laws that placed 13-year-old Zachary at the door of the criminal justice system are vestiges of the 1990’s, steeped in the discredited super-predator myth that was short on facts and ignorant of the research spearheaded by experts like Dr. Steinberg and Professor Scott. How can we possibly be surprised by this outcome when we’ve only compounded one tragedy with another?

This story begs the question, what is justice when it comes to children? There is no other instance where children magically become adults because of their behavior; indeed, we steadfastly (and rightly) resist any calls to lower the age at which children can take on “adult” responsibilities such as driving, buying alcohol, buying cigarettes or serving on juries. We don’t make individual exceptions to these legislative prohibitions simply because a child can momentarily behave like an adult. Why? Because we don’t believe that these children have the capacity to consistently act responsibly or to make decisions that could permanently affect their lives.

Clearly, we must balance the rights of the child with public safety. That is paramount. But persisting in transferring children like Zachary to the adult criminal justice system simply invites another tragedy. Zachary’s story is a reflection of what happens to children when we wrongheadedly treat them as adults. They have no hope.

At 13, Zachary Proper was not an adult. No legal fiction can undo that fact; the tragedy of Zachary Proper’s life and death must shatter this inhumane public policy once and for all. While we will likely never really know what drove Zachary to kill his grandparents, or what drove him to take his own life at 15, what we do know suggests a child reacting to abuse and distress in his own life in a way that only compounded his family’s heartache and loss. While Zachary’s actions were unquestionably the actions of a seriously troubled child, we, as the grown-ups in the room, must do better. Until we begin to truly treat children like children in this country, the tragedies will only continue.

Brandon Olebar and his daughter, Creation, both share something in common: Their new lives are just beginning.

By Dan Cassuto, KING 5 News, 9/26/2014

Brandon Olebar

Seattle - Olebar, 31, was released from prison after serving ten years for a burglary and robbery he didn't commit. On Friday, he became the first person to claim a financial award from the state legislature under a new law passed to compensate innocent people sent to prison.

Creation, 30 days old, was born almost exactly nine months after the University of Washington Innocence Project helped set her dad free.

Olebar will be paid $496,712.33, according to documents signed by King County Superior Court Judge Laura Middough. That's a payment for 3,626 days in prison.

"I'm totally grateful," said Olebar. "Man, I'm hoping this won't ever be a problem in the future."

"Any system created by man is not perfect. There will always be mistakes," Judge Middough added from the bench. "Obviously, money can never compensate you for the time you've lost and life you've lost."

Olebar says he plans to get an education and work with other wrongly convicted prisoners. He's ing to his lawyer Todd Maybrown, Olebar is the first person to receive money from the state under the new law, which pays $50,000 a year for wrongful conviction.

"It's not just about the money," said Olebar. "It's about the education we learn from this process."
Exposures: SCI-Greene Corruption, Racial Profiling, and Suppression of Human Rights

In the wake of recent closings of two Pennsylvania state correctional facilities due to the abuse and mistreatment of prisoners, which was uncovered by the Department of Justice, after years of complaints, officials here at SCI-Greene continue to deny and cover-up the corrupt practices of its own staff, in order to avoid a similar fate. This has been the usual routine employed by this administration throughout the years.

Through the efforts and assistance of a few prisoners, who are a part of the Prison Minority Project's Observation Committee, the human rights violation occurring at Greene, are slowly, but surely, being exposed. It has also been helpful that several staff members, including officers have spoken to us, under the condition of anonymity, to help shed some light on the realities here at SCI-Greene.

Several alarming concerns have been raised about the implementation of a new unit called "Security Threat Group Management Unit (STG MU)". Greene's administration has been using this unit to illegally place prisoners in isolation, indefinitely, without justification, completely disregarding any policy related to solitary confinement. And because this unit is being funded by tax payers, the state of Pennsylvania must justify its existence, which is why prisoners from across the state are now being targeted and labeled as "gang members" simply due to associations. Once labeled as a "gang" member, prisoners fall into the category of "Security Threat Group". A prisoner can even be validated through their religious beliefs and associations.

Taking a page out of California's book, the only way for prisoners to be released from the STG MU is to "debrief", tell the administration everything they know about any alleged gang activity, criminal activity, organizational structure, other members, etc. Of course one can understand that this unit causes more harm than good, as prisoners who choose to debrief are then made to be targets in the general population. On the flip side, if a prisoner chooses not to debrief, that prisoner, that prisoner, who is then held indefinitely. It's important to note that a prisoner can be placed in the STG MU without ever receiving any disciplinary infractions. Sometimes the prison chooses to release a prisoner into the general population, even without that prisoner debriefing, in hopes that the population will believe that prisoner to be a snitch, causing that prisoner to request protective custody, and leading him to debrief anyway, in exchange for safety.

What is even more disturbing is the disproportionate amount of Black and Hispanic prisoners who are being held in the unit. A sizable amount of white prisoners make up the population here at Greene, but whites are the unquestioned minority in the STG MU. This race-based system of oppression mimics that of what so-called "minorities" have been experiencing here in Amerika, since we landed 400 years ago.

Countless complaints have been filed in the courts, countless officers have been suspended or fired, some have even been arrested for their criminal behavior outside of the walls. Still, the abuse continues. SCI-Greene's administration consistently covers up the crimes and belligerent behavior of its rogue officers. Such has been done with the illegal extortion ring operating out of the security department by certain officers. These officers routinely confiscate prisoners' property, radios, TV, sneakers, etc. under false pretenses, and then either sell them on the compound, or distribute them to their informants. Informants are even employed to fish through the institution in search of potential victims for the security department to target and extort. Prisoners are being forced to pay these officers in order to avoid having their cells searched and property confiscated. Part of the proceeds from their illegal extortion and scheme goes towards funding their illegal gambling operation.

There have been other reports detailing staff's unprofessional conduct, consisting of, but not limited to, racial profiling, sexual harassment, and officers working while under the influence of drugs and alcohol.

One officer, who has a history of spewing racial epithets, issued a Black prisoner a temporary I.D., and instead of using the prisoners' name, this officer used the name "Trayvon Martin", the youth who was murdered in cold blood by the racist George Zimmerman. This officer had

(Continued on page 43)
reported that the prisoner "lost his I.D. after being gunned down."

Court records show that a number of these officers have been the subject of criminal arrests and civil law suits.

Here at SCI-Greene, solitary confinement units are utilized as tools to retaliate against prisoners who attempt to exercise their rights to be treated humanely. These units are reserved for prisoner activists, jailhouse lawyers, and interpreters who work to help non-English speaking prisoners defend themselves against false charges. Procedures that were put in place to govern Greene's Restricted Housing Unit, are often manipulated in order to keep the nearly 500 beds filled.

Prisoners with mental health issues are often left to stew in solitary, without being seen by psychology staff as required by policy. In January of 2014, a prisoner with known mental health issues, and who was supposed to be housed separately, was given a cellmate. In less than 24 hours, one of them was found dead.

The STGMU is obviously a clear replica of the structure responsible for the countless human rights violations which have been taking place in California and other states for decades. And while the so-called "justification" for these units is the need to maintain safety and security by controlling alleged "gang" activity, the fact is that Pennsylvania never had a "gang" problem until these units were installed. Anybody who possesses an iota of intelligence, can piece together the chain of events leading up to STGMU's in Pennsylvania. Far be it from a coincidence that when Pennsylvania's former secretary of "corrections" Jeffrey Beard, assumed the same position in California, "gang affiliation" units arrived in Pennsylvania.

The D.O.C benefits exponentially from the existence of these isolation units. With an apparent "need" for security, the D.O.C doesn't hesitate to request more tax dollars to fund the construction and maintenance of these solitary confinement, human torture chambers. Though it costs about $35,000 to house a single prisoner in general population each year, that cost nearly doubles for prisoners housed in isolation. And taxpayers are left in the dark. In fact, as this article is being written, Pennsylvania's prison budget will surpass $2 billion for the first time in state history. Of that $2 billion, only 2% will be set aside for educational programming.

For those who may be confused, the purpose of isolation units is to break the minds, bodies, and souls of the men, women and children who identify systemic injustices, and dare to resist, rebel against, and challenge the terms of their confinement. But when we, as prisoners, challenge those terms, we become a target. When we unite against those terms, the D.O.C deems us a "security threat group", because as it stands, we threaten the longevity of prisons as a whole.

To the administration, violence isn't just physical. Any prisoner seeking to break the chains of mental slavery is a violent prisoner in the eyes of the state, which is why education is frowned upon, reminiscent to slavery when it was illegal for a slave to educate him/herself. The brilliant minds trapped inside of these isolation units are the real "threat". Prisoner-on-prisoner violence is hardly met with the same force and fervor as prisoner-on-state (non) violence.

SCI-Greene is Pennsylvania's "Pelican Bay". Gladiator fights, corruption probes, and routine oppression, are indicative of a cultural cancer that threatens real civil and human liberties. No amount of investigations, suspensions, or firings will remedy the situation. The only solution is to close SCI-Greene, permanently! The violations used as evidence to close other prisons in Pennsylvania also exist here at SCI-Greene, but because of Greene's status as the only "supermax" in the state, we doubt that changes are imminent.

We urge the public to inquire about the on-goings taking place here at Greene. This crisis is dire, and we all must come together to lead the prison masses. SCI-Greene is a powder keg, waiting to explode, and lives are at risk. Call, write letters, and sign petitions demanding the close of this giant human torture chamber.

Prisons claim to be a vehicle of rehabilitation, but they only make things worse. We all have the power to create a better world. We all deserve it. Close SCI-Greene and all other prisons!!

Dalyl Muhammad GB-0883
Sergio Hyland FX-1537
SCI-Greene
175 Progress Dr
Waynesburg, PA. 15370
The following letter is from Mutope Duguma, a California prisoner in long-term solitary confinement in Pelican Bay State Prison's Short Corridor, one of the most repressive holes in the nation, if not the world. Mutope took part in the statewide hunger strikes over the past 3 years that shook CA prisons (now run by former PA DOC secretary Jeffrey Beard) and brought national attention to solitary confinement and mass incarceration. His words reached the HRC-Philly office with the red stamp of Pelican Bay’s Security Housing Unit covering the middle of every page.

To: All my brothers & sisters, from mothers of all walks of life, who’re committed to our civil & Human Rights campaign, I extend a warm & solid embrace to you all.

Human & Rights is a very delicate combination and I want to personally thank those of you, over at the Human Rights Coalition, for championing a very necessary course, at a time where human beings are being slaughtered all over the world. I extend a solidarity fist to each & every one and a Thank You to the editors for having the vision to create such a very informed magazine.

In the spirit of struggle, we find ourselves waging a civil and human rights campaign for our very lives. Being held inside the Prison Industrial Slave Complex (PISC) indefinitely, we understand the threat of state/federal institutionalized sanctions of a modern day slavery that is sanctioned and protected by the 13th Amendment of the U.S. Constitution.

Millions of oppressed human beings, mostly from our communities, are being held in plantations all over Amerika. Are we not to resist, by building a united front to speak truth to the Powers that be, and to educate our People to the blatant disregard of human life and the slaughter of human beings, young and old, who are being marginalized, then subjected inside these repressive communities and denied any economic development by the state/federal government in concert with the very corporations that turn around and invest in the PISC? We are held and exploited, like our New African “ancestors” of 1619- Afrikans brought to Amerika to be slaves, whose humanity was denied by the system, and who were used as a commodity and a surplus class for exploitation. Are we not seeing the same exact system being resurrected and carried out against our People and communities?

The Human Rights Coalition is very much in line with our resistance to end such an injustice, by establishing a coalition around ending civil and human rights violations. Our Prisoner Hunger Strike Solidarity Coalition (PHSS-C) has demonstrated the same courage and commitment to ending these atrocities:

1. Death Penalty, 2. Mass Incarceration, 3. Prison Oppression, 4. Long-Term Solitary Confinement, and 5. Demanding that economic development be targeted in the many Ghettos, Inner-cities, Trailer parks, Rural areas, and Barrios, by way of adequate educational institutions and jobs, for those at risk...

I/we salute you all with a tight solid closed fist in the spirit of struggle.

“In Solidarity Always”
Mutope

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How Race Skews Prosecutions

By THE EDITORIAL BOARD: NY Times

JULY 13, 2014

In the legal stratosphere where Supreme Court justices sit, racism may appear to be largely a thing of the past. But down on the ground, where citizens and law enforcement encounter each other daily, race still matters. That is the key finding of an extensive report issued last week on the prosecutorial practices of the Manhattan district attorney’s office, one of the biggest and busiest in the country.

The two-year study, conducted by the Vera Institute

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of Justice at the request of Cyrus Vance Jr., who took over as district attorney in 2010, found a pattern of racial disparities at multiple stages of the criminal justice process.

Even after controlling for factors like the seriousness of the charges and a defendant’s criminal history, blacks and Latinos were more likely than whites to be denied bail and more likely to be offered a harsher plea deal involving time behind bars. Blacks were also slightly more likely to be sentenced to prison than whites. When the charge was a misdemeanor drug offense, black defendants were 27 percent more likely than whites to get a plea offer that included incarceration.

What explains the discrepancies?

When it comes to plea bargains, which is how the vast majority of criminal cases get resolved, the answer is fairly clear: Manhattan prosecutors consider a defendant’s prior arrests when making an offer. This is standard practice, and on its face it is race-neutral. But since blacks are more likely to come from heavily policed neighborhoods, where even minor arrests are a fact of life, they are more likely to face plea offers that involve jail time.

The study found that if prosecutors based plea offers on a person’s previous prison sentences instead of his or her prior arrests, much of the racial disparity would disappear.

Blacks actually fared better than whites on one count: They were 9 percent more likely to have the charges against them dismissed. Of course, that could mean simply that blacks face more baseless charges — a problem particularly for defendants who are not granted bail, and who sit in jail for days or weeks or longer.

In all, the study examined 222,542 cases from 2010 and 2011. The district attorney’s office agreed to prosecute 96 percent of them but eventually dismissed nearly a quarter.

Mr. Vance should be commended for inviting such a comprehensive analysis of his own office to call attention to these endemic racial disparities. He has already agreed to provide “implicit bias” training to assistant prosecutors. That is a good start, but he should also reduce prosecutors’ emphasis on prior arrests and work with his staff to accept fewer cases in the first place. In addition to being more just, this would reduce the costs to the criminal justice system as a whole.


THIS LETTER IS IN REGARDS TO A CHAIN OF EVENTS I’VE EXPERIENCED FROM THE JUDICIAL SYSTEM.

I was arrested on 3/12 and placed in the Phila. County Prison. I was housed in a two man cell that housed three inmates. I slept on a boat on the floor due to overcrowding, it had a foam mattress and the cover was taken off and it was beneath a leaking toilet.

I was complaining of itching and a rash. The correctional officer then sent me to medical where I was sent back to unit. Once I returned the correctional officer stated that she has kids at home and that I need to get checked out. I returned to medical. After being seen for the second time, I was told I would be going to the hospital which is Detention Center. I was placed in an isolated room where I wasn’t in contact with anyone and unable to contact my family. Once seen by doctors I was told I had shingles and given blood test along with steroids for the bumps. I was discharged on Easter week. The nurse said they needed the room because when inmates come in with police related injuries they’re the hospital that they are sent to. I was transferred back to C.F.C.F. and placed in a cell similar to the one I left, just on another unit. I filled out sick call slips and went to medical several times. After several months in general population I was called to medical to be told I tested positive for AIDS. I became hysterical with the doctor and told her it was a mistake. She then took an instant test and the results was positive. I asked why are they just telling me. She said somebody made a mistake and I needed to be placed on medication immediately. My viral an CD4

(Continued on page 46)
count was low. I'm now on 3 pills this is a result of prison being overcrowded.

I later went to trial after being arrested where I went before Judge Kenneth Powell which he stated on the record that he don't believe I did the alleged crime. The Commonwealth's only witness, a police officer, testified that nothing was found on me or my person. This judge still found me guilty though nothing linked me to the crime which was burglary. I was brought back for sentencing and given a sentence of 6-12 years. The guidelines are 35-45 months which was stated on the records. During my sentencing the judge also mentioned my diagnosis (HIV). I stated it's confidential why you saying that in public court. My family wasn't aware of my condition. My attorney read a letter, never revealing my diagnosis, explaining how expensive it would be to medicate me for taxpayers. She also explained that I had a caseworker for my condition and it is my knowledge that rehabilitation is to be considered during sentencing.

I am now living with a death sentence and a illegal sentence. I've requested my trial transcript along with my sentencing transcripts for my appeal. Also my family went to obtain them and was told they're sealed.

Judge Powell has abused his authority. In April I read an article in the paper in regards to him running for office. I would like to inform the public of his character in the courtroom. My transcripts are being sealed to hide his misconduct in the courtroom. I also have a docket sheet which will show I'm sentenced on charges I was never charged with.

Since being incarcerated I've experienced an unjust sentence and poor medical attention. I don't feel comfortable about my condition and have no one to talk to about it or educate me. I was at SCI Graterford and requested to see a doctor. The doctor mentioned that I have HIV in front of other inmates which humiliated me and embarrassed me. I later filed a grievance which was upheld. I'm respectfully requesting your assistance in notifying the public. I do not want my name published. I ask to be a John Doe in this.

Please contact me if you have any direction for me. Or if I can talk with someone regarding my issues. Your time patience will be appreciate. You may put this in the Movement just don't put my name. I'm currently house at SCI Mahanoy. This environment is not a place to address my condition please help me. I'm also requesting you forward a copy of my letter to Decarcerate PA and other organizations who maybe able to assist me. I'm willing to meet or talk with anybody face to face or by phone.

Sincerely,
John Doe

****************************************************************************

SMARTEN UP

This past September my younger brother and his homie came to visit. This was the second time I'd seen my brother since 2005. He's been in and out of prison, doing small time, but finally completed parole last year. It was a good visit; we kicked it and laughed about old times. To do that, however, I had to ignore the overwhelming disappointment I felt. You see, he and his friend were doing the same 'ol things: crime, drugs, partying. In the nine years that I've been incarcerated and learning about life, religion, politics, business, history, etc., they hadn't grown at all.

Toward the end of the visit they asked about my plans upon release. Recognizing that I was ambitious as ever, they were baffled at how I planned to make money without crime. They pointed out the obvious: no college degree, ex-con, murderer, black, muslim; how was I going to get a well-paying job? Especially nowadays when clean-record, college grads are collecting unemployment checks. “You're going back to the game” they said confidently. They reasoned, “it's the only way to make real paper.” I sat back, smirked and responded, “nah, unfortunately it's the only way you can get paper.”

I love the saying “if you knew betta, you'd do betta.” It's so true. I'm not going back to the game because I know better. I've learned about companies like Cardcash.com and Giftcardrescue.com that made $16 and $6 million dollars, respectively, last year from buying then reselling unused gift cards. Unused gift
cards! Or for the workout bulls, Camp Gladiator, which made $4 million from outdoor fitness boot camps. For the hip-hop heads there's a blog Rap Genius that allows users to provide interpretations to song lyrics. This start-up has attracted a bunch of investors including celebrities like Nas and Ashton Kutcher.

My point is simple: there's no reason to go back to the game because there are too many other ways to eat. You learn that the minute you turn off the tube and pick up a book. At least a newspaper! I refuse to give any more of my life to this system than I already have to. I refuse to allow anyone else to be victimized on my behalf. I'm pushing for more, how about you?

As for lil bro, he's booked. A drug case. On the one hand, I feel partly responsible because I'm not out there to show a better way, but, on the other, it's time for all of us to smarten up.

Submitted by:
Shuja Moore, DOC # GU4039
SCI Mahanoy, 301 Morea Rd., Frackville, PA 17932
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Your organization need to HELP the inmates here at this prison!

All types of human rights violations are going on. I've been here since 9-10-2014. I was placed in a cell with two other people that makes three men in one cell. Not only that, but I was made to sleep on the floor in something called a boat which is just the size of about 6' by 2 1/2' from the tie I arrived to 9-21-2014. But that isn't the only thing, that cell was called "QUARANTINE".

These cells are only designed for 2 inmates at a time and by me being the 3 person sleeping on the floor I'm subjected to urine, feces on a daily bases; plus I have to smell this day and night. The blankets are a wool blend that sheds daily that I have to breath and I have asthma. Not to mention bugs and mice crawling in the cells with us; sometimes I find them in the bed with me.

While on quarantine the whole B1-2 cell block was locked down for four day straight and the C.O.s only let us out of our cells for 12 hours during that time. The women C.O.s don't know how to talk to on one and they keep us locked in every time they come on from 3pm-11pm shift.

During the my time on B1-2 cell block we were served potatoes everyday in our meals and they made us eat our meals in our cells, sometimes they let us out, sometimes not.

So now they've moved me to D2-3 and it is known as the worse cell block in this prison, even the guards don't want to work on this block and the same thing is going on here on this block. I was told that this block has been locked down for 4 weeks and only one guard to work the block. The guards are told not to drink the water in this prison, but that is the only water that we are allowed to drink. On D2-3 there is no writing paper for inmates that don't have money on their books and the guards just say they don't have the paper work.

There is more of a story to tell here at CFCF. It is very, very, important because the human rights violations are huge.

Sincerely,

Tyrone Howard
CFCF
7901 State Road
Philadelphia, PA 19136

From the editor – this repulsive and inhumane treatment is common at CFCF; and it will continue if we say nothing and do nothing. For the cynical who feel like “Oh Well, they deserve what they get”, please be aware that majority of the men at this prison have not been to trial; therefore they are innocent, until proved guilty.
Crime, Bias and Statistics

by Charles Blow

SEPT. 7, 2014

Discussions of the relationship between blacks and the criminal justice system in this country too often grind to a halt as people slink down into their silos and arm themselves with their best rhetorical weapons — racial bias on one side and statistics in which minorities, particularly blacks, are overrepresented as criminals on the other.

What I find too often overlooked in this war of words is the intersection between the two positions, meaning the degree to which bias informs the statistics and vice versa.

The troubling association — in fact, over association — of blacks with criminality directly affects the way we think about both crime and blacks as a whole.

A damning report released by the Sentencing Project last week lays bare the bias and the interconnecting systemic structures that reinforce it and disproportionately affect African-Americans.

This is the kind of report that one really wants to publish in its totality, for its conclusion is such a powerful condemnation of the perversity of racial oppression. But alas, this being a newspaper column, that’s not possible. Still, allow me to present many of their findings:

* "Whites are more punitive than blacks and Hispanics even though they experience less crime."

* "White Americans overestimate the proportion of crime committed by people of color and associate people of color with criminality. For example, white respondents in a 2010 survey overestimated the actual share of burglaries, illegal drug sales and juvenile crime committed by African-Americans by 20 percent to 30 percent."

* "White Americans who associate crime with blacks and Latinos are more likely to support punitive policies — including capital punishment and mandatory minimum sentencing — than whites with weaker racial associations of crime."

This association of crime with blacks has been noted by others. Lisa Bloom, in her book "Suspicion Nation," points out: "While whites can and do commit a great deal of minor and major crimes, the race as a whole is never tainted by those acts. But when blacks violate the law, all members of the race are considered suspect."

She further says: "The standard assumption that criminals are black and blacks are criminals is so prevalent that in one study, 60 percent of viewers who viewed a crime story with no picture of the perpetrator (Continued on page 49)
falsely recalled seeing one, and of those, 70 percent believed he was African-American. When we think about crime, we 'see black,' even when it's not present at all."

As the Sentencing Project report makes clear, the entire government and media machinery is complicit in the distortion.

According to the report:

* "Whether acting on their own implicit biases or bowing to political exigency, policy makers have fused crime and race in their policy initiatives and statements. They have crafted harsh sentencing laws that impact all Americans and disproportionately incarcerate people of color."

* "Many media outlets reinforce the public's racial misconceptions about crime by presenting African-Americans and Latinos differently than whites — both quantitatively and qualitatively. Television news programs and newspapers over represent racial minorities as crime suspects and whites as crime victims."

* "Disparities in police stops, in prosecutorial charging, and in bail and sentencing decisions reveal that implicit racial bias has penetrated all corners of the criminal justice system."

The effects of these perceptions and policies have been absolutely devastating for society in general and black people in particular. According to the report:

* "By increasing support for punitive policies, racial perceptions of crime have made sentencing more severe for all Americans. The United States now has the world's highest imprisonment rate, with one in nine prisoners serving life sentences. Racial perceptions of crime, combined with other factors, have led to the disparate punishment of people of color. Although blacks and Latinos together comprise just 30 percent of the general population, they account for 58 percent of the prison population."

* "By increasing the scale of criminal sanctions and disproportionately directing penalties toward people of color, racial perceptions of crime have been counterproductive for public safety. Racial minorities' perceptions of unfairness in the criminal justice system have dampened cooperation with police work and impeded criminal trials. In 2013, over two-thirds of African-Americans saw the criminal justice system as biased against blacks, in contrast to one-quarter of whites. Crime policies that disproportionately target people of color can increase crime rates by concentrating the effects of criminal labeling and collateral consequences on racial minorities and by fostering a sense of legal immunity among whites."

There is no way in this country to discuss crime statistics without including in that discussion the myriad ways in which those statistics are informed and influenced by the systemic effects of racial distortion.

Individual behavior is not the only component of the numbers; bias is the other.

GROWING RESISTANCE TO FOOD CUTBACKS IN PA PRISONS

At the end of May 2014, the dining hall for prisoners at the State Correctional Institute at Coal Township began drastically cutting back on food portions, reducing certain meal sizes by as much as half. As one prisoner at Coal Township reports: “Some meals in the morning now consist of 1/2 cup of cream of wheat, 2 pieces of toast, a carton of milk, and a cup of coffee. Meals like this contain no nutritional value and can barely sustain a grown man, not to mention the seniors and younger prisoners who are in need of adequate nutritional intake.” Coal Township is not the only facility in the state where this is happening; it has been confirmed that similar food cutbacks have taken place across the Pennsylvania Department of Corrections.

The DOC is claiming that budget concerns have made these reductions in basic prisoner nutrition necessary, despite the fact that for the first time in history the state is spending more than $2 billion on “corrections.” However, while prisoners are being forced to go hungry, the cafeterias offerings for correctional staff remain amply stocked - with open salad bars, multiple menu selections, fresh baked pastries and more. And the money for these generous staff entitlements comes directly from the Food Services Budget for the inmate general population.

In DOC Secretary John Wetzel’s speech to the Pennsylvania House Appropriations Committee Hearing, aimed at justifying to legislators this year’s $77.4 million increase in state funds to the DOC, he began by asserting that: “We are in the midst of making a monumental philosophy shift in our corrections system.

PA’s department of correction wants $78 million more for prisons than last year.

That much money could quadruple PA’s investment in fighting homelessness.

Are those your priorities for PA’s budget?

www.decarceratepa.info * facebook.com/decarceratePA * @decarceratepa
FOOD CUTBACKS IN PA PRISONS  

from one of simply warehousing inmates to one that focuses on performance outcomes... The "new normal" is to expect the Department of Corrections to CORRECT, and we are well on our way to having a system that reflects this expectation." It therefore seems fair for us to ask just what kind of "performance outcome" the DOC is seeking with these cutbacks to the basic needs of prisoners who are in their custody. What can these current policies bring to mind other than the very epitome of "simply warehousing" human beings, and, worse still, of warehousing them even more miserably and with even less regard for their basic human rights than before?

In mid-June, in response to the overtly unjust nature of these disparities, prisoners at Coal Township staged a week-long boycott of its prison dining hall. The overall level participation among prisoners there was significant, with over 1,300 men participating out of a total population of 2,300. All throughout the week, prisoners looked out for one another, purchasing food from the commissary out of their own pockets for those who didn't have food. And they also called upon their friends, allies and family members on the outside for support.

Immediately, activists and outside family members organized a call-in campaign to contest these unacceptable reductions to people's basic nutrition needs. Decarcerate PA created a website highlighting the issue and made wide use of social networking tools to spread word of the peaceful protest. Across the seven days that the men boycotted the dining hall, outside supporters flooded the central office of the DOC and Superintendent at Coal Township with hundreds of calls and emails.

At the end of the week, with still no commitment to change forthcoming from the prison administration, participants on the inside released a list of 22 requests/demands. These prisoners are asking that prison officials at SCI Coal Township, and across the PA Department of Corrections, honor the basic human rights of people in prison. Among other things, the men at Coal Township are petitioning for: access to adequate food, the ability to hold cultural events, an effective grievance process, respectful medical care, and an end to policies that dehumanize and punish prisoners and their families.

In the words of one of the men incarcerated there: "Although SCI

Coal's attitude has not changed, the attitude of many prisoners has — as many were moved and inspired by the outpouring of solidarity and many have emerged confident in our ability to organize and work together in defense of our rights as human beings. We are prepared for the next protest. It is not a matter of how, only a matter of when. In the meantime, we call on all supporters on the outside to sign onto the petition and to mobilize others to do so as well."

It is now up to all of us to struggle together to see that these changes are made, not only at Coal Township, but throughout the Pennsylvania prison system. We encourage you to direct your friends and loved ones on the outside to sign the petition themselves and to forward it widely. We are also asking that people continue to call DOC Secretary Wetzel and Superintendent Mooney to demand that they make immediate changes to address the prisoners' concerns. The more we can continue to flood the prison administration with calls, letters, faxes, petitions and emails of all forms, the better.

SUPPORT THE 22 DEMANDS OF COAL TOWNSHIP PRISONERS PROTESTING FOR DIGNITY AND HUMAN RIGHTS

The petition and full list of demands is online at: http://bit.ly/22demands.

DOC Secretary John Wetzel – 717-728-4109

SCI Coal Township Superintendent Vincent Mooney – 570-644-7890

www.hrcoalition.org
**ACTION STEPS**

1. **HELP STOP LEGISLATION THAT HURTS PRISONERS AND FAMILY MEMBERS.**

   The House Judiciary Committee just approved several anti-prisoner bills to be voted on by the General Assembly this fall (for more information see page 4). We are asking people to write to your representatives or to the Judiciary Chairs to tell them that this legislation is bad for prisoners, bad for families, and bad for Pennsylvania. It would also be helpful if you could send us statements about how this bill would negatively impact you and/or your loved ones so we can share this information as part of trying to stop these bills.

   **Republican Chair**
   Hon. Ron Marsico
   4401 Linglestown Road, Suite B
   Harrisburg, PA 17112

   **Democratic Chair**
   Hon. Thomas R. Caltagirone
   645 Penn Street, 3rd Floor
   Reading, PA 19601

   We are also asking people to write Representative Vanessa Lowery Brown, who claims to support prisoners but voted for all of these bills. Her address is 1435 N. 52nd St, Philadelphia, PA 19131

2. **INVITE YOUR FRIENDS AND FAMILY.**

   Decarcerate PA is an all-volunteer campaign and we are always looking for new people to get involved. If you have family or friends in the Philadelphia area, invite them to come to a meeting! Decarcerate PA has General Meetings at 6pm on the 4th Monday of every month at the Friends Center at 1501 Cherry Street in Philadelphia.

3. **SUBMIT YOUR WRITING AND/OR ARTWORK TO VOICES FROM THE INSIDE.**

   Decarcerate PA is always looking for ways to highlight the experiences, thoughts, and strategies of men and women inside of Pennsylvania’s prisons. We share writings from people on the inside about issues relating to mass incarceration on our website, our radio show, and in this newsletter. Shorter pieces work best (1-2 pages). If you would like to submit something to Voices from the Inside, send it to:

   **Decarcerate PA**
   PO Box 40764
   Philadelphia, PA 19107

   Please let us know in your letter if you would like us to use your full name, a nickname, or leave it anonymous.

4. **HELP US NAME THE EMERGING COALITION AGAINST LWOP.**

   Decarcerate PA is currently part of an emerging coalition to end Life Without Parole / Death by Incarceration sentences in Pennsylvania. We are currently laying the groundwork and will launch the campaign publicly in the fall. But we are struggling to come up with a good name for this coalition. If you have any ideas, write to us and let us know.

5. **DIRECT YOUR FAMILY AND FRIENDS TO SIGN THE PETITION SUPPORTING THE 22 REQUESTS/DEMANDS OF PRISONERS AT SCI COAL TOWNSHIP**

   (see front page for more information). The petition can be found at: http://decarceratepa.info/22demands. Encourage them to also call DOC Secretary Wetzel and Superintendent Vincent Mooney to demand the same.

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**MANDATORY MINIMUMS SENTENCING RULES DEEMED UNCONSTITUTIONAL BY PA JUDGES**

Judges in at least five PA counties have now ruled that mandatory minimum sentencing in PA is unconstitutional in the wake of a recent US Supreme Court decision, Alleyne v. United States. The Alleyne ruling mandates that juries must decide whether a defendant is guilty of a crime that would trigger a mandatory minimum sentence. Pennsylvania law, however, dictates that juries are merely allowed to determine guilt or innocence while a judge specifically determines if the conditions for mandatory sentencing were proven beyond a reasonable doubt. This ruling brings Pennsylvania sentencing law into direct conflict with the US Supreme Court and a growing number of PA judges are making this very clear via their refusal to apply mandatory minimum sentencing on the grounds that it is now unconstitutional.

Ultimately, the Pennsylvania legislature will have to overhaul sentencing law to bring it into accordance with the recent high court ruling. Thus, this is a moment where people opposed to the unjust, callous and cruel regime of mandatory minimum sentencing have an opportunity to mount a significant challenge to it in the public eye. While people already imprisoned are using the Alleyne ruling to appeal their sentences—arguing that the Alleyne ruling ought to be applied retroactively—they have yet to find victory in the courts. Both the Second and Third Court of Appeals have ruled that Alleyne does not meet the criteria to be applied retroactively. It will therefore require ongoing and concerted legal, legislative and direct action by both those inside and outside of prison to determine whether or not real, foundational transformation of the current unjust sentencing schemes will be achieved in the wake of these recent judicial developments.
**THE POWER OF PROTEST**

Mass incarceration is certainly the new “Jim Crow”
There are many better ways to spend our dough...
Our youth deserve better, should be given the tools,
For a better education & better schools...
Gov. Corbett cuts funding, giving more to the D.O.C.
Needs to be held accountable, taught his responsibility...
We can’t just holler, scream & shout.
Got to campaign, vote him out!!!
John Wetzel, Secretary of the D.O.C. a major disappointment,
We can all see...
He misled legislators & the people of the state.
About a “cost-benefit study” non-existent to date...
Unlike Thurgood Marshall, lookin’ out for the poor & needy,
He’s more like Clarence Thomas, representing the affluent & greedy.
Locking people up, throwing away the key,
Is more important to them, than the community...
We need officials in office, with their priorities in order.
So there will be a better life for our son or daughter...
Keep protesting, make sure they know
There are better ways for spending our dough!!!

This poem was written by Robert Fisher at SCI Greene, and was displayed on the wall at the Decarcerate PA 3 year anniversary celebration.

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**HOUSE JUDICIARY BILLS THREATEN ADDITIONAL FINANCIAL PENALTIES ON PRISONERS AND THEIR FAMILIES**

On June 27th, the PA House Judiciary Committee voted to advance a package of anti-prisoner bills designed to extract additional money from prisoners and their families. The worst of these bills (HB2386) was introduced by Montgomery County Representative Todd Stephens and **proposes taking 25 percent of a prisoner’s wages and 75 percent of all deposits into personal accounts to be deducted for any fees and costs that person owes.**

Additional legislation proposes increased costs on people found guilty or placed in diversionary programs to raise money in the crime victims fund (HB2134, introduced by Rep. Masser); diverting people’s tax refunds to pay court debts (HB2382, introduced by Rep. Kula); garnishing wages to pay court debts (HB2383, introduced by Rep. Toepel); making it easier for counties to collect court debts using collections agencies (HB2384, introduced by Rep. Costa); and diverting bail money to pay any owed costs and fines (HB2385, introduced by Rep. Delozier).

Decarcerate PA strongly opposes this legislation, which appears to be a malicious and punitive attempt by lawmakers to extract money from prisoners, family members, and people caught up in the court system, regardless of their ability to pay. We will be mobilizing over the coming months to try and stop this legislation from moving forward when the General Assembly convenes in the fall. To find out how you can help us mobilize against these bills, see the Action Steps section next page.
WHAT HAVE YOU DONE FOR US LATELY?
PA Politicians and Mass Incarceration
SATURDAY OCTOBER 25, 2014
2 to 4 pm
BEREAN INSTITUTE
1901 West Girard Avenue Philadelphia 19130

FEATURING:
Rodrin Jamison, Social Worker, Community Activist and Author
Jonah Harrell, Executive Director of The Center for Returning Citizens, Member of The BLOC Party and Decarcerate PA
Regele Abdullah, Former political prisoner and Human Rights activist, Member Decarcerate PA and Philadelphia Community of Leaders

PA Politicians and Mass Incarceration

- WHAT do we do about racial disparity in the criminal justice system?
- HOW should people with mental illnesses be treated?
- WHAT about the torture of Solitary Confinement?
- HOW should people with addiction problems be treated?
- WHAT about excessive sentencing and the quickly growing number of aging prisoners?
- WHAT about PA’s broken commutation process?
- WHAT about children who’re given life sentences?
- HOW should we treat returning citizens?

NOVEMBER 2014 VOTE!