THE MOVEMENT

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

MUMIA ABDUL JAMAL REVIEWS MICHELLE ALEXANDER’S BOOK, ‘THE NEW JIM CROW’,
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From The Desk of The Editor

Greetings Y’All!

Welcome to THE MOVEMENT. Instead of offering readers the usual July 4th Independence holiday panegyrics for this time of the year. All freedom loving people of conscience in the world need to chastise Americans for their toleration of modern slavery, of mass incarceration, and of the modern Jim Crow laws of disenfranchisement against the poor; and their mean pursuit of wealth claimed from all three.

Here we are a decade into the 21st Century and “We, The People” are not as free and independent as our freedom fighting fore parents had envisioned us to be. The American government has nullified the 13th Amendment that “supposedly” abolished slavery, nullified the 14th Amendment that “supposedly” gave us equal protection of our rights, nullified the 15th Amendment that “supposedly” gave us the right to vote as citizens, nullified the Civil Rights Act of 1964 that “supposedly” ended racial segregation Jim Crow Laws (America’s apartheid system), and nullified the Voting Rights Act of 1965 that “supposedly” enforced the 15th Amendment’s right to vote acquired in 1870 during the Reconstruction Era. Here emphasis is placed on the word “supposedly” to express the presumption and utter falsity of Americans having truly gained those fundamental rights that are both civil and human rights.

“We, The People” once again find ourselves re-enslaved by the American government within its Prison Industrial Complex by way of a racist for-profit mass imprisonment scheme that rivals the old chattel slavery system. “We, The People” find the re-institution of Jim Crow laws in the form of race-neutral written criminal laws that disenfranchise the masses of poor people by denying ex-felons voting, housing, employment, higher education, and even federal loans. “We, The People” find that incarcerated citizens (prisoners) aren’t allowed their right to vote in elections, though they are born or naturalized in the United States as citizens and are entitled to the full penology of civil rights under the United States Constitution. “We, The People” find ourselves maneuvered by the status quo into a position of Les Miserable, whereas people who are ex-felons have been forced by the law into yet another American socially-constructed CASTE SYSTEM based on a prior felony criminal conviction under the law, and prevented – generations after generations – from realizing their life, liberty, and pursuit of happiness. I’m sure ancestors Ella Baker, Queen Mother Audley Moore, Dr. Martin Luther King, Jr., and many other freedom fighters are turning over in their graves right now at what is happening today!

However, thanks to author/activist Michelle Alexander and her highly-acclaimed book “The New Jim Crow” and the Massachusetts-based human rights activist Lois Ahrens’s comic books *Real Cost of Prisons Comics (which we highly recommend reading) there is now more light at the end of the tunnel for activists and regular folks to see their way through the machiavellian machinations of Wall Street’s Banks and Corporations and the political establishment.

An awareness of what is being done onto the people and how it is being carried out is half the battle of destroying this criminal enterprise racket, the other half is each and every person doing all they can to organize and mobilize the masses of people affected by this crime by this crime into the streets to struggle and overcome the powers of the unholy alliance of banks, corporations, mainstream media and government to end the profiteering and super-exploitation of poor African, Caucasian, Latino/a, Asian, and Native American peoples.

Let us take a lesson from the people of Tunisia, Greece, Algeria, Spain, Egypt, and Wisconsin, these developments demonstrate that it is “We, The People” who are the agents of change. Join the Human Rights Coalition as active/committed members or start a chapter in your area and help bring about this change.

Let us expose the illusion of Independence and democracy in America forever more, and totally transform this country we live in.

ALL POWER TO ALL THE PEOPLE!

Kerry ‘Shakaboona’ Marshall, Co-Editor In Chief

*Real Cost of Prisons Comic Books can be ordered @ loisAhrens, real cost of prisons project, 5 Warfield Place, Northampton, MA 01060
Michelle Alexander on California’s ‘Cruel and Unusual’ Prisons

Interview by Liliana Segura

The Nation—May 26, 2011

On May 23, the US Supreme Court handed down a 5-4 decision ordering California to release tens of thousands of inmates from its overcrowded prisons on the grounds that their living conditions—including lethally inadequate healthcare—were so intolerable as to be “cruel and unusual punishment.” For years, California has stored its prisoners like so many cans of soup; stacked in cells or bunk beds in squalid conditions that breed violence and disease. A 2008 NPR report on massive overcrowding at San Quentin State Prison found 360 men caged in what was once a gymnasium: “Most of these men spend twenty-four hours a day, seven days a week in the gym,” NPR reported, describing it as “a giant game of survivor.” The day before the Supreme Court ruling, four prisoners were seriously injured at San Quentin when a riot broke out in a dining hall.

Prison numbers have dipped in recent years, but with nearly 2.4 million Americans behind bars, mass incarceration remains a national crisis. In California, home of a notorious “three strikes” law, parole violations represent more than half of all new prison admissions, and three of four prisoners are non-white. It’s an extreme example of what has happened across the country.

Michelle Alexander, a former ACLU lawyer in the Bay Area and author of The New Jim Crow: Mass Incarceration in the Age of Colorblindness, has pointed out that the rush to incarcerate has gotten so out of control that “if our nation were to return to the rates of incarceration we had in the 1970s, we would have to release four out of five people behind bars.” Arriving in California for a series of events just after the decision came down, Alexander spoke to me over the phone about the ruling and what it means.

LILIANA SEGURA: What has the response been in California to this ruling?

MICHELLE ALEXANDER: I have seen in the media here a fair amount of fear-mongering. At least one law enforcement official [Mark Pazin, the Merced County sheriff and chairman of the state’s sheriffs’ association] was saying that he was worried that there would be a “tsunami” of crime that would wash over communities in California. “We’re bracing for the worst and hoping for the best,” he says, projecting to the public that they ought to be very worried that all of these criminals busting loose from prison may well wreak havoc on their communities.

What is most disturbing to me about this rhetoric is that it fails to acknowledge that all of these people were coming home anyway. It creates the impression that people who are returning home to these communities wouldn’t have been but for the Supreme Court ruling. And if there’s any reason to be concerned about potential crime when they return, it’s largely due to the legal barriers that exist to effective reentry into communities. People return home from prison and face legal discrimination in virtually all areas of social and economic and political life. They are legally discriminated against employment, barred from public housing and denied other public benefits.

(Continued on page 4)
Governor Jerry Brown has planned to address California’s budget issues by transferring a bunch of state prisoners to county jails, and the head of the California corrections system says that “our goal is not to release inmates at all.” Part of what is interesting about this decision is that Justice Anthony Kennedy mentioned the “lack of political will in favor of reform.” Is it always going to be politics that stalls even incremental changes?

I think this opinion illustrates how broken our politics have become. Here we are in California, a state that has been careening toward bankruptcy, and yet there is enormous resistance to releasing nonviolent, relatively minor offenders, people who, I think it’s important to emphasize, might not have been doing time at all if they had been arrested thirty years ago. We now sentence people to prison for years for types of offenses that once received just probation or days in jail. So these people who we’re so afraid of returning to our communities, they might well not have been serving time at all had they been arrested a few decades ago, before the War on Drugs and Get Tough movement really kicked off.

Activists often say that real change is not going to come from the courts. On the other hand, some have described this decision as quite momentous. Jonathan Simon, a law professor at Berkeley, wrote, “This is the first decision to move beyond evaluating prison conditions to place mass incarceration itself on trial.” How significant is this decision and what are the implications beyond California?

I think it’s a very significant decision, although, as a number of commentators have observed, there’s not likely to be a lot of copycat litigation because the conditions in California were so extreme. You had documented cases of people dying on a weekly or monthly basis simply because of inadequate access to healthcare. But that isn’t to minimize the significance of the decision. It does signal that mass incarceration has become unmanageable for states that are facing severe economic crises.

I think it’s important to note, though, that Justice Kennedy said, Look, if California just built more prisons, then the Eighth Amendment would not be violated here. But because it can’t afford to do so, it must begin releasing some people. But once states can afford again to lock people up en masse, there’s nothing in this decision that precludes mass incarceration. What it precludes is such severe overcrowding that it literally threatens the lives of the inmates that are housed there. And the amount of reduction that is called for in the opinion isn’t that dramatic. Which is why some officials are arguing, Oh, well, maybe we can absorb those who are ordered released from prison in other ways. If they find a way to do that, then the practical impact of the decision will be minimal.

The Supreme Court has stood quietly by in the era of mass incarceration. And in fact, to the extent that they’ve raised their voices at all, it has only been to facilitate the War on Drugs. The US Supreme Court has eviscerated Fourth Amendment protections against unreasonable searches and seizures, giving the police license to sweep communities, to conduct “stop and frisk” operations. The Supreme Court has made it nearly impossible to prove race discrimination in the criminal justice system. Only now that states are faced with such severe economic crises that they are unable to build enough prisons to house inmates without risking their lives does the Supreme Court step in and say, Well, if you can’t afford to build more prisons, then you’re going have to start releasing some people.

I think what’s clear here is that it’s going to take a grassroots movement to force politicians to respond rationally to problems related to crime and mass incarceration. This economic crisis does create an important window for advocacy—and advocates should seize this moment of opportunity—but they must do so in a way that builds a grassroots movement for the end of a system as a whole.

The thought of creating that movement becomes very daunting when you to consider the average American’s perception of prisoners. How do we convince people that prisoners deserve basic rights and that this should be an issue we should organize around?
I think one of the biggest barriers to movement building today is that there’s so much myth about crime and the reasons for the explosion of our prison population. There must be major education to dispel the myths that sustain the system; the myth that explosion has been driven by crime rates. It’s not true. The myth that the War on Drugs has been aimed at rooting out violent offenders and drug kingpins. Not true. The myth that poor folks of color are more likely to use and sell illegal drugs than white folks. Not true. There really has to be an effort in schools and churches and mosques and community centers to engage in the kind of consciousness-raising that will open up a political space in which movement-building work can be possible.

The other front of the work that has to be developed is how to move beyond this piecemeal policy reform work that has been done over the last thirty years to work that is more transformative, so that we’re not just tinkering with the system but instead are galvanizing a grassroots movement, one that is contagious and can be replicated in cities and communities nationwide. I believe it’s possible. The same way that many people said, Oh Jim Crow is never going to die, it’s too deeply entrenched. I believe it is possible to bring an end to mass incarceration and birth a new moral consensus about how we ought to be responding to poor folks of color and a consensus in support of basic human rights for all. But it is going to take some work.

The book, The New Jim Crow, offers an unflinching look at the US addiction to imprisonment, and comes up with a startling diagnosis; American corporate greed, political opportunism and the exploitation of age old hatred and fears have congealed to create a monstrous explosion in the world’s largest prison industrial complex. Further, the author, a law professor at Ohio State University’s Mortiz College of Law, Michelle Alexander, digs deep into US history, and deeper still into US criminal law and practice to conclude that the barbarous system of repression and control known commonly as Jim Crow, had a rebirth in this era. That’s why she calls it: The New Jim Crow.

This system of legal discrimination came into being much as the first one did. After the rout of the South by the Civil War, millions of newly freed Africans exercised these new rights under Reconstruction. Black men became senators and legislators across the South. But this period was short lived, and as soon as possible, states passed harsh laws known as Black Codes, which denied rights and criminalized behavior by Blacks, and exposed them to the repression of southern prisons, where convicts were leased out to labor for others; it was the rebirth of slavery by other means.

This present era began at the height of the US Civil Rights Movement, when millions of Blacks fought for their rights denied for more than a century. Alexander concludes that this new system, this new coalescence of economic and political interests, targeted Blacks, especially those engaged in the drug industry, as the human capital with which to provide massive construction, huge prison staffs, and the other appendages of the apparatus of state repression.

But perhaps Alexander’s most salient point is her finding that America’s Black population constitutes a ‘racial caste’ that feeds and perpetuates mass incarceration. Indeed, every other societal structure supports this superstructure, from broken schools, to de-industrialization, to population concentration in isolated urban ghettos, to the violence of police, and the silence of the Black Middle class.

One might argue that such a claim seems unsustainable when we see a Black president, hundreds of black political figures and those in entertainment and sports. But Alexander explains that every system allows exceptions, for they serve to legitimize the system and mask its ugliness and its gross effects upon the majority of Blacks. For example, while it’s well-known that apartheid was an overtly racist system, it allowed Asian and even African American diplomats to live and work in such a regime, by the political expediency of identifying them as “honorary whites” in their official papers. When comparing both systems, Alexander argues that the US imprisons more Blacks both in raw number and per capita than South Africa at the height of apartheid!

The New Jim Crow - indeed!

THE ILLUSION OF DEMOCRACY IN AMERICA

By: Kerry ‘Shakaboona’ Marshall

Democracy is a term we use everyday. But do we ever take the time to consider what democracy means and whether America is a true democracy, as it claims. Well let’s examine this vague term called democracy that so many nations’ people seem to be screaming for around the world.

A democracy is a government run by the people, either directly or through elected representatives. A government that is run by the people through elected representatives is called a republic. A republic is a system of government in which the people hold sovereign power and elect representatives who exercise that power on their behalf. It differs on the other hand from a “pure” democracy, in which the people or community as an organized whole directly wield the sovereign power of government.

America as a government is a republic where “We, The People” do not actually hold sovereign power over the government or the representatives we elect to exercise power on our behalf. Once in power, the elected representatives — such as the U.S. Congress — ignore the demands of the people who elected them and do whatever they want to do, without any accountability whatsoever. Instead of the elected representatives exercising the people’s sovereign power on their behalf, they exercise that power on behalf of their personal interests and of the interest of big banks, corporations, and special interest groups that bankroll their political careers. Consequently democracy is hijacked and independence of “We, The People” becomes just an illusion.

Many people may be legally free, but due to the lack of democracy in America the people are not economically free, politically free, mentally free, or spiritually free. Truly there are many unaware modern day slaves all around us. For there are many keen and subtle masters that enslave the people of this country. So people must begin to ask themselves, how can they truly be independent and free without democracy? Isn’t this what the people of Tunisia, Egypt, and the Middle East are saying to their political establishments? Here we must do the same and ask the following:

• How is there democracy in America when the government, whom derives its sovereign power from the people, prevent the people from establishing a pure democracy where the people directly wield the sovereign power of government?
• How is there democracy in America when the big banks and corporations run the government instead of “We, The People”?
• How is there democracy in America when the universal right to vote (Universal Suffrage) is denied to about 10 million prisoners and ex-felon offenders — who are born or naturalized citizens — under legalized “New Jim Crow” disenfranchisement laws?
• How is there democracy in America when undocumented immigrant workers are made to pay taxes but not allowed to elect representatives? No taxation without representation, right?
• How is there democracy in America when women are still not afforded equal treatment and equal rights?
• How is there democracy in American when there is entrenched institutional racism?
• How is there democracy in America when working class citizens are burdened with paying majority of the taxes yet

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receive little to no benefits while the rich class pay hardly any taxes to the government yet receive most if not all of the benefits?

• How is there democracy in America when the peoples' tax money is seized from education and social programs in our communities and funneled into the expansion of prisons and the military?

• How is there democracy in America when African-American activists engaged in the democratic process of constructive criticism of the policies of President Barack Obama are called traitors, haters, crazy, and misinformed in order to silence them?

• How is there democracy in America when Muslim, anti-war, immigrant, and human rights activists are targeted, harassed, and preemptively criminally prosecuted as “terrorists” by the FBI for exercising their constitutional right to dissent and protest?

Without a “pure” democracy of government run directly by the people, no one is truly independent and free. Unbeknownst to many, we are all slaves. We are just caught up in the matrix, believing that we are free.
Can you hear me now?

By: Antonio Howard

If you’ve tuned to the news lately then you know the more things change, the more they stay the same. And as long as they do, politicians remain committed to peddling the need for more prisons, stiffer penalties, curbing defendants rights and expanding police powers.

Maybe you’re the type who doesn’t concern yourself with that sort of thing; the type that doesn’t discuss politics, history or current events. If so, be forewarned: your silence can and will be used against you. In fact, your silence ensures that those who are willing to voice their opinions are the only voices heard. Unfortunately, those doing most of the talking have vested interest in building more prisons, imposing stiffer penalties, curbing defendant’s rights and expanding police powers. And what they’re saying should concern prisoners everywhere.

You are being referred to as “predatorial beasts.” And if that’s not enough, according to the most esteemed penologists, you’re “psychopaths” and “master manipulators”. It has even been suggested that you’re unworthy of basic human rights and incapable of human emotion. It doesn’t matter that those labels are largely untrue. Or, that they’re exaggerations geared toward frightening the public into surrendering more of its rights and severing ties to you. It doesn’t matter because this is a society where propaganda dictates policy, and the other side of the story goes untold because it doesn’t exist or it’s simply a lie. So, while silence may be a noble quality in most cases, this isn’t one.

So, why all the silence? Why now when your lives depend on your voice? I venture to say it’s because you assume too much. You assume the outside world should already know. You assume they should already understand the system, its lies and what you go through. You assume so much about so many things, there’s hardly room left for meaningful exchange of information and experiences. Leaving the public, including your loved ones, to acquire their information from sound bites of incumbents peddling the next tougher-than-the-last-time-on-crime bill. And when they’re successful, you have no one to blame but yourselves.

If you haven’t been actively engaged reshaping public opinion by sharing your story, it’s unrealistic and altogether unreasonable to expect anyone to understand the prison experience from your perspective. So, whatever your perspective is, it’s important to articulate it in the best you can and impart what you know to the audience available to you. It’s imperative that each of you use your voice, in its weaponized form, to deprogram, re-educate, and defend yourselves. And if you’re fearful of the consequence of exercising your 1st Amendment rights in a 3rd world prison environment, consider this: you’ll suffer the same fate if you don’t. Breaking your silence is your only defense against being completely isolated. And if you haven’t figured it out by now, that’s the reason for all this: the propaganda, interstate transfers, exorbitant phone rates and, manufacturing an image on paper that doesn’t accurately depict the person you are. As author, Robert Green described it: “An isolated person is weak. By isolating your victims you make them more vulnerable to your influence. Take them away from their normal milieu, friends, family, home. Give the sense of being marginalized, in limbo - they are leaving one world behind and entering another. Once isolated like this they have no outside support, and in their confusion they are easily led astray.” Silence simply hastens the process.

It’s not enough to simply adapt to worsening conditions. And while some might argue that “real men adapt”, I disagree. There is no honor in being remembered for the ability to adapt to abuse, exploitation, injustice and vindictiveness. You wouldn’t call a woman who adopts to an abusive relationship a “real woman” because of it. In fact she’d be a fool. And if she was unwilling to break her silence to save her life, she’d be a broken fool and eventually a dead one.

Speak up and out. You must become the activists and advocates your cause so desperately needs. Stop assuming. Stop withholding your story, your experience and guidance. Stop now or soon you will be isolated and inevitably crushed. Can you hear me now?
I want to support the Human Rights Coalition by giving a Donation!

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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.
JUSTICE DELAYED
Submitted By Donna Pfender

Can justice be delayed under any circumstances?
Numerous cases can be sighted for instances
Can that not be amounted as justice denied?
Well, conscious should always bite if it is laid

Constitution enshrined for liberty and freedom
Forefathers, too, considered and thought it as wisdom
Sacrifice made for freedom struggle should not go as waste
To live with true freedom was need of an hour and taste

Still many loop holes remain to be plugged
System is facing criticism and it is wholly bugged
Justice is sold as revealed with emergence of new facts
It is cleverly wrapped in words with simple tact

Under official ret act, nothing can be made public or revealed
Under the oath of secrecy it is cleverly concealed
Normal man can’t dream for getting immediate relief
Loosing faith and trust as mark of disbelief

Innocents are sometimes hung for nothing
Trial summary drags on for years to prove something
History teeters and goons rule the scene
It has been made laughing stock which is never witnessed or seen

Conscience like things has remained on paper
Evidences or approver turn hostile and proof is tempered
Solitary examples shine and keep the system alive
Does the system require honest trial for self and to be revived?

Politicians have corrupted and citizens too have favored
Easy ill gotten money plays part with fragrance and flavor
Who would not want to become rich and famous?
Leading lavish life with style and look so glamorous

Death sentence can’t be implemented for simple reason
Wrong move for computation of term for person tried under treason
Still some of us praise the system and sing for liberty
How can it grow amidst the illiteracy and poverty?

Nothing can I change under the light and sun
We will tear it apart by making mockery and fun
Streets will have deserted look under the shadow of gun
People may seek refuge under constant fear and run

Such may be the scene in coming days
You will be caught in cross fire in strange ways
You will have no high hope in bright rays
It may be altogether different if we don’t pay (attention)

No one should be deprived of his/her legitimate dues
System should not be meant for only few
Why is it so that only influential get scoot free
Why other have to sit recite the hymns under the tree?

Let holy principles of justice be upheld
Let innocents be not prosecuted and held
It may or can have legitimate delay
This may send the message across and relay

By: Hasmukh Aathamal
IF YOU WILL NOT STAND UP FOR YOUR OWN HUMANITY...WHO WILL?

By: Richard G. Hall, Jr.

In February 2011, millions of oppressed people in the Middle East received a simultaneous “CALLING” ... The sign ignited them in the streets and on the blazing hot sands of the North African Nation of Tunisia... to “STAND UP AND DEMAND THEIR RIGHTS AS HUMAN BEINGS!”...They answered the call. In just a few weeks they liberated themselves from under the iron feet of tyranny and injustice. They had no wealthy backers. They had no military weaponry. They had real conviction and were hell bent in soul to tolerate such evil not another day! The people of Egypt were “CALLED FROM WITHIN NEXT”...They too took to the streets to bring down oppression and injustice as well. In just a few weeks, what had been taking place for decades was crushed like a castle of sand struck by a powerful wave! Now certain Libyans are STANDING UP! They are STANDING UP IN YEMEN....IRAQ....SYRIA...IT IS SAID THAT MANY ARE CALLED, BUT FEW ARE CHOSEN. RIGHT NOW, YOU MUST CHOOSE TO STAND UP.

Unfortunately, across the Atlantic Ocean here in the UnUnited States of America the oppressed are merely watching millions of people elsewhere do what they should have done a very long time ago. As it stands since the assassination of Dr. Martin Luther King, Jr. in 1968 it seems as if standing up for what is only humanly right has, for the most part, vanished like Houdini. Is this so? Nonetheless, all is never lost or as bleak as it may seem in of all places, a cold old prison in the middle of California, I personally encountered a real living soul who had received his CALLING...Charles Steward is his name...aka Charlie. As it stands, among his many talents I have since learned that Charlie has a gift for writing stage plays. Such as the sort you find featured down the length of New York’s Broadway. He’s in the early stages of developing his talent. Nonetheless he is at least participating. What was most interesting is that Charlie has been called upon to write a play shining a theme about “PRISONERS AND THEIR FAMILIES PUTTING ASIDE THEIR DIFERENCES AND COMING TOGETHER AS ONE POWERFUL UNITED FORCE”.

A week or so after Charlie shared his CALLING with me I received a letter under my cell door. It was from over 2,000 miles away. It was from the Philadelphia Chapter of “The Human Rights Coalition” (HRC), Patricia Vickers. I was stunned when Ms. Vickers asked that I consider writing a piece for the upcoming issue of “THE MOVEMENT”, the official publication of HRC. Especially when I read that the theme was to deal with “PRISONERS AND THEIR FAMILIES COMING TOGETHER TO STAND UP AGAINST THE INJUSTICE THAT MASS INCARCERATION CONTINUES TO REEK UPON SO MANY.” Ms. Vickers had no knowledge of Charlie’s CALLING per se. Nonetheless she had been called, too. And in turn she has given the CALL to me.

(Continued on page 13)
This is by no means an easy subject to touch upon. Simply because the families of - especially - those who perpetually fill Americas severely overcrowded jails and prisons, who are chained to parole and probation supervision, or wasting away in the Juvenile Detention Facilities and camps out in the boondocks are generally perpetually poor. They lack economic means to protect their loved ones from the often roughshod injustices inflicted by the notoriously corrupt racist, as well, as classist CRIMINAL JUSTICE SYSTEM. A system which has been conducting a full scale war against especially perpetually poor families of color and their communities for the past 40 years. This out right siege has been met with little real resistance.

I have been incarcerated since October 29, 1977. I was 19 years old back then. God willing, I’ll turn 53 years this year. If you want to get a feel for how long people like me have been alienated from the outside world in which you are hopefully living in opposed to merely existing. Try to reflect upon all the things you have done and experienced in the past thirty-four years up to right now. While all that was going on out there, that’s how long I’ve been in here. If you have a family member in my location who has been sentenced to serve a certain amount of time visualize the fate they face. Without question, I, like prisoners for the most part did something initially to end up in prison. Still, that does by no means justify what your loved ones bear witness to in such houses of death and despair. There is much the public does not know. Simply because not nearly enough people are standing up and at least speaking out which is always the first course of affirmative action if you ever expect your situation to improve. It doesn’t matter what side of any prison’s barbed wire fence you’re standing, you have to stand up!

In 1980 I observed a woman with child inside her who used to visit her husband faithfully while he was housed at San Quentin State Prison. She had a bouncing baby boy, the apple of her eye. Try to imagine how I felt in 1999 when I reported to my prison work assignment and learned that that woman’s baby boy had grown up from wearing diapers to end up with me and his father in prison? How many baby boys in your family have grown up from diapers to end up locked up like an animal behind prison bars? What about the baby girls? How many of them do you know? Always remember one very important thing about prisoners in general. They usually embrace the same exact mentality of the communities they come from. They are also a reflection of, too often, the worst about their own family. I have lost count of how many youngsters I have encountered in here who were not even born when I entered this bottomless pit. Even worse, so many will never leave, and some even have more time to serve than me. That is TERRIFYING. And it hurts. Do you have any family members that fit such a profile?

I will assure you that if you conduct a survey of all your own children or the children in you communities all around you asking them what they want to be when they grow up, trust me, not one will tell you a criminal or prison inmate. The cold reality is, too many of them will take that route. The question is, whose child is going to fall by the wayside? There are untold numbers of fathers and sons, sisters and brothers, even mothers in here. Do you have family members in prison? There are also a whole lot of grandparents, aunts, uncles, nieces and nephews, daughters, even cousins in here. Nine times out of ten each one of them have numerous family members out there in the world. Mentally multiply all the family members behind bars times all the family members they have out on the streets. That is one massive army...that’s sheer power!

What I regret most, now, even more than what I did to end up here is what I did not do or didn’t try to do when I had the chance. I pray you will not reap this regret to burn with inside. Things aren’t getting any better out there or in here for that matter. Regardless, if we put aside our ignorance and indifference and pride and start working together like real family, we too will choose to ACCEPT OUR CALLING, TOGETHER AS ONE POWERFUL FORCE TO IMPROVE OUR SITUATIONS ALL AROUND THE BOARD. You have to decide for yourself.
May 3rd, 2011

Dear HRC,

I pray that the organization is healthy, strong, and tenacious, in this age of globalization! A dear friend of mine passed away of cancer April 11, 2011. He was seventy-seven (77)! He served thirty five years. His name was Mr. Charlie Palmer. He fought the cancer off as long as he could. It started in his liver and spread throughout his stomach. It was so painful, he waived his right to resuscitate. He was a legendary boxing trainer from Pittsburgh.

HRC, inmates that get sick in prison are in mortal peril... Can you please publish the enclosed dedication to Mr. Palmer. It may be too long and too sentimental, so if you can’t, I understand. Thank you for your time!

Much respect, honor, solidarity, and love.

Sincerely,

***In loving Memory of Mr. Charlie Palmer***

***77 Candles 77 Smiles***

Catharsis means any cleansing or release. May these humble words of comfort make us whole and composed, giving catharsis to our souls …

These words of encouragement, below, were all I could give to console Elder Charlie who was stricken with cancer. Unfortunately, an untimely obstacle prevented me from giving Mr. Palmer my words of inspiration. I never got the chance to see Mr. Palmer in his last days. He passed away the day after I was approved to visit him. His condition was so terminal or chronic that he couldn’t comprehend or communicate on this earthly plane. The solace that I intended to give to Mr. Charlie Palmer, I sent to his family. Hopefully, they are consoled by the depth of my lamentation and inspiration.... 77 candles, and 77 smiles...

Stay Strong You Are A Fighter... So do what you do; defeat your difficulty like it’s a common flu. Waste no energy on regret and rue; you resilience will get you through. Stay true to your faith, for that’s your glue; but most important, please know that we Love You...

Get Well... May these few words give vibrations for your stimulation, concentration, and recovery! Cool Mr. Charlie, comrade I know the pique you feel about being ill; but we all have twisted health ardeals. So step into your mastery and heal. You got a lot of good cards left to deal. Never forget you are the driver of your destiny and ideas. You are Mr. Palmer, the King of the Hill …

You’re A Fighter... Say, say within yourself often I shall not quit; I shall not change; I shall not be discouraged. I will fight and continue to fight until the crown of Godhood becomes man’s alone. And, if I am physically wounded in the process, such that I may die, my life spirit will not fail me I pray; nor shall my eyes close until I have taken to death with me a number of my…

(Continued on page 15)
opponents and enemies...

I miss seeing you over the gym; hurry up out of there! I got to put you up on some nice current events and opportunities. Man, I heard about your little Birthday Party over there. I owe you an apology; I thought you told me that your birthday was April 26th? Happy Birthday Old Man! (smile) Brother, you know that you are a legend, icon, and friend; not only to the boxers of the pen, but to all avid men. Your austere and charisma makes you a true gem... You are like salt; you give savory from the doldrums and monotony of this human slavery. You are like a preservative for the spirit that prods men to hold on. And, that’s what I’m saying to you now, “Hold On!”

You’ve been a savior and fighter all you life, so hush up your grief and regret! I know that you are in your biggest bout, but with grit, you will pull yourself up and about. You’re a fighter without a doubt. So, when the pain of your plague makes you wince, please turn within and hear the past crowds chant and shout, “Mr. Charlie, knock that bully out.” Invariably, you do know how to stick and move. Indubitably, get your spirit in the grove and win! I’ll see you in the gym.

**Determination**, it’s the only true baptism that I know. It’s a friend of chivalry that taunts a man’s bow. It gives you panache and nobility of spirit that makes you glow. With it you’ll move undeterred regardless of trials, challenges, or foe! Once you granulate it in you soul, you’ll make fire turn cold. It’s a coin and timber that gives you vigor...

**Determination** is an atom that mineralizes you with fortitude, clarity, and purpose bringing your true deft to surface.

**Determination** is a quality that makes you firm giving you a drive that burns. ’I’ll speak to it and it speaks to me for we two together are like sugar and tea. Hell will shake and grow old before my resolve will erode. Determination is my key to turn the locks on doors a Holy Grail that I adore. This is my peace and propensity till eternity.

“My Eternal Friend”

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**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 KNOW 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.
THE (3) FACES OF ANGUISH

My son Eric Fayard Riddick, pictured in the middle, sandwiched between his younger brother and nephew. He is presently serving a Death Sentence (society calls it life) at Houtzdale Plantation. The courts aren’t interested in whether or not a person of color is innocent or not, if you are unable (as most families of Black’s and Latino inmates) to buy justice you will receive this Death Sentence. You see, society makes themselves feel better by seriously believing every person of color in jail is guilty because the court says they are. If lawyers represented every client regardless if it’s a private or court appointed case, there would be justice as the word was meant to be defined. The courts like most lawyers, justify their horrible representation of men and women of color by feeling, “they must be guilty of something” after all, just read the papers, and listen to the news as though what’s told by news reporters and announcers is true. We all know, the news is bias, slanted and reported with prejudice, to keep the general public terrified of every man, woman of color. It’s been 20 years plus that my son has been fighting for his freedom, there have been barriers and thousands of road blocks. Mostly and mainly the time restrictions, how the courts, lawyers and society can accept that a person can be brought to justice no matter how long it’s been, and tried and convicted and imprisoned. But an innocent man, woman can’t continue to try and prove him/her self innocent because at every turn it’s “NOT FILED TIMELY, YOU ONLY HAVE UNTIL, etc. Knowing the inmate doesn’t have equal freedom as a lawyer to move about, go here, go there and his/her family is trying to maintain a life outside of prison and also help their love ones. The constitution needs to be reexamine and made applicable to every citizen, black, white, brown, yellow and red not just for those who feel entitled because their WHITE & RIGHT and can buy, lie and cheat others out of their RIGHTS. My son will be released, not because I say so as his mother, but because if you read the Commonwealth’s expert witnesses statements against the Commonwealth’s One Witness, you don’t have to have a degree in law to see the gross miscarriage of justice that’s not just happening to my son BUT TO OTHERS SONS, DAUGHTERS, UNCLEs, BROTHERS, MOTHERS, FATHERS, NEPHEWS & NIECES. WE MUST TAKE THE BLINDERS OFF, OPEN OUR MINDS, INVESTIGATE, SCREAM, HOLLER. DO WHATEVER IT WILL TAKE TO STOP THESE CONTINUED MISTREATMENT OF HUMAN LIFE. WE SCREAM, HOLLER, PROTEST MORE FOR ANIMAL RIGHTS THAN HUMAN RIGHTS.

Submitted by: Christine Riddick
I am sometimes told by people that I over-react. And that I become a bit too emotional when it comes to my children, especially my only son (Shawn Mustafa), who have been in prison for over a decade now. I feel that when people say things like that to me, they are being very inconsiderate, and disrespectful. I also feel that such statements constitutes an act of treason by those that claim to be friends and supporters of ours. But these are my feelings—feelings that I don’t at all regret having. And rather than question and second quest my own heart and feelings, I question and second quest that are too comfortable, and too quick to say something so distasteful and cheap. Is it really over-reacting, and being too emotional, for “A Mother”? To be realistically in love with her child(ren)? Not the backward definition of love that most of us believe in. I’m referring to the love that only a mother feel for her child(ren). A ‘personal love’ that is naturally impossible for us to explain or express verbally to others. A feeling that others always misconceive on the surface as over-reacting and being a bit too emotional. Am I wrong for becoming that way, at the thought of me having to sit, listen, and watch MY WOMB, MY SON, AND THE LOVE OF MY LIFE, be illegally convicted of a crime, and then dragged off to live out his days inside a bathroom until the day he die; AM I WRONG, REALLY??

I DEDICATE THIS TO ALL MOTHERS. BE FIRM, STAY STRONG, AND STAND BY YOUR CHILDREN TIL DEATH.

Paulette D. Saunders
Mother of Shawn Mustafa
HRC Chester, Pa.
“Today it is perfectly legal to discriminate against “ex-felons” in nearly all the ways that it was once legal to discriminate against African Americans. As an “ex-felon”, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the heights of Jim Crow. We have not ended racial caste in America; we have merely redesigned it.”

“The New Jim Crow”, by Michelle Alexander

The barriers to successful prison re-entry: Before giving our progress report (below), I feel that it’s necessary to appraise our readers of the significance of the City of Chester and the county of Delaware’s first prison re-entry program (Chester Re-Entry Call-Center). I’ve introduced this progress report with the above excerpt from Michelle Alexander’s thought provoking book, “The New Jim Crow”(2010). To be really affected in 21st Century America in aiding the re-entry community we must be “active-advocates” against new Jim Crow laws and “strong community activists” at the same time (operating materially helpful services and programs) for the re-entry community.

From the time of president Ronald Reagan’s administration (mid-1980’s) to period of the last president, Bush’s administration (late-2008), all sorts of new Jim Crow (type) laws were passed which makes it legal to discriminate against the re-entry community. Those laws restrict employers from hiring qualified ex-felons and bar ex-felons from gainful employment in virtually all professions, i.e., law, medicine and money management. Ex-felons are also restricted from working in gambling establishments and other federally subsidized industries in the U.S. Although all of those discriminatory laws were suppose to reduce crime and help make the community safer; however, by denying jobs and other supportive services for ex-felons those laws have had an opposite affect. New Jim Crow laws are directly linked to driving crime rates up as well as unemployment and recidivism rates in low income communities, such as the city of Chester and Delaware County.

The Chester Re-Entry Call-Center as “first step” in developing solutions: Since the opening of the Chester Re-Entry Call Center on March 14, 2011 steps are being taken as a collaborative effort to establish re-entry services and programs for Chester’s re-entry community. Thus, the following facts and information is our (summarized) progress report:

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Through a $5000 donation from HRC-Chester and, in agreement with the YWCA of Chester the call-center’s office on 3rd floor of the Y building was made operative: consisting of office furnishings, computer, printer telephone lines and employees. The call center received calls and registered 17 men and women into our data bank creating a resource directory of programs and services for the re-entry community. Through the diligent work and creativity of HRC-Chester’s secretary, each caller/client is processed through the center’s intake system. At the time of this report, the call center has register 82 people (24 women and 58 men) mostly from Chester and surrounding towns; e.g., we have registered clients from Upland and Brookhaven. * (see note below) This system allows for collecting contact data and other profile information designed to document the clients needs*. Each client receives a follow up letter 7-10 days after making contact and is scheduled for personal interviews with either our female or male case manager.

The intake process occurs after the work of another HRC-Chester employee - HRC-Chester’s Community Outreach Specialist (outreach). Since March 16, 2011 outreach circulated 600 call-center flyers in Zone 1 (from 3rd and Parker Streets; up to 6th and down 5th Street) delivering flyers inside the region of William Penn Homes and over to Penn Street and in Zone 2 (beginning at 13th and Morton Avenue and down 9th Street to Madison, covering each cross street up to 12th Street). The flyers described the services offered such as referrals to job readiness and job placement programs, ABE/GEDs, substance abuse counseling, and housing and aid for U.S. Veterans with felony records. The flyer also provides the call center’s office hours (10am-4pm) and business days (Monday, Wednesday, and Friday), where prospective clients may call to register for assistance. With the aid of our member’s family another 400 flyers were delivered within the Sun Village (Zone 2) area.

**Evaluation of the call-center’s methods and results:** Based on the collective efforts of HRC-Chester employees/members, our goal is registering 90 members of the re-entry community by June 14, 2011. At the time of this report it has been demonstrated that the call-center’s outreach, data collection and registration system operate effectively. Based on the following sampling results, we have created a data bank which:

- Identify and registered clients seeking aid in securing employment
- Identify clients requesting aid in securing housing
- Activate women assessment process (on March 16, 2011) whereas, men’s assessments being developed (to commence on June 17, 2011)
- Assign women and men clients to case managers
- Identify clients under probation and parole status
- Identify clients requesting aid enrolling in A.B.E/GED programs
- Identify clients requesting aid securing drug and alcohol counseling
- Identify average age range of clients (from 18 to 54)
- Identify clients who are U.S. military veterans.

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*Where certain information of the call-center’s data bank are under strict confidentiality practices, otherwise the public is free to inspect our ethical policies and operational records upon written request and stated purpose (why you wish to inspect our records), contact: Chester Re-Entry Call Center, 4 East 7th Street, Chester, PA 19013 or, hrcchester@yahoo.com

Next Steps: Orientations, opening re-entry resource center and beyond

Timeline of events

- **June 6**, begin contacting designated city, county, state and federal representatives requesting meetings with each member to request their support in securing municipal, county, state and federal legislative and local enactments to fund Step 2 of this project. We seek to open a ONE STOP SHOP (Chester Re-Entry Resource Center); suitable office building has been identified and a budget for the next two years has been compiled. Part of this budget is to hire the professionally trained team of directors, staff and aids who have set in motion the above initiatives for re-entry community of Chester. The objective of the resource center will aid in the reduction in current recidivism rates (70-80%) to approximately 30% by June, 2013;

- **June 15**, full report of 90-samples and how they are being served with re-entry aid;

- **June 16**, host first of a series of community-based orientations for Zone 1 clients at the Trinity United Methodist Church 8th and Butler Street, Chester from 4-6pm. Participating collaborating partners include: HRC-Chester, S.M.A.R.T., INC., H.O.P.E. Commission, Entrepreneur Works of Delaware County, The Church of the Overcomer, Brothers of Concern, Grace Community Resource and Empowerment Center, Veterans Legal Foundation, P.A.C.T., Inc., Diversified Housing Solutions, Inc., and more. Subsequent, planning second, third and fourth community-based orientations designating Zones 2, 3 and 4.

- **June-July**, S.M.A.R.T.INC (Single Mothers Are Really Trying Incorporated), is developing business plans for opening (a) emergency shelter (up to 30 days) for single mothers with children and, laying footprints for (b) intermediate shelter (six months to one year) and (c) permanent housing with, supportive services for S.M.A.R.T. clients.

- **June-Sept**, resource center’s men case-manager (Rahim) developing life-coaching program and, developing business plans for opening (a) emergency shelter (up to 30 days), (b) intermediate shelter (six months to one year) and (c) permanent housing with, supportive services for men clients. Through a unique kind of life-coaching program Rahim will set into motion group and individualized life-coaching sessions which helps guide our men clients into making positive decisions; step-by-step until they shed their anti-social thinking and adopts better social skills enabling them to navigate the path of pursuing gainful employment, suitable housing and other supportive services.

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- **July 11, or approximate** – press release and grand opening ceremony of the Chester Re-Entry Resource Center, possibly at suite 404 at 418 Avenue of the States, Chester, PA.

- **July-Nov. 2011-2012, Chester Re-Entry Resource Center** hosting “non-partisan” Voter’s education and registration campaign targeting re-entry community.

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THERE SHOULD BE NO LIMIT ON YOUR RIGHT TO PROVE YOUR INNOCENCE ...

... said Nathaniel Lee on Saturday, June 4th at Calvary United Church of Christ, 29th and Lehigh Avenue in Philadelphia. This was a training and information session organized by the newly-formed Coalition for Healing Justice : PCRA Initiative which was designed by Inside Coalition members in prison at Graterford. The session was held for prisoners families and advocates for information on lobbying, working with the press and understanding how the Post Conviction Relief Act (PCRA) amendment needs to be changed. Co-coordinators, Nathaniel Lee, journalist, and Judith Trustone who co-directs Sagewriters and the Global Kindness Revolution asked grass roots organizers, prisoner rights advocates, and the loved ones of incarcerated persons to organize and advocate for needed changes in the laws such as the PCRA and eventually LWOP (Life With Out Parole).

A number of prison organizers and advocates attended this meeting to align themselves with the fight against the PCRA. Among them were:

Action United
Bridgeway
Global Kindness Revolution
Human Rights Coalition
Inside Graterford, members of Lifers, Inc., UCAN, LACEO, PCRA Initiative
NAACP-Prison Project
National Action Network
Reconstruction, Fight for Lifers, Inc.
Sagewriters
Women Who Never Give Up

Lunch was provided by the office of State Rep. Ron Waters. For more information contact Nate Lee at 215-391-5836 or Box 215, Swarthmore, PA 19081
“Procedural Bars: When Warehousing Trumps Justice”

By: Robert Saleem Holbrook, HRC-AC Member

A major consequence of the politics of mass imprisonment in the United States is the establishment of procedural time-bars that require mandatory dismissal of prisoners post conviction appeals for failure to meet complicated procedural requirements. While there have always been procedural requirements when filing appeals and petitions with the courts, it was only with the dramatic rise in the prison population in the United States which resulted in more prisoners filing appeals challenging their convictions and petitions challenging the conditions of their imprisonment that legislators (Federal and State) passed laws severely limiting prisoners access to the courts. The war on drugs spawned a host of harsh sentencing laws across the country that exploded the prison population. In 1980 when the war on drugs was put into full force by former President Ronald Regan the prison population was just under 500,000 in the United States. By 1996, when the tough on crime measures were at its peak, the prison population had exploded to over 1,600,000 million. (Note: For a more extensive reading on the War on Drugs read “The New Jim Crow” by Michelle Alexander).

The rapid rise in the nation’s prison population and the harsh and disproportionate sentences imposed as a result of the “Tough on Crime” legislation passed to wage the war on drugs meant that more prisoners would be filing appeals challenging their convictions and more lawsuits challenging their conditions of imprisonment. This was a process the nation’s judicial system was not equipped to handle because while the rate of imprisonment skyrocketed the size of the nation’s judicial system (both Federal and State) remained the same. Simply put at the rate the nation was imprisoning people and at the rate in which these prisoners were filing appeals challenging their convictions and condition of imprisonment the nation’s judicial system could not cope with the scale of appeals and lawsuits. To the crafters of the war on drugs was this an unacceptable consequence of their policies of mass imprisonment that had to be addressed, especially when prisoners were winning many court decisions regarding draconian sentences imposed for drug offenses and lawsuits challenging overcrowding within the nation’s prison system.

In response to these victories and most importantly to prevent the judiciary from being overwhelmed with legitimate appeals from disproportionate sentences (3 Strikes Laws, etc.) legislators on both the state and federal level drafted “crafty” legislation that would assure once prisoners were convicted of their sentences and thrown into prison that would be the end of them. I use the term “crafty” because the First Amendment to the U.S. Constitution guarantees a prisoner the right of access to the court, that is raise challenges of his/her convictions in a court of law. It also allows state prisoners to challenge their sentences through the writ of habeas corpus in federal courts, providing a valuable oversight of state courts by federal courts. Legislators therefore had to tread a fine line in closing the courthouse to prisoners ability to challenge their convictions and conditions of confinement because this is the duty of the judiciary. Legislators draft laws and the Judiciary enforces the laws. The dilemma legislators faced was how to get around this constitutional hurdle and create legislation that, in effect, enforces responsibilities normally reserved to the judiciary.

To accomplish this legislators turned to prosecutors offices/associations and law enforcement lobbies to draft legislation that would close the courthouse to prisoners and ensure the survival of mass imprisonment policies. Prosecutor Associations (often aligned with Right Wing think tanks) used such terms as “Finality of Sentence” to justify legislation that created procedural time-bars to automatically dismiss prisoners appeals without providing the courts even a chance to address the merits of the appeals or petitions. An important piece of federal legislation accomplished this in the form of the Anti-Terrorism and Effective Death Penalty Act (AEDPA) of 1996 that was rammed through Congress riding a wave of public fear following the bombing of a federal building in Oklahoma City in 1995 by a right wing militia member that killed 169 people. The Act severely limited the habeas corpus grant and imposed severe limitations on prisoners ability to challenge their sentences by erecting the procedural time-bar doctrine. Under this doctrine legislators were able to intrude into the duties of the judiciary by stripping the courts of the jurisdiction to even consider prisoners appeal and petitions that ran afoul of the procedural time-bars. In doing this justice was subverted to the politics of mass imprisonment and warehousing prisoners.

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The HomeFront: Serving Our Community!

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The procedural time-bar doctrine requires mandatory dismissal of prisoners post conviction appeals for failure to meet certain procedural requirements. Prisoners with meritorious and valid legal claims who failed to adhere to the complex procedural rules, that even baffle experienced lawyers, enacted by the AEDPA cannot even have their appeals addressed by the courts. Legislators in Pennsylvania drafted the Pennsylvania Post Conviction Relief Act that incorporated the procedural bar rule that prevents prisoners from "re-litigating" claims challenging their convictions if the claim was previously addressed by the courts. Under this previously litigated doctrine in statute 42 Pa.C.S. 954(a)(3) the Pennsylvania Supreme Court has gone so far to apply it in cases where there is a claim that intervening law suggests that the previously litigated claim raise would have merit if it were subject to re-litigation. See Com. v. Chester, 733 A.2d 1242 Footnote 12 (1999). Even if the claims raise speak directly to the prisoners guilt or innocence or the truth determining process at trial the courts must dismiss the prisoners petition. The Court reached these conclusions in Com. v. Johnson, 815 A.2d 563 (2003), Com. v. Wharton, 811 A.2d 978 (2002) and Com. v. Marinelli, 810 A.2d 1257 (2002).

Even more unjust is the procedural time-bar doctrine requires a prisoner’s appeal to be dismissed even if the prisoner’s attorney was responsible for not complying with the procedural requirements. Therefore a prisoner serving a life sentence whose lawyer failed to file a petition within the prescribed time period despite telling the prisoner he was aware of the deadline and filed the petition (which he did not) had his petition dismissed because of the attorney’s error in Schlueter v. Varner, 384 F.3d 69 (3rd Cir. 2004). Perhaps in the greatest example of the injustice of the procedural bar rule a prisoner appealing his conviction in federal court was ordered by the court to file his notice of appeal in 17 days, the prisoner complied with this order and filed on the 17th day. The court however made a mistake and was allowed to only grant a 14 day extension for filing of the appeal, not a 17 day extension. The prosecutor appealed the case to the United States Supreme Court. Incredibly in Bowles v. Russell, 127 S.Ct. 2360 (2007) the Supreme Court held the prisoner responsible for the court’s error and upheld the dismissal of the prisoners appeal based on the court’s error holding unique circumstances did not excuse an untimely notice of appeal.

It is not my intention to turn this article into a law treatise however it is necessary to demonstrate how justice is subverted to preserve the politics of mass imprisonment. We also cannot forget the passage in 1997 of the Prison Litigation Reform Act which severely limited the ability of prisoners to bring lawsuits challenging the conditions of their imprisonment such as overcrowding, brutality, medical neglect, etc. It is no coincidence that the Anti-Terrorism and Effective Death Penalty Act and the Prison Litigation Reform Act were passed in 1996 and 1997 respectively. Both of these Acts strengthened the policies of mass imprisonment by severely limiting prisoners ability to challenge their convictions and conditions of imprisonment and both were passed at the peak of the Tough on Crime era and rapid rise in the nation’s prison population in the mid 1990’s. The evil genius in these two Acts was it allowed legislators to provide prisoners with the appearance of access to the courts but no meaningful remedy once they attempted to present their claim to the court because it ensured that in most cases the courts would be unable to address prisoners claims because of procedural time-bars. These two Acts ensured that a captive population would be silenced from challenging the unjust and disproportionate sentences imposed on them as a result of “Tough on Crime” legislation and the dehumanizing conditions of imprisonment imposed on them by the prison system in which the majority of them would be confined in for the duration of their lives.

In considering mass imprisonment policies human rights and prisoner rights activists and organizations must contend with the procedural bar rules that have subverted justice in pursuit of warehousing humans. This is often overlooked when addressing the Prison Industrial Complex because often times we are fixated on the actual prison system and not the pipeline and support systems that feed it. We have to confront the totality of the system and not just its most visible components.

In Solidarity,

Robert Saleem Holbrook, HRC Advisory Board Member

Recommended Reading:
“Warfare In The American Homeland: Policing and Prison in a Penal Democracy” by Joy James
“The Prisons and the Gallows” by Marie Gottschalk
“Cages of Steel: The Politics of Mass Imprisonment In The United States” by Ward Churchill
“Jailhouse Lawyers” by Mmumia Abu-Jamal
“The New Jim Crow: Mass Incarceration in the Age of Colorblindness” by Michelle Alexander
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.

In memory: Geronimo Ji Jaga Pratt

Black Panther leader won release after 27 years in prison

By Gloria La Riva

June 8, 2011

Geronimo Ji Jaga Pratt, warrior for justice and freedom

Geronimo Ji Jaga Pratt, noted Black revolutionary who fought a 27-year battle for freedom after an FBI frame-up, died at his home in Tanzania on June 3, at the age of 63, due to illness.

He had been living in Tanzania for several years, after his hard-won release from California prison in 1997.

Geronimo was born Elmer Gerard Pratt on Sept. 13, 1947, the youngest of seven children. He grew up in rural Louisiana, Morgan City, during the era of segregation. Ku Klux Klan attacks on the Black community were common.

Geronimo’s consciousness was shaped in early life by the brutal racism of the South. Early on, his family and community instilled in him an understanding of the need for community self-defense against racist attack. He was deeply affected as a 15-year-old when his brother Timothy was viciously beaten by Ku Klux Klan members.

Geronimo and his three brothers worked hard alongside their father Jack, collecting scrap metal to sell in New Orleans. In the biography “Last Man Standing: The Tragedy and Triumph of Geronimo Pratt” by Jack Olsen, Geronimo recounted:

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Is Innocence Irrelevant?

(Continued from page 25)

"Daddy taught us to be tough... me and my brothers, we worked in that fire and smoke till we near dropped, baled up rope, rags, newspapers, ripped the lead plates out of batteries, raked hot ashes for coat hangers and wire springs and bolts. ... We could break the welds and chop up a car in an hour..."

When his father suffered a debilitating stroke, it was now upon his mother and the children to keep the family going. It is a tribute to the parents' determination that all the children went to college.

Deacons for Defense

Geronimo's life took a different turn at the age of 17. The elders in the African American community led an organization called Deacons for Defense and Justice. They quietly but effectively organized self-defense of their community.

After another killing by Klansmen, the elders called on Geronimo and other youth to join the U.S. military. Their training would help defend the community on their return. Geronimo said, “By the time the elders finished amping me up, I was ready to take on the whole KKK single-handed.” (Last Man Standing, p. 26)

The next day he took a bus to join the army.

Geronimo served two tours in Vietnam. He was wounded twice and awarded two purple hearts. His war injuries would haunt him in prison, where extremely harsh conditions made his physical suffering greater. It was on his second tour that he became conscious of the genocidal and racist nature of the war.

With his discharge from the military in the summer of 1968, the elders sent him to Los Angeles to meet the Black Panther Party for Self-Defense. Geronimo quickly met BPP leader Alprentice “Bunchy” Carter, who educated him in revolutionary politics, and gave him the name Geronimo Ji Jaga.

Carter in turn recognized Geronimo’s abilities. He was exceptional for his keen defense and discipline skills, forged in his childhood and U.S. military training, as well as a deep sense of justice.

Defense minister for Black Panther Party

Geronimo’s effective role as defense minister in the Los Angeles Black Panther Party made him a major target—with other BPP members—for repression by the FBI’s secret “Counterintelligence Program” (COINTELPRO). The fascist FBI director J. Edgar Hoover had declared the Black Panthers to be “the greatest threat to the internal security of the country” and called on agents to "submit imaginative and hard-hitting counterintelligence measures aimed at crippling the BPP."

Beginning in 1968 in Los Angeles, the LAPD and FBI launched a war against the Black Panthers, both open and covert. Their strategy included assassinations, armed raids on BPP offices and subversive campaigns to turn radicals against each other. This was repeated in cities from Chicago to Newark to New York City to Oakland.

In a major LAPD raid on the Panther’s Los Angeles headquarters on Dec. 8, 1969, dozens of LAPD cops fired 5,000 rounds into the building. After hours of gunfire, six Panther members were wounded. Casualties were minimized because for weeks Geronimo had mobilized the members to fortify the offices with walls of sandbags.

At the same time, cops broke into Geronimo’s apartment and fired into his bedroom. The attack mirrored the assassination of BPP leaders Fred Hampton and Mark Clark by Chicago police only four days earlier.

(Continued on page 27)
Failing in their attack, the FBI and LAPD then manufactured an indictment for murder against Geronimo.

**Framed for murder**

One year earlier on the evening of Dec. 18, 1968, a woman named Caroline Olsen and her husband Kenneth were shot in a tennis court during an apparent robbery in Santa Monica. Caroline Olsen died 11 days later.

With false information from BPP member Julius Butler—who was revealed years later as an FBI informant and close collaborator—Geronimo was arrested and charged with first-degree murder. At the time of the murder, Geronimo was in Oakland at a BPP meeting, and the FBI, which had the Los Angeles and Oakland offices under constant surveillance and wiretapping, was fully aware of this fact. The FBI had successfully exploited growing divisions in the BPP so that witnesses who were with Geronimo refused to testify on his behalf.

Because of FBI and LAPD falsification—and the COINTELPRO operation unknown to anyone at the time—Geronimo was unable to escape conviction. For 27 years—including eight years in solidarity confinement—he suffered the brutality of prison, demonization and a long chain of frustrated appeals and parole denials.

It took many years and the tireless work of appeals attorney Stuart Hanlon, along with trial lawyer Johnnie Cochran, before Geronimo was finally freed.

In a rare occurrence, the FBI and LAPD had to pay a $4.5 million settlement for his wrongful conviction. But no amount of money could make up for the years Geronimo lost and his suffering at the hands of the state.

Bato Talamantez, former political prisoner of the San Quentin Six struggle, was a close friend of Geronimo. “Ji, like George Jackson, was a great bridge of love and solidarity between prison racial groups, trying to bring about unity so they could win justice for everyone.

“He continued to care greatly about serving the Black community, in Morgan City or Tanzania. Ji confided to me many times, and he told me again last month after his visit to the U.S., ‘I’m going back across the waters … to Mother Africa.’”

Attorney Stuart Hanlon said: “Geronimo was much more than a client. From the very beginning he was a close friend. What I will remember most about him is his warmth, his joy at life, his lack of bitterness at those who framed him and took away 27 years of freedom. I will also remember his indomitable will and strength, his refusal to yield or bow to oppression and fear. He often told me they locked him in the hole for nine years but never could take away his freedom, the freedom of his mind and soul to soar and be always with his comrades and his ancestors.

“The Government could never silence him or his voice. Before his false imprisonment, during and after, his voice rang true for justice and freedom, for the end to racial and all forms of oppression. While in prison and for the 14 years outside that he had after his release, he was relentless in fighting for these beliefs. He was, and is a true warrior and leader. I will miss my friend, and we will all miss the power and commitment of the warrior Geronimo Ji Jaga.”
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 disenchanted 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”

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Third Circuit Court of Appeals Rules that Retaliation Claim Against Graterford Prison Captain Must Proceed to Trial

Submitted by: Bret Grote, HRC-FedUp!

The United States Court of Appeals for the Third Circuit has partially reversed a Federal District Court Ruling in a Graterford Prison case. Prisoner and Plaintiff, Chris Washington, sued former Graterford Warden Digluielmo, the Security Captain Dohman, and several other prison staff members, asserting violations of his first amendment right to exercise his religion while detained in the Restricted Housing Unit; violations of his first amendment right to access to the Courts in retaliation for filing a grievance complaint and successfully contesting a misconduct charge; violations of his first amendment rights of access to the courts by obstructing his attempts to litigate in various respects; and violations of his 14th amendment rights to procedural due process in transferring and detaining him in the RHU for a significant period of 17 months.

Federal District Court Judge, Curtis Joyner, initially denied the prison staff’s motion for summary judgment and dismissal of Washington’s case, stating, “there are numerous genuine issues of material fact under-lying the plaintiff’s claim in this case.” The prison staff then filed a second motion for summary judgment asserting qualified immunity, which they had not previously argued, to which Washington filed an opposition.

In an opinion by circuit judges Barry, Jordan, and Garth, the Court stated that they were “indeed troubled by the circumstances of the case. The District Court offered no explanation for effectively reconsidering its prior ruling, and its failure to do so is particularly troubling in light of the fact that it issued both rulings on the basis of an identical record.”

Nevertheless, the Appellate Court ruled that any error in this regard was harmless because Washington responded to the second motion for summary judgment, and he was not prejudiced on appeal because of the Appellate Court’s review.

On the merits, the District Court denied the prison staff’s motion for summary judgment in respect to Washington’s claims of denial to exercise his religion, but granted the summary judgment to dismiss all other claims. On appeal, the Appellate Court agreed that summary judgment was appropriate to all remaining claims made by Washington, except a retaliation claim against Captain Dohman, which the court held “must be permitted to proceed to trial.”

In reversing the district court’s conclusion that “Washington failed to make a sufficient showing on this element because Washington’s evidence, consisting of his own account of Dohman’s displeasure of affidavits of fellow prisoners, is weak and we are not persuaded that he has satisfied the elements necessary to sustain a retaliation claim,” the appellate Court responded by saying “the strength of Washington’s evidence, however, is not the proper focus, and whether he has proven his claim is not the test. The judges’ function at the summary judgment stage is not to weight the evidence and to determine the truth of the matter, but to determine whether there is a genuine issue for trial…. We agree with Washington that this evidence would permit a reasonable fact finder to find in his favor.”

(Continued on page 30)
Captain Dohman asserted in Court that he placed Washington in the RHU because he received information that Washington may have been responsible for an altercation between two inmates in the institution. The appellate court noted that the prison staff had provided no further details regarding this information, including the nature, the source or the reliability.

In contrast, Washington submitted affidavits from the actual two inmates involved in the altercation. Both stated that they told Dohman during their interviews that Washington had not been involved. The appellate court further noted: “Though Dohman claims he ordered Washington’s transfer to the RHU pending an investigation into this altercation, he did not similarly transfer the inmates actually involved in it. This differential treatment supports an inference of causation.” Additionally, the appellate court noted that Dohman gave at least two other reasons for keeping Washington in the RHU. These reasons were that he received information that Washington was planning an escape at Graterford, and to prevent Washington from trafficking drugs within the institution. Dohman submitted a sworn declaration to the district court that he received information that in December of 2005, Washington was involved with staff members in smuggling marijuana, but was asked to leave Washington in the general population in order to build a case against him and the staff involved. The court pointed out conflicts in Dohman’s claims and stated that Dohman “does not claim that anything about this investigation had changed when he decided to place Washington in the RHU on February 20, 2006, and asserts instead that he decided to do so only to investigate the altercation between the two other inmates.” The appellate court ruled that these “shifting rationales for holding Washington in the RHU also support an inference of causation.”

Washington also asserted in both the district court and the court of appeals, that he was never involved in any altercation, nor in any drug smuggling with staff, and that any such allegations were false. Washington produced several other affidavits from witnesses who stated that Dohman expressed vengeance toward Washington for filing grievances and a lawsuit, indicating that this was Dohman’s real motivation for Washington’s transfer to the RHU and his continuous detention there.

The Appellate Court Stated that “Washington’s challenge to his continued, post-transfer detention in the RHU” for a duration totaling more than 5 years in administrative custody is most appropriately addressed in a lawsuit Washington filed against former Pennsylvania Department of Corrections Secretary, Jeffry Beard, for placing him on Restricted Release List lockdown status, absent any misconducts or violating any prison rule or law.

Bret Grote, an investigator for the Human Rights Coalition based in Pittsburgh, wrote Beard prior to the lawsuit being filed, with concerns of Washington’s significant period in isolation, and his restricted release list placement, minus any misconducts or prison violations. Bret Grote received a response from former Deputy Secretary Johnson that did not address the concerns nor provide a legitimate reason for Washington’s initial and continuous confinement.

On August 2, 2010, Grote testified before the Pennsylvania House judiciary committee hearing on solitary confinement. Grote testified of the hundreds of complaints HRC has received from prisoners and tax-payers all across the state of the DOC’s misuse of solitary confinement, and the severe psychological and mental deterioration associated with long term isolation. “Torture is torture. It is illegal and must be abolished,” Grote told the Committee. He also spoke of multiple suicides occurring in the RHU, its impact on the recidivism rate, and the restricted release list status, which had no step down phases to get prisoners back into the general population. State legislatures have put a 90-day limitation on isolation for any misconduct charges under title 37 PA Administration Code 93.10.

In 2005, the United States Supreme Court decided in Wilkinson v. Austin that inmates being held in long-term detention must be provided due process in avoiding such initial and continued confinement and this due process should serve as a guide for future behavior. The PA DOC, however, has yet to implement a system where restricted release list inmates can be assured return to their initial general population status after a demonstration of remaining misconduct free.
“The problem in Washington’s case is that he was never given a hearing for the restricted release list’s indefinite and severe sentence, nor any written notice of what conduct or valid evidence triggered the restricted release, nor a fair opportunity to rebut any charge before such placement.” Grote said.

In Washington-El v. Beard, the suit asserts that Dohman put Washington’s restricted release in motion and Beard approved it in retaliation for Washington refusing to confirm the information Dohman alleges he received about Washington and former Graterford staff, and for Washington exercising his first amendment right to petition grievance complaints and lawsuits against Dohman and other prison staff.

Beard’s counsel moved to have the suit dismissed. United States Federal Judge Joy Flowers Conti, however, denied Beard’s motion on all the main accounts, and ruled Washington stated constitutional violations and the suit will proceed.
HUD DIRECTOR ENCOURAGES PUBLIC HOUSING AUTHORITIES TO GRANT ACCESS TO PEOPLE WITH CRIMINAL RECORDS

U.S. Department of Housing and Urban Development (HUD) Director Shaun Donovan sent a letter last week to executive directors of public housing authorities (PHAs) clarifying HUD’s position regarding people with criminal record’s eligibility for public housing. In the letter, which was co-signed by Assistant Secretary for Public and Indian Housing Sandra B. Henriquez, Secretary Donovan encourages PHA executive directors “to allow ex-offenders to rejoin their families in the Public Housing or Housing Choice Voucher programs, when appropriate.”

To view this important letter, see attachment, page 40.

“As President Obama recently made clear, this is an Administration that believes in the importance of second chances - that people who have paid their debt to society deserve the opportunity to become productive citizens and caring parents, to set the past aside and embrace the future,” Secretary Donovan and Assistant Secretary Henriquez wrote. “Part of that support means helping ex-offenders gain access to one of the most fundamental building blocks of a stable life - a place to live.”

The Reentry Policy Council, National Reentry Resource Center, and Federal Interagency Reentry Council have issued a series of publications on access to public housing for people with criminal records.
Dear PHA Executive Director:

Each year, more than half a million people are released from prisons in the United States, and an additional seven million are released from jails. Research shows that ex-offenders who do not find stable housing in the community are more likely to recidivate than those who do, yet people returning to their communities from prison often face significant barriers to obtaining housing. Studies have also found that the majority of people released from prison intend to return to their families, many of whom live in public or other subsidized housing.

The Department is engaged in several initiatives that seek a balance between allowing ex-offenders to reunite with families that live in HUD subsidized housing, and ensuring the safety of all residents of its programs. To that end, we would like to remind you of the discretion given to public housing agencies (PHAs) when considering housing people leaving the criminal justice system. The Department encourages you to allow ex-offenders to rejoin their families in the Public Housing or Housing Choice Voucher programs, when appropriate.

Within HUD statute and regulations, there are only two explicit bans on occupancy based on criminal activity. PHAs must establish a lifetime ban on admission to the Public Housing and Housing Choice Voucher programs for:

1. Individuals found to have manufactured or produced methamphetamine on the premises of federally assisted housing (24 CFR 960.204, 24 CFR 982.553); and
2. Sex offenders subject to a lifetime registration requirement under a State sex offender registration program (24 CFR 960.204, 24 CFR 982.553).

Additionally, PHAs must establish standards that prohibit admission if the PHA determines that any household member is currently engaged in illegal use of a drug, or the PHA has reasonable cause to believe that a household member’s illegal drug use, alcohol use, or pattern of drug or alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. PHAs must also prohibit admission of an applicant for 3 years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. In this case, however, PHAs retain discretion to consider the circumstances and may admit households if the PHA determines that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program, including those supervised by drug courts, or that the circumstances leading to eviction no longer exist (24 CFR 960.204, 24 CFR 966.4, 24 CFR 982.553).
Beyond these restrictions, PHAs have broad discretion to set admission and termination policies for the Public Housing and Housing Choice Voucher programs. When screening family behavior and suitability for tenancy, PHAs may consider all relevant information, including factors which indicate a reasonable probability of favorable future conduct. For example, evidence of rehabilitation and evidence of the applicant family’s participation in or willingness to participate in social services such as counseling programs should be taken into consideration by the PHA.

As President Obama recently made clear, this is an Administration that believes in the importance of second chances – that people who have paid their debt to society deserve the opportunity to become productive citizens and caring parents, to set the past aside and embrace the future. Part of that support means helping ex-offenders gain access to one of the most fundamental building blocks of a stable life – a place to live.

We are grateful that you will join us in welcoming these deserving citizens back to their communities.

Shaun Donovan
Secretary

Sandra B.Henriquez
Assistant Secretary for Public
and Indian Housing
“Ban the Box” law proposed in Pittsburgh

Last week, city councilman Ricky Burgess presented Pittsburgh city legislation that would ban questions about criminal history in initial job applications for city employment. The legislation is modeled after similar campaigns across the country known as the “ban the box” movement. All of Us Or None, a national organization of formerly incarcerated activists that has mobilized legislation explains that the movement seeks to fight for legislation that “challenges the many “boxes” on a variety of applications (i.e., employment, housing, social services, etc.) we are required to check that supports structural discrimination against formerly-incarcerated people.” Councilman Burgess of District 9, representing the neighborhoods of Homewood, East Liberty, and Garfield, stated that the legislation is not meant to mislead employers but rather to allow for ex-offender to have a dialogue with possible future employers during a job interview when a criminal background check is completed, rather than being screened from an initial application. The legislation would only pertain to city job applications, though councilman Burgess hopes that private employers will adopt the process, just as they have in various cities where similar legislation has already been passed.

In Philadelphia, “Ban the Box” legislation sponsored by city councilwoman Donna Reed was passed in late March. Mayor Nutter is expected to sign the bill into law on Monday, April 18.

Nationwide Research Finds Excessive Prison Phone Rates Exploit Prisoners

Prison Legal News (PLN), a monthly publication that covers criminal justice-related issues, released a report this past weekend at the national Conferences for Media Reform in Boston that examines prison phone rates nationwide. The report, based on several years of research that included submitting public records request in all 50 states, found that prison phone companies routinely provide kickbacks—euphemistically known as “commissions”—to contracting government agencies, based on a percentage of the revenue earned from prisoners’ phone calls.

PLN found that 42 states accept kickback commissions from prison phone companies, which include Unisys, Securus and Global Tel*Link (partly owned by investment banking firm Goldman Sachs). In some cases the commissions exceed 60% of prison phone revenue. According to the report, “prison phone companies don’t ‘compete’ in the usual sense. They don’t have to offer lower phone rates to match those of their competitors, as prison phone contracts typically are based on the highest commission paid, not the lowest phone rates. Free market competition is thus largely absent in the prison phone industry, at least from the perspective of the consumer—mainly prisoners’ families.”

In conjunction with Thousand Kites, Prison Legal News has opened a phone line for members of the public to share their stories about excessive prison phone costs. The toll-free number, available 24/7, is 877-518-0606. Recorded stories can be heard at http://www.pisonphonejustice.org/

Death Penalty abolished in Illinois

A historic milestone for the state of Illinois was hit when Governor Pat Quinn signed Senate Bill 3539, abolishing the death penalty. Since 1977, 20 people have been exonerated from death row in Illinois leading to a moratorium on executions in effect since 2000. Seven of the 20 have even exonerated since the moratorium. The 15 inmates currently on death row had their sentences commuted to life without parole or release.

The American Civil Liberties Union of Illinois applauded the decision, thanking Gov. Quinn for signing the bill, which will become law July 1. Illinois is the 16th state to abolish the death penalty in the U.S. and the fourth state in four years.

Federal appeals court grants new sentencing for Mumia Abu-Jamal

On April 26, the US Court of Appeals for the Third Circuit ordered a new sentencing hearing for Mumia Abu-Jamal, a former member of the Black Panthers who was convicted and sentenced to death for killing a police officer in Philadelphia in 1981.

The three-judge panel concluded that the jury that sentenced Abu-Jamal to death was given an improper jury instruction regarding the use of mitigating factors. According to the court, the instructions could have indicated to the jury that there must be unanimous agreement among the jury in order for mitigating actors to be considered, and that the jury could have concluded that they must unanimously agree that the mitigating circumstances outweighed the aggravating factors in order to sentence Abu-Jamal to life in prison.

The Third Circuit panel ends their 32-page opinion with the ruling that the Commonwealth of Pennsylvania has only six months to either give Mumia a new sentencing hearing or change his sentence to “life in prison.” (this report excerpted largely from Hillary Semple’s article at jurist.org)
What's The News!

Report Special – Newly publicized abuse logs reveal systematic torture and human rights violations inside PA prisons

Today the Human Rights Coalition is releasing to the public the Prison Abuse Logs. The result of over four years of investigation into prison conditions inside Pennsylvania’s jails and prisons, the Prison Abuse Logs consist of more than 900 entries detailing human rights violations by prison officials and law enforcement. Despite repeated efforts to notify county, state, and federal law enforcement, along with elected officials of evidence of criminal acts being perpetrated by prison authorities and staff, every level of government has consistently turned a blind eye to routine, institutionalized attacks on the human rights of prisoners.

The Human Rights Coalition hopes that the release of these documents will aid journalists, lawyers, researchers, policymakers, and community organizers in efforts to shed light on the systematic abuse and torture.

Reports of escalating abuse in SCI Frackville’s Solitary Units

Over the last two months there have been increasing reports from prisoners in SCI Frackville’s solitary confinement units of guards depriving men of meals, showers, and yard time. Last week HRC received several phone calls from prisoners’ family members, concerned that their loved ones were being deprived of food, water, hygiene items, and bedding. One prisoner’s mother reported that her son has been denied his asthma inhaler. When describing the concern for her son she said she just lost her father last week and fears losing her son as well. Another report from Frackville stated that staff had shut off the water in a section of the Restricted Housing Unit for three days after one prisoner flooded his cell. Men were unable to obtain adequate drinking water or flush their toilets when necessary.

In nearly every report, prison guard Shaeffer and Sergeant Wickersham have been identified as the staff members responsible for the abuse. Despite multiple grievances being filed against Shaeffer’s harassment he has yet to be removed from the unit. Prisoners frequently express concern that the grievances they are filing are being discarded. Those whose grievances are filed are repeatedly retaliated against. One prisoner wrote that Frackville has a grievance system unlike any he has ever seen in his eight years in state prison, and that his grievances are regularly ignored.

Lawsuit by prison guard alleges statewide policy of violent staff hazing

Courthouse News Service reports that a set of sealed documents may be on the verge of scandalizing the Pennsylvania Department of Corrections (PA DOC). Charles Chisler says he was "hazed and hog-tied" by fellow prison staff while training as a rookie corrections officer, as part of a statewide policy condoning officer-on-officer violence at state prisons.

Chisler says he fell victim to a "custom and practice of hazing" at Pennsylvania prisons while training in Fayette County, where high-ranking officials ordered him into a room known as "the bubble," where he was handcuffed, hogtied with an electrical cord and beaten. Before leaving "the bubble," at least one of the officers who had attacked him yelled, "Chisler! This never happened today!" Chisler claims Chisler filed suit in September 2009.

"The litigation is serious. If Chisler prevails on his claim, he will have established a custom, practice, or policy of workplace violence at the DOC," U.S. District Judge Nora Barry Fischer wrote in an opinion released on June 16. The opinion continued: "If true, these allegations can and should have serious repercussions within the Pennsylvania government."

Fischer ordered Pennsylvania to turn over an "investigative file" related to the suicide of a Department of Corrections employee, which was "allegedly the result of workplace violence and harassment."

Chisler requested the document in a sealed motion in April; Judge Fisher subsequently conducted an in camera review of the file. "Given that the DOC interviewed twenty-one employees and produced a report of approximately one hundred and ninety pages, it seems likely that there is far more factual information contained within the requested document than the mere facts of A.H.’s suicide and a letter claiming that sexual harassment may have been a contributing factor," Fischer wrote. (this story taken from Courthouse News Service)

Live radio prison news reports produced weekly on WPEB 88.1 FM (Philly) Fridays at 9pm or on WRCT 88.3 FM (Pittsburgh) Mondays at 6pm or visit www.hrcoalition.org.
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Clean up your Criminal Record:

Pennsylvania Summary Convictions can now be Expunged!

What is the new law?
- People are now eligible to ask the courts to clear their record of summary convictions if they have been free of arrest or prosecution for at least five years after the conviction. This new law (18 Pa.C.S.A. §9122(b)(2)) takes effect on January 26, 2009 and applies to all summary convictions over 5 years old.
- You still must apply for a pardon for misdemeanor or felony convictions, or if you are not eligible for an expungement for your summary conviction.

What is a summary offense?
- Summary offenses are minor offenses, such as disorderly conduct, reckless driving, & (some) retail theft offenses, which are usually punishable only by a fine.
- Summary offenses are less serious than misdemeanor and felony offenses.

What does it mean to have a record expunged?
- Expungement is the process by which a criminal record is sealed and destroyed. Essentially, the summary offense disappears from your record after having it expunged.

What should I do to get my record expunged?
- CLS is taking some of these cases. Come in for an interview at 1424 Chestnut Street, 5th floor, Mon - Fri from 9 am to noon. 215-981-3700.
- If you were represented by the Public Defender’s office, they may be able to handle your expungement now. 215-568-3190, 1441 Sansom Street, Philadelphia.
- If not eligible for CLS or PD, go to the Criminal Justice Center, 1310 Filbert Street, 2nd Floor, for a sample expungement petition.

Prepared by Community Legal Services, Inc., 1/09
The Babylon System -

Bab.y.on - 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.
The Babylon System -

|BABylon| 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.

AN INTERVIEW WITH ACTIVIST LOIS AHRENS

BY ANGOLA 3 NEWS

Lois Ahrens is the Founder/Director of The Real Cost of Prisons Project (RCPP) and has been an activist/organizer for more than 40 years. First started in 2001, RCPP brings together justice activists, artists, justice policy researchers and people directly experiencing the impact of mass incarceration to work together to end the U.S. prison nation. RCPP created workshops, a web site that includes sections of writing and ‘comix’ by prisoners, a daily news blog focused on mass incarceration and three comic books that were first created in 2005: Prisoners Town: Paying the Price, by artist Kevin Pyle and writer Craig Gilmore; Prisoners of the War on Drugs, by artist Sabrina Jones and writers Ellen Miller-Mack and Lois Ahrens; and Prisoners of a Hard Life: Women and Their Children by artist Susan Willmarth and writers Ellen Miller-Mack and Lois Ahrens.

In 2008, the three comix were published in an anthology, edited by Ahrens, entitled The Real Cost of Prisons Comix, (PM Press, 2008). Through the RCPP, Ahrens has been fortunate to have built an extensive correspondence with prisoners, which has grown into working relationships and friendships. In Massachusetts where she lives, Ahrens is involved in working to stop the state from charging $5/day jail fees to convicted prisoners and those held “pretrial.” She is also working to stop new “3 Strikes” legislation from being passed.

Angola 3 News: Who is your target audience and what is the message that you are communicating with the comix?

Lois Ahrens: The comic books were created to communicate complex ideas in language that could be easily understood despite the fact that they are filled with information, research, analysis and a glossary. We wanted them to look and feel like comic books since people are not intimidated by comic books.

Initially, my goal was to create useful materials for organizers working to challenge and change punitive and destructive drug policies, activists opposing the building of new prisons and jails, as well as educators, and health workers. After publishing the comic books, we realized that prisoners were extremely interested. Comic books have been sent to prisoners every day since April 2005, with many requesting that comics be sent to family members and other prisoners.

The comic books place an individual’s experience in a political context by describing how the prison system is built on racism, sexism, and economic inequality. They include alternatives to the current reality so that readers can strategize and act to make change no matter where they are. The goal of the comic books is to politicize.

A3N: In your 2008 book The Real Cost of Prisons Comix you wrote that “every year from 1947 through the beginning of the 1970s, approximately 200,000 people were incarcerated in the US. Today, there are more than 2.3 million men and

(Continued on page 41)
women incarcerated [now 2.4 million], with more than 5 million more on parole and probation." Subsequently, the US has become the world’s #1 jailer. According to the International Center for Prison Studies at King’s College London, only China, with 1,620,000 prisoners, and the Russian Federation, with 819,200 prisoners, have a total prison population that is remotely close to the US.

Furthermore, with 751 out of 100,000 people, and one out of every 100 adults in prison or jail, the US also has the highest incarceration rate in the world. The Russian Federation is second with 577 per 100,000 and China is 116th with 120 per 100,000. How do you explain this astonishing level of mass imprisonment in the US during the last 40 years? What are the forces behind this and why have they employed this particular strategy?

LA: In the workshops we first developed, in our trainings, and in the comic books, we wanted to create a bigger picture about how we came to this place. To do this, I think we need to understand how Ronald Reagan and the neo-liberal agenda came to power in 1980 by using covert and overt racist messages fabricating the myth of the welfare queen, capitalizing on fears of affirmative action, tearing away at the gains made in civil rights movement - specifically voting rights - while fostering alarm about rampant crime.

The racist sub-text of the neo-liberal political agenda succeeded in creating acceptance of mass incarceration while simultaneously creating the laws and industries to police, prosecute, cage and control millions of people - almost all poor people and people of color.

Neo-liberal policies have been in place for more than thirty years. As a result many people are not aware that our current political and economic situation is not the result of a natural course of events. But rather, of a systemically created ideology that has pervaded every aspect of our daily lives. Deregulation and globalization have caused: the loss of U.S. manufacturing by outsourcing; corporate agriculture and the disappearance of the family farm; reduction of protections for workers; huge decreases in number of unionized workers; privatization of hospitals, water, education, prisons, and the military; drastic cuts in public spending for welfare, public schools, public transportation, housing, and job training. These policies have created huge disparities in wealth.

Democrats and Republicans capitalized on this “perfect storm”. They ran and won on “tough on crime” platforms and passed legislation that has resulted in one 31 people now under the thumb of the criminal justice system.

A3N: The corporate media’s support for the prison system has ranged from stoking public fears by over-reporting crime, to portraying prisoners as pampered and over-privileged. The comic books, therefore, provide an important counter-narrative. A major focus of the comic books has been the so-called “war on drugs.” Why do feel that this issue is so important?

LA: Of the more than 2.4 million people imprisoned, more than one million are African Americans. Almost 5 million men and women are on probation and parole, a disproportionate number due to the “war on drugs.” (According to a Pew Report in March 2009, “One in 11 African-Americans are under correctional control, one in 27 Latinos, and one in 45 white people are in prison, jail, or under correctional supervision.”)
The war on drugs includes aggressive policing, centralized data bases for people stopped and frisked for no cause, surveillance cameras in streets and buildings, police or security in schools, and SWAT teams for communities as small as 25,000, and long and punitive mandatory sentences.

From its inception, African-Americans and their communities were the primary target of the war on drugs. In terms of drug use: African Americans constitute 13% of the nation’s monthly drug users, 37% of drug possession arrests, 56% of drug possession convictions, and 74% of those sentenced to prison for drug possession.

There are mandatory sentences for drug convictions and disproportionate sentencing for crack vs. powder cocaine. After years of organizing against this, the sentencing disparity between crack and powder cocaine has changed from 100 to 1 to 18 to 1, with no retroactivity for those already convicted under the old law. 80% of people sentenced to crack cocaine charges are African American.

A3N: What have been the consequences of this mass incarceration, fueled by the war on drugs?

LA: The consequences for individuals, families and communities are huge, cumulative, and long-lasting. According to Dina Rose and Todd Clear, in African American communities where 15 to 20% of adults are incarcerated community stability is undermined, resulting in more crime instead of less crime, especially when aggressive policing is added. In addition to less safety, what are the effects of removing the earning and spending power of so many who are incarcerated? What are the long term costs of the disruption of the family as both an economic and emotional unit?

There are other costs and consequences of the punitive legislation especially directed at people with felony drug convictions—read African Americans—that prevent them from creating a sustainable life once they leave prison. These include, for some, a ban on higher education and vocational training, as well as a ban on receiving Temporary Assistance for Needy Families (TANF) if convicted of possessing or selling drugs, although some states have opted out. Legislation in 1996 and 1998 also prevented people with felony drug convictions and their families from federally subsidized housing, serving to increase homelessness and make family reunification much more difficult—for women especially. For women who are incarcerated, there is always the possibility of losing custody of their children.

A3N: How has the corporate media presented the war on drugs? Strategically speaking, how do you think activists can best confront this and work to publicly discredit the war on drugs?

LA: The media has portrayed the war on drugs as a fantasy of good vs. evil. There is little or no acknowledgement of the truth about who is targeted and why, of the system’s cruelty and destructiveness, nor of its lasting consequences to people’s lives, the evisceration of communities, and the bankrupting of governments. Only now, with huge state budget deficits, have some states begun to look at what 40 years of these policies have created; not because they think they are unconscionable, but because they are no longer financially sustainable. If they could find a way to continue to finance the bloated prisons and jails, I don’t think they would be looking for alternatives.

Despite this, I do think there is a small opening now to look at the catastrophic “war on drugs.” Michelle Alexander, in her book The New Jim Crow: Mass Incarceration in the Age of Color Blindness, details how in many ways, the war on drugs...
The Babylon System

has created a more potent, strangulating and oppressive system than the old Jim Crow.

I agree with her and think this framework can re-energize people who took part in the Civil Rights and Black Empowerment movements of the 1960’s and millions who did not. I believe that what is important about her book is that she articulates the convergence of economic, legal, legislative, governmental policies and political forces which led to the mass incarceration of African Americans.

To overturn these policies and the beliefs on which they were built, we must understand the complexities of why and how they have been put in place. Then we can build the new and strong movement we need now.

A3N: Of the many news stories featured on the website in the last couple years, could you tell us about a few important stories that you think were the most under-reported and/or misreported by the corporate media?

LA: There are thousands of stories because the true story about prisons is almost completely missing from not only the corporate media, but the left media as well.

First, there is almost no coverage at all about the growth of solitary confinement in the U.S. The best website for this is Solitary Watch and the RCPP website and blog publishes writing and commix from prisoners in solitary.

Second, there are a number of stories involving prisoners organizing, notably the Georgia Prisoners strike and the hunger strike in Lucasville, Ohio. There are a number of stories posted on the RCPP blog. The Human Rights Coalition (PA) is working to bridge the divide between outside and inside organizing (see The Movement).

Third includes “How prisons and jails are becoming debtors prisons,” “Criminal Justice Debt: A Barrier to Reentry” by the Brennan Center, and “In For a Penny: The Rise of America’s New Debtors’ Prisons” by the ACLU.

Finally, the excellent work by The National Advocates for Pregnant Women, whose groundbreaking work brings together issues of women, reproductive rights, criminal justice, and racism.

A3N: Besides the website, how else has the RCPP evolved since the first comic book was published?

LA: The RCPP has evolved greatly since its beginning in 2000. When I started, I barely knew anyone in prison. That began to change once we started conducting our workshops and created a Train the Trainers program which involved many people who had been incarcerated.

Then, the comic books started flying out the door and the daily stacks of letters began arriving. Reading thousands of letters and beginning long-lasting correspondence-relationships with many prisoners, my focus shifted to their efforts to connect and remain a part of the world outside of prison. I saw how the longer someone’s sentence is, the more difficult it becomes to maintain connections — even in states where it is policy.

(Continued from page 42)

(Continued on page 44)
Because of my daily connections with prisoners, I have become much more involved in conditions of confinement, sentences of life without the possibility of parole, the lengthening of sentences, the parole process or lack of it, and the non-use of compassionate release — even in states where it is policy.

I am constantly aware of the daily cruelties and indignities that men and women endure at the hands of others. I witness how so many people (against circumstances designed to dehumanize and crush their body and mind) manage to overcome and create lives of meaning to themselves and others.

A3N: What do you focus most of your energy on these days?

LA: In addition to sending out comic books, answering mail, and updating the website, I spend some part of everyday attempting to track down research, contacts, and other information for a large number of prisoners who are writers, researchers and activists/organizers.

In Massachusetts, where I am located, I have led an effort to stop the jails from charging fees to prisoners who are convicted and "pre-sentenced." We are now waiting for a report that will hopefully recommend against these outrageous fees. I am engaged in various efforts to stop "three strikes" legislation from being law in MA. I regularly write and speak to classes and organizations about what is going on all around them, if they will allow themselves to look.

A3N: How can our readers support your work?

LA: Your readers can support the work of the RCPP by becoming actively engaged in any areas I suggest in the previous answer. People need to know that they can spend a few hours a week and it can have political meaning.

They can financially support effective grassroots organizations that receive no funding or little funding, including of course, the Real Cost of Prisons Project. Our total yearly budget is approximately $4,000 which provides postage, envelopes and maintaining the website...

Mostly, I believe people need to wake-up and get engaged wherever they live in whatever they find most compelling. The fact that there is so much to do is not a reason to do nothing.

Comic Books as a Path to Prison Reform: An Interview With Activist Lois Ahrens (edited)

By Angola 3 News

Posted on May 12, 2011

Entire story online at: www.alternet.org/story/150919/
The Day of Responsibility
State Correctional Institute-Retreat
Sunday June 26, 2011

On Sunday June 26th, 2011 one hundred and forty men signed up to attend a special event - The Day of Responsibility, stating that they are willing to stand accountable for the past harms committed to family and community. They came forth ready to listen and learn from others on how to walk in a more noble and honorable way; to move forward in life as responsible men.

The Day of Responsibility was hosted by the Community Development Organization (CDO) at SCI-Retreat where Christopher Toland serves as President and Omar Livingston as Vice President. This event was hosted and organized by a dedicated team with conviction consisting of Andre VanCliff - Parliamentarian, Chester Hollman - Ways & Means Director, Norman Tate - Activities Director, George Griffin - CDO Long Term Offender Director, and Dave Popson - Activities Specialist/CDO Liaison.

The day consisted of enlightenment and remarks from PA Prison Society, Wilkes-Barre Victim Resource Center, the Human Rights Coalition, Fight For Lifers, Inc., and Mothers-In-Charge. The impact of crime on victims, the community, and families was discussed with vivid detail and illumination. Mothers-In-Charge presented vivid examples of the cruel acts upon their loved ones with heart-wrenching sobs. Their testimony resulted in a standing ovation and the signing of ‘THE PRISONER’S PLEDGE’ (see sample on page 53) by each prisoner present to seriously change their ways and make amends. Several prisoners stood and expressed empathy.

The day could very well be described as a healing process for all in attendance. It is also the first step of many towards self-improvement, forgiveness, and the construction of safe nourishing communities across the state of Pennsylvania.

The Human Rights Coalition would like to thank Mr. George Griffin, Mr. Dennis Nicholson, and Mr. David Popson for the invitation to share and participate in this day of atonement.
The Prisoner’s Pledge

Prisoners who recognize the responsibility they share for past behaviors that have harmed their victims, families and communities adopt the following pledge.

1. I, ____________________________ hereby pledge to dedicate a portion of every day, while serving my sentence and after my release, to diligently strive to improve myself spiritually, intellectually, politically and socially so that I will no longer participate in any lifestyle that makes me an agent of destruction in my community. I will not make any excuses for my behavior, recognizing that there is no justification for harming innocent people in any way, regardless of the things that happen in my life.

2. I will continue to educate myself about the impact of my actions on the victims, my family and the community. I will take seriously my responsibility to repair the harms that I have caused and to be in search of practical and symbolic ways in which to do so.

3. I will make it my duty to become fully aware of the impact that drugs and other criminal activity have on the overall deterioration of the quality of life in my community. I hereby pledge to join the ranks of those that work to improve the familial and communal conditions of society.

4. I pledge whenever possible to write letters to my family members, significant others, religious affiliates, individuals who have been impacted by my actions, and the City Council of my community, apologizing for my past behavior. I am seeking their forgiveness and asking for another chance to prove my love to them and dedication to my community. As a symbolic gesture, I will write a letter to my victim, taking responsibility for my crime, even though I am not permitted to send the letter.

5. I pledge to encourage my friends and associates to change their thinking and behavior as an effort towards improving the quality of life in the community and to begin a genuine healing process. I promise to never allow peer pressure or popular opinion to deter me from the mission of convincing my associates that the welfare of the community in the best interest of us all.

6. I pledge that beginning today, I will strive with those who value family and the community as I do and figure out a way and a means to support growth and progress in both. I will especially strive to assist the youth in walking a more honorable path; unlike the one I have traveled.

7. I pledge to do the following as a way of demonstrating a commitment to my responsibility for my actions and improving the quality of life:

   ___________________________________________________________

8. I pledge to recite my pledges (made above) to myself each day of my incarceration through my actions and continue to do so after my release as a constant reminder of my duties and responsibilities to work diligently on improving the quality of life in my community, for my family and for myself.

I hereby state in the honor of my word that I will forever remain a part of the solution and will never again live my life as part of the problem.

Signature ____________________________  Date ____________________________

Witness ____________________________

Witness ____________________________
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.
7.) Create a cooperative business to finance your chapter or branch to be financially independent.

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

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