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From The Desk of The Editor

The HRC Rejects the Negative Aspects of Prison Culture

By Russell ‘Maroon’ Shoats, Co-Founder of the HRC

The HRC as an organized group has been around for about 10 years. It’s initial and continuing vision is one that advocates that prisoners, their families and supporters come together to struggle – on their own behalf – against any and all human rights abuses that prisoners and their families suffer from.

Such a position, however, runs counter to many of the entrenched negative practices found within most jails, prisons and the communities that feed those institutions such as racial bigotry and intolerance, geographical hostility, preying on weaker individuals, theft, vendettas, and a whole host of other practices that any seasoned prisoner can readily identify, but nevertheless still are difficult to combat.

Consequently, the prisoners – as a whole – have been and continue to be manipulated into being one of their own worst enemies. As long as WE allow ourselves to indulge in such practices, WE will never be able to muster the necessary means to alleviate the human rights abuses that go hand-in-hand with imprisonment and the broader problems that are destroying the communities WE come from, and are directly connected to why WE find ourselves in prison in the first place.

A case in point is the negative feedback that one of the editors of the HRC newsletter – The Movement – has received because of a human rights abuse profile published in a recent edition. The piece was about Daniel (Danny) Delker, the longest continually held prisoner within the PA Department of Corrections chain of solitary confinement ―holes‖. Since Delker – over the years – has indulged in many of the negative practices mentioned above, the editor(s) was strongly criticized for profiling his situation in the pages of the newsletter. Yet the whole thing was set in motion by me!

You see, I’ve been in prison – continually – for over 38 years; been in solitary for over 20 of those years, and I too have been manipulated into participating in most of the things that have caused Delker to be so disliked… despite my originally being imprisoned for fighting to rid the broader society of such negative activity. But due to my efforts on behalf of the HRC, I encouraged Delker to put aside the negativity and to reach out to the HRC with his own story of the ongoing “officially sanctioned abuses” that he’s had to live with’ something that the two of us have in common with countless other prisoners. And on receiving Delker’s account, obviously the editor(s) agreed that it was something the HRC stood against, and therefore published his profile of it.

So blame me – not the editor(s).

But I’ll close by saying that there’s very little that most prisoners can tell me about being in prison: whatever they’ve done – I’ve done; whatever they’ve seen – I’ve seen… and very few are in a worst situation than mine…yet I’ve learned that if WE don’t put aside or control the negative aspects of prison/jail culture, and begin to seriously move forward along the lines that the HRC has been doing, then WE ain’t got nothing comin’
Prisoners’ Bill of Rights

1. We call for the right to be free from state sanctioned murder by use of the Death Penalty.

2. We call for the right of Parolees to be free of discrimination and disenfranchisement by denying those on parole the right to vote, quoting the 15th Amendment of the U.S. Constitution, section (1): “The right of citizens of the United States to vote, shall not be denied or abridged by the United States, or by any state on account of race, color, or previous condition of servitude.”

3. The 13th Amendment of the U.S. Constitution states: “Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall be duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

We call for an Amendment of the clause to ensure that the language specifically prohibits slavery or involuntary servitude of any form in any land/territory subject to United States jurisdiction.

4. We assert that no one should be deprived of the fundamental right to vote whether in county, state, or federal prison, as long as they are American citizens and are of the age of eighteen or older.

5. We call for the abolition of sentencing juveniles to Life imprisonment whether with or without parole. We assert that the recent findings of neuro-psychiatry have definitively established that the frontal cortex of the brain, which is the region that governs impulsivity, judgment, planning for the future, foresight of consequences, is the last to develop and do not reach optimal functioning capacity until well into a person’s early twenties of age. This scientifically fact is germane to mitigating juvenile criminal culpability.

6. We call for all juveniles sentenced as adults to be given a five year deferment of sentence, during which time the juvenile will undergo intense rehabilitation efforts. At the end of the five years, should the young adult fail the program, his/her sentence will be reinstated, unless it’s a Life sentence - in which case the sentence will be commuted to a maximum sentence not to exceed his/her 40th birthday.

We assert that the United States being a signatory of the International Convention Treaties and Declarations under the United Nations rules pursuant to the Convention on the Rights of Children (C.R.C.) Article 37 (a), which states: “Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below eighteen years of age.” Article 40 (1), continues stating: “Parties recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others, and which takes into account the child’s re-integration and the child assuming a constructive role in society.”

7. We call for the end of the use of permanent, indefinite, and long term lock-down in solitary confinement areas within prisons. We assert that every prisoner should be given the opportunity to work their way into a less restrictive environment, as opposed to being lock-down in solitary confinement 23 hours a day on weekdays and 24 hours a day on weekends, for the rest of their natural lives or until they complete their entire sentence. Prisoners are consistently being left to perpetually languish in solitary confinement, because of the falsity and embellishment of prisoners’ prison records or due to an incident that took place 10, 20, or 30 years ago.

(Continued on page 4)
8. We assert that all of the abuse, deprivations, and other human rights violations against prisoners that are systemic throughout America’s prison system, will continue until prisoners are afforded a voice to collectively speak on their behalf, and therefore, we call for the formation and legalization of Prisoners’ Unions.

9. We call for the reinstatement of Pell Grants for the education of prisoners. We assert that studies clearly show that for prisoners who received some college level courses, the recidivism rate dropped significantly, and this drop was directly proportionate to the degree of education received while in prison. We reject the argument of budget restraints when one knows that the allocation of funds for Pell Grants (of any state’s federal budget) was only one percent of one percent.

10. We call for a mandate of every state’s Department of Corrections and the Federal Bureau of Prisons, to initiate programs designed to help maintain the cohesion of the family unit of prisoners. For example, confining prisoners at prisons in the region near their homes, providing conjugal visitations for married prisoners, family/parent-children sessions, and therapy for children of the incarcerated.

11. We call for Community Service Work Furloughs as part of a re-integration program, as an act of contrition for offenses committed against the community.

12. We call for the General Assembly to revoke the Supreme Court’s ruling, which held that a prisoner with an eighth grade education is sufficient enough to make him/her proficient in law, enough to represent themselves in post collateral appeals, and of which they are expected to learn in less than one year under the most adverse conditions that which every attorney within the judiciary had to study in colleges for 4-8 years in order to learn.

13. We hold for as long as the said ruling is upheld by the Supreme Court, that every county, state and federal prison must establish Para-Legal classes teaching prisoners the fundamentals of constitutional law, criminal/civil rules & procedure, legal research, and criminal appellant rules & procedure. These classes must be free to any prisoner wanting to take it.

14. We call for an equal distribution of funding for both the District Attorney Office and Public Defenders Office, so that a court-appointed attorney can properly represent his client in a criminal proceeding.

15. We assert that state’s Department of Corrections must have a Community Oversight Committee, invested with the power and authority to effect change in any policy or regulation, they deem not conducive to the positive growth of prisoners or that which violate the human rights of prisoners.

We, the Incarcerated Citizens Coalition, representing a multitude of individuals, groups and organizations and acting as the internal division of the Human Rights Coalition make this proclamation, and call for the above enumerated tenets to be translated into legislative language to be presented as a provisional National Prisoners’ Bill of Rights.

We believe that this document can/should serve as both a nexus for prisoners’ solidarity and a spark to galvanize the prison movement around a National Campaign for Human Rights.

It has been said that one can determine if a society is politically advanced by observing what positions women in that society holds. Likewise, one can determine how humane and civilized a society is by observing how the society treats its prisoners.
What landed my only son in the Pennsylvania adult system at a young age is not phenomenal or unusual in the sense of the usual process that we see take place daily within our poor & oppressed communities throughout this country. Frustration and being impatient with our environment and circumstances definitely contributed to the dead expression that he represented as being life at the time. But such particular frustration was just a small fraction from the whole. My son’s rebellion really began when the social order of things as he understood it to be, began to change. He began to see and feel what me and his father (step farther) struggled to protect him from. He witnessed family members fall weak to a world that only wicked minds produce. Our family struggles were just that, ‘THE FAMILY STRUGGLE’. The small amount of maturity that my son had at such a young age was enough for him to realize that the strength of the family was/is his strength and vice versa which meant being stron and surviving was/is never an option for him and “us”. My son has since learned, and is not ashamed to admit that his thoughtless course of actions under such designed system was nothing more than a add on to the problems that we were and continue to be up against as a FAMILY…

...This is a fact among many that I had to realistically come to terms with. A fact that all prisoners (men & women) including juvenile prisoners must realistically come to terms with. Most of us that are caught in the prison system were born and raised under a ‘designed system’. A system that the poor & oppressed people always had and always will have tostruggle and fight against as my mother briefly explained. It is the same system that groomed me and most of my generation with a sense of confused, false empowerment which landed most of us in ‘their’ prisons. Fortunately, for many of us we finally began to see what we only used to look at, and started to learn and understand for the first time that our struggles and fight from the very beginning was and continue to be today, ‘political’. This is a fact that we must not waste time with, WHY? Because our life and the lives of our children and family depend on it, that’s why! We must STUDY! and INVESTIGATE! The foundation that we are tied to as a people and the truth that we find in the process must be put in proper perspective. But like sista Assata Shakur said” “If you know what’s happening and you don’t do anything but sit on your ass, then you’re nothing but a punt”. ) pardon my language mom)

In Soladarity Towards Truth And Liberation

Paulette Saunders & Son Shawn Mustafa
Active Suppoters of HRC (Chester PA)
I Love You Big Brother!

Big Brother

As Kids, We Lived Together
We Fought, We Laughed, We Cried
We Did Not Always Show The Love
That We Both Feel Inside
We Shared Our Dreams And Plans
And Some Secrets Too
All The Memories We Share
Is What Bonds Me Now To You
We Grew To Find We Have A Love
That Is Very Strong Today
It's A Love Shared By Our Family
That Will Never Fade Away
You Are My Brother Not By Choice
But By Nature Of Our Birth
I Could Not Have Chosen A Better One
You Are The Best On Earth!

I Love You,

I would like to let my brother Marquis Marshall, SCI-Somerset, know that I love him and miss him so much. With him being away for so long has been hard. I can't wait to see him again and have him home.

He has a niece to meet and we all miss him very much.

My brother is the best. Made some not so good decisions in life but he is a good person. I have nothing but good memories of us growing up together.

Got through the hard times together, bad weather and the not so good memories together. Having a big brother that loves his little sister can't get no better, so glad to have you in my life. You taught me about men and what they were about. Without your lessons I don't think I would be as smart as I am today, when it comes to men. I thank you. You're the best.

Love Lil Sis

Marquise Marshall (SCI-Somerset) and LaKeshia Marshall (Sister)
I Love and Support Deablo

Says Ms. Lillie: I love and support Deablo! I'm upset that I can't visit him very often due to my health and financial situation. Also, Deablo's still having problems receiving his mail and this situation needs to be corrected by the prison.

I feel like this is harassment. For instance, back in May, Deablo's friend Delanie tried to send him a care package and even though he was there, the prison sent it back. They had no reason to do that, they only sent it back to punish him for not running in quick enough to pick it up when they called him.

Lillie Clentscale, her son Deablo, and friend Delanie
**Picture This:**

Almost every family has its photo album. Now we want a HRC family album, too—one that will show the faces of HRC and send a message besides. And your family’s picture may be just what we need.

In each of our issues of The Movement, we will publish several pages of pictures to illustrate the strengths of families and the insanity of the PA Department of Corrections hostile anti-family policies. We want pictures of prisoners and their families, preferably taken in prison. We’ll run as many pictures as space permits.

If you and your loved ones want to participate here’s what you’ll need to send us:

- A family picture made during a prison visit.
- Names and Relationships of those in the picture, listed left to right.
- Information on the prisoner’s sentence (how much of sentence he/she has in and how much remains to do).
- The name and location of the prison.
- The name and address of the person sending the picture.
- A brief article by a loved one or prisoner expressing their personal feelings to the other (article no longer than three paragraphs).
- A stamped, self addressed envelope (or $.50 institutional check) if you want the picture returned.

Send your pictures and article to H.R.C., Attention: Newsletter Committee, c/o Lava Space, 4134 Lancaster Ave., Philadelphia, PA 19104.

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**YOU MIGHT BE THE WIFE/GIRLFRIEND OF AN INMATE...**

- If you have a $400 phone bill — and you’re proud of yourself for cutting back.
- If you always check new clothes for too much metal before purchase.
- If you’ve changed your mind about phone sex.
- If your new purse is soft plastic, see through and you carry only rolls of quarters and one dollar bills and one key to your car.
- If you see something, anything, on the Internet and print it out to send to him.
- If you’re caught off guard when you answer the phone and it’s an actual person and not a recording saying, “You have a collect call.”
- If you put your phone up to the stereo so he can listen to his favorite CD.
- If you check all the expiration dates on everything you buy to see if it expires after his release date.
- If you have a cheap line forwarded to your home number and your home number forwarded to your cell, so you don’t miss a call.

- If you put enough miles on your care to have driven to China and back.
- If the BOP (or the DOC) recognizes your voice instantly and “accidentally” hangs up when you call.
- If you think you have really done something if you manage to sneak in an extra kiss.
- If you have decided that holding hands really does mean something.
- If you strangely take pride in saying, “Um... I wouldn’t do that... my husband is in a maximum security prison and he will be out some day.”
- If you’ve separated your clothes into two categories, prison-wear and not acceptable.
- If you turn down your girlfriends for a night out on the town, so you can stay home and get a call from your hunny.
- If your best friend is throwing an “adult toy party” and invites you, but when you get there she introduces you as the girl who’s hunny is in prison for yearsssssss and everyone gives you the “poor sexually deprived girl” look.
- If you can’t remember how nice your man’s butt looked in that tight pair of wranglers, but you do start thinking he doesn’t look too bad after all in kahaki or blaze orange.
Confessions of a Weary Activist

By Judith Trustone

All of our noble efforts for the rights of people in prison seems like we’re just putting our fingers in the dike of a system that for the most part poisons all who enter, a system that without our efforts would flood everyone with even more abuse and diminishment of human rights.

I live in constant gratitude for all that I have in my life in freedom. Whenever my mind starts to whine and worry, I remind myself of the remarkable people I’ve met across the country who are attempting to create a positive life and good relationships behind bars between guards’ glances and camera angles. My respect and often awe at their survival despite daily attempts by a system designed to crush their spirits in a multitude of built-in, dehumanizing ways. They inspire me to keep on working for tiny crumbs of positive change in the face of a system that hasn’t worked since its inception.

But it is the way we advocates, whether or not we have loved ones behind bars, are also dehumanized, and it is the sharing and outward appearing necessary acceptance of a humiliating and toxic system that no one except the unaware believes in. Years ago, a high-level administrator told me, “Just because we run prisons doesn’t mean we believe in them.”

In his chilling book, The Lucifer Effect: understanding how good people turn evil, author Philip Zimbardo shows how this dysfunctional system systematically dehumanizes all who enter. In his landmark report on the study he attempted at Stanford back in the ‘70’s, Zimbardo tells how he had to stop the experiment after three days, for the volunteer student guards became so abusive to the volunteer student prisoners that they were traumatized. Yet we continue to spend more and more of our precious tax dollars on prisons and war while cutting back on school budgets, health care and the destruction of a safety net for the poor.

We expect the same child struggling to learn their ABCs while dodging bullets to and from school to flourish as well as the nurtured capitalist’s kids who will not be programmed to attend the College for Criminals.

The average $47,000 a year we spend to incarcerate one prisoner could pay a teacher’s salary for a year, and the $100,000 we can spend on lifers without parole could fund two teachers for a year. We are a rich country that tolerates high levels of poverty while supporting an increasingly harsh criminal justice system that incarcerates the poor, especially people of color, usually creating jobs for rural America where most prisons are built. This fits in nicely with our militaristic culture, for as long as we’re at war, human rights, especially for the incarcerated, are kicked to the curb, and the thin veneer holding everything together begins increasingly frayed by fear of the “other” as exemplified by the unspoken racism behind the prison bars, who see white people as losing control, losing their majority status. This cannot be restored no matter how many people of color are incarcerated and no matter how many Americans are doomed to a life of poverty.

Yet to do our work requires us to pretend that this system functions in a way that helps keep us “safe” from “them” no matter the financial, spiritual and psychic costs, and despite the fact that 700,000 of “them” return to our communities each year, more than 40,000 to Philadelphia, where they all face the same demonization, in the lack of jobs, housing or health care which is the lot of the formerly incarcerated. How many of those returning from prison are afflicted with PTSD, post traumatic stress disorder? We see the effects of this psychological plague in soldiers returning from war.

So we say nothing despite our outrage when guards in visiting rooms harass elderly women whose necklines are a little low, or treat visitors rudely as if they too are prisoners.

It’s like trying to keep our lawns mowed and our gardens weeded while living next door to Abu Ghraib and ignoring the screams coming from inside its’ walls. When violence and torture are so frequent it becomes the norm and we as a nation become desensitized to the price of this country’s denial of the humanity of more than 8.8 million Americans.

As long as poverty is acceptable so will be the prisons that house the poor, returning them back to communities already ravaged and withered by being unable to catch those pieces of the American Pie that were supposed to trickle down to them.

What, if anything, can be done? After five decades of human rights work, the past 17 years working to give voice to the voiceless in prisons, I’ve concluded that we have to add an energetic level to our work through the Virtual Kindness Circles, the distribution of Kindness Cards and the informal setting up of Kindness projects through the more than 2,000 people in prison I’ve worked with through the years, who are now calling themselves “Warriors of Light.” The instructions for how to participate is on the Kindness Card below.

Why do I think Kindness Circles work? For ten years, as a member of the Bear Tribe Medicine Society, I led Healing Circles around the country and observed first hand the power of working in Circles.

Contact us for information and other ways you might become involved. Join the Global Kindness Revolution & make an energetic difference. Be Kind All The Time!!

When people do something kind, it raises their serotonin levels (the happy hormone) as well as raising the levels of the recipient, observers and those who read or hear about it. When mediators sat weekly in high crime areas of Chicago, the crime rate went down. When they moved to another neighborhood, the same thing happened. Scientists studying monkey behavior on three Pacific islands not visible to each other, came by boat each day to dump a load of bananas. On one of the islands, one day a monkey washed his banana in the sea before eating it. The next day another one did, and then another. When the 100th monkey on that island washed his banana before eating it, simultaneously on the two other islands, ALL the monkeys washed their bananas even though they had never seen it being done. British biologist, Rupert Murdoch, calls this a “morphogenetic field.” Then there’s String Theory in Physics that postulates that there are eleven different dimensions to reality at any given moment, helping to explain why we think of someone and the phone rings and it’s them.

It’s clear that in addition to all of our advocacy efforts we include a new approach, working on an energetic level to create a different “vibe” in prisons, but also to help us de-stress and enhance our own health and spirits so we can fight for positive change as Warriors of Light. Won’t you join us?

Judith Trustone is an award-winning author, activist and filmmaker who co-directs Sagewriters and the Global Kindness Revolution which was started by people in prison. For more info go to www.TrustOneKindness.com or TrustOneKindness on YouTube for interviews and clips from her documentaries.
HRC Attends U. S. Social Forum II In Detroit

Interview with Etta Cetera, HRC-FedUp! by Patricia Vickers

Members from HRC- Philly, HRC-Fed-Up!, and HRC–Chester traveled the road to Detroit, Michigan to attend the U. S. Social Forum. Many went through great lengths to make it through donations, fundraisers, borrowing, and out-of-pocket arriving by bus, car, and plane to attend this awareness event to articulate what we stand for. Detroit was chosen because it has the highest rate of unemployment of any major city, and some say it may take to the year 2025 to recover from the economic drop and social upset which is happening all across the United States. Grassroots activists and organizers came together to address the ignominy of those less fortunate, and guard our human right to basic necessities.

Patricia Vickers (PV): Hi Etta. I hear the Social Forum was amazing. Would you share with us the history of the Social Forum for those of us who don’t know.

Etta Cereta (Etta): Sure. This is the second year of the social forum, the last one was held 2007 in Atlanta; it grew out of the “World” Social Forum where international grass roots organizations attend. It was felt that if another world is possible, then another America is necessary, so that’s how the US Social forum started - trying to make another America.

PV: So what happened tat this years Social Forum?

Etta: The Social Forum was held in Detroit. And there were so many people, I’d say about 15,000 people were there. There was about 900 workshops and everyday there were culture events, performances, dancing, spoken word. A lot of workshops were bilingual trying to make it language accessible as much as possible; sign language, French, Spanish. One hundred organizations were there like the Civilian Soldier Alliance, Land and Housing Action Group, Priority African Network - they had a workshop entitled “From Detroit to Dakar”, and us, The Human Rights Coalition - our workshop was entitled “Protecting Prisoners Rights and Lives” subtitle “Exposing Injustice, Taking Action, and Movement Building”.

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PV: So what was the goal?
Etta: By attending the U.S. Social Forum you join a path that is being walked by millions of people around the world, a path that places people over profit, and values everyday actions over the pontification and plans of politicians and corporate leaders.

PV: How do you think the conference went, was it a success and why?
Etta: Yes, it was a success. For example, for our group, it motivated us as a group to get together and make the make the trip and members were really excited. We went to workshops to help our work, for example “Lobbying Our Legislators” was a good one. And Bret went to “Being a Lawyer for Social Change”. The workshops actually strengthened our organization skills. And the social forum inspired and motivated us.

PV: What about connections with other groups?
Etta: We definitely made connections and learned about other organizations. We met other organizations that do prison justice in other parts of the country. It was also like one of the most diverse places I’ve been to. Ages 13–80 and over were on our bus alone; this was true for the entire conference, different religions, races, ages, sexuality, genders...totally diverse. I felt, Oh my God I didn’t know anything this cool existed.

PV: Is there anything you’d like to add?
Etta: Yeah, there was a Family Incarcerated family reunion; this was on the river, a cook-out on the river. There was a speak out of formerly incarcerated people. And I’m not sure if everyone knows, but they do not like the term Ex-Offenders; they prefer Formally Incarcerated. People all over the country are working on the same issues - a young person (teen) from California asked us to sign a petition about Juveniles serving Life sentences. After the cook-out there were carnival like games called “Milk Not Jails” making the point of how the dairy farmers in New York State are going under and the prison system is booming. They are trying to get people to support the local dairy farms and not the prisons. There were like “Toss A Coin into the Local Economy” - which was a milk jar and “Pop a NY State Prison” - the prisons were represented by red balloons, with all the games you get free ice cream if you win. You could take your picture behind an Ice Cream Sunday and your face would be the cherry on top.

PV: So there was a lot fun and awareness and fun going on?
Etta: Yes, with so many people it was inspiring to see all of these people committed to social change and trying to persevere.

PV: Thanks Etta. This has been great. Any last words?
Etta: Yeah, we missed some of our HRC members and can’t wait to go to the next one, it’ll probably be in another two years. Take care everybody.
We must admit that the initial spark came from planning to attend the U.S. Social Forum was what brought us together for a HRC Retreat. But after getting together, it was a feeling of comradeship and support and great-minds-think-alike feeling that surrounded the HRC Pittsburg Retreat on June 22, 2010. Representatives from HRC-Philly, HRC-Chester, and HRC Fed-Up! discussed our intentions, our objectives, the work that we do and problems that we face. It was a round table dialogue that went something like this:

*Dominique*: focuses on **Women’s Incarceration Project**, which began in August 2009 with a survey letter; over 40 women in Cambridge Springs and Muncy have been involved, largely with medical neglect and reproductive health issues; medication troubles; miscarriages; denials of surgery; women have written regarding wrongful convictions and she has been looking into these cases; built alliances with others in the anti-shackling campaign, including New Voices Pittsburgh, ACLU, and others.

*Hannah*: works with HRC/Fed Up!, largely corresponding with prisoners for the past year, has done advocacy work and called a number of prisons as well.

*Martha*: has been working with Carlos and the Center for Constitutional Rights in Mumia’s case and the effort to force a Dept. of Justice investigation; both have been working on Freedom of Information Act (FOIA) requests in this matter.

*Continued on page 13*
HRC Pittsburg Retreat... Continued

Bret: does a lot of documentation, correspondence, advocacy; also media work, working with families of prisoners.

Amanda: involved in a lot of correspondence, fundraising events; interested in organizing and disseminating information, including internet.

Patricia: scattered all over the place, handles finances (banking, billing, accounting, budgeting, grant-writing and researching); puts the quarterly newsletter together, answers letters; keeps contact list updated; assists in calling family members; general administrative work.

Millie: lives in California; writes letters and calls prisons regarding abuse; working on Mumia’s books

Brother Tut: been a prisoners’ rights advocate for 30 years; served 24 years in the PA DOC; received a letter 9 years ago from HRC about him getting involved in an organization that works with families; been with HRC on the outside since February 2005; operational director for Diversified Housing Solutions, which grew out of HRC work; received grant from Veteran’s Administration (VA) to work on re-entry services/housing for veteran’s; works with HRC-Chester, a youth driven-organization; HRC-C has a youth-mentoring program; developing Delaware County Resource Program; HRC-C works with Mayor’s re-entry program; works with HRC-Philly in an outreach role, was on Advisory Council while still in prison; was averaging 8-10 meetings per week a while ago; interim intern facilitator; writes for three newspapers; sleeps 2-3 hours a night; when you sleep there are people suffering in this world.

Theresa: Russell, her father, helped start HRC; more prisoners educated about HRC; comes from a family of community activists; working on developing a community garden for the youth; organized local health fare for neighborhood children; works free after-school program; works with her father’s “sons” behind bars, who Maroon has mentored; families have been unable to get involved because of personal financial and personal problems, get discouraged by prison staff.

Hakeem: assists with his mother, stays in touch with his grandfather to learn from his wisdom.

Andy: reads and answers a lot of letters; maintains the Philly website; spends a lot of time on the phone; been working on the letter writing night in Philly; recruiting volunteers; volunteer-trading.

Etta: been organizing HRC-Justice Week; experienced serious burnout and stepped back; maintained relationships with her friends in prisons, most of whom are serving life sentences; interested and involved in mediation work and restorative justice.

We realized that we are doing a tremendous amount of work. And after a lot of discussion, what it all boils down to - and all participants of the Retreat agreed - is that we need to combine our efforts by way of a state wide campaign to reach our common goal concerning prison abuse. Since we are in different cities, we agreed to improve our lines of communication with each other so that we are not recreating-the-wheel when addressing prisoners problems and so that we can support each other for the better. Next on our agenda was wrapping up our workshop plans for the US. Social Forum. It was a long hot day in Pittsburg, but knowing that we are not in the struggle alone is like a shot of energy. Look out yall, cause we’re trying to talk Millie into starting a HRC Chapter in California.

It was a good day; in the struggle.

Comrades, get your family involved!!! More people, more better!!!!.
Human Rights Coalition Pushes for Prison Reform
UC Review | 28.APR.10

By Kaley Iacovetta
Special to the UC Review

Former prisoner Luqman M. Abdullah suffered in shackles, with arms and legs chained to his bed frame for days at a time, while cold, damp air circulated, ravaging his shivering naked body.

Sister Sayeda Quaye described the holding cell as an overcrowded cattle corral, bodies strewn atop one another, the rancid stench of excrement poisoning the air.

One is likely to think that such harrowing experiences occurred somewhere far across the world, perhaps in some primitive subterranean dungeon. However, these individuals are not prisoners of war in a foreign land. She says they are American citizens and Philadelphia residents, subject to the unjust cruelty of the City’s prison system.

Everyday, according to Quaye, thousands of inmates are stripped of their basic rights as human beings. They are tortured, beaten, confined, and starved. The Human Rights Coalition (HRC) seeks to restore proper rights to prisoners. The organization’s greater mission is to reform the prison system into a functional tool for rehabilitation rather than an abusive institution that breeds recidivism.

At a town hall meeting at the Francis Myers Recreation Center (58th St., between Kingsessing & Chester Aves) this past Saturday, the HRC invited the community to join the fight for change. The organization reaches out specifically to citizens whose loved ones are currently incarcerated. The Human Rights Coalition (HRC) seeks to restore proper rights to prisoners. The organization’s greater mission is to reform the prison system into a functional tool for rehabilitation rather than an abusive institution that breeds recidivism.

The meeting featured several state government officials in support of the coalition including State Senator Shirley Kitchen and State Representative Ronald Waters. Kitchen focused on the difficulties prisoners face upon reentering society after they have served their sentence. Many former prisoners are denied employment due to their record. Kitchen outlined a bill proposal that would seal an individual’s record from the public after a certain period of time. "Everyone makes mistakes," says Kitchen, "do we have to pay for them for the rest of our lives? We have to set people free, we have to give them a second chance."

Waters expressed a more grave perspective. "Those incarcerated are the new slaves of this country…. if we don’t teach our children and prepare them properly for life; they will become a part of the slavery movement." Waters also emphasized the necessity for strong education and youth support systems. "Let’s not react to the problem but prevent the problem before it happens."

Presentations were also given by Philadelphia Attorney Angus Love, concerning prison overcrowding and unjust sentencing and by HRC members concerning the ways the community can aid in the cause. Carter and Abdullah outlined the Know Your Rights workshops that the organization seeks to advocate in the community. "The workshops will enable family members and community leaders to know exactly what to do if they receive information about prison abuse, how to go to the legislation in the area and how to contact prison officials," says Carter.

At the end of the meeting, HRC organizers and community members were invited to share their experiences with the injustice of the Pennsylvania prison system. West Philadelphia resident Teresa Shoatz, whose father has been incarcerated for nearly forty years, explained how she is forced to call the prison regularly to ensure her father receives proper medication for his prostate condition. Patricia Vickers spoke concerning the letters she frequently receives from her son, describing the abusive treatment he receives from prison guards. These women represent just a small sample of the individuals in our own community, both prisoners and family members, who are suffering from the denial of basic human rights.

Currently, the HRC is calling out the community to join in the fight for prison reform. "One of our greatest challenges is building up our membership and retaining family mem-

(Continued on page 15)
bers to keep our momentum and to keep the organization growing," says Carter. If you or a loved one has experienced the debilitating abuse of the Pennsylvania prisons or if you support prison reform, the HRC encourages you to get involved. For more information, visit their website at www.hrcoalition.org or call 215-921-3491. You may also visit the HRC office located at 4134 Lancaster Avenue in West Philadelphia.

(Continued from page 14)
Human Rights Coalition Innocence Division Report

Justice for Terrell press rally and open mic at City Council makes print, radio, television, and internet headlines

The Justice for Terrell Campaign, in alliance with HRC-Fed Up!’s Innocence Division, One Hood, family and friends of Terrell Johnson, and human rights defenders in the Pittsburgh community held a rally and press conference on the steps of city hall on June 1, 2010 to demand that the District Attorney drop the false homicide charges against Terrell and release him immediately.

30 supporters rallied with signs, food, and literature on the case outside City Council early Tuesday morning. Saundra McKamey, Terrell’s wife and lead organizer of the Justice for Terrell campaign, expressed the frustration, outrage, and determination felt by family and community over this frame up that has kept her husband in prison for 16 years for a crime the DA’s office and police know he did not commit.

The Innocence Institute of Point Park University ran a report on the rally that quoted Saundra on their website: “I am here to let the Commonwealth know enough is enough. Terrell is a victim just like Verna Robinson and her family are victims. We demand Terrell be released today. We are fed up. This has been a long journey for our family,” McKamey said at the rally.

Terrell was sentenced to life in prison based on the perjured testimony of a corrupt witness, Evelyn McBryde, who was cutting deals with the cops in exchange for favorable treatment in her own cases, one of which involved the prostitution of her own children. The Innocence Institute of Point Park recently published on their website that McBryde called them just after midnight on April 1, stating, “I’m not going to be involved in (Johnson’s) case.”

Even if she were to testify, Terrell’s counsel will call witnesses that prove that the testimony that led to his conviction in 1995 was false from start to finish. Dinah Brown will testify that Evelyn was not at Ms. Brown’s residence that night, as originally claimed, and has photographic evidence to disprove McBryde’s description of her apartment. Another witness, Kenneth Robinson, will testify that he was with McBryde at the time of the shooting in another house in Hazelwood, making it impossible for her to have witnessed the shooting.

A new trial will also allow Terrell’s counsel to call his two alibi witnesses, both of whom were inexplicably not called during the first trial due to the gross ineptitude of his lawyer.

Verna Robinson was murdered on the evening of July 21, 1994, after Pittsburgh police officers dropped her off at her mother’s home in Hazelwood instead of placing her in protective custody. Verna was supposed to be in the witness protection program because of her testimony regarding another shooting in the Hazelwood area.

As noted in the June 2nd article in the Pittsburgh Post-Gazette, “the rally and council meeting gave Mr. Johnson’s supporters a high-profile forum to spread their message.”

After the press conference supporters went upstairs to the City Council meeting and spoke out in support of Terrell during the “Public Comment” [aka Open Mic] portion of the meeting. Vanessa Medley, Terrell’s mother, urged the DA to “Stop using tax dollars to keep him in prison for something he didn’t do.” Saundra let it be known that “He was given a life sentence based on no physical evidence and the [testimony] of a coerced witness who lied from the beginning.”

Margaret Thompson and Shaundre Delaney joined in voicing their support for Terrell and also spoke out against the torture and ill-treatment of their sons by the PA Department of Corrections (DOC).

Margaret offered heart-rending and tearful testimony regarding the abuse suffered by her son, Anthony Kelly, who was maliciously assaulted with mace and electro-shock weapons at the State Correctional Institution (SCI) in Dallas, PA at the end of April.

Shaundre’s son, Carrington Keys, was also attacked in the same incident during which guards in the solitary confinement unit brutally punched, kicked, tasered, and pepper-sprayed 6 men who were covering their cell windows in protest of a rash of racist violence and the deprivation of food and water.

(Continued on page 17)
Shaundre remarked in front of Council on how the Ku Klux Klan is no longer necessary for white racists—if you want to assault, abuse, and torment people of color then simply apply for a job with the PA DOC, where this behavior is unwritten institutional policy.

In an unexpected show of solidarity several citizens attending the Council meeting to voice support for proposed environmental legislation were moved to spontaneously step up to the mic and speak out in support of justice for Terrell, share their own stories of criminal injustice, and urge all in attendance to acknowledge the links between environmental degradation, under-funded schools, and the abuses of the criminal legal system.

Coverage of the rally was also heard by listeners to WDUQ, the Pittsburgh NPR-affiliate, and aired repeatedly on KDKA television.

Terrell was offered a deal last fall which would have allowed him to walk out of prison if he accepted a guilty plea to lesser charges. He refused because he is innocent.

As Paradise Gray remarked in the press release announcing the rally, “The DA’s office is attempting to coerce Terrell into accepting a deal in order to cover up their criminal misconduct in illegally warehousing an innocent man in prison for 16 years for a crime they know he did not commit.”

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Forgive me for being out of the loop, …. prior to Chester going under Marshall Law (called State of Emergency) HRC-Chester is on the front line to aid in restoring order -- with the shooting for a police officer today -- many are bracing ourselves for a dragnet within certain areas of Chester where we have youth and family members residing. I'll update you more soon. Preliminarily, the state of emergency mandate that no citizen of Chester in certain areas can not walk the streets between 9pm and 6am for the next 30 days; congregating in numbers of more than three constitutes unruly assembly (without a city permit) -- we are in a war between angry politicians and business people who are banking on new revenues from soccer -- now seeing city violence is out of control -- and on the other side we are connected to family members and kids of the target population -- sometime in life battles select us and others trust that "maybe" HRC can aid where we can. bro. tut

From HRC Family and Supporters: While we look forward to hearing first hand accounts of what HRC is doing, we understand that- even for you - it is hard to be in three places at one time. There are no apologies necessary, keep up the good work. And we wish a safe outcome for all involved the Chester’s critical moment.
On 25th anniversary of MOVE bombing
‘No justice – no peace’

By Betsey Piette and Audrey Hoak
Philadelphia

When a supposed attempt to set off a car bomb in New York City fizzled in early May, with no one injured, a massive government investigation was launched to bring the alleged “terrorists” to justice.

Yet 25 years ago, when the authorities dropped a bomb on the roof of the MOVE house in West Philadelphia, causing a fire that killed 11 men, women and children and destroyed 61 homes, this act of terror against an African-American community resulted only in a government cover-up. Not one of the city, state or federal government officials responsible was ever brought to justice.

The MOVE Commission, which investigated the events of May 13, 1985, described the actions of government officials, including Philadelphia’s mayor and police and fire commissioners, as “reckless,” “ill-conceived” and “unconscionable.” A powerful, military-style bomb containing C4 was dropped from a police helicopter on the row house on Osage Avenue where MOVE members lived. Officials allowed the resulting fire to burn down an entire city block and then had police shoot at MOVE members, including children, who were attempting to flee the fire. Yet not one of these officials has ever faced criminal charges.

On May 12, a day before the 25th anniversary of this blatant act of murder by government officials, members of the MOVE organization filed a civil lawsuit against those in charge and responsible for the 11 murders. The court filing was followed by a press conference at the Friends Center.

Eight MOVE children stood at the front of the room, each holding a sign naming a family member who had been killed. One read, “My sister Delisha was murdered by cops on May 13, 1985.”

Ramona Africa, the sole adult survivor of the 1985 fire, addressed the media on their obligation to tell the truth. Africa stated she is filing the criminal complaints not to seek justice - she isn’t that naive — but rather to continue to expose the system.

Following the press conference everyone participated in a Honk against Police Terror outside City Hall and later marched to the African-American Museum for an evening screening of two films on MOVE. Speakers at the indoor event included Fred Hampton Jr. and journalist Linn Washington.

In an interview with Juan Gonzalez of Democracy Now! on May 13, Ramona Africa explained why MOVE believes that the system intended to kill its members and extirminate the organization.

“I want people to understand that bombing did not happen because of some complaints from neighbors,” Africa told Democracy Now! “This government had never cared about Black folks complaining about their neighbors. … They bombed us because of our unrelenting fight for our family members, known as the MOVE 9, who have been in prison unjustly going on 32 years now as a result of the August 8, 1978, police attack on MOVE.”

Africa described how, in 1985, the MOVE house was first deluged by fire hoses and then “tons of tear gas, and then being shot at … the police admit to shooting over 10,000 rounds of bullets at us in the first 90 minutes … It was quiet for a little bit and then, without any warning at all, two members of the Philadelphia Police Department’s bomb squad got in a Pennsylvania State Police helicopter, flew over our home and dropped a satchel containing C4, a powerful military explosive that no municipal police department has. They had to get it from the federal government.”

Then-Mayor W. Wilson Goode claimed he had not been informed about police plans to drop the bomb. However, Goode had picked Leo A. Brooks, a retired Army general, to supervise the efforts to force MOVE members from their Osage Avenue row house.

Africa related what it was like to be in the house following the bombing. “We heard the loud explosion. The house kind of shook … not long after that it got very, very hot in the house, and the smoke was getting thicker … we could hear the trees outside of our house crackling and realized that our home was on fire. We immediately tried to get our children, our animals and ourselves out of that blazing inferno.”

“The adults were hollering out that we’re coming out, we’re bringing the children out,” Africa reported. “And we know that the police heard us. But the very instant we were visible to them … they immediately opened fire. We were met with a barrage of police gunfire … and it forced us back into that blazing inferno.”

Ramona Africa escaped the fire with major burns by crawling out a basement window with a 13-year-old boy, Birdie Africa. She went on to serve a seven-year prison term on riot charges — the only person to face any jail time in connection with the attack.

Africa told Gonzalez that firefighters stood there and allowed the fire to burn. Fire Commissioner William Richmond “tried to explain away their actions by saying he wasn’t going to have his firefighters in danger or come under fire from MOVE,” Africa said. But earlier, when there was no fire, “they had four deluge hoses, each of which pumped out 10,000 pounds of water pressure ... aimed at our home for hours in the morning of May 13. Why wasn’t it a danger then?”

The MOVE Commission in a report issued in 1986 concluded that police gunfire stopped adults and children from escaping. They cited statements from Ramona and Birdie Africa as well as police and firefighters who said they heard automatic or semiautomatic gunfire that evening. Investigations at the scene after the fire found no evidence that MOVE had those types of weapons. However, two months after the MOVE Commission issued its findings, a state grand jury reached the opposite conclusion and no charges were ever filed against the police.

The MOVE organization and their supporters continue to fight the unjust incarceration of the MOVE 9, one of whom died in prison. It’s an uphill battle. Africa told the gathering at the African-American Museum, “There is no justice in the legal system. Not just for MOVE, but for us all.”
The System is Broken

The City of Philadelphia has long held a reputation as being a bastion of hope and liberty. At one time it was a place where revolutionary fervor for liberty, justice and equality moved the quill in the hands of the founding fathers across the pages of history to write those seminal documents: The Declaration of Independence, the Bill of Rights, and the United States Constitution. While at another time serving as a beacon of hope, lighting a pathway to freedom for an untold multitude of tortured souls escaping the bondage of human slavery. Indeed Philadelphia’s past is steeped in the idea of freedom and justice.

Today, however, Philadelphia’s once gleaming reputation for liberty new stands tarnished. Its rich history of freedom diminished. Unaware of most of the public, Philadelphia has been sitting on dirty little secrets that must be exposed. For at least a four decade period, four District Attorney Administrations, excluding the one of Seth Williams have maintained a diabolical policy of coded racism against African American citizens in jury selection reminiscent of the black codes of the Jim Crow South.

In deliberate and premeditated fashion, the Philadelphia District Attorney’s office has been employing as a policy an illegal and unconstitutional prosecutorial practice of striking African American venire persons from juries solely on the basis of race and/or racial stereotypes. The purpose of this policy and practice has been exclusively to keep African Americans off of juries in order to seat all white juries prone to convict African American defendants regardless of dearth of evidence. Upon entering the DA’s ranks, Assistant District Attorneys were trained and instructed how to implement this racist policy. This would be rightly classified as absurd, if not for the mountain of irrefutable evidence that exist as a proof to the contrary. Facing a possible defeat in her 1997 re-election bid for Philly’s top DA post, The incumbent, Lynn “One Tough Cookie” Abraham also known throughout the world as the U.S.’s deadiest DA; released a controversial videotaped lecture given by her opponent Jack McMahon when he worked as a Philadelphia Assistant District Attorney (ADA). The tape was aptly titled, “DATV Productions, Jury Selection with Jack McMahon.”

Here we receive our first glimpse into the inner workings of the Philly DA’s offices premeditated scheme, and what we saw can only be classified as the rankest of racism. On the tape, McMahon is seen and heard explicitly training a group of in coming ADAs, who had never tried a criminal case, on how to develop strategies and codify practices to use racism to pick all white juries. He taught them a secret coded technique to pick all white juries by using their peremptory strikes in a way that would allow the exclusion from juries, blacks from predominately black neighborhoods of North Philadelphia, West Philadelphia, Germantown, etc.

Although this foul secret was finally exposed, the cover-up began immediately. Abraham and her minions, along with the court system have tried to dismiss the tape as solely representing McMahon’s views and nothing more than an isolated incident. However, the second shoe dropped years later. New evidence emerged to prove that the views
expressed by McMahon in the training tape were by no means idiosyncratic. Notes taken during a 1990 lecture given by then Director of Training Bruce Sagel openly advocated the use of racial stereotypes in jury selection. Mr. Sagel taught that an "[I]deal jury" is "12[al]chie Bunkers", that is, 12 racist white men, who, "will convict on little evidence." This piece of evidence fits squarely with the McMahon videotapes to confirm there existed a culture of racial discrimination in the Philadelphia DA's office with its target being the African American Community.

Yes, you heard it right! The Philadelphia DA’s office had a secret policy: training sessions, codified rules, and guidelines for using racism to pick all white juries in criminal trials to ensure the convictions of African American men, women, and children. This goes way beyond appalling and slides off the edge of misconduct down into the abyss of criminality.

The irrefutable evidence demands a hue and cry from the public calling for the new Philly DA to open up the archives to public inspection. There has to be an accounting for the hundreds, even thousands affected by this policy. As we speak numerous imprisoned black men and women languish their freedom stolen by this premeditated scheme.

For this reason they pray that you will join them in their fight to prevent the cover-up in the courts by putting pressure on the politicians, the courts and the DA’s office to force this issue fully into the light of justice. Those who have been unjustly affected by this racist policy and practice and incarcerated unfairly, cry out for your help. Please, we hope that you will heed their cry. Anyone who may have misgivings about what has been said here will be provided, upon request, with a copy of the transcript from the videotaped lectures and a copy of the notes form the Sagel lecture so you won’t have to be held hostage by our word. You can free your disbelief with your own two eyes and sound mind.

Thank you for listening.

BY BROTHERS:
OMAR AKBAR ALI (SISTRENK)
NO. AF-081-4

AND
LEE HORTON
NO. CN-2057

The Human Rights Coalition (Disclaimer)

The Human Rights Coalition is an organization that focuses on the plight of prisoners in their struggle for human rights and humane conditions of prisons and challenging the prison industrial complex exploitation of inmates and the drastic ramification on the families of prisoners and society at large.

We recognize that most prisoners are people of color and often are economically disfranchised working class people. HRC serves as an educational and resource forum to the community.

The Human Rights Coalition does not have the ability to represent individuals in the court of law nor has funding for such activities. The Human Rights Coalition does not have lawyers for personal counsel nor the ability to write legal briefs on behalf of any individual.

The Human Rights Coalition is about building a grassroots movement with the leadership of the families of prisoners and citizens who are concerned about the proliferation of prisons and the lack of social programs that could prevent crime and injustice.

“We can bomb the world into pieces but, you can’t bomb it into peace”

By Angola 3 News

Bret Grote is an investigator and organizer with Human Rights Coalition/Fed Up!, a prisoner rights/prison abolitionist organization based in Pittsburgh, Pennsylvania. Grote first became involved with the group after returning from the mobilization in Jena, Louisiana in Fall 2007. HRC sister chapters are in Philadelphia and Chester, PA. While covering a range of topics in this interview, Grote details how HRC/Fed Up! is documenting human rights abuses in Pennsylvania prisons, and using this documentation to fight back.

The website for the founding chapter of Human Rights Coalition (HRC) in Philadelphia says that HRC “was founded in 2001 based on the radical notion that there was a vital segment of the population missing from the organizing work against prisons: the families and loved ones of the over two million prisoners in this country. Not just as spokespeople or tokens, but in decision-making positions, deciding what campaigns to do and what issues to address. Incarcerated brothers took this idea, and asked their family members as well as some supporters to take the lead in building such an organization, and the HRC was born…There are many fronts to fight the prison system on, so many issues to address, but the voices of those most affected: prisoners' families, ex-prisoners and the prisoners themselves, have to be at the forefront of any movement to change and, sometime in the future, to abolish the prison system entirely, because we are the ones who know the intimate pain this system causes.”

Angola 3 News: Can you please explain the history of the Human Rights Coalition/Fed Up chapter?

Bret Grote: Our chapter of the Human Rights Coalition (HRC) was formed in late 2004-early 2005 and was originally known as Fed Up! The group began as a collaboration between etta, an anti-prison activist who lives in Pittsburgh, and Kevin Johnson, a prisoner confined in Red Onion State Prison, a Supermax facility situated in southwestern Virginia adjacent to the Tennessee border. The two were collaborating on an arts-based educational project.

Given the inherent brutality in Supermax facilities, the diametrically opposed racial demographics between prison personnel and prisoners, and the prevailing culture of violent dehumanization within the U.S. prison system at every level, it is no surprise that reports of severe human rights violations began emerging from Red Onion and its twin institution Wallens Ridge State Prison, which sits 30 miles down the road atop a decapitated mountain, immediately after each opened in 1998 and 1999 respectively.

Fed Up! was formed in an effort to expose conditions of confinement in Virginia’s high-security prisons and mobilize prisoners’ family members and support people against the racism, brutality, deprivation, medical neglect and abuse, and psychological torture that define these facilities.

Over the next couple of years Fed Up! built a contact list of hundreds of prisoners in Red Onion and Wallens Ridge, documented dozens of reports of human rights violations, informed various governmental representatives and agencies—including the governor of Virginia—of these conditions, and mobilized allies for letter and phone campaigns in an effort to penetrate the silence that enables the worst of the abuse, and thereby having a chilling effect on the most grievous brutality.

Sometime prior to or during 2007, Fed Up! became an official chapter of the Human Rights Coalition, a prisoner rights/prison abolitionist organization whose founding chapter was and still remains active in Philadelphia. HRC was the brainchild of prisoners as well. Around the fall of 2007 and early 2008 HRC/Fed Up!—as we were then known—began to focus more exclusively on PA prisons for reasons of capacity and strategy, because, obviously, we have more potential and actual power in this state since we are based here.

(Continued on page 23)
During these last two years we have documented hundreds upon hundreds of human rights violations (to view a small portion visit our website) from over 20 prisons in the state system (PA has 27 state prisons). These reports have been collated from thousands upon thousands of pages of prisoner letters and reports, criminal complaints, affidavits and declarations, civil litigation documents, prison records, along with countless hours of interviews and dialogue with current and former prisoners and their family and support people.

What our investigations demonstrate beyond any reasonable doubt is that the state of Pennsylvania is operating a sophisticated program of torture under an utterly baseless pretext of “security”, wherein close to 3,000 people are held in conditions of solitary/control unit confinement each day.

Every single prison in the state has a control unit, and most of these consist of barren and often filthy cells that not only are the size of a bathroom, but are in fact bathrooms. Prisoners are confined for 23-24 hours per day in their cells. Reading materials are heavily restricted and censored. All incoming mail is subject to being read, except legal mail, although this policy is often violated while outgoing mail is subject to various forms of surveillance, tampering, and destruction. Restrictions on visitations are extreme and all visits with those in control units are conducted through thick glass with prisoners who are handcuffed throughout. Exercise “privileges” are granted 5-days per week when prisoners are taken to little cubicles of space enclosed by chain-link fencing and resembling dog kennels, presuming that the guards are willing to follow policy that day and that the prisoner in question feels secure being led from their cell to the “yard” by often flagrantly racist and sadistic guards.

While this capsule description of solitary confinement may appear inhumane and degrading enough to constitute torture—and it is—the concise litany of conditions above more or less corresponds to the aspects of solitary confinement that are mandated by policy, with the exception of some forms of mail tampering. The fact of the matter is that these control units are never operated in accordance with policy and instead serve as quite deliberate repositories for excessive and arbitrary violence, starvation and deprivation of water, psychological torment, etc.

Prisoners targeted most heavily by the regime of control unit torture are those who attempt to exercise constitutional rights to file grievances and lawsuits and expose conditions to the public. The other dominant filters that dictate an enhanced probability for placement in solitary confinement are race and mental health, as prisoners of color and those in need of psychological and psychiatric care constitute a higher concentration of prisoners in solitary than in the general prison population, which of course already has higher concentrations of both populations than the general population.

This focus on investigating, exposing, and fighting against state torture has emerged from a twinned set of obligations that need to accompany not only abolitionist movements, but struggles for social justice in general: the need to take immediate action in partnership and solidarity with those most heavily targeted by systems of oppression while simultaneously building a sustainable movement with a visionary, liberatory objective.

During the last year we have engaged in a number of other projects and community outreach and coalition-building efforts as well. Some of the more promising ones in terms of their necessity and importance for sustainable organizing are the recently launched project focusing on women’s incarceration, our Innocence Division which aims to support the wrongfully convicted, and perhaps most crucial, the recent formation along with a number of other local groups of the Human Rights Alliance Pittsburgh, which works to generate an integrated, multi-front human rights movement by means of organizing local communities to struggle for their rights and build political power.

A3N: What role do prisoners and the families of prisoners have in HRC’Fed Up! today?

BG: Prisoners and their family members have provided the inspiration, dedication, strategy, and educational perspective from the beginning of HRC’s work. Understanding the importance of documentation and securing affidavits, educating us on key aspects of the law and how to file criminal complaints, networking and bringing us into contact with other prisoners and activists: all of this has come from those on the inside.

Even more to the point, the resistance, humor, persistence, dignity, and unbreakable humanity of those subjected to conditions designed to humiliate, degrade, terrorize, break, and otherwise kill the human spirit is a constant wellspring of motivation that fortifies our collective commitment at HRC/Fed Up!

Family members’ involvement is central, as our planning meetings and letter-writing nights frequently, though not always, feature the participation of those with loved ones inside. We routinely ask people to step up and respond to our action alerts in defense of those being starved, beaten, denied medical care or otherwise targeted, and it has been the responses of family members that have led to our ability to amplify our voices and have some degree of a chilling effect in certain situations.

Still, we need to make a more dedicated effort in my view to community organizing, since most people in Pittsburgh do not know we exist, and those who do are not always able to make meetings for a variety of reasons, which primarily has to do with attending to familial and work responsibilities. We need to broaden our avenues for participation and create a diverse and steady stream of public forums in which the voices of current and former prisoners and their loved ones will be central and guiding. We need to consciously step up our efforts to build more leadership within targeted communities.

A3N: Can you please tell us about HRC/Fed Up!’s ongoing investigations into SCI Dallas?

BG: In early June of this year we sent a letter to more than 20 current and former prisoners at the State Correctional Institution (SCI) at Dallas, PA, soliciting reports of human rights violations. Since then we have received thousands of pages in reports from dozens of prisoners detailing a wide range of gross and deliberate human rights violations.
The highest concentration of reports come from the Restricted Housing Unit (RHU), which is PA’s own acronym for the solitary/control units, and these conform to the broad characteristics outlined above regarding solitary confinement, although certain deprivations have been more prevalent at SCI Dallas. These include high incidence of sexual harassment by RHU staff and even reports of guards encouraging prisoners to sexually assault and rape other prisoners; frequent incitement to suicide, which was fatally successful in a case I’ll discuss below; guards arriving to work drunk—we have had a shocking number of reports regarding this, particularly concerning Correctional Officer Jimmy Wilkes; no effective ventilation, which was exacerbated by the plastic “split shields” placed on prisoners’ doors in the RHU and a source of extreme misery in the stifling heat of summer; brown drinking and washing water from excessive amounts of iron, which was confirmed in a letter from the Department of Environmental Protection to a prisoner in the RHU that HRC/Fed Up! has obtained.

The assaults, racism, denial of adequate or even any medical care in solitary or general population, especially mental health treatment, denial of due process in internal grievance and misconduct procedures, obstruction of access to the courts via the destruction of legal documents and arbitrary restrictions on usage of the law library are commonplace at SCI Dallas as they are throughout the control units of PA with varying degrees of intensity.

During the course of our still ongoing investigation, on August 24, 2009, a prisoner in the RHU named Matthew Bullock committed suicide. The PA DOC issued a press release, as is their legal obligation, on 25 August 2009 announcing his death. Only two days later we received the first report that guards were involved in encouraging and enabling Mr. Bullock’s death. Since then we have learned through more than half-a-dozen eyewitness reports, several of which were submitted as affidavits, that Mr. Bullock was extremely mentally ill and according to his family had attempted suicide on at least six separate occasions while confined in the PA DOC. Guards repeatedly kicked on the door of his cell and taunted him, telling him to kill himself, and calling him a child molester and rapist, despite his having no record of any such crimes. Mr. Bullock told guards he was going to kill himself on the morning of August 24. Guards encouraged him to do so and subsequently moved him from cell #50, which was/is a psychiatric observation cell with a camera, to cell #48, which had no camera. Guards on the afternoon shift then reportedly failed to make rounds. Mr. Bullock was found hanging in his cell at 6:15 pm.

Because our investigations involve advocacy and are pursued with the explicit aim of abolishing control unit torture and other human rights violations in the prison system, we have earned the trust of many prisoners, and this is the reason that so many have come forward with reports of torture and human rights violations in SCI Dallas and elsewhere. As a result of their courage in speaking out we were able to break the story of the Bullock suicide in the local newspaper, the Wilkes Barre Times Leader. Mr. Bullock’s trial lawyer read the story and contacted our office. We have provided a lot of documentation and witness statements to them, and they have recently opened an estate on Mr. Bullock’s behalf, which is the first step in an eventual lawsuit.

Despite the negative publicity and small measure of exposure, conditions have not improved in the slightest, and acts of retaliation have in fact escalated recently. Reports of assault and instances of days long starvation continue to come into our offices multiple times each week.

HRC/Fed Up! has compiled the evidence we have accumulated and periodically notified those in positions of power with attendant requests for transparent investigations so as to ensure accountability and enforce the rule of law in the administration of the criminal legal system. In early July, over 70 state representatives and senators were put on notice of our preliminary findings, along with the PA DOC, the PA Attorney General and Governor Rendell (who it must be noted has a sordid history of criminal conspiracy and human rights violations himself, stemming from his role as the District Attorney of Philadelphia during the city’s war against the MOVE organization and the frame-up of Mumia Abu-Jamal). Further notices were sent in September, with even more copious documentation. To date no action has been taken by the PA DOC, the Attorney General of PA, or the Governor. Nor has the District Attorney of Luzerne County—notorious site of the kids-for-cash judicial scandal—taken any action regarding criminal complaints regarding the Bullock incident or the acts of assault and starvation and intimidation against Andre Jacobs, a brilliant 27 year-old jailhouse lawyer who was recently awarded $115,000 in a case against the PA DOC.

Our strategy has been to grant PA state authorities the opportunity to do the right thing while simultaneously preparing for the predictable reality that they will not. Our next steps are the filing of formal criminal complaints with the Civil Rights Division of the Justice Department and the issuing of a major human rights report detailing our findings regarding SCI Dallas. The basic idea is to methodically link state authorities at every jurisdictional level into a chain of notice and liability and to reflect the failure of the government to enforce the rule of law and uphold basic human rights onto the public consciousness in order to create the degree of exposure necessary for enabling mass movements and coherent, collective action against the injustices of the police-security state.

In the process we seek to bring methodically incremental increases in the forms and effects of pressure so as to provide improvements in immediate conditions. Or, in other words, we seek to win small battles as a method for building power and strength for the larger ones. Success often appears distant.

I just saw on the Wilkes-Barre Times Leader website that another prisoner died at SCI Dallas on Saturday morning (read here). Autopsy results have not been determined and/or released, and the name has not been made public either. The article says the individual fell ill early Saturday morning and died at the hospital. My question is why is this one being reported? Deaths from "natural causes," i.e. medical conditions, are not required to be made public. Others have died at Dallas recently, or we’ve been informed, and the newspapers did not make mention of this. I’ve checked a half-dozen of our closer contacts and their names are still listed in the inmate locator. Nevertheless, I am concerned.

A3N: Does HRC see solitary confinement as a form of torture? Why do you think prison authorities use solitary confinement?

BG: What HRC or any members involve consider torture might be an interesting question, but it is of limited utility for effective political organizing. How do international law and the U.S. government define torture? The UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incident to lawful sanctions.” Sounds clear enough.

(Continued on page 27)
How does U.S. statutory code define torture? Section 2340 of Title 18 of the federal criminal code defines torture as “an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.”

Do the conditions of control unit confinement meet this standard? There is not space here to go over the evidence, which could fill several hundred pages on the basis of our two-year investigations in prisons in PA alone, but those familiar with the subject have an unequivocal grasp of the reality that solitary confinement deliberately inflicts “severe pain and suffering,” especially psychological, and cannot be justified on legitimate, i.e. “lawful,” grounds. The reasons for these conclusions are several but I will simply touch on two matters here: the psychological impact of solitary confinement and its failure to meet stated policy objectives.

The scientific consensus deduced from copious research on the psychological impact of solitary confinement is that the experience generates considerable and sometimes permanent mental suffering. One of the foremost experts on the subject, Dr. Stuart Grassian, reveals that “even a few days of solitary confinement will predictably shift the electroencephalogram (EEG) pattern toward an abnormal pattern characteristic of stupor and delirium,” and outlines the following seven symptoms as being characteristic of an “organic brain delirium” associated with solitary confinement: a) hyperresponsivity to external stimuli; b) perceptual distortions, illusions, hallucinations; c) panic attacks; d) difficulties with thinking, concentration, and memory; e) intrusive obsessional thoughts: emergence of primitive aggressive ruminations; f) overt paranoia; g) problems with impulse control.

Questionnaires submitted by HRC/Fed Up! to over 75 prisoners in SCI Dallas and throughout the state confirm the presence of these same symptomatic patterns amongst a disturbingly large number of the solitary confinement population. Incidents of self-harm, including suicide attempts, occur regularly and are certainly under-reported. At SCI Fayette, between the months of July and September, HRC received reports from RHU prisoners that two men set their cells on fire, one of those same men cut himself and swallowed a razor, another man tried to hang himself, and another two cut their wrists and arms. These examples can be multiplied throughout the PA DOC and the entire country.

As for the pretext that solitary confinement reduces violence in prisons and ensures secure facilities, this is supported by literally zero credible evidence to my knowledge. All available testimony and reports would seem to indicate that solitary units create a psychological condition of such absolute repression that instances of violence and brutality proliferate. Not to mention the obvious fact that a stay in the hole exacerbates mental illness, rage, frustration, and other characteristics of antisocial behavioral traits.

Countless prisoners report being forced to max out their sentences because of alleged disciplinary infractions that land them in solitary. The conditions of confinement in the PA DOC are a major contributing factor to recidivism rates that hover around 50% in the first three years after release, helping to feed a chronic crisis of overcrowding. This refutes the notion that the PA DOC has any legitimate security, penological, correctional or other rationale behind the program.

In other words, there is nothing lawful in the sanctioning of one to solitary confinement, as it clearly contributes to social destabilization by engendering even more criminality on the part of prison personnel and prisoners in an endless cycle that diverts funding from desperately needed social programs in order to disappear and warehouse members of the underclass. These conditions are a flagrant violation of article 6 of the U.S. Constitution as well, which affirms that treaty law (i.e. international law) is the “supreme law of the land.” Thus, article 10 (3) of the International Covenant on Civil and Political Rights stipulates that “The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”

A3N: What role does solitary confinement have in the overall prison system? Since 1970, the prison population has increased from 300,000 to over 2.3 million today. The US now has more total prisoners and the highest incarceration rate than any other country in the world. What do you attribute this increase to?

BG: I’ll be concise here. Solitary confinement is the innermost core of the US-led imperial architecture of terror. A succinct overview of this architecture can be formulated as follows:

1) The solitary confinement population is used to terrorize the prisoner population;
2) The prison population is used to terrorize poor communities in general and communities of color in particular;
3) Social and economic conditions in these communities are used to terrorize the middle classes;
4) The middle classes are used to carry out the social, economic, and political agenda of the ruling/owning class;
5) The ruling class uses this domestic base of power to organize empire abroad;
6) Empire generates a trajectory of apocalypse;
7) We have to stop this.

This sketch can be developed with varying degrees of nuance, focus, and elaboration, but seems durable enough for me.

In this respect the proliferation of solitary confinement/supermax conditions in the U.S. has corresponded closely with the rise of policies of mass incarceration and the global regime of neoliberal capitalism and its economic ideology of corporate supremacy, which I won’t describe here except to say that the deindustrialization of U.S. society has generated an ever-escalating number of people who are useless to the accumulation of wealth. When these populations become fodder for the prison industry they obtain economic capital while the systematic removal of massive numbers of poor people, especially people of color, from anything but marginal or token participation in the economic, social, and political domains serves the political function of neutralizing potential bases for movements against the unjust status quo.
A3N: Concerning strategies of resistance, how do you think human rights and international law framework can be applied to prison conditions as a method/strategy/philosophy for investigations, exposure, and organizing? How does this relate to other struggles against the PIC and for human rights generally?

BG: Human rights, which are rooted in international law and designed to ensure the self-determination of peoples and thus a humane, sustainable, and legitimate social order, have a number of immediate advantages for framing instruments for the widest array of political struggle possible.

First of all, this frame turns reality right side up and exposes with grim clarity the criminality of the corporate-state. No matter the severity of crimes committed by those languishing anywhere in the U.S. prison system—and nobody disputes that some of those in prison are dangerous, violent, and pathologically anti-social—these crimes pale in comparison to wars of aggression, radical and ceaseless violations of the Universal Declaration of Human Rights, the Convention against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination, the Genocide Convention, etc. ad nauseam.

In fact, the systemic criminality of the political-economic order generates the oppressive power relations and attendant conditions of poverty, addiction, illicit economic activity, and normalized violence—especially against women and children—that fosters officially defined and punished crime. For those who are serious about ending violence and poverty in our collective communities it is imperative that a core objective of such a project is to mobilize a coherent mass movement from below to put constraints on and eventually eliminate altogether the ability of those in positions of power to engage in serial violations of the rights of others.

This framework has everything to do with accountability and necessitates that we work tirelessly to generate understanding and action around the reality that those who design and operate systems of power in this society are guilty of perpetrating crimes against humanity and must be stopped.

Specifically, in the context of day to day organizing around the prison system, it means that individuals and organizations concerned with the rights and lives of prisoners need to familiarize themselves with the basic principles of international human rights law as it pertains to the criminal legal system (I refuse to call it a justice system) and collect evidence regarding the state’s failure to implement basic human rights and constitutional safeguards for prisoners. The UN Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Basic Principles for the Treatment of Prisoners, amongst other human rights documents, are appropriate for orienting a host of campaigns toward dismantling the worst practices of the present system while simultaneously implementing alternative structures and practices.

Widespread dissemination of human rights documents and literature and the creation of community and movement curriculums toward this end are other means to build, and in part reconstitute, a rights-based culture of political dissent. Rights-based cultures naturally create movements that make demands and mobilize to enforce those demands, without asking for permission from repressive authorities or the ideal historical circumstances for organizing from below. A rights-based culture is a culture of struggle, cooperation, collective accountability, historical consciousness, and dedicated to creating a better world for those generations that will follow. Rights-based cultures are constituted by unbreakable bonds of solidarity, trust, and responsibility.

As anybody familiar with even a fraction of the history of popular struggles for social justice knows, these movements—while they rise and fall, wax and wane—never disappear so long as injustice exists; they are built to last. In fact, the human rights framework corresponds to the liberation movements of the 60 and 70s embodied in the Black Panther Party and the American Indian Movement amongst others.

Ultimately, human rights discourse and organizing revolves around the question of power: what forces in society hold power, how is it defined, who makes decisions and who suffers the consequences. For this end it is essential that we work to proliferate human rights alliances so as to build the necessary capacity and solidarity to confront the question of power. That is why the Human Rights Alliance of Pittsburgh, young as it is, strikes me as one of our most promising projects.

More practically, a method of documentation, intervention, and movement-building is effective for 1) tracking and exposing human rights violations in prisons, and other areas of society as well; 2) accumulating evidence to strengthen arguments in support of mass action for social reconstruction; 3) building trust with prisoners and their families by taking advocacy actions to the greatest degree possible; 4) building an organizational network with communication infrastructure that will serve to inform, foster dialogue, and mobilize increasing numbers of prisoners and their families and communities.

A3N: What link can we make between the work of HRC/Fed-Up! and the movement to free the Angola Three and all political prisoners?

BG: The relationship between the work of HRC/Fed Up! and the struggles of the Angola 3 are inseparable. Solitary confinement and the prison system as a whole have the primary function of silencing and/or liquidating precisely those radical movements embodied in the case and lives of Robert King, Herman Wallace, and Albert Woodfox.

Solitary confinement is a mechanism to isolate and neutralize leadership elements, people with the ability to articulate a common vision, support their principles with action, and build trust, solidarity, self-empowerment, and unbreakable determination within oppressed populations inside the prison and out. As Angola’s Warden Burl Cain clarified the matter, albeit while speaking against the release of Albert Woodfox, “He wants to demonstrate. He wants to organize. He wants to be defiant... A hunger strike is really, really bad, because you could see he admitted that he was organizing a peaceful demonstration. There is no such thing as a peaceful demonstration in prison.” Any act of dissent or protest is unacceptable to the totalitarian mindset.

As Cain further stated about Woodfox, “I still know he has a propensity for violence...he is still trying to practice Black Panterism, and I still would not want him walking around my prison because he would organize the young new inmates.” For those familiar with the actual program and ideology of the Black Panther Party, Cain’s statement contains a key insight: the struggle for human rights amongst oppressed peoples is an unacceptable threat to a system built and sustained upon the denial of those rights.
Our task in this context is clear: to carry forward in our work with renewed intensity and dedication, honoring those who struggled before us, acting on our responsibilities toward those who will follow, and building the movements of today that will confront and ultimately defeat this unspeakably cruel and inhuman system.

A3N: How can readers best support HRC/Fed Up! with its work?

BG: We have no staff and even less money, so financial contributions are extremely helpful. We have a lot of printing and mailing needs, as we send dozens of letters to prisoners each month, not to mention criminal complaints, letters to state officials and legislators, and other operational costs, including transportation costs for a possible speaking tour and visits to prisons. Checks can be made to HRC/Fed Up! and sent to us at 5125 Penn Avenue, Pittsburgh, PA 15224.

Most importantly, however, get in contact with us so we can learn from each other’s work and practice mutual aid and solidarity in whatever ways appropriate and possible. Send an email to hrcfedup@gmail.com or call 412-361-3022.

And finally, please do send an email and join our Emergency Response Network to help us spread information and take collective action in urgent situations involving starvation, assaults, medical neglect, and other human rights violations in PA prisons. Set up your own ERN for your city, state, and/or region, and let’s network to help shatter the silence that enables the torture to continue.

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Angola 3 News is a new project of the International Coalition to Free the Angola 3. Our website is www.angola3news.com where we provide the latest news about the Angola 3. Like this interview with Bret Grote, we are also creating our own media projects, which spotlight the issues central to the story of the Angola 3, like racism, repression, prisons, human rights, solitary confinement as torture, and more. Our online video series has now released interviews with Black Panther artist Emory Douglas titled “The Black Panther Party and Revolutionary Art,” author J. Patrick O’Connor titled “Kevin Cooper: Will California Execute An Innocent Man,” author Dan Berger titled “Political Prisoners in the United States,” and Colonel Nyati Bolt titled “The Assassination of George Jackson.”

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Sudoku #055 (Easy)
Petition Alert!

CITIZENS FOR SOCIAL CHANGE AND REHABILITATION INC.
CSCR
P.O. BOX 22112
PHILADELPHIA, PA 19136-2112
A non-profit 501 (C)(3) Organization

"A light in the dark"

Petition Information!

The main reason our organization has formulated this petition is to give relief to the taxpaying residents in The Commonwealth of Pennsylvania. We are asking that the lawmakers you voted into The General Assembly of the Commonwealth of Pennsylvania craft and pass a bill that will offer those who are incarcerated for life without parole be offered the chance for parole after twenty-five years. The Commonwealth of Pennsylvania is one of a minority of States with both the Death Penalty and Life Without Parole. According to State Senator Stewart J. Greenleaf in 2002 who said at that time it could cost $75,000 to $80,000 a year to keep older inmates incarcerated. It is a reasonable assumption to say that this number has grown significantly in the last seven years, which is all taxpayer money! A lifer who was incarcerated at twenty years old and has served twenty-five years is forty-five years old today. The potential of this person living another twenty to thirty years will cost the taxpayer $1,500,000.00 to $1,600,000.00 for twenty years or $2,250,000.00 to $2,400,000.00 for thirty years. These numbers do not take into account inflation or the possibility that the inmate may live much longer. Now take these numbers and times them by the number of lifers which at last count is 4,633 and you will get $11,119,200,000.00 (Billion Dollars) of taxpayer money.

These lifers are from an older and wiser group than the younger generation who kill without remorse. We have talked to at least one older lifer that has acquired a Masters Degree while incarcerated and many more who have attained various Certificates and job training that would be an asset to society and an addition to the tax roles. Adding to the tax roles means not having to raise your taxes!

We must point out that there are those individuals who should never be allowed to rejoin society. Some of these include pedophiles who have taken the life of a child, those who premeditate murder of the elderly, officers of the law, family, or for planned personal gain with the intent to take life! We do need to remember that many of these people were at the wrong place at the wrong time. Many of those incarcerated for life never took the life of anyone! There should be a case-by-case review and in the cases where justice has been served after twenty-five years we ask that you lend your voice by signing this petition. We appreciate your citizenship!
PETITION!!

This petition is to be presented to members of The General Assembly of The Commonwealth of Pennsylvania who will be asked to present a bill or amendment to the present law which requires life without parole for those convicted of committing homicide. We are asking that this law be amended to give those who have been incarcerated for this crime a chance to be paroled after having served twenty five years.

I/we have discussed and/or been given information on the capital punishment laws now in effect in The Commonwealth of Pennsylvania and have added my legal signature to this petition to show my support for changing this outdated sentence.

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Citizens for Social Change & Rehabilitation Inc
P.O. Box 22112
Philadelphia, PA 19136
Phone 215-779-5582
Paul ‘Changa’ Rogers

Reason(s) Placed In Solitary: Assault and Possession of Weapon
Misconduct Sanction: 6 Months Solitary Confinement
Date Placed In Solitary: July 14, 2000
Time in Solitary: Ten (10) Years !!
Current RHU Status: Restricted Release List (R.R.L.)

On June 14, 2000, Paul Rogers was placed on an emergency transfer from SCI-Pittsburgh to SCI-Houtzdale’s Solitary Confinement Restricted Housing Unit (RHU) for the alleged assault with a weapon of a prison guard. Mr. Rogers received a misconduct report charging him with assault on a guard and possession of a weapon (knife). At a misconduct hearing Mr. Rogers was found guilty of all charges and given a sanction of 6 months in the (solitary confinement). After the completion of the six month solitary confinement sanction, Mr. Rogers was placed on Administrative Custody status in Long Term Solitary Confinement, and was continued on his stay in the hole.

On May 5, 2004, the PA Department of Corrections instituted the draconian Restricted Release List (R.R.L.) policy, and Mr. Rogers was one of hundreds of prisoners arbitrarily placed on the RRL. The RRL is an illegal prison policy that places prisoners, whom are deemed unmanageable, in “PERMANENT” solitary confinement. The RRL policy does not have a set criterion in which it bases its decision on whom is eligible for placement on the RRL, the policy does not provide any due process procedure (notice and hearing) prior to the placing prisoners on the RRL, the policy does not provide a way for prisons to be eventually removed from the RRL, nor does the policy allow for the eventual release of a prisoner from the RRL’s permanent solitary confinement feature. The RRL is illegal in that it is a violation of the Cruel And Unusual Punishment clause and Due Process clause of the US Constitution and is in violation of International Laws and Treaties for the Human Rights of Prisoners.

In January of 2006, 2007, and 2008, the Program Review Committee (PRC) at SCI-Smithfield recommended that Mr. Paul Rogers be removed from RRL and released from solitary confinement, and all three recommendation were denied by Secretary Jeffrey A. Beard without a reason. It has been ten (10) years now and Mr. Rogers still languishes in solitary confinement under the Restricted Release List (RRL) with no sign of release.

How long is too long to keep a human being isolated in Solitary Confinement? The NASA space agency restricts their astronauts from remaining in outer-space in confined quarters of the space station to one (1) year duration due to scientific studies that shows human beings tend to go INSANE from being confined in isolated areas within 60 days to a year. Is confining a Human Being to 2, 5, 10, or 20 years in solitary confinement Human Rights Abuse and Torture? Does Human Rights matter to the PA Department of Corrections?

Write/call/Email/ or Fax Secretary Jeffrey a. Beard and demand that Paul Rogers is removed from the RRL and released from solitary confinement:

Jeffrey A. Beard, Secretary
Department of Corrections
2520 Lisburn Road, PO Box 598
Camp Hill, PA  17001-0598

Contact Paul Rogers at: Paul ‘Changa’ Rogers, SCI-Smithfield/ # BS-6500, PO Box 999, Huntingdon, PA  16652-0999. Prison’s # (814) 643-6520.
Black Panther Prisoner Files  
Lawsuits In Maryland Federal Court for Abuse And Torture

Mr. Anthony ‘Mustafa’ Chisley, Deputy Chairman of Maryland’s New Afrikan Black Panther Party (MD-NABPP), arrived at the North Branch Correctional Institution (NBCI) on the 18th of March, 2008. The NBCI is a maximum security prison of Maryland’s Correctional Adjustment Center (SuperMax) in Baltimore, MD., that sits inside a small town in western Maryland called Cumberland Township.

In a matter of two weeks Mustafa had noticed the routine denial of prisoners’ human/civil rights and the regular brutal beatings of prisoners by guards at the NBCI. Mustafa then waged a righteous campaign to end the brutal repressive methods by guards at the NBCI by initiating the prison’s administrative remedy (grievance) system, drafting and submitting of petitions, and organizing prisoners’ families/prisoners’ rights groups to pressure the prison administrators to end the abuse and torture being perpetrated against prisoners.

When the NBCI Officials became aware of Mustafa’s organizing activities against their illegal actions of abuse and became aware that he is a Black Panther, NBCI Officials began to carry out a retaliation campaign against Mustafa and others, thereby compounding their illegal actions, one upon another. NBCI guards, namely CPLs Gutillo and Miller, began to constantly harass Mustafa and others with cell searches, ransacking of cell, confiscation of personal property, destruction of family photos/family letters/ and legal documents and the denial of food, showers, and recreation. Guards CPLs Gutillo and Miller are alleged to have escalated their attacks against Mustafa by brutally beating him on several occasions while handcuffed behind the back, while making racist remarks towards him of “nigger! I’ma kill you!” as they beat him. Mustafa’s complaint alleges he was also retaliated against with fabricated (bogus) infraction reports and the attempted labeling of him and the NABPP-MD Branch as a gang under the Security Threat Group (STG) status.

Mustafa eventually filed three related 42 W.S.C.@1983 civil action complaints in the US District Court in Baltimore, MD in 2008 and 2009, pertaining to guards beatings, abuse, and torture of prisoners at the NBCI prison. See, Chisley v. Rowley, DKC 08-2165; Chisley v. Rowley, DKC 08-2108; and Chisley v. Holwager, DKC 09-2099. The court has appointed one of the top law firms in Maryland as counsel in the said civil lawsuits, Warnken, LLC Attorneys at Law, Byron L. Warnken and Michael P. Lytle, Esq., 300 East Joppa Road, Suite 303, Towson, MD, 21286-3004, www.warnkenlaw.com, info@warnkenlaw.com.

Mustafa hope that the civil lawsuits against the NBCI Officials will correct their wrongs and illegal actions and perhaps set a positive court law precedent in Maryland of how the NBCI (and other prisons) are to be properly/lawfully administered by correctional officials. Mustafa states that “sometime we may have to endure and suffer hardships in order to bring about lasting changes that will benefit us all. It’s a sacrifice worth making when you genuinely love the people. Unfortunately, the fight is far from over. But with our family, comrades, friends, and supporters we can, and will win! All Power to the People!”
Crimes that test our values
Harsh, rigid sentencing makes little sense when it comes to child offenders.
By William DiMascio

In many respects, our society is more interested in punishing wrongdoing than correcting it. Nowhere is this more obvious than in how we deal with juveniles who commit violent crimes.

Pennsylvania’s Superior Court is being asked to determine if Jordan Brown should be tried as a juvenile or as an adult for the fatal shooting of his father’s pregnant fiancee when he was just 11 years old. If Brown is found guilty as an adult, he’ll be sentenced to life without parole. If found guilty as a juvenile, he will be confined for no more than nine years, until he is 21.

There is no in-between in Pennsylvania. In other states, “blended” sentences allow some juvenile offenders to serve time until they reach adulthood, whereupon courts evaluate their rehabilitation efforts and decide if continued confinement is in order.

Lawrence County District Attorney John Bongivengo said Brown’s alleged crime against Kenzie Houk and her unborn child was a “premeditated, cold killing.” Jordan is charged with using a 20-gauge shotgun that his father gave him for Christmas to shoot the woman as she slept in their home in Wampum, then rushing off to catch his school bus. State troopers picked him up hours later at Mohawk Elementary School.

The prosecutor contends that Jordan was motivated by his jealousy of the new baby. The defense has maintained that he is innocent.

Common Pleas Judge Dominick Motto originally ruled that the case should be heard in adult court, saying the boy was an unlikely candidate for rehabilitation in a juvenile setting because he refused to take responsibility for the crime. But defense attorneys argued that Jordan could not be asked to take responsibility for the crime without violating his constitutional protection against self-incrimination. So Motto changed his order to permit an appeal to Superior Court.

Legal proceedings there will determine the fate of young Jordan Brown. But the case raises deeper philosophical issues, as have thousands of other cases in which juveniles faced terminal sentences - either death, which the U.S. Supreme Court has now prohibited in juvenile cases, or life without the possibility of parole, which the high court recently banned in juvenile cases not involving homicide. The United States and Somalia are the only countries in the world that refused to ratify a U.N. pact outlawing such terminal sentencing of children.

A growing body of scientific evidence argues powerfully against such harsh punishment of individuals whose brain function is not yet mature. Yes, they know right from wrong. But their ability to reason, understand the consequences of their actions, and control their impulses is not fully developed.

These issues take us to the edges of justice, where a one-size-fits-all legal system fits far less comfortably. This is the point where we decide if we are an optimistic society, or one that throws people away in the name of vengeance.
Here in Pennsylvania, we have built an unbending system ruled by our most hardened emotions. Some 450 men and women - more than in any other state, or nation for that matter - are serving life sentences without the possibility of parole for crimes committed before they could legally vote, sign contracts, or buy a beer.

We didn't think they were old enough to participate in government. But we were sure that they were irredeemable. We decided these children had to be put away forever so they wouldn't kill again, even though data show they are the least likely re-offenders.

Jordan Brown was coping with an extraordinary situation. He saw his father's affection suddenly being shared with a girlfriend. He and his father had recently moved into the home the woman shared with two daughters by an earlier relationship. And the woman was carrying his father's baby, which was due within weeks and, it was said, was going to be named after his father.

None of this in any way justifies the killing or mitigates the loss and anguish of the victim's family. But something needs to be said about the emotional loss and dread that an 11-year-old boy was coping with.

We as a civilized society should rise above emotion. We should punish the offender if we must. But we should also recognize the humanity in everyone - although the offender failed to recognize it in his victim, and maybe even because we need to be better than that.

William DiMascio is executive director of the Pennsylvania Prison Society. He can be reached at dimascio@prisonsociety.org.

(Continued from page 34)
Bryan Stevenson. Photo by Bernard Troncale/Birmingham News

A group of test subjects ages 10 to 30 is asked to solve a puzzle. It involves rearranging a stack of colored balls on placeholders using as few moves as possible. Each wrong move requires extra moves to undo it.

The test is designed to measure impulse control. Adolescents tend to start moving balls almost immediately, which usually necessitates rearranging later. Adults, however, tend to take more time to consider their first move, which generally allows them to solve the puzzle on their first try.

In another experiment, designed to measure mature decision-making abilities, test subjects are presented with a choice between a small, immediate cash reward and a larger, long-term cash reward. Younger subjects invariably have a lower “tipping point”—the amount of money they are willing to take to get their reward immediately. Older subjects are more willing to wait.

A third experiment is designed to test the effects of peer pressure. Driving a computerized car simulator, subjects choose whether to run a series of traffic lights that are about to turn red, both alone and in the company of friends. Almost invariably, the younger subjects take greater risks when their friends are present; older subjects tend not to change their driving in either case.

This is the kind of research in developmental psychology and neuroscience that is helping to shed new light on differences between adolescent and adult brains. It’s also part of the science that lies at the heart of a series of decisions, including a May ruling by the U.S. Supreme Court in Graham v. Florida, that have changed the direction of juvenile justice.

Graham outlawed life-without-parole sentencing in nonhomicide cases for individuals under age 18, and it may be comparable to the Brown v. Board of Education case in juvenile justice, says Paolo Annino, a Florida State University law professor and director of the school’s children’s advocacy clinic.

It will likely lead to the resentencing of the estimated 129 juvenile offenders in this country now serving life sentences without possible parole for crimes in which no one was killed, give other juvenile offenders serving long prison sentences new grounds for seeking lesser sentences, and change our way of thinking about juvenile crime.

“It means we are finally acknowledging outside of the death penalty arena that kids are different from adults and need to be treated differently by the criminal justice system,” Annino says.

In Graham, the court held 5-4 that life without parole for a juvenile offender convicted of a crime not involving murder violates the Eighth Amendment ban on cruel and unusual punishment. (Chief Justice John G. Roberts Jr. agreed only with the majority’s holding that Terrance Jamar Graham’s sentence was unconstitutional, not with its conclusion that all such sentences necessarily are.)

(Continued on page 37)
The majority based its decision in part on the scientific research into adolescent brain development first cited by the court five years ago in Roper v. Simmons, when it struck down the death penalty for juvenile offenders on the same grounds.

That evidence showed that adolescents, as a group, are more immature, more irresponsible, more susceptible to negative influences and outside pressures, and more capable of long-term change than are adults, which the court said made them categorically ineligible for the death penalty.

"These differences render suspect any conclusion that a juvenile falls among the worst offenders," for whom the death penalty is reserved, Justice Anthony M. Kennedy wrote for the 5-4 majority in Roper. "The susceptibility of juveniles to immature and irresponsible behavior means 'their irresponsible conduct is not as morally reprehensible as that of an adult.'"

THE ROPER EFFECT

Roper marked a turning point for the court, which in 1989, in Stanford v. Kentucky, upheld death sentences for two child murderers: one a 16-year-old Missouri boy and the other a 17-year-old Kentucky youth.

It also spurred a flood of Eighth Amendment-based challenges on behalf of three now-grown men doing hard time for crimes committed when they were juveniles. The first came from Christopher Pittman, a 21-year-old South Carolina man serving a 30-year sentence without possible parole for the murder of his grandparents in 2001, when he was 12. The court declined to hear it.

Next came challenges on behalf of Graham and another juvenile offender in Florida serving life sentences without parole for crimes in which no one was killed. Graham, now 23, was 16 when he received probation in the 2003 burglary and attempted robbery of a barbecue restaurant. In 2004, a month shy of his 18th birthday, he was involved in a home invasion robbery and was sentenced to life without parole.

Likewise, Joe Harris Sullivan, now 34, is doing life without parole for the rape of an elderly woman in 1989, when he was 13. At the time the court issued its decision in Graham, it dismissed Sullivan's appeal as improvidently granted. The state had argued that Sullivan's petition was procedurally barred because it wasn't filed within the state's two-year statute of limitations for appeals in noncapital cases.

Sullivan's lead lawyer, Bryan Stevenson, executive director of the Equal Justice Initiative in Montgomery, Ala., says the Graham decision should give Sullivan and other similarly situated inmates new grounds to challenge their sentences.

Graham created a new categorical rule barring life sentences without parole for juvenile offenders convicted of nonhomicides, Stevenson reasons. And every time the court has created such a rule, it has been held to be retroactive.

"It's an important win not only for kids who have been condemned to die in prison but for all children who need additional protection and recognition in the criminal justice system," he says.

Justice Kennedy, who also wrote the majority opinion in Graham, said no recent data provided reason to reconsider the Roper decision and its observations about juveniles. If anything, he said, the evidence has become stronger and more conclusive in the five years since. Scientists say research demonstrates what every parent of a teenager probably knows instinctively: That even though adolescents may be capable of thinking like adults, they are mentally and emotionally still children.

While an individual's cognitive abilities (thinking, reasoning) reach adult levels around the age of 16, studies show that psychosocial capabilities (impulse control, judgment, future orientation and resistance to peer pressure) continue to develop well into early adulthood.

Which answers the question so many parents have undoubtedly asked their teenage sons and daughters: How could somebody so smart do something so dumb?

Laurence Steinberg, a Temple University psychology professor who has been studying adolescent brain and behavioral development for 35 years, likens the teenage brain to a car with a powerful gas pedal and weak brakes. While the gas pedal responsible for things like emotional arousal and susceptibility to peer pressure is fully developed, the brakes that permit long-term thinking and resistance to peer pressure need work.

Steinberg says the latest research in developmental psychology confirms and strengthens the conclusion that juveniles as a group differ from adults in the salient ways the court identified in Roper. And emerging research in the field of neuroscience, not even mentioned in Roper, is helping to explain this biologically.

NEURAL TIMEBOMBS

Such research shows, for instance, that adolescents exhibit more neural activity than adults or children in areas of the brain that promote risky and reward-based behavior. It also shows that the brain continues to mature well beyond adolescence in areas responsible for controlling thoughts, actions and emotions.

Steinberg, a leading researcher in the field, says he knows of no serious debate over the merits of the science. While there will always be those who say more research is needed, he says he knows of no studies contradicting all the neurological and behavioral research that shows the brain is still maturing during adolescence, and that the maturation process continues well into adulthood.

Steinberg, it should be noted, was not a disinterested party to the litigation. He served as the lead scientist on an amicus brief filed by the American Psychological Association and others in Roper and Graham. He also believes that juveniles, because of their developmental immaturity, should not be held to the same standards of criminal responsibility as adults. He's far from alone.

More than a dozen legal, religious, correctional, human rights and child advocacy organizations filed amicus briefs in support of the petitioners, including the ABA, the Prison Fellowship Ministries, Amnesty International and the Juvenile Law Center. So did groups of former juvenile offenders, friends and family of juvenile crime victims, educators and members of the juvenile corrections community.

(Continued on page 38)
The American Medical Association and the American Academy of Child and Adolescent Psychiatry also filed an amicus brief in support of neither side. Though they took no formal position on the constitutionality of life-without-parole for juveniles, their brief summarized matter-of-factly the same scientific findings in briefs filed in support of the petitioners.

The ABA, for its part, argued that sentencing a juvenile offender to life without possible parole was irreconcilable with the court’s holding in Roper.

A group of former juvenile offenders who have since become productive, law-abiding adults, including former U.S. Sen. Alan Simpson of Wyoming, argued that it is “fundamentally inhumane” to give up on youthful offenders, as their own brushes with the law had shown. The brief said Simpson helped set fire to an abandoned building, fired a rifle at a road grader, andugged a cop who tried to arrest him after a bar brawl.

The state, for its part, didn’t dispute the array of medical and social science research cited by the petitioners that juveniles are developmentally different from adults. It said the criminal justice system already takes such factors as age and the severity of the crime into account in many ways. And it said the state needed to retain the authority to mete out adult-style punishments to violent juvenile offenders who commit adult-like crimes.

“Extending the rationale of Roper, developed in the limited context of the death penalty, to the exceptionally broad and virtually unlimited context of prison incarceration is compelled neither by legal logic nor by societal norms,” the state said in its briefs. Though others filed briefs in support of the state—including the National District Attorneys Association, 19 state attorneys general, 16 members of Congress and a coalition of families of people killed by juvenile offenders—one only took issue with the validity of the scientific evidence put forth by the AMA and others.

That brief, filed by the Center for Constitutional Jurisprudence, a public interest law firm based in Claremont, Calif., said evidence cited by those on the other side was far from being established as scientific fact.

Such evidence might be the type of “developing” science that lawmakers might want to consider when making policy choices, said the CCJ, but it is not the type of evidence that a court should ever use to overturn those policy decisions, and it has yet to meet federal admissibility standards. “The argument that the juvenile brain is too insufficiently developed to constitutionally permit imposition of life in prison without the possibility of parole (LWOP) for the most heinous and violent criminal offenses is predicated on advocacy misquandizing as science,” the center said.

DEGREES OF DIFFICULTY

The National District Attorneys Association, on the other hand, argued in its brief against the imposition of a categorical ban on life without parole for juveniles. It said such a “one-size-fits-all” approach was not mandated by the Constitution and would also run afoul of the court’s holding that in noncapital cases the Eighth Amendment only prohibits sentences that are “grossly disproportionate” to the underlying crime.

Another brief on the state’s behalf by 19 other state attorneys general said life without parole for certain juvenile offenders is needed by states that must respond to ongoing violent juvenile crime.

“No one wants to believe that young people can commit horrible crimes. But sometimes they do. And no one wants to consider whether they should serve lengthy prison terms. But states must consider it, since they are responsible to their own citizens for protecting them, for deterring crime, for assuaging the victims, and for punishing the guilty,” it said.

A third brief on the state’s behalf by the National Organization of Victims of Juvenile Lifers, a group representing the families of people murdered by juvenile offenders, cited what it said is an “overwhelming national consensus” in favor of a life-without-parole sentence for juvenile offenders who show an exceptional disregard for human life.

“Courts, legislatures and American people have strongly approved of these sentences as an effective and lawful device to deter juvenile crime and protect law-abiding citizens,” it said. “A criminal justice system which categorically denies constitutional and proper sentences for juvenile offenders perpetuates no justice at all.”

Still, the scientific evidence on adolescent brain development was central to arguments by both Graham and Sullivan.

Sullivan’s lawyers cited what they described as a “scientific consensus” on adolescent brain development as evidenced in Roper. “Roper understood and explained why such a judgment cannot rationally be passed on children below a certain age,” they wrote. “They are unfinished products, human works-in-progress. They stand at a peculiarly vulnerable moment in their lives. Their potential for growth and change is enormous. Almost all of them will outgrow criminal behavior, and it is practically impossible to detect the few who will not.”

Graham’s lawyers, on the other hand, contended that a life-without-parole sentence for a 16-year-old is constitutionally disproportionate to that for adults who have committed the same crimes.

“As the Roper court noted, juveniles are more malleable and capable of reform than adults. It is cruel to simply ‘give up’ on them,” their brief said.

Bryan S. Gowdy of Jacksonville, Fla., Graham’s lead lawyer, notes that of the seven amicus briefs that were filed on behalf of the state, “not a single one of them was signed by a scientist. All of the science is on our side.”

NATIONAL RATIONALE

Besides the scientific research on adolescent brain development, the majority cited what it said was evidence of a national consensus against life without parole for juveniles based on actual sentencing practices in the states that permit it.
In so doing, it relied on a 2009 study by Annino and on its own research. The Annino study found only 109 juvenile offenders serving life-without-parole sentences for nonhomicides nationwide, more than two-thirds of whom—or 77 inmates—are incarcerated in Florida. The majority found on its own another 20 juvenile nonhomicide offenders serving life-without-parole sentences, bringing the total nationwide to 129. However, the solicitor general later said six federal inmates should not be included in the total because their sentences were not based “solely on nonhomicide crime.”

That means that only 12 of the 39 jurisdictions nationwide that permit life without parole for juvenile nonhomicide offenders actually impose such sentences, the majority reasoned, and most of them do so only rarely.

The majority also cited the relative severity of a life sentence for a juvenile offender in comparison to an adult offender and questioned the penological purposes of such a sentence. It noted what it said was a global consensus against life sentences for juvenile offenders under any circumstances, citing a 2007 study that showed the U.S. was the only country in the world that imposes life-without-parole sentences on juvenile nonhomicide offenders.

“A state is not required to guarantee eventual freedom to a juvenile offender convicted of a nonhomicide crime,” Kennedy wrote for the majority, which included Justices John Paul Stevens, Ruth Bader Ginsburg, Stephen G. Breyer and Sonia Sotomayor. “What the state must do, however, is give defendants like Graham some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.”

However, Justice Clarence Thomas wrote a stinging dissent in which he was joined by Justice Antonin Scalia and in part by Justice Samuel A. Alito Jr. Thomas accused the majority of substituting its judgment for that of lawmakers, judges and juries, the District of Columbia and 37 states.

Thomas also assailed the majority for what he said was its faulty logic, pointing out its apparent willingness to accept a life-without-parole sentence for a juvenile offender who kills but not for one who commits an especially heinous or grotesque crime in which nobody dies. He was referring to the case of Milagro Cunningham, a 17-year-old Florida youth serving life without parole for the beating and rape of an 8-year-old girl he left for dead under a pile of rocks, whose case Roberts had also mentioned in his argument against the adoption of a categorical rule barring such a sentence.

Thomas also took issue with the evidence on adolescent brain and behavioral development cited by the majority, saying that even if such generalizations from social science are relevant to constitutional rule-making, the majority had misstated the data on which it relies, which differentiates between adolescents for whom antisocial behavior is a fleeting symptom and those for whom it is a lifelong pattern.

Gowdy, Graham’s lead lawyer, says he couldn’t be more pleased with the decision, which he says not only creates a categorical rule barring life sentences without parole for juvenile offenders but also requires states to provide all juvenile offenders with some type of meaningful opportunity for redemption.

ABA President Carolyn B. Lamm applauded the ruling, which she says gives correctional authorities and the courts the opportunity to help juvenile offenders who can be reformed, while keeping those who can’t behind bars where they can do no more harm. But she notes that the decision does not address the issue of life without parole for juvenile offenders convicted of homicides, which the ABA also opposes.

Hopefully, she says, lawmakers in states that still provide for such sentences will be persuaded by the ruling—as well as by recent legislation in states like Texas, which last year did away with life-without-parole sentences for juvenile offenders—to abolish the practice altogether.

Marsha Levick, deputy director and chief counsel of the Juvenile Law Center in Philadelphia, which also filed an amicus brief on behalf of Graham and Sullivan, says Kennedy’s opinion—in its acknowledgment of the research suggesting that teenagers are less blameworthy than adults and have a greater capacity for change—goes even further than anyone might have anticipated.

“When Roper came down, it wasn’t exactly clear if the court had moved beyond the view that death is different under Eighth Amendment jurisprudence to the view that kids are different,” she says. “With this decision, it is now clear that it has.”

REJIGGERING THE SYSTEM

After the ruling, Florida Attorney General Bill McCollum issued a prepared statement noting that the decision doesn’t prohibit “stern” sentences for juveniles who commit violent crimes. He also said he fully expected that Graham would be resentenced to a “very long” term in prison.

But McCollum acknowledged that the ruling will have a significant impact on the state’s juvenile justice and corrections systems.

“I will work closely with the legislature to identify and implement solutions that can better protect Florida’s citizens, families and guests,” he said.

Because Roper was a death penalty case and the court has repeatedly emphasized that “death is different,” as it did again in Roper, the decision has had little practical effect on noncapital cases.

But when Roper is cited, it is usually cited by the defense in support of the proposition that juvenile offenders—due to their inherently diminished culpability—should not be subject to the same criminal sanctions as adults.

A lot of people, including Sullivan’s and Graham’s lawyers, found it ironic that California, which apparently has no qualms about locking up juvenile offenders for nonhomicide offenses for life (it currently has four) cited Roper in its appeal of a district court ruling that struck down a state law banning the sale or rental of violent video games to children long before the Graham decision came down. The court granted cert in Schwarzenegger v. Entertainment Merchants Association for next term.
In its petition, the state cites Roper’s recognition of the “constitutionally significant, fundamental differences” between adults and minors—in particular, its findings that juveniles “lack maturity” and are “more vulnerable or susceptible to negative influences and outside pressures”—as part of its justification for trying to keep violent video games out of the hands of children.

A federal judge in San Jose, Calif., found the law unconstitutional in 2005 on the grounds that it violated the First Amendment rights of the video game industry. The 9th U.S. Circuit Court of Appeals at San Francisco affirmed the decision last year.

State officials refused to comment on the pending appeal. But they referred a reporter to the brief they filed in the 9th Circuit, which doesn’t even mention Roper. It does, however, cite what it says is a “large and continuously developing” body of social science suggesting that children who play violent video games can become aggressive, engage in antisocial behavior and perform poorly in school.

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This article has been edited for a better fit. Thank you.

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The Pennsylvania Supreme Court and Child Lifers

By: Shakaboona

On May 17, 2010, the U.S. Supreme Court in the case of Graham v. Florida banned imposing Life-Without Parole (LWOP) sentences of child offenders (children under the age of 18) for the conviction of non-homicide crimes. So one may wonder, how does the U.S. Supreme Court ruling affect Pennsylvania’s 500 plus child lifer prisoners who are serving LWOP imprisonment for the conviction of homicide (murder) crimes.

Although the U.S. Supreme Court has banned the imposition of LWOP on child offenders for non-homicide crimes, it does not mean Pennsylvania’s child lifer prisoners sentenced for homicide crimes are entitled to parole. However, the ruling does affect Pennsylvania child lifer prisoners in a way that will possible lead to the banning of imposing a LWOP imprisonment sentence on child offenders convicted of homicide when Pennsylvania’s Supreme Court hears the child lifer appeals of the Batts and Cunningham cases.

When the Pennsylvania Supreme Court hears the Batts and Cunningham appeals to determine the constitutionality of imposing a LWOP imprisonment sentence on child offenders for homicide crimes, the court will have to use the ‘Proportionality Analysis’ to determine if their LWOP imprisonment sentence for the conviction of homicide was “grossly disproportionate” when imposed on a child offender. Using the proportionality analysis in the Batts and Cunningham Cases, I think the PA Supreme Court will release a ruling identical to the U.S. Supreme Court’s ruling in Graham V Florida, and that is to categorically ban imposing LWOP for child offenders convicted of homicide in Pennsylvania.

Then what will happen? Child offenders serving LWOP will be held in legal limbo for resentencing until the PA Legislature change the current laws that will resentence child lifers to allow for possible release (parole). I say “possible release” because the U.S. Supreme Court Justice has stated:

“A state is not required to guarantee eventual freedom to a juvenile offender convicted of a non-homicide crime. What the state must do, however, is give defendants like Graham some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.”

Basically, the state can impose a Life imprisonment sentence on a child offender but the child offender must be given parole, and the state is not required to guarantee the release of a child offender on parole. In other words, hypothetically speaking, the state can sentence a child offender to Life-Without-Parole but can perpetually deny the child lifer’s parole year after year (like what is done to Charles Manson in California) until their eventual freedom in prison. Still, the same ol’ death penalty in different clothing!

Also, a PA Supreme Court decision categorically banning imposing LWOP on child offenders would have no affect on the many child lifers who has consecutive (separate) sentences arising from the same crime. A child lifer who has been sentenced to Life With Out Parole or Life With Parole and a consecutive sentence of 20-40 years imprisonment still has a devacto death sentence. After a child offender has been paroled on his Life sentence, he then would have to begin serving a brand new 20-40 year sentence and will die in prison, which is shy that practice must be banned as well. Still, the same ol’ death penalty in different clothing!

Wait! There is more. The Pennsylvania Board of Probation and Parole (PBPP) would be the state agency in charge of paroling child lifers. The PBPP is known to be one of the most bankrupt agencies in the commonwealth, and their determinations of releasing prisoners with violent crimes on parole (in this child lifers) is greatly influenced by the political atmosphere of the day and by opportunist politicians (like Governor Ed Rendell) who rides high-profile crimes and demand the PBPP to not parole prisoners with violent crimes. So child lifers’ parole, if given, will be largely determined by those political factors and not based on the “maturity and rehabilitation” of child lifers themselves.

The Pennsylvanian establishments don’t want the practice of Life sentencing of child offenders to be abolished outright. The PA Legislature and opposing entities in this state, will try their hardest to keep the practice of imposing Life sentences on child offenders on the legal books and intact. I, personally, advocate the abolition of the practice of imposing a Life sentence on child offenders entirely. Unfortunately, I believe many prisoners’ rights advocacy groups and child lifers will settle for such an intangible thing as Life With Parole, despite the huge national/international political momentum pressuring the United States to abolish the practice of Life sentencing altogether for child offenders.
If any prisoner, family member, or community activist would like to submit an article that is “critical” of the state and county prison systems, courts, D.A. offices, police, capitalist corporate America, and the government, just forward your article to the HRC’s Newsletter Department for possible printing.

**Big Brother “Fusion Centers” Part of US Domestic Intelligence and Surveillance Apparatus**

Mammoth Budget: $75 Billion, 200,000 Operatives

By Tom Burghardt

Fusion Centers Will Have Access to Classified Military Intelligence

Speaking at San Francisco’s Commonwealth Club September 15, Director of National Intelligence Admiral Dennis C. Blair, disclosed that the current annual budget for the 16 agency U.S. “Intelligence Community” (IC) clocks-in at $75 billion and employs some 200,000 operatives world-wide, including private contractors.

In unveiling an unclassified version of the National Intelligence Strategy (NIS), Blair asserts he is seeking to break down "this old distinction between military and nonmilitary intelligence," stating that the "traditional fault line" separating secretive military programs from overall intelligence activities "is no longer relevant."

As if to emphasize the sweeping nature of Blair's remarks, Federal Computer Week reported September 17 that "some non-federal officials with the necessary clearances who work at intelligence fusion centers around the country will soon have limited access to classified terrorism-related information that resides in the Defense Department's classified network." According to the publication:

Under the program, authorized state, local or tribal officials will be able to access pre-approved data on the Secret Internet Protocol Router Network. However, they won't have the ability to upload data or edit existing content, officials said. They also will not have access to all classified information, only the information that federal officials make available to them.

The non-federal officials will get access via the Homeland Security department's secret-level Homeland Security Data Network. That network is currently deployed at 27 of the more than 70 fusion centers located around the country, according to DHS. Officials from different levels of government share homeland security-related information through the fusion centers. (Ben Bain, "DOD opens some classified information to non-federal officials," Federal Computer Week, September 17, 2009)

Since the September 11, 2001 terrorist attacks, the federal government has encouraged the explosive growth of fusion centers. As envisaged by securocrats, these hybrid institutions have expanded information collection and sharing practices from a wide variety of sources, including commercial databases, among state and local law enforcement agencies, the private sector and federal security agencies, including military intelligence.

But early on, fusion centers like the notorious "red squads" of the 1960s and '70s, morphed into national security shopping malls where officials monitor not only alleged terrorists but also left-wing and environmental activists deemed threats to the existing corporate order.

It is currently unknown how many military intelligence analysts are stationed at fusion centers, what their roles are and whether or not they are engaged in domestic surveillance.

(Continued on page 43)
If past practices are an indication of where current moves by the Office of the Director of National Intelligence (ODNI) will lead, in breaking down the "traditional fault line" that prohibits the military from engaging in civilian policing, then another troubling step along the dark road of militarizing American society will have been taken.

**U.S. Northern Command: Feeding the Domestic Surveillance Beast**

Since its 2002 stand-up, U.S. Northern Command (USNORTHCOM) and associated military intelligence outfits such as the Defense Intelligence Agency (DIA) and the now-defunct Counterintelligence Field Activity (CIFA) have participated in widespread surveillance of antiwar and other activist groups, tapping into Pentagon and commercial databases in a quixotic search for "suspicious patterns."

As they currently exist, fusion centers are largely unaccountable entities that function without proper oversight and have been involved in egregious civil rights violations such as the compilation of national security dossiers that have landed activists on various terrorist watch-lists.

Antifascist Calling reported last year on the strange case of Marine Gunnery Sgt. Gary Maziarz and Col. Larry Richards, Marine reservists stationed at Camp Pendleton in San Diego. Maziarz, Richards, and a group of fellow Marines, including the cofounder of the Los Angeles County Terrorist Early Warning Center (LACTEW), stole secret files from the Strategic Technical Operations Center (STOC).

When they worked at STOC, the private spy ring absconded with hundreds of classified files, including those marked "Top Secret, Special Compartmentalized Information," the highest U.S. Government classification. The files included surveillance dossiers on the Muslim community and antiwar activists in Southern California.

According to the San Diego Union-Tribune which broke the story in 2007, before being run to ground Maziarz, Richards and reserve Navy Commander Lauren Martin, a civilian intelligence contractor at USNORTHCOM, acquired information illegally obtained from the Secret Internet Protocol Router Network (SIPRNet). This is the same classified system which fusion centers will have access to under the DoD's new proposal.

Claiming they were acting out of "patriotic motives," the Marine spies shared this classified counterterrorism information with private contractors in the hope of obtaining future employment. Although they failed to land plush private sector counterterrorism jobs, one cannot rule out that less than scrupulous security firms might be willing to take in the bait in the future in order to have a leg up on the competition.

So far, only lower level conspirators have been charged. According to the Union-Tribune "Marine Cols. Larry Richards and David Litaker, Marine Maj. Mark Lowe and Navy Cmdr. Lauren Martin also have been mentioned in connection with the case, but none has been charged." One codefendant's attorney, Kevin McDermott, told the paper, "This is the classic situation that if you have more rank, the better your chance of not getting charged."

Sound familiar? Call it standard operating procedure in post-constitutional America where high-level officials and senior officers walk away scot-free while grunts bear the burden, and do hard time, for the crimes of their superiors.

**Fusion Centers and Military Intelligence: Best Friends Forever!**

Another case which is emblematic of the close cooperation among fusion centers and military intelligence is the case of John J. Towery, a Ft. Lewis, Washington civilian contractor who worked for the Army's Fort Lewis Force Protection Unit.

In July, The Olympian and Democracy Now! broke the story of how Towery had infiltrated and spied on the Olympia Port Militarization Resistance (OlyPMR), an antiwar group, and shared this information with police.
Since 2006, the group has staged protests at Washington ports and has sought to block military cargo from being shipped to Iraq. According to The Olympian:

OlyPMR member Brendan Maslauskas Dunn said in an interview Monday that he received a copy of the e-mail from the city of Olympia in response to a public records request asking for any information the city had about "anarchists, anarchy, anarchism, SDS (Students for a Democratic Society), or Industrial Workers of the World." (Jeremy Pawloski, "Fort Lewis investigates claims employee infiltrated Olympia peace group," The Olympian, July 27, 2009)

What Dunn discovered was highly disturbing to say the least. Towery, who posed as an anarchist under the name "John Jacob," had infiltrated OlyPMR and was one of several listserv administrators that had control over the group's electronic communications.

The civilian intelligence agent admitted to Dunn that he had spied on the group but claimed that no one paid him and that he didn't report to the military; a statement that turned out to be false.

Joseph Piek, a Fort Lewis spokesperson confirmed to The Olympian that Towery was a contract employee and that the infiltrator "performs sensitive work within the installation law enforcement community," but "it would not be appropriate for him to discuss his duties with the media."

In September, The Olympian obtained thousands of pages of emails from the City of Olympia in response to that publication's public-records requests. The newspaper revealed that the Washington Joint Analytical Center (WJAC), a fusion center, had copied messages to Towery on the activities of OlyPMR in the run-up to the group's November 2007 port protests. According to the paper,

The WJAC is a clearinghouse of sorts of anti-terrorism information and sensitive intelligence that is gathered and disseminated to law enforcement agencies across the state. The WJAC receives money from the federal government.

The substance of nearly all of the WJAC's e-mails to Olympia police officials had been blacked out in the copies provided to The Olympian. (Jeremy Pawloski, "Army e-mail sent to police and accused spy," The Olympian, September 12, 2009)

Also in July, the whistleblowing web site Wikileaks published a 1525 page file on WJAC's activities.

Housed at the Seattle Field Office of the FBI, one document described WJAC as an agency that "builds on existing intelligence efforts by local, regional, and federal agencies by organizing and disseminating threat information and other intelligence efforts to law enforcement agencies, first responders, and key decision makers throughout the state."

Fusion centers are also lucrative cash cows for enterprising security grifters. Wikileaks investigations editor Julian Assange described the revolving-door that exists among Pentagon spy agencies and the private security firms who reap millions by placing interrogators and analysts inside outfits such as WJAC. Assange wrote,

There has been extensive political debate in the United States on how safe it would be to move Guantánamo's detainees to US soil--but what about their interrogators?

One intelligence officer, Kia Grapham, is hawked by her contracting company to the Washington State Patrol. Grapham's confidential resume boasts of assisting in over 100 interrogations of "high value human intelligence targets" at Guantánamo. She goes on, saying how she is trained and certified to employ Restricted Interrogation Technique: Separation as specified by FM 2-22.3 Appendix M.

Others, like, Neoma Syke, managed to repeatedly flip between the military and contractor intelligence work--without even leaving the building.
The file details the placement of six intelligence contractors inside the Washington Joint Analytical Center (WAJAC) on behalf of the Washington State Patrol at a cost of around $110,000 per year each.

Such intelligence "fusion" centers, which combine the military, the FBI, state police, and others, have been internally promoted by the US Army as means to avoid restrictions preventing the military from spying on the domestic population. (Julian Assange, "The spy who billed me twice," Wikileaks, July 29, 2009)

The Wikileaks documents provide startling details on how firms such as Science Applications International Corporation (SAIC), The Sytex Group and Operational Applications Inc. routinely place operatives within military intelligence and civilian fusion centers at a premium price.

Assange wonders whether these job placements are not simply evidence of corruption but rather, are "designed to evade a raft of hard won oversight laws which apply to the military and the police but not to contractors? Is it to keep selected personnel out of the Inspector General's eye?" The available evidence strongly suggests that it is.

As the American Civil Liberties Union documented in their 2007 and 2008 reports on fusion center abuses, one motivation is precisely to subvert oversight laws which do not apply to private mercenary contractors.

The civil liberties' watchdog characterized the rapid expansion of fusion centers as a threat to our constitutional rights and cited specific areas of concern: "their ambiguous lines of authority, the troubling role of private corporations, the participation of the military, the use of data mining and their excessive secrecy."

And speaking of private security contractors outsourced to a gaggle on intelligence agencies, investigative journalist Tim Shorrock revealed in his essential book Spies For Hire, that since 9/11 "the Central Intelligence Agency has been spending 50 to 60 percent of its budget on for-profit contractors, or about $2.5 billion a year, and its number of contract employees now exceeds the agency's full-time workforce of 17,500."

Indeed, Shorrock learned that "no less than 70 percent of the nation's intelligence budget was being spent on contracts." However, the sharp spike in intelligence outsourcing to well-heeled security corporations comes with very little in the way of effective oversight.

The House Intelligence Committee reported in 2007 that the Bush, and now, the Obama administrations have failed to develop a "clear definition of what functions are 'inherently governmental';" meaning in practice, that much in the way of systematic abuses can be concealed behind veils of "proprietary commercial information."

As we have seen when the Abu Ghraib torture scandal broke in 2004, and The New York Times belatedly blew the whistle on widespread illegal surveillance of the private electronic communications of Americans in 2005, cosy government relationships with security contractors, including those embedded within secretive fusion centers, will continue to serve as a "safe harbor" for concealing and facilitating state crimes against the American people.

After all, $75 billion buys a lot of silence.

Tom Burghardt is a researcher and activist based in the San Francisco Bay Area. In addition to publishing in Covert Action Quarterly and Global Research, an independent research and media group of writers, scholars, journalists and activists based in Montreal, his articles can be read on Dissident Voice, The Intelligence Daily, Pacific Free Press and the whistleblowing website Wikileaks. He is the editor of Police State America: U.S. Military "Civil Disturbance" Planning, distributed by AK Press.
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1.) Respond to inquiries in a timely manner as resources permit.
2.) Update membership to HRC-Philly at least quarterly.
3.) Incorporate as a non-profit organization.
4.) Publish a newsletter at least semi annually as resources permit.
5.) Send minutes of chapter meetings to HRC-Philly.
6.) Establish internet video conferencing for statewide chapter meetings.
7.) Create a cooperative business to finance your chapter or branch to be financially independent.