End to mandatory Life Without Parole for children; will the states conform with the Supreme Court’s ruling?

See page 29

Torture chambers for Revolutionaries.
See the Babylon System, page 49

Decarcerate-PA debates Secretary John Wetzel, See page 18
Juvenile Lifer: Sharon Wiggins (left) was convicted of murder at the age of 15. She was on death row for 3 years, then sentenced to life without the possibility of parole. Now 60, she has the distinction of being the longest, continually-confined female juvenile lifer in the world. At SCI Muncy, many other women are serving life without parole, just like her. They are sick, infirm, and surely no threat to society. Most have been long reformed. So why are they still in prison? What is being gained?” (Lee Horton, “Forgotten Women,” Graterfriends, October 2010)
From The Desk of The Editor

Greetings! Welcome to The Movement,

On June 25, 2012 the Supreme Court of the United States, in the case of Miller v. Alabama, recently outlawed mandatory Life-Without-Parole (LWOP) imprisonment sentencing terms for children under the age of 18 who were convicted of murder, deeming it cruel and unusual punishment in violation of the 8th Amendment of the United States constitution.

The U. S. Supreme Court’s decision to outlaw mandatory LWOP prison sentencing for juveniles now places the United States in conformity with the United Nations Convention on the rights of the child which came into force more than 20 years ago, and which expressly prohibits the imposition of Life imprisonment without the possibility of release for offenses, however serious, committed by children under 18 years old.

There are more than 2,500 juvenile offenders serving mandatory LWOP prison sentences nationwide that are affected by the U.S. Supreme Court’s ruling in the Miller case. And Pennsylvania being the leading state with approximately 500 juveniles serving mandatory LWOP prison sentences stands to be affected the most by the legal ruling.

However, Pennsylvania’s courts have found itself in a quandary because this state has only two sentences for first degree murder: the Death Penalty and Mandatory LWOP. And has only one sentence for second degree murder: Mandatory LWOP. Each have now been outlawed by the court for juvenile offenders.

Pennsylvanian legislators plan to re-write the Pennsylvania Crime Code for future cases involving juvenile offenders convicted of murder. But in the meantime, Pennsylvania trial judges don’t know what to do with the 500 juvenile lifers currently in prison, and whom have filed appeals to the courts to have their illegal mandatory LWOP sentences vacated and be re-sentenced to a lesser sentence that will allow them to be released on parole.

Trial judges, prosecutors, and defense lawyers are waiting on the Pennsylvania Supreme Court to decide on the Batts and Cunningham cases, that are currently before the court, to give guidance in the interim and to address the fate of the 500 juvenile lifers already in prison serving mandatory LWOP sentences.

On September 12, 2012 the PA Supreme Court held a hearing at City Hall in Philly, room 456, to hear arguments on the Batts and Cunningham cases before them. Both sides, the defense and prosecutors, argued how the U.S. Supreme Court’s ruling in the Miller case - outlawing Mandatory LWOP sentencing schemes for juveniles - should be applied within this state and whether the court’s ruling is to be retroactively applied to the 500 juvenile lifers already in prison.

The defense lawyers argued that the Miller decision is to be retroactively applied to the 500 juvenile lifers currently serving mandatory LWOP and that their sentence should be reduced to third degree murder and that they be re-sentenced to serve 20 to 40 year prison sentences.

There is no crystal ball that can show us what the PA Supreme Court Justices will decide in the Batts and Cunningham cases, but it appears they will exercise judicial economy and do what is easy and less expensive. That is, not try and do the job of legislators, and proceed to apply the Miller decision retroactively and re-sentence juvenile lifers already in prison to 20 to 40 years. Thus, opening the way for current juvenile lifers to now be immediately released on parole.

(Continued on page 4)
Despite all of this, we must be mindful that there are defense lawyers and prosecutors who are suggesting that a trial judge could run the murder sentence of 20-40 years consecutive to other criminal counts, such as the 10-20 years for felony-robery, the 5-10 years for gun possession, or 20-40 years for conspiracy.

In total, such a sentence given to a juvenile offender would be a 55 to 110 years prison sentence and thereby undermine the spirit of the U.S. Supreme Court’s Miller decision and would continue to violate the cruel and unusual punishment clause of the 8th Amendment.

Juvenile lifers, families, and juvenile advocates must also say, “NO, to running the murder sentence consecutive to other criminal counts involved!”

Without your protestations, the political establishment will try to set us back 20 years in this matter.

STRUGGLE TO BE FREE!

Bro. Shakaboona, Co-Editor and HRC Organizer
Shakaboona41@gmail.com

Editors’ Note: Attention Pennsylvania prisoners. Due to the overwhelmingly censorship and banning of issues of THE MOVEMENT by the Pennsylvania Department of Corrections (PDOC) and its State Correctional Institutions (SCI) the Human Rights Coalition (HRC) will be seeking legal redress for the violations of its First and Fourteenth Amendments rights. To that end the HRC is asking that PA inmates to do the following: 1.) Notify the HRC when their incoming publication of THE MOVEMENT is censured by IPRC, 2.) Appeal the IPRC decision to the Superintendent and to Final Appeal Review, and 3.) Mail the HRC a copy of your final appeal and the PDOC’s “Final Appeal Determination” to:

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

THE MOVEMENT is mailed quarterly to all prisoner’s who’ve requested a copy in the following manner:

Winter Issue - mailed first week of January
Summer Issue - mailed first week of July
Spring Issue - mailed first week of April
Fall Issue - mailed first week of October
Well over one hundred people filled a conference suite at Temple University in Philadelphia on Tuesday, September 18, to hear testimony on the effects of solitary confinement. They included survivors of solitary, family members, community members, advocates, and lawmakers. The hearing was held by the Democratic Policy Committee of Pennsylvania at the request of Representative Ronald G. Waters (D-Delaware/Philadelphia), a member of the committee. It comes in the wake of the first ever Congressional hearing on solitary confinement, held by a subcommittee of the U.S. Senate Judiciary Committee in June, and serves as yet another marker of how the widespread practice of solitary confinement in American prisons and jails is quickly becoming a mainstream human rights issue.

The hearing also followed a rally on Monday at Philadelphia’s Love Park, organized by the Human Rights Coalition. About 150 participants listened to speakers describe their experiences in solitary confinement, while holding signs and banners that read “Jobs Not Jails,” “Fund Schools Not Prisons,” and “End Torture in Pennsylvania.” One banner listed the names of a group of prisoner who have been held in extreme isolation for from ten to thirty years.

(Continued on page 6)
(Continued from page 5)

All twenty-seven Pennsylvania state prisons have solitary confinement units, called Restricted Housing Units, and collectively they hold around 2,500 of the country’s 80,000 solitary confinement prisoners—about 5 percent of Pennsylvania’s total prison population of approximately 50,000. Stays in these RHUs can last for months, years or even decades. In general solitary confinement units in Pennsylvania look much like those across the country: units of tiny cells, lit 24-hours a day, with only food tray slots as portals to the outside world, that are used as warehouses for the mentally ill and politically active. These units have seen three suicides in the last two years as well as the death of John Carter in April of this year, allegedly at the hands of guards who used pepper spray and stun guns on him during a violent “cell extraction.”

The Pennsylvania Department of Corrections has a specific designation for those prisoners that are placed in solitary confinement for indefinite periods of time: the Restricted Release List, a program that grew out of what used to be known as the Long Term Isolation Unit. Those on the list can only be released from solitary confinement with the approval of the department secretary; they often have not committed any offense in years, and are given no notice of their grave designation.

The hearing consisted of four panels: mental health experts, legal experts, survivors of solitary confinement, and family members with loved ones in solitary confinement. The first panel consisted of Dr. Terry Kupers and Dr. Craig Haney. Both men are psychologists who have done extensive research on the topic of solitary confinement, and Haney testified at the Senate Judiciary subcommittee hearing in June.

Dr. Kupers began by telling the narrative of how solitary confinement and the idea of the supermax came into prevalence in the United States; a story told and lamented throughout the hearing. Kupers stated that the United States made what he called “a historic wrong turn” in the 1980s when prisons across the country cut funding to rehabilitative services, and began to see a rise in prison overcrowding and recidivism. Instead of reassessing the system itself, the nation’s response was to expand the prisons and propagate the idea that all of the problems of the system hinged on “the worst of the worst,” those prisoners who needed to be locked away in isolation.

Both psychologists emphasized the well documented proof that solitary confinement leads to, and greatly exacerbates mental illness. In response to the testimony Rep. Ron Waters asked, for the first of many times, how he could convince his fellow lawmakers that current policies and the use of solitary confinement is a policy of “tough on crime” rather than “smart on crime.” The representative also pointed out that Pennsylvania taxpayers pay $33,000 per year to imprison one person, and they deserve a “healthy, productive” citizen in return, not a mentally ill victim of torture. His remarks were in response to Terry Kuper's explanation of someone maxing out of prison and being released straight from solitary confinement back to the community.

The second panel consisted of Jules Lobel of the Center for Constitutional Rights, Marc Bookman of the Atlantic Center for Capital Representation, Angus Love of the Pennsylvania Institutional Law Project, and Robert Meek of the Disability Rights Network. Lobel, the first to testify, via telecast, has represented prisoners in multiple cases challenging the conditions of solitary confinement, including his current representation of prisoners at Pelican Bay state prison in California. His testimony focused on how and why solitary confinement does not achieve its stated goals, using mainly examples of who it is that ends up in these units—certainly not the “worst of the worst.” “Instead, race, political affiliation, religion, association, vulnerability to
sexual abuse, and challenging violations to one’s rights all too frequently play a role in which prisoners are sent to solitary confinement.”

The testimony of Angus Love and Robert Meek refocused the discussion towards the causal link between solitary confinement and mental illness. Statistics from research into Pennsylvania prisons, Meek explained, showed that 800 prisoners registered as having mental health issues are currently serving time in solitary confinement units in the state, while beds at the state’s mental health facility, State Correctional Institute Waymart, sit empty. Meek’s testimony called for what he referred to as “robust” psychosocial treatment for prisoners with known mental health issues and more oversight and consideration of mental illness in punishing a prisoner with solitary confinement. One of Pennsylvania’s prisons, SCI Cresson, is currently under investigation by the Department of Justice for their failure to provide adequate mental health treatment for prisoners. All four of the panelists urged that though programs for treatment and true rehabilitation may cost the state money in the short term, their cost-cutting effects in the long term would be great, and that in order to fix the issue of prisons in our state they must break the cycle of mental illness and incarceration.

The response from the delegates to the testimony presented by the panel of legal experts was thorough and indicated that several members were truly engaged in the subject of abolishing solitary confinement. Representative Vanessa Lowery Brown (D-Philadelphia), reflected on a recent visit to a Pennsylvania prison when she was told by staff that she “didn’t understand” why long term isolation was necessary. The testimony on Tuesday reinforced her belief that it was the staff at Pennsylvania’s state prisons that didn’t understand. Once again the representative implored the panelists to explain how they thought they should go about fixing the issue. The response from the three men present was unanimous: stop locking so many people up. Marc Bookman, whose testimony focused on the death row in Pennsylvania, pleaded that the lawmakers “stop feeding the Prison Industrial Complex” and “get smart on crime.”

As the hearing began nearing its scheduled end time, four solitary confinement survivors began the third panel. Robert King, a member of what is known as the Angola 3, who spent 29 years in solitary confinement in Louisiana, was the first to testify. A dedicated activist and public speaker, King simply talked about his experience in prison, and the effects that long term isolation can have on the mind. Most memorably he stated that he never once would have told you that he wasn’t crazy during his time in solitary confinement. “No one asked me; if they did I would have told them, of course I feel crazy.” The other two members of the Angola 3 are still in prison, convicted on questionable evidence of the 1972 murder of prison guard Brent Miller.

The second testimony was from Shujaa Graham, wrongfully accused of the murder of a prison guard in California which caused him to spend years in solitary confinement on death row. After a fourth trial his conviction was overturned in 1981, and he was freed after eleven years in prison. His voice shaky but sure, Graham’s testimony was some of the most emotional of the whole hearing. He stated that he felt he could never truly recover from the effects of isolation and that he only survives today “in spite of the system.” At the end of his testimony, with the applause of the audience, he told the representatives to stop nickel and diming the people they represent, to “do the right thing” and stop torturing people in Pennsylvania’s prisons.

The last two previously incarcerate people to speak were Hakeem Shaheed and LuQman Abdullah. Shaheed spent time in the federal prison system, including time at the infamous Marion prison, a federal supermax facility in Illinois. His testimony focused on the corruption within the federal prison system. Shaheed himself

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was placed at Marion, he said, as retaliation to his speaking at an inmate event and offering an indictment of the torture and abuse within federal prisons. Before his testimony Shaheed circulated his laptop, which displayed a still shot from a video in which guards brutalized him following the September 11th attacks because of his Muslim beliefs.

LuQman Abdullah spent eleven years in Pennsylvania prisons after being wrongfully accused of murder. He spent much of his time in prison in solitary confinement, given misconducts for his involvement with political groups and indictment of the planned execution of Mumia Abu-Jamal. His testimony was a series of stories of the torture he survived, like being strapped naked to a bed without a mattress and left for days, and also of triumph and lessons learned. When housed at SCI Green, Abdullah was housed next to Russell Maroon Shoatz, whose teachings and friendship he said “saved his life.” For the second time during the hearing Maroon’s long-term isolation was called into question and a plea was made to the lawmakers to release the 70-year-old with failing health into general population. Abdullah also brought up the name of Charles Graner for the first time during the hearing; Graner was a guard at SCI Green who was found guilty of the torture of Iraqi prisoners at Abu-Gharib prison.

The final panel of the day was four women, all with loved ones in solitary confinement. Shandre Delaney, whose son Carrington Keyes has been in solitary confinement in Pennsylvania for ten years, told how her son was placed in solitary confinement as retaliation for his political actions and beliefs. Ms. Delaney is an advocate with the Human Rights Coalition and corresponds regularly with prisoners who suffer similar fates to her son's. She demanded that the representatives take the necessary steps to set up an outside organization that can monitor the Department of Corrections because from her experience “prisoners are not requesting special treatment but fair and humane treatment.”

Theresa Shoatz, the daughter of Russell Maroon Shoatz, was the second panelist to speak. Theresa told her story of growing up with a father being tortured in prison. Like Delaney, Shoatz is not solely an advocate for her father, but for all prisoners suffering a similar fate to his. Near the end of her testimony Shoatz pulled a five-alon bag of prescription pill bottles from her purse, telling the representatives that if they wanted to see
the effects of her fight for her father they need to look no further than that bag, which was full of medications for stress-related illness. (A video interview with Theresa Shoatz can be viewed here.)

As representatives began to slowly leave the conference room the last two panelists spoke. Patricia Vickers, an advocate with the Human Rights Coalition, read testimony submitted by her son Kerry Marshall (Shakaboona), who has spent seventeen years in solitary confinement. The letter she read was a pointed and concise evaluation of the need for an outside organization to be formed in order to ensure oversight of the retaliatory and torturous practices of the Pennsylvania Department of Corrections. Vickers’ own testimony echoed this need for an un-biased monitory group. The final panelist was Barbara Fair, the founder of My Brother’s Keeper. Pushed for time, the lawmakers asked that she be brief, so she gave a five-minute testimony in which she simply re-stated the message of the day: “Solitary confinement is meant to break the spirit and shatter the mind, and there is no use or need for it other than that.” Her remarks were followed by a burst of applause from attendees.

Representative Ronald Waters ended the hearing, reminding the audience once again how hard it will be to bring everything they had learned that day back to the rest of the lawmakers in Pennsylvania and gain any meaningful change. “It’s too easy to go along with the narrative of tough on crime, you see the stories that make the newspapers,” he said. Representatives who had stayed an hour and a half beyond the scheduled time greeted some of the panelists and filed out of the conference room, having received a clear message that the uphill battle to end solitary confinement in Pennsylvania is one worth fighting.

Thank you to Hannah Taleb for writing this coverage in Solitarywatch; she also works with HRC-FedUp! http://solitarywatch.com/2012/09/22/Pennsylvania-lawmakers-hear-testimony-on-the-torture-of-solitary-confinement/

Over 100 attended the rally to abolish solitary confinement, September 17th at Philadelphia, PA LOVE Park including family members, supporters, and x-offenders. In addition the following orgs. have pledge their support to abolish solitary confinement:

ACT UP- Philly  
Art for Justice 
Back to Society, Inc. 
Books Through Bars 
Campaign to End the Death Penalty- Delaware  
Chester Re-entry Resource Center 
Decarcerate PA  
Fight for Lifers West 
Fight For Philly  
Frontline Dads  
Formerly Incarcerated and Convicted Peoples Movement  
Global Kindness Revolution  
Hearts on a Wire Collective 
International Action Center - Philadelphia 
International Concerned Family and Friends of Mumia Abu-Jamal  
National Council on Urban Peace and Justice

National Lawyers’ Guild- National Office  
Pennsylvania Institutional Law Project  
Philly Collaborative for Reproductive Justice and Support  
Philly Jail Support Collective  
Prison Health News  
Real Cost of Prisons  
Reconstruction, Inc  
Sagewriters, Inc  
Up Against the Law Legal Collective  
Veterans” Legal Foundation  
Wild Poppies Collective  
Young Broadcasters of America

The battle is ongoing. It’s not too late. Individuals and organizations go to the following website address: https://www.change.org/petitions/Pennsylvania-abolish-solitary-confinement

Sign onto the HRC platform, to support abolishing solitary confinement.
Join Human Rights Coalition’s (HRC) in calling for an end to SOLITARY CONFINEMENT in Pennsylvania

After a decade of documenting and working to expose abuse and torture in solitary confinement units across Pennsylvania, the Human Rights Coalition is escalating our campaign to abolish solitary confinement. Over the last 30 years there has been a tremendous in the number of U.S. prisons, and the use of solitary confinement has exploded, with little oversight by legal, legislative, or law enforcement agencies. Our three point platform is a call to action on behalf of survivors of solitary, their families and communities in the struggle, as well as future generations of youth being funneled into the prison system. We are asking individuals and organizations across PA and nation wide to sign onto the platform to show their support for our call to abolish solitary confinement in Pennsylvania.

Solitary Confinement is Torture

Solitary confinement is the practice of confining a person in a tiny cell for 22-24 hrs per day. Human beings are social creatures, and we need regular contact with other humans in order to maintain our health, well-being and sanity. Depriving a person of nearly all contact with others can cause irreversible psychological damage in as little as 2 weeks. There is no research to support prison administrators' claims that solitary confinement serves any rehabilitative purpose; on the contrary, multiple studies confirm that solitary confinement is emotionally, physically and psychologically destructive and greatly reduces a prisoner's chances at successful reintegration into society. In isolation, the mentally ill become more unstable, while healthy prisoners begin to exhibit mental illness after only a short time. Approximately 50% of prison suicides occur in solitary confinement. Solitary confinement targets prisoners of color most severely, reinforcing oppressive and unconscionable patterns of racism. It is extensively used to retaliate against those who file lawsuits or speak out against violations of their human and constitutional rights. Ninety days in solitary can easily turn into 10 years or more. Guards in these units regularly abuse male and female prisoners physically, psychologically, and sexually, and deny them basic needs such as meals, shower, water, and visits.

Solitary Confinement is a Threat to Public Safety

At least 80,000 prisoners today are held in solitary confinement in the U.S., at least 2,500 of them in Pennsylvania state prisons. Most have little or no access to mental health care, and are forced to live in conditions that increase the likelihood of self-harm, suicide, and violence towards others. This danger ripples outward when prisoners who have been kept in solitary are released into general population, often resulting in violent altercations that are used as a justification to continually cycle them back into solitary. People max out their sentences in solitary confinement, and then without any re-socialization therapy are dumped back into society, harmed and unable to cope, resulting in increased violence and instability in our communities. The practice of solitary confinement is widespread, is significantly more expensive than regular prison housing, and our prisons' reliance on it as a means of intimidation and repression is causing tens of thousands of people in this country to suffer in torturous conditions for months, years, and decades at a time.

Solitary Confinement Must Be Abolished

Solitary confinement has become the dominant weapon in a war on prisoners that is in reality a war on our brothers, sisters, parents, children, families, and friends behind the walls. Torture is a crime and a serious threat to public safety and it must be abolished. The rampant use of solitary confinement and the construction of Supermax prisons are recent in history; this practice can and must be stopped. No other country in the world uses solitary confinement as much as the U.S., and other states have already taken steps to reduce its use. The Human Rights Coalition calls upon all people to join us in demanding the abolition of solitary confinement in Pennsylvania. Together we will build a society that respects the rights of all people, values rehabilitation, and does not believe in “throw-away” people.

If you or your organization would like to sign on to the platform, or find out more about the campaign against Solitary Confinement in PA, log onto the Human Rights Coalition website at www.hrcoalition.org or call 267.293.9169 or email info@hrcoalition.org
THE TAXING PRICE PRISONERS AND THEIR FAMILIES PAY FOR CONTINUED RELATIONSHIPS DURING THEIR INCARCERATION

By Michael L. Peterson, Coal Township, PA

As a man convicted of second degree murder, and sentenced to life in prison without the possibility of parole in Pennsylvania, the mental, emotional, and physical strain suffered by my family, and myself has been immense. Mentally my family, as well as myself, have no delusions that unless by miracle I will surely spend the rest of my natural life - and eventually die - in prison. It’s slow agonizing torture to live the same routine day in and day out. The “emotional” toll of my incarceration is the heaviest burden of all - on my family, and myself. Through letters, visits, and outrageously over-priced phone calls we can keep the lines of communication open to “try” and bridge the gap of our physical divide, but the PA DOC makes certain to undermine our attempts at salvaging the existing healthy relationships we do have left by sending inmates from the eastern part of the state as far West as possible. And those from the West can expect to be shipped East. Distance and price inflating - the PA DOC’s recipe for sabotage and destruction of continued family support.

Being in prison has affected the relationships I’ve had with numerous family members, but the most important relationships that have been affected are those of my immediate family. As a result of me being incarcerated my sisters barely know their brother anymore. They have a father, as do I, but he is responsible for the maintaining of the household which makes him inaccessible do to long grueling hours of work to provide for his family. The responsibility was on me to teach my sisters about boys, virtue, and how to save themselves for the one that will cherish them. Our mother has done a wonderful job in our upbringing, but nothing can substitute for an authentic male influence. I don’t hold the same influence over my sisters today as I did when I was in society 9 years ago. Then I could say “he isn’t right for you, drop him” and that was the end of it. Today, due to my incarceration, I’m lucky if I even know the ethnicity of the man my sisters are involved with.

The prices you pay because of your incarceration are drastic. You lose your physical freedom, and your voice to be heard to the state, and in time your opinion holds little to no weight with your family. Due to my incarceration, my mother lost her best friend, and shoulder to cry on. Because of my father’s long hours of work, I was the only man in her life that she could drop her emotional baggage on, and I lovingly carried it with all my strength. I still accept that role as her baggage handler, but it’s a lot more difficult these days with the PA DOC roadblocks.

The prices that our families are forced to pay for phone calls makes it extremely difficult to call on a regular basis, unless your “well off”. Who has ten dollars to spare for a single phone call in today’s economy? That’s right - the majority do not have it. Hearing your family’s voices and them hearing yours is a vital component to holding your relationship together. We are allowed contact visits also, but you can only give and receive a hug and kiss on the arrival and departure of your visit. You can’t show any forms of physical affection through out the visit making it seem mechanical. The laughs, smiles, and jokes seem fake or forced because everyone including yourself are constantly aware that even the slightest infraction of the rules can be...
reason enough for the officers in control of your visit to terminate it. The administration makes sure that you and your family are never totally at ease and are under constant pressure, all in an effort to deter you from having a pleasant time; but ultimately to plant the seed of doubt about wanting to return.

Yes, there are ways to continue a healthy relationship with your family once incarcerated. But the tactics that are used by the PA DOC are in an effort to make your family question whether it’s worth it to try and hold together a relationship already made fragile by your incarceration.

When your family shows other signs of support (at least in my experience in the PA DOC) by calling the prison to check on you in case of any irregularities in your writing or calling patterns, the staff who deal with the calls are very vague and rude to the caller. It’s all calculated by the DOC in it’s attempt to try and totally cut you and your family off from one another, and assert their dominance over you, your family, and your relationship.

In order to maintain a relationship with my family, “we all” force our smiles, laughs, and jokes in the face of the PA DOC’s subjugation of our relationship. For if we don’t, they’ll make it even more burdensome than it already is on us. If we make any waves in their pond, they’ll send me to a lake even further away so it’s harder than it already is to see one another. If we raise too many questions, file too many grievances, contact the right activist, or make too many calls to prison headquarters they’ll find a reason to throw me into a solitary cell; and there I won’t receive any visits or make any phone calls. Therefore breaking the already fragile bond.

The only thing you can do as an incarcerated individual when it concerns your relationship with your family is to be there for them in every possible way that are in your means. And do your best to get out of prison as fast as you can. Make parole, because one thing is for certain, you don’t want anyone or anything governing the contact or way you maintain a relationship with your family. But until you do get out - use your envelopes sparingly, spread those phone calls out wisely and cherish those however frequent visits no matter how hostile the administration tries to make them. Do whatever it takes without jeopardizing your freedom to maintain those priceless family connections . . . It’s all you “CAN” do.
Listen to My Tattoos
By Lamont Mack

Listen to my tattoos
Speaking loud and clear
Yelling at the world
Year after year after year

Listen to my tattoos
Shouting how much I've cried
'cause of crossed-out names
And ex-girlfriends' lies

Listen to my tattoos
Bragging about places I've been
The bullshit I've been through
Blinking warning signs
Of gang affiliation
And disrespect in my enemy's eyes

My tattoos speak
Of things I love
And try to hide
But sometimes they speak too much
Like on job interviews
When they won't shut the fuck up

Or on that first meeting
When I want everyone to be impressed
But it's 100 degrees and
I'm sweatin' in long sleeves
Worn to hide the designs
Screaming out from my wrist to my neck

...Happiness... Pain... Struggles...
And tears

Listen to my tattoos
They speak loud and clear!
Dear Secretary Wetzel:

Yet again I am compelled to write you on behalf of my godson, Xxxxx Xxxxx #xxxxx, currently housed at Albion. While watching television about the cover-up at Penn State, a statement made by the president of NCAA caught my attention. He said, "some felt like football was too big to challenge and the objective at Penn State was to win at any cost." How sad that the victims meant nothing, so to speak, which brings to my mind – is there any difference than what is happening (and still is happening) at the prison in Albion? At Albion guards continue to victimize and falsify misconduct and sexual abuse reports about prisoners without fear of being reprimanded for their actions simply because the men are in prison and upon a hearing before an examiner – similarly as in the Joe Paterno case – the abuse is ignored and denial of basic human rights means nothing. But in good conscience, somebody did step up to be a voice for those who are too afraid to speak because of who they would be speaking against were so much bigger than themselves. Who would hear a small voice against such a man as powerful as Joe Paterno or Sandusky. However, a young man with no name was brave enough to come forth and be a voice that spoke and they all come tumbling down.

I would like to be that voice to speak regarding the same contemptible behavior taking place at Albion. The guards along with other personnel are there to make sure that the law is upheld and not broken even by the guards themselves, who when you speak out about falsifying a misconduct report or sexual abuse, withhold the showing of proof. They seek retribution and then dispense corporal punishment encompassing months or sometimes years of solitary confinement which is very inhumane to say the least. The guards are known to be transferred in and out of the penal system with no regard to any type of serious punishment regarding their sexual or physical abuse behavior toward a prisoner. The law must apply to all, equally, whether it be a guard or a prisoner who has been violated. As in the case of Penn State they found more guilty of covering up the crime than many originally believed could possible happen. In the Albion case, I respectfully request a full investigation of the incident involving my godson along with knowledge of who was responsible for the camera footage and why that was never submitted or called into question. A proper and full investigation of the

Continued on page 16

JOIN THE PRISON PHONE JUSTICE CAMPAIGN!

A national coalition of media and criminal justice activists, led by the Human Rights Defense Center, Working Narratives and the Center for Media Justice, invite you to join a campaign to fight the high cost of prison phone calls.

We need those inside our nation’s jails, prisons and detention centers to speak up about the impact of the cost of prison phone calls on you and your family. With your support we will advance a state-by-state legislative challenge, while also pushing the Federal Communication Commission (FCC) to take action.

WHAT YOU CAN DO:

Send a brief letter to the Federal Communications Commission explaining the impact the high costs of prison phone calls have had on you and your family. Address the letter “Dear Chairman Genachowski,” and please speak from your own personal experience. You must state the following at the top of the letter: “This is a public comment for the Wright Petition (CC Docket #96-128).” Your letters will be made part of the public docket in the case.

Write to:
Chairman Julius Genachowski
Federal Communications Commission
Public Comments
445 12th Street, SW
Washington, DC 20554

Our goal is to gather thousands of powerful stories. The prison facility which registers the most letters will be highlighted on the campaign website and will get a co-producer credit on our national radio program addressing the high cost of prison phone calls.

We also need your help organizing on the outside. Ask your family members to sign up for the campaign at www.phonejustice.org and invite them to share their story about the high costs of prison phone calls. They can also register their comments online, directly with the FCC, at: http://apps.fcc.gov/ecfs/upload/display.action?z=whn8 (enter docket #96-128).

Only with your support will we end the abusive cost of prison phone calls. Encourage others to join us in this struggle!
Mr. John E. Wetzel, Corrections Secretary  
Department of Corrections  
1920 Technology Parkway  
Mechanicsburg, PA  17050

Dear Secretary Wetzel: 

Yet again I am compelled to write you on behalf of my godson, Xxxxx Xxxxx #xxxxx, currently housed at Albion. While watching television about the cover-up at Penn State, a statement made by the president of NCAA caught my attention. He said, “some felt like football was too big to challenge and the objective at Penn State was to win at any cost.” How sad that the victims meant nothing, so to speak, which brings to my mind – is there any difference than what is happening (and still is happening) at the prison in Albion? At Albion guards continue to victimize and falsify misconduct and sexual abuse reports about prisoners without fear of being reprimanded for their actions simply because the men are in prison and upon a hearing before an examiner - similarly as in the Joe Paterno case - the abuse is ignored and denial of basic human rights means nothing. But in good conscience, somebody did step up to be a voice for those who are too afraid to speak because of who they would be speaking against were so much bigger than themselves. Who would hear a small voice against such a man as powerful as Joe Paterno or Sandusky. However, a young man with no name was brave enough to come forth and be a voice that spoke and they all come tumbling down.

I would like to be that voice to speak regarding the same contemptible behavior taking place at Albion. The guards along with other personnel are there to make sure that the law is upheld and not broken even by the guards themselves, who when you speak out about falsifying a misconduct report or sexual abuse, withhold the showing of proof. They seek retribution and then dispense corporal punishment encompassing months or sometimes years of solitary confinement which is very inhumane to say the least. The guards are known to be transferred in and out of the penal system with no regard to any type of serious punishment regarding their sexual or physical abuse behavior toward a prisoner. The law must apply to all, equally, whether it be a guard or a prisoner who has been violated. As in the case of Penn State they found more guilty of covering up the crime than many originally believed could possible happen. In the Albion case, I respectfully request a full investigation of the incident involving my godson along with knowledge of who was responsible for the camera footage and why that was never submitted or called into question. A proper and full investigation of the
Families Dare To Speak, Dare to Resist

I stand on the shoulders of our heroes and roar.

matter will bring about justice for all concerned parties and reprimand to appropriate violator/s. As it stands, I am in fear of my godson’s life if this matter of abuse continues to go unchecked and un-fairly investigated and presented.

The situation brings to mind the case of John Carter, an inmate sentenced to life as a juvenile. He perhaps would have benefited from the recently introduced law concerning children sentenced to life in prison. Sadly, however, he lost his life on April 26, 2012 when he was allegedly murdered by guards at SCI-Rockview. Similar to Mr. Carter my godson, who is a juvenile sentenced to life, has always and continues to be targeted because he files grievances for his basic human rights against shades of abuse sexual or physical within the prison walls. He has been nearly killed by prison guards while being extracted from his cell, pepper sprayed and deemed a trouble maker because he dared question accusations against him. This latest incident which has landed him in the hole for 270 days (cruel and unusual punishment) because they claim there was no camera footage that could be presented to prove his innocence. Consequently his life has been threatened. My fear is that, he too, will not make it out of prison alive, if someone does not take notice and investigate the abuse at Albion. Trusting that a small voice such as mine will resound, just as the gentlemen who dared to speak out about the abuse at Penn State so that today other children may be spared the horror they went through.

It is my hope that no other family member will suffer with their child being murdered in prison because their fears are ignored concerning their loved one. How many more “John Carter’s” will there have to be before the guards who abuse and break the law are brought to justice? How many more will continue to suffer and possible die because these situations are taken lightly and considered of little consequence? I pray earnestly that a change will soon come in RHU and human dignity will be applied to all regardless of the individual circumstance.

Respectfully submitted,

Ms. Sandra Hill

Note from Editor: We respect Ms. Hill’s request not to use her godson’s name for fear of retaliation. This letter was sent to Secretary Wetzel in the month of August. To date Ms. Hill has not received a response.
Happy **80th Birthday** Tiyo!

Musician, author, teacher, prison abolitionist and friend to many.

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Tiyo Attallah Salah-El and Lois Ahrens.

SCI-Dallas September 2009
Decarcerate PA debates DOC Secretary, John Wetzel, on WHYY's Radio Times


When I interviewed Pennsylvania Governor Tom Corbett in May, Decarcerate-Pennsylvania held a large protest outside the venue over proposed budget cuts. The coalition has been calling for a moratorium on prison construction and quote, “an end to mass incarceration and the harm it brings our communities’.

John Wetzel is Secretary of the Pennsylvania Department of Corrections and discussed prison reform when he was a guest on Radio Times shortly after the governor. After his appearance Decarcerate said they wanted to debate the Secretary on Radio Times and he accepted. So today on Radio Times we welcome John Wetzel back to the show. And we welcome Sarah Morris a founding member of Decarcerate-Pennsylvania to the show.

Marty Moss-Coane: John Wetzel, nice to have you back.

John Wetzel: Thank you. Thanks for that dramatic introduction.

Marty: Exactly we’re all ears now. And Sarah Morris nice to have you with us as well.

Sarah Morris: Yes. Thank you for having me Marty.

Marty: Why did you say yes, John Wetzel?

John: Well because I think that there’s absolutely no harm in having a discussion. As a matter of fact I think it’s very important that as we look at improving our prison system that we have all different angels and all different voices added. And frankly we probably agree on more that we disagree.

Marty: Let me turn to you Sarah. Help us understand what the goal of Decarcerate-Pennsylvania is. What do you want to accomplish?

Sarah: Decarcerate of Pennsylvania… first of all, thank you for having us on today … is a state wide coalition of organizations and individuals around the state who are fighting to end mass incarceration in Pennsylvania. We’re doing that by demanding three primary things. We’re demanding an end to prison expansion in the state. No new prisons. We don’t want our tax payer money going to building not one-new-prison-cell, whether its county facility, state facility, or detention center.

We’re also demanding real policy changes, sentencing reform that will significantly reduce the number of people in prison in Pennsylvania. We have 51,000 people in prison today in the state,. We had 8,000 thirty years ago. It’s going to take more than minor changes to

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really impact that number. We’re also demanding that money be invested in the things we that we know actually build safe and sustainable communities. And that’s quality schools, that’s health care, that’s social services, things like general assistance that the governor just recently eliminated. And we’re fighting for these things at a moment when Governor Corbett has spent the last two years investing 685 million dollars in building three new state prisons and expanding nine existing facilities, and at the same moment drastically slashing funding for education for things that we know actually keep people out of prison and keep us safe.

Marty: Let me go back to you John Wetzel because it is true that the prison population in Pennsylvania has grown pretty dramatically over the last three decades, even more dramatically in the last decade. What’s the explanation? Why so many people in prison in Pennsylvania?

John: That piece of the diatribe is true. Um, and …

Marty: Are you calling what she just said a diatribe?

John: Well when you blame Governor Corbett for building all these prisons and we’ve been here a year and a half, most of the prison construction started before Governor Corbett came on board. So that’s just inaccurate.

But what isn’t inaccurate is the significant growth over the past thirty years. And I think you heard us, the Corbett Administration, talking about the same thing and taking meaningful steps to start reducing that population. We agree that our population is primarily policy driven and that’s why it’s important to look at policy and redo corrections policies.

Marty: Let me pick up on the prison thing … oh go ahead Sarah.

Sarah: Can I just respond real quickly to that? I know the Corbett Administration likes to blame Rendell but the reality is, he did make the decision - initially - to build these prisons. But the two projects, the two prisons being built at Graterford started several months ago, the actual construction of those facilities actually hasn’t even begun yet.

So to blame the administration, the past administration who began these projects, when Governor Corbett has continued them and has continued them in a very different economical climate, continued them as he’s slashing education funding, as he’s slashing so many other parts of our government. Governor Rendell did plenty of things for education that Governor Corbett has undone. So we believe … he cancelled one prison when he took office …

Marty: You mean Corbett?

Sarah: Yes, Corbett, which simply shows that he has the power to cancel these projects.

Marty: Well let me go back to Graterford. And to you John Wetzel, what is going on at Graterford?

John: We are replacing old Grateford with new Graterford. And to be very clear, you talked about nine expansion and three prison projects. Graterford, or what we call SCI-Phoenix, is the only project that was at a point where we made a conscious decision to replace it. And that decision was based on finances, simply. About 350 million is the construction cost, somewhere between 350 million and 400 million, is the construction cost for that facility. But when you look at a facility and you look at it over twenty years, what it comes down to is operational expenses over weigh the initial cost. So we’ll have about 12 hundred staff members at Graterford. Currently the inmate to staff ratio is 2.67 to 1. New facilities are better designed so that we have less staff with more inmates. So we’ll have another 1,000 inmates on site for the same number of staff. At a savings of about 25 million a year, you multiply that over twenty years, it’s actually a savings.

And when you say we don’t want any prison construction, what that doesn’t realize is that sometimes we have old prisons that don’t meet the needs of the prisoners today, from a safety standpoint, from a security standpoint, from American With Disability Act standpoint. So it’s not just an issue of expansion. In some cases we need to replace old prisons.
Marty: Let me just say something... I know you want to say something Sarah, but just to... to... clarify something here, will there be more prisoners at the new Graterford?

John: The... Yes...

Marty: Are you increasing the number of prisoners...?

John: Yes. Increasing the number on site to include 200 females.

Sarah: They're increasing it more than that. He's... there's 34 hundred people on the site right now. There's gonna be more than 41 hundred beds, so that more than 200, that's about 700 more.

John: Correct...

Marty: Do you agree with that?

John: Correct... yes... absolutely. But what I was clarifying, is that in addition were putting 200 females on there. It's 41 hundred, that's what the design is for currently. Currently SC-Graterford is 34 hundred; I think we go up to 35 hundred, to 36 hundred at times.

Marty: What it sounds like is that, if you're increasing the number of prisoners at Graterford, that you are increasing prison population in Pennsylvania. Would that be fair?

John: No that's not accurate. Cause one of the other things that we don't talk about is... that we've closed 13 housing units since the Corbett Administration been here. Especially the small inefficient housing units, cause we get more bang for our buck in savings. So just because we're building more beds doesn't preclude the opportunity to close other housing units, so we don't necessarily have to expand capacity. There's two issues with prisons, one is the operational cost, and one is the need for the number of beds. So you can't ignore one and not the other.

Marty: Go ahead Sarah.

Sarah: Well I want to speak on... and Marty you raised it, any way you spin it this is an expansion, there's going to be more beds at Graterford.

The second point I wanted to bring up, is that... and it sounds really great when he says it, and I know he wants us to take him at his word that they're not going to use the old Gaterford anymore. But the reality is we've heard that line many times before. Many past prison expansions have been called replacements.

You know, Graterford is actually not the oldest prison in the state. There're three facilities that are older than Graterford. But the oldest one is SCI-Pittsburgh which was built in 1882. Graterford was built in 1929.

Marty: Umh... still an pretty old prison

Sarah: Yes, pretty old prison. But you may ask yourself, well why aren't we closing SCI-Pittsburgh. The reality is the state did close it in 2005, they moth balled it they built SCI-Fayette was built as its replacement facility. They said that they're building this facility because SCI-Pittsburgh was too old to operate. It would be more efficient and more sustainable to build a new prison next door, SCI-Fayette. So they closed Pittsburgh. Two years later they re-opened it. And they re-opened it and filled it to capacity. They said at the time that it was due to overcrowding and would only be open for three to five years. Well it's been five years and nothing we're hearing from the DOC says there thinking about closing SCI-Pittsburgh any time soon.

The reality is they use the word moth-ball or deactivate so they can keep the facility available for future use. And Secretary Wetzel's own press spokes person recently admitted as much in a Daily News article. She said that the existing Graterford will remain available.
for overcrowding. So they’re going to keep that prison and as long as they have those beds. We believe that based on past experience, we can’t trust them not to fill those beds. I . . . can, I also make one additional point . . .

Marty: One briefly cause I also want to give . . .

Sarah: Is . . . I understand . . . that when you look at the plan for SCI-Phoenix I and II which are two separate facilities, when you actually look at the lay out it shows the 14 housing units that they’re building, and then in dotted lines it show six additional housing units that are labeled ‘future housing units’ which would house about 15 hundred people additionally to the 41 hundred. So they’re already planning the expansion of the expansion in their plan for the new facilities.

Marty: Got ahead John Wetzel.

John: As we do for all facilities. But . . . but.. again I hate to through facts in the way . . . but the legislation precludes us from having more than 4100 people on the site . . . so that’s . . .

Sarah: Which legislation is that?

John: The legislation . . . enabling legislation for . . . that’s how capital projects are done. But it sounded, initially, like you were blaming the past administration for reopening old prisons and you just . . . um . . . held me to account to. So we’re not going to defend the fact that prisons were closed and then opened when we’ve pushed under the Corbett Administration the most aggressive corrections reform package that’s projected even by the Council of State Governments to reduce our population by 35 hundred over the next 5 years, so that’s between a 5 or 10 percent population reduction. So when you say minor reform . . . that’s a significant reform.

Marty: Just to understand from your perspective the goal of the Corbett Administration and what you do is to reduce the prison population in Pennsylvania.

John: Absolutely.

Marty: Do you believe him?

Sarah: I believe Secretary Wetzel has that goal. I’m not sure that I believe Governor Corbett has that goal. And I’m not sure that somebody could call themselves a prison reformer, like Governor Corbett, when he’s cutting funding for the very things we know keep people out of prison. That we know make us safer, when he’s cutting education funding. These things are not disconnected to the prison population. We tend to look at the criminal justice system as if it’s the only thing that relates to the amount of crime and violence in our communities and we know that it’s not. But I also think, that Senate Bill 100 had a lot more lofty goals that ended up being passed.

Marty: . . . I want to make sure though - our listeners, we’re going back and forth about this bill signed by Governor Corbett, Senate Bill 100. I want to make sure our listeners understand what it is and hear two different perspectives. I’ll start with you John Wetzel. What does this do; and how does it change the system in Pennsylvania?

John: It completely re-shuffles the deck on the system, and should result in the reduction of about 35 hundred inmates in over five years. It does, as Sarah pointed out, it does eliminate a group of offenders who could never come to us which are misdemeanor-3 and ungraded misdemeanors. And she absolutely . . .

Marty: And what does that mean . . . what kind of crime . . .
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John: It’s the lowest group of misdemeanors that can’t come to us. And she’s absolutely accurate that our initial projections were a lot higher than, it ended up being about 75 inmates as opposed to 450 and 500, we thought applied. But once we dug down into the data it turned out to be that. But it’s a start. For the first time in history of Pennsylvania we have a group of offenders who can’t come to us.

Marty: And what … these are like drug crimes? or minor?

John: Minor … the most minor misdemeanor. I think the most common one is a possession. But in Pennsylvania we have a aggregation, so if you get four separate possessions – misdemeanor-3 – and the sentence on each of them is 6 months, those 6 months have to be added together and it adds up to 24 months which means they come to us. And the philosophy behind that is there’s a group of offenders who don’t benefit from coming to us.

And the whole philosophy of Senate Bill 100 is really to do a better job in discerning who needs to come to a State Department of Corrections and who would be better served to be in the community. And by better served I mean less likely to commit another crime when they get out of the system.

…

Sarah: … I also want to make the larger point, when we’re talking about having a dramatic impact on, [and] not continuing to increase our prison population, we need to look at sentencing reform. We need to look at real changes that are going change who’s going in our prison system and why. We need to look at our harsh sentencing laws and life without parole and the number of elderly prisoners that has sky rocketed in our prisons over the last thirty years. We need to look at our mandatory minimum laws which the Sentencing Commission of Pennsylvania released a study in 2007 that said mandatory minimums and the length of a person’s sentence have no impact on recidivism and no impact on whether a person will come back to prison. And we need to look at the failed war on drugs because 18% of people in our prison are there on drug offenses alone.

Marty: Well let me pick up on several of those things. Let me go back to you John Wetzel. But would you agree with Sarah Morris that it’s time to look at sentencing and to reform the sentencing, about a third of inmates in prisons in Pennsylvania are there for non-violent crimes for instance…

John: Yeah, I think we’ve said from day one everything’s on the table. We need to look at everything. But we also have to acknowledge that’s great to be sitting outside and pulling out all the little issues and give ooh-we-need-to-be-less-harsh. It has to look like something. It has to look like a policy. And ultimately it has to look like legislation that you can get legislators and the citizens to support. And what’s at stake is there are still some dangerous people. You may want to eliminate the Department of Corrections, but the general public doesn’t want to eliminate the Department of Corrections cause there’s people that need to be locked up and you have to acknowledge that as part of this conversation. Do I agree with you that we have people locked up in the State Department of Corrections that shouldn’t be, absolutely.

Marty: Do you agree? I mean the basic question here Sarah is that there’re people that should be locked up in Pennsylvania.

Sarah: I think that right now as long as we think that the criminal justice system is a response to crime and violence, yes we’re going to take that approach, that people need to be locked up. But I think that we also need to look at the fact that part of the reason that Decarcerate PA is advocating an end to mass incarceration is that it is a failed policy, when you look at public safety. It has not, it just doesn’t make us safer, but it makes things worse. When you take people out of the community and you lock them in a cage for ten years and you send them back in the community you’re taking two million… There’s two million children with parents incarcerated right now. That is not helping to make our streets any safer. We need to look at what are the things that will actually allow people to succeed and thrive in our communities. And I do this work because I’ve seen firsthand the impact that violence and crime have on young people in Philadel-

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Philadelphia. And I’ve worked with young people in adult jails for the past seven years. I’ve experience a lot of really difficult things in those seven years. I’ve said goodbye to young people going up state to do 20, 30, 40 years. To do life without parole. But I’ve never experienced anything as difficult as a 17 year olds’ funeral… excuse me… and watching his younger siblings throw dirt over his body. So, I take very seriously the impact of violence in our communities and what Secretary Wetzel wants to call dangerous individuals. But the reality is when you have a 16 yr old who chooses to carry a weapon because he doesn’t feel safe in his neighborhood, we have failed that sixteen yr old in some really fundamental ways. When you have a 16 yr old who chooses the streets knowing the things that he’s risking with that choice, he makes that choice because he doesn’t think that we’re offering him anything better. And until we’re willing to have those conversations about what’s causing violence, we’re not going to change anything. And as long as we think that prisons are somehow making this better, we’re not going to have those real conversations about what it takes to end violence in our communities.

... 

Marty: Alright. Let me get some callers in. It looks like we have, Emily from West Philadelphia joining us on Radio Times. Emily go ahead you’re on the air.

Emily: Hi. Thank you for hearing my call.

Marty: You’re welcome.

Emily: I have a question both for Wetzel and Morris, and I was hoping they could each speak to the recent U.S. Supreme Court decision on Juvenile Life Without Parole sentencing and the impact that’s likely to have on Pennsylvania which has the highest number of people serving that sentence.

Marty: And what the court said was no more mandatory life sentences without parole for young offenders convicted of murder just so our listeners know what the court said. And Sarah you work with young people, what do you think this decision will mean for Pennsylvania?

Sarah: I think it will mean hopefully a lot for Pennsylvania it’s a very significant decision, and the court has spent, over the past few years in, a number of decisions recognize more and more the difference between young people and adults, and that somebody at 15 is not going to be the same person that they are at 50. And so, what we’re hoping it does will mean a real chance for men and women who are serving life without parole who were sentence as teenagers to have an opportunity for parole and have an opportunity to be re-sentence in a way that looks at them as an individual, cause a large part of what the court objected to was the mandatory nature of life without parole sentences. So there’s people in Pennsylvania, Joe Ligon is 75 years old who went in at 15. We’re really hoping that this will give Pennsylvania a chance to allow some people to really come home and be with their families, finally.

I also think it’s important to talk about the fact that the court, the decision was mainly focused on young people and said some really important things about the differences between young people and adults. But it also talked about the mandatory nature of life without parole and it was really the first time that the court has acknowledge that life without parole is such a harsh sentence and such a final sentence that it needs a greater degree of scrutiny than being a mandatory sentence and all Life Without Parole in Pennsylvania is a mandatory, so I think it may say some things beyond what it says free young people.

Marty: John Wetzel let me give you a chance to respond to what the Supreme Court said and what Sarah just said.

John: Yeah, we have about 480, I believe is the last number I saw of juvenile lifers so certainly there’s an impact and …

Marty: They highest in the country.

John: Yes. It’s sixty days to file their Post Conviction Relief Act so we had some advocacy groups like Prison Society went to some of our prisons to make sure the offenders knew what they needed to do. But, we’re in a wait and see mode because, as the Supreme Court is one to do, they said yeah no more life sentences, but you figure it out. So it’s gonna be figured out, as I understand it right now it’s going to be figured out county by county. So we are in a wait and see mode, certainly. And, if the issue is the mandatory nature of the Life, not the fact that a juvenile can’t get life. And that’s a clear distinction.

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...  
Marty: Philosophically though, and I’m back to you John Wetzel and back to the Supreme Court decision though. Do you agree with the decision? I mean obviously it’s your job to figure out how to implement it, but none the less, do you agree with what the court said? No mandatory life sentences?  

John: Yeah, I think it’s perfectly reasonable to say if you’re going to lock a kid away for the rest of his life that it should be a conscious decision based on the individual’s circumstances not on kinda broader circumstances. So anytime we individualize decision making based on data it’s a good thing in my opinion.  

Marty: Yes. But the idea that juveniles, in a sense, are serving time. I mean they’re no longer juveniles but none the less serving time in adult prisons, is that, does that create a problem?  

John: Yeah. We have specific prisons, one in particular for youthful offenders and they’re difficult to manage there’s different needs, even just from a nutritional stand point what a kid needs versus what an adult needs is different. But, keep in mind again these kids aren’t in there for J-Walking, you don’t get sent to the DOC as a 15 year old, because you were, aah truant. These are violent offenders. And so again I think it’s important that the decision making is individualized. But also, just the other, yesterday or the day before, 85 year old lady these seventeen year olds going in and beat her up. So that’s real impact and you talk about the impact to people who are incarcerated, there’s a impact to the community as a whole and we need to recognize that also.  

...  
Marty: Well to Sarah, are you saying that juveniles should be tried in juvenile courts?  
Sarah: Yes. I’m saying that we have the juvenile system for a reason.  

Marty: Yeah, use a juvenile system…  
Sarah Interrupts: And, it’s also a lot …  
John Interrupts: So a 16 year old juvenile murderer should be tried in a juvenile court?  
Sarah: I think we have a juvenile system that is able to, we should have a juvenile system that is able to address that rather that means raising the age, whatever that might mean. The adult system is not capable of addressing the needs of a young person. And we also need to look at that when a young person is tried as an adult, it’s not just the time they get they have to make all the decisions about their case in a room with their lawyer without their parents present. There’s a lot of things that go into decisions young people make about plea agreements that, that they’re not an adult they can’t necessarily think through those decisions and they’re made to make those decisions on their own when they’re tried as an adult. Can I also ..  

Marty Interrupts: Very quickly.  
Sarah: The case that Secretary Wetzel pointed out about the 85 year old woman was actually a neighbor of mine. And I believe that an adult is being accused of that crime. So I think young people are often blamed for things and the media, when you actually go back and look at the cases adults commit, it’s often adults who are actually responsible.
John: Okay. Well I think, right if that’s the case. But again keep in mind that we’re talking, if we’re talking about someone that killed somebody it’s not just as simple as, what their needs are it’s also what the needs of the community are and making…, and some, one goal of incarceration is to keep bad people away from good people. And there are bad people in the world.

Sarah: But science show that we’re safer if we give young people the things that they need instead of just locking them up and expecting different results…

John Interrupts: And I agree with you a hundred percent.

Marty: So, we’re, so obviously if we had a, a good school system and stable families and safe communities, all of that would help young people and probably would reduce the crime rate.

Sarah: Yeah. I don’t think there’s any doubt about that.

…

Marty: One of the things that Sarah said and one of the protests was about was the fact that Governor Corbett was making and did make pretty dramatic cuts in education and some of the social service programs. General assistance is now cut, there’s a couple of hundred dollars per month that folks have been getting that has been cut. Do see that as setting the stage for if not crime, certainly for problems for people that are struggling at the edges?

John: No. I think that to assume again, talk about assumptions; to assume that just throwing money at an education system is gonna get better outcome is inaccurate. If you look at the numbers, more money spent doesn’t necessarily correlate with better results. So when you talk about real, and keep in mind the environment as you refer to the financial environment, which is interesting that you refer to it as it relates to corrections but nothing else. There is no money. So just spending the amount of money that comes in, that’s a reasonable approach; the same approach you take at home when you’re budgeting. So that approach and then how, what gets cut, and what doesn’t get cut goes through a process. So certainly Governor Corbett is the governor and it ends up on him, but it goes through a process with two separate… the Senate and the House and looking at how to mitigate the cuts.

Marty: Go ahead Sarah.

Sarah: I know that Governor Corbett likes to talk about how there is no money and we’ve heard some of these smoke-and-mirrors before, about how the money isn’t actually coming from education. The thing is that we pay for prison construction with something that’s called Capital Fund Bonds and what that means is…, basically what that means is that our children are gonna be paying for these prisons for the next 20 years. We’re paying for these prisons with borrowed money. So when you look at the budget it’s not going to be a line item in this year’s budget that says ‘Prisons Construction’. What there is, is a line item that says ‘Debt Service’ which is 1.2 billion dollars of the budget. We’re paying right now for the seven prisons that were built in the early 90’s that takes 20 years to pay that off. And this year’s budget alone, 400 million of that debt service goes towards interest alone. So we are essentially paying for these prisons on the backs of our children. And we’re ensuring that that money… when we talk about the budget cuts we’re not talking about this year or last year, we’re talking about how these budget cuts are gonna impact generations of Pennsylvanians. We’re virtually ensuring that we’re gonna have to pay back these prisons instead of reinvesting that money in education. And I would take serious issue with the argument that more funding for schools doesn’t have an impact on the results that we get…

John Interrupts: Also… I hope that you would also acknowledge that we saved 200 million of that bond money you were just talking about by not building that prison.

Sarah: And spend 685 million of it, which is a lot more.

John: Yeah, well only half of that, we can account to Governor Corbett although I’m sure you’ll blame everything on him…

Sarah Interrupts: That’s still… I mean that’s still a lot of money.
John Interrupts: And again if you look over 20 years and you reduce operational costs it actually saves you money. That’s what a cost benefit …

Sarah Interrupts: I would like to just address that point briefly.

Marty: Very briefly.

Sarah: Secretary Wetzel has repeatedly told us that they did a cost benefit study that shows that they cannot renovate Graterford because we’ve asked them repeatedly why, would it not be cheaper to renovate the existing facility …

John Interrupts: Fifty million dollars is what it would cost us to renovate SCI-Graterford and you still have the increased operational cost.

Sarah: So that’s a lot less than 400 million dollars, 50 million. And we’ve asked him repeatedly …

John Interrupts: Operationally, it’s not less. Operationally, it’s more and that’s really where you spend the money …

Marty Interrupts: Because you’re saying you need more staff in order to …

John Interrupts: Yes. It’s an inefficient facility so the cost to operate an inefficient facility are more, 21% more than operating a new facility.

Sarah: But he’s asking us to take him at his word on that and we’ve repeatedly asked for this cost benefit study, an internal study, that he says the DOC did and he’s repeatedly ..

John Interrupts: What, I’m making it up now? Is that the latest allegation..?

Sarah Interrupts: We’ve asked for the document repeatedly and your office has said we’ll get it to you, we’re gonna get it to you, and vague responses and we haven’t seen anything. So I know that you want us to trust you but you’re spending Pennsylvania tax payers’ money. So I think it’s only reasonable to ask …

John Interrupts: I tell you what, so when you get that then you’re gonna acknowledge that building the new Graterford if it financially, saves money over the 20 years. You’re gonna acknowledge that that’s the right thing to do. And you’re gonna log Governor Corbett for it; yes or no?

Sarah: I would say that if our goal as Decarceration is decreasing the prison population, we should be looking at how to close facilities not how to build facilities ..

John Interrupts: So that’s a ‘No’. So what you just said is in spite of the fact that I said, specifically; if it’s gonna save us money over time, and that money is money that can be reinvested in other areas, would you say yes it’s the right thing to do. And you couldn’t even answer that directly by saying, ‘Yes’.

Sarah: I’m answering it directly, because I would say that you’re saying that it would [save money] over 20 years. I would say the goal is to close Graterford for good and not have to replace it in 20 years. That would save more money.

John: And that would be a great goal, but that’s not gonna happen.

Marty: Alright let me jump in here because I do wanna get some more callers in, including Russell from Wilmington, DE. Russel go ahead, you’re on Radio Times.

Russell: Thank you. Good morning Marty, Sarah, and John. Excellent discussion and the question for Mr. Wetzel related to a lot of the discussion around mandatory sentencing, sentencing reform, I wonder if you’ve had the chance or the possibility exist to, check for best
practices across other states and are other states across the nation taking similar measures where we can continue to employ best practices?

**Marty:** Okay, Fair enough...

**John Interrupts:** Yes. And a lot of the initial policy recommendations from Justice Free Investment were based on successes in other states. And [as] it relates to mandatory, specifically, some of the areas that we’re suggesting that we look at next are drug mandatory. And I think it’s important from our standpoint . . . that we separate violent mandatory’s from drug mandatory’s. Also the Sentencing Commission, I think he was on last time I talked ..

**Marty:** Yes he was.

**John:** . . . is re-looking at some of the sentencing practices specifically as it relates to the weight of cocaine. And so there are things in the drug law area that we’re starting to look at, yes.

**Marty:** You want to add anything to that Sarah?

**Sarah:** I would just agree that I think that we need to look at those things and add that we need to look at the much more dramatic steps that other states have taken to decrease their prison population. You look at New York, they’ve decreased their prison population by about 10 thousand people over the past 10 years; they’re closing facilities instead of opening new facilities. And they’ve done that by looking at sentencing and by looking at mandatory minimums. And those are the things that we need to be taking a closer look at.

**Marty:** But if you’re looking at mandatory minimum you have to go through the legislator. I mean that’s, these are laws we’re talking about here, right?

**Sarah:** Right. They’re laws but I think that Secretary Wetzel has shown that he’s willing to advocate for certain legislative changes. And I hope that he’s gonna advocate for some broader changes that will have a deeper impact.

**Marty:** Because when you look back over the last couple of decades, it has been these get-tough-on-crime laws, these mandatory minimums, dealing with drug offenses in a pretty harsh way. Do you think there’s political, umm fortitude, willingness, to address some of these; take a look at some of these . . . maybe just even for cost reasons?

**John:** Yes. I. Listen, in these financial times everything’s on the table. And the other states have gone through this, first of all the Rockefeller Drug Laws were a lot harsher than Pennsylvania’s current laws so they had some low hanging fruit. They have done a good job over 10 years and, again, that just proves a point; it takes time . . . We’re projecting a reduction of 35 hundred inmates over 5 years. That’s a significant reduction. That’s a prison and a half, or a big prison and a little prison.

. . .

**Marty:** Well . . . I know we could on, but I do appreciate the fact that both of you joined us in the studio to talk about this important issue. Sarah Morris, thank you very much founding member of Decarcerate-Pennsylvania. John Wetzel, thank you very much as well. And he is the Secretary of the Pennsylvania Department of Corrections. . . . I’m Marty Moss-Coane. Thank you so much for joining us.
Mandatory life sentences challenged by juvenile offenders

September 13, 2012
By Moriah Balingit / Pittsburgh Post-Gazette

PHILADELPHIA -- In 2006, when Qu’eed Batts was just 14, he killed one man and injured another in an act of violence that was meant to boost his status in a local gang, he told police, a crime for which he is now serving a mandatory life sentence. Seven years prior, Ian Cunningham, then 17, killed a man during a robbery in Philadelphia. Convicted of second-degree murder and robbery, he, too, is serving a mandatory life sentence.

But in June, the U.S. Supreme Court ruled in Miller v. Alabama mandatory life sentences for juveniles to be unconstitutional, opening the door for both men to appeal their sentences. Pennsylvania, which leads the nation in the number of juvenile offenders incarcerated for life with about 470, saw a flood of similar appeals, including more than 40 in Allegheny County alone. And while the high court decisively struck down the penalty, it left myriad other questions to be answered by the states, including, most critically, if and how the decision applies to juvenile offenders already serving mandatory life sentences -- offenders like Cunningham and Batts.

Wednesday, the Pennsylvania Supreme Court heard arguments in appeals from both men, who are challenging their sentences. The ruling that results from the case is expected to shape how the state falls into line with the high court's decision and could radically alter the fates of those serving life without parole for crimes they committed before their 18th birthdays. "This is a very challenging dilemma for the court," said Marsha Levick of the Philadelphia-based Juvenile Law Center, who is representing Batts. "Pennsylvania is in a bind."

Prosecutors insist that the Miller v. Alabama decision should not retroactively apply to defendants like Cunningham, who has challenged his sentence under a collateral appeal -- an appeal filed with the original court, often after new information has arisen in a case. He had exhausted his direct appeals to a higher court long before the mandatory life sentences were struck down. Ms. Levick estimated most of the juvenile offenders like Cunningham have already served their time.

Poems in this issue of THE MOVEMENT are from ‘Captured Words, Free Thoughts’, Writings from America’s Prisons Volume 9, Fall 2011

Streams
By Crystal Carney

Memories are streaming Through my imagination Feelings from my past Anticipations The pictures so clear Conversations I can’t seem to forget Echo off the walls of my mind Ringing in my ears

I open my eyes To see if I’m still here Soaked in sweat Shallow ragged breath These walls consume me The razor wire keeps me trapped My body a prisoner to the system My mind a fugitive They cannot shackle down or trap

I am tired because my mind runs in circles Between what was and should have been Simply waiting for the rest of me to be free

So I’m closing my eyes To run back through The streams of my imagination Looking for glimmers of the future Anticipations The pictures so clear Conversations I long to hear Ringing through my ears.

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ANSWERS FOUND ON PAGE 13
Pennsylvania Supreme Court hears arguments on new sentences for juvenile lifers

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(Continued on page 30)
ers serving life have already exhausted their direct appeals. Prosecutors are not challenging Batts’ argument because he had been pursuing a direct appeal of his sentence at the time of the U.S. Supreme Court decision. Prosecutors have distinguished their treatment of the defendants based on precedent.

Cunningham's attorney, Bradley Bridge of the Defender Association of Philadelphia, argued that the U.S. Supreme Court made clear in the Miller decision that they intended for it to be retroactive and apply to all juvenile offenders serving life sentences. In that case, the high court struck down mandatory life sentences for two juvenile offenders, one of whom was on collateral appeal. But Hugh Burns, of the Philadelphia District Attorney's office, believed that the court's ruling failed to meet the standards cases must reach to be considered retroactive. It was not a "watershed" case, he said, nor did it ban a specific sentence, only the manner in which that sentence was implemented -- mandatory.

There is already consensus that Batts is serving a life sentence that was rendered unconstitutional under the high court's new ruling. But the Pennsylvania Supreme Court is tasked with sorting how the state should comply with the new mandate. In other words, if Batts will not serve life, then what?

Ms. Levick argued that short of writing a new law, the high court's only option was to impose the next-most-severe sentence that already exists in state law. That's 20 to 40 years, the sentence for third-degree murder. "This is a difficult position you've been put in to sort out what's absent in the legislation," she said. "I suggest that the only option you have is third degree."

Justice Seamus P. McCaffrey challenged the proposal, suggesting that parole eligibility after 20 years was not enough time. "20 to 40 years? So I get a 15-, 16-, 17-year-old murderer who could be back on the streets in his mid-30s? Is that what you're saying?" he said.

Prosecutors shot back with their own proposal: that the court allow judges to impose either life without parole or life with parole. The latter sentence does not exist in the law, but Mr. Burns argued the court could simply strike down a statute that keeps the parole board from reviewing the cases of those serving life. Judges would then be given the discretion to set a minimum term. Justice Michael Eakin challenged the proposal, questioning where judges got the authority to set minimum terms of life with parole sentences. "There's nothing that prohibits it," said Terence P. Houck of the Northampton County District Attorney's office. Ms. Levick countered that this was tantamount to legislating -- and not the role of the court. Mr. Houck said the same of Ms. Levick's proposal. Mr. Bridge acknowledged that the solution was imperfect, "bad" even. But, he said, "the commonwealth solution is the worst solution."

Among those in the crowd were a handful of relatives of juvenile offenders serving life without parole, for whom the cases -- despite all their complicated legal jargon -- provide a visceral sense of hope that their loved one may someday be released. Khadijah Ashley-Shaff is a Philadelphia counselor whose friend Eugene Carney has served nearly four decades for a second-degree murder convictions. "He's going to be a part of society if God gives him a life out there. ... I know he's going to do fantastic things out here," she said. "He's got a big loving family who's waiting for him here."
Iowa Governor Commute Child Lifers

Professors question Branstad action on juvenile lifers

July 17, 2012 By TRISH MEHAFFEY

DES MOINES --- Two law professors say Iowa Gov. Terry Branstad's action Monday to commute life sentences for 38 offenders who committed their crimes as minors conflicts with last month's U.S. Supreme Court ruling on the issue.

Branstad ordered each of the offenders to instead serve a mandatory 60 years before being considered for parole. He consulted with the Iowa Attorney General's Office, victims' families and county prosecutors.

The law professors don't dispute the governor's authority to commute sentences, but in this matter they said his action isn't in compliance with the high court's ruling.

Drake University Law School professor Gordon Allen said that while he appreciates Branstad's effort, "the ruling said the sentences should be individualized," and applying a blanket 60-year term to the entire group doesn't meet that standard.

Colleague Robert Rigg said the move seems to be "a political reaction to a legal problem" that will likely complicate the offenders' appeals for resentencings.

Allen is representing two of the juvenile offenders in those appeals.

Christine Marie Lockheart and Yvette Louisell were both convicted of first-degree murder at age 17.

Lockheart's life sentence was recently overturned by the Iowa Court of Appeals. She and her boyfriend were convicted in Scott County of stabbing to death a retired Davenport bus driver in 1985.

Louisell, an Iowa State University student, stabbed former Cedar Falls resident Keith Stillwell, a paraplegic, to death in his Ames home and took his wallet in 1987. Allen filed Louisell's appeal last month.

Among the 38 juveniles who had their sentences commuted Monday are two Northeast-area people: Ruthann Veal of Waterloo and Edgar Concepcion Jr. of Charles City.

Veal stabbed a retired librarian to death in 1993 in Waterloo. Concepcion killed his 3-year-old cousin in Charles City in 2009. Both received the mandatory sentence of life without parole when they were convicted.

Iowa Attorney General Thomas Miller said in a statement that his office is "prepared to defend the Governor's action in court and any legal matters surrounding it."

Assistant Attorney General Kevin Cmelik, the office's director of criminal appeals, said Branstad's action won't prevent offenders from filing appeals under the illegal sentencing doctrine, but their arguments may have to change.
California: Chance for Justice for Youth
Assembly Vote to Review Youth Life Without Parole Follows US Supreme Court Ruling
August 16, 2012

*Update*: Senate Bill 9 passed the California State Senate by a vote of 21-16 on August 20, 2012. The bill is now with Governor Jerry Brown to sign into law.

(Sacramento) – The California State Assembly’s approval on August 16, 2012, of a bill to allow review of life without parole sentences for youth offenders is a step toward justice.

The vote came just weeks after a United States Supreme Court decision barring the mandatory sentencing of juvenile offenders to life without parole. The Senate and governor should now act to bring California in line with the Supreme Court ruling.

“The Supreme Court decision highlighted the need for the California leaders to act,” said Elizabeth Calvin, senior children’s rights advocate at Human Rights Watch, based in Los Angeles. “Laws now on California’s books allow youth to be condemned to a lifetime in prison, with no hope or possibility of release. The bill that the assembly just passed finally recognizes children’s capacity for change and would enable California to comply with the Supreme Court’s recent ruling.”

The bill, Senate Bill 9, is to go to the state Senate for a vote. If the governor signs it into law, it will allow people who were under age 18 at the time of their crimes to ask the sentencing court to review their sentences after serving up to 25 years in prison. The passage of time puts the court in a better position to assess whether the person merits the possibility of parole.

The Supreme Court’s June 2012 rulings in Miller v. Alabama and Jackson v. Hobbs focused on states with automatic or mandatory sentencing laws. In the rulings the court recognized that children are different from adults and have a distinct status under international human rights and constitutional law.

The court in Miller listed critical distinctions between adults and youth, noting that children have a “lack of maturity” and an “underdeveloped sense of responsibility;” are reckless, impulsive, and risk-taking; “are more vulnerable . . . to negative influences and outside pressures;” and “lack the ability to extricate themselves from horrific, crime-producing settings;” and that their actions are less likely to be “evidence of irretrievable depravity.”

(Continued on page 33)
California’s laws now fail to comply with the Supreme Court’s requirement that courts carefully consider the individual characteristics of young offenders facing the possibility of life without parole.

“People can change a lot over 25 years—especially between ages 16 and 41,” Calvin said. “This law gives a judge the chance to take into account the changes in someone who has grown and matured into an adult.”

In the 2008 report “When I Die They'll Send Me Home,” Human Rights Watch documented California's use of life sentences without parole for persons who were under age 18 at the time the crime was committed. The report found that California's use of this sentence for youth is among the most unjust in the nation. An estimated 45 percent of those serving such sentences in California for murder cases were not the killers. Many were convicted of felony murder or for aiding and abetting the murder, for instance, because they acted as lookouts or were participating in a robbery when a murder took place.

In nearly 70 percent of the California cases examined by Human Rights Watch in which the youth was not acting alone, at least one co-defendant was an adult. Survey responses reveal that in 56 percent of those cases, the adult received a lower sentence than the juvenile. Human Rights Watch found nationally that an estimated 59 percent of those sentenced to life without parole for crimes committed as juveniles were first-time offenders.

“The Senate and then the governor in Sacramento now have a chance to do what is right for the state's imprisoned youth,” Calvin said. “It's time for California to stop condemning young people to die in prison and find a smarter way of responding to juvenile crime.”

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<tr>
<th>MITT ROMNEY ON CRIME</th>
<th>BARACK OBAMA ON CRIME</th>
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<td>Former Republican Governor (MA); presidential nominee-apparent</td>
<td>Democratic incumbent President; IL Senator (2004-2008)</td>
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**1981: Arrested for fishing without a license**
In June 1981, Romney went to Lake Cochituate, about half an hour west of Boston, intending to do some boating with their families. A park ranger told him he couldn’t put his boat into the lake because the license number was too difficult to read, Romney would later say. Romney then asked what the fine was, and the ranger told him: fifty bucks. To Romney, it was a non-brainer—he’d easily pay that in exchange for a day of fun. But when he began to lower his boat into the water, the ranger became incensed, “The ranger took it as a personal attack.” The ranger pulled out a pair of handcuffs and took Romney, dripping wet in his bathing suit, into custody for disorderly conduct. The case was soon dismissed after Romney and his lawyer pushed back hard. But that day, the lake outing was over before it had begun.  
*Source: The Real Romney, by Kranish & Helman, p.105-106, Jan 17, 2012*

**2002: Supported death penalty although it was long abolished**
In an echo of his 1994 platform, Romney positioned himself as an agent of change, vowing to “clean up the mess on Beacon Hill,” the seat of state government. And there was plenty to clean up: government was still rife with patronage and waste. Romney debuted a sophisticated “microtargeting” program to drill deep into voter behavior, seeking to identify supporters through their voting history and other personal information. He pitched himself squarely to independents, who made up half the Massachusetts electorate. Unlike O’Brien, he supported the death penalty, which had long been abolished, and an initiative petition on that year’s ballot to replace bilingual education with English immersion.  
*Source: The Real Romney, by Kranish & Helman, p.232, Jan 17, 2012*

Hire private companies to manage our state prisons
When I was serving as the governor of Massachusetts, I suggested that we look into the possible benefits of hiring a private company to manage our state prisons. But almost uniformly, I was met with a very negative reaction. People invariably presumed that if we did, the state’s cost would rise because a private company “would have to make a profit.” It was hard to convince people that the private companies that manage prisons have learned how to safely do so with fewer workers than state-operated prisons—and the money they save through pro-

(Continued from page 33)

**Survived vague threats from Ku Klux Klan during campaign**
The Secret Service began protecting Barack Obama on May 3, 2007, 18 months before votes for president were to be cast. It was the earliest point at which the Secret Service had ever protected a presidential candidate. In contrast, in the 2004 election, John Kerry and John Edwards began receiving protection in February of that year, 8 months before the general election. While Obama never received a specific threat before his protection started, Secret Service agents picked up a number of vaguely threatening Internet comments, mostly directed at the fact that he is African American.

Chatter among white supremacists on the Internet increased throughout the campaign. On Election Day, Ku Klux Klan leader David Duke rallied white supremacists in a call to action, saying Obama’s election represented a “night of tragedy and sadness.” In a website broadcast, Duke said, “Barack Obama has a long history of antagonizing white people.” He added, “We as European Americans have to rally for our survival.”  
*Source: In the President’s Secret Service, by R. Kessler, p.216-219, Jun 29, 2009*

**1997: Accomplished bipartisan criminal justice reform**
As a lead sponsor of landmark legislation to reform the Illinois criminal justice system [Obama accomplished] several initially controversial measures such as mandatory videotaping of confessions. Obama just kept working until he had built a consensus, and he did this during a period when the Democrats were the minority party in the state senate. This mode of leadership is what LBJ achieved and what George W. Bush promised as a candidate (“a uniter, not a divider”) but quickly abandoned in office.  
*Source: Obama’s Challenge, by Robert Kuttner, p.190, Aug 25, 2008*

**Job training for ex-offenders, to avoid return to crime**
We have to fight for those young men standing on street corners with little hope for the future besides ending up in jail. We have to break the cycle of poverty and violence that’s gripping too many neighborhoods. That’s why I’ll end the Bush policy of t  
*Source: McCain-Obama speeches at 99th NAACP Convention, Jul 12, 2008*

**We need more cops; but we also need more families**
How many times in the last year has this city lost a child at the hands of another child? How many times have our hearts stopped in

(Continued on page 35)
MITT ROMNEY ON CRIME (CON’T)

Productivity innovations more than makes up for what they earn in profit. In fact, it's the profit motive that led them to find ways to improve their productivity. The tax dollars we would save could either be returned to the people who paid them or be spent on additional government priorities. Either way, productivity would increase. Organized labor made sure that private sector productivity would never disrupt government jobs in Massachusetts prisons.
Source: No Apology, by Mitt Romney, p.106, Mar 2, 2010

To reduce black on black crime, get more moms and dads
Q: What are you going to do about black on black crime; the war in the inner city?
A: Number one is to get more moms and dads. Number two, we’ve got to have better education in our schools. And number three, we have to do a better job with our policing. And I was very proud that I added one state police class after another.

One Strike, You’re Ours: lifetime GPS tracking
Governor Romney announced that he would propose a “One Strike, You’re Ours” law for those convicted of preying on children using the Internet. Massachusetts Republican District Attorneys and Sheriffs support Governor Romney’s proposal for stiff mandatory jail time to be followed by lifetime tracking by Global Positioning Satellite (GPS) for first-time offenders: “As Governor of Massachusetts, Mitt Romney was a strong defender of children. He led the effort to put photos of the state’s most dangerous sex offenders on the Internet and made it easier to extend civil commitments for sex offenders. As a candidate for president, Governor Romney is once again demonstrating strong leadership in protecting our children. His ‘One Strike, You’re Ours’ law is an important initiative to strengthen law enforcement and protect America’s sons and daughters. We are proud to stand alongside Governor Romney in his campaign for our nation’s highest office.”

Reform sentencing process; appeal too-lenient sentences
Romney and Healey pledged to enact strong sentencing guidelines, especially for sex crimes, and vowed to level the playing field for prosecutors by giving them the right to appeal lenient sentences imposed on criminals.

Supports death penalty in heinous murders
Romney pushes for a death penalty law for murderers convicted of heinous first-degree homicides. “The ultimate penalty should

BARACK OBAMA ON CRIME (CON’T)

the middle of the night with the sound of a gunshot or a siren?
How many teenagers have we seen hanging around on street corners when they should be sitting in a classroom? How many are sitting in prison when they should be working, or at least looking for a job? How many in this generation are we willing to lose to poverty or violence or addiction? How many?
Yes, we need more cops on the street. Yes, we need fewer guns in the hands of people who shouldn’t have them. Yes, we need more money for our schools. Yes, we need more jobs and more job training and more opportunity in our communities.

But we also need families to raise our children. We need fathers to realize that responsibility does not end at conception. We need them to realize that what makes you a man is not the ability to have a child—it’s the courage to raise one.
Source: Chicago church speech, in Change We Can Believe In, p.235, Jun 15, 2008

Reduce recidivism by providing ex-offender supports
Reduce Crime Recidivism by Providing Ex-Offender Supports: Obama will work to ensure that ex-offenders have access to job training, substance abuse and mental health counseling, and employment op-portunities. Obama will also create a prison-to-work incentive program and reduce barriers to employment.

Ban racial profiling & eliminate disparities in sentencing

AT A GLANCE
Promote Fairness in the Criminal Justice System: Obama will work to ban racial profiling, eliminate disparities in criminal sentencing,

THE PROBLEM
Disparities Continue to Plague Criminal Justice System: African Americans and Hispanics are more than twice as likely as whites to be searched, arrested, or subdued with force when stopped by police.

OBAMA’S PLAN
- Reduce Crime Recidivism by Providing Ex-Offender Support: Obama will provide job training, substance abuse and mental health counseling to ex-offenders, so that they are successfully re-integrated into society. Obama will also create a prison-to-work incentive program to improve ex-offender employment and job retention rates.
- Eliminate Sentencing Disparities: Obama believes the disparity between sentencing crack and powder-based cocaine is wrong and should be completely eliminated.


(Continued on page 36)
MITT ROMNEY ON CRIME (CON’T)

be available in Massachusetts for criminals who commit the most egregious murders,” Romney said.

Favored mandatory sentencing and three strikes
Supported death penalty
Wanted to abolish parole, limit probation, and end furloughs and release programs for violent or repeat offenders
Favored mandatory sentencing and three strikes and you’re out
Supported restrictions on plea bargaining
His crime prevention efforts also focused on instilling family values.

Safe streets will be a campaign theme
“There have been too many left behind,” Romney said after his announcement speech. “Our schools aren’t solid enough; our environment has not been cleaned the way it could be. Our streets are not as safe as they could be. All these things could be made better in my view with the application of new leadership and sound management principles.”
Source: Stephanie Ebbert, Boston Globe, p. B6, Mar 20, 2002

Will bring new businesses to urban areas
Romney says, “We never think of going to Roxbury or Dorchester. Why do we never think about it? Crime. Let’s also look at the truth. You have businesses leaving our urban areas.” Romney said he would locate a business in Roxbury and Dorchester if the right opportunities were available. But the GOP candidate and venture capitalist, who has based his campaign on his job creation experience, said government has to provide the public safety and infrastructure in urban areas to attract businesses.

BARACK OBAMA ON CRIME (CON’T)

Have a civil rights division enforce laws fairly and justly
If we know that in our criminal justice system, African-Americans and whites, for the same crime, receive--are arrested at very different rates, are convicted at very different rates, receive very different sentences. That is something that we have to talk about. But that’s a substantive issue and it has to do with how do we pursue racial justice. If I am president, I will have a civil rights division that is working with local law enforcement so that they are enforcing laws fairly and justly. But I would expect a white president or a woman president should want to do the same thing, because I believe the pursuit of racial equality, of the perfection of this union, is not just a particular special interest issue of the African-American community. That is how all of us are going to move forward. And to the extent that we don’t deal with those issues, those longstanding, deep-seated issues, we will continue to be hampered. We will be competing with the world with one hand tied behind our backs.
Source: 2008 Congressional Black Caucus Democratic debate, Jan 21, 2008

Legislated protecting police detainees during interrogation
[Obama’s] record as a state senator, especially on civil liberties, is strong. Obama sponsored successful legislation to combat racial profiling and to protect police detainees during interrogation. He sponsored an unsuccessful bill banning discrimination against lesbians and gays.

Pushed Illinois bill to videotape all capital interrogations
Obama had a 2002 bill to stop police abuse. Chicago had become infamous for use of torture by police to help frame innocent people. Thirteen innocent men on Death Row were exonerated and released, some of them victims of these tortured confessions. Obama’s proposal was to require videotaping of interrogations of suspects in capital cases. When Obama began, the idea of a bill was opposed by police, prosecutors, most of the senate and the governor. The governor was determined not to appear soft on crime, and had promised to veto any proposal for mandatory tapings. By the time Obama finished his work, the police and prosecutors embraced the bill, it passed in the Illinois Senate by a vote of 58-0. The governor took the unusual step of reversing himself to sign it, and Illinois became the first state to require such tapings.

No extra penalty for gang association
Most people like the idea of a politician who votes for individual rights, but the fact that Obama could do so and still maintain the respect of law enforcement shows his political skills. Obama
BARACK OBAMA ON CRIME (CON’T)

voted against a proposal to criminalize contact with a gang for any convicts on probation or out on bail. In 2001, Obama opposed making gang activity eligible for the death penalty. “There’s a strong overlap between gang affiliation and young men of color.... I think it’s problematic for them to be singled out as more likely to receive the death penalty for carrying out certain acts than are others who do the same thing.” In 1999, Obama opposed mandatory adult prosecution for youth who discharge a firearm near a school, declaring, ”There is really no proof or indication that automatic transfers and increased penalties and adult penalties for juvenile offenses have, in fact, proven to be more effective in reducing juvenile crime or cutting back on recidivism.”

Source: The Improbable Quest, by John K. Wilson, p.146 , Oct 30, 2007

Works on ex-offender laws because it could have been him

Obama said, “In my book, I mention that I dabbled in drugs or that I was acting tough. I put that in there explicitly because what I wanted to communicate was the degree to which many young men, particularly young African-American men, engage in self-destructive behavior because they don’t have a clear sense of direction. But I also wanted to point out that there is way to pull out of that and refocus, and in my case, it was tying myself to something much larger than myself. In my case, that was trying to promote a fair and just society. That is the reason I work on ex-offender legislation. I say to myself that if I had been growing up in low-income neighborhoods in Chicago, there is no reason to think that I wouldn’t be in jail today, that I could have easily taken that same wrong turn. That is something that I am very mindful of and it is something that motivates me.”


Battles legislatively against the death penalty

Obama’s most significant contribution has been his legislative battles against the death penalty, and against in the criminal justice system. In Illinois, it’s been a series of shocking exonerations of innocent people who are on death row. He was involved very intimately in drafting and passing legislation that requires the video taping of police interrogations and confessions in all capital cases. And he also was one of the co-sponsors of this very comprehensive reform or the death penalty system in Illinois, which many people say may trigger the retreat on the death penalty in many other states.

Source: Salim Muwakkil and Amy Goodman, Democracy Now , Jul 15, 2004

Supports alternative sentencing and rehabilitation

Principles that Obama supports to address crime:
Implement penalties other than incarceration for certain non-violent offenders.
Increase state funds for programs which rehabilitate and educate inmates during and after their prison sentences.
Provide funding for military-style “boot camps” for first-time juvenile felons.
Source: 1998 IL State Legislative National Political Awareness Test , Jul 2, 1998

Reduce recidivism by giving offenders a Second Chance.

Obama co-sponsored reducing recidivism by giving offenders a Second Chance

Recidivism Reduction and Second Chance Act of 2007
· Amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand provisions for adult and juvenile offender state and local reentry demonstration projects to provide expanded services to offenders and their families for reentry into society.
· Directs the Attorney General to award grants for:
  1. state and local reentry courts;
  2. Comprehensive and Continuous Offender Reentry Task Forces;
  3. pharmacological drug treatment services to incarcerated offenders;
  4. technology career training for offenders;
  5. mentoring services for reintegrating offenders into the community;
  6. pharmacological drug treatment services to incarcerated offenders;
  7. prison-based family treatment programs for incarcerated parents of minor children; and
  8. a study of parole or post-incarceration supervision violations and revocations.
Legislative Outcome: Became Public Law No: 110-199.
Source: Second Chance Act (S.1060/H.R.1593) 08-S1060 on Mar 29, 2007
Last updated: Sep 22, 2012

www.hrcoalition.org

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FALL 2012 (ISSUE # 16)
Challenging Power With Human Rights

The concept of human rights has contributed valuable moral and legal authority and inspiration to movements and people challenging state repression, injustice and the inhumane treatment of prisoners around the world. While the concept of human rights has contributed much to improved treatment and conditions under which prisoners are confined there is still along way to go towards progress on these fronts. Specifically in introducing and educating prisoners into the ideas, principles and concepts of human rights. Human Rights activists and radical activists in general sometimes tend to view prisoners as helpless victims in need of someone to swing in and rescue them. But it has been my experience that when prisoners become educated into political awareness and how human rights can contribute to their/our liberation, prisoners become partners in the liberation process capable of introducing and contributing valuable ideas, insights and proposals for confronting not only the Prison industrial Complex but also many of the inequalities within society that radical activist are confronting.

Many prisoners as well as many activists advocating for human rights tend not to be fully educated in the concept and often fall into the trap of quoting or reciting generic definitions of human rights that usually are the product of government officials talking points, or NGO’s (Non Government Organizations) that are aligned with the very governments that are a the forefront of depriving prisoners - and people in general - of their basic human rights protections. These definitions of human rights often places “human rights” within the cozy confines of the law, an arena that subjects inherent human rights to man made laws that are often corrupt or serve the interests of the strongest within society. To counter these generic definitions a basic understanding of what human rights are is necessary for serious human rights activists, including prisoner activists who in the age of mass imprisonment directly suffer the most from the inhuman and unjust policies that they are subjected to.

For starters, human rights is the belief that all human beings are endowed by the creator with the inherent right to life, freedom and dignity (and all that springs forth from these qualities). And if a state or group of people attempts to suppress or strip these rights from the people, individually or collectively, the people possess an inherent right of resistance. These rights are not generated or guaranteed by the United States Constitution or bestowed by the United Nations Universal Declaration of Human Rights; but rather, these rights are inherent, meaning they exist within the individual and therefore transcend governments and states. As a matter of fact it was the people’s of the Third World and women activists that most aggressively worked to enshrine human rights as a universal principle forcing the Western colonial powers to accept them as human beings deserving of freedom and liberation. Human Rights therefore is not uniquely American or European, nor is it African, Asian or the exclusive domain of any one religion. It transcends religion because it is human rights that connected the liberating practice and work of Dr. Martin Luther King Jr., a Chris-
Human rights is not begging the state for dignity or freedom; nor, is it petitioning the state for recognition of one’s human rights. It is taking to the streets and committing oneself to movement building demanding the state recognize your dignity and freedom. It is not confining oneself to the boundaries of the law to enforce your human rights. Though you may use the law it is important to remember that these rights you are asserting do not Spring forth from the law. Our advocacy of human rights reminds the courts that there is a higher power that transcends its laws and jurisdiction. The state however is not obliged to recognize the principles and protections asserted in human rights advocacy and this is where activists must assert their right to resistance to injustice. Yet, a larger question arises and that is how does one enforce one’s human rights when the state is not obligated to recognize it? Our enforcement of human rights manifests itself in our civil disobedience; i.e., not recognizing the unjust laws of the state and its courts. Of course there are consequences to this position but power concedes nothing without a demand, and demands often carry consequences. Yet, whatever consequences may come are worth it in the long run because freedom and dignity have no price.

Civil disobedience and human rights advocacy go hand in glove, they cannot be separated. The mass civil disobedience campaigns we see rocking the world is a confirmation of this relationship. It serves as an example of how the demand of human rights transcends nationalities and connects people around the world. It is the demand for human rights, dignity and freedom, that connects the protesters in the Middle East toppling and challenging dictators with protesters in the United States who are occupying financial centers around the country as part of the Occupation Movement and demanding an end to corporations control of government. It connects protesters in Greece rioting and marching to demand an end to corruption and corporate influence in their government. While each of these movements have different strategies and different agendas at the root of the movements is the demand for dignity and freedom from repressive policies that impede their growth as human beings.

The revolutionary prisoner and activist, George Jackson, envisioned a prison movement emerging in the United States that would connect with other liberation movements around the world. According to David Johnson, and ex-political prisoner and comrade of George Jackson, in a recent interview he stated “George (Jackson) understood the importance of political consciousness and its role in the development of a prison movement and how that movement relates to other movements that are struggling for liberation.” Prisoners have taken that step as evidenced by the mass disobedience protests that emerged from within the empire’s prisons this year. In California thousands of prisoners initiated a mass hunger strike to demand an end to inhumane treatment and indefinite solitary con-
finement. While in Georgia thousands of prisoners participated in a mass work stoppage/ strike to demand an end to the exploitation of their labor in a state that requires them to work for free and subjects them to inhumane treatment and conditions. These prisoners expressed solidarity with other protest movements around the world, especially Tahrir Square, in Egypt and other protests movements in the Middle East who in turn returned expressions of solidarity with the prisoners.

These connections and the demonstration by prisoners that they can organize to demand and enforce their human rights should offer inspiration to prisoners within the empire’s dungeons. Consider the following words of a California prisoner, Heshima Denham, involved in the mass hunger strikes. “It is from the same spirit of basic human dignity and thirst for fundamental socio-economic equality and opportunity driving the anti-capitalist Occupy Wall Street Movement sweeping the nation that our peaceful hunger strike derives its own political motive force.” Despite the peaceful nature of the hunger strike the response of California’s DOC has been just as repressive as the response of the police to the Occupy protesters in Oakland, Portland and other American cities. Prisoners were placed in isolation, denied medical care, pepper sprayed and given bogus misconduct charges to ruin their chances for parole. The responses appear however to have strengthened the resolve of the prisoners. Through action the prisoners are learning that power concedes nothing without a demand.

In Pennsylvania prisoners and their families launched the Human Rights Coalition in 2001 as a means of serving as a true advocate of prisoners, their families and their interests. To date the Coalition has launched campaigns against long term segregation, inhumane treatment of prisoners in the hole, juveniles sentenced to LWOP, reintegration of prisoners back into the community and a host of other issues important to prisoners. The Coalition’s agenda is set by and pursued by prisoners and their families and it will not sacrifice prisoners human rights to be accepted by anyone. It could be said that the Coalition was years ahead of its time as it advocated a human rights revolution years ahead of the present protests rocking the country but we have no time to celebrate because there is much work to be done and the only question you should ask is how can I contribute to this movement?

For starters subscribe to the Movement newsletter, get your family a subscription and encourage your family to contact HRC’s chapters to participate in its monthly meetings. As a prisoner you should also seek to educate yourself by reading the writings of George Jackson, Russell maroon Shoats, Mumia Abu-Jamal and other political prisoners as well as other publications covering prisoner advocacy. Help Pennsylvania prisoners and their families build a human rights movement that will challenge the injustice in the state and ultimately cooperate in the building of a new society.

In solidarity

Robert Saleem Holbrook
Inmates! Know a family member in society who you would want to receive this newsletter?

Please provide:

Name: ________________________________
Prisoner Number: ______________________
Street Address: _________________________
City/State/: ____________________________
Zip Code: _____________________________
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Commonwealth v. Terrell Johnson
not guilty

What's The News!

week she told a story that differed in significant re-

case.

Hazelwood Mob who gunned down Verna to prevent
two witnesses with serious credibility problems,
hours of July 22, 1994. Relying on the testimony of
twice in the head and murdered in the early morning

TERRELL
JOHNSON
FOUND
NOT
GUILTY
ON ALL
CHARGES:

Only minutes before the close of court on
Wednesday, September 12, a jury returned a verdict of not guilty on all three charges in the 18-year-old case of Commonwealth v. Terrell Johnson, causing the defendant and his family and supporters to burst into tears of joy. Terrell had spent more than 17 years in prison after being convicted of the 1994 murder of Verna Robinson. The jury found him not guilty of first degree murder, retaliation against a witness, and criminal conspiracy.

The close of the case brings an end to the relentless efforts of the Allegheny County District Attorney’s office to frame Terrell for a crime that he did not commit, using evidence that had been incredible and insufficient since day one.

After the prosecution rested last week in the case of Commonwealth v. Terrell Johnson, the only fact definitively proven was that Verna Robinson was shot twice in the head and murdered in the early morning hours of July 22, 1994. Relying on the testimony of two witnesses with serious credibility problems, prosecutor Russell Broman attempted to portray Terrell as a member of an alleged gang known as the Hazelwood Mob who gunned down Verna to prevent her from testifying against him in a simple assault case.

Terrell’s conviction in 1995 hinged on the testimony of one witness, Evelyn McBryde. When she testified last week she told a story that differed in significant respects from earlier versions, as she now claims she saw Terrell shoot Verna, which she had never testified to before.

Perhaps most harmful to her credibility was the 18-page criminal record dating from the mid-1980s to 2009 that involved repeated instances of criminal activity, including bank fraud, endangerment of children, retail theft, and prostituting her own children. Terrell’s attorney brought to the jury’s attention Evelyn’s thirteen aliases from her FBI file, four different social security numbers used, and four dates of birth. McBryde has received favorable treatment from the Allegheny County District Attorney’s Office ever since she first came forward as an alleged witness in this case after being arrested committing retail theft with her young children in 1994. At the time, prosecuting attorney Kim Berkley Clark intervened and asked other jurisdictions to drop charges against Evelyn at the time that she was the prosecutor’s witness in Terrell’s first trial.

Several police officers were called to bolster the prosecution’s case. Lt. McQuigan testified that she took down a report of Verna Robinson’s that a man named “Ralph” had assaulted her at the end of April 1994. The prosecutor then blurted out “Ralph” followed by “Rel”, suggesting that the name Ralph was actually the latter half of Terrell’s name. Lt. McQuigan was unable to testify as to how Terrell became a suspect who was eventually charged in the simple assault, agreeing with defense counsel that Verna’s description of a six foot young black male with a mustache was “generic.” Lt. Herrmann then also testified that he was involved in bringing simple assault charges against Terrell, though he could not determine how he became a suspect.

The victim’s mother, Barbara Robinson was called to testify as well. In August 2010, after Terrell had twice refused a plea offer that would have allowed him to walk out of prison for time served, Barbara Robinson signed a new statement that contradicted her past

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What's The News!

(Continued from page 42)

statements to police, testimony at three trials, and conversations with journalist Bill Moushey. During a break in her testimony, Barbara Robinson was instructed by a woman attending the trial that she should testify that she was afraid to come forward in the past in order to explain why her story had changed. It is unclear if the woman who coached her was a part of the prosecution team, with the state Office of Victims’ Advocate, or had some other role. After this conversation Barbara re-took the stand and alleged, for the first time, that she had been afraid to come forward in the past.

Several of the defense’s witnesses refuted every aspect of Evelyn McBryde’s testimony. Dinah Brown told the jury that Evelyn was not in her apartment prior to the shooting as she had claimed. Carol Smith testified that the gate in her front yard was locked, which would have made it impossible for Evelyn to enter through it and hide behind the bushes, which is where she claimed she witnessed the shooting from. Finally, Skinny Robinson testified that Evelyn was at his home at the time of the shooting, trading sexual services for drugs in the basement of his home.

On Monday afternoon, Terrell Johnson took the stand for the first time in 18 years to answer the charge that he murdered Verna Robinson. During the shooting, Terrell had been at a friend’s house where he ended up staying the night. The following morning he found out that Verna had been killed and that the police wanted to question him since he had been implicated in a simple assault charge against her, which he claimed was a case of mistaken identity. Upon learning that police had been looking for him, Terrell turned himself in for questioning. Terrell testified that police reports he had seen indicated that the police had corroborated his alibi. He was not arrested until seven months later, after Evelyn McBryde had implicated him. He also turned himself in when he was charged, thinking that this was a mistake and would be cleared up quickly.

18 years later, a definitive chapter in this saga has closed. Terrell Johnson remains in state custody after the trial pending being “processed” out of the prison he was held at.

This victory represents a resounding testament to the power of faith and family, and it would not have been possible without the steadfast determination of Saundra Cole, Terrell’s wife, who tracked down the new evidence that led to the re-trial, inspired others to help organize press conferences, teach-ins, rallies, and community events, and together with Terrell raised and maintained a caring and supportive family throughout this trying but transformative struggle.

From: HRC PA Prison Report 9/13/12

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PRISONER KILLED IN SOLITARY AT SCI FOREST:

A prisoner in the restricted housing unit at SCI Forest was reportedly killed by his cellmate before morning rounds on August 22. Frederick Kirkland, a 63-year old prisoner, was killed while being celled with another prisoner in the restricted housing unit. The DOC press release indicates that state police are investigating the death and the superintendent’s office is referring reporters to the district attorney. An obituary in the Beaver County Times stated that Frederick Kirkland was from Beaver Falls and is survived by family in western Pennsylvania.

The Human Rights Coalition received two reports from inside the prison regarding the incident. One prisoner in the general population at Forest heard about the death on the radio and spoke with guards in general population, who spoke negatively on how the restricted housing unit is run. He noted the problem
of prisoners being celled together in solitary who didn’t get along.

A report from another prisoner inside the restricted housing unit, Eric Maple, indicated that the accused man had gone through a number of cellmates over the course of a few months, that he was mentally unstable, and that he performed rituals with milk and coffee that he thought gave him superpowers. This led guards to make fun of him and made other prisoners reluctant to share a cell with him. In a letter to the Forest County Courthouse, Maple indicated the accused prisoner had been written up for refusing to take on new cellmates, and other prisoners had been written up for refusing to cell with him. Maple believed that both Fred Kirkland and the accused prisoner were on suicide watch at the time that they were celled together. The Department of Corrections has in the past celled prisoners together who are in solitary units as an attempted from of social control, for people to keep an eye on each other. In this case, isolated and overcrowded turned deadly.

From: HRC PA Prison Report 9/13/12

OCT. 2012 EXECUTION, PA. JUDGE TO MULL NEW EVIDENCE IN DEATH ROW CASE

SFGate
By: Maryclaire Dale, Associated Press
Tuesday, September 25, 2012

PHILADELPHIA (AP) — A Philadelphia judge will consider a death row inmate’s new claims that the men he killed had sexually abused him as she mulls halting next week’s scheduled execution.

Terrance Williams, now 46, is set to be the first person executed in Pennsylvania in 50 years who has not given up his appeals. He now says the two men he killed just before and after his 18th birthday had been molesting him.

His lawyers argued Tuesday that they found leads in police homicide files turned over to them only Monday night that support claims victim that Amos Norwood was a child molester. And they believe police and prosecutors knew it — but never shared the information with Williams’ now-disbarred trial lawyer or the jury.

Prosecutors accused the defense of stall tactics.

"Every hour of delay only benefits the defense in their ultimate goal of trying to get a stay ... because time is running out," Assistant District Attorney Ronald Eisenberg said.

Common Pleas Judge M. Teresa Sarmina plans to rule Friday on the motion to delay the Oct. 3 execution after taking new testimony this month from the 1986 trial prosecutor and an accomplice who now recants his testimony for the government.

The accomplice, a policeman's son named Marc Draper, said police threatened to charge him with the unsolved murder of a pregnant woman if he didn't tell jurors that he and Williams killed Norwood in a robbery at a cemetery. He said Monday that he had told police Norwood was paying Williams for sex. They didn't want to hear it, he said.

(Continued on page 45)
Death penalty lawyers with the Defenders Association of Philadelphia, after exhausting Williams' appeals, argue that prosecutors withheld evidence that might have steered the jury toward a life sentence, if not a different verdict on Williams' guilt.

A separate jury months earlier had convicted Williams of third-degree murder for killing another accused abuser when he was 17. That jury heard about the sex angle. But the Norwood jury did not.

"There's every reasonable likelihood that it would have affected the verdict," public defender Billy Nolas argued.

Prosecutors countered that if anyone would have known about the abuse, it would have been Williams, who kept silent.

A divided state pardons board turned down Williams' bid for clemency "You're entitled to a fair trial, not a perfect trial," she told Nolas.

last week but may reconsider at a hearing set for Thursday. Federal courts have earlier faulted the work of his trial lawyer, who supposedly met Williams the day before trial and was later imprisoned and disbarred on unrelated matters. But a U.S. appeals court declined last year to overturn Williams' death sentence.

The police homicide files, along with those from the trial prosecutor, contain several credible leads that Norwood was abusing teen boys, Nolas argued.

According to the files:

— A church pastor told police that Norwood, a 56-year-old deacon, had once been accused of molesting a 17-year-old. The pastor said he took care of the matter "internally" and never discussed it in his trial testimony.

— Widow Mamie Norwood described an odd "abduction" when her husband brought armed teens to the house and left with them and the family stereo, which he said they sold for drug money. He refused to tell police about it.

— And the trial prosecutor had notes reflecting that she was aware Norwood might have been involved with Williams. She had also prosecuted Williams' earlier murder case, which involved Williams' sexual relationship with 50-year-old victim Herb Hamilton.

Sarmina agreed to consider the new evidence in weighing the motion to stay the execution, but it might not be definitive.


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**HIGH COURT SENDS VOTER ID LAW BACK TO LOWER COURT**

ABC News
By: Emily Deruy
Sep. 18, 2012

The Pennsylvania Supreme Court returned the state's voter identification law to a lower court to determine whether the state is capable of issuing IDs to voters who need them before the November election in seven weeks.

If the state is unable to convince the court that voters will not be disenfranchised, an injunction must be issued before the election.

That means the state has to show the court that the law will not negatively impact potential voters. If they can't do that, the law will not go into effect for this election.

Opponents of the law have argued it discourages people, particularly Latinos, from voting, and that the law is a political move on the part of Republicans.

The law would require each voter to show a valid ID at the polls. Those most impacted - more than 15 percent of registered Latino voters do not have a valid ID - tend to back the president, while Mitt Romney's supporters tend to be White, middle- and upper-class, nonimmigrants.

(Continued on page 46)
Matt Barreto of the Washington Institute for the Study of Ethnicity, Race and Sexuality filed a report on behalf of the plaintiffs arguing that more than 12 percent of the state’s registered voters lacks the required IDs. That figure is more than double Obama’s margin of victory in the state in 2008. The Pennsylvania Transportation Department pegs that figure slightly lower, at about nine percent.

"I believe there are hundreds of thousands of people that will not be able to get an ID in the next seven weeks. The challenge is just too great," Barreto said.

He added that many people erroneously assume they have the necessary ID because they have successfully voted before, and that by the time they realize they do not, it will be too late.

Barreto said that the law places the burden disproportionately on Latinos.

"Of all of the different groups in Pennsylvania, we found very clearly that Latinos are the most affected group in the state of Pennsylvania in terms of people who would be denied voting because of access," he said.

The Advancement Project, a civil rights organization that opposes the law, praised the most recent decision.

“We’re glad to see that Pennsylvania Supreme Court is taking the Pennsylvania actual impact on voters seriously," Advancement Project Co-Director Judith Browne Dianis said in a statement. "Requiring the state to prove the law will not disenfranchise voters is the right step to take. We’re confident that the evidence demonstrates that this law does disenfranchise of hundreds of thousands of Pennsylvania voters and should be enjoined."

Protesters upset the event with 1210 talk radio’s host Dom Giordano and Gov. Corbett...

Gov. Corbett was repeatedly interrupted by protesters representing a variety of interests during a town-hall meeting Wednesday night at the Philadelphia Museum of Art organized by a conservative talk-radio host.

WPHT’s Dom Giordano ended the event a half-hour earlier than its planned 90 minutes when it became clear that Corbett could not answer questions without being shouted at inside the Van Pelt Auditorium. Police removed more than 10 people from the meeting.

At one point, protesters interrupted the program for seven minutes. Several groups unfurled banners and chanted against expanding the state prison system: "Fund education, not incarceration."

There were shouts against Corbett’s support of Marcellus Shale drilling, his cuts in welfare, his funding of education, and his signing of a death warrant for Terrance Williams, who is to be executed Oct. 3.

Giordano asked Corbett about GOP presidential candidate Mitt Romney’s comment that "47 percent" of Americans did not pay taxes or take responsibility for their lives.

Other Republicans on Wednesday responded by attacking President Obama for a statement he made in 1998 about favoring "redistribution" of wealth. But Corbett avoided that line of attack and stuck with a familiar refrain.

"The vast majority of people, I don't think they can say they are better off today than they were four years ago," Corbett said.
Your Legal Corner
WE ACCEPT LEGAL ARTICLES THAT EDUCATE AND EMPOWER FAMILIES OF PRISONERS THEIR CONSTITUTIONAL RIGHTS AND LAWS, AND HOW TO DEAL WITH THE POLICE, LAWYERS AND THE COURTS ON BEHALF OF THEIR LOVED ONES JUST FORWARD YOUR ARTICLE TO THE HRC’S NEWSLETTER DEPARTMENT FOR POSSIBLE PRINTING.

Urgent: Voice Your Opposition to SB 850 Now
Encourage Your Organization, Your Family & Your Friends to Do the Same

On June 25, 2012, the United States Supreme Court declared in Miller v. Alabama that mandatory life without parole sentences for children violate the 8th Amendment’s prohibition against cruel and unusual punishment. The Supreme Court’s decision in Miller is especially important in Pennsylvania. Pennsylvania currently has more individuals serving life without parole sentences for crimes they committed as children than anywhere else in the world. While other states have reformed their sentencing laws to remove juvenile life without parole, Pennsylvania has retained the same sentencing practices for children convicted of 1st and 2nd degree murder since the 1920s. The Miller decision therefore provides Pennsylvania with an important opportunity to make meaningful and substantive changes to its current sentencing policies regarding youth and to take a first step toward the elimination of one of the state’s most unforgiving, retributive, and ineffective incarceration practices.

Unfortunately, however, the legislation currently being introduced in the decision’s wake does anything but that. This week, the Pennsylvania General Assembly amended a pending bill (SB 850) so that it would change Pennsylvania sentencing law for youth convicted of first and second degree murder. As it is currently written, the bill includes the following sentencing structure:

For 1st Degree Murder, the bill would require judges to sentence a youth to either:
- Life without the opportunity for parole; or
- 35 years to life for individuals who were 15-17 years old at the time of the offense or 25 years to life for those who were 14 or younger at the time of the offense.

For 2nd Degree Murder the bill would require a sentence of 30 years to life for youth who were 15-17 years old at the time of the offense and 20 years to life for youth who were 14 or under at the time of the offense.

Parole hearings are only guaranteed to occur every five years following completion of the minimum term of years.

This bill must be opposed immediately on multiple grounds. First, the bill does not honor the spirit of the US Supreme Court decision which asserts that children should be sentenced in a way that holds them accountable for their mistakes while also recognizing their youthfulness and their potential for change. While we believe that Life Without Parole is, in fact, never an appropriate sentence, be it for an adult or for a child, we simultaneously understand the particularly devastating consequences that come with applying such harsh sentences to children. A society that condemns its children to die in prison is neither a safe society nor a just society.

(Continued on page 48)
Second, SB 850 calls for one of the most substantive changes to this area of the sentencing statute in nearly a century. And yet it is being rushed through the General Assembly without sufficient time for debate and consideration or public input. As has been the case with other important legislation impacting prisoners and/or the judicial process in the past, this legislation is being tacked on as a mere amendment to an otherwise unrelated bill, with the hopes of fast-tracking it into approval. We must not allow this to happen.

Together we can stop this amendment to SB 850 from being passed. In its place, we can insist on the introduction of substantive, thoughtful legislation that abolishes life without parole as a sentencing option for children and eliminates a current policy that is inhumane, unjust, and expensive, while doing nothing to enhance public safety.

Please see below for what you can do to help! It is critical that we act now!

-----

The General Assembly is attempting to pass this bill in the next few weeks so immediate action is necessary. The PA Fair Sentencing for Youth Coalition is asking everyone who is able to do the following:

1. Call and/or write your legislator today and ask them to vote against the amendment in SB 850. You can call and say: “My name is [Your name] and I am calling to urge [Name of legislator] to vote against the juvenile life without parole amendment in SB 850. As a [Insert occupation or what brings you to this issue], I believe that no child should be sentenced to die in prison.” It is important to call and write both your state senator and state representative.

2. Please contact organizations that you belong to or have associations with that have an interest in this issue and ask them to oppose the bill. It is important that your representatives hear from a variety of individuals and organizations on this issue. These organizations can do two things:

   A. Sign on a letter for organizations expressing opposition to the bill. They can find this letter online at: http://www.surveymonkey.com/s/V2QBDK6. Or they can call the PA Coalition for the Fair Sentencing of Youth at: 267-217-3036.

   B. Send a letter expressing opposition.

3. Reach out to friends and family members and ask them to call and write their state senator and representative. It is vital that legislators hear from as many people as possible in the next few days and weeks so reach out to all of your networks and ask them to get involved.
SOLITARY CONFINEMENT:  
TORTURE CHAMBERS FOR BLACK REVOLUTIONARIES

An estimated 80,000 men, women and even children are being held in solitary confinement on any given day in US prisons.

10 Aug 2012

“The torture technicians who developed the paradigm used in (prisons) 'control units' realized that they not only had to separate those with leadership qualities, but also break those individuals’ minds and bodies and keep them separated until they are dead.” - Russell "Maroon" Shoats

Russell "Maroon" Shoats has been kept in solitary confinement in the state of Pennsylvania for 30 years after being elected president of the prison-approved Lifers' Association. He was initially convicted for his alleged role in an attack authorities claim was carried out by militant black activists on the Fairmont Park Police Station in Philadelphia that left a park sergeant dead.

Despite not having violated prison rules in more than two decades, state prison officials refuse to release him into the general prison population.

Russell's family and supporters claim that the Pennsylvania Department of Corrections (PA DOC) has unlawfully altered the consequences of his criminal conviction, sentencing him to die in solitary confinement - a death imposed by decades of no-touch torture.

The severity of the conditions he is subjected to and the extraordinary length of time they have been imposed for has sparked an international campaign to release him from solitary confinement - a campaign that has quickly attracted the support of leading human rights legal organizations, such as the Centre for Constitutional Rights and the National Lawyers Guild.

Less than two months after the campaign was formally launched with events in New York City and London, Juan Mendez, the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, agreed to make an official inquiry into Shoats' 21 years of solitary confinement, sending a communication to the US State Department representative in Geneva, Switzerland.

What the liberals won't tell you

While the state of Pennsylvania has remained unmoved in this matter so far, some in the US government are finally catching on. Decades after rights activists first began to refer to the practice of solitary confinement as "torture", the Senate Judiciary subcommittee on the constitution, civil rights and human rights held a hearing on June 19 to "reassess" the fiscal, security and human costs of locking prisoners into tiny, windowless cells for 23 hours a day.

(Continued on page 50)
Needless to say, the hearing echoed in a whisper what human rights defenders have been shouting for nearly an entire generation: that sensory deprivation, lack of social contact, a near total absence of zeitgebers and restricted access to all intellectual and emotional stimuli are an evil and unproductive combination.

The hearing opened a spate of debate: with newspapers in Los Angeles, New York, Washington DC, Tennessee, Pittsburgh, Ohio and elsewhere seizing the occasion to denounce the practice as "torture" and call for a reversal of a 30-year trend that has shattered - at a minimum - tens of thousands of people's lives inside the vast US prison archipelago.

But as happens with virtually all prison-related stories in the US mainstream media, the two most important words were left unprinted, unuttered: race and revolution.

Any discussion on solitary confinement begins and ends with a number: a prisoner is kept in his or her cell 23 or 24 hours per day, allowed three showers every week and served three meals a day. According to a report by UN torture rapporteur Mendez, prisoners should not be held in isolation for more than 15 days at a stretch. But in the US, it is typical for hundreds of thousands of prisoners to pass in and out of solitary confinement for 30 or 60 days at a time each year.

Human Rights Watch estimated that there were approximately 20,000 prisoners being held in Supermax prisons, which are entire facilities dedicated to solitary confinement or near-solitary. It is estimated that at least 80,000 men, women and even children are being held in solitary confinement on any given day in US jails and prisons.

Unknown thousands have spent years and, in some cases, decades in such isolation, including more than 500 prisoners held in California's Pelican Bay state prison for ten years or more.

Perhaps the most notorious case of all is that of the Angola 3, three Black Panthers who have been held in solitary confinement in Louisiana for more than 100 years between the three of them. While Robert King was released after 29 years in solitary, his comrades - Albert Woodfox and Herman Wallace - recently began their 40th years in solitary confinement, despite an ongoing lawsuit challenging their isolation and a growing international movement for their freedom that has been supported by Amnesty International.

But all these numbers fail to mention what Robert Saleem Holbrook, who was sentenced to life without parole as a 16-year-old juvenile and has now spent the majority of his life behind bars, pointed out: "Given the control units' track record in driving men crazy, it is not surprising that the majority of prisoners sent into it are either politically conscious prisoners, prison lawyers, or rebellious young prisoners. It is this class of prisoners that occupies the control units in prison systems across the United States."

Holbrook's observation is anything but surprising to those familiar with the routine violations of prisoners' human rights within US jails and prisons. The prison discipline study, a mass national survey assessing formal and informal punitive practices in US prisons conducted in 1989, concluded that "solitary confinement, loss of privileges, physical beatings" and other forms of deprivation and harassment were "common disciplinary practices" that were "rendered routinely, capriciously and brutally" in maximum-security US prisons.
The study also noted receiving "hundreds of comments from prisoners" explaining that jailhouse lawyers who file grievances and lawsuits about abuse and poor conditions were the most frequently targeted. Black prisoners and the mentally ill were also targeted for especially harsh treatment. This "pattern of guard brutality" was "consistent with the vast and varied body of post-war literature, demonstrating that guard use of physical coercion is highly structured and deeply entrenched in the guard subculture".

**Race and revolution**

But while broad patterns can be discerned, these are the numbers that are missing: how many of those in solitary confinement are black? How many are self-taught lawyers, educators or political activists? How many initiated hunger strikes, which have long been anathema to the prison administration? How many were caught up in the FBI-organized dragnet that hauled thousands of community leaders, activists and thinkers into the maws of the US "justice" system during the Black liberation movement of the 1960s and 1970s?

Former Warden of United States Penitentiary Marion, the prototype of modern supermax-style solitary confinement, Ralph Arons, **has stated**: "The purpose of the Marion Control Unit is to control revolutionary attitudes in the prison system and in the society at large."

One of these revolutionaries is Russell "Maroon" Shoats, the founder of the Black Unity Council, which later merged with the Philadelphia chapter of the Black Panther Party. He was first jailed in early 1970.

Hailing from the gang-war-torn streets of West Philadelphia, Shoats escaped twice from prison system, first from Huntingdon state prison in September 1977 and then again in March 1980.

Shoats' escapes - the first of which lasted a full 27 days, despite a massive national search complete with helicopters, dogs and vigilante groups from predominantly white communities surrounding the prison - earned him the nickname "Maroon", in honour of slaves who broke away from plantations in Surinam, Guyana and later Jamaica, Brazil and other colonies and established sovereign communities on the outskirts of the white settler zones.

Still, it was not until Shoats was elected president of the prison-approved Lifers' Organisation in 1982 - the closest thing to a union for inmates, through which they demanded basic rights such as proper visiting hours, access to legal documents and healthier food - that the prison system decided he was a "threat" to administrative stability and placed him in solitary confinement.

For the past 30 years, Maroon has been transferred from one "torture chamber" to another, where his best efforts to interact with his fellow prisoners or resurrect his old study sessions for the younger generation are thwarted at every turn.

In 2006, the US had an incarceration rate for black males that was **more than five-and-a-half times greater than** that of South Africa at the end of the apartheid era in 1993.

Yet most mainstream authorities on the prison system in the US - such as the eminent scholar Michelle Alexander, whose book *The New Jim Crow* suggests that the prison system is racially "biased" - do not come close
The Babylon System

Bab.y.lon - noun. Etymology: Babylon, ancient city of Babylonia, 14th century, a city devoted to materialism and sensual pleasure, many liken Babylon to the United States, see Revelations 17-18.

(Continued from page 51)

to touching on the phenomenon of political prisoners, let alone on the inmates who take up the cudgels on behalf of their fellow detainees and attempt to carve out niches of justice in a massive chamber of terror.

The discussion of solitary confinement as a violation of a basic human right comes five decades after Malcolm X first began to preach that black people in America should take their grievances not to the US Supreme Court, but to the United Nations, to appeal not for civil rights, as white bourgeois parlance would have it, but for basic human rights, as a colonized people.

He argued not for "integration" into a system that had brutalized and enslaved "Africans in America" for years, but for an overhaul of that system and a transfer of power away from those who created and maintained it. Not master walking hand-in-hand with slave, but an end to mastery and slavery altogether.

As a black revolutionary, Malcolm X's words were largely painted over by mainstream historians. But if the struggle to end inhumane treatment inside prisoners is to become anything more than a largely apolitical movement for so-called "civil rights", it must put two long-ignored points back on the agenda: race and revolution.

Op-ed from: Al-Jazeera
http://www.aljazeera.com/indepth/opinion/2012/08/20128694647587767.html

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The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera's editorial.

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