

Justice Watch Newsletter

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Autumn 2005

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ON SECOND CHANCES

Martha Stewart walked out of federal prison and resumed a life of privilege. A fresh felony record was nothing more than a speed bump. Her experience obviously isn't typical. Nearly 600,000 people walk out of our prisons each year into lives filled with challenges. Employment generally is the highest hurdle as felony backgrounds prevent them from ever passing a background check or finding stable employment. That, in turn, leads to a host of other social pathologies. Many never get a real second chance and often return to crime out of desperation or hopelessness. A bill pending in the OH house, sponsored by Rep. Shirley Smith of Cleveland, would expunge the criminal records of certain types of offenders. It deserves careful deliberation. Thousands of Ohioans continue to be punished for crimes committed in the distant past. Those who have transformed their lives and committed themselves to abide by the law deserve a second chance to be productive citizens. The option shouldn't be available only to the wealthy or the politically connected.--*Editorial., Cleveland Plain Dealer*

Scripture:

"For God so loved the world that he gave his one and only son, that whoever believes in Him shall not perish but have everlasting life."

(John 3:16)

COMPASSION By Keith Lamar, OH death row

We speak so often of having compassion for one another, but what is compassion if not the deep and abiding understanding that we are all joined together in our sins and suffering. We speak so often of the wronged and the wrongdoers as if we are speaking of two separate entities. And yet, the truth is that we have all groped in the darkness of ourselves, looking for the light, and in that search, have many times stumbled over our brothers.

In one of my favorite books, "The Prophet", Kahlil Gibran says, "The holy and the righteous cannot rise beyond the highest which is in each of you. The wicked and the weak cannot fall lower than the lowest which is in you, also." This says we are all made of the same stuff, and have a stake in what happens to one another. Since we are all in need of God's mercy and forgiveness, compassion is having the spiritual awareness to see that the process by which we are forgiven begins with our willingness to forgive. *(As printed in Compassion, 140 W. South Boundary St., Perrysburg, OH 43551, July 2005)*

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DID YOU KNOW? Justice Watch operates Garden Street Transitional House for homeless men coming out of Ohio prisons. GSTH is small, but has an excellent success rate in helping those who want to start over learn the skills and get the help they need. **WE NEED DONATIONS** to continue our work to help and prevent new crimes and lost lives. Please include Justice Watch in your end of the year donations--**WE NEED YOUR HELP!**



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PASS THE WORD: OUR ADDRESS IS 1120 GARDEN STREET!

(Many prison library resources use an old Dayton Street address.)

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AN ASTERISK (*) by your name on the address label means you will be removed from the next mail list IF we don't hear from you by February 15, 2006. NO ASTERISK means you will get the next issue--BUT--you must update address changes, including prison name, address and your number. LET US KNOW IF YOU MOVE, OR ARE RELEASED! KEEP IN TOUCH!!

JW SUPPORTERS PLEASE NOTE: Update address changes and send a donation to receive a newsletter. Many postage return charges each edition are due to NON-NOTIFICATION OF YOUR ADDRESS CHANGE. PLEASE HELP US CUT UNNECESSARY COSTS!

THE NEWSLETTER IS ON OUR WEB-SITE: If you can down-load it send us your e-mail address. We'll e-mail you when a new issue is on-line and take you off the mail list.

IF YOU ARE INDIGENT, but interested in having a copy, let us know! IF we have extra donations we'll send you one. NOTE: THIS IS A HOPE, NOT A PROMISE!

WE HAVE NO EXTRA COPIES! If there is one article or item you want copied, send a "SASE". We'll try to help.

WE CANNOT HELP WITH ANY LEGAL WORK! WE APPRECIATE DONATIONS, "SHORT" ARTICLES, ORIGINAL POETRY, QUOTES, LEGAL INFO, ETC. AND USE ALL WE CAN. THANKS FOR HELPING!

SIGNS OF THE TIMES: VIOLENCE VS. PEACE

"Whether we discuss the war in Iraq, drug violence and police violence, racism and heterosexism in local congregations, or domestic violence in our neighborhood, it is easy to miss the genus for the species. In other words, a careful read of cultural trends requires us to investigate not only the particular type or species of violence, but also those characteristics held in common by the various types of violence. All have in common an abusive or unjust exercise of dominating power. All have in common an abuse or injury to truth. All deny the mutual and reciprocal relationships that are the hallmark of the beloved community.

It is easy to denounce violence in the abstract, and we stand on safe ground so long as we decry the violence of anonymous persons and nondescript institutions. But once we put a face on the unjust exercise of domination power, once we name it, we invite dissension into our community and risk disruption. When we put a face on violence we often implicate ourselves and worse we can implicate the people we love. That is risky business." (A statement at a teach-in titled, "To Live Peace in our Culture of Violence," by Scott Williamson, Prof. of Theological Ethics, & author of "The Narrative Life: The Moral and Religious Thought of Frederick Douglass").

His statement is appropriate to the vision of Justice Watch, to those in prison and to those in the dominating power position of guarding those imprisoned by society. We include it as encouragement, that you may know there are people in the world seeking peace and non-violence.

Note: There is strong evidence of a connection between animal cruelty and human violence. When a child abuses an animal it can be a result of him "taking it out" on something that cannot defend itself--just as that child can not defend himself against someone abusing him. When a person abuses animals they show a lack of empathy and become desensitized to inflicting pain on their victim. This sets a pattern of violence that can escalate into a rage so severe that they eventually select vulnerable humans to victimize. When investigating animal abuse situations in OH, animal control officers are mandated by law to also be alert for child abuse. If it is suspected they are required to report it to Child Protective Services. Animal abuse is also linked to domestic violence and elder abuse. (from The Newsletter of ANIMAL FRIENDS, and the Humane Society)

HURRICANE NEWS

FROM TX: Word that Lewis (a control Unit) in TX was hit hard by Hurricane Rita with prisoners locked in cells for 5 days with no lights/power or water.

FROM LA: Washington CI, 70 miles north of New Orleans sent scores of inmates and CO's every day to work in the parish. All of the prisoners helping are "trusties," due to their exemplary disciplinary records. The hurricane has resulted in neither riots or escapes.

The LA prison system was better prepared for the hurricane than state and federal authorities were. At Washington heating units were blown off roofs and two 10-foot high fences topped with razor wire were breached by the storm. Officers and trustees rushed to turn off the leaking main gas line. In the wind and rain, fifty others raised and welded the downed fence. As the storm left, Warden Miller, sent 6 crews of inmates and CO's out to clear one lane on all the main roads in the parish. As the men made their way out among downed power lines and roads littered with fallen trees, a radio call came in asking for help clearing the road to the Emergency center in Bogalusa. Another prison team headed that way with axes, hatchets and saws to move downed trees. Letters will go into the files of inmates who helped out in the relief effort, intended to help the men when they come up for parole.

The prison was well stocked with fuel and food, and was able help out the school system. Mr. Miller had a satellite phone reserved for emergencies and called to arrange for additional fuel supplies. He was able to give each of his workers 10 gallons of gas every 2 days so they could drive to work.

About 85% of the inmates there are from the New Orleans area and had no access to news reports so the warden videotaped a newscast to play on the prison's TV system. One man recognized his street and family home, all underwater. "I'm hoping everybody got out safe," he said.

A challenge for the prisons is finding the families of prisoners who are soon to be released. The state still needs to figure out how to keep track of inmates on parole or probation should they leave the state. *(from article by Gary Fields, Wall Street Journal, 9-14-05)*

FROM NEW ORLEANS: as reported by Human Rights Watch: Inmates in Templeman III, one of several buildings in the Orleans Parish Prison compound reported that on August 29 there were no C.O.'s in the building holding over 600 inmates. The men, even those locked in ground-floor cells were not evacuated until Sept. 1, four days after flood waters inside reached chest high. 517 inmates are missing from the list of evacuees from the jail. Surviving inmates interviewed said their last meal was over the weekend of Aug. 27-28. The generators died, leaving them without lights and sealed in without air circulation. Toilets backed up, creating an unbearable stench. They were left to die, trapped in the locked facility. Help finally came Thursday, Sept. 1. Officials said no lives were lost, but inmates say they saw bodies floating in the water when they were finally rescued.

(NY Times)

No word from other prisons and jails hit by the hurricanes but we are concerned. Also wondering if there is a way people can help replace prison library books. The American Library Asso. is trying to help replace libraries for citizens and schools, but has any-one thought of the prisons and their need for replacing supplies including books?

PROPOSED: A TASK FORCE TO STUDY POLICIES OF LONG TERM SENTENCING LAWS TO RECOMMEND STRATEGIES INVOLVING COURTS, PRISON AND PAROLE AGENCIES AND OTHERS BECAUSE: It costs approximately a million dollars to house a prisoner for 40 years! Health care costs rose 42% last year to \$3.7 billion according to the ACA. Should terminally ill prisoners be released as an act of compassion when they're no longer a threat to society?

There are over 200,000 long-term prisoners in the USA. Research shows this is not due to violent crime, but to longer statutory sentences, 3-strike laws, restrictive parole laws, and commutation policies. Research shows that longer sentences do not result in lower crime rates.

The proposal suggests a Task Force study the successful long-term release programs such as Life Line in Canada. (Proposal written for Mississippi, but applicable to all states--includes info from a Wall St Journal article)

QUESTION: If money doesn't grow on trees then why do banks have branches?

DNA INFORMATION

"Courtrooms are frightening places. Nothing grows in courtrooms--no pretty pansies, no little children laughing and playing. A courtroom is a deadly place. People die in courtrooms, killed by words." (Attorney Gerry Spence)

DNA--PROOF OF WHAT?

Compiled from articles by Ben LaGuer, MA prisoner, and by Natalia Munoz, in the Sunday Republican, Feb. 6, 2005

Thanks to advances in CSI techniques, such as DNA testing, hundreds of falsely convicted persons are again free, but DNA evidence in the court is seldom as seen on TV. Errors are being reported in alarming rates. Prosecutors and defense lawyers are starting to challenge this evidence in case after case, in most states.

In Michigan a DNA test taken from a 1969 murder case falsely implicated a suspect who had been a toddler at the time and even prosecutors admitted the error. Besides the errors are the scientists who have been fired for falsifying data under pressure to testify for the state.

Other stories go beyond criminal courts. A DNA paternity test falsely identified a D.C. hairdresser as the father of a child. The DNA lab admitted its error, but not before the man spent \$200,000 in a court battle.

On the other side of the coin, Ben LaGuer fought his conviction, pleading for DNA testing to prove his innocence. The DA claimed the evidence might be "contaminated beyond the point of valid test results" when it was found at the courthouse with its tamperproof seals peeled off. After years LaGuer succeeded in getting his DNA tested, but the expert performing the analysis was not told of the contamination or that crime scene articles which should have been separated were all tossed in a box together. The test results came back saying the sample provided matched LaGuer's genotype. For 18 years he had tirelessly advocated for a new trial and DNA testing. The "contaminated evidence" used in a blind test now convicts him. Dr. Blake who did the testing has been involved in several other highly controversial cases.

Other evidence, including fingerprints found at the scene, which are not LaGuer's, but were withheld as evidence at his trial, are now being used to appeal for his right to a fair trial where the truth can be shown. Mr. LaGuer maintains his innocence.

Isn't time the courts look for the truth? No further word has been received on the appeals of William J. Mayo in GA, or Jay Van Story in TX. However, Eduardo Velazquez was freed after DNA testing proved he was not guilty in a MA rape in 1987--he was one of 6 people in MA and 100 people nationwide cleared in 2001 through DNA evidence. But for every one cleared, there is another serving time.

Qualified workers: There are 2.1 million inmates due to an influx of convictions for non-violent crimes and longer sentences says the Justice Policy Institute. As prison populations swell, so has the number of qualified workers. "We're sending jobs overseas when there are plenty of qualified people in prison. Why not pay people a wage to rehabilitate them?" says Rosemary Batt, Cornell Univ. School of Industrial & Labor Relations. Consulting firm Perry Johnson considered moving jobs to India but instead opted to use prisoners at Snake River CI in OR. About 3.5% of the prisoners in the US produced goods and services worth an estimated \$1.5 billion in 2002. The jobs bring self-esteem, order, skills and a stable income to lives. (*USA Today* by Jon Swartz)



QUESTION: Why are you IN a movie, but you're ON television?

LEGAL SERVICES

LEGAL SERVICE PROVIDED FOR THE POOR, THE INNOCENT?

By Laura Parker, USA Today, Aug. 29, 2005

Poor people charged with crimes that could result in jail time have been entitled to lawyers since the Supreme Court's decision in *Gideon v. Wainwright* in 1963. Today legal services usually are provided to poor people either by salaried lawyers working in taxpayer-funded public defender's offices or by private attorneys assigned and paid by a court. The justices left it to state and local governments to decide how legal services should be funded. Since the ruling, governments have wrangled over how to pay for public defenders in the face of budget demands. A public defender in S.D. told the ABA that tight budgets require choices between "whether roads are going to be graveled or defendants at going to be defended."

Tens of thousands of poor people go to jail every year without ever talking to a lawyer, the National Legal Aid & Defender Asso. in Washington, D.C., found in a nationwide survey of indigent legal services. The survey found that such programs across the nation are short on lawyers, investigators and other staff, and that they frequently fail to investigate the charges against the client, hire necessary experts and make appropriate motions in court.

"There's a real disconnect in this country between what people perceive is the state of indigent defense and what it is," says David Carroll, the group's research director. "I attribute that to shows like 'Law & Order' where the defendant says, 'I want a lawyer,' and all of a sudden Legal Aid appears in the cell. That's what people think happens."

Bill Whitehurst, an Austin lawyer who led the effort, says the ABA study reveals a system 'mired in crisis,' in which inadequacies in funding, excessive caseloads carried by lawyers and a lack of legal experience have become routine. "Not only is it inadequate, it's a tragedy. The worst thing that can happen is for an innocent person to go to jail. What we are finding is that we have been doing this with some regularity. You can't turn on the TV now without Larry King talking about some guy who was convicted and was absolutely innocent," said Whitehurst.

Examples: James Thomas was charged with murder in 1996. With no money to hire a lawyer he spent the next 8 1/2 years in jail, waiting for his case to go to trial. It never did. (Finally his mother scraped together \$500 for a private lawyer who got the charge dismissed.) Johnny Lee Bell was convicted of 2nd degree murder and sentenced to life in prison without parole after meeting with a public defender about 11 minutes before his trial. In Louisiana, the Lake Charles public defender's office was sued by 9 defendants who say they have waited years to go to trial.

"If you've been sitting in jail for 2 years waiting to go to trial, you've lost your job, your housing, you're horribly in debt," says Melia Brink, a lawyer at the National Asso. of Criminal Defense Lawyers in Washington.

In 2000, a KS 18-year-old (Limon) was sentenced to 17 years because he had consensual oral sex with a 15 year old. Had the sex been heterosexual the max penalty would have been 15 months.

In a 2003 decision called *Lawrence v. TX*, the US Supreme Court struck down a TX law that made gay sex between adults a crime. But a KS appeals court ruled last year that the *Lawrence* decision did not affect Limon's case, reasoning that it did not include minors and involved privacy rights rather than equal protection.

On 10/21/05 the Kansas Supreme Court ruled that the starkly different penalties violated the US Constitution's equal protection clause. It said that the state's so-called Romeo-and-Juliet statute, which limits the punishment that can be imposed on older teenagers who have sex with younger ones--but only IF they are of the opposite sex--must also apply to teenagers who engage in homosexual sex. The KS Supreme Court ruled that the *Lawrence* case required reversal of the lower-court decision in KS. It rejected all of the justifications offered by the appeals court. "The moral disapproval of a group cannot be a legitimate state interest," Justice Marla Luckert wrote for the unanimous court. (*The New York Times*, Adam Liptak)

It's SOOO HOT in Nebraska that:

- The birds use potholders to pull worms out of the ground.
- The cows are giving evaporated milk.
- The trees are whistling for the dogs.
- Hot water comes out of both taps.
- You realize that asphalt has a liquid state.
- Your biggest bicycle wreck fear is, "What if I get knocked out and end up lying on the pavement and cook to death?"



drawn by Jesse Garcia, AR

NEWS FROM OHIO & THE MIDWEST

SUPERMAXES! NECESSARY? INHUMANE?

June 2005: The Supreme Court ruled unanimously that new Ohio rules give inmates a fair opportunity to fight transfers to super-max prisons. At the same time Justices expressed concerns about harsh conditions in which inmates are deprived of almost any environmental or sensory stimuli and of almost all human contact. Lights are always kept on in the cells and the treatment is more harsh than that of death row inmates. "The court recognized that the conditions are draconian," said Jules Lobel, Vice president of the Center for Constitutional Rights. "It's very difficult to live in regular society after you get out of one of these places."

Lobel says the ruling makes it easier for inmates in other states to contest their transfers to the prisons. Ohio Solicitor Douglas Cole said the ruling does not provide a new appeals process for inmates but allows for federal courts to review how the state came to the decision to send them there. Ohio changed its policy after being sued by inmates represented by Lobel and ACLU attorneys. Under the new policy, inmates must be told why they are being put in a supermax, and have a chance to defend themselves at a hearing. The court did not address the issue of whether the detentions are unconstitutionally cruel.

Earlier this year, ODRC said it was sending death row inmates to the supermax to save money. That began another ACLU lawsuit that claims condemned killer's constitutional rights would be violated because although sentenced to death, they have not necessarily been deemed the "worst of the worst" and don't deserve strict conditions.

Over 30 states run highly restrictive "supermax" facilities and the federal government operates two. As a result of the Justices finding that prisoners have a constitutional interest in avoiding assignment to such cells, officials must ensure that there are several levels of review when a prisoner is transferred to a cell designed to deprive a human being of almost all human contact and which, in OH, eliminates the chance of parole.

Supreme Court Justice Anthony Kennedy noted that the use of such facilities has increased in response to gang violence. "Gangs seek nothing less than to control prison life and to extend their power outside prison wall. Murder of an inmate, a guard or one of their family members on the outside is a common form of gang discipline. Prolonged confinement may be the only option to control gangs."

The court rejected a claim from a group of inmates that OH's procedures for transfers to OSP violated their rights of due process. The court said the state had several safeguards in place, including an assessment of an inmate's involvement in a prison gang and a review within 30 days of an inmate's assignment. (*Various articles including one in USA TODAY, By Joan Biskupic*)

A reply to a Cincinnati Enquirer article regarding the editorial "Best use of Ohio's 'Super Max' and the transfer of death row prisoners from Mansfield to Youngstown":

"Your statement that 'putting the super bad inside the Super Max sounds reasonable to us': Your reasoning is flawed. The OH Super Max prison was conceived before the Lucasville riot. The first Super Max was built as a federal prison and the concept became a reality for the now 38 states with such prisons. It became the 'in thing' to do.

There are probably no more than 500 prisoners in the USA who really qualify for the strict classification of this sort of incarceration. In fact, the OH Max was used for some mentally ill prisoners, which the Supreme Court banned as inhumane treatment. The building is designed for almost totally inhumane treatment, where human contact is at the most minimum level you can imagine." Signed by Mark Schmieder, former chaplain, OH prison system.

In remarks prepared for the annual meeting of the American Bar Association, Justice Anthony Kennedy stated: "It is no defense if our current system is more the product of neglect than of purpose. Out of sight, out of mind is an unacceptable excuse for a prison system that incarcerates over 2 million human beings in the United States."

FELONY BACKGROUND? The Urban League of Greater Cincinnati will train you on how to seek, obtain and maintain employment, and you'll receive an employment assessment and job placement assistance. Learn about tax credits and federal bonding, learn your value and worth to employers, learn how to sell yourself to employers. For more information call Robin Ewing 413-559-5445. Ask about the Soar Job Readiness Program.

QUESTION: How come we choose from just two people for President and 50 for Miss America?

NEWS FROM OHIO & THE MIDWEST

University of Cincinnati law students working to free wrongly convicted prisoners say they have DNA evidence to prove the innocence of a man in prison for 7 years on rape and murder charges. Mark Godsey, director of the OH Innocence Project at UC is hopeful the Summit County Prosecutor will review the case with new evidence of the DNA of the actual killer who has been identified. OH Att. General Jim Petro is confident that if there is verifiable and credible evidence, the justice system will work. Cincinnati Councilman John Cranley said "Every day this man stays in prison is an injustice."

One of the hundreds of convicted sex offenders in Hamilton Cty. is fighting back against the new order to move because of a new law that says he can't live within 1,000 ft. of a school. Gerry Porter lived 983 ft. from a school. His attorney, David Singleton, argues that the law is unconstitutional because schools can open anywhere, making it impossible for sex offenders to buy a home, and it's unfair to make a person move from a home bought before a law was passed. County prosecutors has filed 300 petitions seeking court orders to force people to move. Another 450 letters have been sent to ex-offenders telling them to move. Singleton argued that previous offenders who are long time residents of an area should be sheltered from the law, as well as people who diligently report their status for years and are not involved in another crime.

We reported that KY's sex offender program is offered to all sex offenders but is not mandatory. WD of KY tells us that sex offenders MUST complete this program IF they want to be eligible for parole. Completion of the program does NOT guarantee parole, and they are not allowed to have the treatment until they are within 5 years of parole date.

SEX-OFFENDERS BEWARE: YOU HAVE NO RIGHTS, EVER!

POTTSVILLE, PA: Child welfare authorities seized a new-born from a hospital and placed the baby in a foster home because his father is a convicted sex-offender (he had pled guilty 2 DECADES AGO to rape and sodomy in NY). A judge granted the mother, Melissa WolfHawk, supervised visitation rights but prohibited visits by the father, DaiShin WolfHawk. Mr. WolfHawk said he was just shocked by the Judge's decision. "I thought I was living in America" he said. (The agency also cited the mother's alleged, but unproven, history of drug abuse).

CLEMENCY? WHAT'S THE HURRY?

Robert Gayol spent 5 years behind bars for a murder he didn't commit. When the real killers were caught, he was released. Two years later he's among hundreds of people in IL waiting for a pardon to clear his record and allow him to seek compensation from the state.

IL Gov. Blagojevich has over 1,000 clemency petitions waiting and his aides say they feel little pressure to act quickly as there is no legal deadline for acting. They say the governor's doing his best to be fair--he has to wait for petitions to be studied by the Prisoner Review Board which gives him a confidential recommendation. Critics say he could act on the petitions with a unanimous recommendation of the board which would account for about 40% of the requests. Most petty offenders hope to have long-ago crime erased so they can join the military or apply for jobs. Some are innocent, truly needing closure.

(The Asso. Press, Christopher Wills)

FROM MI: 6 men are crowded into 4 man cubicles, and 8 are in 6 man spaces. 40 more men are added to a unit with only 8 toilets, 6 showers and 12 sinks for the whole unit. Surplus food (out of date products) are distributed to prisons that is not allowed to be sold elsewhere, and even that is given in extremely small portions.

Kairos Prison Ministry of OH, Publishes "Prisoner to Prisoner" a daily devotional for 2 months at a time for a suggested donation of \$2.00. Order from 5285 Crookshank Rd., Cincinnati OH 45238-3305.

Call 513-451-1000, See <www.kairosOhio.org> or email: prisoner2prisoner@fuse.net

QUESTION: Why do potatoes always argue? ANSWER: Because they can never see eye to eye!

DEATH PENALTY INFORMATION

... "No man is an island, entire of itself; every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were. Any man's death diminishes me, because I am involved in mankind. And therefore never send to know for whom the bell tolls; it tolls for thee. (*John Donne*)

WHO IS MENTALLY RETARDED?

The Supreme Court ruled 3 years ago that executing the mentally retarded was unconstitutional. They left it up to the states to determine if a person is retarded.

A VA jury deliberated for 13 hours and decided a man was not retarded. The prosecutor said he was probably a "slow learner, but that's not the same as being mentally retarded". The inmate's lawyers argued that his mental abilities are so limited that he was cut from a football team because he couldn't understand the plays. His crime, at age 18, was murder--over beer money. The prosecution blamed his use of drugs and alcohol for his poor school record, saying his retardation claim was a ploy to avoid execution. In VA, an IQ of 70 or less by age 18, is considered retarded, but also takes into account social skills. This inmate had scores of 59, 67, 74, and 76 on tests given when older than 18. The man who was with him during the robbery testified against him and received a life sentence. The state murder of this slow learner is now set for December. (*from an Asso. Press article*)

TEXAS KILLS ANOTHER WOMAN--Frances Newton was the 3rd woman and 1st black woman TX has killed since the death penalty was re-instated in 1982. She maintained innocence in the deaths of her husband and 2 children 18 years ago. Her parents and sister watched as the deadly drugs were put into her body. Her attorney described her as "strong and optimistic, with faith in God." He characterized her as the victim of laws that denied her access to the Supreme Court and blamed state-appointed lawyers early in her appeals process for missing deadlines that barred her from raising legal claims to prove her innocence.

GEORGIA FINALLY GOT IT RIGHT! Six decades after she was killed by the state, Lena Baker was pardoned! She was put to death in the electric chair in 1945 despite her plea that she shot a man in self-defense. D.A. Ferguson said if Baker was charged for the same crime today, the case would not have even met the requirements for capital punishment.

John Vodicka of the Prison and Jail Project, a civil rights organization based in Americus, GA said "There are still a lot of racial overtones in what goes on in the legal system today. We still have a system that is not fool-proof, where racism still plays a part."

"Death closes the door on making amends, opens the door to a flood of 'If only....' thoughts." (*Joseph Bayly, author of "The View from a Hearse"*)

INNOCENT! Darryl Hunt walked out of prison after nearly 2 decades behind bars and was greeted by supporters who fought to prove he was innocent of murder. Evidence of his innocence surfaced more than a decade ago, but he was set free only after DNA testing identified the real killer. Hunt thanked all who supported him. "I pray that everybody, black or white, blue or green--that we won't be separated by race, because injustice can happen to anyone. Maybe together we can keep this from happening to anybody else."

Citing grave concerns that MO executed an innocent man, a coalition pointed to evidence that could clear Larry Griffin's name. Prosecutors will re-open the case, but Griffin was executed in 1995.

The Supreme Court has cast the issue of inadequate representation by lawyers--particularly public defenders in death-penalty cases--as an increasing threat to the fairness of the justice system. Three times since 2000, the justices -- all of whom accept the death penalty--have cited inadequate work by defense lawyers and reversed death sentences. The reversals signaled rising concern on the court that the death penalty is not being applied fairly because some defendants have bad lawyers--as well as a fear that someone might wrongly be executed.

QUESTION: How important does a person have to be before they are considered assassinated instead of just murdered?

THREE STRIKES

THREE STRIKES LAW AT WORK!

The 3 strikes law, putting thousands behind bars for minimum crimes costs CA a cool \$750 million annually. Add up all the years these inmates will serve on average and, according to the Justice Policy Institute, CA taxpayers will eventually shell out more than \$6 billion. For a state with a battered economy that's a lot to shell out on sweeping up petty crooks. (One got life for stealing \$337 from an espresso stand, one stole kids videos and tried to steal more, a crack addict was charged with aiding and abetting 2 women who shoplifted bed sheets, another struck out after stealing a pair of running shoes, etc.)

AR Gov. Mike Huckabee says bluntly that when it comes to the 3 strikes approach to justice: "It's the dumbest piece of public-policy legislation in a long time. We don't have a massive crime problem; we have a massive drug problem. And you don't treat that by locking drug addicts up. We're putting away people we're mad at, instead of the people we're afraid of." (*Reader's Digest, Oct. 2005*)

As Nelson Mandela once said, "Prison not only robs you of your freedom, it attempts to take away your identity. Everyone wears a uniform, eats the same food, follows the same schedule. It is by definition a purely authoritarian state that tolerates no independence and individuality."

Two AL men got into a physical confrontation inside a car. One was arrested. The indictment says the victim was stabbed 3 times--but he never went to the hospital or had surgery. (He was treated "at the scene"). The offender was charged with and found guilty of attempted murder and is serving a 22 year sentence. It is his first felony but his time sheet calls him an habitual offender. Appeals have been denied. What is the WHOLE story?

MENTAL ILLNESS:

"In what I think is one of the great injustices in this time, VA, like cities and states across the country, has increasingly come to rely on the justice system, whether it is for adults or youths, to care for people with mental illness. Often our jails become surrogate mental hospitals. This country must devote the resources to establish an adequate, non-secure mental health system." (*Jerrauld Jones, Judge, Juvenile & Domestic Relations Court, Norfolk, VA*)

"Justice Works" is a grassroots organization, looking to contribute to getting changes made in the Washington prison system. They have a free monthly newsletter for/from prisoners and to the community, as well as a "youth newsletter". They have some re-entry support for those eager to change to a new life-style. They are open to new ideas and getting chapters started in the US. For more info contact: Justice Works! c/o Lea Zengage, PO Box 1489, Lake Stevens, WA 98258. (Payment, 99362)

An OK prisoner says an OK judge is allowing "Brain Fingerprinting" of a man prior to execution. This is a term for the technique of detecting lies through functional magnetic resonance imaging or "fmri". Allegedly it detects conscious efforts to tell a lie. Unlike DNA or ordinary fingerprints, it can not be "lost" or planted. If this is true and really is used it could release thousands of innocent prisoners--and prove the undoing of the guilty. Has anyone else heard of its use?

GEAR (Gay Enhancement and Rehabilitation), PO Box 377, Frederic, MI 49733-0377 Their aim is to provide opportunities to at-risk, and incarcerated Gay, Lesbian, Bi-Sexual and Transgendered peoples. They work with various groups and leaders to provide educational programs, develop halfway houses and create employment chances. Their mission is to bring GLBT inmates together, providing much needed resources, contacts and implement changes within the prison complex. Write to them for a questionnaire and more info.

Has incorrect info been found in your paroled file? Be aware that the US Supreme Court has mandated that prisoners have a constitutional right to have accurate information in their prison records if the info is used to make a constitutionally significant decision such as the granting of or denial of parole. Under the standards articulated in *Paine v. Baker*, 595 F.2d 197 (4th Cir.) cert denied, 444 U.S. 925, 100 s.Ct. 263, 62 L.Ed.2d 181 (1979), a plaintiff has a clearly established constitutional right to have accurate information in his file when such is relied upon in a parole hearing. See also, *Purett v. Levi*, 622 F.2d 256, 258 (6th Cir.) (following *Paine*). Make them give you a fair hearing!

LEGAL MATTERS

In CA, a "Three Strikes Reform Bill" (AB-50) was introduced in June. The proposal calls for re-sentencing all non-violent & non-serious three strike offenders, (except those who have prior convictions for Murder, Kidnap, Rape, Child Molestation, and prior Weapon Charges.) A problem with this is that the majority of non-violent 3rd strike inmates have prior weapon charges due to prior robbery convictions, some of which occurred back when they were juveniles. A man wrote: he gave his girlfriend a ride to a computer store, where she stole a laptop. The clerk ran after her as she ran to his car. There was a knife on the car seat so even though the writer did not go into the store or use a weapon he is now serving 25 years to life for a later traffic violation (Evading arrest), due to the weapons charge and robbery previously (a plea deal gone sour). Another prisoner sentenced to 32 yrs. to life due to robbery convictions in '87 and '93 and an arrest for having 2 grams of pot. (3 strikes!)

The problem with AB-50 is that there is no individual, judicial process to make any distinction based on factors such as how long ago a person committed the prior act, how serious it was, or whether the person conviction of the prior offense was the person who actually committed the crime. These issues need to be addressed, especially in 3-Strike-Law states.

Justice Anthony Kennedy favors scrapping the practice of setting mandatory minimum sentences for some federal crimes. "Our resources are misspent, our punishments too severe, our sentences too long" said Kennedy. The Justice asked the ABA to lobby Congress to repeal mandatory minimum sentence laws, even though they have withstood court scrutiny. "Courts may conclude the legislature is permitted to choose long sentences, but that does not mean long sentences are wise or just" he said.

He also urged the ABA to consider working to extend pardons for state and federal prisoners serving harsh terms. "The pardon process, of late, seems to have been drained of its moral force. Pardons are infrequent...a people confident in its laws and institutions should not be ashamed of mercy."

Some of the nation's top lawyers have trained their sights on drug makers, claiming some giant pharmaceutical companies hide the dangers of medicines the lawyers say have harmed 1,000's of people. Suits name some of the industry's current best sellers, including Paxil, an antidepressant that plaintiffs contend is addictive—a claim denied by the drug's maker, GlaxoSmith Kline.

The lawyers say the FDA has systemically failed to protect patients from dangerous drugs, and the companies have hidden side effects. (*New York Times, Alex Berenson*)

June, 2005: The Senate acknowledged its own failure to stand against the lynching of thousands of black people, a practice that continued well into the 20th century. According to Tuskegee University records, 4,743 people were killed by mob violence between 1881 and 1968. Of those nearly 3/4ths were blacks. During that time nearly 200 anti-lynching bills were introduced in Congress, and 3 passed the House. Seven presidents between 1890 and 1952 petitioned Congress to pass a federal law, but the Senate, with Southern conservatives wielding their filibuster powers, refused to act. With the passing of civil rights laws in the 1960's and changes in national attitudes, the issue faded. Now, a non-binding resolution apologizes to the victims for the Senate's failure to act and "expresses the deepest sympathies and most solemn regrets of the Senate to the descendants of victims of lynchings, the ancestors of whom were deprived of life, human dignity and the constitutional protections accorded all citizens of the US." (*Asso. Press, Jim Abrams*)

In June '05: the Supreme Court made it easier for defendants to claim racial bias in jury selection in 2 rulings. One voids a TX man's death sentence and the other thwarts a CA effort to make discrimination claims more difficult. At issue in both rulings was the court's 1986 decision in *Batson v. KY*, which outlawed attempts during jury selection to eliminate people on the basis of race. Since then, the court has struggled to define clearly for lower courts how to determine when a lawyer's challenge of a juror might have racial motives. (*Knight Ridder News, Stephen Henderson*)

LEGAL MATTERS

Amnesty International has linked more than 100 deaths to the 50,000-volt stun guns which temporarily disrupt a body's electrical system. In Miami-Dade County school district of FL, the Superintendent was inundated with complaints from parents after a police officer shocked a 6 year-old student with such a gun. In central Florida at least 24 students have been hit in the last 19 months says the Orlando Sentinel. Complaints have led FL's legislature to consider banning stun guns on school grounds.

In Salt Lake City, UT: A 73 year-old man faces criminal charges alleging he rammed a sheriff's deputy with his motorized wheelchair after he being banned from a Wal-Mart!

A diabetic man convicted of trying to kill his wife won a chance for a new trial when the CO Supreme Court ruled that low blood sugar can cause involuntary intoxication and leave someone incapable of following the law. The ruling said that under certain conditions, hypoglycemia, could meet the legal definition of involuntary intoxication as a defense against any crime. It was the first time the court had been presented with that question.

An inmate accused of being a member of the Gangster Disciples in a TX prison filed a suit against 7 prison officials in 2002 which calls attention to the real and serious problem of prison rape. He is represented by the National Prison Project of the ACLU. A witness for the man was the gang's former No. 2 leader who was asked if the man was considered a member of the gang. His reply: "No, he was considered property." That meant that gang members could rape him at will. They could also rent him out for sex and they did, daily. A purchased rape cost \$3-\$7, and the abuse went on for 18 months. Other testimony has corroborated aspects of his account and opened a window onto a world in which sexual slavery at the hands of prison gangs is common. The warden testified that "the seven written pleas for help did not warrant moving him to a safekeeping housing unit--there has to be some extreme threat before we put an offender in safekeeping." Another defendant, a prison official, said the accuser had failed to resist those who continued to rape him. "Sometimes an inmate has to defend himself. We don't expect him not to do anything."

FROM IA: Inmates have no access to any phone # or way to report prison rape. If such a # is available, it is not posted for inmates to use. Also questions have been raised, but are left unanswered, regarding use of the Americans with Disabilities Act laws for prisoners. Mail sent to agencies regarding this apparently does not "get through" as no one has received any answers.

FROM WI: On 07/15/05, a prisoner was forced from his cell and sexually assaulted by a Lt. G. who squeezed his private parts and seriously hurt them. The prisoner tried to file charges with County DA, but nothing has been heard in reply. The same guard is accused of throwing a grenade into another prisoner's cell causing hearing loss of hearing and eyesight for that man (prisoner was charged, accused of blowing the paint off the walls!). Prisoners are cuffed and shackled, made to kneel and are beaten. Where is the legal help for these Americans?

FROM CA: A good idea! There is violence, racism, and politics in the prison system. In 2005 CDC added Rehabilitation to its name; It is now CDC&R, which has established prison yards called Sensitive Needs Yards (SNY) reserved for inmates who fit certain categories: High Notoriety (high profile or famous), Gang member drop-outs (going non-active), or inmates preyed upon on the regular yards (rapist, homosexuals, child molesters and gullible inmates with no one to aid in protecting them.)

On SNY yards there are no prison politics, no racist regulations. You are not forced to participate in violence to survive. There's never a riot on SNY's. Much more humane amenities and social building opportunities are there.

Someone who doesn't fit into these categories is stuck enduring "prison politics". He must act the racist view to survive. The writer proposes SNY's be afforded to others for rehabilitative programs, since rehabilitation is impossible on the regular yards. He wants an injunction to save lives and to rehabilitate those serving time.

HELPLINE

PLEA FROM A TX INMATE: To all offenders aware of the violations upon human civil rights, please feel free to make contributions to Justice Watch so that they'll be able to keep us all posted on prison related issues. They are there to help us help each other!

An organization known as Sex Addicts Anonymous publishes a book on how to find a more healthy sexuality and it is great! Prisoners can obtain a free copy by writing: ISO of SAA, PO Box 70949, Houston TX 77270. ANYONE struggling with compulsive, harmful sexual behavior may benefit from this book.

OPM Paralegal Services

Division of OPM Ltd. International

PO Box 1002, Jenison MI 49426

They service mostly MI and OK, pro-bono for family aid. (Prisoner JM of OK, a paralegal, has used their services and they did super work).

Litigation Support Services, Inc. (subcontracted from OPM) for OK prisoners who will aid in divorce, child support, custody, adoption and civil rights issues that deal with religion. Same address as above. Litigation Support Services, Inc. is owned by the Masada Group of Congregations, Inc., of Ok, a Jewish prisoner service.

People profiled on the web-site www.innocentinmates.org are innocent of the crimes they were convicted of and have documents to prove it. Innocent Inmates Asso. of Ohio is helping Jay Van Story of Texas seek a pardon. The alleged victim was threatened and made to lie by investigators and prosecutors. Now an adult, she fully recants her testimony and other witnesses have always maintained Jay's innocence.

Infinity Publishing, 1094 New Dehaven St. Suite 100, West Choshohocken, PA, 19428 : *Contemplations of a Convict "A Journey to Freedom When Innocence Isn't Enuf"*. Call toll free: (887) BUY BOOK, or locally (610) 941-9999. The author is Anton Forde/Trevor Mattis. It is not just about prisons. It is an inspiring compilation of essays, poems with views of the US prisons, culture, love and life, written by an innocent man doing life in prison whose innocence could be proven if given a new trial. (Price \$14.95 plus S/H) www.buybooksothe web.com

Art Behind Bars, PO Box 2034, Key West, FL 33045

www.artbehindbars.org (305) 294-7345 Sponsors showings of prisoners art & poetry. Recently held a book signing for Anthony Papa, author of "15 to Life: How I Painted My Way to Freedom". Sister Helen Prejean says, "This vivid story shows all that is possible when the human spirit refuses to be contained. '15 to Life' should be required reading for all Americans who care about civil liberties."

PRO SE LITIGATORS, 1405 HODGKISS ST, PITTSBURGH PA 15212

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PO Box 2614, York, PA 17405 Recommended by a PA reader: For \$5.00 they will send info from up to 5 different websites.

T.A.C.L.E.--(THOSE AGAINST CORRUPT LAW ENFORCEMENT) has a new address: TACLE, C/O BOBBIE PARTON, 209 E. GEORGIA ST., BESSEMER CITY, NC 28016. TACLE's goals are to disseminate info challenging judicial officials on the issue of owning stock in prisons they fill up with other human beings; to file public info requests to their state attorney generals to make the names of all prisons stockholders public; and file formal complaints to their state's Ethics commission on the grounds of conflicts of interest. (Anytime public officials or state officers vote on or influence a company in which they have a financial interest, it is a conflict of interest -- EXAMPLES: If they own stock in a private prison Co. or a one that is hired to feed, clothe or transport prisoners, or that hires prisoners for jobs, or has a vote on paroles, or a vote on appellants constitution relief thereby keeping persons in prison, etc.)

PRISONERS SPEAK

A DAY IN MY LIFE

By Marvin Honsinger, IN, a prisoner for 21 years

5:15 AM I enjoy a rare quiet moment in the dorm, by the window with a cup of coffee while others sleep. Elsewhere, in crowded tenements, babies cry from hunger, unable to sleep.

8:10 AM I go to recreation and play handball. In thousands of rooms around the world, invalids confined in beds stare at walls in quiet despair.

9:30 AM I take a warm shower. Thousands of families have no water. They can't pay their bills.

10:20 AM I decide to not eat in the dining room. I had commissary food in my locker. Sudanese children are dying from starvation every day.

1:00 PM I go to Chapel and worship with my friends. Christians in China, Africa and Muslim nations are massacred for their faith.

2:15 PM I put on clean clothes for a visit. The world over refugees in tattered rags beg food from strangers.

6-9:00 PM I watch TV and play Scrabble. Around the world poor people scour garbage dumps looking for scraps of food, too busy surviving to take time for pleasure.

10:00 PM I lay down on my bunk on a mattress, sheets and blanket with a pillow under my head. Across America homeless men, women and children sleep in alleyways, doorways and abandoned buildings using rags for pillows, cardboard for mats and newspaper for covering.

10:30 PM I talk with my neighbor. We talk of prison conditions, and I hear myself complaining. I sense God's displeasure. Around the world poor, destitute, persecuted Christians thank God for another opportunity to bring honor and glory to His name. "In everything give thanks; for this is God's will for you in Christ Jesus." I Thessalonians 5:18

FROM MT: "How can anyone ever prove they're sorry? How can one beg forgiveness in prison? No one can change the past. I want to be a better person and not hurt anyone again. I can only change the person I am. I hate the crime I did. How can I deal with what happened? If even other prisoners cannot accept me, who will? I try to help others, I stay out of conflicts, I stay in my small cell all day long--hoping to be accepted. Only at church services can I feel human once more. I guess only God can forgive. After repentance, does forgiveness ever come?"

FROM MA: Guards here have changed from typical police uniforms to a "combat fatigue-paramilitary" style with a U.S. flag patch with the field of stars facing the right (opposite the official position). This is a Marine symbol of "first soldiers to charge into battle". The sad part of the guards using this is that the war they are waging consists of abuse and mistreatment of the weak and less fortunate. This choice indicates a flawed attitude. Caring for prisoners is not a war, but a duty to be carried out with care, & remembrance of the fact that most imprisoned people will be returned to society. The focus should be on ensuring successful reintegration and effective public safety. (By author of "Charging into Battle?")

From TX: "My records show a ruptured disc yet prison doctors won't issue restrictions appropriate to my needs. I sleep in a top bunk. I've had to refuse showers (fear of falls--no seat or handrails). If I go to hearings in person, my neck problems cause my left arm to go numb when it is handcuffed behind my back yet they refuse to let me send written grievances to hearings. I get Ibuprofen for swelling--but no help toward a solution."

I'll Say It Again

(name withheld)

Here I stand in an open grave,
 where bright lights are on always.
 I hear laughter full of tears,
 and many brave words, spoken full of fears.
 Institutionalized racism knows no bounds.
 Misogynous bigots roam like hounds.
 Doctors, lawyers, judges turn the other way and try
 to ignore the truth in these words I say--
 So I'll say it again, and again, and again.

COLUMBUS, OH – State corrections officers want to know why an inmate had to deliver her baby without any help.

Sarah Cabrera, 32, gave birth in her room at the Franklin Pre-Release Center, NewsChannel5 reported.

"She had been to see the nurse earlier that morning and the nurse told her to go back to her living area, so that's what she did," said Andrea Dean with the Ohio Dept. of Corrections.

Cabrera went to prison in December on charges related to robbery and forgery.

She and her baby are recovering at a Columbus hospital. Two nurses at the center have been placed on paid administrative leave. (Feb 2005)

ORIGINALS

Rehabilitation

by Steve Clark, CA, E-16968

What is rehabilitation?
 The common definition is
 "to restore to a former capacity"
 No way is told of how or where this is done.
 Can the restoration of efficiency,
 good management or solvency be done in prison?
 Is warehousing and over-crowding part of rehabilitation?
 Locked in a 8 x 10 ft. cell of grey cement
 day after day, is this restoration?

Rehab facilities? Surrounded by wire and gun towers?
 Untrained, unethical, oppressively violent "leaders"?
 Being a rehabilitant means a disabled person needs help.
 An atmosphere, an environment worth living in
 created a will and desire to change.
 Society can only grow stronger
 by truly caring for those who are down-trodden.
 To ponder the obvious is difficult with closed eyes--
 Will you now open your eyes to "rehabilitation"?

We, The Jury

By Donna Roberts, Death Row, OH

Is she guilty? No one can know if it's true,
 They offered her deals but told us death was due.
 If they knew there was a reasonable doubt,
 Why offer a jury to put her life's light out?
 They offer evidence, half truths and half lies.
 They cross their T's and dot their I's.
 Now she must suffer in prison until
 We, the people, inject poisons that kill.
 As they take the needle out of her arm,
 I see what I've done and scream in alarm!
 I ask The True Judge, "Lord, what have I done?"
 Now two are dead instead of one."
 I must carry this burden for as long as I live.
 They told us the death penalty was what we must give.
 We were told to do what the law demands.
 Now we live eternally with her blood on our hands.

SHU BLUES

By Paul Mateo, NY

I'm shackled and chained
 and locked away 24 hours a day--
 no packages, no TV, no radio,
 no telephone. Just agony and pain.
 Behind Plexiglas shields,
 served terrible meals,
 I feel I got a raw deal.
 Lonely, dark and hungry
 I look in the mirror--
 the reflection is ugly.
 Losing weight that's my fate.
 Solitary confinement is my date.
 Other con's around me--
 I hear their cries, their pain,
 in despair, ready to die.
 But I get stronger and
 you're wondering why?
 True to the game,
 a real soldier never dies!

STILL ALIVE

By Anthony Lucerno, CO

I AM not dead to the world yet!
 Yesterday, I heard the news
 Someone from the past was
 reaching into today,
 with a simple message,
 "You are not forgotten!"

LETTERS

By Anthony Lucerno, CO

Your letters
 Are Manna
 from Heaven
 D-d-dripping
 into
 the bowels of Hell,
 causing quite a
 Stir!

IN OUR NAME

By Richard Dyches, IL

You want us to have self-worth...
 So you destroy our self-worth.
 You want us to be responsible...
 So you take away all responsibilities.
 You want us to be positive and constructive...
 So you degrade us and make us useless.
 You want us to be non-violent...
 So you put us where there is violence all around us.
 You want us to be kind and loving people...
 So you subject us to hatred and cruelty.
 You want us to quit being the tough guy...
 So you put all the losers under one roof.
 You want us to quit exploiting you...
 So you put us where we can exploit each other.
 You want us to take control of our lives,
 Own our own problems and quit being parasites...
 So you make us totally dependent on you!

CALENDAR

2006

JANUARY							FEBRUARY							MARCH							
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NEXT ISSUE DUE MARCH, 2006.

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UPDATE ANY ADDRESS CHANGES! SHARE YOUR COPY! MANY DON'T GET ONE! PASS IT ON!

CAPITAL CASES (From the Ohio Revised Code)

Ohio law sets out 10 criteria that allow a prosecutor to deem a case a capital crime:

1. The assassination of the president, vice president, governor, or lieutenant governor;
2. Murder for hire;
3. Murder to escape accountability for another crime;
4. Murder by a prisoner;
5. Killing or attempting to kill two or more people;
6. Killing a law enforcement officer;
7. Felony murder (murder in conjunction with kidnapping, rape, aggravated arson, aggravated robbery, or aggravated burglary);
8. Killing a witness to prevent their testimony, or in retaliation for their testimony;
9. Killing an individual under 13 years of age;
10. Murder committed during or immediately after terrorism.



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FAVORITE QUOTES

"It is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home." (The late journalist, Carl T. Rowan)

It is more important to society that innocence should be protected than it is that guilt should be punished." (John Adams)

"If you live to be a hundred, I want to live to be a hundred minus one day, so I never have to live without you." (Winnie the Pooh)

"You can't learn anything new until you can admit that you don't already know everything."
(Erwin G. Hall)

"If you can make it through the night, there's a brighter day." (Tupac Shakur)

"We are what we repeatedly do. Excellence, then, is not an act, but a habit." (Aristotle)

"Without good manners, human society becomes intolerable and impossible." (George Bernard Shaw)

"Friends are people everyone needs".