

Grass-Roots Advocacy in Action...

Justice Watch

Quarterly Newsletter

Spring 2001

Spring 2001

"God comes alongside us when we go through hard times, and before you know it, he brings us along side someone else who is going through hard times, so that we can be there for that person, just as GOD is there for us.

II Corinthians 1:4.

"When Jesus talks about prayer, He doesn't present it as an arduous task. He doesn't describe it as a requirement. He doesn't say that it's something you do beautifully so that some divine audience will throw flowers to you. That's not what prayer is. It's the divine relationship that allows us to stand before God and express our deepest thoughts and the utmost concerns of our heart." (A prisoner in Arizona sent us this quote by Max Lucado, a well-known author.)

We are grateful to a Texas prisoner who sent us the following, to be prayed when fearful thoughts come into a mind, or when we start judging or hating or hurting. We have used it and want to pass it on to all of you.

THE LIGHT OF GOD SURROUNDS ME,
THE LOVE OF GOD ENFOLDS ME,
THE POWER OF GOD PROTECTS ME,
THE PRESENCE OF GOD WATCHES OVER ME
WHEREVER I AM, GOD IS
AND ALL IS WELL

Newsletter Notes

We ask for poems and art to create a booklet to give to thank supporters of the Newsletter and other Advocacy projects. Thanks to all who've sent blank envelopes, stamps and donations to keep our these projects funded. Such donations permit us to continue to provide this newsletter free to prisoners.

We ask you to keep us updated on address changes, and note our correct street address. Many prison libraries have outdated books listing our old address. We have a WONDERFUL post man who brings us letters mailed there, but we really need you to pass the word about our new address.

We don't have a legal staff. Do NOT send us your legal documents. We are glad to try to help with specific information. We note that MANY prisons seem to have no law libraries, or at least any with updated materials. Thanks for your encouragement!

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A Burning Issue

Fewer crimes are being committed! What is alarming is the number of those released from prison who return due to Parole Violations. Our Garden Street House staff tries to reverse this trend with programs to help and support those released from prison. Arsonists are one group of prisoners who are not being released. They pay an especially high price for their crime.

Fire is a basic fear with humans. Insurance companies are afraid of the cost of fire and the Parole Board wants "assurance that nothing else will burn." If it does, the Board will feel the heat, thus it requires arsonists to complete extensive psychological assessments and counseling, and be released to a Half-Way House. Halfway houses feel the heat as well. Insurance companies will not provide coverage if arsonists are accepted. Even

without taking arson into account, insurance costs for Transitional Homes continue to rise. This is an example of how the Prison-Industrial-Complex affects even prisoners eligible for release, and those who are released.

Arson crime is dreaded because it is unpredictable. It strikes unexpected victims, and may hurt those not the actual target of the crime, including firefighters. Rehabilitation treatment is limited perhaps because the motives for arson are so varied. They may include alcohol impaired judgement, mental illness, exploding anger over a failed relationship, insurance fraud, etc. There may or not be reason to fear that arson is an "addictive crime" that will be repeated. It may depend on the original motive for the crime.

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Email: jwatch@fuse.netWeb Site: www.home.fuse.net/jwatch**SAINTS OF GOD, HEROES FOR ALL GOD'S PEOPLE**

Mr. Raymond Faragher took a trip to India and decided to do something about the problem of violence against women there. Through the Sisters of Notre Dame he helped fund a school that now boards and educates 200 girls. He donated money to the Homeless of Northern Kentucky, Habitat for Humanity, and the Ludlow Independent Schools. Justice Watch is sad to report that Mr. Faragher died recently. One of his daughters, Annie Bennett, is a member of our Board of Directors, following in her father's footsteps in serving others. Our sincere condolences to our friend and her family.

Ms. Alma Sullivan gives every month to Justice Watch. A friend of Rev. Maurice McCrackin, when he was very ill she often went to the Nursing Home to read to Mac. We are so grateful for her regular support and encouragement.

Rev. Damon Lynch, of New Prospect Baptist Church in Cincinnati has long been concerned about Ohio's incarceration of juveniles. When the Ohio Governor's office asked him to serve on a state advisory board on juvenile justice he agreed to serve. A roster sent out lists Rev. Lynch as chairman of the Council, which administers about \$3 million in federal funds to service agencies for juvenile intervention programs. Then Rev. Lynch got another call from Columbus saying that there was a problem. The Fraternal Order of Police had complained about his appointment. Staff for Lt. Gov. O'Conner, refused to say if complaints from the FOP were what suddenly made Rev. Lynch a poor fit for the job. FOP President, Keith Fangman, said, "The chairman of this council needs a reputation for being tough on crime and the ability to look past personal social agendas." Rev. Lynch's Black United Front is a leading force in investigating racial profiling by Cincinnati police officers. The Governor's move is likely to exacerbate already poor relations between the police and members of Cincinnati's black community.

(OHIO IS INELIGIBLE FOR 50% OF FEDERAL TITLE II JUVENILE JUSTICE GRANTS IT COULD RECEIVE, BECAUSE OF THE WAY JUVENILES ARE LOCKED UP WITH ADULT PRISONERS IN SOME PARTS OF THE STATE.)

The ABA

Leaders of the 400,000 member American Bar Association plan to come out against "Zero Tolerance" policies in schools. "The ABA is an organization that stands for fairness and justice and many of the zero tolerance policies around the country have been unfair and unjust to children" says Robert Schwartz, director of the Juvenile Law Center, a public interest group in Philadelphia. The policies came about partly because schools faced lawsuits charging that Principals disciplined unequally based on race or other factors. Zero Tolerance protects schools from lawsuits by eliminating a lot of the arbitrary nature of school discipline. It protects schools against lawsuits from parents charging the school didn't do enough to keep students safe or that individual punishments did not fit the offense. (Zero Tolerance therefore, is designed to protect schools from lawsuits, not to protect students, parents or communities.)

The American Bar Association is also opposed to the use of the Death Penalty. Without the death penalty, which gobbles up thousands of hours of effort by attorneys who care about truth, justice and the right to life, those attorneys could devote their time to justice in the rest of the prison system.

* * * * *

ANOTHER JUVENILE LAW IN OHIO

A new law will soon allow judges to give young offenders both juvenile and adult sentences. The example given of the "need" for this law tells of a youth who at 14 and 16 years old "raped" girls younger than 10 years old. If sentenced in Juvenile Court he would be released at age 21. A psychologist says the boy is "not amenable to sex-offender treatment and should remain locked up." Thus a blended-sentencing law has been enacted. The prisoner is now 20 years old. (When will he be "amenable to treatment" or is he to have a life sentence for juvenile crimes?)

ABORTIONS ARE LEGAL IN PRISON TOO!

Federal Judge Susan Dlott ruled in January that an inmate's right to an abortion is protected by the U.S. Constitution and should be preserved, even when the woman is locked up. In her decision Judge Dlott said that Sheriff Simon Leis (Hamilton County, OH) cannot allow his personal feelings about abortion to determine whether a female inmate can have an abortion. "Ours is a government of laws, not of men," she said. Enquirer, Jan. 2000

OHIO NEWS

NO BAD TIME

The Ohio Supreme Court struck down a law allowing the parole board to extend a prisoner's sentence for committing criminal acts in prison (Bad time). The ruling on a 1996 criminal sentencing law could free 167 prisoners serving prison-sentence extensions of up to 90 days. The parole board invoked an extension 250 times! The court's majority opinion said the practice "is no less than the executive branch acting as judge, prosecutor and jury."

SEXUAL PREDATOR LABEL DISPUTED

An Ohio appeals court decision forces courts to evaluate sexual offenders before an inmate can be labeled "sexual predator" at parole. A case presented by an inmate insists that after 16 years in prison and several counseling programs he is not a threat, despite a judge's decisions that he is a sexual predator. After 16 years, this inmate, eligible for release in November, was classified as a sexual predator by Cuyahoga County Common Pleas Court Judge Sutula who relied on a 16 year old psychiatric report without any re-assessment by a psychiatrist to determine the likelihood of another sex offense by the man. A dissenting opinion by Judge Corrigan notes that state law doesn't require that defendants be reassessed. His prosecutor wants him labeled and must report to police regularly. The 8th Ohio District Court of Appeals ruled they will allow the 56 year old inmate to avoid the sexual predator label. People convicted or sentenced before the 1997 Sexual Predator law took effect must be given a hearing before a judge before being labeled. (Enquirer, January 16, 2000)

PRISON LITIGATION REFORM ACT OHIO HOUSE BILL 455

In 1996 Congress enacted the Prison Litigation Reform Act, which states that failure to fully exhaust The Grievance Procedure will bar an inmate from filing a Federal civil suit. Ohio passed House Bill 455 soon after, titled "The Disincentive Provision" which mirrors the PLRA. The Attorney General's office is very proficient at having inmate law suits dismissed because they did not fully exhaust state and federal grievance procedures.

The good coming from the new laws is that they've forced ODRC to review their inadequate grievance procedure. Review is currently being conducted by sections of ODRC approved by the Correctional Institution Inspection Committee as well as the Prison Reform Advocacy Center. A report and recommendations are to be submitted this February to Director Wilkinson. Until changes are in place, when filing legally, be sure you exhaust all grievance procedures as they now stand, first.

WACKY LIABILITY LAWYERS

Lawsuit-abuse watchdog groups call attention to the effects of product-liability lawsuits. Their message is "When all judges becomes serious about throwing out frivolous lawsuits, we'll see fewer wacky labels", such as: "Recycled flush water unsafe for drinking," and "Cyclists' shin pads cannot protect any part of the body they do not cover."

Actual lawsuit examples: After falling out a third story dorm window while trying to "moon" some friends, a University of Idaho freshman sued the school for failing to warn him that upper-story windows can be dangerous!

A NJ driver, whose car was hit broadside by another one, spilled a McDonald's milkshake on his lap. He sued the fast-food chain for not warning customers against eating and driving.

Frivolous lawsuits are such a problem that many companies feel common sense warnings are necessary. The cost of these costs our economy dearly and imposes a "hidden tax" on the products. (And we hear of "frivolous" lawsuits by prisoners?!?!)

OFFENDERS FIND RECORDS HARD TO ERASE

Ohio's expungement law is eroded by clerical errors, advances in technology and new laws that make many expunged records available to the public, causing the loss of jobs and reputations. "It's a huge problem" according to an administrator for Hamilton County Clerk of Courts. Judges grant over 1,000 expungements a year in Hamilton County for minor crimes so the charge doesn't prevent someone from getting a loan or a job, but expunged records are not as secret today. Many government agencies, private firms and computer networks now carry information about criminal cases. Last year Ohio DRC sent a letter to every county clerk in Ohio, asking for more help in clearing files of expunged records. Changes in Ohio law make sealed records available to some employers, especially those working with children or the elderly. **THE LAW DOES NOT REQUIRE EMPLOYERS TO FIRE EMPLOYEES WITH A RECORD, BUT IT DOES REQUIRE RELEASE OF THOSE RECORDS.**

Recent changes make little sense. Expungement is only granted to first-time offenders whose crime was minor enough to warrant a second chance. Whether the records are released by mistake or because of a new law, the cost to the offender is great.

ATTENTION OHIO PRISONERS: Sentenced before 1996? Been flopped? Send detailed information to: Prison Reform Advocacy Center, 1428 Enquirer Bldg., 617 Vine St., Cincinnati, OH 45202-2416. Information may be used to influence legislators to change parole guidelines.

OHIO NEWS (CONTINUED)

PRISON INDUSTRIES

Ohio has contracts with 13 private companies for inmates to make products for sale within Ohio. The Prison Industry Enhancement Certification Program allows state prisoners to produce items for private businesses to sell out of state. ODRC began participation in 1995. In 1996 inmates sewed drop cloths and side walls for tents sold by AAdvantage Tent of Chillicothe. A 1998 federal suit showed Ohio never put the worker's compensation requirement in place due to complications with state employment laws. Ohio was cleared of blame for failure to give workers compensation to prison inmates in a federal program allowing prison-made goods to be sold outside Ohio. State Inspector General Thomas Charles asked ODRC to review its in-state prison goods program to ensure all state and federal laws are being followed.

CHANGE YOUR NAME? FIRST RUN A CRIMINAL INVESTIGATION!

An Ohio couple married and decided to take the wife's last name for both. The name change was delayed by the license and Social Security bureaus. A criminal investigation was conducted to make sure the husband was not changing his name to skirt the law. Social Security had to do a credit investigation and a criminal investigation to see if he had killed people in other states and was trying to run away! (Who said, "All we have to fear is fear itself"?)

DEPUTY WARDEN DEMOTED

A Deputy Warden was in charge of operations and security at Orient CI when a 67 year old inmate was placed in isolation after scuffling with a corrections officer last October. The inmate was placed in isolation cell, in his underwear, with no cot or mattress, for three months. In February he is still in isolation. The Deputy Warden has been demoted to administrative assistant.

BEWARE

I, an Ohio prisoner, was encouraged by news that families could meet with the Parole Board before Parole decision dates. My mother met with them, and was told I would be home in two years. Mother was happy. Eight days later the Board gave me another 7 years. I'd heard enough from others expecting parole. I'd prepared myself. What hurts is knowing that Mother has cried herself to sleep many nights since. I tried to prepare her, but she wanted to believe these people and took them at their word. I even got my hope up a little. What a fool! Beware! Before your people go meet the Parole Board, tell them the truth. There is no consideration for the lives they affect and the left hand never knows what the right hand is doing. (Name withheld)

EQUITABLE TELEPHONE CHARGES (eTc) CAMPAIGN RESULTS!!!!

Washington DC: A councilman has introduced a bill to regulate rates on DC prisoner telephone calls. Most DC prisoners are housed in private prisons or with the Federal Bureau of Prisons, far from home, making phone calls more crucial.

Ohio: Some costs have been reduced slightly. Litigation is pending in Ohio, Indiana, Illinois, New York, Kentucky, Washington, Wisconsin and DC.

Missouri: Its next contract for prison telephone systems will not include a commission or kickback for the state! YES!

Michigan: Prison system is reviewing telephone bids in response to proposals that include debit calling, and reduce surcharges.

Rhode Island: prisons reportedly are investigating cheaper alternative phone systems, including debit calling.

Texas: TDOC reportedly agrees to examine the feasibility of implementing an inmate phone system. Most Texas prisoners do not get to make phone calls at all!

Virginia: Legislature asked the State Corporations Commission to report to them concerning the prison phone system.

New Mexico and Oklahoma: A legislative review of prison phone systems is underway.

California: Legislature passed a bill requiring that the state's commission on prison phone systems be just enough to cover costs. Unfortunately, Governor Gray Davis vetoed the bill!

North Carolina: Introduced a bill requiring the system to ensure competition among phone service providers in state prisons.

Massachusetts tried but failed to pass an amendment reducing the cost of prisoner calls.

UPDATES: Visit website www.curenational.org or contact: eTc Campaign, PO Box 2736, Kalamazoo, MI 49003, or call (616) 383-0028. HELP: Send information about any progress in reducing the cost of prisoner telephone calls or in offering families options other than collect calls. Send as much documentation as possible, and any media coverage on this.

"I want to see if we should be making this kind of money off the backs of families of inmates who phone home collect." Nevada Gov. Kenny Guinn, about the prison system's renewed contract with MCI, in which prisons will get 51% of the profits. In 1998, the system made \$2.8 million from prisoner phone calls.

AFTER PRISON---THEN WHAT?

TO THE FAMILY: YOUR LOVED ONE IS COMING HOME

A big false impression for many prisoners and their families is that their problems are over when the offender walks out the prison gate. The hard work of relationships is just beginning. Be prepared for life to get harder before it gets easier.

A second false impression is that you fully know the person coming home. But, the prison experience forces prisoners to adapt to a life we don't generally confront in the free world. You get glimpses of changes in letters and visits, but you can't see the whole person in such small pieces. The experience changes you, too. You need to get reacquainted. It is very common for loved ones to fear what will happen once the offender is free again. The last few months of separation often are most stressful. Don't discuss long-term plans, individual expectations and simple plans for finding quiet ways to get to know each other again.

Often family members overreact and try to enforce strict controls, for their own peace of mind. This won't work. Be prepared to greet your loved one as a responsible adult. If a former prisoner sees you as an extension of the prison authority, he/she is likely to ignore you or rebel. Don't nag. Be very honest and direct in a concerned and respectful way. Under no circumstances permit yourself to become a physical or emotional victim.

Don't play catch-up for the good times you missed. It can't be done and only leads to frustration. Take time to get to know one another again, to share mutual respect for each other. Don't dwell on the past, look to the future, a fresh start. Enjoy life, you've earned it. (Excerpted from "99 Days and Get Up" by Ned Rollo)

PRISON AFTER-CARE--WOTC

While billions are spent on prisons, very little is done for recently-released prisoners. The first six months "out" is the most important time in corrections and the most neglected.

Only one program funded by the federal government helps prisoners. The Work Opportunities Tax Credit provides \$2,400 to an employer for hiring an ex-felon. Less than 5% of releasees use the WOTC. National CURE suggests:

(1) a national toll-free number (one easily memorized, such as EXCONJOBS) that would provide information on WOTC and other transitional help such as transportation, housing, etc.

(2) A state could use WOTC only if all parolees are given information about the credit and shown a video explaining the WOTC.

(3) Eliminate the absurd requirement that an ex-felon must be economically disadvantaged. The employer can wait weeks for this verification. Of course, ex-prisoners need jobs NOW! (from National CURE, PO Box 2310, Washington, DC 20013. 202-789-2126)

NO TEMPORARY ASSISTANCE FOR THE CONVICTED

A little noticed provision of the 1996 federal welfare reform statute provides that UNLESS a state passes legislation to the contrary, any individual with a felony drug conviction after August 22, 1996 is permanently barred from receiving Temporary Assistance for Needy Families benefits or food stamps. These states have eliminated the ban: CT, KY, MI, NH, NY, OH, OK, OR, VT and D.C. Others modified it. A report on it can be found at www.clasp.org or call (202) 328-5140.

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WILL THE CONFEDERACY RISE AGAIN?

Charleston, SC: The US Justice Department is suing Charleston County, saying its method of electing county officers is unfair to African-Americans. At-large voting, with candidates elected by voters countywide and racially polarized voting, dilutes the strength of black voters, violating the 1965 Voting Rights Act. The lawsuit is intended to remove barriers preventing Charleston County's black citizens from having an equal opportunity to elect representative to their county government. They are about 30% of the registered voters with only one African-American on the 9 member council.

Roanoke, VA: U.S. District Judge Jackson Kiser ordered Virginia to issue specialty license plates bearing the Confederate battle flag logo of the Sons of the Confederate Veterans. He said the state's refusal to issue the tag violated the group's right to free speech. If this group is singled out based on viewpoint, that flies in the face of the First Amendment.

Mississippi: will hold a statewide referendum April 17 on removing the Confederate symbol from the state flag. Voters will choose between the 1894 flag and a design that replaces the Confederate battle emblem with a circle of 20 stars to signify Mississippi's admission as the 20th state.

Georgia's new state flag with the once-dominant Confederate emblem reduced to a footnote was raised over the state Capitol recently. Rep. Tyrone Brooks and other black leaders fought 20 years to replace the old flag--a symbol of southern courage to some, a symbol of slavery to others.

The ACLU is considering a racial profiling lawsuit against the city of Cincinnati. Since 1995, 13 African-Americans have been killed by Cincinnati police officers. An ACLU lawsuit in Pittsburgh in 1996 prompted court-ordered monitoring of the police there. Lawsuits forced the New Jersey Hwy. Patrol and police departments in Los Angeles and Illinois to collect race data. Louisville, KY police will soon collect race information on all traffic stops.

DEATH PENALTY-WHO WILL WE KILL NEXT?

John Byrd: All three men who participated in a robbery have given statements saying the wrong man is being sent to his death for the killing. Attorneys for John Byrd have submitted signed affidavits from the one who admitted to being the killer, and is in prison, and from the getaway driver, that John Byrd did not stab the victim. At the time of Mr. Byrd's trial new rules concerning the death penalty were being put into effect. There was not qualified attorney to represent him under rules that were new to even the Judge. There is no way Byrd had a fair trial. In spite of this, Hamilton County prosecutors want to see Mr. Byrd killed.

Jay Scott: The murder of Mr. Jay D. Scott by the state of Ohio is premeditated and scheduled for April 17. There will be witnesses to the killing, and it is carefully planned with many accomplices participating. Mr. Scott, an African-American, has a serious mental illness, has been on suicide watch and on Haldol, a high potency anti-psychotic medication.

Rick Cooley: The next victim of Ohio's premeditated killing, Mr. Cooley, was 19 years old at the time of his crime. He is now 34 years old and without any family support.

Timothy McVeigh: Federal officials set May 16 for McVeigh's execution. He is convicted of bombing a Federal Bldg. and killing 168 people. Mr. McVeigh, a decorated Gulf War veteran, has said he wants no more appeals. He apparently was motivated by hatred of the U.S. government and revenge for the April 19, 1993 deaths of 80 people in the siege of the Branch Davidian compound in Waco, TX. He wants his execution to be on a national TV broadcast, but prison officials say that is not an option.

Calvin Burdine: Accused of killing W. T. Wise while burglarizing a trailer they shared. Mr. Burdine denies he killed, but admits he was at the scene with an accomplice. The accomplice served 8 years in prison for a lesser murder charge. Mr. Burdine has been on death row since 1984. 14 Judges on the 5th Circuit Court of Appeals are to hear arguments by Mr. Burdine's new attorneys and the Texas attorney general's office on whether the fact that his court appointed lawyer, Joe Cannon, dozed off repeatedly in the court during his trial in any way violated his right to a fair trial.

A MEASURE FILED IN THE TEXAS LEGISLATURE IN JANUARY WOULD HALT EXE-

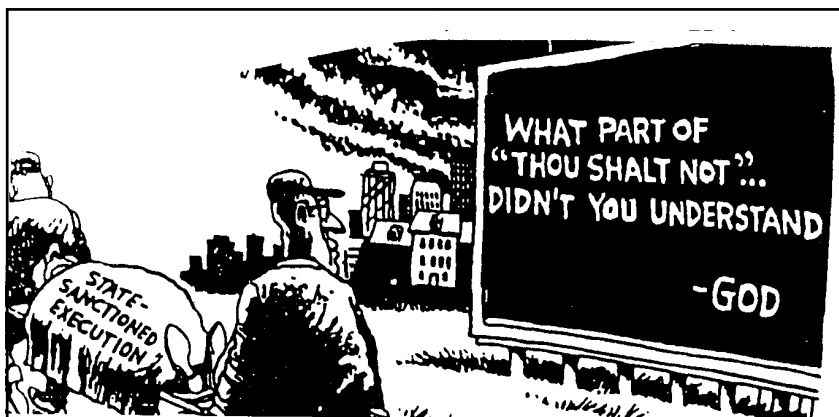
CUTIONS IN THE NATION'S MOST ACTIVE DEATH PENALTY STATE UNTIL 2003 WHILE A COMMISSION STUDIES THE PROCESS.

DID YOU KNOW? If you are going on trial for a crime with a possible death penalty sentence you need to have an impartial jury. However, the law requires that in death penalty cases juries have to be "death qualified." That means that NO ONE WHO IS AGAINST CAPITAL PUNISHMENT CAN SERVE ON THE JURY! You understand this, because without that requirement, we'd never get anybody executed. Social science research shows these "death qualified" juries generally are not impartial. They are conviction prone, likely to agree with the prosecutor. They think you wouldn't be there in the first place unless you were guilty as charged. There is no good way around this. It is a price of unfairness we must pay if we're going to have the death penalty. How do you think you'd like it in your trial? (Eugene Wanger, Michigan Committee Against Capital Punishment, 1735 Abington Place, Lansing, MI 48910)

"I was in shock. It was literally hard to stay on my feet. What I saw was obviously violent. He looked like someone had just dropped a cinder block on his chest. His chest heaved and it knocked his glasses off." (a quote from Steve Earle, after witnessing the execution of Jonathan Wayne Nobles in Texas, October 7, 1998.

Steve Earle wrote "Over Yonder (Jonathan's Song) which is on his new album, Transcendental Blues. He is writing a play about Karla Faye Tucker who was at the center of controversy when she appealed to Gov. George Bush to commute her death sentence. In a telling public moment, the future president was captured on tape ridiculing the woman, mimicking her call for mercy. Tucker went to the death house on February 3, 1998. Bush went on to the White House.

The abolition of judicial killing is an issue that Earle is passionate about. Mr. Earle corresponded with Jonathan Nobels for 10 years before the execution. Mr. Nobels had changed, he had befriended the clergymen who ministered in the prison and had become a lay preacher himself.



WHAT YOU CAN DO

WRITE to Gov. Bob Taft asking him to commute the death sentence of Jay Scott and John Byrd. Do it NOW!

VISIT WEB SITE www.moratorium2000.org Sign on and give the email addresses of friends who will then get a letter saying you've signed on and are inviting them, too. They are working to gather 10 million signatures against the death penalty to present to the United Nations next year.

NOT IN OUR NAME--from a sermon delivered on Criminal Justice Sunday at First Presbyterian Church, Santa Fe, NM.

"Many family members of murder victims do not want the death penalty--such as Murder victims' Families for Reconciliation. They believe in restorative justice, not retribution, which does not heal. IF YOU BELIEVE THE DEATH PENALTY NEEDS TO BE ELIMINATED FROM OUR NATION, HERE IS WHAT YOU CAN DO:

Practice forgiveness and grace at every opportunity.

Never vote for a government official who supports or condones capital punishment and LET THEM KNOW IT.

Establish a personal relationship with a person on death row--write or visit.

If called to jury duty in a death penalty case, you have to beat the death-qualified jury questioning. If you are called to a capital jury and you oppose the death penalty, when asked if you could vote for the death penalty, you need to say, "I could consider it." Remember it takes only one jury member to say no to the death penalty.

Finally, for the Christian, one cannot be in favor of life without hope (or life without parole). It's unacceptable for a Christian to support a policy that eliminates restoration and redemption."

SUPPORT THIS ORGANIZATION!

"We give them incompetent lawyers. We entice imprisoned criminals to testify against them. THEN WE SENTENCE THEM TO DEATH. We refuse to hear new evidence that might prove them innocent."

The Justice Project, 50 F Street NW Suite 1070, Washington DC 20001 (www.TheJusticeProject.org/direct)

The Justice Project gives these examples:

"John Spirko was sentenced to death on the testimony of a witness who was "70% certain" of his identification."

"Joe Amrine was convicted on the testimony of two imprisoned felons who later admitted that they lied. He is still on Death Row, facing execution."

"James Beathard was convicted on the testimony of a witness who later confessed to committing the crime himself. Beathard was executed."

"One Texas attorney represented a dozen defendants who were sentenced to death. This attorney was notorious for sleeping during trials."

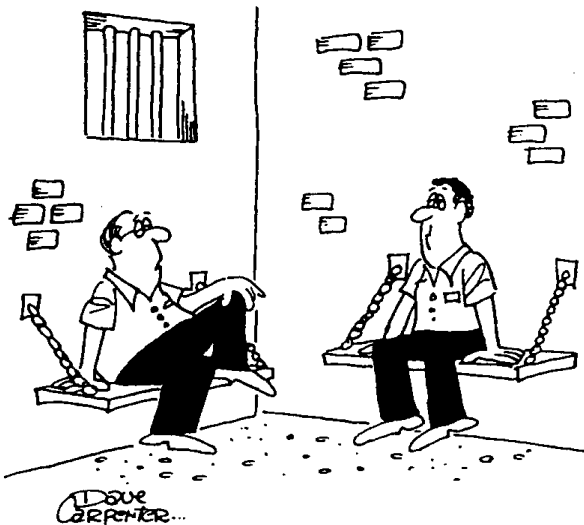
"Gary Graham was convicted on the basis of a single eyewitness. During the trial, his attorney failed to call two other eyewitnesses who said the perpetrator was not Graham. Gary Graham was executed."

"To defend Aden Harrison, Jr., a black man, the court appointed an 83 year-old lawyer who had been an Imperial Wizard of the Ku Klux Klan."

"Judy Haney's court-appointed lawyer was so drunk during her trial that he passed out and was jailed for contempt. The next day, both client and attorney came out of the cellblock, and the trial resumed."

Texas has executed 225 people since 1976, more than the next 5 states combined, and far more than most developed NATIONS of the world! Texas has no public defender system. Gov. George W. Bush vetoed a bill allowing counties to establish public defender offices. Defense attorneys are appointed by judges, even in death penalty cases.

Earl Washington, Jr. came within 9 days of being executed. He was freed in 2001 after DNA tests cleared him of a 1982 murder. Largely illiterate, with an IQ of 69, Earl confessed to a rape and slaying though no fingerprints or biological evidence tied him to the crime. A 1993 DNA test cast doubt on his guilt. Last year testing found other genetic material and Virginia Governor Jim Gilmore pardoned Mr. Washington. Six states -- Illinois, Nebraska, Arizona, North Carolina, Maryland and Indiana--have launched capital punishment studies looking at issues ranging from the quality of defense lawyers to the overall functioning of the death penalty. The Virginia Senate unanimously backs legislation wiping out the 21-day limit for condemned inmates to present new evidence of innocence. Virginia has executed 81 people since 1976.



"I endorsed a check on the wrong end. And you?"

ORIGINALS

HARD LINES

by Marvin Honsinger, prisoner

A metal-framed window, narrow and long,
looks out on a world I can't enjoy
Too small to exit or enter,
hard lines on a cement wall.

The horizon is divided by contrast,
grey concrete against an expanse of soft blue.
My daydreams are marred by reality,
hard line across my skies.

Surrounded by men of un...,
unfriendly, unhappy, unloved and unsure.
White, Black, Yellow, Brown and Red,
every face creased with cruel hard lines.

Square buildings filled with cries of pain,
angry curses, loud shouts...no joy.
Iron bars, steel fences, mortar and brick,
form hard angular patterns in a world of lied and hate.

Fresh 18, out of high school and looking for state security,
a new recruit, short and cute, a female officer.
Her perfume fills the air with the scent of freedom,
she smiles and soft lines frame a radiant face.

Months later eyes dart suspiciously,
contact is lost, her smile is gone.
A rigid pillar clothed in blue,
all stern lines and angles and unbridled contempt.

Lieutenants and sergeants sought her out.
Career advancement? Naivete?
Now her dreams are marred by reality.
Used by the system left only with us to blame.


You gotta watch them," her superior said,
"they're only out for what they can get."
Be careful not to cross the line," he cautioned,
then he used her for his convenience...

Hard lines.
VIEW FROM
THE EDGE



by Nik Zarick, prisoner

Lost man, sad man, young man, old.
Light years from his ancestry.
Racism and anti-Semitism pin his spirit to a world of lies.
He's not black, not Caucasian, not Asian, nor Hispanic, but gray.
He's not unique. There are a million more locked up beside him.
He's not young, for he never had a childhood.
Caught up in a vicious cycle of hate, cards, porn and scams.
Blind, his soul sees nothing.
Deaf, he refuses to hear the truth.
Words of violence and chest-beating mask his fear.
Always ready to swing, because he has no answers.
The only thing he does better than running from reality,
is running from his responsibilities as a man.
The only thing he has accomplished in his life
is the pain and suffering he created in others.
He knows God has the answers he craves,
yet he ignores God's call.
He knows knowledge is obtainable,
but false pride prevents him from learning to read.
He can stop the madness with a snap of his fingers,
for it is never too late to live the examined life.
Hear the wake-up call, My Brother.
It's your turn to live standing up on your own two feet.

—————  —————

MOUNTAINS OF OBSTACLES
by Desi R. Sykes, prisoner

Trials...Trails...Tribulation...
For most they are more than formidable; they are,
Ungodly!

Man; born to struggle, overcome and live...
Striving to reach the stars,
When we have wholly failed to reach within!

Advancement in every field, except; humaneness.
Discoveries beyond ourselves,
Yet the world still hasn't discovered how to co-exist!

Man.....
A mountain unto self--
Our greatest obstacle!

"Although the world is full of suffering, it is full also of the overcoming of it." Helen Keller, born blind and deaf.

WHAT THEN MUST WE DO?

"What then must we do?" asked Leo Tolstoy, when faced with human suffering. We ask ourselves what we can do to make incarcerated life worth living. A film titled "Pay It Forward" begins with a teacher asking his class to develop a world-changing concept. One boy comes up with "Pay It Forward" which is to do three good acts for three people, who in turn pass these on to three others, etc. thus changing the world.

As I pondered this idea, another prisoner asked me for an noodle soup packet. There was no hope of pay-back. He had nothing. But what if I applied the "Pay It Forward" concept to the prison lending process? If he agreed to do three good deeds I would be using instant-soup to begin instant Pay It Forward, starting a positive chain reaction throughout the block, maybe the whole prison! Even those who try to make the prison environment as bad as they can would see how this idea is to everyone's advantage.

I consider myself a God loving human being first, an incarcerated human second. I find the prison experience a rare opportunity to serve God while atoning for my walk on the darkside, to accomplish many goals, day by day, and to make this environment the best it can be, for myself, and the others here.

You'd be amazed at what you can do with a rag, a bar of soap, a little pebble, a stick and good honest sweat to remove rust, crusted paint and dirt, built up wax and grime. Restore your personal space, a common space, or a work area, then keep it clean. You're suddenly in a better environment. You gain a sense of accomplishment and self discipline.

Christian brothers give to an "offering bag" of soups and hygiene items. These are given to anyone in need, especially out of state transfers, who have nearly everything taken from them in the transfer. This is a great source of unity, a positive way to spread fellowship. You can form a study group, a book club, a poetry circle. Tutor those with reading problems, help them write letters and fill out forms. Share your thoughts with those beyond the bars. Report injustice to those empowered to help correct it. Create art out of a bar of soap, a potato chip bag, or anything you can get your hands on. Share your art.

Gather grass seeds from the rec. yard and plant them so every space you touch is greener. I once obtained permission to cull seeds from marigolds being thrown out. As I was separating the seeds, the hardest of lost men, and others came to watch. For a moment they were transformed into wide-eyed knowledge-hungry humans. I dried the seeds, kept them safe, and the next spring, planted them, within view of death row units.

Each week I make a list of movies available on the prison cable system. It is photocopied and posted for all to use. Via the mail I was able to get many books and materials for the library and school. I tell you, this life is not an end, but a rebirth. YOU can do many things within these walls if you apply yourself. Work honestly, don't have a hidden agenda. Make life happen.

Don't settle for living in a meaningless warehouse. Do whatever you can, legally and morally, to bring positive changes. Change your mind-set from that of a prisoner, to that of a human being. Believe that God helps those that help themselves. When you can't possibly do any more, trust the Lord to provide your needs.

By Nikolai A. Zarick, Child of God, Incarcerated Human

Of the Seven Deadly Sins, anger is possibly the most fun. To lick your wounds, to smack your lips over grievances long past, to roll over your tongue the prospect of bitter confrontations still to come, to savor to the last toothsome morsel both the pain you are given and the pain you are giving back---in many ways it is a feast fit for a king. The chief drawback is that what you are wolfing down is yourself. The skeleton at the feast is you. (Frederick Buechner)

I've Learned That:

I can always pray for someone when I don't have the strength to help in any other way.

We should be glad God doesn't give us everything we ask for.

The Lord didn't do it all in one day. What makes me think I can?



JUSTICE WATCH

ADVOCACY NOTES AND ADDRESSES

"Prisons are not scaring offenders away from crime; they are incapacitating them so they are hardly fit for anything else."

WILMINGTON PRISON ACTIVIST CONFERENCE TO BE HELD SATURDAY, APRIL 7
AT WILMINGTON COLLEGE! FOR DETAILS CHECK FOLLOWING WEB SITE!

Web site for Ohio Prison Activists: To subscribe:
Ohio-prison-act-subscribe@yahoogroups.com

An e-mail mailing list for any activist concerned about Ohio prison issues. Purpose is to share information about occurrences in Ohio prisons; to let others know about upcoming actions and events; to share or request ideas and strategies and ask questions. Anyone on the list can post a message. Sponsored by the American Friends Service Committee's Ohio Criminal Justice Program.

Human Kindness Foundation

Rt. 1 Box 201, Durham, NC 27705.
Director Bo Lozoff tells us they offer free books from their catalog to prisoners who request them. We highly recommend his book "Lineage", a book of short stories, and "We're All Doing Time". Write for their catalog of available books.

Prison Legal News, PMB-148, 2400-NW 80th St., Seattle, WA 98117
<http://www.prisonlegalnews.org>

The Innocence Project
Yeshiva University, Cardoso School of Law
55 Fifth Avenue, New York, New York 10003

Students here research cases for prisoners who claim innocence and have some proof of such. They are supervised by law professors and have been very successful in some cases. They have over 1000 cases pending so if you need help, ask sooner, not later!

Regina G. Sherard, Ph.D.
The Prisoners Resource Clearinghouse
2103 N. Decatur Rd. Suite 113
Decatur, GA 30033

Prisoners in isolation who need legal research document preparation, etc. may contact this resource. The firm will type and edit legal documents, manuscripts, professional letters, etc. for \$1/hand-written page and \$2/previously typed page on 8 1/2" X 11" paper. They make copies for 10 cents/page.

David Lescht, Director of Outside In
PO Box 5714, Santa Fe NM 87502
e-mail: Outsin@aol.com

Outside In is now in its 6th year of delivering high quality artistic presentations to confined populations in New Mexico.

For help getting a birth certificate or other papers check internet web site: vitalchek.com Look for the map of the state you need information from, click on and start your search.

BOOKS TO READ

Chicken Soup for the Prisoner's Soul, published August 2000

Justice Watch could order these by lot, and sell them for a fund-raiser for our Newsletter and Advocacy projects. The cost would give purchasers \$5.00 off the publishers price, if we bought sets of 24. The problem is to how to get them mailed to prisoners from Justice Watch or families, since prison rules say books must be mailed from the publisher. Any ideas for a way to solve the problem? We ordered one for a Marysville inmate who found the stories touching and uplifting. Call us at 241-0490 if you want to be placed on a list to receive a copy. They would be available for \$12.95 if we had 24 buyers.

Prison Madness, by Terry Kupers, a psychiatrist, co-chair of the Committee on the Mentally Ill Behind Bars of the American Association of Community Psychiatrists. Kupers has testified in class action suits concerning conditions of confinement and the inadequacy of mental health serviced in jails and prisons. "...the staff usually decides that, absent from clear evidence that an inmate is suffering from a mental disorder, his outbursts reflect, "badness" rather than "madness," and that is why punishment is ordered instead of treatment....at each step along the way from general population to the isolation unit, the correctional staff think their earlier assumptions about just how bad those prisoners really are have been borne out by this new example of recalcitrance and disrespect for authority. Meanwhile, the prisoner is more convinced he is being disrespected and abused, he becomes even angrier, and he is even less willing or able to follow the incrementally stricter rules." (excerpted from an excellent article in The Echo, Texas Prison News, in an article titled "Madhouse".) Jossey-Bass, publisher, cost \$25.00

The Execution Protocol, by Stephen Trombly, published by Crown. The author became a tourist in another America, a nether-world where men wait for their appointment with death, and where another group of men wait to execute them. All the principal real-life characters of this book have one thing in common: They have taken human life.

Americans with Disabilities Act Regulations, by Disability Rights Section, Civil Rights Division, U. S. Department of Justice, see <http://www.usdoj.gov/crt/ada>

PROFITS OF PUNISHMENT

"Since this slave trade has been used, all punishments are changed into slavery, there being an advantage on such condemnations. They strain for crimes very hard, in order to get the benefit of selling the criminal...every trifling crime is punished in the same manner." (quote from a slave trader along Africa's Gambia River in the 1730's).

IS IT POSSIBLE? Could the Prison-Industrial-Complex be at the heart of the nation-wide, heart-rending issue of abortion rights, family planning and birth control? A recent Court TV presentation titled "The Profits of Punishment" was eerily enlightening as to why the government supports more and more births. Over 84% of the incarcerated are people of color, mostly young black men (and more and more young women) in their reproductive years, not creating children while incarcerated. The majority are too poor to hire an attorney. Once in the system they are often removed from their home towns, transported state to state without relationships, or family, like the slaves of earlier days in America. Hear what "The Profits of Punishment" program had to say about America's prisons, private prisons, AND THE GOVERNMENT'S NEED TO SUPPLY PEOPLE FOR PRISONS to support America's economic growth! Three 500 bed prisons open each week. Cheap land, near dumps and land fills is used. Prisoners are charged for their meals and medical contacts, and made to work 8-10 hours a day at low wages. Their rest of their meager pay is spent on basic necessities bought from the prison.

One Warden said, "I don't want any beds empty, I want all the beds filled up."---"If you build it, they will come"---"Money is made by corrections."

There are now many Private Prison Companies. Corrections Corporation of America (CCA) posted the 4th largest gain on Wall Street in 1995. George Wackenhut, former FBI agent who ran security checks against suspected Communists, began Wackenhut Co. which has gone from 0 beds in 1987 to 36,000 prison beds today. These companies have a growth rate of 20-30% each year. They posted \$300-400 million revenues last year. Wackenhut just signed a contract to build a 1500 bed prison in South Africa. Wackenhut recently changed its name to WCC, after an image battering year of reports of deaths, riots, physical attacks in their facilities. Secret tapes of the brutality in their prison in Brazoria, TX proved what happens in these places. Prisoners are incapacitated and hidden away in warehouses, held down, thrown away.

In California City, CA a new prison is built on speculation, at a cost of \$100 million, to hold 2,304 prisoners, and add jobs for the economy. Although there was no contract when CCA built it, there is now a 3 year contract with 95% guaranteed occupancy with a renewal option. Quotes from local people are favorable: "We really, really need these jobs." "We need something stable in the community." "The city has been down--the prison is the beginning of the beginning." "Other companies close down, prisons stay forever."

More money is made by "trade fairs" where new weapons and security devices are sold. The Boss, The Pecker Checker, the latest in flesh rending razor wire, new stun guns, etc. are sold as if they were toys for children. In fact, new lock-down chairs, where prisoners are restrained with straps, have various level foot stools so women and children's feet are supported when they are tied down! These products keep weapons companies in business. Prison growth is estimated to DOUBLE in the next ten years, which will mean 4 million humans locked up.

Prison growth inspires advertising words such as "Growing and dynamic companies, with opportunities for everyone", and "Taxpayers are the boss, give them the best bang for their bucks." Seventy percent of the prisoners (now) are people of color and minorities. Many are ill due to addictions, or mental retardation. There is no help for them in society. They are not treated, and they learn new ways to commit crimes in prison. The vast majority will be released back to society, far worse off than they were before they were used by the prison industry.

The United States of America has a declining crime rate, yet more laws are made and longer sentences are given. Statistics show that 84% of those are locked up for non-violent offenses. WE INCARCERATE CHILDREN WHO ARE THEN RAISED BY ADULT PRISONERS. OUR GOVERNMENTS LEASE PRISONERS TO PRIVATE COMPANIES, TO GIVE "CORRECTIONS" JOBS TO LOCAL ECONOMIES, TO GIVE CHEAP LABOR TO INDUSTRY WHICH PAYS VERY TINY AMOUNTS TO THEIR CAPTIVE WORKERS, IN ORDER TO COMPETE WITH FOREIGN, LOW WAGE COMPETITION.

Where will the next generation of prisoners come from? Perhaps from all the poor who cannot afford an abortion, or a doctor's appointment to obtain prescriptions to prevent a birth, who try to raise their children and cannot, because they cannot find a job because all the jobs are held by prisoners, being leased out to private prisons by the federal and state governments. Think about the consequences of such policies by government and business. Is this what we want America to be?

"Neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." (quote from the 1865, 13th Amendment to the U.S. Constitution).

WHAT WOULD JESUS DO?

"The degree of civilization of a society can be judged by entering its prisons." Dostoevski

TORTURE

1. Torture takes place largely in secret. Even the most rabid torturers rarely want the world to know what they are up to...at some level they are ashamed of what they are doing. By exposing it we can begin to make a difference.

2. Torture is often directed against the least powerful in our midst, who lack the power to stop it. By giving a voice to the voiceless we can let the powerful know that their targets have allies and assure the torture survivors that they are not alone.

3. Torture is prevalent because it is so rarely punished. Most torture is sanctioned by governments or powerful forces of religion or culture. By insisting on justice, the world's citizens can make a difference. (From an article by William Schulz, Executive Director of Amnesty International)

etc.



"The peculiarities of this system were the complete isolation of the prisoner from all human society...so arranged that he had no direct intercourse with or sight of any human being and no employment or instruction...A considerable number of prisoners fell, even after a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and other became violently insane; others, committed suicide: while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community." (In Re Medley, an 1890 U.S. Supreme Court case concerning the conditions in the Walnut St. Penitentiary in Philadelphia)

Washington State prisoners have a poor chance of coming back to society after being tortured and kept locked down for over 6 months at a time. Program Modification means: No Yard, No phone, No water other than 3 toilet flushes a day, and Rations, (2 slices of cheese, 4 slices of bread and 1 fruit). Prisoners live in "Box-Cars". Some are kept naked and sleep on cold concrete. They may be put there at the whim of the staff and unit policy to make the men "submissive". There are no hearings of appeals. You are automatically classified as a Security Threat Group (STG) member, which means prolonged lockdowns.

SHU's (Special Housing Units)

A description of a SHU in Florida State Prison's Q-wing is given by Randall Byrd of the Florida Justice Institute: "There are 24 seven by eight foot windowless cells covered by a solid steel door. Each cell has a steel toilet and a concrete slab with a thin mattress. The prisoners are deprived of reading material and human contact. They get one hour outside a month. They have no shoes or socks. There is no air conditioning and no heating. They suffer extreme heat in the summer and extreme cold in the winter. No visits are allowed. It is reported they get a five-minute shower three times a week. Three times a day guards shove a food tray through a narrow slot. If they are disciplined further they have their legs shackled and wrists fastened to a belly chain. These prisoners are then fed a chunk of bread with imitation cheese and grated carrots baked into it. What offenses have these "worst of the worst" committed? One man who began using a Muslim name spent 12 years there for refusing to answer with his former name at count time. Others, according to the Miami Herald, were held for possession of contraband such as a Popsicle stick, a latex glove, sixty nine 33 cent stamps and fourteen 20 cent stamps; another had seven excess deodorants, and excess dental floss,

Editor's Comment: I recently watched the movie, "Against the Wall" which is the story of the Attica Prison riot. As reported in our Autumn Newsletter, the law cases have finally been settled, but none of those who were killed have been brought back from the dead. Now we try to prevent prison riots by lock-downs, by locking men in concrete boxes, preventing them from seeing anyone, or having any life whatsoever. A few we murder because that is the law. "An eye for an eye, a life for a life". Whatever happened to Christ's words, "love one another as I have loved you" and "If you do it to the least of these, you have done it unto me"? We were supposed to learn a lesson from Attica. Some never heard that story, some don't want to know "the why", and others have found better ways to control, throw-away, and kill other human beings. Many have learned to profit from this business. Jesus was a victim of the death penalty. Jesus was a victim of the whip, the thorns, of torture. It is now Easter time. What would Jesus do to change our prisons?

SUPERMAX LAWSUIT

The ACLU and the Center for Constitutional Rights, citing brutal conditions that have led to inmate suicides, filed a federal civil rights action demanding significant and far-reaching changes at the Ohio State Penitentiary in Youngstown, OH. "The inhumane conditions at the Supermax are not something that just happened because of bad management or neglect: they were part of the state's plan from the start," says Ray Vasvari, legal director of the ACLU. "A prison like that belongs in the history of the Soviet Gulag, not in present-day America."

Practices and conditions specified in the lawsuit include: Inmates held 23 hours a day in solitary, confined to 7 X 14 foot concrete cells with built-in furniture. Fluorescent lights in the steel-doored cells remain on 24 hours a day; prisoners who attempt to shade their eyes are punished. Inmates are shackled and strip-searched each time they leave their cells. When 'outdoor recreation' is allowed it is limited to 60 minutes in an unheated cell with a four inch slit in the wall. There is no indoor recreation facility. Inmates who request psychiatric help for medical attention are subjected to an interview shouted through cell doors, in front of prison guards and other prisoners. Psychotherapy is conducted while prisoners are chained to a pole. Visitors are prohibited from any physical contact with inmates. These and many other inhumane conditions violate the Eighth Amendment to the United States Constitution. For more information go online at <http://www.aclu.org/court/wilkinson.pdf>

MEDICAL NEWS

HIV/AIDS

Federal health officials are now recommending that treatment for the AIDS virus be delayed as long as possible for people without symptoms because of increased concerns over toxic effects of the therapies. This is a major shift in treatment. Instead of the "hit early, hit hard" approach, the new one calls for waiting until the immune system shows serious signs of weakening or HIV levels in the blood far exceed those for which treatment is recommended. Treatment is still recommended for anyone who develops symptoms. Therapy should also be given to people whose blood tests show they have been infected for less than six months.

* * * * *

Butler County, OH commissioners want a new jail to be totally cigarette free. A smoke-free environment substantially reduces maintenance costs. Cigarette chemicals are poisons. They insinuate themselves into everything, making it extremely difficult to keep an area clean. This ruling will affect other prisoners from out-of-county municipalities and townships. Rates for those prisoners are being upped from \$55.00 a day to \$65.00.

* * * * *

Hepatitis C, a chronic liver disease has serious consequences. It is already four times as prevalent as HIV and will be as deadly as AIDS within a decade! Each year there are an estimated thirty thousand new infections and ten thousand deaths. Few people are aware they have the disease until it has severely damaged the liver, the largest internal organ in the body. It is responsible for processing virtually everything you eat, breathe and absorb through your skin. It produces bile to digest food and absorb nutrients. It detoxifies substances that are harmful. HIV diagnosis is not routine, but a simple blood test (ELISA) can detect the antibody to HVC. PREVENT TRANSMISSION of HVC: Do not share needles, razors, toothbrushes, nail clippers or files or any items that may contain blood from anyone. Make sure any instruments used for tattooing, body piercing and/or acupuncture are properly sterilized or are new disposable needles. Abstain from sex. All cuts and wounds should be covered. Notify the medical staff if you are aware of your HVC condition. You may have it for 10 years or more before symptoms surface. Symptoms commonly reported are jaundice, flu-like illness, fever, loss of appetite, frequent urination, tiredness, lack of concentration, indigestion, muscle and joint pain, mood swings, confusion, abdominal bloating and pain, dizziness, diarrhea, night sweats, etc. Many people with Hep C cannot tolerate dairy products. Avoid foods with high fat/salt/sugar content. Caffeine, chocolate, alcohol should be refused. Vitamin A and D are to be avoided. Vitamin A is very liver toxic. Use a vitamin supplement without iron. Everything we breathe has to be filtered by the liver so avoid smoking and other chemicals such as bug sprays or other aerosol sprays. Excessive exercise causes flare-ups and increased fatigue and symptoms. For more info contact: The Hepatitis C Support Project Headquarters, PO Box 427037, San Francisco, CA 94142-7037

* * * * *

From Rosharon, Texas: There are scabies and staph infections which are not being treated on Ramsey II. Report any such outbreaks to: Texas Dept. of Health, 1100 West 49th St., Austin, TX 78756-3199 or call 512-458-7111.

* * * * *

From Clements Unit in Texas: Prisoners in Amarillo are forced to work in a factory producing work boots and canvas shoes. Their health is in danger from polyvinyl chloride (PVC) pellets heated to form the boot soles and glues. Prisoners are not permitted access to information about hazardous chemicals and materials in this workplace.

* * * * *

From Indiana: A prison has posted notices advise staff not to drink the water. Despite numerous protests, bottled water is not being furnished to inmates. The water tastes and smells so bad that many refuse to drink it and believe the water is a contributing factor to medical problems and declining health.

WE HEAR FROM PRISONERS

Prisoners must choose: Pay for Medical care, or soap, toothpaste, deodorant, shavers, pencils, stamps, paper, etc. Some pay child support, restitution, or court costs, out of slave wages which have not been raised for years. Washington prisons don't sell stamps, but only 37 cent pre-stamped envelopes. 35% of any funds sent by their family is deducted by the state due to Bill 2010. Ohio prisoners can no longer receive food or clothing packages from family, but must purchase clothing from vendors. Due to the \$10.00 spending limit, and high vendor prices, prisoners cannot buy a pair of boots for winter. Ohio prisoners having trouble getting adequate clothing since the new rule went into effect, may write to Rep. Don Motley, Chairman of JCARR, 77 S. High Street, Columbus, OH 43266. JCARR is the legislative committee that approved the new rule, but only after ODRC convinced them that they provide adequate clothing for prisoners. Tell them how it REALLY IS!

* * * * *

Alabama prison staff is charged with forgery of an inmate's signature, and bank fraud. A substantial amount was sent to a prisoner to be deposited to his account. He's been told there is no way he will get any interest on the funds, that the interest has already been deposited in the Warden's own bank account. (Most prisoners have so little, or no money that we had not considered any interest. However, we wonder if this is legal? Are Warden's authorized to collect interest on any sizable amount of funds, as in the case of court cases, inheritances, etc. Write if you know the answer.)

* * * * *

California prisoner tells of gross abuse and mistreatment even in the prison hospital. He is in a wheelchair and yet confined over 5 months to a cell 24 hours a day, 7 days a week with no proper medical care. Guards have kicked him, even turned over his wheel chair.

* * * * *

What is a prisoner to do who needs to contact the courts? An OH inmate reports that he is involved in a Civil Action case in the Courts of Common Pleas, Summit County, OH. The courts requested that he call for a pretrial status hearing, but he cannot call from the prison phones and the court refuses to accept collect calls, thus the case is not being prosecuted. Question: Is this denying his access to the courts?

* * * * *

POSTED IN AN OHIO PRISON

"It has come to the Department's attention that a Legislative Service Commission Bill Draft (LSC 123 2158) is being circulated throughout the prisons that would allow judges to review and potentially modify sentences of offenders who committed offenses prior to July 1, 1996 in order to "equalize" sentencing differences. PLEASE BE ADVISED, this draft has NOT YET been formally introduced by the 123rd Ohio General Assembly as of November 14, 2000, and has not received a bill number or a bill sponsor. To become law, such legislation would need to be introduced, receive passage by the Ohio House and Senate, as well as be signed into law by Gov. Taft. Information will be provided to all inmates in the eventuality that such legislation would achieve passage"...

* * * * *

Reports from Oklahoma strongly suggest that state administrators need to do some real house cleaning in terms of guards who abuse prisoners as routine prison policy. Steaming hot showers in the summer, freezing cold showers in the winter, worthless materials sold through the commissary, extra high charges if items are ordered from elsewhere, extremely wrong use of the US Mail system to restrict prisoner's mail privileges, no disposal system for food and materials except a toilet, leaving lights turned off to harass those in closed cells, etc. This is American justice?

* * * * *

EXCERPTS FROM A LETTER TO THE COLUMBUS DISPATCH, July, 2000

I have been incarcerated as a first-time offender for 10 years. In 1998, I was denied parole release even though I earned all "good days" possible and had a "zero" risk for release. I was given no reason for parole denial.

Many Ohio prisoners are trying to make it clear to the public that the Parole Board that says it has fair guidelines, actually does not make fair or safe decisions. Thousands of prisoners, especially first time offenders, are still being denied parole and serving years beyond what the judge originally intended.

Prison activists are asking Gov. Bob Taft for an investigation and reform of the parole board's procedures. Prisoner supporters are asking the governor to order that "truth in sentencing" be applied to all prisoners, so that when prisoners have served their time under current law, they are paroled. If you support this effort, send a letter to Ted Kaplan, P.O. Box 3764, Boardman, OH 44513.

Pennsylvania made a deal with a TX satellite TV programming provider in an illegal, non-public bid, effectively eliminating local PA competition. Prisoners pay 150% more for 1/3 fewer channels, with no local programs or Public Broadcasting channels. The original concept was to provide at least two special channels for educational purposes, but if prisoners can't afford the cable rate, the concept is a failure. The question is raised, how much of a kick-back is the DOC getting?

* * * * *

According to AT&T policy, phone connection charges, from \$3 to \$5, are charged for calls answered by answering machines or individuals who refused the call. This is illegal. Prisoners are asked to unite by writing to express their disgust with this policy. Write to: FCC Consumer Affairs division, Informal Complaints, Room 6318, 2025 M Street NW, Washington, DC 20554, ph# 202-632-7553. (AT&T ph# 800-216-1513).

* * * * *

Pennsylvania DNA Testing Bill SB 2772 sounds good, but it puts so many hurdles in front of prisoners seeking a DNA test that it probably won't help. The Innocence Project in NY got a Louisiana Crisis Center to pay for a DNA test for Willie Nesmith. Nesmith was cleared of a rape charge after 18 years in prison. HB 2772 is not needed. All that is necessary is state funding of DNA tests.

* * * * *

Former Louisiana Governor, Edwin Edwards, who taunted prosecutors through two dozen investigations, was sentenced to 10 years in prison and fined \$250,000 for extorting payoffs from businessmen applying for riverboat casino licenses. Mr. Edwards, a 4 term Democratic governor refused to sign most Commutation applications by prisoners sentenced to life. There is no parole legibility for "lifers" in Louisiana. The only hope is through Commutation which must pass the Board and be signed by the Governor. The governor was convicted of 17 counts of racketeering, extortion, fraud and conspiracy. Mr. Edwards will remain free while he appeals his conviction.

NATIONAL NEWS

APPRENDI UPDATE

Apprendi raises many complex issues, but at its core, it continues the debate over what is a sentencing enhancement and what is an element of the offense that must be presented to a jury. New Jersey's hate crime enhancement has been declared unconstitutional on two grounds: (1) the enhancement allowed the judge, not a jury, to decide the issue of motivation and (2) the law required the finding of motivation had to be proven by a preponderance of evidence, not beyond a reasonable doubt.

What is clear after Apprendi is that any fact, other than the fact of a prior conviction, that increases the maximum statutory penalty must be proven to the jury beyond a reasonable doubt. For more information check this website which provides twice monthly updates on cases interpreting Apprendi: www.juryinstructions.com/apprendi_alert.html

* * * * *

IT ALMOST SOUNDS LIKE GOOD NEWS

A spot between the Washington Monument and the Lincoln Memorial has been designated as the place to put a World War II Memorial. Sound good? The problem is, the memorial will break up the country's most important site for protest demonstrations. This is where 250,000 people gathered to hear Martin Luther King Jr.'s "I Have a Dream" speech in 1963. This is where half a million people gathered for the Vietnam Moratorium demonstration in 1969 to sing "Give Peace a Chance." It is where the AIDS quilt--the 40,000-plus panels covering the equivalent of sixteen football fields that commemorates people who have died from AIDS--has been displayed regularly since 1987. Here the Million Man March met in 1995, the Promise Keepers gather in 1997, and the Million Mom March against gun violence rallied this past May.

A private organization headed by Bob Dole plans to build a granite plaza that will include two triumphal arches, each as high as a four story building, and fifty-six marble columns, each seventeen feet tall and decorated with bronze funeral wreaths and huge eagle sculptures. An organization called the National Coalition to Save Our Mall (www.savethemall.org) mounted a legal challenge last October based on a historic-preservation argument, referring to a 1986 law establishing criteria for decisions made by the Secretary of the Interior and other agencies, among them the requirement that plans for new historical monuments must "protect, to the maximum extent practicable, open space and existing public use." Open space for public use--where Americans can gather by the hundreds of thousands to address their government -- is precisely what this monstrosity will destroy. (The Nation)





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QUOTES

"I don't want a moratorium on the death penalty. I want the abolition of it. I can't understand why a country, whose government says it is committed to human rights, doesn't find the death penalty an obscenity." Desmond Tutu, of South Africa, 1994 Nobel Peace Prize winner.

"Frail and fallible state governments can't be trusted to kill their citizens, mistakes are made and once a person is killed, the mistake can't be corrected." spoken by Kofi Annan at the UN when he was presented with 3.2 million death-penalty moratorium signatures by Helen Prejean, Mario Marazitti and Paul Hoffman.

The death penalty is not a new problem. Lafayette once said, "I shall ask for the abolition of the punishment of death until I have the infallibility of human judgment presented to me."

"My objection to the death penalty is really simple. In a democracy, my government is me. So if my government is killing somebody, I'm killing somebody." Steven Earle