CALI PRISONERS PETITION U.N. FOR HUMAN RIGHTS
Story on Page 30

PA Juvenile Lifer Murder in Solitary Confinement
See page 43

Torture of Solitary Confinement, pg 33

An unrestored isolation cell in Eastern State Penitentiary.

Page 41, JLWOP HEARING ON JULY 12, 2012!!!
<table>
<thead>
<tr>
<th>Section</th>
<th>Authors</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>From The Desk of The Editor</td>
<td></td>
<td>page 3</td>
</tr>
<tr>
<td>All Power To The People</td>
<td>Bro. Richard “Tut” Carter</td>
<td>page 4-7</td>
</tr>
<tr>
<td></td>
<td>Supreme Court Rules on JLWOP</td>
<td>page 8-9</td>
</tr>
<tr>
<td></td>
<td>Hearing Held on Solitary Confinement</td>
<td>page 10-14</td>
</tr>
<tr>
<td></td>
<td>Solitary Confinement Hearing</td>
<td>page 15</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Families Dare to Speak, Dare to Resist</td>
<td>Debbie Crothers Willet</td>
<td>page 16</td>
</tr>
<tr>
<td></td>
<td>Lawsuit Filed Against California Prison</td>
<td>page 17</td>
</tr>
<tr>
<td></td>
<td>When It’s All Said and Done</td>
<td>page 18-20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Love Knows No Bars</td>
<td>Patricia Vickers</td>
<td>page 21</td>
</tr>
<tr>
<td></td>
<td>In Memory of Jon E. Yount</td>
<td>page 22-27</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The HomeFront: Serving Our Community!</td>
<td>Nathaniel Lee</td>
<td>page 28-29</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Human Rights Coalition Report</td>
<td>Mary Ratcliff</td>
<td>page 30-32</td>
</tr>
<tr>
<td></td>
<td>The Torture of Solitary Confinement</td>
<td>page 33-40</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Rights Matters</td>
<td></td>
<td>page 43-45</td>
</tr>
<tr>
<td></td>
<td>Murder of John Carter at SCI-Rockview</td>
<td>page 46-47</td>
</tr>
<tr>
<td></td>
<td>Letter - In Memory of John Carter</td>
<td>page 48-50</td>
</tr>
<tr>
<td></td>
<td>About Pepper Spray</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>What’s The News?</td>
<td></td>
<td>page 51</td>
</tr>
<tr>
<td>The Legal Corner</td>
<td></td>
<td>page 55-57</td>
</tr>
<tr>
<td></td>
<td>Confiscation of Your Newsletter</td>
<td>page 58-59</td>
</tr>
<tr>
<td></td>
<td>Albion Inmate Wins First Amendment Right</td>
<td></td>
</tr>
<tr>
<td>The Babylon System - This Must Stop!</td>
<td>Robert Holbrook</td>
<td>page 60-64</td>
</tr>
</tbody>
</table>
From The Desk of The Editor

Welcome to The Movement,

On March 20th, the unprecedented happened, the Center for Human Rights and Constitutional Law presented the United Nations (U.N.) officials with a petition on mass human rights violations in the United States on behalf of approximately 4,000 prisoners isolated in California’s state prison system. According to the Center, treatment of Cali. Prisoners placed in solitary confinement’s Security Housing Units (SHU) constitutes a violation of human rights that should be brought before the world body. The segregated prisoners and several human rights groups allege that the conditions and treatment within solitary confinement—total isolation, indefinite confinement, semi-starvation, lights on in cells 24/7, and more—constitutes cruel and unusual punishment.

Several treaties obligate the U.S. to conform to international standards against torture and inhumane treatment, such as the Geneva Conventions and the U.N. Convention Against Torture, which is why inmates isolated in Cali. Prisons’ SHUs have petitioned the United Nations to intervene in what they and human rights groups say is psychological abuse and torture.

The U.N. petition was initiated by Peter Schey, the Center’s Executive Director, against the state of California, Governor Jerry Brown, California Department of Corrections and Rehabilitation (CDCR) and CDCR Secretary Mathew Cate. The Center is asking the U.N. to take over the petition, intervene inside California and allow the Red Cross to enter prisons to medically treat the prisoners. Prisoner advocates say the petition is one of many efforts to drum up international pressure on the CDCR.

Although it is incumbent upon us in the struggle for human rights to utilize tools available to us, such as institutionalized political actions of filing civil actions in U.S. courts, submitting bills to congress, and petitioning the U.N. and the Organization of American States (OAS) to resolve human rights violations of the United States, these tools won’t have the desired effect nor give us any victories if they are not accompanied with non-institutionalized political actions of grassroots direct actions of protest rallies, marches, occupations, boycotts, town hall meetings, and community forums.

Though I and others applaud Cali prisoners’ and the Centers’ bold move of petitioning the U.N. about the state of California’s human rights violations against it state prisoners confined to the SHU, they mustn’t fool themselves into believing that their bold move is going to get them any relief, without them first having a mass of grassroots support that would push for total change from the bottom up. Absent a grassroots support base for Cali. Prisoners, their U.N. petition will only garner international awareness and pressure of the U.S.’s human rights violations against prisoners.

In the meantime, Cali prisoners indefinitely confined to the SHUs will continue to be subjected to physical and psychological abuse and torture with no signs of “let-up” from the CDCR, at least until they realize that they have been neglecting to develop their grassroots base of support and seek to then organize this support base. And who is their grassroots support base? It is the FAMILIES of nearly 170,000 California state prisoners and about 1,000,000 formerly incarcerated persons!!!

Cali prisoners and their families would be wise to start Human Rights Coalition (HRC) chapters throughout their state to organize their support base to exert statewide and national pressure from the bottom up to bring about change in the CDCR, like Pennsylvania’s prisoners and their families are currently doing.

Our faith must be in the power of the oppressed people, not in institutions of the status quo. We must engage our strongest allies by starting an HRC Chapter in your area.

The Struggles Continues! All Power to the oppressed people!

Bro. Shakaboona, Co-Editor and HRC Organizer

Shakaboona41@gmail.com
Within the past thirty years the league of human right organizations has been constantly diminishing. This fact can be seen in the virtual absence of advocacy groups that defend the rights of the poor; the absence of news reports that expose the kind of social injustice that manifest and maintain conditions of poverty and, the virtual absence of advocates for human rights for people undergoing prison incarceration. And yet, there are “still” a few groups such as Human Rights Watch and the Human Rights Coalition that continue to battle for the rights of prisoners. This reflection highlights the work of HRC, 2011-12; “Working towards Community-partnerships!”.

This past year was a defining period for HRC-Philly. Imagine, with just five “active” members HRC continues to receive an average of fifty letters per/month from prisoners and, more letters and phone calls from ex-prisoners and prisoners’ families across the US. HRC publishes a quarterly newsletter, The Movement and, HRC is regularly invited to participate in public meetings to address the needs and concerns of prison inmates and their families. Nonetheless, this past year caused the re-shaping our position among other organizations and community groups within our immediate neighborhood. Notwithstanding, HRC’s Philly and Pittsburgh, continue to work together the produce a weekly radio program which reports instances of prison abuse in Pennsylvania and across the nation. Plus, HRC has developed a system wide DOC Prison Abuse Log which documents complaints of abusive prison practices by guards and cover ups by administrators. This log catalogs “prison-by-prison” evidence of willful and deliberate acts of inflicting pain and suffering upon incarcerated citizens “under” their authority. The log not only list the date and recorded grievances, it also identifies repeated officials who are the offenders and illustrates that in most instances prison guards don’t get disciplined for violating inmates human rights. But, instead those guards are routinely transferred to other DOC facility and some of these offenders even received promotions for abusing DOC prisoners.

Shifting the focus here; last year HRC conducted research of changes made by different states in the practice of solitary confinement (i.e., New York, Mississippi, Colorado and Maine). As a result HRC drafted its version of new legislation titled: Legislative Proposal for An Act to Reduce the Use and Abuse of Solitary Confinement in Pennsylvania. Pointing out that, “Solitary Confinement Units (SCU), is characterized in different terms, including, but not limited to, indefinite AC or RHU, SMU placement or, Restricted Release status and, long-term segregation…” (Important note: HRC’s campaign against solitary confinement is merely a part of a larger campaign to STOP PRISON ABUSE of which was launched in the winter-2006).

We saw fit to adopt Maine’s legislative proposal, although it was not made a law in that state, the Maine De-
partment of Corrections made it policy to afford the following revisions to the practice of solitary confinement placement:

No prisoner shall remain in solitary confinement for more than 45 days unless, at a hearing, it’s established that the prisoner, within the previous 45 days, while incarcerated committed or attempted to commit:

a) an Act of violence which resulted in serious injury to another or death, or
b) an Act in connections with sexual assault, or
c) an escape or attempted escape from within a security perimeter or custody.

**However, unlike Maine, HRC seeks a new law rather than a simple department policy change.** In preparing for the process of lobbying and rallying a new law for Pennsylvania, HRC has mapped out possible state representatives and senators that may aid in the introduction of the legislative-proposal to reduce the use and abuse of solitary confinement. While currently planning to meet with law makers we believe receptive to the above ideas, HRC is also working to strengthen its PAC by partnering with local community leaders (more on that later in this essay) –

Realizing that HRC also needs other organizations within the Philadelphia area and across the state, HRC shared its plans with such larger organizations such as the American Friends Service Committee, ACLU-PA, the PA Council of Churches and, the National Religious Campaign Against Torture. On October 29, 2011, those organizations and HRC, HRC-Chester and HRC-Fedup members attended a conference in Harrisburg, called: The Pennsylvania Conference Against Torture. See, “The Movement” Winter edition-2011, Issue #13 at pages 17-18.

It is also important to note that, prior to introducing HRC’s version of a new solitary confinement policy for Pennsylvania to any one else the draft was first presented to HRC’s Advisory Council for their examination, revisions, amendments and approvals. The final version to be presented to our law makers has not been drafted and is in the process of collaborative input with those organizations mentioned above. HRC has repeatedly made clear that, the versions which will be submitted to our law makers will have to have first been presented to the AC for their review, comments and approval or otherwise.

HRC continues to struggle to recruit for new members and looks to try new tactics for attracting families and formerly incarcerated people. HRC’s February & March general membership meetings were hosted at a senior affordable living home (7th and Girard). The first meeting gave us an opportunity to introduce HRC to this home’s residents. Additionally, the initial meeting was a listening session to ascertain what the residents’ needs were and learned a great deal about how HRC could aid them. They wanted to know what can be done where they have not heard from loved one’s behind bars; how we can aid in addressing prison issues via letter-writing; counseling families of prisoners on how to call prison officials and, offering information to better understand the Pennsylvania DOC. For the March meeting HRC hosted a documentary video of ‘Broken On All Sides’ and discussion after to video. The documentary was a critique of the Philadelphia criminal justice system; outlining why so many minorities of this city end up failing out of school and ending up with prison records. It exposes that cause “**why the city recidivist rates are out of control due to a lack of services for ex-prisoners**”. Current and former city officials, college social-science and criminal justice professors, community activist and an ex-prisoner and Micelle Alexander addressed those issues, concerns and more.

On April 14, Mama Pat made a presentation a conference which addressed, the Fair Sentencing of Youth. On
April 21, HRC members Mama Pat and Brother Tut both lead workshops at the **Prison Advocacy Summit** at the Philadelphia Community College. In addition to her role with HRC Mama Pat is also a member of Reconstruction, Inc’s Board of Directors and, Brother Tut serves as the Operation Director for the Chester Re-Entry Resource Center of Delaware County.

May’s general membership and working meetings was much of a listening session as **Gerald Bolling**, a community activist and program manager of local recovery houses. He informed us about the need of the Lancaster Avenue community and spent time identifying potential new allies HRC may be able to meet with and possibly form partnerships to work together. Those meeting focused on planning a survey of the community’s needs in addition to hosting voter’s education ands registration drive to encourage civic engagement of the re-entry community. He and Brother Tut meet on Thursdays and Sundays morning to map the area to identify elected officials, faith and community leaders. While shifting the attention towards partnering with community leaders while at the same time focusing on motivating ex-prisoners to aid in passing out flyers and helping with the community organizing – HRC is building the foundation for a strong PAC at the same time. Note: to assist in the voter’s program HRC will partner with the new emerging the Returning Citizens Voter Movement, whose goal is to register 10,000 new ex-prisoners voter in 2012 and to manage an on-going civic engagement campaign. Comprised of 17 grass roots groups and activists organizations, including ACUL-Philly and HRC-Chester, the Returning Citizens Voters Movement is led by **Formerly Incarcerated/Convicted People (FICP)**.

HRC plans to host a series of community-focused educational workshops as well as town hall type meetings. At the time of the writing of this article, HRC is invited to attend a monthly community meeting at the Christ Community Center, 1224 N. 41 Street, on June 11. A number of elected officials are expected to be in attendance as well as faith based and community leaders who will hear HRC’s plans to be a working-partner with the Lancaster Avenue (West Philly) community groups. What HRC plans include are: to hold community-partnership meetings and, through a survey and speaking with community leaders identify ways and means HRC can aid the ex-prisoners, their families, children and community. Those plans also incorporate hiring ex-prisoners (as mentioned above) to pass out flyers announcing HRC community education workshops, including workshops suggested by community leaders; aiding in registering new voters and encouraging their friends to participate in civic engagement. Plans incorporate requesting local elected officials to provide funds for stipends to hire ex-prisoners to help with the survey and voter registration projects.

It is envisioned that, by engaging HRC in on-going community-partnerships through the survey and voter projects and sponsoring neighborhood clean-ups – HRC would identify ex-prisoners, their families and community groups to co-sponsor or support HRC’s PAC objectives. The rationale being, **reciprocity!** by helping our community the community will feel indebted to support HRC when we need a show of force in Harrisburg and as booths on the ground in other rallying points. Becoming more community oriented it is expected that HRC can make a difference in our neighborhood, 4134 Lancaster Avenue; this part of West Philly like many other areas in this city, state and nation needs resource centers that offers the kind of family-oriented assistance HRC is known for in Philadelphia, Chester and Pittsburgh – additionally, resource centers will help enable ex-prisoners, who are civically engaged, to advocate for themselves to “demand” that their political representatives act to aggressively address the need for funding services and programs which assist ex-prisoners and low-income communities.

(Continued from page 5)

(Continued on page 7)
Imagine the potential for success and the over-arching strategy to get HRC respected and recognized as a community-leader that speaks to and address conditions of confinement and re-entry, with the support of our new community-partners and friends. **Harambee!**

**An HRC-axiom:** Did you know that HRC’s logo *(an image of a woman and man fingers together pulling down a two prong rope)* – which symbolizes men and women working together in the universal struggle against social injustice *is synonymous to the African term, Harambee?* *(Let’s pull together!)*

---

**Human Rights Coalition - Philadelphia Chapter**

C/O Lava Space  
4134 Lancaster Avenue  
Philadelphia, PA 19147  
(215) 921-3491  
[www.hrcoalition.org](http://www.hrcoalition.org)

Comic by: Marcus Bedford, Jr.  
Compliments of:  
Real Cost of Prisons Project, [www.realcostofprisons.org](http://www.realcostofprisons.org)
A Chance For Hope: U.S. Supreme Court Ends Mandatory Juvenile Life Without Parole Sentences

By: Juvenile Law Center (www.jlc.org)
June 26, 2012

In another landmark ruling involving juveniles sentenced in the adult criminal justice system, the United States Supreme Court ruled 5-4 in Miller v. Alabama that states may no longer mandate life without parole sentences for juveniles convicted of homicide offenses. The Court reversed the decisions of the Alabama and Arkansas Supreme Courts, which had upheld the imposition of these sentences on Evan Miller and Kuntrell Jackson, both 14 at the time of their offenses. The Court’s ruling applies to all juveniles convicted of homicide who are or were under the age of 18 at the time of their offenses—providing a glimmer of hope to over 2,000 men and women who had previously been sentenced to die in prison. (Read the Court’s opinion here.)

The Court built on its 2005 ruling in Roper v. Simmons, holding the juvenile death penalty unconstitutional; and its 2010 ruling in Graham v. Florida, which held unconstitutional sentences of life without parole for juveniles convicted of non-homicide crimes. In Roper, the Court relied upon developmental psychology when it noted that juveniles are different from adults in ways that are constitutionally relevant to juveniles’ culpability: youth are more impetuous than adults and they are highly susceptible to peer pressure. Most importantly, teens are not fully formed—they are still developing and have a greater capacity for change, reformation and rehabilitation. No one can reliably predict at the time of sentencing which juveniles will change in the years ahead. In Graham, the Court also relied on the emerging body of literature on the adolescent brain. Neuroscience confirmed basic differences between juveniles and adults, and supported the Court’s rationale for distinguishing their sentencing from that of adults.

In her majority opinion in Miller, Justice Kagan reaffirmed the science behind Roper and Graham. She added—articulating a point that connects all three cases—“that imposition of a state’s most severe penalties on juvenile offenders cannot proceed as though they were not children.”

The Court, while forbidding mandatory life sentences, did not address the question of whether juveniles could constitutionally receive life sentences. However, Justice Kagan, declared:

... But given all we have said in Roper, Graham, and this decision about children’s diminished culpability and heightened capacity for change, we think appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon. That is especially so because of the great difficulty we noted in Roper and Graham of distinguishing at this early age between “the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.” [citing Roper]

The Court’s decision will, of course, affect not only future defendants, but those already sentenced. The immediate challenge for Juvenile Law Center and our colleagues is how to apply the decision to the approximately 2,500 individuals nationwide serving life without parole sentences for homicides they committed when they were under the age of 18. Of those, as many as 2,100 might have been sentenced pursuant to a mandatory sentencing scheme. Almost 500 of those are in Pennsylvania. Because of the Supreme Court’s ruling, all of these mandatory sentences must now be revisited to

(Continued on page 9)
allow for individualized sentencing determinations that take full account of each youth’s status and other relevant attributes and circumstances.

The issue of what sentence should replace a mandatory life sentence might be particularly thorny in jurisdictions where there is no obvious default sentence, where there is no longer any system of parole, or where the parole board statutorily lacks jurisdiction over homicide cases. While Justice Kagan surmised that life sentences will be rare in the future, it is unclear whether courts that re-sentence offenders will use the sentence sparingly. Those courts will have before them inmates who range in age from early twenties to those who are well into their 70’s. And while courts resentencing juvenile lifers are free to re-impose, at their discretion, sentences of life without parole, it is unclear what factors courts must consider in re-sentencing juveniles. It is also uncertain how appellate courts will review the new sentences.

The Miller majority did not reach the question of whether life sentences could be imposed for felony murder—meaning the juveniles were not convicted of actually committing the murder. However, Justice Sotomayor joined Justice Stephen Breyer who wrote a concurring opinion, in which he argued that sentences of life without parole—whether discretionary or mandatory—are impermissible under the Eighth Amendment in cases of felony murder, where the juvenile neither killed nor intended to kill the victim. Referring to Kuntrell Jackson who did not personally shoot the victim but was convicted of murder under Arkansas law, Justice Breyer wrote that such a sentence would be forbidden under Graham in the absence of an explicit determination that Jackson “kill[ed] or intend[ed] to kill.”

In Graham, Justice Kennedy poignantly described the bleak future juvenile lifers face: “Life in prison without the possibility of parole gives no chance for fulfillment outside prison walls, no chance for reconciliation with society, no hope.” While Miller v. Alabama provides no guarantee of release for any of the individuals currently serving life without parole for homicides committed when they were juveniles, the Court has at least made it clear that they may no longer be denied hope.
US Senate Subcommittee holds first-ever hearings on solitary:

On Tuesday June 19, US Senator Durbin (D-IL) convened a hearing in Washington, D.C. to investigate the use and abuse of solitary confinement in America. Officially under the auspices of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights, the hearing was held on short notice (members of the general public were given less than 2 weeks to submit written testimony) and was not well publicized; nevertheless the hallway outside the small meeting room was packed and congressional staffers resorted to seating the majority of the crowd in a much larger room down the hall, where CSPAN coverage of the hearing was played on a large video screen.

The hearing featured oral testimony from several panelists, including Dr. Craig Haney, one of the foremost experts on the devastating psychological torment of solitary confinement, and Anthony Graves, a former prisoner who spent eighteen years on Texas’ death row before being exonerated. Also speaking on the panel were Pat Nolan, President of Justice Fellowship/Prison Fellowship Ministries, Stuart Andrews, an attorney representing prisoners in solitary confinement in South Carolina, and Mississippi Department of Corrections Commissioner Christopher Epps, who under the pressure of litigation significantly reduced the solitary confinement population in Mississippi. The panelists were nearly unanimous in their negative assessment of the impact of solitary confinement on prisoners and on society at large; the lone holdout was Charles Samuels, Director of the Federal Bureau of Prisons, which oversees the Supermax in Florence, Colorado, a notorious site of torture that was just hit with a class action lawsuit on Monday.

Samuels attempted, without much enthusiasm, to defend the BOP’s use of solitary, claiming that the keepers of the federal prison system already do everything in their power to employ the least restrictive measures possible. Like other prison officials at other hearings before him (notably PA DOC Regional Director Michael Klopotoski at a PA Congressional hearing on solitary in Yeadon PA, 2009), Samuels denied that solitary confinement exists in his prisons, claiming that solitary prisoners’ contact with guards constitutes meaningful social interaction. Samuels’ answers to questions about the humanity, usefulness, and wisdom of the practice of segregation were consistently evasive as in every instance he attempted to cite vague, generalized BOP policy rather than address specific concerns raised by the senators. Though the strain of flirting with perjury showed on him—having been sworn in, Samuels was visibly nervous throughout his time on the stand—he maintained the BOP’s “innocence” of perpetrating crimes against humanity and Senators Durbin, Graham and Franken were ultimately unsuccessful at getting direct answers to their simple and specific questions.

Panelists’ testimony will be supplemented in the record by written submissions, which flooded into the subcommittee’s staffers the week before the proceeding. More than 70 submissions from survivors of solitary, family members with loved ones being tortured, civil and human rights organizations, abolitionists, reformists, lawyers, professors, and at least one former prison official have been collected by Solitary Watch and can be accessed here.

A strange feature of the proceedings was the overwhelming presence among the crowd of US Capitol ID tags. Though most events focusing on the evils of solitary confinement tend to be planned, hosted, and attended

(Continued on page 11)
chiefly by grassroots organizations, family members/survivors of solitary, and the odd handful of larger progressive nonprofits, Tuesday’s hearing seemed positively swamped by Congressional interns, staffers, and other regular inhabitants of the halls of power. As the hearing drew to a close, this point was remarked on by a small line of people still waiting outside in hopes that space would open up: an attorney for the Angola 3, who traveled from Louisiana for the hearing, Hakeem Shaheed, survivor of USP Marion who traveled from New Jersey, two orange-jumpsuited members of HRC from Philadelphia, and several attorneys with the US Department of Justice. This small crowd wondered aloud what was going on as the doors opened and out filed a steady stream of congressional staffers with no apparent connection whatsoever to prison abolition or the fight against torture in U.S. prisons.

Another notable aspect of the hearing was Senators Durbin and Franken remarking that the U.S. is the only “democracy” in the world to use solitary confinement on such a scale, although this observation evaded the reality that the U.S. imposes solitary confinement far more than any nation, “democratic” or otherwise. In fact, the globally and historically unprecedented scale of torture and other human rights violations associated with solitary confinement and race and class-based mass incarceration are responsible for such an immense amount of suffering, political disenfranchisement, social marginalization, and economic oppression that referring to the U.S. as a “democracy” perverts the meaning of the term.

It is unclear what steps—if any—will follow this hearing that only three of the eleven white men who sit on the subcommittee bothered to attend. While Senator Durbin’s knowledge on the subject demonstrated that he had familiarized himself with the issue, it is difficult to imagine the U.S. Congress as a whole taking a bold stance in defense of human rights.

The Human Rights Coalition submitted a statement, excerpted below, that sought to highlight aspects of the issue that are all too often neglected, especially how solitary confinement is used as a tool of retaliation and political repression, the rampant and sadistic abuse perpetrated by staff and condoned by officials, including murder and incitement to suicide. Most important of all, the submission emphasized the voices, experiences, and leadership of current and former prisoners and the communities most impacted by solitary confinement and mass incarceration in the emerging movement to abolish torture, mass incarceration, and the destructive political-economic system that is responsible for them.

HRC’s Statement can be read at www.hrcoalition.org (Excerpts, including recommendations, below)

Systemic and severe violations of international human rights law are an endemic—and suppressed—feature of prison conditions in the United States. During the last thirty years the United States has embarked upon a project of race- and class-based mass incarceration unlike anything the world has ever seen. Emerging in this same period has been the regime of super-maximum security prison units, where people are held in solitary confinement between 22-24 hours a day, seven days a week, often for years on end. These units are defined by severe restrictions on visitations, phone calls (which are often prohibited), incoming and outgoing mail, limits on in-cell legal and personal property, and prohibitions on cell decorations. Medical neglect, physical and psychological abuse, food deprivation, racism, and other human rights violations flourish in these conditions, which are effectively hidden from public scrutiny. . . .
As described below and in other submissions presented to this subcommittee, the austere, abusive, dehumanizing conditions of solitary confinement fit the legal definition of torture articulated in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and are strictly prohibited under international human rights law and the U.S. Constitution. The absolute prohibition on torture is recognized as a jus cogens, or peremptory norm of international law that is binding on all governments. No treaty or domestic statute can supersede this prohibition. The prohibition against torture is subject to universal jurisdiction and obligates governments to apprehend and bring to justice perpetrators wherever they are to be found.

International law, as codified in treaties that are recognized as the Supreme Law of the Land under the U.S. Constitution, mandates that local, state, and federal governments have an affirmative duty to conduct independent, legitimate and transparent investigations and prosecute guards and officials involved in the perpetration or enabling of torture and other cruel, inhuman, and degrading treatment of prisoners. Survivors of torture are entitled to justice and state officials of every jurisdiction are responsible for ensuring the abolition of torture within institutions subject to their control.

Within this context of social isolation and deprivation, whereby certain people are deemed unworthy and rendered unable to exercise the most basic elements of their human personality, it is unsurprising that brutality flourishes. Instances of staff mistreatment “cannot be characterized as unfortunate but merely occasional incidents to solitary confinement; they are too often an integral part of the experience.”

A review of thousands of pages of letters, affidavits, grievances, misconducts, other prison documents, legal paperwork, and conversations with family members and support people has revealed a culture of terror within the solitary confinement units in PA prisons. HRC has spoken and corresponded with survivors of this abuse, people who have been beaten, had their bones broken, been saturated with pepper spray and left in excruciating pain for hours, repeatedly shocked with 50,000-volt charges, had glass, insects, and dirt placed in their food, and who have been subjected to casual and routine use of racist language and images.

A culture of terror is defined as a set of assumptions and practices that divide a community into those with absolute power and those who are absolutely powerless. This dynamic is inherent within the logic of prisons, and is at its most intense in the solitary confinement units. Any attempt to upset this totalitarian balance and its dehumanizing logic is met with remorseless brutality by those in power. The core elements of this culture of terror include: arbitrary and biased processes for establishing who is placed in solitary; utilization of fabricated misconducts as a tool of retaliation; systematic denial of prisoner grievances regardless of their merit; the use of violence as a standard technique for enforcing obedience; refusal to engage in constructive dialogue on the part of prison authorities; targeting witnesses of abuse for purposes of intimidation; displays of overt racism as a tool of dehumanization.

Those with power in this culture reinforce their rule through a strict code of silence whereby they refuse to inform on one another to those higher up or outside of the prison hierarchy. Prison guards enforce their rule through threats and use of force, along with deprivations of basic necessities such as food, water, hygienic items, cleaning supplies, clothing, and bedding. Prison administrators and top officials of the PA DOC adopt an informal though strictly enforced policy of turning a blind eye to reports of torture and abuse.

Prisoner Protest and Leadership in Defense of Human Rights
It is unlikely that a senate subcommittee hearing would have ever been convened to discuss the issue of solitary confinement were it not for the movement of non-violent resistance in solitary units across the nation. In July 2011, a hunger strike in the Security Housing Unit (SHU) of Pelican Bay State Prison in California spread to nearly a third of the California Prison system, generating national and international attention. A supporter of the striking prisoners explained the reality of those trapped in the SHU: “They had exhausted the legal process, going through the avenues, no matter how narrow, outlined by the prison administration. They had nothing else besides their bodies to use.” Swelling to include 6,600 prisoners, the July strike was the beginning of a renewed struggle against the conditions of solitary confinement in California prisons, and has resulted in a federal lawsuit challenging the use of long-term isolation in California.

California was not the first major hunger strike in the nation or the most recent. Prisoners held in solitary units in North Carolina, Ohio, and Virginia have staged hunger strikes in recent months, and countless others have occurred across the nation. Each strike has focused mainly on the policies that place and keep prisoners in solitary units. In California one of the core policies used to hold people in indefinite solitary confinement is the “gang validation” program, which targets prisoners based on their alleged affiliations with a gang, a determination that is often made on the basis of secret and unreviewable evidence. In order to be released from the SHU, a prisoner has to become a state informant, providing any and all information about the gang, thus placing that person and their family at serious risk of reprisal. In Ohio there are no guidelines for how long a prisoner can be held in the solitary unit and prisoners placed there for whatever reason can expect to stay for at least a year.

Hunger strikes and other extreme means that solitary prisoners have been driven to in order to seek redress for the glaring constitutional and human rights violations they are suffering demonstrate the fundamental inhumanity of the use of solitary. It is prisoners themselves who have taken leadership in speaking out against their own dehumanization and that of their fellow prisoners, and it is they who have been most instrumental in exposing the true nature of prison life in this country. Filing grievances and lawsuits, alerting outside governmental and non-governmental agencies, mobilizing friends and support people are all routine acts of non-violent, constitutionally protected protest and whistleblowing. Those who engage in hunger strikes and other individual and collective acts of protest and non-violent resistance do so at great risk to themselves, as prison officials almost uniformly treat attempts to address grievances as acts of subversion to be violently suppressed. It is the efforts of those inside these units fighting to hold onto their sanity and their humanity that have alerted and motivated the growing array of support groups, family members, civil and human rights groups, lawyers, mental health experts, and legislators to begin to recognize the scale and urgency of their predicament.

Recommendations

While our government purports to be concerned about human rights and the rule of law globally, the unacknowledged human rights crisis inside U.S. prisons indicates that the government is not in a position to lecture others on these subjects. A fundamental change in public consciousness and governmental priorities is long overdue if the U.S. is to begin to bridge the vast chasm between its stated respect for the rule of law and the reality of widespread and normalized torture and other ill-treatment in the prison system.

The United States Congress is profoundly implicated in these widespread and systemic human rights violations. In addition to embarking on a historically and globally unprecedented experiment in race and class-based mass incarceration, the passage of the Prison Litigation Reform Act in 1996 raised deliberate obstacles to prisoners’ ability to vindicate their civil rights in U.S. courts. If this hearing is to be the beginning of a serious, constructive engagement with the urgent and worsening human rights crises inside U.S. prisons, it is im-
“ALL POWER TO THE PEOPLE”

Peremptory that the voices, experiences, and leadership of current and former prisoners and those communities most impacted by solitary confinement and mass incarceration are at the center of reversing this culture of dehumanization. Some recommendations toward the abolition of torture in U.S prisons that can be acted on by the U.S. Congress include:

1. Holding further hearings in Washington, D.C. and in the home districts of individual representatives and senators that feature the testimony of current and former prisoners, their families, civil and human rights organizations, and other relevant experts and advocates. These hearings must directly confront the debilitating psychological impact of solitary confinement and its use as a tool of terror and repression.

2. Creating a commission to investigate torture and other ill-treatment within state and federal prisons. This commission shall be shaped by prisoners and their families and focus on the voices and experiences of those whom have survived solitary confinement torture. The commission must be granted the authority to subpoena government officials and prison officials and records. Periodic progress reports will be mandatory and the commission must be granted the authority to bring criminal charges as soon as the evidentiary threshold for such is met. All records of the commission’s investigation shall be made available upon request in order to satisfy the requirements of transparency.

3. Introducing legislation to prohibit torture and other cruel, inhuman and degrading treatment in county, state, and federal prisons, including military prisons. Solitary confinement should be identified as a prima facie statutory violation of this law.

4. These recommendations should be construed as part of a broader process of Truth and Accountability that seeks to abolish solitary confinement, other forms of torture, and mass incarceration. This process will only be effective if it is rooted in the leadership of prisoners and communities targeted by policies of mass incarceration.

HRC PA Prison Report-June 20, 2012
(www.hrcoalition.org)
Solitary Confinement Hearing
By: Theresa (HRC Supporter)

Peace People,

Andy and I walked into the building where the congressional was being held, and to our surprise the line went around the corner. Andy looked at me and said who the hell are these people. There were only three families including myself. The rest were young interns and lawyers. The room was so small. Andy and I were forced to view hearing from an overflow room with big screen monitor. Either they purposely choose a small room or didn't expect the huge turn out.

I left over flow room and held a spot in line for Andy and I while hoping to get inside the hearing. During this time I spoke with Angola Three’s attorney, as well as other attorneys and interns. The entire day I stressed HRC’s and daddy’s work which caught the attention of one of the Department of Justice attorneys. He and I discussed the Fed investigation at SCI Pittsburg. He couldn't give me much on the investigation and stressed the fact that the Fed office wouldn't be able to bring any charges against the PA DOC.

After the hearing Andy and I crossed the street to the church where members of the National Religious Campaign Against Torture (or NRCAT) were breaking their 23-hour fast (which was to call attention to the 23+ hours a day that solitary prisoners spend in their cells) at a press conference. Can you believe the press didn’t have one question, but you know I did. Important: NRCAT will represent a prisoner in solitary. NRCAT creates an online petition; once a prisoner receives 500, NRCAT begins a letter writing campaign for the prisoner. Letters to Washington Legislators, State Rep and the Secretary of the prison where the prisoner is held.

With Andy and I in orange jumpsuits we were approached by several people which lead to requesting grant money from Rev Richard Killmer. They’re looking to give money to those working with poor people. I'll be in touch with Heather Rice, Director of U.S Prison Policy & Program which Bret is familiar with. I asked Rev. Richard Killmer if I could lobby with NRCAT and spend a week in their NRCAT office, he said yes. Andy pulled me to the side and brought me back to reality. Andy said you already know how to lobby - he's right.

Presently I’m hyped not that the hearing will changed things its long overdue, bug the hell out of our legislators. Thanks Yall!
By: Debbie Crothers Willet  
Posted in Human Rights Coalition PA  
May 22, 2012

I was asked to write an "Op Ed" (letter to the editor) for Mother's Day and relate it to the Justice System. The op-ed was sent to the Philadelphia Inquirer and the West Chester Daily Local. Neither of the newspapers included the letter in their papers. So, I am sharing it here. To me, by them not sharing it, shows how little they think of inmates and their families, and what they deal with.

...On Sunday May 13, many Mothers will be spending Mother's Day with their children. But for some mothers they will not receive cards or flowers, or breakfast in bed. Their sons or daughters are incarcerated. Many of the people who are incarcerated are there for very minor charges. Yes, there are those who are in jail for more serious or violent offenses. But these adults all started life as an innocent child. What changed that led them to commit the act that ended them in jail? Sometimes we don’t know, other times we can look back to some trauma or abuse that may have triggered their actions. But no matter what the reason or “why” they did what they did; every human being deserves to have their basic needs met.

Those basic needs include food, clothing, shelter, protection, and their medical and mental health needs met.

Many Mothers of those in jail look forward to the day when their child will be released and be able to spend Mother's Day with her. But there is another group of Mothers who will not get to spend another Mother’s Day with their son or daughter. Mental health services in State Correctional Institutions seem to be very minimal, if at all. When a person is sentenced to serve time in a State facility, why are there no records of any prior mental health conditions? My son spent his entire teen years in the juvenile justice system in residential placements receiving mental health services. But the facility he was in knew nothing of his prior mental health. I am one of those moms who will not get to spend another Mother’s Day with my son. After trying to deal with his mental health issues by himself and being so heavily medicated that he thought he was losing his mind, he ended his torment. In March 2012 my son hung himself in his prison cell.

After my son’s death I found out that the facility he was in is under investigation for their mental health services to their inmates. I can only imagine the mental condition he would have been in if he served his entire sentence with the level of mental health services he was receiving.

What is it going to take for people to realize that if we prepare these inmates for when they come home, they will have a better chance of being a productive member of society? Without mental health services, education, and training, we are sending these people out into a world to survive with no skills. So who is going to pay for them? The taxpayers will by subsidizing their housing, food stamps, medical assistance, etc.

Do I feel people need to be held accountable for their actions? Definitely! But we must remember that these people are all human beings with a right to some basic needs. My son’s need was not met. Unless we do something to improve this system, more and more mothers will spend Mother’s day like me, knowing that they will never see their child again.
Lawsuit Filed Against California for Pelican Bay Decades-Long Solitary Confinement

The Guardian (www.Guardian.co.uk)

The Center for Constitutional Rights has filed a lawsuit against the State of California, alleging that holding prisoners in solitary confinement for decades is unconstitutional as “cruel and unusual punishment.”

Coverage of the suit is at the Guardian.

The Guardian article points out that more than 500 of the prisoners held in Pelican Bay’s secure housing unit (SHU) have been there for more than a decade.

While a person must be convicted in court to be sent to prison, no such requirement exists for prison officials to send prisoners to the SHU, where they spend at least 22 hours a day locked in cells and are kept under conditions of extreme isolation.

From the Guardian article:

Gabriel Reyes – sentenced to 25 years to life after burglarizing an uninhabited building – was allegedly denied a telephone call home when his stepfather died because he had been allowed a telephone call months earlier when his biological father passed away. Reyes has not hugged his daughters in nearly two decades.

The primary reason prisoners remain in the SHU, according to the suit, is their refusal or inability to “debrief” administrators on the gang activity of other inmates; essentially providing officials with every piece of information they have on the violent gang they are accused of being linked to.

According to the plaintiffs’ complaint, the requirement “condition[s] release from inhumane conditions on cooperation with prison officials in a manner that places prisoners and their families in significant danger of retaliation”.

AND WHEN IT’S ALL SAID AND DONE, IT HAS A GLARING IMPACT ON OUR COMMUNITIES AND THE U.S. - BY: PATRICIA VICKERS

In July 2011 the abusive operations of California prisons forced prisoners to stand in solidarity by means of a state-wide hunger strike, the results were null. October, same year, prisoners across the state of California, once again, risk their lives to participate in a 2nd wave of a massive hunger strike against prisoner abuse, which raised an eyebrow. February 20th of this year rallies took place across the country as part of the ‘National Occupy Day in Support of Prisoners’. Of the many cities that rallied their support were: Albany, NY; Austin, TX; Baltimore, MD; Bay Area, CA; Boston, MA; Chicago, IL; Chicago, IL; Columbus, OH; Denver, CO; Durham, NC; Eureka, CA; Fresno, CA; Indio, CA; Los Angeles, CA; New York, NY; Philadelphia, PA; Portland, OR; San Luis Obispo, CA; Seattle, WA; and Washington, DC. Two months later, April 24, 2012, an ‘Occupy the Justice Department’ took place in Oakland, California and Ohio Super Max Prison launched a hunger strike. One month later, on May 22, 2012 Red Onion State Prison in Virginia united in a hunger strike, followed by Ohio State Penitentiary in Youngstown. Now, we are in the mist of California Prisoners petitioning the United Nations for Human Rights. What an evolution these brave souls have made; and still we climb, encouraged that maybe ... just maybe, this whole atrocious state of affairs concerning prisoner abuse is coming to a head. FINALLY (hopefully) the public is opening its eyes to the reality of what is going on behind prison walls from horrific torture, abuse, suicides, and homicides to the fraudulent handling of a billion dollar budget up to and including how prison conditions shape society.

But then there are those who still turn a blind eye and pretend it’s not happening. There are still those who feel that prisoners deserve what they get cause they broke the law or didn’t follow the rules. They feel this has nothing to do with them because they are “law abiding citizens”. But let’s be mindful that the number of those incarcerated has grown at an frightening rate; and the reality is there is [now] a very fine line between you and prison, particularly with the stop-and-frisk, racial profiling, three-strikes-your-out, the war-against-drugs laws, and the Patriot Act that allow indefinite detention without charge or trial. Which makes me think of Pastor Martin Niemöller’s famous poem, First they came..., about those Germans who did nothing to stop the Nazi rise to power, and who stood by as the Nazis eliminated group after group of “undesirables” in their country; this poem is slightly different but the meaning is the same:

First they came for the fourth amendment,  
and I did not speak out, because I didn’t deal drugs.

They came for the fifth amendment,  
and I was silent because I owned no property involved in crimes

(Continued on page 19)
They came for the sixth amendment,
and I did not protest because I was innocent.

They came for the second amendment,
and I said nothing because I didn't own a gun.

And then they came for the first amendment,
and I could say nothing at all.

The bottom line is we’ve allowed - by the “they deserve what they get” mentality—torture and abuse to flourish with our stamp of approval. And when it’s all said and done, it has a glaring impact on our communities and the U.S.

Fact: Census takers do not use a prisoners home address when taking the census? This means your communities are being robbed. State and federal lawmakers of the ‘prison town’ count your loved ones (in prison) as residents (of their district) when drawing legislative maps which alters political dominance; this brings underserved, extra power to political leaders who live in the districts where prisons are sited. All money transferred to a ‘prison town’ is money that won’t be spent in the incarcerated person’s hometown. Look at Philadelphia who recently announced that it’s closing 40 public schools and more in the future; with the same breath they say new prisons are going to be built.

History books document that initially the rich white (who were making the laws at that time) granted only themselves the right to vote, those excluded were women, African Americans, the illiterate, the poor and felons? In time the “common people” fought a good fight and won the right to vote for ALL, except felons. Today more than 4 million are unable to vote due to felony convictions in forty-eight states. The impact? Look at Florida where the election was won by 537 votes when approximately 600,000 ex-offenders were ineligible to vote due to its restrictive policies.

Your communities impact and have an impact on its children. Statistics show that children who grow up in low income neighborhoods of color have a higher chance of spending time in jail. These children witness relatives (fathers, brothers, cousins, neighbors) going in and out of prison. They go to school and their teachers teach the value of hard work as a means to be successful, but reality teaches a different lesson since trust and confidence in the Justice System/U.S. is reduced due to racial profiling, police brutality, and mass incarceration. Children grow up to be “that” community baffled by unemployment, drugs, crime and incarceration.

Incarceration shapes the family and community as fathers in low income communities who are imprisoned leave their families in a financial crises well before their trial or sentencing; once in prison any means of support will be brought to a halt. Guilt or innocence has not been established and the family is in turmoil, financially. Rent, food, transportation to and from prison, lawyers fees, school supplies for the children, child care, telephone (rates are tripled for prison calls), and clothing are all issues that must be dealt with by the family. Psychologically, the social stigma of having a loved one in prison is an issue; guilty or not the families are treated as a co-conspirators; children either hide it in shame or wear it like a badge (some say it’s a rights

(Continued from page 18)
of passage for men of color). Then there is reintegration. How does a prisoner who has been a victim of abuse and torture reintegrate back into society. How does a ex-prisoner pick up the pieces make a better life for themselves and their families. How does a ex-offender who’s been standing still while the world moved forward at lightening speed catch up? How does a person make amends and become an asset to his community while shackled at his feet?

Let’s now take a look at how abuse in prisons impact the United States as a whole. Below a report from Wikipedia.org.

In 2004, human rights violations, in the form of physical, psychological, and sexual abuse, including torture, reports of rape, sodomy, and homicide of prisoners held in the Abu Ghraib prison in Iraq (also known as Baghdad Correctional Facility) came to public attention. These acts were committed by military police personnel of the United States Army with additional US governmental agencies.…..

The United States Department of Defense removed seventeen soldiers and officers from duty, and eleven soldiers were charged with dereliction of duty, maltreatment, aggravated assault and battery. Between May 2004 and March 2006, eleven soldiers were convicted in courts martial, sentenced to military prison, and dishonorably discharged from service. Two soldiers, Specialist Charles Graner, and his former fiancée, Specialist Lynndie England, were sentenced to ten years and three years in prison, respectively, in trials ending on January 14, 2005 and September 26, 2005…..

The then Deputy Director of Coalition Operations in Iraq Brig—Gen Mark Kimmitt in a CBS report said that America was appalled. He went on to say,

“These are our fellow soldiers. These are the people we work with every day, and they represent us. … Our soldiers could be taken prisoner as well. And we expect our soldiers to be treated well by the adversary, by the enemy. And if we can’t hold ourselves up as an example of how to treat people with dignity and respect […] We can’t ask that other nations do that to our soldiers as well …”

If you notice one of the individuals charged and convicted of abuse and torture was Specialist Charles Graner. It isn’t noted in this Wiki report, but Charles Graner was a guard at the State Correctional Institute—Greene located in Pennsylvania where he tortured and abused our very own American prisoners. But there was no outcry by American citizens. No one was “appalled”. When the fact of the matter is Human Beings are Human Beings, no matter which side of the globe they live.

And if we had stopped the torture at SCI—Greene, if we had removed the blindfold from our eyes and saw the inexcusable abuse of human rights in “our” prisons, if we made known how offensive and degrading this was to us in 1998, we would not have been disgraced (by Specialist Charles Graner and others) in the eyes of the World in 2004 nor risk the retaliation in the form of terrorist acts — and maybe … just maybe, 9/11 would not have been.

With that said I applaud those who sacrifice their lives in California prisons and other prisons across the United States. I salute those who stood in support of National Occupy Day in Support of Prisons demonstrating their outrage and indignation of the mistreatment of prisoners. Mass incarceration, the torture and abuse of our prisoners, the basic treatment of our fellow man shapes America, how it shapes America is up to us.
"Etta, Saleem and Lizzie smilin' for all the Big Poppas in the Big House - Chins to the Sky!"
In Memory of Jon E. Yount (1938 – 2012)

By: Peter Wagner, May 22, 2012

Sometime in the early morning of April 26, in his cell in a remote Pennsylvania prison, a 74-year-old jailhouse lawyer serving a life sentence took his own life. He was a quiet man who avoided taking credit for his work, so many people in and outside of prison don’t know about the debt they owe to Jon E. Yount.

Very few people know that Jon was the first person to recognize how the Census Bureau’s prison miscount could distort state legislative redistricting.

I knew Jon well, although not as well as I’d have liked. We corresponded a few hundred times, with him writing more than me, and I visited him four or five times. A careful reader of this blog might recognize Jon’s name from the Prison Policy Initiative advisory board, but very few people know that Jon was the first person to recognize how the Census Bureau’s prison miscount could distort state legislative redistricting.

In the late 1990s, Jon and filmmaker Tracy Huling, working independently, linked the Census Bureau’s practice of counting incarcerated people as residents of the prison location to negative political and economic effects. Tracy and Jon’s efforts started people talking about it, and it was this “rumor” that I initially set out to debunk. I was skeptical that the prison system was large enough for census counts of correctional populations to distort the federal budget or congressional districts. It turns out that the Census Bureau’s prison miscount did have only a very tiny effect on the distribution of federal funds, but it was Jon’s work that first drew my attention to the distortion on state legislative districting.

I didn’t know it until after I had completed my first report, Importing Constituents, Prisoners and Political Clout in New York, but Jon had written a thesis about felon disenfranchisement that mentioned the Census Bureau’s prison miscount, and he was also working on a lawsuit about these issues. But that’s getting ahead of the story, a story about a man who experienced the transformation of America’s criminal justice system from the inside and who relentlessly fought to remedy the injustices he found.

The offense and the trials

Jon Yount committed a horrible murder in 1966 when he was 27 years old. In a few moments, a young woman’s life ended forever; and in the eyes of the state of Pennsylvania, those moments were to define the rest of Jon’s life. He rejected the state’s view, and spent the rest of his life showing to himself and those who were watching that he was much better than his worst act.

After his death, I re-read some of the court decisions from his case. The experience was a stark reminder of how trials used to be conducted in this country. Jon’s first conviction was thrown out because the police had violated his constitutional rights. (The Supreme Court’s landmark Miranda case protecting defendants from unconstitutional interrogation techniques came down after his arrest.) At his second trial, 77% of the jury pool in the small rural community was famil-

(Continued on page 23)
iar with the case and had already formed an opinion against him. Worse, 8 out of the 14 jurors stated their bias and were kept on the jury anyway. The Judge refused to move the trial.

A federal magistrate thought that this trial, too, violated the Constitution. The district court disagreed, but a three judge panel on the Third Circuit found that Jon,

... has shown that the pretrial publicity caused actual prejudice to a degree rendering a fair trial impossible in Clearfield County. After examining the totality of circumstances, we hold that petitioner's [second trial] was not fundamentally fair.


Unfortunately, by a 7-2 vote, the Supreme Court reversed the Third Circuit's positive decision. The Supreme Court's word was final, but Jon, ever cognizant of vote totals and trends once summarized the point in a letter that “Thus, by a narrow 7-6 margin, the federal judges who reviewed my case let the conviction stand.”

The sentence and the escape

Even though the top court in the nation had upheld his conviction, Jon still had a realistic chance of seeing freedom again. Decades ago, a life sentence didn’t necessarily mean a person would die in prison. When Jon was convicted, lifers served an average of about 12 years prior to commutation. He was a model prisoner and was recommended for a commutation after he had served 7 years. He didn’t receive that commutation, nor did he receive any of the others he was recommended for in the first 20 years of his sentence.

Frustrated, and with the number of commutations granted by the governor in free fall, Jon had enough.

In 1986, Jon walked away from the minimum security prison where he was incarcerated and traveled the West. He eventually settled in Boise, Idaho. Using the name Jim Forsgren, he was a model Boise citizen who literally fed the poor and visited the sick. Nearly two years later, after being featured on NBC’s Unsolved Mysteries, Jon was arrested. After his arrest, the Idaho Statesman headline was “Friendly Idahoan caught as fugitive: Bad past catches up with ‘good neighbor’.”

After his return to prison, Jon applied for commutation one more time with a request to move back to Idaho. The Idaho Statesman summarized, “Forsgren or Yount, he’s liked: Friends say killer would be welcome.” As his landlord’s sister-in-law explained: “To me, although he murdered someone, Jon isn’t a murderer.... If they ever were to come back to Idaho, they certainly would have a place to stay – here with us.” Unfortunately, the state didn’t agree. I’d heard that he applied for commutation shortly before he took his own life, but to my knowledge the last time he requested commutation was when his former neighbors in Idaho requested that he do so.

The Jailhouse Lawyer

I never asked Jon if he was always interested in politics and the law, but I know that by the early 1990s, Jon was using the legal skills he developed working on his own cases to benefit the larger population of incarcerated people. He strategically picked his cases for maximum impact. The two that I am most familiar with were:

- Mixon v. Commonwealth, a case that challenged Pennsylvania’s system of banning people in prison and people recently released from prison from voting, and separately challenged prison-based gerrymandering in state legislative districts. Jon prepared the lawsuit and it was filed by civil rights attorney Sam Stretton. The plaintiffs were several Black and Latino men incarcerated in Pennsylvania prisons, and Maureen Williams, a Black female voter from Philadelphia. Mixon was the first case to raise the issue of prison-based gerrymandering in the state legislative context, although that particular claim was quickly dismissed because it was a part of a re-enfranchisement suit and not a redistricting one.

When Mixon was filed, Pennsylvania disenfranchised two groups of people: People in prison couldn’t vote, and people who had been released within the past 5 years couldn’t register to vote. People who had been registered to vote prior to incarceration, however, could vote. The Court struck down this arbitrary restriction that served to restrict the franchise:

(Continued from page 22)
"We can conceive of no rationale for permitting those who were registered previous to incarceration to vote on their release, while those who were not previously registered, cannot. Such a statute has the appearance of penalizing ex-incarcerated felons for their status. Moreover, implicit in a presumption that an unregistered individual who commits a crime, and is punished therefor, remains civilly corrupt for five years following release, is the unwarranted assumption that there was no possibility of rehabilitation during that period of incarceration and for five years thereafter. There is nothing of which we are aware to support this logic and underpin the implication that, after five years have elapsed following a convicted felon’s release from confinement, that individual has magically acquired the wherewithal to be a responsible, qualified elector. We therefore conclude that the prohibition against registration for five years after release from confinement is constitutionally infirm, and overrule this preliminary objection."


In 2005, the Pennsylvania Legislature attempted to roll back this ruling and ban both probationers and parolees from the polls. Jon successfully organized against the law, which the New York Times called “a shameful step backward” ... “at a time when the rest of the country is moving in the opposite direction.”

· In Yount v. T-Netix, Jon brought the prison system’s abusive telephone rates and billing practices before the Pennsylvania Public Utility Commission and won refunds in 2008.

The Department of Corrections required all incarcerated people wishing to call their loved ones to use a particular company that charged exorbitant rates. The company, in exchange for the monopoly contract, would kick back $3 million a year plus 32 to 40% of the revenue from every phone call. Further increasing the cost to incarcerated people and their communities, the phone system would arbitrarily disconnect people, forcing them to pay another reconnection charge in order to continue their conversations.

The prison population is a significant market for telephone services, and incarcerated people are the very definition of a captive market, carrying all of the associated potentials for abuse. As the Commissioners wrote in their order requiring T-Netix to refund the improper charges:

“We are troubled that T-Netix did not regard the inmates as customers, even when their calls were paid for using the inmates’ prepaid accounts. ... While the erroneous disconnections themselves are difficult for the inmates, the fact that T-Netix has done little or nothing to investigate complaints or to make refunds, when appropriate, is unacceptable.”


His successful work against the high telephone rates had a high cost for Jon. The prison system retaliated. Jon was transferred from Huntingdon Prison in central Pennsylvania to the remote SCI-Greene facility in Greene County on the West Virginia border. At Huntingdon, where he had been confined for 16 years without a single disciplinary infraction, there was a large lifers group he worked with and his family and supporters could conveniently visit him. As Jon explained to me in the letter announcing his transfer, at Greene there were no “inmate organizations,” and it was far more difficult for family and friends to visit. I know I was only able to visit at Greene once. And I can report that unlike in Huntington, where the visiting room was always crowded with families, when I was at Greene shortly before Christmas in 2008, the visiting room was almost empty. That’s not surprising, given the location. The state’s prison population disproportionately comes from Philadelphia. The Huntingdon prison was 127 miles from Philadelphia, but SCI-Greene was 330 miles from Philadelphia. I could see why Jon would quip in one letter that he had been transferred to “Siberia-South.”

This article, though, is about Jon’s accomplishments, not his struggles, so let me go back to how I met him.

Discovering the importance of prison-based gerrymandering to state legislative redistricting

When I was investigating the Census Bureau’s prison miscount, I was inspired to focus on state legislative redistricting because of a short article by Robert T. Hoetzel on prisoners.com that showed how 10% of a state house district could be incarcerated. The article framed this as a “one person one vote” issue, and explained,

The advantage of incorporating a penitentiary or two in one’s district is the best kept secret in politics. It’s the newest form of gerrymandering. There’s no reason for politicians to show any regard for inmates’ concerns, views or political

(Continued from page 23)

(Continued on page 25)
A politician might represent them, but inmates have no power. They can’t vote. For the “host” district’s office-holder, it’s the best of all worlds!

I naively assumed this article was just an isolated bit of brilliance and didn’t think much more about it for a year. More than a year later, after I had completed my academic paper on prison populations and redistricting, and then the Importing Constituents: Prisoners and Political Clout in New York report, I wrote to Mr. Hoetzel to share a copy of my report and politely inquire if he had done any other similar research or writing. My timing could not have been better.

As it turned out, Mr. Hoetzel was to be paroled in under two weeks, so he shared my letter with the Pennsylvania Lifers’ Association and one of their elected Trustees, Jon E. Yount. As I quickly learned, they had been working on census issues for some time. Jon had published a short thesis about felon disenfranchisement that addressed the census counts of prison populations, and had also raised the census count issue in the Mixon lawsuit. But having exhausted their remedies in state court, Jon and the Lifers’ Association were stuck. They had a lot of ideas on next steps, but, as Jon told me many times, “there are limits to what you can do with a number after your name.”

Jon asked me to run with the issue, and he unleashed a constant flood of ideas and news clippings to propel the project. Jon was something like a human Lexis machine. Particularly in the first few years we corresponded, there was almost a constant flood of articles and data tables coming in. Sometimes they were from that day’s paper or an alert about what was just on C-Span, but just as often they were ancient but on-point news clippings from deep in his archives. I find it hard enough to organize my research notes on my computer, so I don’t have the foggiest idea how Jon managed to collect and organize so much material in a tiny cell.

And run with the issue we did. After a decade of work, we made prison-based gerrymandering one of the central controversies of the 2010 Census. In 2010 and 2011, four states passed legislation ending prison-based gerrymandering within their borders. The Maryland and New York laws are already in effect and have been upheld by the courts. We’re also making systemic progress at the Census Bureau. The Bureau squandered the planning time necessary to count incarcerated people at home in 2010, but it did agree to a critical interim step: changing how it publishes the data. This ultra-technical change made it easier for state and local governments—especially rural counties—to avoid engaging in prison-based gerrymandering. The Census Bureau made it easier for legislatures to identify incarcerated populations in the data. This made it possible for counties and municipalities to manually correct the data to better reflect the actual population of the area.

There is plenty of work still to be done on prison-based gerrymandering, especially in Jon’s home state of Pennsylvania. In 2009, Elena Lavarreda and I released a report, Importing Constituents: Prisoners and Political Clout in Pennsylvania, that found that eight state house districts would not have met minimum population requirements without using prison populations as padding. The report inspired a great article in the Legal Intelligencer and rural Pennsylvania’s Daily Review (Towanda PA), editorialized in support, but in Pennsylvania, we still have a long way to go.

Several times Jon said he was done with the Census problem and was moving on to other projects where he could have an impact despite the “number after his name,” but he still spent an inordinate amount of time focusing on census issues. For that, I’m deeply grateful.

We had many long strategic conversations about the relationship between felon disenfranchisement and what we now call prison-based gerrymandering, drawing on important lessons from Jon’s own work. The short version of our conclusion was that it rarely makes sense to try and address both issues at the same time because it confuses both the public and the courts for very little gain. Our analysis was that felon disenfranchisement and counting incarcerated people in the wrong place were separate issues. Each exacerbates the harm of the other, but they have different origins and very different solutions. Because solving one issue won’t resolve the other, there was little justification for complicating the public’s understanding of either problem. On the other hand, it’s hard to separate the issues. As the Philadelphia Jewish Voice wrote in a column about prison-based gerrymandering: “What could be worse that suppressing someone’s right to vote? Stealing their right to vote and attributing it to someone else.”

In 2005, Jon sent me an incredibly useful gem: the Pennsylvania Secretary of State’s office’s residence rules for incarcerated people. As I wrote in a blog post in 2005,

_The rules state that a prison cannot be used as a voting address, and that the person should vote using either his or her last registered address or register at his or her last pre-incarceration address. But the rules also contain a common sense provision that keep the rule fair and accurate: prisoners may also establish a new residence outside of the correc-

(Continued on page 26)
tional facility, “for example, if the inmate’s spouse establishes a new residence in which the inmates intends to reside upon his/her release from confinement.”

We’ve since found simpler ways to illustrate the principle that, for all other purposes, incarcerated people are not considered residents of the prison location, but in 2003 Jon collected affidavits to demonstrate that incarcerated people in Pennsylvania are not welcome to stay in the town that contains the prison after they are released. He found four people who were at that time incarcerated at Huntington but who, during releases from previous prison terms at various facilities, were told they were not free to stay in the area.

As Jon explained in this cover note to me with the affidavits:

The obvious point of the foregoing is that prison inmates are considered residents only for the purposes ... political “gerrymandering”. Even though they will be required to reside wherever they go for a period of time before they acquire residency status there, they certainly are stripped of their Huntingdon residency status – by those who have no authority to do so – the moment they walk out the prison gate!

Counting incarcerated people at home for demographic purposes is more honest to the reality of their communities.

Jon wasn’t a formally trained demographer, but he sent me a long letter in 2006 with some ideas that I really should have blogged about at the time. I had shared with him the argument made by an academic I knew who wrote that, while he saw the political necessity of counting incarcerated people at home for redistricting purposes, he saw a lot of value in counting incarcerated people in prison for other purposes, such as health and employment research. His argument was that we want to know where people physically are so that we can get a sense of the prevalence of disease or the racial composition of the available workforce. Jon made a very detailed argument – that I’ll have to write more about soon – that the academic’s argument overstates the amount of interaction between incarcerated people and the surrounding community. Incarcerated people are not a part of the labor force of the surrounding community, and their ability to share communicable diseases is limited to their contact with staff. For example, it would be quite misleading to portray a rural community like Forest County, Pennsylvania as a hotbed of hepatitis if most of the people with hepatitis are incarcerated and either got the disease in prison or brought it with them from their home communities. The overwhelming majority of people in prison are not lifers, have not been in prison long, and will be home very soon. Counting incarcerated people at home for demographic purposes is more honest to the reality of their communities.

Counting incarcerated people in the wrong place harms the prison location most of all.

Of course, Jon and the academic were in early agreement on a very subtle but critical mathematical point: counting incarcerated people in the wrong place harms the prison location most of all. Incarcerated people come from all over the state, disproportionately Philadelphia, but from all over the state. Pennsylvania prisons, however, are concentrated in just 21 counties, so the distortive demographic effect on communities that contain prisons is larger than on incarcerated people’s home communities.

A different mathematical point was a source of tension between Jon and myself. I was fond of writing things like: “Despite common misconceptions, most people in prison are serving short sentences, and very few incarcerated people are sentenced to life without parole.” Jon didn’t like my use of the term “short” to describe either the median imposed sentence of less than 3 years, or the fact that the median time served before release in state prisons was less than 2 years. Jon’s concern – ironic for a lifer – was that in both historical and international terms, modern American sentences for all offense types are quite long.

My concern was to distinguish, in the mind of the public, between the permanence of prison buildings and the transience of most of the people confined there. Jon thought, correctly, that I was normalizing the new and extreme sentencing policies in the U.S.

Other than emphasizing the unique statistic we found in New York – that the median time an incarcerated person has been at his or her current facility is 7.1 months – I’m still trying to figure out how to explain both contexts at the same time. Life sentences have always been rare, both when Jon went to prison in the 1960s and when he died. But Jon was in prison long enough to see firsthand how the typical sentence for everyone else was getting longer.[1]
Other political and social issues he addressed.

Beyond legal writing, Jon also wrote a lot of short columns for various publications and the web about general criminal justice matters and political issues. While many of these articles were specific to Pennsylvania, we helped make some of his writings that spoke to a larger audience available on the web.

One of Jon’s last big projects was a report that reviewed Pennsylvania’s parole policies and offered proposals for reform. He was concerned that incarcerated people were following the recommendations of the parole board to the letter only to be repeatedly denied at parole hearings. As a lifer, parole reform was something that he would never benefit from—his only possible way out was via commutation. But Jon could recognize a systemic problem when he saw one, so he prepared a massive briefing for the state committee that was investigating the parole system. His 2004 report, Pennsylvania: Parole and Life Imprisonment was a history of parole policy in the state from 1911 to 2001. Critically, he explained that, contrary to the present public understanding, parole was never intended as an act of clemency, but as a valid disciplinary tool for those deemed capable of supervised rehabilitation outside of the walls. Over 90 years, that intent was lost, replacing what was once intended as a rational determination of whether an incarcerated person is ready for release with a narrow fixation on what a person did many years ago.

Conclusion

Jon’s story is exceptional, even apart from his accomplishments. His experience as a lifer who lost hope and died in prison is not the experience of nearly all of the estimated 16 million people who will cycle through the state or federal prison system.[2]

Most incarcerated people experience prison as a temporary—if permanently life-altering—experience. It is no accident that this constantly-shifting population has a hard time becoming politically engaged. Lifers like Jon are often a challenge to the system because they can develop the social, political and legal relationships on both sides of the walls that are necessary to make change happen.

The unfortunate reality is that society gave up on Jon Yount a long time ago, and never intended to let him be free. To his credit, Jon never gave up on society.

The unfortunate reality is that society gave up on Jon Yount a long time ago, and never intended to let him be free. To his credit, Jon never gave up on society. He left this world having made major contributions to the lives of the poor, the sick and the incarcerated. Jon’s long life showed just how wrong it is to assume that a single bad act can define someone forever.

And much to the regret of the prison system, Jon generally saw the system’s efforts to disrupt his work as inspiration to work even harder. As Jon explained to Howard Zehr for his book Doing Life: Reflections of Men and Women Serving Life Sentences,

“When something happens, I can’t go in, close the door, turn on the television, and ignore it, like some people do. Me, I have to confront. If I don’t like something, I have to deal with it. If it’s filing a complaint, if its filing a brief in court, if it’s trying to change something within the prison system — when there’s something that bothers me, that’s the way I deal with things.”

We are very glad you did.

***

[1]As the Prison Policy Initiative and the National Voting Rights Institute wrote in an amicus brief to the U.S. Court of Appeals for the Second Circuit:

“It is important to distinguish the rise in incarceration from the rise in crime. Incarceration rates reflect political and institutional decisions about the length of sentences and the extent to which arrests and convictions should result in prison terms rather than other interventions. As one researcher has written:

“Looking at the overall factors leading to the rise in incarceration, research has demonstrated that changes in criminal justice policy, rather than changes in crime rates, have been the most significant contributors leading to the rise in state prison populations. A regression analysis of the rise in the number of inmates from 1980 to 1996 concluded that one half (51.4 percent) of the increase was explained by a greater likelihood of a prison sentence upon arrest, one third (36.6 percent) by an increase in time served in prison, and just one ninth (11.5 percent) by higher offense rates.”

Returning Citizens Movement opens new office

Written By: Nathaniel Lee
June 21, 2012
Www.phillytrib.com

After ten years of operation, the Returning Citizens Voters Movement has formally opened a new office at 3956 N. Fifth Street.

The RCVM, a coalition of seventeen organizations, seeks to register 10,000 new voters who were formerly confined in local, state or federal prisons.

According to some estimates, approximately 300,000 ex-offenders, who prefer to be referred to as “returning citizens,” currently reside in Philadelphia. A substantial number of those returning citizens are either unaware of their right to vote in Pennsylvania or have failed to register for other reasons.

“There are actually three different offices, and a place for four people to use computers at the same time,” said Hoffman, who said that the movement needed a site where they could register voters.

State Rep. Tony Payton Jr., Malissa Gamble, Returning Citizens Voters Movement, and Thomas Ford of Exit-Us display voter registration cards at the grand opening of RCVM’s new office at 3956 N. Fifth Street. —

PHOTO BY NATHANIEL LEE

(Continued on page 29)
According to Richard “Tut” Carter of the Human Rights Coalition (HRC), the movement includes the American Civil Liberties Union (ACLU), which works closely with returning citizens who have been released from prison, as well as those currently confined who have yet to regain their freedom.

“The lead of this organization is people who have been formerly incarcerated, formerly convicted people,” said Carter. “We are going to have an ongoing campaign to keep this going.”

While the right to vote has obvious political implications, Carter says that participating in the democratic process may also have beneficial social effects by reducing recidivism.

“We know from research which we received from around the country that when people get civically engaged and participate in voting projects, they are least likely to return to a life of crime,” says Carter.

According to Carter, there are 200,000 to 400,000 Philadelphians who are formerly convicted persons.

“That means that out of a million and a half people, almost a third of the population [of Philadelphia] is people who are actually coming out of prison,” said Carter. “What we want to be able to do is galvanize that voter’s power and take our pleas to legislators, lawmakers and city government to ask for more resources to help those returning from prison.”

State Rep. Tony Payton Jr., who also attended the grand opening, donated a copy machine to the organization.

“They are doing the important work of letting folks know that they need to be registered to vote and need to participate,” said Payton, in whose legislative district the new office is located. “The reality is that this population [of returning citizens] is the only population that can be legally discriminated against.”

A founding member of the Returning Citizens Voters Movement, Malissa Gamble, has long been an advocate for the rights of returning citizens, and recognized the need for a central location.

“We were going around in the community letting our voices be heard, and telling people to look for the Returning Citizens Voters Movement,” said Gamble about the early days of the movement. “But where were they going to find us? So we needed a location and we found one.”

Activist and radio host of WURD 900’s ‘Living Islam’, Hakim Ali, emceed the day’s program and said that returning citizens could send a powerful message to politicians.

“Sometimes we don’t recognize the power that we have,” said Ali. “There are approximately 10,000 available votes in the city of Philadelphia that could be a major blow against politicians who are not trying to work toward making it better for returning citizens.”

Readers who wish to learn more information about the Returning Citizens Voters Movement, should call Frederica Hoffman at 215-626-3662.
Prisoners in solitary petition UN: ‘CDCR destroys our minds, souls and spirits’
By Mary Ratcliff
Special to the NNPA from the San Francisco Bay View

Comparing their conditions to a “living coffin,” 400 California prisoners held in long-term or indefinite solitary confinement petitioned the United Nations March 20 to intervene on behalf of all of the more than 4,000 prisoners similarly situated.

“California holds more prisoners in solitary confinement than any other state in the United States or any other nation on earth. The treatment of these prisoners is barbaric and, numerous experts agree,

(Continued on page 31)
amounts to torture,” said Peter Schey, who heads the Center for Human Rights and Constitutional Law. Schey is lead counsel for the prisoners who have “joined together to petition the United Nations to intervene by conducting on-site investigations, permitting Red Cross visits and ultimately ruling California’s policy on isolated segregation amounts to torture and violates well-established international human rights norms.”

The petition, released at a press conference in Los Angeles, calls for U.N. action against California’s prison administration and deplores the conditions of thousands of California prisoners Schey says are “being detained in isolated segregated units for indefinite periods or determinate periods of many years solely because they have been identified as members of gangs or found to have associated with a gang.”

“The policy that has resulted in their prolonged detention does not require that they have actually engaged in any misconduct or illegal activity, or that they even planned to” do so, explains the petition.

The 400 petitioners are held in 23-hour-a-day lockdown in California’s Security Housing Units (SHUs) and Administrative Segregation Units (ASUs or AdSeg) that “destroy their mental and physical health and destroy them spiritually. They live like prisoners held in a Gulag, not a modern democracy,” says Schey. The prisoners have been joined in their petition by a coalition of state and national advocacy groups.

“Conditions inside California’s SHUs and ASUs were at the center of two massive waves of hunger strikes last summer and fall that saw the participation of thousands of prisoners in at least a third of California’s 33 prisons. A key demand of the strikes was the abolition of the California prison system’s draconian gang validation and debriefing processes, behind which a vast majority of prisoners in SHUs and ASUs have been held in solitary confinement,” says Isaac Ontiveros, spokesman for Prisoner Hunger Strike Solidarity.

“I am being persecuted for exercising my First Amendment rights to protest the inhumane treatment and torture being applied directly against myself and similar situated prisoners held in CDCR (California Department of Corrections and Rehabilitation) torture chambers — SHU and AdSeg solitary confinement units. What my fellow CDCR prisoners don’t know is that CDCR has malicious intent to destroy the minds, souls and spirits of 4,000-plus prisoners by any means necessary,” writes
Mutope Duguma, screen name James Darren Crawford, a frequent contributor to the Bay View and a leading hunger strike organizer housed in the SHU at the notorious Pelican Bay State Prison.

Duguma’s testimony is among those of 22 lead petitioners who provided extensive information on how they came to be placed in isolation and the toll it has taken. A total of 400 prisoners representing many races and prisons signed on to the petition.

“I have been housed in the SHU since July 1987. I have seen fellow prisoners murdered by correctional officers, mentally ill prisoners abused, I have seen men psychologically break down, cry, scream and go insane. I have been beaten by correctional officers, threatened and set up. I was told by a correctional officer at Pelican Bay State Prison that I would die here one way or another and every day I meditate to keep control. The SHU is a soul-sucking, mind-bending torture that murders all humanity in any human being. Some die quicker than others ... but we all die inside,” writes Alfred Sandoval, also a leading hunger strike organizer at Pelican Bay.

“As a result of the policies and practices that leave California with the largest population of prisoners in isolated segregation anywhere in the world, these prisoners suffer extreme mental and physical harm, including mental breakdowns, extreme depression, suicidal ideation and breaks with reality, such that their treatment may be considered torture or degrading treatment illegal under well-established international norms and obligations of the United States and the state of California under, inter alia, the United Nations Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR),” the petition states.

Alma Espinosa, whose brother is confined in the Corcoran State Prison ASU, was one of the prisoners’ family members and supporters who spoke to reporters at the press conference: “I got involved when my brother asked me to help him and the others. In essence, the SHU, ASU, it’s a horrible, dehumanizing place. Four walls become your world, sunlight is rare, healthcare is rare, visits are only through glass, and inmates spend years and years in solitary confinement.”

“In essence, the SHU, ASU, it’s a horrible, dehumanizing place. Four walls become your world, sunlight is rare, healthcare is rare, visits are only through glass, and inmates spend years and years in solitary confinement.”

Espinosa’s brother was in a neighboring cell to that of Christian Gomez, the first known martyr of the 2011 series of hunger strikes aimed ultimately at ending the torture of solitary confinement. Last fall,
The Torture of Solitary

by Stephanie Elizondo Griest

Solitary confinement, once regarded as a humane method of rehabilitation, unravels the mind. Yet today, more than 25,000 U.S. prisoners languish in isolated cells.

Here is what I knew about Joe Loya before stepping into his car: During a 14-month stretch in the late 1980s, he stole a quarter-million dollars from 30 Southern California banks by donning a tailored suit and, occasionally, a fedora, striding up to bank tellers, and, in a low and smoky voice, demanding all their money. His panache earned him the nickname “The Beirut Bandit” because, he said, “no one could believe a Mexican from East L.A. could be so smooth.” He was finally bum-rushed by undercover agents while reading the newspaper at a UCLA campus café. (His girlfriend had tipped them off.) As he served out a seven-year prison sentence, he grew increasingly violent, once chomping a chunk off the ear of an inmate who had snaked his copy of Playboy. When his former cellmate was slaughtered in their old cell, Loya was pegged as a primary suspect and consigned to Security Housing Unit—otherwise known as solitary confinement—for two years, until cleared of the charges. He was released in 1996, at age 35.

All of this I could handle. But when he started careening 77 miles per hour down a Northern Californian freeway, slicing in and out of traffic, I began to worry. Tall and husky with mocha-colored skin, Loya was wearing Ray-Bans and a pinstriped shirt untucked over jeans. His temples were flecked with gray.

“There is something seductive about solitary confinement,” he mused. “It is the myth of the American male: I walk alone. There is a sense that solitary is a kind of adventure, and men love adventure.”

We narrowly avoided sideswiping an SUV, which blared its horn.

An unrestored isolation cell in Eastern State Penitentiary.
“It sounds like you already had a lot of adventure,” I offered.

Maybe too much. Loya’s mother died of cancer when he was nine, leaving him with a little brother and a Bible-thumping father for emotional support. He sought comfort in an older female neighbor, who repeatedly molested him. Meanwhile, his father tried to beat the demons out of him. After an especially brutal pummeling at age 16, Loya plunged a steak knife into his father’s neck. The old man survived, but Loya landed in county custody, embarking from there on a decade-long crime spree that included auto theft, larceny, fraud, and, finally, the bank robberies that landed him in prison.

“No adventure is like solitary,” he said, gliding into another lane. “It’s almost erotic, like—like masturbation. You don’t rely on anyone else to pleasure you. You just do it yourself. Solitary is just you creating your own universe with you at the center of it, to sleep, to read, to jack off, to think, to be with yourself.”

He glanced at me and grinned. “When you come out of solitary, you know that you’ve taken stock of yourself. You know who you are.”

In his case, that meant discovering a knack for the pen. Halfway through his prison sentence, Loya struck up a correspondence with the writer Richard Rodriguez, who emboldened him to pursue his literary tendencies. Six years after his release, Loya starred in a one-man show he’d written about his past called The Man Who Outgrew His Prison Cell, which HarperCollins later published as a memoir.

The exit for San Leandro loomed ahead. Loya zipped across three lanes, pivoted east, then doglegged through an upscale neighborhood. “Pretentious bullshit,” he muttered at a sign featuring the word “estates” in floral script. We pulled up to a cream-colored house with rust-brown trim. Inside, the living room radiated newness. Black-and-white photographs of sidewalk cafés in foreign lands were propped against the walls, waiting to be hung. Teddy bears, blankets, and teething toys were scattered on the floor. Just a few months earlier, Loya and his wife had been nesting in East Oakland, but they decamped after five shootings occurred within a few blocks of their home. The safety of their 16-month-old daughter trumped their desire to help “foster community.”

Loya motioned for me to sit. We stared at each other for a long moment.

“So, solitary,” I said.

“So, solitary,” he repeated, combing his fingers through his gel-spiked hair. “Rule number one is, you make your bunk in the morning and you don’t lie on it again. Not until lunch, and even then, just for a nap. Your bunk is like quicksand. Spend too much time on it, and your mind will grow sloppy. You have to be vigilant. You have to take control of your thoughts before they grip hold of you. Mind games help, because they keep you sharp.

“First, you sit on the edge of your bunk. Don’t lie on it. SIT. Find a spot on the wall. OK, now—stare. That’s it. Stare. Don’t look away. Just keep staring at it, staring at it, at that same little spot, for a whole entire minute. Once you got that, stare at it for five minutes. Then 10. Then 20.

“That’s when things start to happen. Things like light. Panels of light will slowly open as your peripheral vision recedes into darkness. And then that spot on the wall, it will dance. It will become a dog or a horse, and after a while it

(Continued on page 35)
will become a man, and that man, he will start to walk. If you concentrate hard enough, deep enough, long enough, a little movie will flicker.

“Eventually, this will happen without you even trying. Faces will appear, but without you concentrating. You just open your eyes, and a scene appears right in front of you. But then those faces, they start to morph, like in that Michael Jackson video. Only, they morph into people you don’t want to see. People you f****d over. People suffering. People in pain.

“And then you start hearing things.”

When Philadelphia Quakers conceived of solitary confinement in the late 18th century, the punishment was regarded as humanitarian. At the time, convicts were typically hanged, flogged, or tossed into wretchedly overcrowded dungeons. What these prisoners needed, Quakers argued, was a spiritual renovation. Give a man ample time and quiet space to reflect upon his misdeeds, and he will recover his bond with God. He will grieve. He will repent. He will walk away a rehabilitated man.

And so, after conducting a few test runs at local jailhouses, Philadelphia, a city infused with the theology of the Quakers who had helped to found it, sank a record $800,000 into building a prison on an elevated piece of farmland just north of the city limits (known today as the Fairmount District). The structure consisted entirely of isolation cellblocks. In 1829, Eastern State Penitentiary opened its iron-studded doors. Its high stone walls and castellated towers suggested a fortress, yet its Gothic façade was redolent of a monastery. For 142 years, it tried to be both.

“If reform is possible, it will happen here,” proclaimed a sign in the modern-day visitor’s center. When I visited a few years ago, I walked down a corridor draped with cobwebs, gripping a map. Every few feet, I passed another cell. Some were whitewashed and barren; others were refurbished with rusty cots and wobbly workbenches. Entering a cell required ducking your head, an act of supplication. The room measured eight feet by 12 feet, with a barrel ceiling that reached 10 feet at the crown. A tiny round skylight—known as “the Eye of God”—cast a circle of sunshine on the floor. I stepped inside it as legions of inmates had done before me, following the light as it slowly revolved around the cell, the sole indicator of time’s passage. As the soft glow warmed my face, I imagined the horrors that had once transpired here.

First, you were hooded. A black woolen sheath covered your head, clung to your shoulders, clouded your vision. Supposedly, this kept you from discerning the prison’s layout (and thus concocting an escape), but it also disabled you. Guards shoved you forward, warning when to duck, when to turn.

Next, you were assigned a number corresponding to your spot in the admissions log. For the duration of your sentence, you’d be known only by this number. It was written above your cell door, stitched on your shirt, shouted when you were needed.
In quick succession, you were examined by a physician, shorn by a barber, and shown to a shower. By the time you emerged, dripping wet, your belongings had been confiscated: your socks, your shirt, your underwear, the contents of your pockets. In exchange, you received woolen trousers, a close-fitting jacket, a shirt, two handkerchiefs, two pairs of stockings, and coarse leather shoes—all of which itched.

Then you were led (or, if you resisted, dragged or carried) to your cell. At last, you could pull off the mask. Aside from a cot, a stool, and a whale-oil lamp, the cell was empty. No paper, no ink, no reading material. Nothing whatsoever to occupy your time, at least those first weeks. (Eventually, you’d be permitted to cobble shoes or roll cigars for the prison’s profit.) A side door led to a small yard where—if you behaved—you’d be allowed to exercise for an hour a day. Baths were offered every two to three weeks. Aside from that, you’d spend your entire sentence between those white walls, visited only by the warden, a clergyman, and your own mounting regret.

All seven cellblocks connected to a central surveillance hub, like the spokes of a wheel. The walls were 18 inches thick. But architecture wasn’t the only cause of the silence that engulfed the place. In the early days, the guards pulled woolen stockings over their boots to muffle their footsteps and wrapped the wheels of the food cart in leather to quiet its creaking. Yet the inmates were inventive with their noisemaking. They shouted down the toilet every time they flushed it. They banged on the water pipes, each clang corresponding to a different letter of the alphabet. The guards retaliated by covering the skylights, eclipsing the prisoners even from God. If the noise persisted, they stormed the cells. In wintertime, they stripped the offending inmates, chained them to the wall, and tossed buckets of cold water on them until icicles hung from their limbs. In summertime, they strapped inmates into chairs for days at a stretch, until their legs ballooned. If the inmates still kept talking, the guards put them in the “iron gag,” a five-inch metal brace that was clamped over their tongues and attached by chains to their wrists, which were handcuffed behind their backs.

Yet the physical pain of these tortures—common in many prisons at the time—paled beside the mental anguish of solitude. Charles Dickens spent an afternoon visiting Eastern State inmates in 1842, and wrote an account of the experience in his travelogue American Notes: “On the haggard face of every man among these prisoners, the same expression sat. I know not what to liken it to. It had something of that strained attention which we see upon the faces of the blind and deaf, mingled with a kind of horror, as though they had all been secretly terrified.” At another point in the book, Dickens wrote:

I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body: and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay.

The prison’s annual reports listed scores of suicides, and while loneliness was never cited as a factor, a certain side effect was. One report described a “white male, aged 17” who died of “debility. . . . Persistent masturbation was the sole cause of his death.” Another mentioned a prisoner who set his cell ablaze and snuffed up all the smoke. Cause of death: “excessive masturbation.” In fact, the 1838 report ascribed 12 cases of insanity to this “solitary vice.”

Eastern State gradually abandoned the practice of solitary confinement. There were simply too many bodies—with too few minds—to keep. As early as 1841, the warden was doubling up the inmates, and by the turn of the century, cells bunked as many as four apiece. Solitary confinement also grew costly. Whereas inmates at other penitentiaries could toil together in chain gangs, quarrying marble or tending crops, Eastern State inmates could only labor within the
confines of their cells, and the piecemeal tasks they performed didn’t turn enough profit. The “crucible of good intentions,” as the authors of a history of Eastern State call it, finally shuttered in 1971, reopening a quarter-century later as a museum and, during the Halloween season, as “the scariest haunted house in America!” (according to television talk-show host Rachael Ray).

Eastern State Penitentiary was widely considered a failure, but that didn’t stop other prisons from implementing its “separate system”—with equally disastrous results. In the second half of the 19th century, German researchers published 37 studies documenting the psychotic illnesses suffered by their country’s isolated inmates, including hallucinations, delusions, and “psychomotor excitation.” In England, guards at Pentonville Prison had to cart so many inmates off to the insane asylum each year that the warden finally ruled that no one be isolated longer than 12 months.

In 1890, the U.S. Supreme Court nearly declared the punishment unconstitutional. Writing for the majority, Justice Samuel Miller argued,

A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others, still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community.

Solitary confinement largely fell out of practice in the century that followed, save as a short-term punishment for exceedingly bad behavior.

Fast-forward to the 1970s. Increased penalties for drug crimes swelled the nation’s prison population. Ronald Reagan’s “war on drugs” sent the number yet higher. Meanwhile, lawmakers wishing to seem tough on crime dissolved the bulk of prison educational and occupational programs, leaving inmates with an infinity of hours and no way to fill them. When two correctional officers were shanked to death in a single day at Marion Federal Prison in Illinois in 1983, the warden ordered the entire facility put on “permanent lockdown,” forbidding inmates to leave their cells to work, take classes, eat in the cafeteria, or do anything but shower. Heralded as a success, the Marion lockdown spawned a new breed of prison called the “Supermax,” which cooped all inmates in solitary cells for no less than 23 hours a day. More than 60 such prisons have sprung up across the nation, housing up to 25,000 inmates. Tens of thousands of other men and women—nobody knows the exact number—are languishing in what are essentially concrete cages at other facilities. And they aren’t all just staying for days or weeks or months or even years. Some Americans are enduring solitary confinement for decades.

Robert Hillary King is a star in certain circles. He is the subject of a British documentary narrated by Samuel L. Jackson, and has published an autobiography and touted it to hundreds of groups around the world. He has mingled with members of Congress, gabbed with historian Howard Zinn, and befriended the cofounders of the Body Shop. The cause behind his célèbre isn’t so glittering: He survived one of the longest known stints in solitary confinement. For 29 years, King passed all but perhaps an hour a day inside a six-by-nine-foot concrete cell at Louisiana State Penitentiary at Angola. Since his release in 2001, he has launched a one-man campaign to end this form of punishment.

“I saw men so desperate, they ripped prison doors apart,” King told me in a slow Cajun drawl when we met at a café in Austin. “They starved themselves. They cut themselves. My soul still mourns for them.”

King, in his late sixties, walks with a noble gait. That day in Austin, he was wearing sunglasses, a black ankh necklace, and an ivy cap turned backward. Tattoos of daggers and spiders covered his arms, and his face was pock-
marked, yet he exuded yogic tranquility. The tops of his knuckles were tattooed with the word L-O-V-E, while the bottoms read H-A-T-E.

King was born in 1942 to a mother who drank and a father who split. Although his grandmother was still rearing some of her own nine children, she added him to her brood. One of his earliest memories is of watching an uncle strangle a rat and stew it for the family’s supper. After living in a smattering of Louisiana towns, including New Orleans, King ditched home at 15 to ride the rails with a couple of hoboes. A brief stint in reform school followed, and at 18 he received the first of several prison sentences for armed robberies he claims not to have committed (though he acknowledges other crimes), landing at Angola, known as the nation’s bloodiest prison. A former plantation so massive that the entire island of Manhattan could fit on its grounds, Angola was named after the African nation where the bulk of its slaves originated.

The first thing King noticed upon his arrival was that the majority of the inmates were black and the guards were uniformly white. Known as “Freemen,” the guards lived with their families on the prison grounds, served by inmates called “houseboys.” Before the light of dawn, the Freemen marched the inmates down to the fields and watched on horseback as they cut, bladed, ditched, and quarter-drained sugarcane in a work line for up to 16 hours a day. In 1951 more than 30 inmates slashed their own Achilles tendons with razorblades to protest these working conditions. The Freemen called them the “Heel String Gang” after that.

King thus spent the 1960s in a time warp. While serving out his sentences at Angola, he was trapped in the pages of Uncle Tom’s Cabin. During his intermittent stretches of freedom, however, he lived in the spirit of the nation’s flourishing civil rights movement. “By 1969, everybody who was black, even those with just a trace of black blood, wanted to be Black and Proud. It was a time of consciousness. I loved it,” he said.

He didn’t have long to revel in it: By 1970 he had racked up yet another conviction, for robbery, which carried a 35-year sentence. While awaiting transfer to Angola, he shared a cell with some Black Panthers who had just been arrested in a police shootout. Their ideology enthralled him. “Through our discussions, I grasped the historical plight of blacks and other poor people in America. I saw that, for these people, America is one great big prison, a perpetuation and continuation of slavery.”

Back in Angola, he befriended two inmates also serving time for robbery, Herman Wallace and Albert Woodfox. They had recently founded the nation’s first prison chapter of the Black Panther Party, and invited him to join. Under their tutelage, King started cracking books—the Bible, philosophy, and especially law—and leading political discussions and hunger strikes.

Angola was a war zone in the 1970s. Roving gangs raped vulnerable inmates and forced them into prostitution. Stabbings occurred on an almost daily basis. When a young white Freeman joined the list of fatalities, after being knifed 32 times, Wallace and Woodfox were pinned with the blame—despite dubious testimony from a witness who was legally blind, another who was on antipsychotic medication, and a third whom the warden had bribed with a carton of cigarettes a week for life. Wallace and Woodfox were exiled to Closed Cell Restriction, Angola’s isolated chamber. King soon shared their fate, after he was falsely accused of murdering a fellow inmate. In time, these Panthers would be christened “the Angola Three” by activists and championed by human rights groups such as Amnesty International. Back then, however, they felt as though they’d just been sucked down a hellhole, never to resurface.

The first years of solitary were the hardest. Denied even exercise privileges, King did crunches, jumping jacks, and pushups in the skinny plot between his toilet and cot. He read. He wrote. He paced. Most of his family had either died or wandered away, so letters were scant and visitors nonexistent. Other inmates lived on his cellblock, but he could

(Continued on page 39)
only communicate with them by passing notes or shouting—and if caught, he’d be thrown in the “dungeon,” a darkened room without a mattress or even a blanket, for weeks at a time. Black Pantherism became King’s touchstone. He meditated on its tenets like a lotused monk.

A sweet tooth inspired a risky hobby: candy making. Having learned a few culinary tricks from Angola’s chief cook years earlier, King fashioned a stove out of scraps of metal and wire, transformed Coke cans into a pot, and, using toilet paper for fuel, started cooking confections atop his toilet seat (so he could quickly conceal the contraption inside the bowl to avoid detection, if need be). Before long, inmates were sneaking him pats of butter and packets of sugar stashed at breakfast, while Freemen smuggled in bags of pecans. King’s pralines grew famous; requests streamed in all the way from Angola’s death row.

The bulk of King’s time, however, was devoted to a thick stack of law books, in hopes that the contents might free him. Eventually, in 1975, he was able to win a retrial for the murder. Another man testified to doing the killing solo, but an all-white jury convicted King again anyway. Back in solitary, King wrote a flurry of letters—signed “the Angola 3”—that landed in capable hands. Human rights groups began to champion the trio’s cause, while top lawyers adopted their cases pro bono. After a great deal of legal wrangling, in 2001 King’s advocates won him a reprieve of sorts: He could walk if he promised not to sue for wrongful conviction. He agreed—though as he stalked out the gate, he paused to shout, “I may be free of Angola, but Angola will never be free of me!”

The cases of Wallace and Woodfox have proven more difficult. Angola’s warden has repeatedly accused the two of “still trying to practice Black Pantherism,” which he has likened to the doctrines of the Ku Klux Klan. The men briefly rejoined the general prison population after a 2008 visit from Representative John Conyers (D-Mich.), but have since been returned to isolation. Wallace and Woodfox have now endured more time in solitary confinement than anyone in U.S. penal history: 40 years each, as of April.

Angola Three lead counsel George Kendall and his team are currently pursuing two legal cases in the Louisiana courts, one of which argues that indefinite solitary confinement violates the constitutional guarantee against cruel and unusual punishment. His clients hope to live to see the outcome, but the odds are formidable: Approximately 85 percent of Angola’s inmates die in captivity. Wallace turned 70 in October. Woodfox has blood pressure so high that once a nurse who was administering a medical exam checked her machine to make sure it wasn’t broken. But according to Kendall, the two men are still mentally sharp. “I really braced myself for our first meeting,” he admitted to me in an interview. “I thought that after so many years in solitary, they’d be lying on the floor sucking their thumbs. But no: You are still able to have a conversation with them about what is happening in the Middle East. By sheer determination, they have not let this confinement crush them.”

After he was released with nothing but a one-way bus ticket and a few rumpled bills in his pocket, King moved to New Orleans to forge a new life—only to lose everything he’d cobbled together in the floodwaters of Hurricane

(Continued from page 38)
Katrina. “I cried more during those first two weeks after Katrina than I did the whole time I was in Angola,” he said, shaking his head.

Texan friends rescued him in a boat and helped him relocate to Austin. He travels at least two weeks a month campaigning for the release of Woodfox and Wallace. Speaking engagements cover most of his bills, as do profits from the pralines he perfected in prison and now sells over the Internet. They arrive in a package stamped with a sleek black panther and labeled “King’s Freelines.”

Four years have passed since my car ride with Joe Loya. Curious how he was faring, I called him in January. His daughter is a vivacious kindergartener now; he has been happily married for 13 years. Several of his television and movie scripts are being shopped around Hollywood.

Yet Loya still feels solitary’s grip now and then. In 2003, hallucinations so haunted him that he checked into a hospital for eight days. He has developed a case of tinnitus and sometimes hears sounds like the rumbling of a crowd, a reminder of those long days in solitary he had recalled the day he drove me through Oakland.

“At first, you think it is only blood rushing in your head, but then the silence just gets sucked out your ear. Literally. There is a suction sound. Eventually, you start hearing radio static, and it grows louder and louder. Before long, you can’t eat. You can’t sleep. You’re f***ing drowning in sound. After a few months of that, you realize there’s no such thing as silence anymore.”

THURSDAY JULY 12, 2012

HEARING CONCERNING JUVENILES SERVING LIFE IN PRISON!

It has been brought to the attention of the Human Rights Coalition that the Senate Judiciary Committee will hold a public hearing to receive testimony regarding the United States Supreme Court’s decision, Miller v. Alabama. The public hearing will be held on Thursday, July 12, 2012, beginning at 10:00 a.m. in Hearing Room #1 of the North Office Building, Harrisburg, PA 17120-3012.

On June 25, 2012, the Supreme Court considered whether a mandatory sentence of life without the possibility of parole is an appropriate sentence for a juvenile convicted of murder. The court held that a mandatory sentence of life without the possibility of parole violated the Eighth Amendment’s ban on cruel and unusual punishment.

This case will have a major impact on Pennsylvania’s criminal justice system as Pennsylvania leads the nation in the number of juveniles convicted of first or second degree murder and serving mandatory LIFE sentences.

The public hearing will give the witnesses a chance to discuss with the committee how Pennsylvania and, specifically, the General Assembly should respond to this case.

The Human Rights Coalition urge supporters of juveniles serving LIFE in prison to attend this hearing by any means necessary. The date is fast approaching, so we ask that you please proceed with urgency. Call (267) 331-6001 for transportation information.

Sincerely,
Patricia Vickers
HRC
Letter from Graceville, Florida Prisoner Thanking HRC

28 May 2012

“We don’t have to be defined by the things we did or did not do in our past.”

Old Irish Proverb

TO: Human Rights Coalition
   4134 Lancaster Avenue
   Philadelphia, PA 19104

From: Don D. Wood No7964
      5168 Ezell Rd
      Graceville, Fl. 32440

Greetings,

I hope this finds you well and in the very best of health.

I wanted to thank you personally for all your time, your efforts, your sacrifices made in helping so many of us in these foul places. Without you many would not have a voice. Without you many wouldn’t be able to find the help they need once released. Without you many Americans would not know of the fights of so many of us. Thank you on behalf of so many.

God’s blessing of love, joy, peace, hope and happiness be yours.

In humble service

Don D. Wood
Murder of John Carter at SCI Rockview PA

http://hrcoalition.org
HRC Prison Report 5/18/12

Pennsylvania state police allege no foul play in death of John Carter as prisoners demand justice: On Thursday May 10, the Pennsylvania State Police released a statement regarding the investigation of the death of prisoner John Carter at SCI Rockview.

According to the statement, Carter was found “unresponsive in his cell”, but goes on to describe that he had “barricaded himself in his cell and refused numerous orders” which precipitated “the DOCs response to the inmate’s cell”. The response that the statement refers to but does not mention was a cell extraction that officials at SCI Rockview confirmed took place the day that John Carter died. The Pennsylvania State Police, who are in charge of the investigation of any prisoner death not determined to be from natural causes, also failed to mention the use of pepper spray or electroshock weapons in their May 10 statement. It is the practice of the PA DOC for guards in full riot gear to wield both weapons during the cell extraction of a prisoner. Numerous prisoners have also reported to the Human Rights Coalition that the day John Carter died, guards used three canisters of pepper spray and a stun shield during the cell extraction. Despite these reports, the PA State Police alleged that “Evidence including video evidence of the incident, does not indicate any foul play at this time.”

Reports received by HRC from SCI Rockview in the last three weeks portray prison officials as callous and abusive, and indicate that a decision was made almost immediately after the lethal cell extraction to allege that the death of John Carter was a suicide instead of a homicide. One prisoner reported that Carter was “murdered . . . here in this RHU torture zone, where guards come the tier calling people racial slurs.” The report also states that when Carter was cell extracted on April 19—one week before the extraction of April 26—guards were heard yelling “f*** him up” several times as the extraction team rushed into his cell.

This eagerness to engage in brutality was also evidenced in the April 26 extraction when Carter agreed to be handcuffed and peaceably led out of his cell, and was instead told by Lieutenant Sutton: “You should’ve come out of the cell when we told you the first time.” Guards continued to pump pepper spray into Carter’s cell after Sutton’s statement. Lieutenant Sutton has also reportedly stated that Carter “deserved everything he got.”

Other information received by HRC stated that SCI Rockview’s Superintendent Marirosa Lamas appeared in the RHU soon after Carter died and alleged that he had committed suicide. Superintendent Lamas appeared at a Muslim prayer service in the prison the day after the cell extraction and repeated the allegation that Carter’s death was a suicide.

(Continued on page 44)
In the weeks since the death of John Carter, the Human Rights Coalition and Carter’s family have both received numerous letters attesting to John’s good character and strong spirit. John had been held in solitary confinement in several different prisons for the last ten-to-eleven years, but continued to help others. A prisoner at SCI Rockview wrote of Carter: “He was a person of integrity. He did not believe in abuse of others, especially the abuse of prisoners from prison guards. If he could help someone in understanding the law, he was there. And he had a lot of patience with others, especially the mentally impaired.” Another prisoner from SCI Camp Hill stated: “Its no question in my mind. He died fighting against oppression. His name and memory will not be forgotten.” Carter’s death has been a shock to many prisoners, and they want justice for him; “Why isn’t there a big investigation, an outrage about John Carter’s death like there is about Trayvon Martin? John Carter was black, he was someone’s son and he died senselessly. Let not his death go in vain,” said an SCI Frackville prisoner. Many of the letters received simply shared memories of Carter, who was sentenced to life in prison at the age of sixteen and spent half of his life there, but continued to be a strong and loving person. Another prisoner said there were three words for John; “Loyalty, intelligence, fearless.” A man incarcerated at SCI Huntingdon wrote to his departed comrade: “You’ve made that transition to the other side, wherever that may be. But what I say shall come to pass, for it is written J-Rock, that children of the night shall forever find each other in the dark.” He will be missed.

One of those writing from inside SCI Rockview ended his report with the following expression of outrage and call for solidarity: “We’re in here dying, getting murdered, beat, starved to death, abused, threatened, and our rights as human beings are being violated. When will it stop? Who’s going to help us receive justice?”

HRC PA Prison Report - May 21, 2012

**More Details in the Killing of John Carter:** Human Rights Coalition has received a detailed report outlining the events leading up to the cell extraction, the extraction itself, and the aftermath of Carter’s murder. The report reiterates the fact that the cell extraction and subsequent murder were in retaliation towards Carter protesting his denial of a dinner tray. The denial of his dinner is the reason Carter had covered his cell door window. Contrary to the DOC’s statement that he “refused numerous orders”, Carter was never ordered beforehand to remove the door covering. Instead, a forcible cell extraction was ordered.

Earlier on the day of Carter’s murder, prison guard Sherman told another prisoner in the Restricted Housing Unit (RHU), “Your buddy is going down tonight.” Immediately before the cell extraction took place, Sutton turned on an “extremely loud” fan, intended to be used after cell extractions to suck the OC gas (pepper spray) out of the atmosphere. “The fan served only to make noise, knowing that all RHU prisoners’ witness accounts in such situations are based on what we can hear,” writes a prisoner in the RHU.

After spraying an excessive amount of OC gas into Carter’s cell (more than the DOC’s own policy allows), prison guards tried to enter his cell, but realized the door was jammed. After repeated attempts to open the door, more OC gas was sprayed into the cell. In total, it is reported that the guards sprayed gas into Carter’s cell at least ten times. The DOC nurses present in the RHU at the time never attempted to intervene or caution the guards about the excessive amounts of OC gas being used.

(Continued on page 45)
Finally, Carter’s door was taken down and 6 guards in riot gear and gas masks rushed in, pinned Carter to the ground, and reportedly electro-shocked him “at least seven times.” This is also in direct contrast to the DOC’s press release that stated Carter was “found” unresponsive in his cell. It is apparent, however, that Carter left his cell unresponsive. Writes a witness: “Carter was then dragged out of the cell by his knees with his head dragging along the floor, out into the hallway.” The witness also reports that prison guard Sutton ordered that the camera which had been filming the extraction be cut off at this time.

Immediately after Carter’s body was taken to the hospital, Sutton and other prison guards ordered the cleaning of Carter’s cell. OC soaked items were removed, and the cell was watered down and mopped. This tampering of the crime scene left no evidence for further investigation surrounding the events that took place.

The following is a statement by a prisoner in the RHU: “The murder of John Carter on April 26, 2012 is deeper than ‘a cell extraction occurred in the RHU and a man died.’ His death exemplifies what Carter himself and many others have endeavored to expose for years: that solitary confinement is a dark hole where anything goes. There is no accountability for rogue prison guards and top officials turn a blind eye to the abuse, dismissing abuse claims in rote fashion. This only encourages the perpetrators to continue breaking the law...Prison guards are part of a system that endeavored to uphold an image of professionalism. They will cover-up and protect that image no matter what.”

Many in Rockview’s RHU are afraid that they are next to die, as many prison guards have added to the already hostile environment by making light of Carter’s death. Racially charged verbal and physical abuse continues to be the norm.

---

**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"_
In Memory of John Carter
Born 8/5/1979
Entered DOC at age 16 - 10/30/1995
Completed sentence of Death in Prison
April 26, 2012

John sent the following letter to members of the United States House of Representatives in June, 2009

Dear Sir,

I pray my letter has found you in the best of health and performing honorable deeds as a Representative of the people in our government. I am sending this correspondence to you in the interest of continuing an honorable and morally righteous government, and to maintain public confidence in those elected to govern us citizens of the United States.

The Bill H.R. 2289 has been introduced in the house of Representatives by Rep. Robert Scott, which is intended to remedy the cruel punishment of condemning children to spend the rest of their lives in prison for offenses they committed as Juveniles, by mandating the states to provide eligibility for children in such circumstances. It would be an honorable act for you to show empathy towards such children by voting in favor of passing into law Bill H.R. 2289.

I have been a Juvenile lifer, a child sentenced to life imprisonment without eligibility for parole, for partaking in a robbery of an innocent man who was incidentally killed. My co-defendant was found guilty of taking the victim’s life and sentenced to life in prison. Because of the Felony-Murder Rule law of Pennsylvania, I was given a mandatory life sentence though the trial had made clear that I had not actually taken a person’s life. Deep in my heart I know I am not a murderer, but I also know that my delinquent behavior of even participating in a senseless robbery contributed to the victim’s loss of life. So I am not completely innocent, but the immature reckless mind I possessed as a youth was only the reflection of my undeveloped corrupt childish mind. There’s no excuse for my destructive mentality, but the truth of reality is that I didn’t possess a true understanding of life and the respect man is to show to man. As a child I simply mimicked the negative elements of my criminal community. No influential father figure was present in my life to instill in me moral respect for the next man, woman or child, so my father figure became my corrupt environment. I was impressionable as all children are and only follow the trend of what we are exposed to in our community unless there is a more powerful influence to guide us on a righteous path. No righteous guider existed for me and as a result I became a corrupt product of my environment.

(Continued on page 47)
Now years go by as I struggle to evolve and mature within a cell I now view as my casket. Some days I’m hopeless ... some days I’m focused. But everyday I realize that after 14 years I am no longer growing ... I am deteriorating — emotionally, physically, psychologically, and spiritually. Instead of living, I simply exist until my heart stops beating, my lungs stop breathing, and my soul is called to the next life. I ask myself on occasion—is this the form of damnation other human beings wish upon troubled youth? Are we in a society that believes in a forgiving God, but the same society will turn around and be UNFORGIVING to a child’s trespass?

A God-loving society and government is a society and government which reflects the characteristic of God and man. This is a natural truth. The characteristic of FORGIVENESS is a manifestation of God, and accordingly FORGIVENESS is a manifestation of man who has been created in the likeness and image of God. If you find this to be truth, I ask for your forgiveness on behalf of myself, my fellow Juvenile Lifers, our families, our supporters, and those in the public and government who understand the Juvenile Lifers’ condemned predicament.

Please support, sponsor, and vote in favor of passing into law Bill H.R. 2289 to ensure Juvenile Lifers the eligibility of parole, so that we may have the opportunity to show the public and our government that as men and women, we are no longer the immature reckless children we were, but are now intelligent and conscious human beings who can live a productive and righteous life within our nation.

Thank you ... for taking the time to understand a Juvenile Lifer.

Sincerely,

John Carter
ABOUT PEPPER SPRAY

By Deborah Blum

A Pulitzer-prize winning science writer and a professor of journalism at the University of Wisconsin. She has written five books – most recently The Poisoner’s Handbook: Murder and the Birth of Forensic Medicine in Jazz Age New York. Earlier books concern supernatural research, the science of love and affection, the biology of sex differences, and ethical issues in primate research.

November 20, 2011

One hundred years ago, an American pharmacist named Wilbur Scoville developed a scale to measure the intensity of a pepper’s burn. The scale puts sweet bell peppers at the zero mark and the blistering habenero at up to 350,000 Scoville Units.

I checked the Scoville Scale for something else yesterday. I was looking for a way to measure the intensity of pepper spray, the kind that police have been using on Occupy protestors including this week’s shocking incident involving peacefully protesting students at the University of California-Davis.

As the chart makes clear, commercial grade pepper spray leaves even the most painful of natural peppers (the Himalayan ghost pepper) far behind. It’s listed at between 2 million and 5.3 million Scoville units. The lower number refers to the kind of pepper spray that you and I might be able to purchase for self-protective uses. And the higher number? It’s the kind of spray that police use, the super-high dose given in the orange-colored spray used at UC-Davis.

The reason pepper-spray ends up on the Scoville chart is that – you probably guessed this - it’s literally derived from pepper chemistry, the compounds that make habaneros so much more formidable than the comparatively wimpy bells. Those compounds are called capsaicins and – in fact – pepper spray is more formally called Oleoresin Capsicum or OC Spray.

But we’ve taken to calling it pepper spray, I think, because that makes it sound so much more benign than it really is, like something just a grade or so above what we might mix up in a home kitchen. The description hints maybe at that eye-stinging effect that the cook occasionally experiences when making something like a jalapeno-based salsa, a little burn, nothing too serious.

(Continued on page 49)
Until you look it up on the Scoville scale and remember, as toxicologists love to point out, that the dose makes the poison. That we’re not talking about cookery but a potent blast of chemistry. So that if OC spray is the U.S. police response of choice – and certainly, it’s been used with dismaying enthusiasm during the Occupy protests nationwide, as documented in this excellent Atlantic roundup - it may be time to demand a more serious look at the risks involved.

My own purpose here is to focus on the dangers of a high level of capsaicin exposure. But as pointed out in the 2004 paper, Health Hazards of Pepper Spray, written by health researchers at the University of North Carolina and Duke University, the sprays contain other risky materials:

Depending on brand, an OC spray may contain water, alcohols, or organic solvents as liquid carriers; and nitrogen, carbon dioxide, or halogenated hydrocarbons (such as Freon, tetrachloroethylene, and methylene chloride) as propellants to discharge the canister contents.(3) Inhalation of high doses of some of these chemicals can produce adverse cardiac, respiratory, and neurologic effects, including arrhythmias and sudden death.

Their paper focuses mostly, though, on the dangerous associated with pepper-based compounds. In 1997, for instance, researchers at the University of California-San Francisco discovered that the “hot” sensation of habeneros and their ilk was caused by capsaicin binding directly to proteins in the membranes of pain and heat sensing neurons. Capsaicins can activate these neurons at below body temperature, leading to a startling sensation of heat. Repeated exposure can wear the system down, depleting neurotransmitters, reducing the sensation of the pain. This knowledge has led to a number of medical treatments using capsaicins to manage pain.

Its very mechanism, though, should remind us to be wary. As the North Carolina researchers point out, any compound that can influence nerve function is, by definition, risky. Research tells us that pepper spray acts as a potent inflammatory agent. It amplifies allergic sensitivities, it irritates and damages eyes, membranes, bronchial airways, the stomach lining – basically what it touches. It works by causing pain – and, as we know, pain is the body warning us of an injury.

In general, these are short term effects. Pepper spray, for instance, induces a burning sensation in the eyes in part by damaging cells in the outer layer of the cornea. Usually, the body repairs this kind of injury fairly neatly. But with repeated exposures, studies find, there can be permanent damage to the cornea.

The more worrisome effects have to do with inhalation – and by some reports, California university police officers deliberately put OC spray down protestors throats. Capsaicins inflame the airways, causing swelling and restriction. And this means that pepper sprays pose a genuine risk to people with asthma and other respiratory conditions.

And by genuine risk, I mean a known risk, a no-surprise any police department should know this risk, easy enough to find in the scientific literature. To cite just three examples here:

1) Pepper Spray Induced Respiratory Failure Treated with Extracorporeal Membrane Oxygenation
2) Assessing the incapacitative effects of pepper spray during resistive encounters with the police.
3) The Human Health Effects of Pepper Spray.

That second paper is from a law enforcement journal. And the summary for that last paper notes: Studies of the effects of capsaicin on human physiology, anecdotal experience with field use of pepper spray, and controlled exposure of correctional officers in training have shown adverse effects on the lungs, larynx, middle airway, protective reflexes, and skin. Behavioral and mental health effects also may occur if pepper spray is used abusively.

Pepper spray use has been suspected of contributing to a number of deaths that occurred in police custody. In mid-1990s, the U.S. Department of Justice cited nearly 70 fatalities linked to pepper-spray use, following on a 1995 report compiled by the American Civil Liberties Union of California. The ACLU report cited 26 suspicious deaths; it’s important to note that most involved pre-existing conditions such as asthma. But it’s also important to note a troubling pattern.
In fact, in 1999, the ACLU asked the California appeals court to declare the use of pepper spray to be dangerous and cruel. That request followed an action by northern California police officers against environmental protestors – the police were accused of dipping Q-tips into OC spray and applying them directly to the eyes of men and women engaged in an anti-logging protest.

“The ACLU believes that the use of pepper spray as a kind of chemical cattle prod on nonviolent demonstrators resisting arrest constitutes excessive force and violates the Constitution,” wrote association attorneys some 13 years ago.

Today, the University of California-Davis announced that it was suspending two of the police officers who pepper-sprayed protesting students. Eleven of those students were treated by paramedics on scene and two were sent to a hospital in Sacramento for more intensive treatment.

Undoubtedly, these injuries will factor into another scientific study of pepper spray, another acknowledgement that top of the Scoville scale is dangerous territory. But my own preference is that we start learning from these mistakes without waiting another 13 years or more, without engaging in yet another cycle of abuse and injury.

Now would be good.

Www.blogs.scientificamerican.com/guest-blog/2011/11/21
Former Longtime PA House Democratic Leader DeWeese Begins Serving Time In Prison

In February 2012, a jury convicted former longtime Democratic House Leader Bill DeWeese of conspiracy, conflict of interest and three counts of theft for using public resources for political purposes.

On May 14, 2012 DeWeese began serving a 2 1/2 to 5 year prison term for corruption. DeWeese, 62, reported to Dauphin County Prison in Harrisburg. His next stop is expected to be at Camp Hill State Prison before he’s assigned to a “designated institution” within the PA Dept. of Corrections.

The former Greene County lawmaker, turned lawbreaker, served in the PA House of Representatives for 35 years as a corrupt politician, including two years as Speaker of the House.

******

Ex-Inmate Awarded $312,000 for Injuries

An Erie County jury has awarded a Philadelphia man, Derrick Jones, also know as Derrick Alexander, $312,000 for injuries he suffered while he was imprisoned at SCI-Albion.

With the verdict, the jury found that the private health care provider in the prison, Prison Health Services Inc., was negligent in the care it provided former inmate Derrick Jones, after he first broke his ankle and then while still in a cast, fell down a flight of stairs in 2006.

Jones, 41, obtained medical test upon his release from prison in 2007 which confirmed he had suffered herniated discs and knww ligament tears as a result of the fall from a flight of stairs in prison. He will suffer lifelong complications from the injuries which experts said, were not properly treated whiles Jones was in prison.

******

Bipartisan Coalition Fights for PA Prison Reform

The group, led by former Governor George Leader, wants solutions quickly passed through the Pennsylvania Legislature to help offenders and taxpayers. The recommendations to fix Pennsylvania’s Prison Crisis, made by former Gov. Leader and a bipartisan coalition led by the Commonwealth Foundation, were to fix the inefficiencies in the PDOC that keep prisoners behind bars for months after they’ve been paroled, to fix the PDOC’s community correction centers that have been shown to make the inmates who go through them more likely to commit another crime, to start evaluating criminal’s risk to re-offending before the judge passes sentence to make sure the right punishments are applied to the right people, to support problem solving courts such as drug court, mental health court and veterans’ court, to overhaul county probation programs, to expand the use of electronic monitoring for non-violent offenders, and to let people on probation and parole earn good time credit for paying restitution and complying with the rules.

Oakland people’s trial
Police department charged with genocide

By Terri Kay
Oakland, Calif.
Published May 10, 2012

A Court for Black Justice and Reparations was held in East Oakland by the International Peoples Democratic Uhuru Movement (InPDUM). The charge against the Oakland Police Department was “Colonial genocide of the African community,” with arguments for the prosecution led by People’s Advocate, Diop Olughaba, Oakland Freedom Summer Project chair and international president of InPDUM.

Directly before the May 5 trial, a March for Black Justice went down MacArthur Boulevard, ending at the Uhuru House. Marching through the community, people chanted: “OPD you can’t hide, we charge you with genocide!” “Justice for Oscar Grant!” and “Long live Lovelle Mixon!” (Mixon killed four OPD cops months after the murder of Oscar Grant and was subsequently killed by the OPD.)

In opening the trial, Diop explained that guilt would be determined based on the legal standards of InPDUM’s 52-point program. He said that police are part of the repressive apparatus of the state, to protect the interests of those who have against those who have not.

An attempt was made to serve a subpoena for testimony on OPD chief, Howard Jordan, during a public event held by the OPD. In the process, Bakari Olatunji, a 20-year veteran of the Uhuru Movement, was arrested. He is being held on $25,000 bail on charges of threatening an officer.

Elaine Brown, former chair of the Black Panther Party, provided the first testimony at the trial, on the “Counterinsurgency against the Black Power Revolution of the 1960s.” Brown explained that crime is political, not moral, as evidenced by the awarding of medals for killing people in Afghanistan. She talked about the counterintelligence program of the FBI, known as Cointelpro, and how it was used against the BPP.

Brown went on to say that the BPP “couldn’t be part of the scheme that oppressed us — capitalism.” They were socialists. She described how the FBI hired agents to infiltrate the BPP and instigate people so as to get them charged with conspiracies. Brown reminded the crowd that Jamil Abdullah Al-Amin, formerly known as H. Rap Brown, chair of the Student Nonviolent Coordinating Committee (SNCC), then minister of justice for the BPP, is currently serving a life sentence in prison.

(Continued on page 52)
sentence in a supermax prison convicted of the shooting of two sheriff’s deputies.

‘Constitution not written for us’

Brown wrapped up her testimony by talking about how the BPP had to spend most of its first three years defending people who were arrested. She said, “The Constitution was never written for us” and that judges were part of the same system as the police.

Others who testified included Mike King, from Occupy Oakland, who talked about how attacking the OO camp took legitimacy from the cops and gave it to OO. He said the OPD was now using a more targeted approach, with Homeland Security involved. Other testimony came from Cephus Johnson, uncle of Oscar Grant; Enjoli Mixon, sister of Lovelle Mixon; and Maureen Wagener, who spoke about the “economic quarantine” of the African-American community.

Johnson spoke about Grant’s murder by the Bay Area Rapid Transit police. He said BART police go to the same academy as the OPD and work from the same playbook. He pointed out that Grant and his friends were wearing hoodies, just like Trayvon Martin, and described how police officers on the BART platform shouted racial epithets at Grant. “It’s a racist criminal justice system,” Johnson said, “up and down the line.”

Johnson testified that no African Americans were on the jury in the trial of Johannes Mehserle, the BART police officer found guilty only of involuntary manslaughter in Grant’s murder. Every one of the Black prospective jurors was excluded. The venue was changed from Oakland, where the killing happened, to Los Angeles.

The jury, said Johnson, was denied the right to see all the evidence, such as Mehserle’s past history of police misconduct. After the jury rendered its verdict, the judge modified the jury’s verdict to the benefit of Mehserle. Johnson proclaimed, “This whole system should be destroyed and rebuilt. So I say, study this system, feel the pain, and be a part of the movement to change it.”

********

Decarcerate PA, demands an end to corporate prison pandering

By Cory V Clark

Monday, May 14, 2012

Philadelphia, PA – April 5th, 2012 Decarcerate PA held a series of marches and rallies beginning at 2:55pm in front of Gov. Corbett’s Philadelphia office at 200 South Broad Street. Where they announced there 3 Point Platform calling on the Governor and the State Legislature to stop building new prisons, reduce the number of incarcerated and reinvest the money saved in communities and the failing school systems.

They called on Governor Corbett to stop listening to big corporations and multinational banks, to stop building new prisons and fund education and social services. “Governor Corbett has cut education by 500 million dollars, in his recent state budget,” said Thomas Dichter.

Paola Pedreza – Rivera of Fight for Philly spoke at the rally as did leaders from other community organizations seeking to end the race to increase the size of the prison industrial complex in Pennsylvania, initiated by Jeffery Beards at the behest of Corrections Corporation of America and the GEO Group.

At 3:30pm they took to the streets marching north toward city hall.

On their way around city hall to the Criminal Justice center at 1301 Filbert Street, they met up with another rally that was being held for the release of Mumia. Where Pam Africa was speaking about the activist/journalist recent release from death row and calling for his commutation from a life sentence.

They continued the day’s events with a mock game of Criminal Justice Monopoly, where participants where put in prison based on the role of the dye. Several different Prisoners' and ex-offenders' Rights groups spoke about conditions and child incarceration calling on the repeal of Act 33, which allows the courts to automatically charge juveniles as adults for any crime. They also called on an end to the states mandatory sentencing policies.

“Mandatory Sentencing don’t allow for any mitigating circumstances,” said Atiba Kwesi, “Prosecutors have the power to impose mandatory sentences on people to pressure them in to taking deals they otherwise would have taken.” Kwesi is the Executive Director for And Justice for all, which helps former offenders get their records expunged.

Several youths from the youth empowerment community spoke out about youth incarceration, and life sentences imposed on children. “Prisons are a cycle, said Joshua Glenn, these laws are holding our communities down.

(Continued on page 53)
“According to the group Human Rights watch and the DOC’s own website the US gives more children Life With Out Parole than any other country in the world,” Said Glenn.

“They should change the name of this place to the auction bloc because they are selling us into slavery, said Wayne Jacobs co-founder of X-offenders empowerment referring to the Criminal Justice center, “masters once had us to throw the coals on the fire, now we’re the coals, were are now the gross national product in the United States.

They Ended the day with a march to Love Park at 4:45 were the metaphorically broke ground on the kind of world they envisioned for the future. Calling for a housing first policy, were those without a home can be placed in an apartment regardless of their mental state or addiction situation.

The reason being that it is easier for the mentally ill or addicts to get the treatment they need if they are in a stable living environment, where they are comfortable.

Philadelphia alone has approximately 40,000 abandoned buildings in the city all with multiple units, more than enough to house every homeless person in the city and effectively end homelessness now in Philadelphia. This would also put tens of thousands of people back to work in construction related fields and tens thousands more indirectly in supportive and service related work.

“We’ve got to refuse to accept the con-game they have perpetuated for far too long,” said Ramona Africa, “these officials hallucinate that they have power, but the power is in us, there is no savior because we have to save ourselves.”

Ramona Africa is the only adult surviving member of MOVE, whose West Philadelphia neighborhood was bombed killing entire families. To date none of the officials responsible have ever seen a prison cell.

“Revolution starts inside, it starts with self, with understanding that you’re your own savior,” said Africa.

Fifty different organizations have endorsed the platform including organizations that work on a range of issues such as quality public schools, Workers Rights, Civil Libertarians, immigration reform, service provider, prisoners, and formerly incarcerated persons.

Decarcerate PA is seeking an immediate and lasting moratorium on all new prisons and prison expansions. “This is our mass movement against mass incarceration,” said the Organization on their Facebook page.

The group was formed in 2011 in response to the proposed 685 million dollar expansion of the Pennsylvania prison system. The much of the money for the prison system came out of the more than 500 million dollar cuts to education and services that came from the Governor's budget proposal that was passed by the state House and Senate earlier this year.

The race to expand and build more prisons in Pennsylvania has hit our state hard, cutting much needed funding to programs such as Food Stamps, Medicaid and Education for our youth, that would help the most vulnerable in our communities. “We all suffer whether here in Philadelphia or Pittsburgh or anywhere else in the country,” said the Executive Director of the Pennsylvania Prison Society, Bill, “ the public is less safe warehousing all of these people, it's a wonder any of them come out and don't commit crimes.”

SCI Graterford near Collegeville in set to have two new State of the Art Maximum Security Prisons built on the grounds of the old one, with another Scheduled to be built at SCI Rockview each at around 200 million apiece. Former Secretary of the Dept. of Corrections Jeffrey Beards initially proposed the expansion before he left the office.

However; its Gov. Corbett's corporate pandering that has pushed this expansion forward, it is the GEO group that stands to make the billions of dollars that would come out of the expansion and eventual privatization of the Pennsylvania Corrections System.

Wells Fargo is the most powerful investor in GEO controlling 5.54 percent through Wells Fargo & Company and 3.87 percent through Wells Fargo Small Cap Value Fund. The Bank Claims that the investment in GEO was made by Wells Fargo Mutual Funds on behalf of their clients, not by Wells Fargo and Company.

GEO Group is the second largest private prison company in the world contracted by state and federal government agencies.

Wells Fargo also has 50,000 share of another private prison company called Corrections Corp. of America (CCA). The functions of CCA and GEO include the building, financing and operating of prisons. Mass incarceration provides a gigantic income for one special interest group, the private prison industry. The annual income of the two corporations are 1.17 billion and 1.69 billion respectively.

GEO already owns and operates one prison in Pennsylvania in Upper Mount Bethel Township (Northampton, PA) and has proposed to build a 2,500 bed immigration detention center there as well.
For profit prisons are related to greater levels of violence towards prisoners and inhumane treatment in detention centers, according to a report by the American Civil Liberties Union. In Pennsylvania Between 2005 and 2009 at least eight people died at the GEO group-operated Privately run George W. Hill Corrections Facility in Delaware County, PA the states only privately run jail. Several of those deaths resulted in law suits by family members who say the facility did not provide adequate medical care or proper supervision for offenders. This prompted the company to pull out of its contract in December of 2008, citing “under-performance and frequent litigation” as the reasons.

Former GEO group employees failed to report prison conditions of bug infestation, the smell of urine and feces, water leaks and racially segregated inmates.

“Prisons have turned into a business for the rich,” said Esmeralda Valencia, owner of Esmeralda Restaurant in Brooklyn, NY. “Wells Fargo should not be investing our hard earned dollars to make profits off of the most vulnerable members of our society. Instead, they should be working to resolve this economic crisis and support immigrant neighborhoods.”

The United States now has more people in prison than any other country on earth. At over 2 million, the U.S. has a half million more people behind bars than China, which has the second highest number of prisoners.

Pennsylvania has the highest number per capita Prison population in the United States and holds more children in prison for life without the possibility for parole than all other countries combined according to Human Rights Watch. This includes countries that are considered the worst human rights violators by the U.S. Ninety-eight percent of those convictions came through a plea deal, often without the defendant knowing the full impact of a guilty plea, in clear defiance of Supreme Court Rulings, and most often at the threat of more time if s/he tried to take the charges to trial.

Leading to more innocently incarcerated, where sometimes the law in which they are charged with doesn't even apply to them or the situation.

Will the Corporate shills in Harrisburg stop at nothing to turn a profit for their masters, even as they make slaves out of our mothers, fathers, sons, daughters, friends, husbands and wives? “It seems that banks want to profit on all of society’s ills whether taking money from schools or the prison industrial complex,” said Nathan Kleinman a democratic Congressional candidate who's running as a write in on the ballot.

******

PA State Senator Jane Orie Found Guilty of Corruption

On June 4th State Senator Jane Orie was found guilty of 14 counts in her political campaign corruption trial. An Allegheny County judge, on Monday, sentenced former State Senator Jane Orie to 2 1/2 to 10 years in prison because she tried to cover up her scheme to use state staffers to churn out political campaign victories while in office.

Orie, who once was a prosecutor in the courthouse, will head to SCI-Muncy in Lycoming County for processing. Her sisters, Supreme Court Justice Joan Orie Melvin was charged with nine criminal corruption charges on May 18 and sister Janine Orie criminal corruption trial is set to begin on August 13th.

The third sister worked in the office of her sister the Supreme Court justice and reportedly is also facing criminal charges, although the third woman above is probably not her - she looks too normal. Photo - Democraticundeerground.com
Your Legal Corner

We accept legal articles that educate and empower families of prisoners their constitutional rights and laws, and how to deal with the police, lawyers and the courts on behalf of their loved ones just forward your article to the HRC's newsletter department for possible printing.

JAFAR SAIDI AM-0708
1600 WALTERS MILL RD.
SOMERSET, PA 15510

October 5, 2011

H.R.C.
ATTENTION: NEWSLETTER COMMITTEE
C/O LAVA SPACE
4134 LANCASTER AVE.
PHILADELPHIA, PA 19104

Greetings:

I am sure you hear many complaints from prisoners concerning the arbitrary and overly zealous decisions of the incoming publication committees (IPRC) when reviewing incoming publications. These staff members are charged with applying DOC policy 803 criteria in the review process, however, it is apparent that many deny publications solely on the basis of their biases and parochialism.

Unfortunately, we prisoners contribute to the problem by not appealing each and every decision denying a publication through to the final review stage at Camp Hill. When the mailroom and IPRC staff realize that we have become so passive as to accept these decisions without challenge, they realize that there is unlikely to be any negative repercussions for their abuse of authority.

Recently I was able to make some headway against this state of affairs here at S.C.I. Somerset. Perhaps you might want to publish the enclosed piece from the September 26, 2011 issue of The Nation Magazine which details the process we went through in holding these people's feet to the fire. I am certain that other prisoners have similar issues at their camps. Perhaps this information might assist them in confronting and knocking down some of the barriers they face.

In closing, I want to extend my heartfelt appreciation for your tireless efforts in the struggle for social justice for us all.

A Luta Continua.

---

Continue reading on page 60 for Sept. 26, 2011 article mentioned in above letter.
THE NATION, UNCENSORED: In September 2010 Jafar Saidi contacted The Nation to say that after experiencing “interruptions and inordinate delays” with his subscription, he learned that the magazine had been placed on the “Publication Denial” list at the State Correctional Institute in Somerset, Pennsylvania, where he is incarcerated. At first it was unclear why his subscription was being denied—was The Nation being confused with the Nation of Islam (an occasional misperception)? Did Republicans lurk in the mailroom? Or was The Nation simply backlogged on a list of publications waiting to be reviewed, as one SCI-Somerset document suggested?

For a year, Saidi, a paying subscriber, filed grievances and appeals with the prison, all of which were denied. A letter from The Nation to superintendent Gerald Rozum explained that the magazine has no ties to the Nation of Islam and “we do not support inflammatory racist content.” Back and forth the letters went: Saidi would write to say which Nation issues had been denied, attaching copies of the notices of denial. One appeal was dismissed as “frivolous.” The February 14 issue contained “writings that advocate violence, insurrection or guerrilla warfare against the government or any of its facilities”; the March 28 issue had “writings which advocate, assist or are evidence of criminal activity or facility misconduct”; and the April 18 issue was denied for its “racially inflammatory material.”

In June, The Nation contacted John Wetzel, secretary of the Pennsylvania Department of Corrections, who upheld the decision, citing “racially inflammatory” content that may “pose a threat to the inmates, staff, or facility security.” A string of e-mails followed between The Nation, the DOC and KeyPoint Governments Solutions, an independent agency that investigates facility security, among other things. At KeyPoint’s prodding, the DOC re-examined its findings; Wetzel agreed that SCI-Somerset was “way over the top” in its denial; and in a final letter dated July 29, Rozum reversed the denial.

In a letter of appreciation, Saidi wrote, “I have always found The Nation full of insight into the powerful political and social forces driving this country, and I eagerly anticipate each weekly issue.” Almost one year later he can finally read the content he paid for, and the inmates at SCI-Somerset will now be able to read consecutive issues of The Nation for the first time since 2009.

********

CONFISCATION OF THE MOVEMENT: The Human Rights Coalition has received many letters saying that THE MOVEMENT is being confiscated. The reasons vary — none are true.

The Movement is a newsletter whose mission is to make the families of prisoners and prisoners aware of issues that concern them occurring inside and outside of prisons. The Movement’s goal is to promote transparency in regards to the criminal justice system (e.g. the Department of Corrections, courts, police, guards, laws). In addition The Movement is devoted to making the public aware of human rights violations executed against prisoners, right here, in the U.S.

The HRC will be seeking legal redress for the violations of its First and Fourteenth Amendments rights. To HRC is asking that PA prisoners do the following: 1. Notify HRC when their newsletter is censured by IPRC; 2. Immediately file a grievance when your newsletter is confiscated, appeal the IPRC decision to the Superintendent and to Final Appeal Review; 3. Mail HRC (Attention Newsletter Committee) a copy of your Final Appeal and the PDOC’s “Final Appeal Determination”.

Bro. Brooks at SCI-Frackville forwarded to HRC the results of his appeal (page 61). Bro. Brooks suggest that every inmate appealing the confiscation of their issues of The Movement should use grievance # 373513.

Even though inmates who failed to file a Petition for Review in the required 30 days from their final decision are time barred from now filing that petition, they can still file a declaration.

HRC Newsletter Committee
Your Legal Corner

We accept legal articles that educate and empower families of prisoners their constitutional rights and laws, and how to deal with the police, lawyers and the courts on behalf of their loved ones. Just forward your article to the HRC's newsletter department for possible printing.

Final Appeal Decision
Secretary's Office of Inmate Grievances & Appeals
Pennsylvania Department of Corrections
P.O. Box 598, 2520 Lisburn Road
Camp Hill, PA 17011-0598

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy," the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc.) may have been solicited in making a determination in response to your issue as well.

<table>
<thead>
<tr>
<th>Inmate Name:</th>
<th>George Brooks</th>
<th>Inmate Number:</th>
<th>AP4884</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCI Filed at:</td>
<td>Frackville</td>
<td>Current SCI:</td>
<td>Frackville</td>
</tr>
<tr>
<td>Grievance #:</td>
<td>373513</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publication (if applicable):</td>
<td>The Movement, #11, Summer 2011</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Decision:
- [x] Uphold Response (UR)
- [x] Uphold Inmate (UI)
- [ ] Uphold in part/Deny in part

It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response: Frivolous

This office reviewed this publication along with the Office of Chief Counsel and disagrees with the denial. The content of the publication was reviewed against the criteria listed in policy and there appears to be nothing which violates such policy. Therefore, this publication is being returned to SCI Frackville in order for it to be provided to you. This grievance is considered resolved.

Signature: [Signature]
Title: Chief Grievance Officer
Date: 8/18/2011

DLV/KLM

cc: Deputy Secretary Klopotoski
DC-15/Superintendent Collins
Grievance Office
Albion inmate wins First Amendment complaint against state prison
Judge: Drawing is protected speech
BY LISA THOMPSON, Erie Times-News, April 18, 2012

When a state prison inmate creates a piece of politically charged artwork, is it free speech or dangerous contraband subject to confiscation?

That is the question an Erie County judge has fashioned into a ruling after a three-year First Amendment legal battle between state prison inmate Leonard C. Jefferson and officials at the State Correctional Institution at Albion.

Judge John Garhart's view: Jefferson's flattering portraits of an armed Osama bin Laden -- in a prison setting at least -- deserve no protection under the U.S. Constitution.

An original drawing depicting justice-system officials in Ku Klux Klan garb, on the other hand, is legitimate political speech, the judge has ruled.

"While a prisoner may not, with art or speech, incite or inflame, he retains the right protected by the Constitution to criticize the system that put him there. From Cleaver to Kafka, from Dickens to Dostoyevsky, criticism of the justice system is a continuing theme in the human experience. And permitting such criticism, openly and without hostility, is a mark of a mature and free society," Garhart wrote.

As a result of the ruling, Jefferson, 64, will get to retain the original copy of his artwork titled "Sista-Matized."

Garhart, however, stopped short of granting Jefferson the $5,000 in damages he sought.

Jefferson's artwork had not been destroyed, and in fact, prison officials permitted Jefferson to keep a copy of it while his legal challenge was pending, Garhart noted.

Susan McNaughton, Department of Corrections spokeswoman, declined to comment on the ruling.

Jefferson is serving up to 20 years in prison on a 1994 aggravated-assault charge from Allegheny County, according to court records.

The artwork case began in July 2009 when prison staff seized three of Jefferson's drawings that had been rolled up tightly and stored in a wall locker.

Two drawings depicted an armed Osama bin Laden, the third, called "Sista-Matized" shows a female black corrections officer outside the cell of two inmates. It also depicts a black defendant labeled with a racial epithet standing before a judge dressed in the hooded garb of the KKK and backed by a Confederate flag. The prosecutor and defense lawyer, pictured behind the defendant, are also in KKK costumes, and appear, as Garhart said in his opinion, to be sharing a drink in celebration.

(Continued on page 59)
The jury members, dressed in KKK robes, are armed with ropes and whips and preparing a cross to be burned.

The prison seized the artwork for security review.

Prison policy dictates that no inmate be in possession of writings that advocate violence against the government or could cause a threat to inmates or staff.

Racially inflammatory work is also barred by prison policy.

Jefferson objected to the seizure. He noted, among other arguments, that inmates were allowed to sport white-supremacist tattoos in the prison.

Garhart said the law has long recognized that prisoners’ right to free speech is inherently limited so that prison staff can meet the needs and objectives of the facility -- chiefly security.

He said the bin Laden drawings were properly seized because they could incite violence, even against Jefferson himself.

"The Court takes judicial notice of the fact that, prior to Casey Anthony, bin Laden was the personification of evil in the United States," Garhart wrote. Anthony was the mother from Florida, who was acquitted of murdering her 2-year-old daughter, Caylee Anthony.

Jefferson's picture, "Sista-Matized," however, represented an artistic expression of a belief that the criminal-justice system is rigged to discriminate against black people, the judge said.

"Certainly prisoners express such views daily, and share them openly," he wrote.

"The artistically expressed statement is entitled to similar protection. Merely labeling this drawing as 'racial art' is a broad brush application of the rule -- too broad," Garhart said.
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.

CONTINUING LEGACIES OF RESISTANCE

By Robert Saleem Holbrook

When I first entered the Pennsylvania Department of Corrections and during many of my journeys throughout its Restrictive Housing Units (a.k.a. “hole”) in various maximum security prisons, I had the fortune to directly or indirectly come in contact with a couple of the Black Liberation Army and Black Panther Political Prisoners buried within the Department’s holes in isolation from the rest of the prisoner population. As a juvenile entering Pennsylvania’s state prison system in 1991, I was completely ignorant to the reality of Political Prisoners in the United States, much less in Pennsylvania. Upon coming into contact with them, either directly or indirectly, I quickly learned why the state isolated these men (and women) from the prison’s general population. It wasn’t the men that the prison administrators feared; it was their example on other prisoners and their ability to lead by virtue of that very example. Youth that were in rebellion against everyone and everything would stand at their doors in silence while in the hole, listening to Russell Maroon Shoats or Joseph Jojo Bowen (just to name a few of the many) articulate a language and example of rebellion that we could relate to and that not only caused us to question our own actions, which were self-destructive, but also caused us to question the government’s actions which turned out to be just as unjust and corrupt as we were.

I can’t say that every prisoner that heard them speak came away from the experience as committed revolutionaries or activists, but the majority of us came away from the experience convinced in the illegitimacy of the criminal justice system, the prison system, and the government in general. Their placement in the hole (forever!) served to accomplish two purposes. One, it prevented them from organizing prisoners to confront the abuse and injustice that occurs in prison when prison administrators have unchecked authority and two, it served as an example to other prisoners. If you embraced their actions and politics, you too would be locked away forever in the hole and suffer the same consequences. Also, in a broader sense, their isolation constituted an attempt by the administration to erase legacies of resistance that the government viewed as outside the acceptable means of dissent in the United States (e.g. protest peacefully, write a letter to your congressman/newspaper, but, in general, don’t rock the boat).

The isolation of Political Prisoners and singling them out for exclusive punishment by the prison system has historical parallels in another institution known for its repression and brutality. Albeit an uncomfortable topic to discuss in so-called post-race America, during the era of chattel slavery, on plantations throughout the United States, one of the most vicious practices employed by the slave holders to keep slaves from rebelling was to single out the strongest and most rebellious slave and disfigure him (or her) or outright kill them as a means of instilling fear in the other slaves. By making rebellion, or even the thought of rebellion, a capital consequence within the repression of the plantation and the overall institution of slavery, slave holders were able to reduce the possibility of open rebellion on the plantations and to promote more subservient slaves as examples for other slaves to follow.

This tactic of isolating and destroying strong examples within oppressed populations endures today within the Prison Industrial Complex, the neo-plantations of Imperial America. Stashed away within the nation’s

(Continued on page 61)
Prison Industrial Complex are over a hundred Political Prisoners from the 1960’s, 70’s, and 80’s serving draconian sentences imposed for their political opposition to a system that was fundamentally racist, unjust and in need of change (real change, not rhetoric). Victims of a vicious government campaign of repression, spearheaded by an illegal counter intelligence program called COINTELPRO, these prisoners have been imprisoned in many cases for over thirty years and are condemned to die within the country’s prison system.

The majority of these Political Prisoners are seniors with serious health problems and yet the government has not offered them any amnesty or compassionate release. To add insult to injury, the United States doesn’t even acknowledge their existence, insisting according to its official line that there are no Political Prisoners in the United States, only prisoners who have committed crimes. What is it then that the government fears about men and women in their sixties and seventies that prohibits it not only from releasing them after decades in prison but also from recognizing their very existence? It is the example of Political Prisoners that the government fears. To the government, these prisoners represent an era when the legitimacy of the system was successfully challenged and called into question by activists who possessed a credible revolutionary vision, agenda and alternative for the country. By keeping these Political Prisoners isolated for decades, the prison system, like the plantation system of slavery that preceded it, hopes that their isolation will serve as a deterrence to any prisoners who dare to see them as examples they’d want to follow.

Prisoners like myself, and countless others, who came to prison for offenses unrelated to political activity that have been influenced and inspired by the example of Political Prisoners have used their examples to transition ourselves out of the criminal behavior and thought process. Our aim is to transform the “criminality mentality into a revolutionary mentality” as was embodied in the words and example of the late revolutionary prison writer and activist Comrade George Jackson. Dhrouba Wahad, a former Black Panther Political Prisoner, described this transition as “militant redemption” because in transforming themselves, these prisoners (myself included) seek a redemption rooted in the experiences of the militant struggle for freedom, justice and equality within American society. We do not confine ourselves to personal transformation, but also demand a societal transformation. The transition is not without perils and obstacles because in the eyes of the prison system and, in some cases, the government, we represent the very examples of rebellion that the government sought to extinguish by burying Political Prisoners in isolation for decades in the hopes that they would fade away, along with their “un-American” politics and examples. These politics and examples ironically consist of demanding their full rights to equal justice under the law, participatory democracy, and the pursuit of self-determination. By lifting the torch of the Political Prisoners that the system seeks to eliminate, we ourselves become subject to many of the same forms of repression (i.e. isolation, frequent transfers, interference with mail and outside contacts, etc.) that are imposed on Political Prisoners.

It is within this context of rebellion, struggle and repression that a new category of prisoner has emerged, in the wake of Political Prisoners, to plague the Prison Industrial Complex: prisoners who have transitioned from social criminals to social justice activists. This transition has also created a discussion within the larger anti-Prison Industrial Complex communities and within radical circles in general about what level of support or recognition should be extended to Politicized Prisoners, especially given that some of the most scathing critiques against the Prison Industrial Complex, societal injustice, corporate capitalism, etc. are currently emerging from the minds and pens of Politicized Prisoners. Politicized Prisoners were also the organizers of the largest prisoner protests in history during the recent mass hunger strikes against indefinite solitary confinement in California and the mass work stoppage in Georgia against de facto slavery (i.e. requiring prison-
ers to perform manual labor for free). In Pennsylvania, Politicized Prisoners have contributed valuable insight and support to coalitions of human rights activists, community activists, and organizations like Decarcerate PA and the Human Rights Coalition (both of which advocate against the Prison Industrial Complex and the abuse of prisoners within it).

In all states, Politicized Prisoners are contributing ideas and organizing in alliance with outside activists and organizations confronting the Prison Industrial Complex. These prisoners’ activities certainly count as political and the repression the prison system imposes on them as a result of their activities is also politically motivated. So why the hesitation within activist communities and organizations to recognize that a level of support should be extended to these individuals? The positions against extending full support to Politicized Prisoners usually revolve around either a claim of scarcity of resources (totally legitimate) or an ideological argument that extending full support to Politicized Prisoners endangers the position of Political Prisoners because it lumps them into a shared category with common criminals, thus diminishing their legitimate “political prisoner” standing.

Both of these positions carry merit given that movements supporting Political Prisoners are already overstretched, underfunded, and understaffed. Also, the possibility does exist that Political Prisoners’ unique contributions could be diminished or overshadowed should they be lumped into a single category with Politicized Prisoners. And yet, years ago, when asked what constitutes a political prisoner, Black Panther political prisoner Marshall Eddie Conway responded: “An activist is a person that stands up to injustices... and I have learned over thirty plus years of being in jail that a lot of people become Political Prisoners, become conscious and become aware and act and behave based on that awareness after that have been incarcerated for criminal activity.” Notice that he did not distinguish between Political Prisoners that came to prison for political activity and social prisoners that came to prison for ordinary crimes/offenses.

Within Marshall Eddie Conway’s response is an important point that speaks directly to Politicized Prisoners and that point lies in how he conditions a movement’s recognition of a social prisoner’s transformation into a Political Prisoner on the basis not solely of awareness, but rather on he (or she) acting and behaving in accordance with that awareness. In short, practicing what you preach or walking the walk. Many of us who have politicized ourselves within prison recognize that it is not enough to quote Comrade George Jackson, Malcolm X, etc. without abandoning the gang mentality and predatory character traits that we entered the prison system with. Marshall Eddie Conway’s words therefore remind us that in order to successfully make the transition, we must see ourselves as and become conscious actors in the struggles against the Prison Industrial Complex, as well as other social justice issues within the larger context of revolutionary and progressive movements and struggles.

Within a Prison Industrial Complex that holds over 2 million people imprisoned, it is inevitable that voices of resistance would emerge from this captured population seeking to articulate their struggles, aspirations, and visions for challenging this beast that they’ve been swept up into. “Repression breeds Resistance” goes the old Black Liberation Movement motto. While recognizing ourselves as inheritors of a legacy of resistance exemplified by the Political Prisoners we’ve take as our example, more than anything, Politicized Prisoners seek to be contributors to movements of resistance and social justice and to leave our imprint on the struggle today, as opposed to riding the coattails of those who came before us. By recognizing this, our supporters on the outside acknowledge our humanity, something that the Prison Industrial Complex does everything in its power to
crush. On another level, supporting Politicized Prisoners because of the voice and perspective that we bring to the struggle serves to personalize the movement by creating personal spaces between activists and prisoners that, in turn, are capable of extending the movements themselves – further challenging the Prison Industrial Complex beyond the usual motivations for opposing the government’s most repressive apparatus.

It is within this context of struggle that the contributions of Politicized Prisoners should be viewed as one of the mains reasons why outside activists, community advocates and movements for social justice in general should support Politicized Prisoners. By doing so, it places us in contact and correspondence with a social class of people from diverse backgrounds and cultures beyond the repressive and corrosive environment of prison, helping us to shed the negative values, standards, and concepts of gender superiority and homophobic attitudes that dominate the environment of prison and are in opposition to a revolutionary culture and movement. In return, we possess the potential to enhance these movements (as well as the movements supporting Political Prisoners) by bringing our unique perspectives and experiences in confronting the Prison Industrial Complex to the table. These experiences are unique not in the sense that our perspectives or analysis are better than the movement’s, but rather in that for many of us behind the barbed wire fences, we’ve witnessed and experienced the full arsenal of deception and repression that the Prison Industrial Complex has to offer. Politicized Prisoners also have the ability to reach out to segments of the prisoner population (i.e. gang members, prisoner cliques, neighborhoods, etc.) that social justice activists and movements have difficulty reaching. Politicized Prisoners could likewise serve as examples of the power of redemption that could be used as a counterweight to the widespread perception that prisoners are incorrigible and undeserving of reentry into society.

In addition, support of Politicized Prisoners could help many activists move beyond conditioning their support based on a redeemed prisoner’s guilt or innocence. This conditioning is most evident in the movement to support Political Prisoners, especially here in Pennsylvania where activists have flocked to Brother Mumia Abu Jamal’s case as a cause célèbre based upon his innocence while ignoring other legitimate Political Prisoners such as Russell Maroon Shoats, Joseph Joe-Joe Bowens, and Clifford Lumumba Futch, etc. - to name just a few of those who have been imprisoned for 40 years for armed actions against an overtly racist and repressive Philadelphia police and government apparatus. Are they less deserving of support than Mumia because they do not fit nicely into the category of innocence or do not, like others caught up in the system, present themselves as helpless victims? This moral equivalence dilemma, of activists preferring Political Prisoners who are actually innocent of the crimes they are convicted of over Political Prisoners who are uncompromising in their beliefs that their actions were justified, perhaps explains why most prisoners know of Mumia but relate to the Maroons, Joe-Joes and Lumumbas who do not stand as “innocents”, but more as “One of Us.”

This is not to imply that Mumia is not deserving of support or “One of Us”; to the contrary, Mumia is deserving of all the support he has and more. Also, Mumia serves as an inspiration to all prisoners and is the conscience of those in the prison system struggling to be free and to maintain their dignity. Mumia’s book, Live From Death Row, was instrumental to me in finding my voice as a prisoner writer and activist when I first read it while imprisoned at SCI Huntingdon in 2000. I just believe, along with many others, that more support should be extended to other Political Prisoners whose cases and causes are not as well known or publicized. This translates also to Politicized Prisoners who, while perhaps not actually guilty of their crimes, were nevertheless involved in self-destructive behavior in their communities and have found redemption in their embrace of revolutionary politics, values and standards.
At the end of the day, there is an endless catalog of reasons as to why Politicized Prisoners should be supported, a list too extensive to elaborate in this forum; further, if it is necessary to list them all than movement activists should perhaps question themselves as to why this is so. This is not meant to serve as a guilt trip but simply represents a common sense question: If one is an anti-Prison Industrial Complex activist, shouldn’t a relationship exist with those members of the population who you are fighting with? I say “with” and not “for” because Politicized Prisoners do not want to be viewed as helpless victims, but rather view themselves as pieces of a larger movement combating injustice worldwide. In so doing, we seek not to be rescued but rather to help in the rescue of a world on the brink between corporate tyranny and freedom – because when freedom is outlawed, only the outlaws will be free.

05/01/12

Robert Saleem Holbrook #BL5140
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866

***facebook.com/groups/freesalim
***www.freesalim.net
Pen Diaries (Penitentiary Diaries), is a website that offers inmates, convicts, and/or prisoners the opportunity to have an online diary while incarcerated. This website was created subsequently from an idea that was based primarily on bridging the social gap between prisoners and the general public. Having an online journal (while incarcerated) that allows inmates to continuously log their most intimate thoughts and experiences is an excellent way to assume optimism and compassion from the general public. There is no monetary fee for any inmate, convict and/or prisoner who would like to have a diary on the Pen Diaries Website.

Benefits of having a diary on the Pen Diaries Website - provides the general public a unobstructed view of an inmate’s unfiltered expression regarding life in prison; Diaries are accessible worldwide; Diaries allow prisoners to turn their situations into productive resources, pen pal connections, legal advice, family outreach and much more. Each personal diary will have storage space for a photo gallery and other written material. How to get a diary, photo’s and other written material on our website — contact Pen Diaries at the above address.
START A HUMAN RIGHTS COALITION (HRC) CHAPTER OR BRANCH IN YOUR AREA. Each Chapter or Branch must comply with eight requirements. These eight are:

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.) Obtain tax exempt or 501© 3 status.
5.) Publish a newsletter at least semi annually as resources permit.
6.) Send minutes of chapter meetings to HRC-Philly.
7.) Establish internet video conferencing for statewide chapter meetings.
8.) Create a cooperative business to finance your chapter or branch to be financially independent.

The Human Rights Coalition would like to thank RESIST for their support of our efforts; i.e., protecting the human rights of our loved ones in prison, bringing a stop to the torture and abuse of prisoners, and making the public aware of DOC’s inhumane practices and the effect it has on our communities.

RESIST funds activist organizing and education work within movements for social change.

As a foundation, RESIST is unique: we are part of the movements we fund. We operate on a national scale and respond to time-sensitive organizing campaigns.

RESIST is different. We’re a public foundation, which means we raise the money that we give away each year. We don’t have an endowment, we rely on thousands of small donors who care about grassroots organizing. See www.resistinc.org/support for more info and to donate.

Each year RESIST gives small grants to over 100 grassroots organizations around the country. Be one of them this year!

Follow us! @calltoresist

Find out more: www.RESISTinc.org