

THE MOVEMENT

FALL 2011
Issue # 12

The New and Official Newsletter of the Human Rights Coalition for the union of Prisoners' Families

**Human Rights Coalition
Dedicated to Protecting the
HUMAN RIGHTS of All!**

A Drop of Ink, Can Make Millions Think! Read **SUCCESS STORIES** that began with a single drop of ink, page 28 & 34. Yes you can make a difference!

See Interview with
Lynn Stewart in the Human
Rights Coalition Report
Page 24



... I'm not sure that 1,000 tweets on Facebook posts have the same power as one phone call, says Brian Southwell, a professor at the University of North Carolina.

... To the people yelling for Troy Davis, where were you last month, six months ago & not just the week prior to his execution? asked One Such Tweet.

From article by Kate Dailey, BBC News Magazine , September 22, 2011

T.R.O.Y

Art: thejosevilson.com

Is Innocence Irrelevant? See page 20

Inside this issue:

From The Desk of the Editor	2
All Power To The People	
Wake Up People! By Gus	3
Think Outside The Bars, By Michelle Alexander	5
Families Dare To Speak, Dare To Resist	
Are Cameras the New Guns? By Philip Jordan	8
Retreat, By Patricia M. Vickers	10
Love Knows No Bars	13
The HomeFront: Serving Our Community!	
Safe Haven, by Daniel Denvir	15
HRC Aides Prison Re-entry of Military Veterans, By Richard "Tut" Carter	18
Is Innocence Irrelevant?	
Hundreds March in GA to Oppose Troy Davis Execution	20
Statement By 6 Former Prison Wardens/Directors Opposing Troy Davis Execution	22
The Human Rights Coalition Report	
Interview with Lynne Stewart, By Patricia M. Vickers	24
Inmate Sues State Prison System and Wins	28
Interview with Activist Craig Gilmore, By Sayantan Biswas	29
PA Senate Committee Passes Bill to Ban Shackling	34
What's The News?	35
The Legal Corner	
The Prison Litigation Reform Act of 1995	40
The Babylon System - This Must Stop!	
SCI Frackville's Neglect of Developmentally Disabled Prisoners	44
Correction to Issue #11, Susan Willmarth is the artist, page 43	

THE MOVEMENT

www.hrcalition.org

PAGE 1

FALL 2011 (ISSUE # 12)

From The Desk of The Editor

Greetings Everyone!

Welcome to The Movement. Time and time again we hear the saying that “the children are our future.” But we never seem to ask ourselves, what the future will be like for our children?

It appears to many of us that our children’s future is fast becoming a very bleak one with the federal and state governments’ implementation of the IMF and World Banks’ austerity measures and budget cuts that eviscerate education, employment, and social programs that the workers and poor people need, which undoubtedly affect our children.

Our children’s future in this country is unemployment, poverty, and mass imprisonment! You don’t believe it? Then take a look at Pennsylvania; for example, of how the Pennsylvania political establishment has divested funding for our children’s education and invested the tax payer money into funding its prisons and police. Pennsylvania Governor Tom Corbett, just recently made \$1.65 billion in funding cuts to our children’s education while increasing funding for the and expansion of prisons (which will add three new ‘DEATH ROW’ units) and police by \$2 billion.

What should be deduced from this Pennsylvania example is our children do not matter to politicians or the government. Since there is not enough job employment for everyone, why fund your children’s education, when there will not be any jobs available for them anyway. As a result there will be mass poverty that will give rise to mass political action and crime. And last, due to expectant rise in political unrest and crime they are preparing by investing your tax dollars in the expansion of police and prisons to control you and your children. Keep in mind Pennsylvania holds the world’s record of incarcerating the most children sentenced to Life Imprisonment (500 plus juvenile lifers) in the world!! Hence, due to the planned construction of a school to prisons pipeline our children’s future will be as inmates in America’s ever-expanding prisons!!!

In the politicians’ and corporate executives’ view it is economically better to throw your children into prisons and allow private prison corps, Verizon corps, Keefe Corps, Prison Health Service Corps and other to make a profit off of their bodies, than to deal with the millions of your children being unemployable in this society and they having to spend billions of your tax dollars to provide your children with government welfare to live off of. Government money that they believe would be better spent on the military, hand outs to the rich, and their pork-barrel pet political projects. For those of you who aren’t in the know, this is simply Reaganomics - steal from the poor folk to give to the rich.

I pray that more people will begin to see how economics, politics, poverty, crime, public safety, and prisons are interconnected in that one beget the other. And that, consequently, the problems of those societal issues cannot be divided in parts and resolved independently but must be perceived & dealt with as a whole. In that respect human rights issues of unemployment and poverty, racism, war, immigration, austerity budget cuts on social programs, criminal injustice and mass incarceration, and others will necessarily have to converge and merge into a mass human rights movement in America to bring about political change. Hopefully, the people will recognize such and begin to fight back in political actions against their political governments and the corporations who stands to profit from the planned poverty and misery of the people.

It is the prisoners, the families of prisoners, and the workers and poor citizens within our communities whom are most affected by poverty, racism, and war. And our children stand to lose the most if the problem of poverty and prisons are not dealt with. Therefore, it is the families of prisoners and working people who need to be joining the Human Rights Coalition (HRC) as committed active members in droves to be on the frontline of the Human Rights Movement in America to secure a future of opportunity, success, and life for their children.

For those people - and you know who you are - who simply go to work, stay home in front of the television and refuse to join the HRC as an active member to protect your children’s future in this country, don’t be surprised when your child arrives home from school to tell you that their school teacher told him/her that they will more likely grow up and be a prisoner sitting in a cell than become the President sitting in the White House! Invest in your children’s future by joining the HRC as an active member to bring about a real political and economic change throughout America or start your own HRC Chapter in your city and state.

Education over Incarceration. Lets Struggle to Win.

Kerry ‘Shakaboona’ Marshall, Co-Editor In Chief

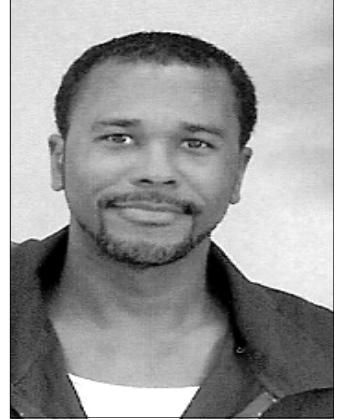
Kerry.Shakaboona.Marshall@gmail.com

THE MOVEMENT

www.hrcalition.org

PAGE 2

FALL 2011 (ISSUE # 12)



Wake Up People!

By Gus

When are the prisoners in this state gonna wake up and see that they're being played for suckas?! All the while their families and loved ones are being forced into a corner that one day will lead to homelessness, unmet medical attention and further dysfunction and misery. While at the same time a cohort of cynical, greedy and ruthless politicians and prison profiteers manipulate their misery in order to channel prison jobs and contracts to both their constituents and chosen cronies: J-Pay, Prison Health Service, outrageous phone charges, rip-off cable costs, outlandish commissary prices and numerous other state sanctioned "hustles".

They even add prisoners to a bogus census count that funnels more voting power away from their home districts and subsequently place more power in the hands of the rip-off politicians who, in addition to the above, block every measure designed to enact laws that would serve to help prisoners and their families and loved ones – both "inside" and in their home communities. For instance the state budget (2011-2012) removed hundreds of millions of dollars from education – while at the same time adding further millions to build and manage more state prisons; check it out if you think I'm exaggerating. Such budget cuts are like a double edged sword against prisoners and their families; making it harder for your family members and loved ones to obtain a marketable education, while at the same time building more prison bed space to accommodate the young men and women who turn to hustling for an income, and overcrowding the present prisons to the point where meaningful reform becomes impossible.

Unbelievably that is all taking place while tens of thousands of prisoners in this state are busy scheming up ways to further their own petty jailhouse hustles, vendettas, attempts to get transferred to other "slave camps" or are simply lost in a daily routine of TV shows, sports or other escapist pursuits. While a substantial minority are placing their hopes on gaining relief through a proven biased court system – the likes of which rationalizes the use of laws and police practices that underpin the largest prison system the world has ever known. And all around these prisoners their peers are serving 25 or more years before even thinking about making parole, while many of their "Old Heads" are getting sick and being denied adequate medical care or release until they're dying off after serving 35, 45 and more years, especially the lifers: In this state "Life" means Life!

Most of these prisoners aspirations reach no further than hoping for a chance to make parole or gain release through a new trial so that they can use their "jailhouse slicks" and ruthlessness on another "run" in the streets...until they're either returned or killed. They've fallen victim to worshiping a culture of "gang-statism" while allowing their sons, daughters, nieces and nephews to buy into the same thing. A culture that assures a steady flow of others who will themselves suffer the same exploitation. This same madness is being exercised in joints from Maine to California.

Yet, lately we've witnessed some prisoners beginning to try to find real solutions to these problems. In the state of Georgia thousands of prisoners went on strike (not to long ago) and in California over six thousand prisoners (and some family members) went on a hunger strike – that recently ended. Neither action was able to achieve the stated goals of the prisoners (in full – anyway), but both efforts did direct attention to conditions that plague prisoners coast to coast.

(Continued on page 4)

THE MOVEMENT

www.hrcalition.org

PAGE 3

FALL 2011 (ISSUE # 12)

"ALL POWER TO THE PEOPLE"

(Continued from page 3)

It's crystal clear that those Georgia and California prisoners have overcome the roadblocks that still hinder prisoners in this state (as mentioned above), while suppressing the culture that had previously pitted the

Bloods, Crips, Mexican Mafia, Latin Kings, Nuestra Familia, Black Guerrilla Family, Nortenos Sureños, Aryan Brotherhood and other "sets" and "tribes" against each other; a giant step indeed!

The main lessons garnered from these efforts is that prisoners can come together in unity and such actions don't have to be controlled by counter productive violence that (in the past) usually accompanied prisoners mass actions. Such violence was a pitfall that always gave the jailers a rationale to do what they wanted to do anyway; institute further restrictions against the prisoners and their families and loved ones.

Still the main strategic weakness in both Georgia and California was the prisoners belief that centering their actions within the prisons, while being supported by families, loved ones, supporters, and friends in the streets, could achieve the results they sought; nice try, but no cigar...

In reality, the true balance of power between all those elements (prisoners, authorities, families, loved ones, supporters and friends) does not rest with either the prisoners or prison authorities – instead it rests with the “outside” families, loved ones, supporters and friends. The same holds true in this state as well. In all three states (Georgia, California and Pennsylvania) the prisoners’ families, loved ones, supporters and friends number in the hundreds of thousands. For example: In Pennsylvania there’s fifty plus thousand state prisoners; with little effort each could identify four people on the “outside” who they consider either a family member, loved one, supporter or friend which adds up to over two hundred thousand.

And we’re talking about adults here, which means over two hundred thousand voters! A resource more powerful than anything the prisoners or prison authorities and guards unions and lobbyist can muster: Presidential elections were decided by less votes! Remember George W. Bush beat Al Gore by so few votes their respective supporters were, literally, fighting over the holes in the paper ballots? Such numbers could serve to “swing” any statewide election in either Georgia, California or Pennsylvania towards any candidate they chose to back. And thus they could decide who is chosen governor; and we know the governor controls state prisons through their appointed heads. In Pennsylvania the governor chooses who heads the Department of Corrections. He also controls the Parole Board! What’s hard to understand about that?

The Tea Party is using it’s swing votes to dictate terms on matters it cares about, and prisoners and their families, loved ones, supporters and friends could act in a similar fashion, if they begin to organize themselves accordingly.

I Pennsylvania the Human Rights coalition (HRC) has been preaching that message and they need your help. They want all prisoners who read and agree with their analysis, and want to start making real changes to prevail upon members of their families, loved ones, supporters, and friends to lend a hand. The HRC can be contacted by writing to Human Rights Coalition, Attention PAC, 4134 Lancaster Avenue, Philadelphia, PA 19104. They already have a number of ongoing initiatives, and now are pushing a Political Action Committee (PAC) effort. A PAC has the potential to succeed – where the prisoners in Georgia and California came up short.

Can we count on you to help, or are you still sleep?!

THE MOVEMENT

Think Outside the Bars

Why real justice means fewer prisons.

by Michelle Alexander

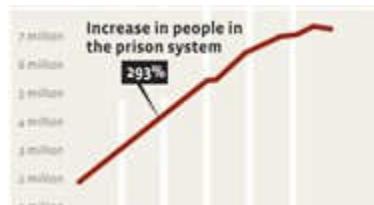
Michelle Alexander wrote this article for **Beyond Prisons**, the Summer 2011 issue of YES! Magazine. Michelle is an associate professor of law at Ohio State University. She is the author of *The New Jim Crow*.

A white woman with gray hair pulled neatly into a bun raises her hand. She keeps it up, unwavering and rigid, as she waits patiently for her turn to speak. Finally, the microphone is passed to the back of the room, and she leaps to her feet. With an air of desperation she blurts out, “You know white people suffer in this system, too, don’t you? It’s not just black and brown people destroyed by this drug war. My son, he’s been in the system. He’s an addict. He needs help. He needs treatment, but we don’t have money. He needs his family. But they keep givin’ him prison time. White people are hurting, too.” She is trembling and sits down.

There is an uncomfortable silence in the room, but I am in no hurry to respond. I let her question hang in the air. I want people to feel this discomfort, the tension created by her suffering. The audience is overwhelmingly African American, and a few of them are visibly agitated or annoyed by her question. I’ve spent the last forty minutes discussing my book, *The New Jim Crow*. The book argues that today, in the so-called era of color-blindness, and, yes—even in the age of Obama—racial caste is alive and well in America. The mass incarceration of poor people of color through a racially biased drug war has birthed a new caste system. It is the moral equivalent of Jim Crow.

Racial Politics, Not Crime

The audience has heard the facts: Our prison population quintupled in a few short decades for reasons that have stunningly little to do with crime or crime rates. Incarceration rates—especially black incarceration rates—have soared regardless of whether crime was going up or down in any given community or the nation as a whole. Mass incarceration has been driven primarily by politics—racial politics—not crime. As part of a backlash against the Civil Rights Movement, our nation declared a “War on Drugs” that has turned back the clock on racial progress in the United States. Although people of color are no more likely to use or sell illegal drugs than whites, African Americans have been targeted at grossly disproportionate rates. When the War on Drugs escalated in the mid-1980s, prison admissions for African Americans skyrocketed, nearly quadrupling in three years, then increasing steadily to a level in 2000 more than 26 times the level in 1983. In some states, 80 to 90 percent of all drug offenders sent to prison have been African American.



Just the Facts: It's a Locking-People-Up Problem

The American problem with mass incarceration has less to do with crime than you think.

As a nation, we've been encouraged to imagine that this war has been focused on rooting out violent offenders or drug kingpins, but that is far from the truth. Federal funding has flowed to those state and local law enforcement agencies that boost dramatically the sheer number of drug arrests. It's a numbers game. That's why the overwhelming majority of people arrested in the drug war are the “low-hanging fruit”—poor people of color who are stopped, frisked, and tossed to the sidewalk by law enforcement, forced to lie spread-eagled on the pavement, simply because they “looked like” criminals while standing on the corner talking to friends or walking home from school or the subway.

The U.S. Supreme Court has given the police license to sweep poor communities of color, stopping, interrogating, searching anyone or everyone—without any evidence of criminal activity—so long as they get “consent.” What’s consent? When a police officer, with his hand on his gun, ap-

(Continued on page 6)

"ALL POWER TO THE PEOPLE"

(Continued from page 5)

proaches a 16-year-old on the street and bellows, "Son, will you turn around so I can frisk you?" and the kid says, "Yeah," and complies, that's consent. Usually the exchanges are less polite.

And once the police get consent, the Fourth Amendment ban against unreasonable searches and seizures no longer applies. According to the Supreme Court, these "consensual" encounters are of no constitutional significance, even though they may wind up sending a 19-year-old kid to prison for the rest of his life: Life sentences for first-time drug offenses were upheld by the Supreme Court in *Harmelin v. Michigan*. The race of the defendant in that case was key to the sentence in the first place. It is nearly impossible to imagine a judge sentencing a white college kid to life in prison for getting caught with a bag of weed or cocaine. That's how this system works: Poor people of color are swept into the criminal justice system by the millions for drug crimes that go largely ignored when committed by middle- or upper-class whites. And release from prison or jail marks just the beginning of punishment, not the end.

Once branded a criminal, people enter a parallel social universe in which they are stripped of the rights supposedly won in the Civil Rights Movement. The old forms of discrimination—employment and housing discrimination, denial of basic public benefits and the right to vote, and exclusion from jury service—are perfectly legal again. In some major American cities, more than half of working-age African American men are saddled with criminal records and thus subject to legalized discrimination for the rest of their lives. These men are part of a growing undercaste—not class, caste—a group of people, defined largely by race, who are relegated to a permanent, second-class status by law.

Uniting Poor People

The white woman is waiting for me to speak.

I know a great deal rides on my response. It is not an overstatement to say that the success or failure of the emerging movement to end mass incarceration may turn on the ability of advocates like myself to respond to people like her in a manner that validates and honors her experience, while not brushing aside—even slightly—the thoroughly racial nature of the prevailing caste system. Is it possible to join poor whites like her with poor people of color in a movement to challenge a political and economic system that harms them all, though differently?

1 in 87 working-aged white men is in prison or jail compared with 1 in 36 Hispanic men, and 1 in 12 African-American men.

There was a brief moment when it seemed clear that the answer was yes. As the Civil Rights Movement was gaining full steam, Martin Luther King Jr. and other civil rights leaders made clear that they viewed the eradication of economic inequality as the next front in movement building—a Poor People's Movement was required. Genuine equality for black people, King reasoned, demanded a radical restructuring of society, one that would address the needs of black and white poor throughout the country.

In 1968, having won landmark civil rights legislation, King strenuously urged racial justice advocates to shift from a civil rights to a human rights paradigm. A human rights approach, he believed, would offer far greater hope than the civil rights model had provided for those determined to create a thriving, multiracial democracy free from racial hierarchy. It would offer a positive vision of what we can strive for—a society in which people of all races are treated with dignity and have the right to food, shelter, health care, education, and security. "We must see the great distinction between a reform movement and a revolutionary movement," he said. "We are called upon to raise certain basic questions about the whole society." The Poor People's Movement seemed poised to unite poor people of all colors in a bold challenge to the prevailing economic and political system.

White Backlash

But a backlash was also brewing. Anxiety and resentment among poor and working class whites was on the rise. The truth is that poor and working class whites had their world rocked by the Civil Rights Movement. Wealthy whites could send their children to private schools and give them all of the advantages that wealth has to offer, yet they were a tiny minority that stood apart from the rest of whites and virtually all blacks. Poor and working class whites—the regular folk—were faced with a social demotion. Their kids were potentially subject to desegregation and busing orders; their kids were suddenly forced to compete on equal terms for increasingly scarce jobs. Poor whites were better off than African Americans for the most part, but they were not well off—they, too, were struggling for survival.

Felon disenfranchisement laws bar 13 percent of African-American men from voting. Polls show 8 in 10 Americans support voting rights for people who have completed their sentences.

What lower-class whites did have, in the words of W.E.B. DuBois, was "the public and psychological wage" paid to white workers, whose status and privileges as whites compensated for low pay and harsh working conditions. In retrospect, it seems clear that, from a racial justice perspective, nothing could have been more important in the 1970s and 80s than finding a way to create a durable, interracial, bottom-up coalition for social and economic justice. But in the years following King's death, civil rights leaders turned away from the Poor People's Movement and began resisting calls for class-based affirmative action on the grounds that whites had been enjoying racial preferences for hundreds of years.

(Continued on page 7)

THE MOVEMENT

"ALL POWER TO THE PEOPLE"

(Continued from page 6)

Resentment, frustration, and anger expressed by poor and working class whites—as they worried aloud that blacks were leapfrogging over them on their way to Harvard and Yale—were chalked up to racism, leading to little open or honest dialogue about race and an enormous political opportunity for conservative strategists. “Get tough” rhetoric provided a facially race neutral outlet for racial frustrations and hostilities. H.R. Haldeman, President Richard Nixon’s former chief of staff, summed up what came to be known as the “Southern Strategy” this way: “The whole problem is really the blacks. The key is designing a system that recognizes this while not appearing to.”

The War on Drugs

And so the “War on Drugs” was born. Richard Nixon was the first to use the term, but Ronald Reagan turned the rhetorical war into a literal one. When he declared his drug war in 1982, drug crime was actually on the decline. It was a couple years before—not after—crack ripped through inner-city communities and became a media sensation. From the outset, the drug war had little to do with drug crime and much to do with racial politics. As numerous historians and political scientists have now shown, Reagan declared his drug war in an attempt to make good on campaign promises to “get tough” on a group of people identified not-so-subtly in the media and political discourse as black and brown. Once crack hit the streets, the Reagan administration seized on the development, actually hiring staff whose job it was to publicize inner-city crack babies, crack dealers, and the so-called crack whores. Once the enemy in the war was racially defined, a wave of punitiveness washed over the United States. Democrats began competing with Republicans to prove they could be even tougher on “them.” Some black legislators joined the calls for “get tough” measures, often in desperation, as they sought to deal with rising crime and joblessness in ghetto communities. They found themselves complicit—wittingly or unwittingly—in the emergence of a new caste system. And many civil rights advocates found themselves exacerbating racial divisions, fighting for affirmative action even as they abandoned the Poor People’s Movement that sought to restructure our nation’s economic and political system for the benefit of people of all colors. They had accepted a racial bribe: the promise of largely superficial changes benefiting a relative few in exchange for abandoning the radical movement born in the 1960s that sought liberty and equality for all of us.

Poor whites had accepted a similar racial bribe when they embraced Jim Crow laws—laws which were proposed following the Civil War as part of a strategic effort by white elites to destroy the Populist movement, the nation’s first interracial, political coalition for economic and social justice in the South. Time and time again, the divide-and-conquer strategy has worked to eliminate the possibility that poor people of all colors might see themselves as sharing common interests, having a linked fate.

It’s time for me to break the silence.

“Your son is suffering because of a drug war declared with black folks in mind,” I say after a long pause. “White people—especially poor whites—are suffering because of the politics of racial division. Latinos are suffering, too. The drug war as we know it would not exist today, but for the demonization of black men, and now your son, a young white man, is paying the price. Poor whites are collateral damage in this drug war. But whether you’re the target or collateral damage, the suffering remains the same. Thanks to the drug war, we have the opportunity to see clearly how caste-like systems hurt us all, even though they hurt us differently or in different degrees. We must go back and pick up where Martin Luther King Jr. left off and do the hard work of movement building on behalf of poor people of all colors. Are you willing to help build a movement to end racial caste in America, a human rights movement on behalf of all of us? All of us or none?”

“Yes, I am,” the white woman shouts loudly, unaided by a microphone. The crowd erupts in applause. She wipes a few tears and smiles. “I just need to know that my son matters, too. I guess we all need to know that we matter. That’s what it’s all about, right?”

I want to support the Human Rights Coalition by giving a Donation!

Name: _____ Institution/ID (if necessary): _____

Street Address: _____

City/State/Zip Code: _____

Phone: _____ Email Address: _____

Donation Amount:

\$10.00 - \$25.00
 \$50.00
 \$100.00 or above

Families, we rely on member support, any gift you make above \$25.00 helps us a great deal. Please make checks payable to the Human Rights Coalition and mail donations to HRC, 4134 Lancaster Ave, Phila., PA 19104.

THE MOVEMENT

Families Dare To Speak, Dare to Resist

From: Philip Jordan
Sent: Tuesday, May 17, 2011 10:19 AM

Subject: Are cameras the new guns?

Here is another hack with the pick-axe at civil liberties in this country. This piece appeared on the gizmodo blog site.

In response to a flood of Facebook and YouTube videos that depict police abuse, a new trend in law enforcement is gaining popularity. In at least three states, it is now illegal to record any on-duty police officer.

Even if the encounter involves you and may be necessary to your defense, and even if the recording is on a public street where no expectation of privacy exists.

The legal justification for arresting the "shooter" rests on existing wiretapping or eavesdropping laws, with statutes against obstructing law enforcement sometimes cited. Illinois, Massachusetts, and Maryland are among the 12 states in which all parties must consent for a recording to be legal unless, as with TV news crews, it is obvious to all that recording is underway. Since the police do not consent, the camera-wielder can be arrested. Most all-party-consent states also include an exception for recording in public places where "no expectation of privacy exists" (Illinois does not) but in practice this exception is not being recognized.

Massachusetts attorney June Jensen represented Simon Glik who was arrested for such a recording. She explained, "[T]he statute has been misconstrued by Boston police. You could go to the Boston Common and snap pictures and record if you want." Legal scholar and professor Jonathan Turley agrees, "The police are basing this claim on a ridiculous reading of the two-party consent surveillance law - requiring all parties to consent to being taped. I have written in the area of surveillance law and can say that this is utter nonsense."

The courts, however, disagree. A few weeks ago, an Illinois judge rejected a motion to dismiss an eavesdropping charge against Christopher Drew, who recorded his own arrest for selling one-dollar artwork on the streets of Chicago. Although the misdemeanor charges of not having a peddler's license and peddling in a prohibited area were dropped, Drew is being prosecuted for illegal recording, a Class I felony punishable by 4 to 15 years in prison.

In 2001, when Michael Hyde was arrested for criminally violating the state's electronic surveillance law - aka recording a police encounter - the Massachusetts Supreme Judicial Court upheld his conviction 4-2. In dissent, Chief Justice Margaret Marshall stated, "Citizens have a particularly important role to play when the official conduct at issue is that of the police. Their role cannot be performed if citizens must fear criminal reprisals...." (Note: In some states it is the audio alone that makes the recording illegal.)

The selection of "shooters" targeted for prosecution do, indeed, suggest a pattern of either reprisal or an attempt to intimidate.

Glik captured a police action on his cellphone to document what he considered to be excessive force. He was not only arrested, his phone was also seized.

On his website Drew wrote, "Myself and three other artists who documented my actions tried for two months to get the police to arrest me for selling art downtown so we could test the Chicago peddlers license law. The police hesitated for two months because they knew it would mean a federal court case. With this felony charge they are trying to avoid this test and ruin me financially and stain my credibility."

Hyde used his recording to file a harassment complaint against the police. After doing so, he was criminally charged.

In short, recordings that are flattering to the police - an officer kissing a baby or rescuing a dog - will almost certainly not result in prosecution even if they are done without all-party consent. The only people who seem prone to prosecution are those who embarrass or confront the police, or who somehow challenge the law. If true, then the prosecutions are a form of social control to discourage criticism of the police or simple dissent.

A recent arrest in Maryland is both typical and disturbing.

On March 5, 24-year-old Anthony John Gruber III's motorcycle was pulled over for speeding. He is currently facing criminal charges for a video he recorded on his helmet-mounted camera during the traffic stop.

The case is disturbing because:

1) Gruber was not arrested immediately. Ten days after the encounter, he posted some of the material to YouTube, and it embarrassed Trooper J. D. Uhler. The trooper, who was in plainclothes and an unmarked car, jumped out waving a gun and screaming. Only later did Uhler identify himself as a police officer. When the YouTube video was discovered the

(Continued on page 9)

THE MOVEMENT

www.hrcalition.org

PAGE 8

FALL 2011 (ISSUE # 12)

Families Dare To Speak, Dare to Resist

(Continued from page 8)

police got a warrant against Gruber, searched his parents' house (where he presumably lives), seized equipment, and charged him with a violation of wiretapping law.

2) Baltimore criminal defense attorney Steven D. Silverman said he had never heard of the Maryland wiretap law being used in this manner. In other words, Maryland has joined the expanding trend of criminalizing the act of recording police abuse. Silverman surmises, "It's more [about] 'contempt of cop' than the violation of the wiretapping law."

3) Police spokesman Gregory M. Shipley is defending the pursuit of charges against Gruber, denying that it is "some capricious retribution" and citing as justification the particularly egregious nature of Gruber's traffic offenses. Oddly, however, the offenses were not so egregious as to cause his arrest before the video appeared.

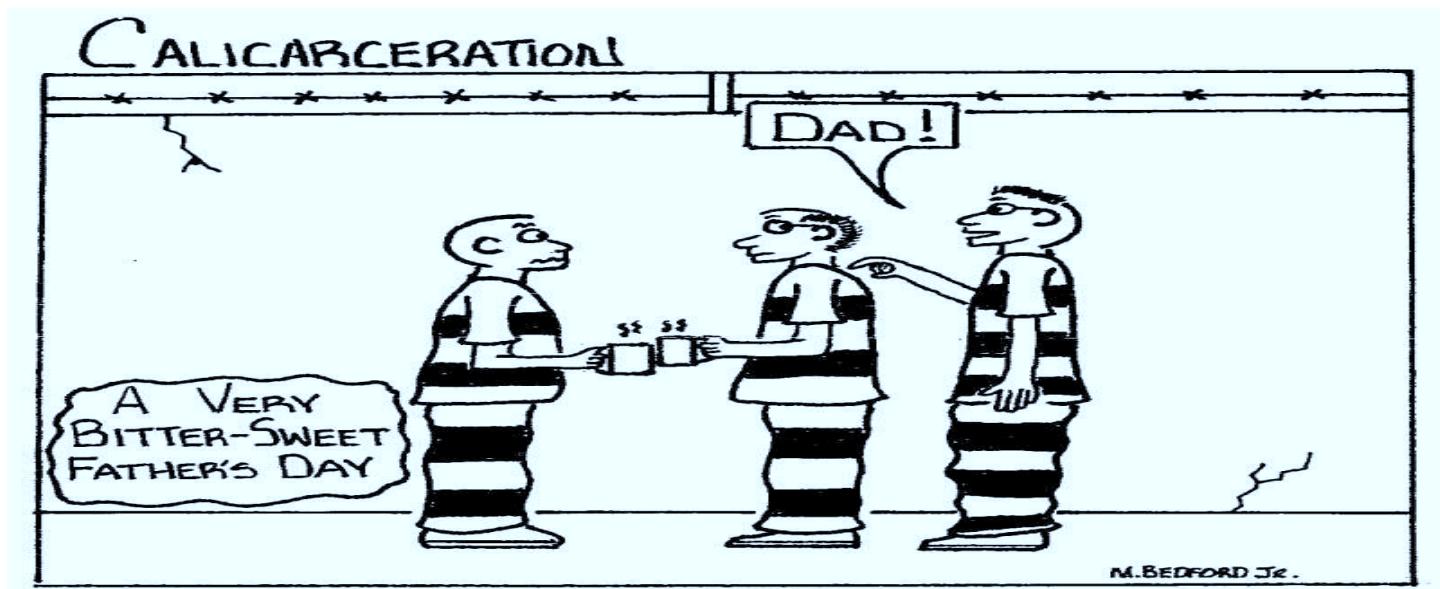
Almost without exception, police officials have staunchly supported the arresting officers. This argues strongly against the idea that some rogue officers are overreacting or that a few cops have something to hide. "Arrest those who record the police" appears to be official policy, and it's backed by the courts.

Carlos Miller at the Photography Is Not A Crime website offers an explanation: "For the second time in less than a month, a police officer was convicted from evidence obtained from a videotape. The first officer to be convicted was New York City Police Officer Patrick Pogan, who would never have stood trial had it not been for a video posted on YouTube showing him body slamming a bicyclist before charging him with assault on an officer. The second officer to be convicted was Ottawa Hills (Ohio) Police Officer Thomas White, who shot a motorcyclist in the back after a traffic stop, permanently paralyzing the 24-year-old man."

When the police act as though cameras were the equivalent of guns pointed at them, there is a sense in which they are correct. Cameras have become the most effective weapon that ordinary people have to protect against and to expose police abuse. And the police want it to stop.

Happily, even as the practice of arresting "shooters" expands, there are signs of effective backlash. At least one Pennsylvania jurisdiction has reaffirmed the right to video in public places. As part of a settlement with ACLU attorneys who represented an arrested "shooter," the police in Spring City and East Vincent Township adopted a written policy allowing the recording of on-duty policemen.

As journalist Radley Balko declares, "State legislatures should consider passing laws explicitly making it legal to record on-duty law enforcement officials."



THE MOVEMENT

Families Dare To Speak, Dare to Resist

Retreat

By Patricia M. Vickers

It was August 27, 2011 when HRC decided to retreat. The Saturday that Hurricane Irene was to arrive. It was the first hurricane in the life-time of the majority of Philadelphians, most of us had never seen a hurricane up close and personal. The news media advised everyone to get off the streets and they showed flash backs of Katrina and the Florida coast being bashed by high winds and angry waters. Septa, our only transportation service, was to completely shut down at midnight. We were told to stock up on nonperishable items and were warned to - buy water, paper products, can goods, batteries, and flash lights. We were told not to forget the toilet paper and to fill your bath tub with water ... just in case.

But the Human Rights Coalition decided to retreat, not as in "a movement away from danger or a confrontation" but more like a period of seclusion, a period away from normal activities, a period to regroup and focus. We listened to our own mind, our own senses, and logic. And Saturday, August 27, 2011 in a high rise office building the Human Rights Coalitions (Philly, FedUp!, and Chester) held our second all chapters Retreat.

We were all present for the meeting of great minds. HRC-FedUp! came through six hours of thunder storms for the two day Retreat. And HRC-Philly welcomed them with open arms, lodging, lunch, and refreshments. We started the Retreat with poems and a song written by Etta from HRC-FedUp! that was so upbeat and meaningful we all seriously want to label and own it as our HRC anthem.

First on the agenda for discussion was "What is a Political Action Committee (PAC) and what do we want ours to do?" We then had a short presentation from two guest speakers. Mr. Wayne Jacobs from Ex-Offenders for Community Empowerment was invited to fill us in on the strategies of his success with taking the question about previous convictions off of job applications in the Philadelphia county (Band The Box).



THE MOVEMENT

www.hrcalition.org

Photos by Patricia M. Vickers

Families Dare To Speak, Dare to Resist

(Continued from page 10)

His organization also fought and won the right to vote for people coming out of prison in Pennsylvania. Wayne said that the way to persuade politicians is by money or by people. He suggested that we be totally people driven, since we don't have the money. And to be people driven we must have a membership and he suggested that we get connected with the people at recovery houses, half way houses, and re-entry programs.

Mr. Jose DeMarco, with ACT-Up of Philadelphia fought for the rights of people with HIV/AIDS. He talked about how the government didn't care - their attitude was that you shouldn't be gay - when HIV victims were dying in droves. Change didn't happen until people got angry and fought back by organizing. He advised us to build power with other groups - we should be working together since our issues are the same; poverty, homelessness, and prison. He gave us some brilliant non-conventional tactics to employ in our fight for prisoners.

After lunch we discussed where each chapter stood in regards to their PAC. We talked about the importance of coordinating the efforts of each of the chapters. We consulted on "what is the mission of HRC" and that staying within our mission should be the same across the board. We discussed recruitment for the PAC. We considered planning actions and events and the possibility of having a state wide educational tour (s). PAC deliberations were followed by a skill building session. Bro. LuQman made a presentation of "What is a workshop?" where we were encouraged to think about effective workshop planning, targeting our audience, advertisement, mobilizing, measuring success, and "what's next".

The last day of our retreat, in the midst of the full blown Irene madness, was filled with discussions about public outreach and creating a media campaign where ideas flew back and forth to the point that we couldn't possibly reach a decision. But we'd accomplish so much with the bonding of each HRC member through shared experiences and re-examining the goal/mission of HRC, through the inspiration of song and poems and individual assertions of why we are a part of HRC. With a re-enforced dedication we returned to our day-to-day battles recognizing that when we stick together we can brave the storm.



THE MOVEMENT

Queen For a Day

I was his Queen!

His 'Mahogany Queen'

But, after reading between the lines, the lies, they filled my mind

And cries filled my face with pained creases of defeat

And motionless emotion because, I was weak.

He whispers 'Mahogany Queen'

And my heart dances again with joy and gleam

Then after the smoke screen cleared, I clearly saw fearful

premonitions of the end of my throne

It was on loan

And so on, and so on

A great love affair it was!!

'Mahogany Queen' and he was my 'King Thug'

While in his arms I was in love.

'Mahogany Queen' I thought with a smile,

And his embrace turned into a hug.

'Mahogany Queen' and his flesh became my flesh against

My own flesh as I sat there, in the tub

Trying to erase the memories of what I thought was love,

Amber scented candles filled the room

And the bittersweet taste of Mascoto wine lingered on my lips

As I stared at the moon

Trying to wash away memories of him,

but to no avail,

I was in an emotional hell.

Memories of him played in my mind, Damn that Teena Marie,

She kept singing of what once was mine.

'Casanova Brown' I thought we was down,

for one and other, but now he's loving another

Tomorrow he'll meet Trina, Ameena, or Rasheena and she WILL smile

Taken over by his smooth words and suave style.

And she better saver it, or run for cover

Cause "Mr. Lover", his crowns on tilt

And if your heart is not built, then run

Run I say!

Cause you will only be "Queen"

that first day!!

Written by HRC family member, Pocahontas Mahogany

LOVE KNOWS NO BARS



To My Loving Mother and Father

(Picture of yours truly Timothy Mark Dodge "Dodge" and my beloved mother, Dorothy Ann Dodge 72 years of age and father, Ronald E. Dodge, 76 years of age who passed on January 17, 2011.)

With love to my loving mother. And RIP to my beloved father who stuck it out 11 years and not so many times of trouble that I caused before this life by number sentence, for camping gear that's about 3 to 7 years for each fishing pool, each sleeping bag and each tent all running wild.

Dodge is serving 58 to 124 years for a non-violent crime. His appeal has been ruled twice by the Superior Court that his sentence was too harsh.

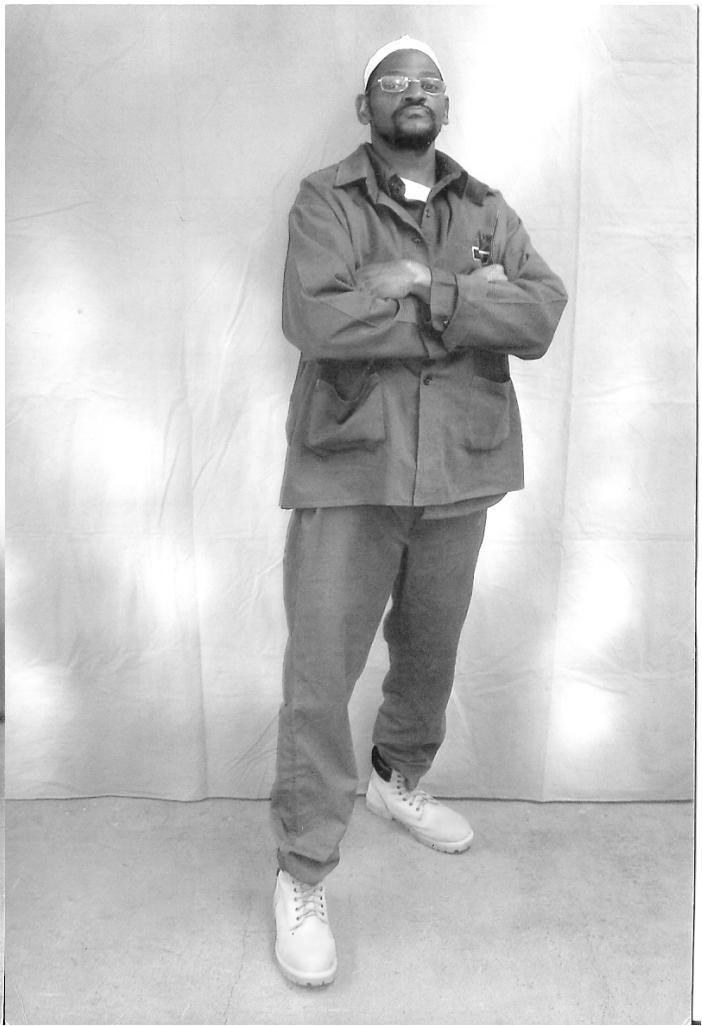
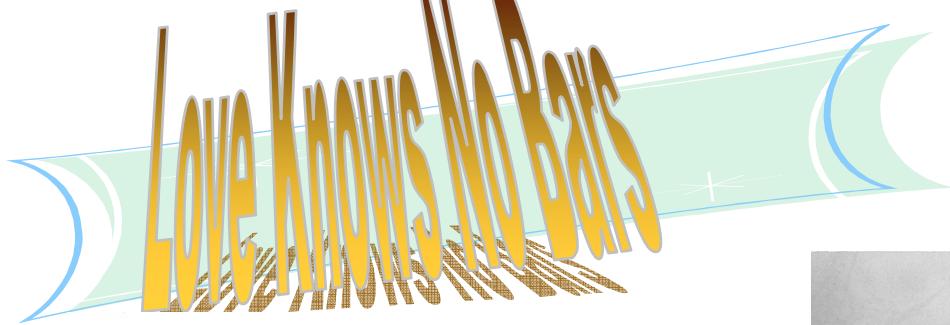
Timothy M. Dodge #EP-6184
SCI-Dallas

WE WOULD LOVE to print your "SHOUT-OUT" (with picture) in our LOVE KNOWS NO BARS section of The Movement .

If you and your loved ones want to participate in LOVE KNOWS NO BARS please send:

- A picture taken during a prison visit.
- Names and Relationships of those in the picture, listed left to right.
- The name and address of the person sending the picture.
- A brief note by a loved one or prisoner expressing their personal feelings (approx. 3 paragraphs).
- A stamped, self addressed envelope if you want the picture returned.

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



Bayard P. Davis #JR-3511 SCI-Dallas

My son has gone through a lot of suffering in prison and being in the hole. He's having to learn to stay in control without allowing his anger to control him. He knows he is going through this for a reason, because he had a lesson to learn.

He's joyfully accepted God in his life and knows that that relationship is giving him the strength to take whatever is coming to him. Because he knows that this too shall pass and that he will be able to come out and live a happy resourceful life, a prosperous and joyful life.

Son you are loved. And I am fully behind you and am waiting for you to come home and be that wonderful citizen (who I know and love) in our community.

With love from the mother of Bayard Davis, Ms. Julia M. Green.

THE MOVEMENT

The HomeFront: Serving Our Community!

SAFE HAVEN

In North Philly, a group has created a small oasis amid the killings.

By Daniel Denvir

Edited by HRC



Neal Santos

POINT GUARDS: Kids play basketball at a homemade hoop in the street near Express Ur-Self.

[RECLAMATION]

A long-abandoned building at 16th and Oakdale, in the heart of North Philly, is the humble epicenter of a renaissance. Down a cramped flight of stairs sits Express Ur-Self Incorporated, a high-tech basement recording studio owned by Terry Starks, a former prisoner bearing four gunshot wounds.

Express Ur-Self offers young people something else to do in a neighborhood that suffers more murders than any other in Philadelphia — this year, the 22nd Police District has been the site of 28 killings and 111 shootings as of July 17. It is also the operations center for a group of men trying to keep black youth away from violence and prison.

On a recent afternoon at the studio, as house band Press4tyme (gospel, R&B, rap and soul) wound down a practice session, other musicians stopped by to visit, including local singer VIP and a young DJ from the neighborhood. "If I ain't have no way to record, I would be doing the stuff I used to do," said Deejay DaSinger, 19.

(Continued on page 16)

THE MOVEMENT

www.hrcalition.org

PAGE 15

FALL 2011 (ISSUE # 12)

The HomeFront: Serving Our Community!

(Continued from page 15)

Row houses in every direction are boarded up and interspersed by vacant lots, and almost every wood-affixed door and window is emblazoned with a spray-painted elegy: "RIP G-Bull" or "In Loving Memory of Andi 5000," the latter marking the spot in front of an empty lot where a fleeing 19-year-old named Albert Purnell was shot and killed by police in May. They claimed, contrary to witness accounts, that he pulled a .357 magnum.

"We don't want more teddy bears," says Atiba Kwesi, aka Jesse Johnson, released 19 months ago after 27 years behind bars for armed robbery. "You see that? R.I.P. That's the slogan in our community."

These men are not exactly a Kiwanis Club composite sketch: three former prisoners, age 25 to 51, and Gunnery Sgt. Jamal Robinson, a Marine. But thanks to their presence, drug dealers have left the block, and a homemade wooden basketball hoop that kids are taking shots on has been built along the street — right where Purnell was killed.

"We're geared to getting the violence down. Our building is like the rec center for the community," says Starks. But, he says, "We're not getting much help from the city," with most funds going to what Starks calls politically connected "poverty pimps" rather than neighborhoods.

Block captain Eartha Jennings is thrilled to see the men at work. She needs the backup. For example, she has been fighting since September to keep the burnt-out house at 1546 Oakdale boarded up. According to the Mayor's Office, it took Licensing & Inspections 77 days to board it up, and then another 85 days after Jennings called to have the boards reapplied after they were torn off. "L&I responded quickly and thoroughly to both requests," says Nutter spokeswoman Katie Martin, noting that city rules require a first inspection, a second inspection and finally the clean-and-seal.

"Look at the danger the kids play in," sighs Robinson. Years ago, an off-duty policeman gave him a Marines recruiting card while he was dealing drugs, setting him on a new path. He points to piles of rubble littering vacant lots and clogging a small alley: wood, glass, couches, mattresses and a white car that has sat in the grass for an estimated seven years. "It's just an eyesore for those people who are trying to work to maintain their homes," says Jennings, exasperated. And the city tells her there is nothing to do about that white car. "And they wonder why we're angry," laughs Kwesi.

The fire-hazard alley is on a block already hit by three fires this year, but the Mayor's Office says that L&I "cannot clean up the alley" because it is "private property." Jennings can request a cleanup, though it "will be billed to the homeowners." It's unclear how the many absent or nonexistent homeowners figure into this.

Cars speeding down 16th Street make street basketball a dangerous game. But with no park nearby, this is a relative oasis: a corner free of gunslingers. Even better would be using the empty lot to build a court.

"There are, like, eight to 10 gang cliques" between the corner and the closest park near 15th and Dauphin, says Kwesi. "I want to give them a playground instead of making them feel like they're in Beirut."

Brandon Jones, 25, who just finished serving four years for attempted murder, says there are at least 20 drug corners nearby. "I used to cop there," says Jones, who bought drugs wholesale in the neighborhood to deal in Montgomery County. "We better know where they are."

(Continued on page 17)

The HomeFront: Serving Our Community!

(Continued from page 16)

Starks puts on "Education Over Incarceration," a musical collaboration between Michael Ta'Bon and neighborhood kids that asks: "Uncle Sam, is your plan to arrest the whole nation?"

"We're out here doing battle," says Kwesi. "We don't have guns. We don't have bulletproof vests." "We don't have life insurance policies," says Johnson.

Kwesi interjects: "But we've got community support."

Contact Information for Atiba Kwesi:

Executive Director

...And Justice For All

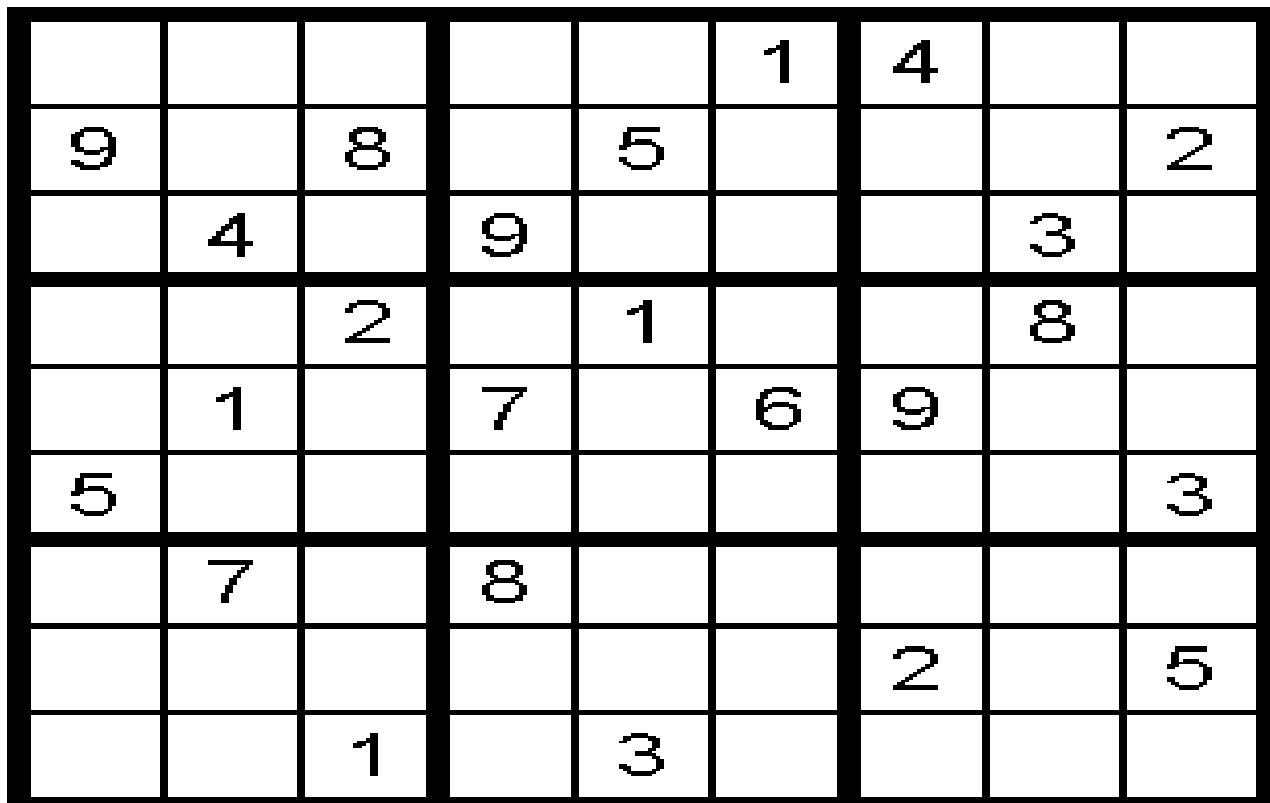
P.O. Box 11848

Philadelphia PA 19128

Phone: 215-880-4117

Email: atiba@ajforall.com

We have done so much with so little for so long, that today, we can almost do anything with nothing!



THE MOVEMENT

www.hrcalition.org

ANSWER ON PAGE 23

PAGE 17

FALL 2011 (ISSUE # 12)

The HomeFront: Serving Our Community!

HRC Aids Prison Re-Entry of Military Veterans

Richard "Tut" Carter, Sr., HRC Interim Facilitator*

In 1982, when the nation began recognizing the lingering effects the Vietnam War was having on many men that fought in that war, a group of 15 Vietnam Veterans at the State Correctional Institution, Graterford, Pennsylvania initiated a class action lawsuit. This particular lawsuit was quite simple, as veterans of the Vietnam War they "believed" that they too suffered identical medical and psychological ailments as Vietnam Veterans of free society. They identified medical concerns such as possible contamination of Agent Orange and other typical health problems associated with military service. Although the nation begun recognizing that some U.S. veterans that served tours of duty in Vietnam were suffering from Post Traumatic Stress Disorder (PTSD), the veteran lawsuit claimed that, while under the custody of the Pennsylvania Department of Corrections they are being denied the same quality of health care and psychological treatment "similar to" the quality of care and treatment the Department of Veterans Affairs provides to Viet Nam vets in free society. See, Richard Carter, et al. v. Glenn R. Jeffes, et al, U.S. District Court E.D. Pa., Civil Action No. 3821 (1982).

When this class-action lawsuit was filed (September 7, 1982), pursuant to Senator Resolution #22, the Pennsylvania Senate's Legislative Office of Research Liaisons discovered that approximate 10% of state prison populations were military veterans; at that time the DOC total population was 25,000, therefore, about 2500 of the DOC's inmate population were military veterans and 3-in-5 was Viet Nam combat veteran-inmates.

A horrible situation the veterans lawsuit helped in eliminating was, prior to the filing that class action lawsuit "some" Vietnam Veterans who were probably experiencing psychological problems associated with PTSD or, combat psychosis while at the period of arrest and when serving their sentence under the DOC's care were misdiagnosed as being criminally insane and "misplaced" in Pennsylvania's notorious Farview Hospital for the Criminally Insane (which is the site where the current SCI-Waymart, PA is located. The law suit caused the government to take closer looks at the troubles of Viet Nam Vets inside and outside prisons and saved hundreds from being misdiagnosed as criminally insane while in prison.

The eventual out of court settlement reached by the Vietnam Veteran and the DOC in 1989 proved to be mutually beneficial to both parties in that case. Pennsylvania's DOC became the first state in the nation to offer US veterans of the Vietnam War, Agent Orange Screening and counseling for PTSD as permanent part of its treatment plan. The DOC and the Veterans Administration as well as several veteran support groups to collaborated to provide services for those special needs of the Vietnam Veteran serving time in prison. Since that time, the Veterans of Graterford/Vietnam Veterans of America Chapter 466 has become a nationally recognized US veteran service and support organization. "Veterans Helping Veterans," for more than 30 continual years and still serving!

(It deserves mentioned that, the veteran-plaintiffs formed the Class Action Litigation Committee and is the only civil rights where prisoners earned a generous fee for materially helpful participation resulting in a reasonable consent decree for 4800 hours of para-legal work necessary in the litigation of Carter, et al v.Jeffees.)

That veteran inmate group also provides self-help type aid for fellow veterans on the cell-block. They aid veterans in drafting and filing form-applications with the US Department of Defense, requesting military records: DD-214 (discharge),service records to support disability claims and, to have bad-paper military discharges upgraded to "under honorable conditions." Additionally, they aid veterans in applying for veteran entitlements with the Department of Veterans Affairs (originally the Veterans Administration and apportionments that allow veterans give most of their VA payments to their family and children on the outside).

Graterford's veterans have also established a working relationship with the administration who permits these inmates to hold monthly membership meetings which the veterans come together to plan strategies for providing better services for those they help. According to their 2011 pamphlet, Veterans of Graterford, VVA Chapter 466's mission is "Veterans Helping Veterans" From the Inside Reaching Out. They provide in-house veteran group counseling through prison staff. Relative to this essay, VOG/VVA-466 also provides re-entry programs, which consist of the following:

(Continued on page 19)

Lebanon VA Medical Center: Outreach/Pre and Post-Release services, help make community reentry more successful, provide substance abuse treatment, vocational & living skills programs, community transitional residence, housing, ongoing support, and case management.
(VOG/VVA-466, 2011 pamphlet)

The Lebanon VA Medical Center's re-entry program is the brainchild of many members of the Department of Veteran Affairs but, mainly the hard work of Mr. Otis Nash of VISN 4. In the mid-1980's the attorney for the class-action veterans consulted with Mr. Nash and introduced him to VOG/VVA-466. Mr. Nash was one of the first DVA and justice liaisons; he visited veterans behind bars and kept them up to date regarding their DVA benefit entitlement. Additionally, he counseled re-entry veterans by encouraging them to rely on the DVA to address their substance abuse, PTSD and other medical conditions.

After some years of operation it became necessary to extend re-entry services and programs for veteran's transitional needs once released from the Lebanon VA Medical Center. Otis and VOG/VVA-466 contacted Mr. Richard Muhammad, this writer.

While making a presentation recruiting for the Human Rights Coalition at the New Hope Revival Center (17th and Wingohocken Street, N. Phila.) recruiting for Human Rights Coalition in the spring of 2007 I met Ms. Angela Chandler, Executive Director of Diversified Housing Solutions, Inc., (DHS) a non-profit 501©(3) organization. As a result of this meeting of the minds, the State Correctional Institution at Graterford requested that we develop a pilot re-entry program for US veterans there.

Through a generous grant from the DVA, in the fall of 2010, a renovation team of general contractors working with previously homeless vets and ex-prison inmate veterans began the process of transforming an old Germantown mansion at 25 East High Street into Richard's Place I (named in honor of the late U.S. Army Corp of Engineers Lt. Col. Richard Chandler and decorated veteran). This 30 bed transitional housing program connects residence with the DVA and other veteran service providers. At the time of this writing DHS is negotiating with Infinite Solar and Berean Institute in Philadelphia to open a solar energy training school. This gives us the opportunity to offer our resident-clients futuristic trade-skills for enter the green collar economy as both workforce development and entrepreneurs of tomorrow. We hope to offer starting wages twice state and national minimum wage standards while mentoring our clients to begin thinking about cleaning up their credit, budgeting and banking and planning first-time home ownership..

Richard's Place I provides vets on-site access to case-management; a state-of-the arts computer learning lab, recreation center and all of the comforts of home.

I have taken the time to include details about how a group of people set out to help each other has survived more than 30 years, and it continues to grow. One of HRC's mission is to aid in the rehabilitation and reintegration of formerly incarcerated citizens. I feel this is one of HRC's success stories that, although the Graterford's veteran organization begun many years before HRC, it was when I was recruiting for HRC that I learned that our membership "as a genuine coalition" must also include groups that provide's HRC with resources such as housing and jobs for formerly incarcerated citizens.

As a pilot program HRC and other prisoner's rights groups can replicate Richard's Place I -- and set out to acquire properties, hire our membership and aid needy poor communities with models for social improvement projects.

Harambee ("Lets Pull Together!")

**Brother Tut is DHS's residential director, he is Administrative Director of HRC-Chester Resource Center & Outreach Project, the Operations Director of the Chester Re-Entry Resource Center and, member of the Community Grant Making Committee of the Bread and Roses Fund.*

Is Innocence Irrelevant?

As you read, ask yourself if justice is being served by the judicial system when it criminally tries and convicts individuals while knowing of their innocence, while prosecutors are not held accountable for their illegal misconduct at individuals trials, and while the courts and intentionally deny fair trials to others.



FILE - This undated file photo provided by the Georgia Department of Corrections shows death row inmate Troy Davis. Georgia corrections officials have set a Sept. 21, 2011, execution date for Davis, for the 1989 murder of Savannah police officer Mark

MacPhail. Davis has drawn a considerable amount of worldwide support, from the Vatican to the European Union, from President Jimmy Carter to Pope Benedict XVI. The NAACP has launched an "I am Troy" campaign, and a Change.org petition asking the five-member Georgia pardons board to spare his life has attracted more than 100,000 signatures.



Protester Jason Ebinger removes a sign from outside the building where members of the Georgia Board of Pardons and Paroles are meeting to hear the case of death row inmate Troy Davis, Monday, Sept. 19, 2011, in Atlanta. Davis is scheduled to be executed on Wednesday, Sept. 21, 2011, for the 1989 murder of off-duty Savannah police officer Mark MacPhail.

Hundreds march in Georgia to oppose Troy Davis execution

9/16/2011

Only on msnbc.com

ATLANTA — More than 2,000 activists chanting and toting banners joined a march and rally on Friday to oppose the execution of Georgia death row inmate Troy Davis, convicted of the 1989 murder of a Savannah police officer.

Georgia's Board of Pardons and Paroles is slated to meet Monday to consider whether to stop Davis' execution by lethal injection, which is scheduled for next Wednesday.

"I pray that this rally will have an impact on Pardons and Paroles," said marcher Solana Plaines, from Savannah. "I hope they will do the right thing."

Davis' supporters say there is no physical evidence linking him to the crime and that key witnesses in his trial have since recanted their testimony.

"You just can't give up hope," said Ellen Kubica, who traveled from her home in Germany to attend Friday's event, which featured banners reading: "Too much doubt to execute."

Davis' supporters marched from downtown Atlanta to Ebenezer Baptist Church on Auburn Avenue for a rally.

Martin Luther King III, son of the late civil rights leader Martin Luther King Jr., joined the march. His father and grandfather were pastors at Ebenezer.

(Continued on page 21)

THE MOVEMENT

www.hrcalition.org

PAGE 20

FALL 2011 (ISSUE # 12)

Is Innocence Irrelevant?

As you read, ask yourself if justice is being served by the judicial system when it criminally tries and convicts individuals while knowing of their innocence, while prosecutors are not held accountable for their illegal misconduct at individuals trials, and while the courts and intentionally deny fair trials to others.

(Continued from page 20)

Ben Jealous, president of the National Association for the Advancement of Colored People, and the Rev. Al Sharpton, a civil rights activist and television show host, also attended.

"The only thing left to decide is whether you have the courage to do the right thing," Sharpton said, referring to the Georgia parole board.

"It is blatantly clear that there is no reason for this man to be sitting on death row," he added.

In a rare move, the U.S. Supreme Court in August 2009 ordered a new hearing for Davis to assess what he said was new evidence showing his innocence.

The justices transferred the case to a U.S. District Court in Georgia for a hearing and determination of his claims that new witnesses will clearly establish his innocence. A year later, the judge, William T. Moore Jr., rejected Davis' claims of innocence.

On Thursday, supporters of the condemned man delivered petitions bearing more than 600,000 names to the parole board.

In an opinion column published on Thursday in the Atlanta Journal Constitution newspaper, former FBI Director William Sessions called for Davis' sentence to be commuted to life in prison, saying the case was "permeated in doubt."

In an opposing column written in late 2008 and republished on Thursday, Spencer Lawton, the district attorney who prosecuted Davis, said the condemned man had a fair trial.

The claim that seven witnesses at the trial had subsequently recanted their testimony was "not believable," Lawton wrote.

Lawton said the witnesses were all cross-examined by defense attorneys during Davis' trial and denied that they had been coerced by police.

From the Editor

We are all feeling the pain and let down by the execution of our comrade, Troy Davis. Our deepest sympathy and prayers go out to his loved ones who are devastated and have suffered along with Troy through out the years.

To his supporters we say the fight is not over, lets not let Troy's death be in vain. Everyday there is an urgency to fight for the innocent, to fight against unjust convictions and this horribly flawed so called justice system. Hopefully the death of an innocent man, Troy Davis, will inspire more to oppose the death penalty.

Remember today it was Troy who faced execution, tomorrow it may be you or your family member. To fight for the future of us all is the why the Human Rights Coalition exist. As mentioned on our front page, a thousand tweets (while encouraging) won't make a difference at the last minute ... where were you last month, six months ago ...

We encourage our comrades on the inside to push your loved ones to actively support the Human Rights Coalition or any organization fighting against the in-justice system. We can only do it with your help.

Let's turn the tables and prevent another innocent from death, torture, abuse.

THE MOVEMENT

www.hrcalition.org

PAGE 21

FALL 2011 (ISSUE # 12)

Is Innocence Irrelevant?

As you read, ask yourself if justice is being served by the judicial system when it criminally tries and convicts individuals while knowing of their innocence, while prosecutors are not held accountable for their illegal misconduct at individuals trials, and while the courts and intentionally deny fair trials to others.



**Billy Moore,
Guardian.co.uk**
'I take comfort
from the fact Troy
Davis would have
seen the protests
around the world'
such as this one in
Washington DC,
against his execu-
tion. Photograph:
Paul J Richards/
AFP/Getty Images

Statement by 6 former prison wardens/directors opposing Troy Davis execution

Date of Publication: 09/21/2011

Media Contact: Ron McAndrew, 352-342-1450 (EST) and Jeanne Woodford, 415-243-0143 (PST)

ATLANTA, GEORGIA-This morning, six retired corrections officials, including Dr. Allen Ault, retired Director of the Georgia Department of Corrections and former Warden of the Georgia Diagnostic and Classification Prison where he oversaw executions for the state, have sent the following letter to Georgia Corrections Officials and Governor Nathan Deal asking them to urge the Georgia Board of Pardons and Paroles to reconsider the decision they made on Tuesday, September 20, 2011 to deny Troy Davis Clemency despite concerns about his guilt. Davis is scheduled to be executed on Wednesday, September 21 at 7:00pm at Georgia Diagnostics & Classifications Prison in Jackson, Georgia.

Statement:

We write to you as former wardens and corrections officials who have had direct involvement in executions. Like few others in this country, we understand that you have a job to do in carrying out the lawful orders of the judiciary. We also understand, from our own personal experiences, the awful lifelong repercussions that come from participating in the execution of prisoners. While most of the prisoners whose executions we participated in accepted responsibility for the crimes for which they were punished, some of us have also executed prisoners who maintained their innocence until the end. It is those cases that are most haunting to an executioner.

We write to you today with the overwhelming concern that an innocent person could be executed in Georgia tonight. We know the legal process has exhausted itself in the case of Troy Anthony Davis, and yet, doubt about his guilt remains. This very fact will have an irreversible and damaging impact on your staff. Many people of significant standing share these concerns, including, notably, William Sessions, Director of the FBI under President Ronald Reagan.

Living with the nightmares is something that we know from experience. No one has the right to ask a public servant to take on a lifelong sentence of nagging doubt, and for some of us, shame and guilt. Should our justice system be causing so much harm to so many people when there is an alternative?

We urge you to ask the Georgia Board of Pardons and Paroles to reconsider their decision. Should that fail, we urge you to unburden yourselves and your staff from the pain of participating in such a questionable execution to the extent possible by allowing any personnel so inclined to opt-out of activities related to the execution of Troy Anthony Davis. Further, we urge you to provide appropriate counseling to personnel who do choose to perform their job functions related to the execution. If we may be of assistance to you moving forward, please do not hesitate to call upon any of us.

Respectfully and collegially,

Allen Ault – Retired Warden, Georgia Diagnostic & Classifications Prison

Terry Collins – Retired Director, Ohio Department of Rehabilitation and Correction

Ron McAndrew – Retired Warden, Florida State Prison

Dennis O'Neill - Retired Warden, Florida State Prison

Reginald Wilkinson – Retired Director, Ohio Department of Rehabilitation and Correction

Jeanne Woodford – Retired Warden, San Quentin State Prison

THE MOVEMENT

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 in prisons and challenging the prison industrial complex exploitation of inmates and the drastic ramifications 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"

7	2	5	3	8	1	4	9	6
9	3	8	6	5	4	7	1	2
1	4	6	9	7	2	5	3	8
4	9	2	5	1	3	6	8	7
8	1	3	7	2	6	9	5	4
5	6	7	4	9	8	1	2	3
2	7	9	8	4	5	3	6	1
3	8	4	1	6	9	2	7	5
6	5	1	2	3	7	8	4	9

**Subscribe to the MOVEMENT
Newsletter HERE!**

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

Please provide:

Name: _____

Prisoner Number: _____

Street Address: _____

City/State: _____

Zip Code: _____

Phone #: _____

Email: _____

Families of Prisoners – FREE!

Prisoners - \$6.00 One Year Subscription is one issue per quarter (a total of 4 issues).

Send to:

Human Rights Coalition
Attention: Newsletter Subscription
C/O Lava Space
4134 Lancaster Avenue
Philadelphia, PA 19104

Subscription Rates:

THE MOVEMENT

www.hrcalition.org

PAGE 23

FALL 2011 (ISSUE # 12)

Interview with Lynne Stewart

By Patricia M. Vickers, Human Rights Coalition

The Political Prisoner, Lynne Stewart, was interviewed by mail by Patricia Vickers, a founding member of the Human Rights Coalition (HRC) of Pennsylvania. Ms. Vickers is the co-founder/editor of The Movement magazine of the HRC. A former 1960s student activist, Ms. Vickers is an eco-feminist whose youngest son, Kerry 'Shakabooma' Marshall, is a wrongly convicted juvenile serving Life imprisonment as a Juvenile Lifer in Pennsylvania prisons and, though incarcerated for 25 years, is a political activist.

Lynne Stewart, at 70 years old, was sentenced to 28 months in prison for helping her blind client, Omar Abdel Rahman, communicate with his Islamic group, followers of the Middle East. Later prosecutors filed an appeal arguing that the a more appropriate sentence would be 15 to 30 years and in 2010 the original sentence was overturned and sent back to U.S. District Court Judge John George Koeltl. Her sentence of 28 months was increased to 10 years.

Human Rights Coalition: Hello. Welcome to THE MOVEMENT Sister Lynne. Thank you for granting me this interview with you. How are your health and spirits, and how are you being treated at FMC Carswell [Federal Prison]?

Lynne Stewart: My health is passable—the usual brushfires of aging, but good. My spirits are always high, especially with the mail I get to encourage me. I am being treated as well as can be expected. I receive heavy scrutiny—all mail, email and phone conversations.

Human Rights Coalition: There your unlawful confinement and you for your legal representation you enlighten the people about

Lynne Stewart: There are two you so gallantly described it. ing what I believe is the duty and sent the client zealously and con original trial (1995) of the blind Egypt, we wanted to keep his eventually try to negotiate a re jail in Egypt. In that spirit I made Reuters, expressing his point of then in effect in Egypt. I believed that this was part of salvaging him from the torture of his solitary confinement and also that it was part of the work I had sworn to do. I was tried and found guilty for materially aiding "terrorism."

Then, after I received a sentence of two-and-one-half-years, as opposed to the 30 years the government wanted, on appeal, the Second Circuit Court sent the case back for the Judge to give me more time. Without much ado, he sentenced me then to ten years, partially based upon statements I made after the sentencing and before I surrendered in November 2009. That sentencing is currently on appeal and will be argued in the fall in New York City.

Human Rights Coalition: In the people's eyes, mine included for sure, you are our [s]hero and represent a long line of principled and committed warriors of the struggle. How do you take being a Political Prisoner of the American government?

(Continued on page 25)



are people who aren't aware of the government's repression of of the Muslim blind Sheik. Can your situation?

aspects to my "situation," as First, I was prosecuted for do work of an attorney—to representiously. In the case of the Sheik, Omar Abdel Rahman, of name alive so that we could turn for him even if it meant a press release public, and to view on a unilateral cease fire

Human Rights Coalition Report

(Continued from page 24)

Lynne Stewart: I believe I am one of an historical progression that maintains the struggle to change the perverted political landscape that is the U.S. It seems that being a political prisoner must be used as a means of focusing people's attention on the continuing atrocities around them. Nothing seems to be too shocking or corrupt to blast the complacency. Like my client Richard Williams used to say, I might think I hadn't been doing my utmost if they didn't believe I was dangerous enough to be locked up!

Human Rights Coalition: In April, the U.S. Court of Appeals for the Third Circuit ruled that Political Prisoner Mumia Abu-Jamal's death sentence is unconstitutional. However, I am sure there are forces working behind the scenes within the Criminal Injustice System—like what happened in your case—to manipulate another death penalty outcome on Mumia. What is your opinion of the current news surrounding our brother Mumia?

Lynne Stewart: Mumia's case is our greatest challenge because he is the best and the brightest, and they know it too. We, the progressive revolutionary movement, and Mumia's lawyers, must create the strategy that forces the District Attorney to elect to try the death penalty issue. Then we get a chance in public, in court, to clearly present the overwhelming proof of his innocence. The worst thing that could happen is that the DA elects to give him life without parole—a living death that deprives our movement of one of its true leaders. I just hope that the blood thirsty Blue Line forces the issue and holds out for the death penalty so we are in the position to take advantage and advance our cause, and Mumia's.

Human Rights Coalition: July 4th is widely celebrated as "Independence Day" in America, but the masses of people are experiencing their independence (freedom) taken away by the corporate American government, and by the big banks and mega-corporations that run them. Are the citizens of America truly free, or is their independence a grand illusion?

Lynne Stewart: I re-read Frederick Douglas' great 4th of July speech every year to just remind myself of how little the ultimate issue has changed from the founding of the nation to today's alleged "freedom." Racism is at the core of the empire; and we can never be blinded by all the fireworks in the world.

Human Rights Coalition: Can you describe the difference between Civil Rights and Human Rights?

Lynne Stewart: For me the difference is the same as between the Constitution's Bill of Rights and the UN Declaration of Human Rights. The Bill delineates the ways that Government may not encroach on our ability to operate freely. It is a prohibition on the Government limiting free speech, religion, the right to bear arms, and the right to free assembly. It delineates the rights within the legal system.

The Declaration guarantees fundamental human entitlements—freedom from hunger, freedom from fear, freedom to choose, freedom to live in an environment that doesn't kill us, and our children.

We obviously fight for more than the political guarantee to be free of government interference—it is to be able to live an open and generous and contributing life toward the betterment of people on the entire planet.

Human Rights Coalition: Sister Lynne, What are human rights to you? What do you make of the growing human rights movement in the U.S.? And how can people advocate their human rights effectively?

Lynne Stewart: Advocating for human rights must always delineate that our struggle is not one of "self interest." It is a fight for all of us. This raises the always-troubling question of the recognition that for some this may mean sacrificing their entitlements (i.e. skin privilege, class privilege) to better others' lives. Nobody wants to give up what they feel that they have achieved legitimately, "within the system." But without the recognition that one has benefited unfairly by the unwritten "code" that has favored certain groups over others, change cannot occur.

(Continued on page 26)

THE MOVEMENT

www.hrcalition.org

PAGE 25

FALL 2011 (ISSUE # 12)

Human Rights Coalition Report

(Continued from page 25)

I also believe we have lost the sense that we enjoy the right of self-defense. Everyone is so busy announcing their "peacefulness" and willingness to be a victim for a cause, that we forget that a true measure of one's seriousness is to defend oneself, and others—to live; Che's observation that a revolutionary is moved by great feelings of love. This includes not only self-sacrifice but also daring to struggle, daring to win (to quote another hero, Mao).

Human Rights Coalition: What are some of the human rights violations that you see happening in the U.S. today that we, the people, need to eliminate?

Lynne Stewart: The most egregious and obvious violations are occurring in the prison system. Not only the obscenely long sentences but the torture holes of "Special Housing Units." These are the equivalents of Belsen and Dachau, resulting in living death and mental deterioration. When I think that so many imprisoned without current hope of redress are political prisoners and have been held so for decades, it not only brings tears but also a feeling of grim determination to make it change!

Human Rights Coalition: What are some of America's foreign human rights violations going on that people may not be aware of?

Lynne Stewart: I personally feel that the deterioration of the African sub Saharan continent and its descent into rapacious capitalism will ultimately translate into unparalleled destruction of people and resources. I include South Africa in this assessment. If the African National Congress (ANC) and Mandela had remained steadfast in the socialist principles that guided their resistance and not given in to the terrible temptations of compromise, greed and power, we might have seen the beginning of a different balance of power. Alas, this was not to be and instead we see the depredation of Africa, by absolutism and the American capitalist paradigm.

Human Rights Coalition: People seem to be oblivious or indifferent to the human rights abuses that occur daily in U.S. prisons against other human beings, women prisoners in particular. Can you shed some light on that human rights issue?

Lynne Stewart: Human rights do not exist in prison. Aside from the obvious violations described above, I see day-to-day a brain-washing that teaches all prisoners that they are less than nothing and not worthy of even the least human or humane considerations. This is reflected in the lack of adequate medical care, the appalling diet, the steady diet of spoon-fed mediocrity—TV (Archie Bunker re-runs), movies, no access to the Web, etc. There is an absence of legal advice or aid inside the walls. Law libraries with books have been eliminated; instead they have a computer program that is so anti-user that even I, an attorney of 30 years, have difficulty navigating it. Their goal is to keep us dumbed-down, docile and estranged.

The outside world is oblivious because they too have been brainwashed into believing that those locked away are less than human—based on differences of race and class. It is most difficult to struggle against the power if you don't have a belief that the struggle is worth the sacrifice.

Human Rights Coalition: Do you consider the legal practice of sentencing children to life imprisonment without any possibility of release (*a de facto* death sentence) for homicide, to be a human rights violation?

Lynne Stewart: I am 100 percent opposed to anything that does not have a factor of human redemption or at least of remediation. I guess it is part of a whole belief system. If you are, like I am, committed to "changing" the world it must be ALL of us, who deserve to live in a system that recognizes that terrible psychic and physical damage can be done to human beings, and has a plan to make people, especially children, whole and restore them to our community.

Human Rights Coalition: In Pennsylvania, being debated is whether sentencing child offenders to life imprisonment without parole should simply be "reformed" by leaving the legal practice intact and simply give the child offender a sentence of life with parole

(Continued on page 27)

Human Rights Coalition Report

(Continued from page 26)

eligibility or should the legal practice be abolished entirely and a new sentencing scheme be developed for child offenders instead? What is your position on the matter—reform or abolish it?

Lynne Stewart: Your question really asks if "reform" is possible within an inhumane system? This is an issue revolutionaries have wrestled with always. Do we give the starving a crust of bread or leave them hungry to make the greater change. I, like Rosa Luxemburg, always made it my practice to minister to immediate primary needs but also to render the explanation for their predicament in political terms and with political (group action) solutions. At least in that way, the baby was no longer starving for milk and there might be a spark ignited for the next confrontation with the oppressor.

In the strict context of your question, we do need to struggle to save people from the most inhumane punishments. However, until we resolve the burning questions of race and class, we must not forget that these are palliative, Band-Aids on a hemorrhage.

Human Rights Coalition: What do you say about the illusion of democracy in America that the people are now witnessing from the domestic austerity program that the federal and state governments are imposing on the American people?

Lynne Stewart: Our job is how to smash the myth of America and we haven't really figured out as a movement how to blast our way past the sentimentality the media foists on us. We used to believe that if people knew the "truth," this would shake their faith and move us toward change; or alternatively, if their personal shoe pinched, they would act in self-interest. Now people seem to know only fear and rely on the myths of Big Brother government to assuage them. Our job is to keep on struggling, keep on raising the contradictions, create an atmosphere where we the people are ungovernable.

Human Rights Coalition: Any final comments for the movement out there, Sister Lynne?

Lynne Stewart: In this struggle, once you enlist, it is for life. There are no guarantees and you will be disappointed. But you will also be uplifted when there are victories and enriched by friendship and dedication of the comrades. Most importantly, you can look in the mirror every morning and be at one with the person there because you made the difficult choice and decided to fight for the people against the evil empires. It is the best way to live and I have been on the lines for fifty-plus years, living it.

You can write to Lynne Stewart at:

Lynne Stewart #53504-054, Unit 2N
Federal Medical Center, Carswell
P.O. Box 27137
Fort Worth, TEXAS 76127

Contributions can be made to:

Lynne Stewart Defense Committee
1070 Dean Street
Brooklyn, New York 11216

For further information: 718-789-0558 or 917-853-9759



THE MOVEMENT

www.hrcalition.org

PAGE 27

FALL 2011 (ISSUE # 12)

Inmate Sues State Prison System Over Cell Attack

Tuesday, January 25, 2011

By Rich Lord, Pittsburgh Post-Gazette

Prisoner Robert E. Ivory asked for a transfer to a preferred cell block, and got it, but found himself assigned to room with a "Viking," he testified Monday during the first day of a federal trial in his civil lawsuit against three state correctional employees.

By the time his two-week stay with Russell Nance was over, Mr. Ivory told a six-member jury, he'd been grossed out, threatened and kept awake all night by his "cellie" -- all of which he said he told officials at the State Correctional Institution Fayette. But his pleas to move were ignored, he said, until Mr. Nance stabbed him six times with a pen.

"I was scared to death," Mr. Ivory said, during his sometimes tearful testimony.

"That's quite a story Mr. Ivory has," said lawyer Douglas B. Barbour, of the state attorney general's office, defending the employees. "That's all it is -- a story."

Mr. Ivory, 43, of Allentown, was imprisoned for robbery, threats and simple assault and is now an inmate at SCI Somerset. He told the jury that in a lifetime of ending up in bad places, he has never seen anything quite like SCI Fayette's Cell 1031, nor met anyone like Mr. Nance.

The cell is on the prison's "honor ward," he said, where inmates can shower and use phones at will, and go out to the yard frequently. Mr. Nance, though, had taken a hiatus

from hygiene, "smoked like a broke stove," and used most of the cell as a trash dump and toilet, Mr. Ivory testified. The walls, painted white, were brown.

"The smell was horrific, to say the least," Mr. Ivory said. Other inmates called Mr. Nance a Viking, which is prison slang for one who has given up bathing, and told him, "You don't want to be in there."

Nor did Mr. Nance want him in there, Mr. Ivory testified, recounting a steady escalation of threats to "poke" (meaning stab), or "tea bag" (a form of sexual assault) him. Though Mr. Nance was around 20 years Mr. Ivory's senior, the younger man testified that the elder's "Popeye forearms" and near-300-pound physique terrified him.

Mr. Ivory said he asked corrections Officer Francis Ryan to try to get him moved, but was told only that, "I'll see what I can do." Sergeant Curtis Schaffer was aware of the concerns but did nothing, the inmate continued. And unit manager Tammy Cesarino-Martin warned him not to file any grievances, and said, "I'm not moving you; that's that," he testified.

Mr. Ivory said he filed a request to move anyway, on July 23, 2008, which was ignored.

Three days later, he was eating some rice when Mr. Nance said, "We got business" and attacked with a pen. They fought until guards came, and Mr. Ivory came out of it with six bleeding wounds to his hands and legs and injuries to his fingers, shoulder and back, he said.

Mr. Ivory filed his lawsuit in November 2008, citing the Eighth Amendment against cruel and unusual punishment, and demanding \$75,000 in damages from each defendant. He is represented by attorney Jason E. Hazelwood, who said Mr. Nance would also testify, by video conference from a prison in Michigan, that he tried to get officials to remove Mr. Ivory.

Mr. Barbour said Mr. Nance would say that Mr. Ivory was the aggressor.

The trial before U.S. Magistrate Judge Lisa Pupo Lenihan is expected to end Thursday.

PA Prison Report - Monday February 28, 2011

PA STATE PRISONER WINS LAWSUIT:

Robert Ivory, a Pennsylvania state prisoner currently confinement at Somerset, was awarded \$50,001 by a jury in a civil rights lawsuit that took place in the federal courthouse in Pittsburgh at the end of January. Mr. Ivory suffered six bleeding wounds to his hands and legs, along with injuries to his fingers, shoulders, and back after he was attacked with a pen by a cellmate a SCI Fayette in July of 2008. Unit manager Tammy Cesarino-Martin was held liable for \$50,000 in punitive damages for refusing to remove Mr. Ivory when he requested to be moved due to fears for his safety. Prison guard Francis Ryan was held liable for \$1 in nominal damages.

THE MOVEMENT

www.hrcalition.org

PAGE 28

FALL 2011 (ISSUE # 12)

Interview with Activist Craig Gilmore

Craig Gilmore has been working to halt the expansion of California prisons since the late 90s in organizations like California Prison Moratorium Project (CPMP) and Californians United for a Responsible Budget (CURB), both of which he helped to create. California recently announced that half the people locked in women's prisons - around 4,000 people - are about to be released to parole. The population of men's prisons is expected to be reduced by tens of thousands in the coming months.

In addition to his work shrinking California's prisons, he developed a workshop and co-wrote the comic book Prison Town for the Real Cost of Prisons Project and was co-editor of Prison Focus magazine. He lives in New York.

HRC: Tell us some of the milestones CPMP has reached in its more than decade fight against prisons in California?

CG: In the 15 years before CPMP was established, California built over 20 prisons holding around 5,000 people each. A year later, plans for a new prison were announced and we and Critical Resistance led a fight that we eventually lost (the prison was built), but in the course of that fight we built a movement in California that has made further expansion very difficult. Early on in that struggle, we helped to produce the 1st conference on prisons, racism and environmental justice in Fresno, the heart of California's "prison alley." And I'd say we've done as much as anyone to develop organizing strategies built around the understanding that prisons cause harm across a broad swath of society.

HRC: The extent of prison expansion in US in the last four decades is well known and the numbers are often cited. Does California contrast this national pattern of prison growth and incarceration that is instructive to activists?

CG: Every state has its peculiarities, and organizers always have to understand how national trends play out locally. But in general, California is an average state in terms of its incarceration rate – that is the percentage of the population that is incarcerated. Public sector unions are strong in the state which has limited the use of private prisons. One area in which California has really been a national leader has been in the creation of a moral panic around gangs – both street gangs and prison gangs.

HRC: There are many organizations and individuals working against the prison system across the country in general. How widespread and systematic is the effort specifically to stop expansion in contrast?

CG: There are organizations in the majority of states now and some national groups working on sentencing reforms – so not on expansion *per se*, but on changes that will shrink the system. We have not been as successful as we might have hoped in educating others prison organizers about the importance of *capacity*. One of our early organizing principles was "If they build it, they will fill it." Once millions of dollars are spent building a new prison, once hundreds of staff are hired, it is much harder to close it than it would have been to stop it being built. And as any law enforcement budget (local, state or federal) grows, it is harder to cut it.

HRC: Are existing anti-prison organizations and activists (conceptually, leadership and resource wise) equipped to take on stopping prison expansion work?

(Continued on page 30)

Human Rights Coalition Report

(Continued from page 29)

CG: There are a lot of organizations and activists capable of stopping prison expansion. The concepts are simple, and the work is hard but not particularly complicated. There is now more than a decade of work to learn from and dozens of organizers around the country to offer guidance. If you can organize a charity car wash, a church social or a girl scout cookie drive, you have the skills to stop a prison.

HRC: What are the challenges of organizing in places that seen prison in their community versus to those communities where a new prison is being built?

CG: In places that have not had prisons as part of the local landscape there are a number of NIMBY fears, many of them not very well grounded: fears of escape, fears that prisoners' families will relocate to the prison town bringing drugs or violence or other "urban ills." Towns that have had prisons know that those things don't usually happen.

HRC: What are benefit and challenges of "coalition" building? CPMP has been part of or facilitated several coalitions since its inception e.g., "Coalition for Effective Public Safety"; "California United for Responsible Budget"; "No Jails Coalition" – What coalitions can and cannot bring to prison abolition movement compared to individual organizations?

CG: Michelle Alexander has called for a new civil rights (mass) movement to topple the New Jim Crow. Our understanding of the political importance of anti-expansion work has pushed us towards strategies that work along two timelines: on the one hand, we need to generate opposition in the short term to any new expansion projects so that the prison system doesn't get any bigger or more powerful. Dr. Alexander points out that her call to downsize prisons comes up against the fact that over a million jobs are at stake. We have worked for over a decade to see that that number doesn't get bigger. At the same time, we see the need for a sustainable power bloc that works to channel federal, state and local funding towards real human services and away from cops and cages. The limit to Dr. Alexander's metaphor of a new civil rights struggle is that we don't want to see a new Civil Rights Act or new Voting Rights Act passed only to see income disparities between Black people and white grow greater or residential segregation get worse. We need a self-sustaining coalition grounded in a new political common sense that will continue the struggle long after we've won.

Another of our early organizing aphorisms was that "if prisons are bad for most people, then anyone is a potential ally" in the struggle to downsize prisons and end mass incarceration. Lois Ahrens at the Real Cost of Prisons Project has done a brilliant job in showing the transformative power in political education about what price we're all paying for the American project of mass incarceration. Coalition building has been a natural outcome of that orientation. A small group of Bay Area teachers invited organizers from Critical Resistance, Justice Now and CPMP to help them put together the Education not Incarceration group. Organized initially around budget cuts to public K-12 education that had produced 30,000 pink slips for teachers one Spring, the coalition quickly grew statewide and then national. Soon teacher-union activists had managed to get the National Education Association to pass a resolution against further prison spending and a call to shift funds from prisons to schools.

HRC: CPMP operates through three offices; Fresno chapter building grassroots opposition to prisons and their expansion; Los Angeles chapter slowing arrests & convictions in the city; and Oakland chapter monitoring state's budgets and legislation while supporting increase in public investment – What are the advantages and challenges of this model of operation of focusing on different aspects of the PIC?

CG: CPMP's "offices" were basically where we had active members. For the first few years of our existence we were based in Oakland and doing most of our field organizing in rural California, places like Delano, Herlong and El Centro. We decided there was too much work for a small, all volunteer organization to manage, and we were able to raise the funds to hire an organizer. For us there was little question that the new organizer should be based in our where the prisons were being built. We had some connections in Fresno and that's where our long-time *jefe*, Debbie Reyes lives and works. The Los Angles "office" opened when my partner and I

(Continued on page 31)

Human Rights Coalition Report

(Continued from page 30)

moved to LA. In a state as big as California, there are obvious advantages to having people scattered about like that, especially for a group like ours whose work depends on convincing other groups to join coalitions and/or take up anti-expansion work as their own. The downside was that our small core was able to get together face-to-face only four times a year, so we had to do the rest of our planning, brainstorming and evaluation via email and conference calls.

HRC: “How to Stop Prisons in your Town?” is one of a kind of guide for stopping prison expansion. What was the motivation behind putting it together?

CG: One of the weak points in the prison expansion scheme has been that small, desperately poor, rural towns where most prisons are sited have imagined that they’d reap an economic windfall from the prison. “A recession-proof industry” with a multi-tens of millions dollar payroll would bring tax revenues, new residential construction, increased business (and business tax collection) along Main Street – or so it was thought. In other towns, especially along the US-México border, towns were encouraged to borrow money, expand their jails and then rent space in the massive new jails to ICE or the US Marshals Service. We’d discovered, as Tracy Huling had in making her amazing documentary film *Yes In My Backyard*, was that those promises were false. The jobs didn’t happen. The towns didn’t recover. We also discovered that before CPMP existed, residents had organized themselves to keep prisons out of their towns or counties. A group called STOP had successfully intervened in five prison fights in Tulare County. The Mothers of East LA fought for nine years to keep a prison out of their neighborhood.

We wanted to compile what we’d learned from them and our own work and make it widely available. Stopping a prison isn’t particularly complicated. It doesn’t take esoteric skills or knowledge. We wanted to encourage people who might have thought that they didn’t know enough or didn’t have the right skills or experience that they could keep their city council from approving a new prison project.

HRC: Private prisons are expanding rapidly in this country. Are there differences in strategies of stopping private prisons compared to state prisons?

CG: Any of the strategies or techniques that are used to stop public prisons work just as well when fighting a private one, but in fact those fighting public prison expansion and those fighting private prison expansion are (with of course some exceptions) largely disconnected. Why is that? A lot of the messaging central to the anti-private prison campaign contrasts private and public prisons: private prisons have higher escape rates; private prisons aren’t really less expensive than public ones; private prisons pay lower salaries and therefore have less qualified staff; private prisons do what they do to make a profit, not provide a public service. Most (but not all) of those organizing against private prisons are not criticizing mass incarceration. They are criticizing a segment of the PIC that is outsourced and accounts for fewer than ten percent of the cells in the US. Most of us fighting to shrink both public and private prisons would not call a system that has over one million Black men in cages a “public service.”

HRC: Reading “How to Stop Prisons in your Town?” seems almost like a fairy tale with communities organizing against state corrections often at short notices and successfully challenging new prison expansion – how does this pattern compare to prison opposition movements outside California?

CG: Similar successful local organizing to stop a prison has happened in rural and urban communities across the country. The local details differ from fight to fight, but the general shape of the fights seems to me pretty similar. It would be a great project to begin collecting those stories systematically from the people who were involved in them. To have a look at a non-California-based campaign, people should have a look at Teresa Konechne’s great film *This Black Soil* that looks at a fight in the Black town of Bayview, Virginia.

(Continued on page 32)

THE MOVEMENT

www.hrcalition.org

PAGE 31

FALL 2011 (ISSUE # 12)

Human Rights Coalition Report

(Continued from page 31)

HRC: The current financial crisis or the Great Recession, so true for California as well, is considered in some circles as a once a life opportunity to scale back prison expansion in the country. What do you think of the potential and limitation of this historical moment?

CG: “Crises occur when the social formation can no longer be reproduced on the basis of the pre-existing system of social relations.” (Stuart Hall & Bill Schwartz) What marks this as a crisis is the fact that the some of the basic ways things have been done will change. Those who imagine that we can restore conditions to pre-crash times are naïve – or worse, since pre-crash we had funds to build the PIC. I’m not politically sophisticated enough to imagine what the limits of this historical moment are: how many people imagined that the uprising in Egypt was possible? But what I would say about the potential of the crisis is that it has the potential for dramatic change for the better or for the worse. The crisis offers the potential for re-defining the role of the state and meaning of public safety away from cops and cages and towards equality, education and health. But it also has the potential to deepen fears of our neighbors, update technologies of repression and control and expand the PIC.

HRC: Pennsylvania is not one the states scaling back on prisons with a 686 million dollar plan underway for expansion in the next four years. What could anti-prison activists in Pennsylvania learn from the California experience?

CG: There is a lot to be learned comparing your state to others – not just California but places like Michigan, Texas and New York as well. How have states like Michigan and New York reduced the “need” for prison beds that allows them to shut down prisons? What policies were changed to reduce the prison population? Who were the key advocates for those policies? What unlikely allies were recruited to the fight and how? There are too many lessons to be learned from California’s anti-expansion work to list here, but a few key ones include:

work simultaneously in the targeted prison towns, the prisoner-producing neighborhoods, the state capitol and statewide public opinion. Don’t limit your fight to one arena.

Be imaginative in thinking about how to recruit allies to the fight. Most people are hurt by mass incarceration, so almost everyone is a potential ally.

If the state didn’t build more prisons, where would the money that will pay to build and operate those prisons go? You can organize groups to fight to keep money in education or parks or highway construction or health care and turn advocates for health care into anti-prison advocates.

HRC: Were there personal experiences in this struggle that you would like to share? Prison Abolition is one of the toughest fight to fight. What keeps you going?

CG: What keeps me going are the horrors of the current system: both the daily horrors endured by those locked inside and the systematic horrors of the ways the PIC imposes and renews further racial and gender oppression. If we were to end mass incarceration tomorrow, I think it will take us another 2-3-4 generations to begin to heal ourselves of the damage it has done. What keeps me going is the worry that our work will be used to justify a new generation of technologies of dehumanizing control that reinforce racism in new ways. And what keeps me going is the comradeship of dozens of incredible other activists and organizers whose work inspires and refreshes me.

HRC: You have recently moved from California to New York. Are you planning to take your work on prisons in any additional new directions?

CG: This year’s Supreme Court decision in the *Plata* and *Coleman* lawsuits has given California two years to reduce crowding in state prisons, so the next couple of years are going to be very intense. The state wants to build more jail and prison cells; we’re fight-

(Continued on page 33)

ing to downsize the system by tens of thousands of people. So most of my efforts will be California based until that round is finished. That said, there is a lot going on in New York that I'm interested in learning from: current moves to close prisons, resistance to NY City's stop and frisk policies and justice reinvestment being three.

HRC: Are there specific roles prisoners and prisoner's families, primary reader of our newsletter, could play in stopping prison expansion in Pennsylvania and in general?

CG: People locked in prisons and jails, their families and people who have been incarcerated play crucial roles in the fight against prison expansion. While we believe that most of us are harmed in various ways by mass incarceration, the people who have been incarcerated bear the heaviest burden. It is so important that the voices of those inside, those who have done time, their parents, partners and children be amplified to remind people in the freeworld how inhumane the prison system is. Too few people see the connections between the amazing strikes by prisoners in Georgia and California and work based in the freeworld to downsize prisons.

A few years ago, California announced plans to build what they called gender responsive re-entry facilities for women. The newly reformed Department of Corrections appropriated language from critics of the PIC and used it to sell the idea of expansion through the construction of what we called women's mini-prisons. A petition circulated among people locked in California's women's prisons and over 3,000 prisoners signed it, demanding that the state not build the gender-responsive mini-prisons. Since the expansion plan hinged on doing something better for those locked inside, their "not in our name" message was the key blow in stopping the program.

HRC: Given that there are probably a few hundred prison reform and abolition groups as well as other organizations working with different issues all affecting the incarceration in the US, what do you think would benefit anti-prison movement the most moving forward?

CG: We urgently need both more funding to hire more professional organizers and new & better ways for volunteers to be effective organizers within their regular circuits (neighborhood, workplace, religious and educational institutions, unions).

It is important that we develop a clearer sense of why we're against prisons and what we're fighting for that will give us the political foundation to evaluate reforms and alternatives like GPS monitoring.

HRC: What is the future of prison industrial complex in this country?

CG: If we don't turn it around, we can expect prison to seep into every organization in ways similar the transformation of so many public schools: police and security guards on campus, metal detectors at the doors, dogs sniffing at lockers and teachers expected to become cops in the classroom. Removal and punishment will be used even more broadly to define what problems are. Remember that the PIC isn't just about using prisons as all purpose "solutions" to social and economic problems. Increasingly things only qualify as problems if it seems like police and prisons are the answer. We need to be vigilant that a new generation of reforms does not further entrench the system.

If we turn it around, there won't be a future for the PIC.

Interview by Sayantan Biswas of Human Right Coalition (HRC), September 20, 2011.

For more information on work by Mr. Gilmore and his colleagues in California see:

California Prison Moratorium Project (CPMP): <http://www.calipmp.org/>

Californians United for a Responsible Budget (CURB): <http://curbprisonspending.org/>

CPMP's "How to Stop Prisons in your Town" could be downloaded here: <http://www.calipmp.org/documents>

Human Rights Coalition Report

Reproductive Freedom/ Pregnancy

PA Senate Committee Passes Bill to Ban Shackling of Pregnant Inmates in Labor

January 26, 2010

ACLU of PA Among Multiple Advocacy Groups Supporting the Legislation

HARRISBURG - The American Civil Liberties Union of Pennsylvania praise the state Senate Judiciary Committee today for passing legislation to ban the practice of shackling pregnant inmates in the commonwealth's jails and prisons during childbirth. Senate Bill 1074, the Healthy Birth for Incarcerated Women Act, passed the committee unanimously.

"No woman should have to endure the humiliation and physical trauma of being shackled to a bed while giving birth," said Andy Hoover, legislative director of the ACLU of Pennsylvania. "No child should have to come into the world in that way. This bill ensures that incarcerated women in Pennsylvania can experience childbirth with dignity."

Although how widespread the practice is in the state's prisons and county jails is not clear, the ACLU of Pennsylvania and its allies have heard multiple anecdotes of female prisoners in labor being shackled in the commonwealth. Public health professionals, including the American Public Health Association and the American College of Obstetricians and Gynecologists, oppose the practice and support bills to ban it.

"The reaction we get from legislators, staff, and other advocates when we talk about this issue is shock," Hoover said. "Few people can believe that this occurs in Pennsylvania's prisons. A law banning the practice is a no-brainer."

Senator Daylin Leach, the Democratic Chairman of the Senate Judiciary committee, is the primary sponsor of SB 1074, and other advocates joining the ACLU of PA in support include the Pennsylvania Prison Society, Community Legal Services of Philadelphia, Women's Law Project, and the Pennsylvania Catholic Conference, among others.

The Healthy Birth for Incarcerated Women Act now heads to the Senate floor for consideration.



THE MOVEMENT

www.hrcalition.org

PAGE 34

FALL 2011 (ISSUE # 12)

Pennsylvania Judge Gets 'Life Sentence' For Prison Kick-back Scheme

By Walter Pavlo, Forbes
8/12/2011

Former Luzerne County (Pennsylvania) Judge Mark Ciavarella has been spending his time doing odd jobs for a car towing service while awaiting sentencing since being found guilty on felony corruption charges. His car towing days are over, and the 61-year-old judge is heading to federal prison for 28 years — this could amount to a life sentence.

His sentence brings to closure a dark time in the history of the city of Wilkes-Barre, PA, which is in Luzerne County. He was found guilty in February of racketeering for taking a \$1 million kickback from the builder of for-profit prisons for juveniles. Ciavarella who left the bench over two years ago after he and another judge, Michael Conahan, were accused of sentencing youngsters to prisons they had a hand in building. Prosecutors alleged that Conahan, who pleaded guilty last year and is awaiting sentencing, and Ciavarella received kick-backs from the private company that built and maintained the new youth detention facility that replaced the older county-run center.

Ciavarella, who presided over juvenile court, sent kids to juvenile detention for crimes such as possession of drug paraphernalia, stealing a jar of nutmeg and posting web page spoofs about an assistant

principal (3 months of hard time). Some of those sentenced were as young as 10 years old. A mother of one of those sentenced by judge Ciavarella lashed out at him after the guilty verdict. Sandy Fonzo's son, Edward, was a promising young athlete in high school when at the age of 17 he found himself in front of judge Ciavarella for possession of drug paraphernalia. With no prior convictions, the judge sentenced Edward to in private prisons and a wilderness camp...he missed his entire senior year in high school. Edward never recovered from the experience according to his mother and in June 2010 he took his own life at the age of 23.

Ciavarella acknowledged in a recent interview with a Wilkes-Barre investigative reporter (Joe Holden of WBRE) that he made mistakes relating to not filing accurate tax returns but that he never sentenced a child to prison when it was not warranted. Ciavarella, who testified in his own defense at trial, said as much to the jury....and the jury did not buy it.

Ciavarella is married and has three grown children, additional victims of his crimes. However, I feel for the victims whose lives were forever changed by the misguided sentences handed out by judge Ciavarella. This is a sad day for the justice system but it is refreshing to see the right person going to jail this time.

--

Submitted by, Lois Ahrens
***The Real Cost of Prisons Project**
***www.realcostofprisons.org**
*** www.realcostofprisons.org/blog/**

Statements from Human Rights and Civil Rights Groups Support Pelican Bay Hunger Strikers

July 21, 2011

tags: California Department of Corrections and Rehabilitation, Corcoran State Prison, hunger strike, Pelican Bay, Tehachapi State Prison

by Sal Rodriguez

After three weeks, hundreds of California inmates are still participating in a hunger strike that at one point spanned thirteen prisons and 6,600 prisoners. The most resolute participants appear to be concentrated in the Security Housing Unit at Pelican Bay State Prison, where the hunger strike began, and in the SHUs at Corcoran and Tehachapi. Many hunger strikers are weakening and have lost more than 20 pounds. Prison officials are moving to force feed the strikers rather than consider their five core demands—for “constructive programming,” “nutritious food,” a reduction in the use of solitary confinement, and changes to the highly fallible system by which inmates are condemned to the SHUs.

Several human rights and civil rights organizations have now made statements on the hunger strike, supporting the prisoners’ efforts to bring a modicum of humanity to the SHUs and urging the state of California to engage in good faith negotiations.

Rev. Richard Killmer, Executive Director of the National Religious Campaign Against Torture, released the following statement on July 15. NRCAT is also hosting a petition for people of faith urging an end to prolonged solitary confinement:

Hunger strikes are the last resort of prisoners protesting inhumane confinement con-

What's The News!

ditions. We have seen prisoners protest their treatment in this manner at Guantanamo Bay, and now inmates at Pelican Bay State Prison in northern California – among various other prisons in California – are taking similar drastic measures. At Pelican Bay, hundreds of prisoners are held in prolonged solitary confinement, a practice that qualifies as torture due to its destructive physical and psychological effects on human beings. Conditions are so bad in California, these inmates prefer to starve themselves – possibly to death – rather than live another week in prolonged solitary confinement.

The National Religious Campaign Against Torture vehemently believes that even those convicted of crimes are human beings with inherent dignity and worth, and they deserve humane treatment. NRCAT is a coalition of religious organizations committed to ending torture sponsored or enabled by federal or state government in the United States. Our members' moral convictions and our commitments to international and constitutional protections against cruel and inhumane treatment require that we call on the California Department of Corrections and Rehabilitation to respond to the prisoners' reasonable demands, put an end to its egregious use of prolonged solitary confinement, and take immediate steps to improve the conditions in California's prisons.

The American Civil Liberties Union of California issued the following statement on July 19.

The ACLU of California supports the striking prisoners' demands to end cruel and inhumane conditions in the Security Housing Unit (SHU) at Pelican Bay State Prison. These conditions include prolonged, solitary confinement in small, windowless concrete boxes with little to no human interaction and other severe physical deprivations.

Not only are such conditions inhumane and harmful, but they also jeopardize public safety. Solitary confinement causes and exacerbates mental illness, and prisoners who are subjected to such extreme isol-

ation cannot properly reintegrate into society, resulting in higher recidivism rates.

An alarming number of prisoners are released directly from secure housing units into the community. The CDCR must implement policies that enhance safety both within prisons and within our communities. Current practices do not achieve these equally important goals.

The ACLU calls on the State to re-double its efforts to engage in meaningful negotiations with the strikers to bring the hunger strike to a swift and peaceful conclusion. In addition, the ACLU calls on Governor Brown and CDCR Secretary, Matthew Cate, to significantly curtail the use of the SHU at Pelican Bay and other California prisons and to provide all prisoners confined to the SHU items, services, and programs necessary for psychological and physical well-being including warm clothing, out-of-cell time, and participation in rehabilitative programs.

The Center for Constitutional Rights released the following statement on July 19:

The Center for Constitutional Rights is in full support of the hunger strikers at the Pelican Bay Security Housing Unit (SHU) and the thousands of other prisoners who are striking in solidarity. The California Department of Corrections and Rehabilitation (CDCR) must comply with the strikers' five core demands, and CCR agrees that the treatment of the prisoners amounts to serious violations of the UN Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

CCR has been defending the rights of men detained at Guantánamo Bay since 2002. We are all too aware of the effects of long-term confinement and isolation, the lack of decent food and sunlight, the absence of human contact, the deprivation, and the ultimate dehumanization that results from such treatment. Immediate action by the CDCR can avert any additional suffering and other possible consequences.

CCR stands with all of the other activists and organizations who have expressed

their solidarity, and we will provide assistance in any way we are able to pressure California authorities and help urge others to take action.

State Prison Guard Arrested

By Bob Bauder

PITTSBURGH TRIBUNE-REVIEW

Friday, August 5, 2011

Allegheny County police requested a Beaver County SWAT team to help arrest a state prison guard early Thursday because they believed he had weapons in his home and is a white supremacist and member of a biker gang, an official said.

Police charged Tory D. Kelly, 39, of Hopewell, with threatening and intimidating a fellow corrections officer, Curtis Hoffman, 45, who state officials name as a witness in an investigation of alleged staff misconduct at the state prison in Woods Run, according to a criminal complaint.

Anthony Q. McClure, tactical commander of the Beaver County Emergency Services Unit, said the Allegheny County District Attorney's office requested the squad's assistance in arresting Kelly.

"They asked us to do this because there was the threat of possible weapons and that he had those white supremacist viewpoints, as well as an association with the Pagan motorcycle gang," he said.

McClure said SWAT members surrounded Kelly's house in the 3000 block of Bradbury Drive around 6:50 a.m. and ordered him to surrender, which he did without incident. Kelly was home with his wife and two children, and officers found no weapons in the house, McClure said.

"It turned out real well," he said. "When there's a threat of weapons, based on what has happened in the past, police officers are more prone to request tactical squads these days."

On Tuesday, according to the complaint, Kelly showed up outside Hoffman's house

What's The News!

in Robinson and began screaming obscenities, accusing Hoffman of "talking behind his back," and challenging him to fight.

Kelly left after Hoffman's wife told him she was calling police, according to the complaint. Someone accompanied Kelly to Hoffman's home but remained in Kelly's car, and Hoffman was unable to identify the person.

The complaint reveals new details of an investigation that led to Kelly's suspension and those of seven other guards at SCI-Pittsburgh earlier this year. The state also replaced the superintendent, two deputy superintendents and the major of the guard.

The state Department of Corrections suspended Kelly without benefits on April 1. He has worked as a corrections officer since 2004 and earned \$46,443 a year, a department spokeswoman said.

Corrections department spokeswoman Susan McNaughton declined to comment about the arrest and investigation, referring questions to the district attorney's office, which also declined comment.

"Any time there's any kind of allegations of any misconduct, we have an office of Special Investigations and Intelligence that looks into those matters, but I can't really discuss any specifics," McNaughton said.

Members of Special Investigations and Intelligence in November opened an investigation into reports of staff misconduct, according to the complaint. Hoffman was among several staff members the unit interviewed as part of the investigation.

Hoffman reported to investigators that Kelly threatened his life in February, telling another guard that he had a ".50-caliber bullet with Hoffman's name on it," according to the complaint.

Kelly was arraigned Thursday afternoon and remained in the county jail. He did not have an attorney. Bond was set at \$25,000.

Inmate Visits Now Carry Added Cost in Arizona

By ERICA GOODE

September 4, 2011- NY Times

For the Arizona Department of Corrections, crime has finally started to pay.

New legislation allows the department to impose a \$25 fee on adults who wish to visit inmates at any of the 15 prison complexes that house state prisoners. The one-time "background check fee" for visitors, believed to be the first of its kind in the nation, has angered prisoner advocacy groups and family members of inmates, who in many cases already shoulder the expense of traveling long distances to the remote areas where many prisons are located.

David C. Fathi, director of the National Prison Project of the American Civil Liberties Union, called the fee "mind-boggling" and said that while it was ostensibly intended to help the state — the money will be used to repair and maintain the prisons — it could ultimately have a negative effect on public safety.

"We know that one of the best things you can do if you want people to go straight and lead a law-abiding life when they get out of prison is to continue family contact while they're in prison," he said. "Talk about penny-wise and pound-foolish."

One woman, whose brother is a prisoner at the Eyman complex in Florence, said that most of her family lives out of state, so the fee is an additional burden on top of the travel costs.

"What will happen is that people will just stop visiting," said the woman, adding that most prisoners "live for" visits from relatives. Because some friends of the family still do not know of her brother's incarceration, she asked to be identified only by her first name, Shauna. She was one of

several dozen family members of inmates who complained to Middle Ground Prison Reform, a group based in Tempe, about the fee.

In a lawsuit filed last month against the Corrections Department, Middle Ground said the fee was simply a pretext for raising money "for general public purposes" and as such was unconstitutional because it amounted to a special tax on a single group.

Middle Ground has also filed suit over another provision of the law, which imposes a 1 percent charge on deposits made to a prisoner's spending account.

Donna Leone Hamm, executive director of Middle Ground, said she thought that state legislators created the background check fee "out of sheer financial desperation" at a time when the state faces huge budget shortfalls.

"This was a scheme — in my mind, a harebrained scheme — to try to come up with the money," she said.

Wendy Baldo, chief of staff for the Arizona Senate, confirmed that the fees were intended to help make up the \$1.6 billion deficit the state faced at the beginning of the year.

"We were trying to cut the budget and think of ways that could help get some services for the Department of Corrections," Ms. Baldo said. She added that the department "needed about \$150 million in building renewal and maintenance and prior to this year, it just wasn't getting done and it wasn't a safe environment for the people who were in prison and certainly for the people who worked there."

Ms. Baldo said the money would not actually pay for background checks but would go into a fund for maintenance and repairs to the prisons.

Barrett Marson, a spokesman for the Corrections Department, said in an e-mail that it was the department's policy not to comment on pending litigation.

(Continued on page 38)

THE MOVEMENT

www.hrcalition.org

PAGE 37

FALL 2011 (ISSUE # 12)

What's The News!

Although there have been some calls and letters from potential visitors inquiring about the fee and how to pay it, no complaints had been reported from inmates, Mr. Marson said. The department has not determined whether the number of visitors to the prisons has changed since the charge went into effect, he added.

"Maintenance funds for our buildings are scarce in this difficult economic time," he said. "A \$25 visitation fee helps to ensure our prisons remain safe environments for staff, inmates and visitors."

Ms. Hamm, the Middle Ground director who is also a retired lower court judge and married to a former inmate, said that an earlier proposal presented to a legislative committee would have imposed the background check fee on everyone who visited inmates, including babies and children. But in the end, the Legislature limited the fees to people over 18.

The law also allows the Corrections Department to waive all or part of the background check fee in certain circumstances — for example, when an applicant just wants permission to telephone an inmate.

Ms. Hamm said that research by her organization could not find any other example of a state prison system imposing a fee on visitors.

The Arizona Corrections Department, Ms. Hamm said, has run perfunctory checks on visitors for years. In its application form, the department requires visitors to provide their name, date of birth and a driver's license or other photo identification number. Providing a Social Security number on the application is optional, and no fingerprints are required.

Another state agency, the Department of Public Safety, conducts free background checks for people who want to review their own records and who provide fingerprints, said Carrick Cook, a spokesman.

The Public Safety Department charges \$20 for criminal background checks of people who are hired as volunteers for state agencies, and \$24 for checks on paid state workers, both of which involve fingerprinting. A fingerprint clearance card, required for child care and foster care workers in Arizona, costs \$65 for volunteers and \$69 for paid employees.

Shauna, whose brother is at the Eyman complex, said she learned about the fee after she filed applications for her brother's son, a Mormon missionary in Kentucky who wanted to visit his father, along with a friend and two other relatives.

She was told that the best way to pay the fee was electronically, through Western Union, but was unable to get the system to work, she said.

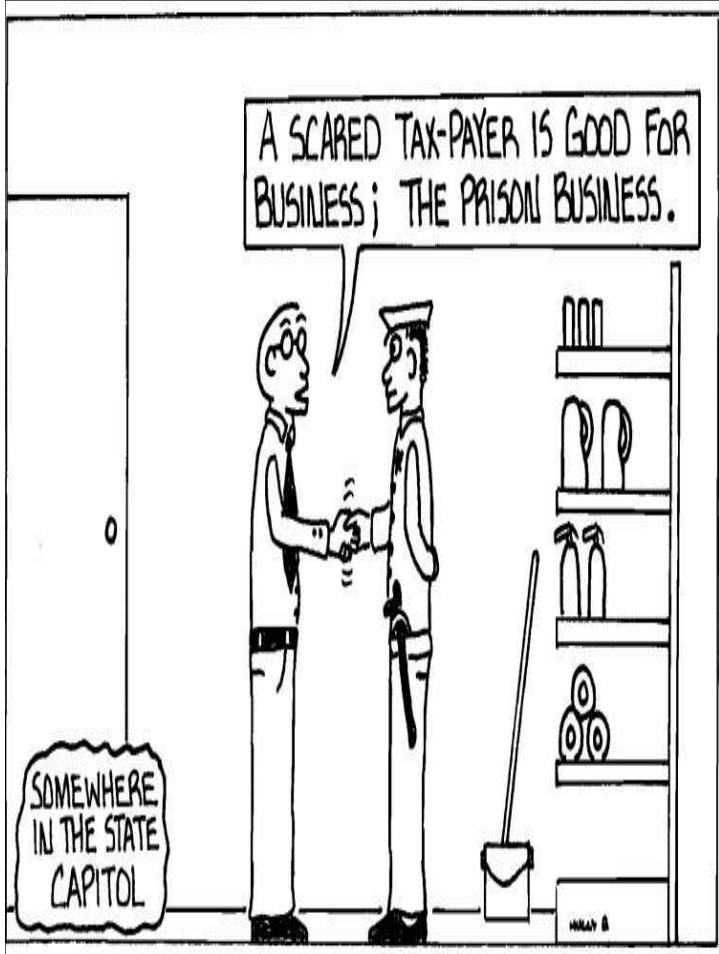
She was then advised to send a money order. Despite confirmation by United Parcel Service that the package had been delivered, the Corrections Department told her that the \$100 payment — four \$25 money orders for four visitors — had not been received, she said.

Another \$100 payment was sent, and on Friday — months after she began the application process — she finally got confirmation of the payment from the department.

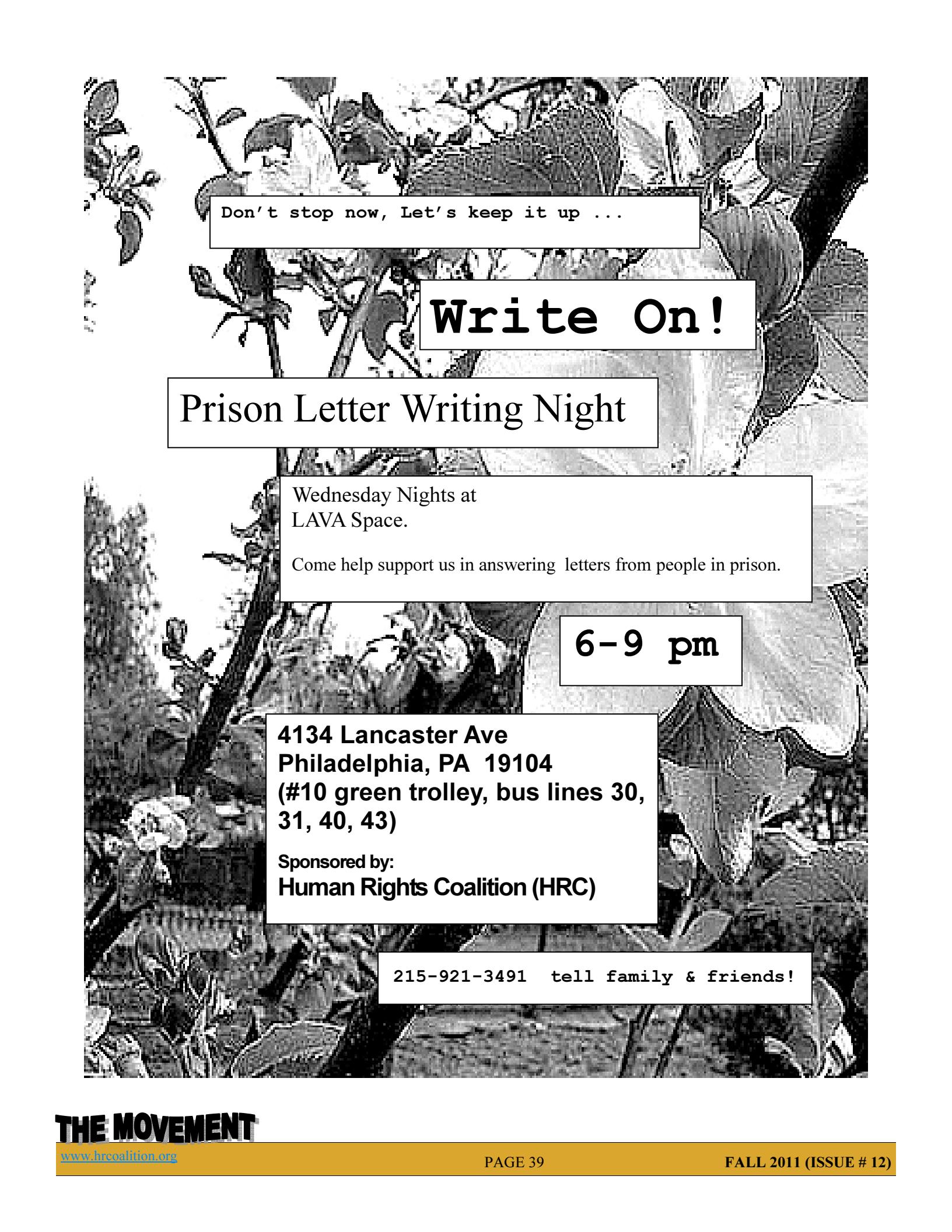
"I have now spent \$200 of my own money to get family in," she said, adding that it could take up to 60 days for the department to approve the applications.

--

Submitted by, Lois Ahrens * The Real Cost of Prisons Project * www.realcostofprisons.org * www.realcostofprisons.org/blog



Scared Taxpayer by: Marcus A. Bedford, Jr.



Don't stop now, Let's keep it up ...

Write On!

Prison Letter Writing Night

Wednesday Nights at
LAVA Space.

Come help support us in answering letters from people in prison.

6 - 9 pm

**4134 Lancaster Ave
Philadelphia, PA 19104
(#10 green trolley, bus lines 30,
31, 40, 43)**

**Sponsored by:
Human Rights Coalition (HRC)**

215-921-3491 tell family & friends!

THE MOVEMENT

www.hrcalition.org

PAGE 39

FALL 2011 (ISSUE # 12)

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.

Legal Rights of Prisoners - The Prison Litigation Reform Act Of 1995

Congress added to the barriers created by the Supreme Court when it passed the Prison Litigation Reform Act (PLRA), which was signed into law by President Clinton on 26 April 1996. A very long and complex act, it has been described by one leading commentator as a "comprehensive charter of obstructions and disabilities designed to discourage prisoners from seeking legal redress" (Boston). The act contains restrictions on prisoner litigation that are not imposed on any other people who sue for violations of their rights.

A major thrust of the act limits the ability of the courts to enter injunctive relief, that is to order prison officials to do something or to stop doing something, to improve prison conditions. The act states that federal courts must not grant injunctive relief any greater than what is minimally necessary to correct the violations of law identified by the courts. In shaping the relief, the court has to give substantial weight to the impact of its relief on public safety or the operation of the criminal justice system.

The burgeoning prison populations spawned many overcrowding cases. The PLRA contains a specific provision governing release orders in overcrowding cases. No release order can be entered unless the court has previously tried a less restrictive remedy that has failed and the defendant prison officials are given a reasonable time period to comply with the orders of the court. No relief may be granted unless there is a finding that overcrowding is the primary cause of the violation of a federal right and no other relief will remedy the violation. Moreover, the named defendants or other government officials who have the responsibility to fund and operate and maintain the programs of the released prisoners or to prosecute them may intervene to oppose a release order. Accordingly, a broad variety of officials including district attorneys, local jail officials, and local politicians are eligible to participate formally in these proceedings—formidable opponents to prisoner actions.

Other limitations on the way in which courts have enforced constitutional rights in prison reform cases are contained in the PLRA. Special masters, who once played a major role in the cases, are now subject to new constraints including limitations on the hourly rate that they can be paid. Another provision provides a two-year "sunset period" on injunctive orders. Under this provision, the relief order is automatically terminated whether or not compliance has been achieved on the second anniversary of the issuance of the order unless the prisoners' attorney again proves that constitutional violations are occurring.

The act provides that no consent decree can be entered that does not comply with certain spelled-out limitations. Consent decrees that go beyond the minimum necessary to correct the violation of the federal right in the least restrictive manner cannot be approved. Parties that do reach agreements without these findings cannot have these agreements enforced by the courts. Such agreements, called "Private Settlement Agreements," can merely provide that in case of noncompliance, the plaintiff may restart the case.

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.

The scores of existing consent decrees already entered in prison-conditions cases were subject to immediate termination unless the district court found retroactively that the stringent requirements of the act had been met. The relief under the consent decree is automatically stayed thirty days following the filing of the motion to terminate the decree until the court rules on the motion. At the discretion of the court the thirty-day period can only be extended for an additional sixty days. This ninety-day maximum imposes an almost impossibly brief time on the district court to make findings necessary to continue the decree. If the timetable is not met, the consent decree will not be enforceable for the period needed to reach a decision.

The PLRA's far-reaching provisions, which limit the powers of the federal courts to enforce the rights of prisoners, raise numerous constitutional issues. Lower courts found one aspect of the act, the automatic stay provision, unconstitutional (*United States v. Michigan*, 91 F.3d 144 (6th Cir. 1996), and *Hadix v. Johnson*, 933 F. Supp. 1362 (W.D. Mich. 1996)). However, in an important PLRA decision, *Miller v. French*, 120 S.Ct 2246 (2000), the Supreme Court upheld the automatic-stay provision. Writing for the five-member majority, Justice O'Connor held that the automatic-stay provision of the PLRA did not violate the constitutional requirement of separation of powers.

Other evidence of the restrictive nature of the PLRA on prisoner suits and its deference to prison administration includes the exhaustion requirement, the "three strikes, you're out" provision, and the physical injury requirement.

Under the exhaustion requirement, inmates may not sue in federal court until they have used all administrative remedies available to them. At first blush this may not seem unfair. However, it is questionable whether, in many cases, an inmate will receive a fair and complete hearing from a potentially hostile administration. Thus, the exhaustion requirement becomes a test of endurance and delay to which no other civil rights plaintiffs are subjected.

Perhaps the most draconian provision of the PLRA is the so-called "three strikes, you're out" section which deprives an inmate of the right to litigate as a poor person (that is, the right of qualifying pro se plaintiffs to have court filing fees waived) after three previously dismissed actions. There is only one exception where the inmate is in imminent danger of physical injury. There are many reasons for dismissal of a case, beyond the fact that the claim is without merit. An inexperienced, uneducated pro se inmate plaintiff is as likely to have his case dismissed on procedural grounds of which he has little knowledge, as for legitimate legal reasons.

The PLRA also purports to limit recovery by providing that no federal civil action may be brought "for mental or emotional injury suffered in custody without a prior showing of physical injury." Physical injury itself requires proof of resulting disease or other adverse consequences. The courts have eased the harshness of this provision by holding that the physical injury provision of the PLRA only applies to actions for mental or emotional injuries and not to claims of violations of constitutional rights that inflict injuries that are neither physical nor mental or emotional.

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.

Balanced against the restrictions of the PLRA is the Civil Rights on Institutionalized Persons Act (the CRIPA), another act of Congress passed before the PLRA but not repealed by it. The CRIPA gives the Attorney General of the United States the authority to investigate conditions in prisons and jails and file suit or intervene in a pending action if a pattern or practice of unlawful actions by prison officials is found by the Attorney General to deprive inmates of their constitutional rights. The Attorney General has delegated day-to-day responsibility for enforcement of this Act to the Special Litigation Section of the Civil Rights Division of the Justice Department.

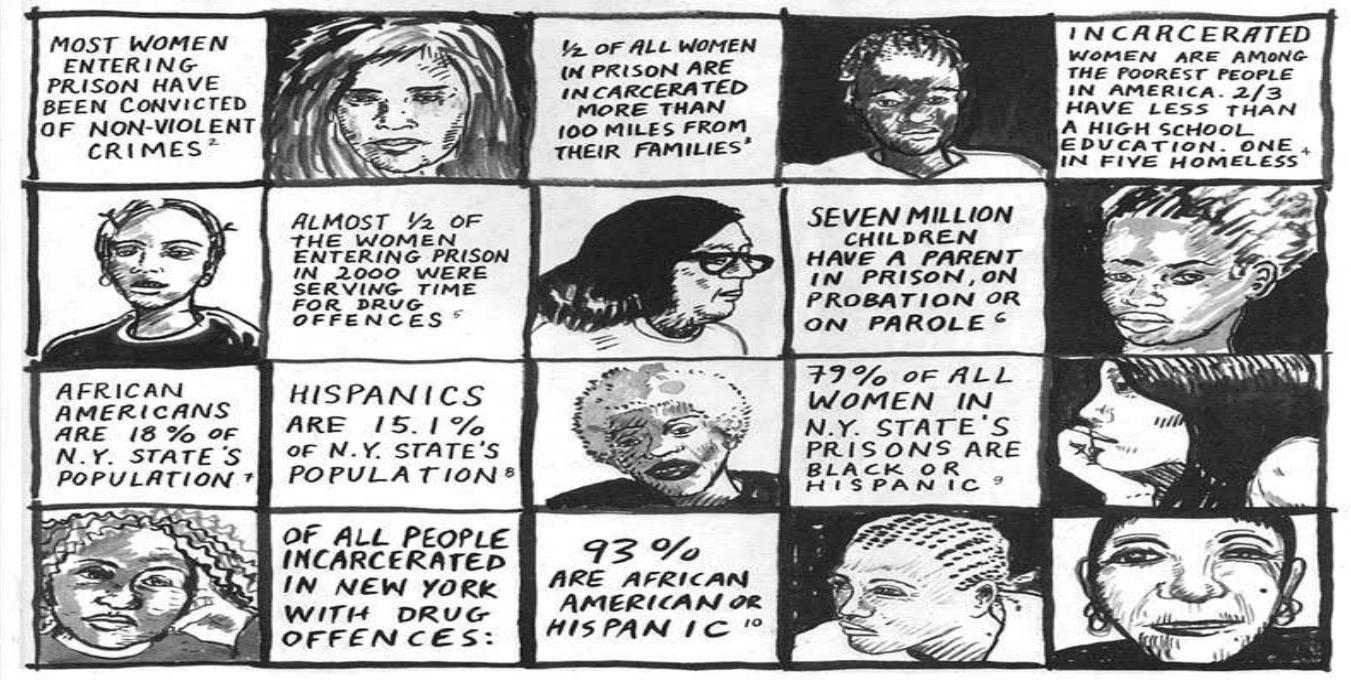
This act contains none of the restrictions that the PLRA imposed on private litigation. Thus, it allows the government to be a vigorous enforcer of the constitutional rights of inmates. *However, this assumes that the government is controlled by politicians who place a value on the rights of inmates and who are willing to commit resources to the enforcement of those rights.*

In the last administration, the Justice Department did use its authority under the act to some extent. In fiscal year 1997, for example, the Department reported activity under the act in cases involving 164 facilities in 30 states and the District of Columbia, as well as Puerto Rico, Guam, and the Virgin Islands. However, with two million people housed in thousands of prisons and jails throughout the United States that effort, while important, is not enough to realistically monitor and enforce the rights of all inmates.

from: Legal Rights of Prisoners - The Prison Litigation Reform Act Of 1995
<http://law.jrank.org/pages/1765/Prisoners-Legal-Rights-prison-litigation-reform-act-1995.html#ixzz0eymjrlRj>

1 OUT OF EVERY 109 WOMEN IN AMERICA IS INCARCERATED, ON PAROLE OR PROBATION

150,000 women are in jail or in prison¹



CORRECTION!

SUSAN WILLMARTH IS THE ARTIST OF ABOVE ARTWORK AND THE REAL COST OF PRISONS COMIC BOOK, PRISONERS OF A HARD LIFE: WOMEN AND THEIR CHILDREN, NOT LOIS AHRENS AS PRINTED IN ISSUE # 11 THE MOVEMENT. LOIS AHRENS IS ONE OF THE WRITERS OF THE COMIC BOOK AND DIRECTOR/FOUNDER OF THE REAL COST OF PRISONS PROJECT.

THE MOVEMENT

The Babylon System -

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

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.

SCI FRACKVILLE'S NEGLECT OF DEVELOPMENTALLY DISABLED PRISONERS

by George Rahsaan Brooks, (DOC ID# AP4884)

At SCI Frackville, developmentally disabled inmates are not only mistreated by correctional staff whose duty it is to treat and care for them, because of their disabilities they are vulnerable to physical, sexual and verbal abuse, exploitation, theft, bullying and harassment. They "require accommodations from the normal routines of prison life if they are to be safe and able to participate meaningfully in prison activities and programs."

In SCI Frackville's Special Needs Unit (SNU), however, no civilian mental health professionals are assigned to the unit, which is run by guards who taunt and tease the inmates about their mental illnesses. The same unit managers and counselors assigned to general population inmates are assigned to the SNU. The majority of unit managers and counselors at SCI Frackville were previously guards, and they lack the qualifications to treat or care for SNU inmates. Guards are running the unit: they taunt and tease the inmates and when the inmates react, they are issued misconduct reports, given disciplinary sentences in isolation and then placed on Phase 5, which means they cannot purchase food from commissary, their outdoor yard activity is restricted and they lose other rights and privileges such as law library, religious services, etc.

Failure to Assist with SNU Inmates' Self-Care and Specific Needs

In recognition that "mentally disabled prisoners may show evidence of poor self-care, such as seldom bathing, soiled or unkempt clothing, poor eating habits and a disorganized or dirty living area"*, SCI Frackville has a duty and obligation to provide a support system for these inmates. Yet, they are living in dirty and disorganized cells, stinking with unwashed bodies, walking around picking cigarette butts from the ground and dancing in the middle of the exercise yard to music they can only hear in their own heads, while both guards and so-called 'normal' inmates laugh at them. *It is downright shameful and should not be tolerated by a caring society.*

"Individuals with developmental disabilities also have inconsistent and uneven skill development, which can mask areas of impairment." A person with inadequate self-care skills, for example, may have significant functional impairments in other areas. I associate with an inmate at this facility who is able to read entire novels, yet he is so impaired socially that he is housed in the SNU and requires a very high level of supervision which he is not receiving. He gets very upset if people bump into or step on his shoes and will become assaultive if I or another prisoner acting as his support system are not there to 'cool him out'. In fact, he does not receive proper counseling because this prison does not provide it. Half of his problems would be eliminated if he and other SNU inmates were not given prison activities with general population inmates. At SCI Frackville, such measures to provide care are nonexistent.

A Broken System

The administration at SCI Frackville has assigned a prison counselor, unit manager, and guards to BB Unit (SNU) to work with developmentally disabled prisoners. However, the staffing is insufficient and ineffective to provide the necessary accommodations to this class of inmates for a variety of reasons, including prison administrators' failure to screen staff

(Continued on page 45)

THE MOVEMENT

The Babylon System -

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

(Continued from page 44)

members for their ability to work with a unit that requires special skills and strengths, their failure to operate a program that addresses the disabled prisoners' needs proactively, and their failure to allocate staff members reasonably. It is apparent that "training is either non-existent, minimum, or there is insufficient and inadequate attention paid by administrative staff to the safety and protection of these inmates." The staff assigned to that unit are clearly not qualified or professional, which constitutes a **serious problem**.

Because of these staffing failures and inadequacies, prisoners with developmental disabilities "continue to face abuse, discrimination, denial of access to programs and services, denial of due process rights, and dangerous and unconstitutional living conditions." Staffing is an issue that **must** be addressed and dealt with before prison officials will be able to provide this class of inmates adequate care and services. At present, the staff assigned to this unit lack the skills and knowledge to provide services to this population of inmates. Most of the guards assigned to this unit make fun of the prisoners' inability to read or write, refuse to assist them, fail to notify the psychiatrist when the prisoner is having behavioral problems, or threaten them. A large number of these prisoners have told me that they fear retaliation from guards assigned to that unit. Not surprisingly, staff members assigned to that unit seldom, if ever, develop a rapport with developmentally disabled prisoners. **Rather than looking to staff members assigned to that unit for assistance, prisoners fear them.**

It Starts At the Top

Administrative staff at SCI Frackville are not capable of systematically identifying and correcting compliance problems with ADA and federal law. They do not have the capacity, or the will, to monitor what's occurring in the Special Needs Unit. Even if they could identify the multiple problems, it is doubtful that they have the will and desire to remedy any issue they identify and provide adequate accommodations to developmentally disabled prisoners.

Recommendations

I suggest that a medical expert conduct a systematic review of the treatment of SNU inmates along with a review of medical documents, misconduct and incident reports, grievances, submitted request slips and unit block reports. If this is done, I have no doubt whatsoever that it will be concluded that the care provided those inmates is inappropriate and that the counselors and unit manager assigned to the unit are indifferent to the needs of those inmates, and that the breadth and severity of the problems discovered will clearly show that Frackville SNU inmates do not receive the protections and supports entitled to them under both the State and Federal Constitutions.

*all quoted material taken from *Clark v. California*, Case 3:96-cv-01486-CRB, Northern District of California

This article is excerpted from a much longer and more detailed work by Rahsaan. To obtain the full version, download it from our website at hrcoalition.org (off to the right, under "Special Reports") or send \$2 for printing & postage to HRC-Philly & put "Frackville Report" at the very top of your letter.

Official HRC Chapters

Human Rights Coalition - Philadelphia Chapter

C/O Lava Space
4134 Lancaster Avenue
Philadelphia, PA 19147
(215) 921-3491

www.hrcalition.org

Human Rights Coalition - Chester Chapter

2 East 7th Street
Chester, PA 19013
(215) 390-4114

hrcchester@yahoo.com

Human Rights Coalition - FedUp! Chapter

5125 Penn Avenue
Pittsburgh, PA 15224
412-361-3022 xt.4

hrcfedup@gmail.com
www.thomasmertoncenter.org/fedup/

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.) Publish a newsletter at least semi annually as resources permit.
- 5.) Send minutes of chapter meetings to HRC-Philly.
- 6.) Establish internet video conferencing for statewide chapter meetings.

Want to advertise your business, music, or books in THE MOVEMENT? We can help. Our newsletter has a huge circulation covering society and prisons.

**PLACE YOUR AD
IN 'THE MOVEMENT'**

For more information on advertising rates contact:

**Ms. Vickers
Human Rights Coalition
4134 Lancaster Avenue
Philadelphia, PA 19104
Attention: Advertising
(267) 331-6001**

THE MOVEMENT

www.hrcalition.org

PAGE 46

FALL 2011 (ISSUE # 12)



Art for Justice: Incarcerated Artists' Creations from Within

The mission of Art for Justice (a 501c3 non-profit organization) is to support and exhibit inmate artwork to promote public dialog on ways to prevent crime, reduce levels of incarceration, and find effective, humane ways to improve the criminal justice system in Pennsylvania.

Sales of limited edition prints benefit the *Road Map for Life Workshops*, an innovative program that helps at-risk youth learn to make choices that lead to constructive lifestyles.

August 30 through October 15, 2011
Widener University Art Gallery
(610) 499-1189

Reception: September 15, 4–7 p.m.
Please join us at 5:00 p.m. for a Spoken Word presentation.



Widener University

Art Gallery
One University Place
Chester, PA 19013-5792

RETURN SERVICE REQUESTED

Hours: Tuesday, 10 a.m. to 7 p.m.

Wednesday–Saturday, 10 a.m. to 4:30 p.m.

(Closed Saturday, September 3)

The gallery is located on the Main Campus of Widener University in University Center on 14th Street between Walnut Street and Melrose Avenue, Chester, Pennsylvania. For directions, go to our Web site at www.widener.edu/directions.

Image: Charles H. Lawson, *I Survive*, 2002, watercolor