

# Justice Watch

## Quarterly Newsletter

Summer 2005

Summer 2005

Jesus said, "When I was hungry you gave me nothing to eat, when I was thirsty you gave me nothing to drink, when naked you clothed me not. When I was ill and in prison you did not come to help...I tell you the truth, whatever you did not do for one of these, however humble, you did not do for me."

*Matthew 25: 42-46.,  
New English Bible*

"When the moment of our definitive 'passage' comes, grant that we may face it with serenity, without regret for what we shall leave behind. For in meeting You, after having sought You for so long, we shall find once more every authentic good which we have known here on earth, in the company of all who have gone before us marked with the sign of faith and hope.

*A prayer by Pope John Paul II*

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### HELP WANTED: I'M STARTING TO DROOP

By Richard Henry, CA

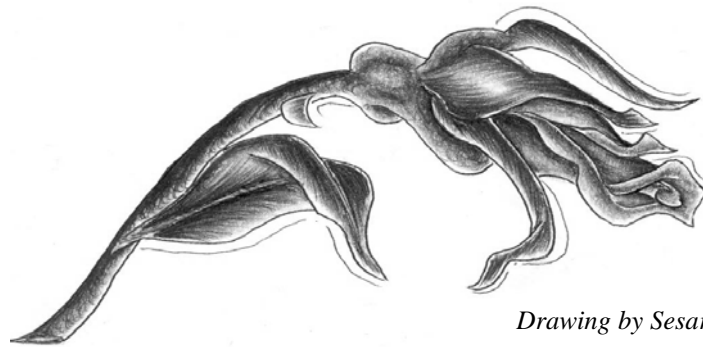
Prison: where the souls of the past loiter in the present without regard for the future; it's like being a plant in a clay pot. At my desk I stare out of a 6 x 2 window, an indistinguishable head listing toward the sun, waiting to be watered. Through a pair of field glasses you might make out the color of my leaf (greenish blue), my flower (pale yellow & white) and the poor profile of my stunted growth. In open country with stem and root room I could top 200 feet. Want a true botanical friend? Guess my species and you can take me home.

The view from this sill is not encouraging—colorless sky, lusterless sun, hedges of electrified barbed wire fences, the persistent dead unavoidable concrete walls, the harvested crop of America's Most Wanted. Oh God!

This then is what it means to be torn from your native soil, exiled in a clay pot two stories vertical, unknown horizontal miles from the nearest uncemented ground. I feel old. I take light through a glass, my rain from a pipe.

Have you talked to a plant today, offered kindness to something green? These are crucial gestures. A plant is not free. It does not know the delirium of locomotion, the pyramidal play of consciousness, the agonies of volition. It simply stands in the dirt and grows. Vegetable bliss. But trapped indoors a plant's pleasure becomes dependent upon human hands, clumsy irresponsible hands, hands that pinch and prune, hands that go on vacation, abandon their ferns to northern exposure, cracked beds, stale air, enervation, apathy, loneliness. HELP, I'M DROOPING!

### Dennis The Menace / by Hank Ketcham



Drawing by Sesar Alvarez, CA

**Justice Watch**

1120 Garden Street

Cincinnati, OH 45214

Tel: (513) 241-0490

Fax: (513) 241-6850

Email: [jstwatch@fuse.net](mailto:jstwatch@fuse.net)Read JW Newsletters at Web Site: [www.justicewatchinc.org](http://www.justicewatchinc.org)

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IMPORTANT NEWSLETTER INFORMATION: WE HAVE NO CHOICE! DUE TO LACK OF FUNDS, AND RISING COSTS, WE MUST ASK YOU TO:

1. SEND \$1.00 FOR EACH COPY YOU WISH TO RECEIVE! \$3.00 per year-stamps & embossed envelopes accepted-if allowed by your state. IF YOU CAN, send extra dollars so a person on our "IBI" list who has told us he/she has no funds, no job, no reading material, but wants the newsletter can be sent a copy. ALL NAMES EXCEPT DONORS AND THOSE REQUESTING "INTERESTED BUT INDIGENT" STATUS WILL BE REMOVED FROM OUR MAIL LIST. (We have no back copies, or extras to send).
2. UPDATE YOUR ADDRESS. TELL US IF YOU ARE MOVING SO YOUR NEWSLETTER DOESN'T RETURN TO US. INCLUDE INSTITUTION'S NAME, YOUR WHOLE NAME, NUMBER AND ADDRESS, ON INSIDE AND OUTSIDE OF YOUR LETTER. Sometimes the outside gets cut or stamped over--put it inside also.
3. SEND "ORIGINALS", ARTICLES AND CONCERNS. WE USE ALL WE CAN. NOTE: We publish news, raise questions, share information. We are dedicated to Restorative Justice and solutions rather than revenge and punishment. A BIG THANKS TO ALL WHO CONTRIBUTE AND APPRECIATE JUSTICE WATCH!

**WORLD NEWS:**

**THE PAST, THE FUTURE:** Saigon fell to communist N. Vietnamese forces 30 years ago. A decade of war cost more than 58,000 U.S. (and many times more Vietnamese) lives. Since the end of the War, thousands of Vietnamese have been killed by "unexploded ordnance" (mines, bombs, etc.) What will the story be on Iraq 30 years from now? (USA Weekend)

**BRITAIN OKs SAME-SEX CIVIL UNIONS:** As of 12/05, same sex partners will be allowed civil unions, joining gays in parts of Europe and the U.S. in obtaining many of the same rights as "married heterosexuals". The Civil Partnerships Bill gives the right to form legally binding partnerships and entitles them to the same tax and pension rights as other couples. Dep. Minister for Women & Equality, Jacqui Smith stated, "This law shows the government's commitment to equality and social justice. It opens the way to respect, recognition and justice for those who have been denied it for too long." The law grants rights to partners' pensions; gives next-of-kin status and exempts them from paying inheritance tax on a partner's home. It requires partners to provide maintenance for each other and any children in the case of a breakup. The British military allows the couples to use family quarters.

The Connecticut Senate in April approved a bill that would make Connecticut recognize civil unions between same-sex couples. Senator Mary Ann Handley said, "I believe that our most important job is to make sure the rights of all our citizens are protected where they exist and expanded where they don't exist." However, Kansas joined 17 other states to pass a constitutional amendment banning gay marriage.

**World Vision International's** "Child Sex Tourism Prevention" project won an honorable mention for Global Campaign of the Year from PR Week. World Vision's efforts to mobilize the media to deter would-be sex tourists is one way they are fighting the global commercial sex trade, which currently enslaves over 2 million children. To help write to: World Vision Inc., PO Box 70172, Tacoma WA 98481-0712

**A TRIBUTE TO POPE JOHN PAUL II**

When young, Karol Wojtyla lost his mother and brother to death. As a youth he was a quarry worker, a poet and playwright. As a priest he was a pastor to youth, a writer and thinker. As an athlete he spent many days skiing and hiking in the mountains. This former actor made all the world his stage. This global traveler bent and kissed the tarmac in tiny countries never before visited by a pope. This victim forgave, and visited, the man who tried to kill him. Healing relations of his church and the Jewish community was a great concern of his. He strove for Christian unity. As we watched he aged, suffered and physically declined. He lost the ability to walk, he slurred when he tried to talk, his head drooped. Those who follow Christ must welcome suffering, he firmly believed, and he would not hide his own from public view.

(Excerpted from articles in Newsweek Magazine, 04/11/2005)



## NATIONAL NEWS

**FEDERAL PRISON TRANSFERS:** In general, once placed at an institution, federal inmates will not be transferred until they have 18 months of infraction-free conduct. Even then, transfers are usually limited to compelling reasons because nearly every BOP site is overcrowded and the bureau is reluctant to move inmates from one overcrowded facility to another without good cause. Consideration may be given to an individual's family situation and related hardships. A person can initiate the process by filing a BP-8 with the unit team. Before doing so, ask these questions.

(1) What does the Pre-sentence Report list as your legal residence? BOP considers this your "release residence" and has attempted to assign you within 500 miles of there. If you do not intend to return to your "legal residence" after release you should explain that, and if possible, provide your unit team written verification of the residence you wish to return to (e.g. a letter from your parents, or wife, that you can live with them upon release). If you seek transfer closer to family, but do not intend to live there upon release, be clear about it.

(2) Where do you want to go? Barring a pending change in your Custody Classification Score, you will only be eligible for transfer to an institution holding your current security level. First determine what facility matching your current level is closest to the area you wish to move to. Review the directory of federal facilities found in the BOP's annual State of the Bureau publication. It can be downloaded at <http://www.bop.gov/ipapg/sob99.pdf>, or ordered from the Bureau's Public Information Office. Make sure to measure the current population of your current institution (<http://www.bop.gov/weekly.html>) against its rated capacity as found in the State of the Bureau, and compare that percentage (over/under) against where you want to go. If your transfer helps alleviate overcrowding, that's a point worth emphasizing.

(3) Do you have any support? Don't overwhelm your unit team with letters supporting your transfer, but a letter or two from a spouse or parent explaining the family's interest in having you nearer them helps show that your request is legitimate and made in good faith. (Do not request a letter from someone who would be prohibited from placement on your visiting list.)

(4) Are you at a camp? See Policy Statement 5140.28 ([http://www.bop.gov/progstat/5140\\_28.html](http://www.bop.gov/progstat/5140_28.html)) The BOP does permit unescorted transfers between federal institutions (a.k.a. "furlough transfers"). Although not exclusive to camp inmates, such allowances are usually reserved for lesser security inmates with clean institutional records and the means (e.g. transportation) to insure their appearance at the newly designated facility within the time allotted, usually no more than a weekend.

(5) Other things to consider. If you or a loved one, is at an institution within 500 miles of the "release residence," then it is much harder to obtain a "nearer-to-release" transfer. This is also true for those serving shorter sentences, or for one involved in a pending legal action as the bureau is less apt to move you due to expenses or for fear of jeopardizing your case. (Info from Andrea Strong, FAMM director of member services)

### HE'S NUMBER ONE!

Citizens Against Government Waste has ranked Sen. Ted Stevens of Alaska No. 1, again, when calculating lawmakers' proficiency at bringing home the bacon (pork!). His latest effort gave Anchorage \$1.5 million to build a nice Bus Stop-5 times the cost of the typical cost of bus stops there. (Asso. Press, Mary Pemberton)

Now prisoners, won't you tell us about the shortage of shoes, toilet paper, food and other necessities in our nations prisons? Maybe we need to elect a Senator for the Prison Communities to bring them some dollars! Right?

### **DID YOU KNOW?**

Every calendar's days are numbered?  
Some money is tainted? It taint yours, it taint mine.  
He had a photographic memory that was never developed?  
You feel stuck with your debt if you can't budget?

**THINK ABOUT IT: "Litigation is a machine which you enter as a pig and come out as a sausage" (Ambrose Bierce)**

NATIONAL NEWS

THE PATRIOT ACT has been used scores of times to investigate drug dealers, a KKK member, and other American criminal suspects as well as foreign terrorists. Atty. Gen. Alberto Gonzales replies to those who call the law a threat to civil liberties, "I am open to suggestions for clarifying and strengthening the act, but let me be clear that I will not support any proposal that would undermine our ability to combat terrorism effectively."

Senator Russ Feingold of WI helped introduce legislation to restrict parts of the Patriot Act. His bill limits "roving wire-taps" that allow authorities to monitor a suspect's cell phones and makes it harder for agents to get secret warrants to examine records.

The "sneak and peek" provision of the original Act allows federal agents to execute a search while delaying notification of the target--this has been used 155 times since the bill was enacted. (Cos News Service, Bob Dart)

One letter writer responded to the Patriot Act question with the following opinion: "Once authorities have the power to arrest anyone on suspicion, without probable cause or due process, the potential outcome in a politically polarized society could be to snoop into the private lives of people with controversial bumper stickers, or confine them based upon how they look, talk or even vote. It's already happening. Such laws and tactics were said to be "good for Germany" during the Nazi buildup and "necessary" during the communist regime in the Soviet Union. That's not America. The terrorists could strike again, Patriot Act or no, and we may well wind up destroying precious personal freedoms without their help.

(Enquirer, Terry Alexander, Cincinnati)

Justice Dept. statistics say there are 25,000 active gangs in 3,000 jurisdictions across the country with 750,000 gang members nationwide. The House of Representatives passed laws making gang attacks federal crimes. It puts gang members in line for long federal prison sentences or the death penalty. The bill expands the list of gang crimes punishable by death, allows prosecution of 16 year old gang members in federal courts as adults, and extends the statute of limitations for violent crimes from 5 to 15 years.

The bill defines criminal street gangs as groups of 3 or more people who commit 2 or more gang crimes, one of them violent. Minimum mandatory sentencing guidelines would impose death or life imprisonment for any crime resulting in death; at least 30 years in prison for kidnapping, aggravated sexual abuse or maiming; and at least 20 years for an assault resulting in serious injury. Convictions for other gang crime would result in at least 10 years.

The bill authorizes \$387.5 million over the next 5 years to fight street crime. Democrats say the cost of the new prisoners alone will exceed \$9 billion over the next decade, and the bill puts too much emphasis on punishment and neglects prevention.

(Asso. Press, Erica Werner)

Speed Bump / by Dave Coverly



**LAWS YOU NEVER KNEW NEEDED PASSIN':  
PANHANDLE EDITION**

An OK state senator wants to outfit fighting roosters with tiny boxing gloves in a bid to take the gore out of the blood sport of cockfighting.

The TX House of Representatives approved a bill to curb salacious or "sexually suggestive" high school cheerleading routines.

The Gov. of Utah last year signed a law prohibiting executions of condemned inmates on weekends and public holidays because lawmakers were concerned about overtime expenses for guards and executioners.

(Chicago Tribune, Howard Witt)

**THINK ABOUT IT: "Revenge is the most popular form of reciprocity" (Ray Hobbs)**

## INFORMATION ON SEX OFFENSES

### **NEW LAWS AGAINST THOSE CONVICTED OF SEX OFFENSES**

An extension of OH Senate Bill 5 allows city attorneys, county prosecutors and others to initiate in court the eviction of any sexual offender (not ONLY those who offended against a child) who lives within 1,000 feet of a school. The law pertains to all 3 classifications of sexual offenders described as:

1. A SEXUALLY ORIENTED OFFENDER is one who has been convicted of committing ANY offense of a sexual nature.

2. A HABITUAL SEXUAL OFFENDER is a person convicted of a sexually oriented offense who has previously been convicted of such an offense.

3. A SEXUAL PREDATOR is a person found guilty of a sexual offense who is "likely" to commit the offense again. (Who decides the last part of this description? And on what grounds, information or fact?)

The Cincinnati ACLU and the Prison Reform Advocacy Center filed a federal class action lawsuit April 7 which challenges the constitutionality of this bill and HB 473 because the bills treat all sexual offenders the same and deny them housing. David Singleton of PRAC explains the problem with the law is that it does not protect children and actually undermines public safety. Here's why:

**FIRST:** the law sweeps too broadly. Many people who pose no threat to children are displaced. PRAC lists these examples: a 69 year old nursing home resident (convicted of groping the breast of another nursing home resident), a young man who at age 18 had consensual sex with a 14 year old girlfriend (the 1000 ft. buffer runs through the middle of his house); and a woman convicted of having sex with a male inmate while she worked for the prison system (her children attend the school she is forbidden to live near). Evicting individuals from their homes does not protect the public. The few sex offenders who should be banned from school areas should have restrictions placed on a case by case basis according to their risk factors.

**SECOND:** prohibiting all sex offenders from living a certain distance from a school, creates only the illusion of safety. Most sexual assaults against children are committed by a person known to the child. In rare instances where strangers assault children, history shows such crimes to be unrelated to the nearness of a school.

**THIRD:** these residency restrictions undermine public safety goals. In OH, thousands of sex offenders now face eviction. Many reside with family and have nowhere else to live. Forcing them to the streets--where they will be more difficult to monitor effectively, and where their lives will be destabilized--will harm, not enhance, community safety. These laws do nothing to protect children, yet make it difficult for sex offenders to become productive citizens. The law we challenge allows evictions of all sex offenders living within 1,000 feet of a school, even if they have never touched a child. We all want safe neighborhoods, but this law will break up families and evict homeowners who pose no threat to children.

(Info from PRAC, 1301 Enquirer Bldg., 617 Vine St., Cincinnati OH 45202)

Butler County Sheriff Richard Jones says the law is no guarantee. He has approached Rep. Courtney Combs to ask for a law to keep sexual predators, those said to be likely to offend again (who decides that?) incarcerated for life. The Sheriff stated that 80% of sexual predators recommit the crime they were convicted of. "THAT'S NOT TRUE" says PRAC Attorney Singleton. "Recidivism rates are really, really low. All sorts of statistics counter the myth that sex offenders are walking up and snatching children."

Enquirer letter from Mike Shryock, Social Worker and former Justice Watch Board member: "Tracking ex-offenders is fine, but it won't solve the problem. What we should do is provide intensive psychotherapy and behavior modification while offenders are incarcerated. We could lower the number of re-offenders with good treatment. Punishment and damnation don't help. Treating people like monsters doesn't help. Let's be smart on crime."

Miami Beach, FL has an ordinance barring child molesters from living within 2,500 feet of schools, school bus stops, day care centers, parks or playgrounds. 14 states have buffer zones that prohibit sex offenders from living near where children gather. (C. Carlson, Asso. Press)

**THINK ABOUT IT: "Pain will force even the truthful to speak falsely" (Publius Syrus)**

## INFORMATION ON SEX OFFENSES

**NATIONAL REGISTRY FOR SEX OFFENDERS:** A new list of all convicted sex offenders, with state-by-state info, will be available on an Internet site of the U.S. government. AG Gonzales says, "With this, every citizen and law officer can search for info on the identity and location of KNOWN sex offenders.

(The Associated Press, Mark Sherman)

Six Flags Amusement Park season passes say the park may refuse entry to anyone convicted of a sex crime. The Parks won't run background checks on visitors, but they may be subject to a check and thrown out. This is the first chain to state that sex offenders can be denied entry or removed. Three children were molested there by a park worker belting them into a ride! Andrea Lyon, Pres. of the IL Assn. of Crim. Def. Lawyers, says that despite any steps taken to rehabilitate themselves, sex offenders are social outcasts. No doubt Six Flags does not want terrorists or murderers entering their park incognito either.

(Associated Press, Nathaniel Hernandez; & The Toledo Blade).

It is illegal for prison employees to sexually abuse inmates, but fewer than half of the 163 such cases substantiated by investigators and turned over to federal prosecutors resulted in criminal cases against prison employees in the last 5 years, says Justice Depart. Insp. Gen. Glenn Fine. The reason is that federal law considers most of these SEX OFFENSES to be misdemeanors. Prosecutors decline to pursue cases against federal prison guards and other employees abusing inmates. If prosecuted, the sentence is usually less than a year.

(Cinci. Enquirer)

Notice from Des Moines, IA: Iowa inmates should now be able to call a special phone # to report a rape inside the prison walls. The call can be placed from any prison phone and will be free to inmates. This is in conjunction with DOC's announcement of a \$1 million grant in the next 2 years to prevent/investigate rapes in the state's prisons.

OH Rep. DeBose wants to add to the law allowing Judges to sentence convicted drunk drivers to have yellow licenses on their cars. Convicted sex offenders' cars would have pink license plates with red letters. After five years of good behavior, an offender could apply for a generic license. OH ACLU Dir. Gamso says, "We want these people to be useful members of society. If we do this, it ups the odds that they're going to be targets for attack."

Dr. K. Peterson, Admin. of KY's sex-offender program ran a 10 year study on KY sex-offender recidivism. Of those who completed the program, 8% were arrested (and possibly convicted) on a new sex offense verses 19% of those who didn't take the program. It's offered to all convicted sex offenders but is not mandatory.

(Cinci. Enquirer)

A TX friend writes about help offered to sexual offenders:

"Society will be safer if offenders are partners in the effort to protect others. When the urge to "act out" is managed responsibly, crimes do not occur. The whole point of treatment is to teach people who suffer such tendencies how to stop them. No politician has had the courage to take the unpopular, yet rational, position that sex offenders need to be helped to prevent sex crimes. In reality, this is the only way to make society safer.

Two incentives should be used. TX law does not honor patient/physician confidentiality like the law extended to all other kinds of mental health care, including drug treatment. Anyone who participates in sex offender treatment is expected to discuss past crimes and risk prosecution for them. This keeps those who need treatment from seeking it.

A second incentive is earlier treatment. In TX treatment isn't available until a person is within 18 months of sentence completion. Sex offenders are not allowed to participate while they have a strong incentive to do so--denial of early treatment insures that they will not make parole. Some are so bitter about denial of treatment when it could have helped with parole that they won't take advantage of it when it is made available.

Only a small % of offenders successfully complete treatment under the present system. Would you be interested in participating in a program of government abuse just to make your bosses happy? Eager participation by those who can make public safety a reality is not going to happen unless things change. "Tough on Crime" laws are not as effective as taking steps to help offenders to manage themselves and become partners in the public safety."

## OHIO & REGIONAL NEWS

**Kentucky** Drug Court saved Carlos Burton from his life of alcohol abuse. Kentucky Governor Ernie Fletcher declared May National Drug Court Month to support the goal of treating drug offenders as a cost-effective way to stop illicit drug use and related criminal activity. The courts promote a positive life change through substance-abuse education and treatment. Mr. Burton says, "Drug court gave me the opportunity to see what I was doing to myself and allowed me to sit with a clear head...it taught me to be responsible. It was hard--but that's what I needed. Addicts may not know it--but they need this program to get help."

According to the Court Administrators, since the program began in 1993, the state has saved \$24.2 million by graduating 1,700 people instead of paying for their incarceration. An evaluation found that 20% of the KY Drug Court graduates were convicted of a new felony offense, as opposed to 57.3% of non-drug court participants with similar charges who were re-convicted of a new felony. (Enquirer, Andrea Remke)

An **Indiana** man on death row, sentenced to die, requested a delay in his execution--in order to save the life of his sister. He wanted to have his liver (or part of it) transplanted to her. He asked to be tested to see if he was a "match" and could donate to her. He would then be allowed to heal from the surgery until he was well enough for the state to kill him. However, the IN Parole Board voted unanimously against his request. Using vengeance with their decision, the Board "vice"-chairman said the request was posed as a show of compassion, but she asked how much compassion the offender showed to the 82 year old woman he killed 20 years ago. In order to carry out state vengeance Gregory Johnson's sister, Debra Otis age 48, will be denied the help her brother was willing to give. The state says Johnson did not show compassion, and neither will the state set such an example. A lose-lose scenario!

Butler County, **Ohio** domestic violence victims are urging the county to implement a state-of-the-art electronic tracking system in order to save lives. The cost would be around \$15.00 a day compared to the \$60.00 a day to put an inmate in jail. Commissioner Mike Fox sees the system as a crime deterrent that can be used on parolees, low-level criminals and sexual and domestic violence offenders. Ideally, Fox said, defendants would be required to pay for its use.

In a recent case a man repeatedly stalked his estranged wife despite a judge's order to stop. He was wearing a Global Positioning System ankle bracelet and didn't go near his wife--but a man he tried to hire to kill the woman told his story, and the GPS records showed that he had met the man and confirmed the story. Armed with that proof, prosecutors were able to strike a deal with him to plead guilty to a charge of violating a protective order instead of taking the case to trial. Warren County judges have been using the devices for about 4 months in some cases, including domestic violence.

(Enquirer staff, Perry Schaible and Sheila McLaughlin)

NATIONAL CURE members came to Cincinnati, **Ohio** on May 31, 2005, to protest the illegal murder of Lewis Williams, in January 2004. Williams struggled with guards and pleaded his innocence to the end. In February 2004, National CURE filed a "Judicial Misconduct Complaint" signed by Claudia Whitman and Charles Sullivan. It has now been more than 15 months with no action from the court in this case. The basis of their claim is that Federal law allows senior judges to participate in a vote by the full court ONLY IF the judges participated in the initial panel ruling on the same case. In the Lewis case 2 senior judges (Suhrheinrich and Kennedy) who did not meet that criteria were allowed to vote. Five federal appeals court judges say a convicted killer's request to delay his execution was illegally denied because the 2 senior judges participated in the vote. The 5 Judges on the 6th U.S. Court of Appeals who agree the execution was illegal are: Judges Eric Clay, Boyce Martin of Louisville, Martha Craig Daughtry of Nashville, Karen Nelson Moore of Cleveland and Guy Cole of Columbus. Lewis Williams was executed without all due process.

(CURE and Dan Horn, Enquirer staff writer)

**THINK ABOUT IT:** "If there's anything a public servant hates to do, it's something for the public" (K Hubbard)

**OHIO NEWS*****FAILED INSPECTION***

Unofficial word is that an ACA inspection at Mansfield CI failed the facility in 5 major areas--the kitchen, caustic chemicals, vocational and 2 others. A dead rat was said to have been found in the kitchen.

***MALPRACTICE SUIT***

An Ohio inmate has filed a medical malpractice suit against ODRC and OSU Medical Center, claiming inadequate post-operative care. He had abdominal pain 01/02 and in 07/02 a hernia was detected. A surgery request in 10/02 was denied because the medical condition was classified as a 'category 2'. On 04/30/03 surgery was done at OSU Medical Center to repair an abdominal hernia that had grown in size since detection. He was transported back to CMC without post-operative care and given solid food about 6 hours after surgery. Next morning he was throwing up. A defect in the surgery caused an obstructed small bowel. Surgical appointments in 05/04 and 07/04 to repair the damage were canceled according to the filing papers.

***PAROLE NOTIFICATION***

The son of a murder victim urges OH lawmakers to approve House Bill 15, to inform victims of parole hearings by creating an Internet database of up-coming parole hearings. It would detail crimes and sentences to be searched by zip code, county or school district. "We have Amber alerts, child ID kits, and Megan's law, but that's all reactive. By the time they go into effect, a child has been kidnapped and a sex offender is already roaming the street. Let's stop sex offenders and violent offenders before they get out on the street." said Brett Vinocur, a victim's advocate who runs Find Missing Kids Inc.

OH Public Defender David Bodiker says the proposed list isn't necessary. "The victim has never been part of the criminal law equation. Criminal law is designed to be fair to suspects. The victim is a witness; they don't necessarily have a voice, but in recent years, more and more politicians turn to victims to show great interest in the people. I think it tends to skew the process."

In 2004, 6,106 OH prisoners were considered for parole. The board granted parole 2,960 times, or 48.5% of the cases. Victims can register with ODRC to be notified about parole hearings and are allowed to write letters, but they cannot attend the hearings conducted by the OH Parole Board. Only when a decision is appealed and the board re-hears a case can the victim speak to the board.

The proposed database is not likely to be expensive, but if victim protests lead to inmates spending more time behind bars, the costs of running prisons could soar. Andrew Molloy, president of the KY based American Probation and Parole Assn. says, "It opens the process up to groups who want to take the decision away from the parole board. They could put pressure on the board. Is it really fair to an inmate who is eligible for parole and earned the right to be considered for parole? The best interest of the community must be taken into consideration, but not at the cost of violating an inmate's rights."

This law is proposed by the son of woman who was killed by a man released after 20 years behind bars for killing at age 17. It is named "Laura's Law" in honor of a 3 year old girl killed by a man released on parole after serving 16 years of a 10-25 year sentence.

***FIRE PREVENTION***

In 1930 Ohio's largest prison, OSP, was at 300% capacity (about 4,300 inmates) when fire broke out. A breakdown in command kept guards from unlocking cell doors. 322 inmates were killed, trapped in their cages! No one would have died if the cells had been opened. The cause of the fire, according to Attorney General Gilbert Bettman was an exposed light bulb setting wood on fire.

A fire killed 42 inmates & visitors at the Maury County, TN jail and there were fatal prison fires in New Brunswick and Danbury, CT within a 3 week span in 1977. Prisons built since then are required to have sprinkler systems and piping for water hoses on each floor. Prisons also must have evacuation plans and train employees in fire fighting. Most modern prisons are no more than a few floors, with the cells spread out over larger areas. Ohio prisons have strict fire safety policies and each employee goes through a fire drill at least every 3 months.

**THINK ABOUT IT: "Even the smallest dog can lift its leg on the tallest building" (Jim Hightower)**



## BITS & PIECES

*THINK ABOUT IT:* "We are never so easily deceived as when we imagine we are deceiving others"  
(La Rochefoucault)

Once again a GA judge turned down evidence of William J Mayo's innocence and denied him a new trial. A great effort by supporters to prove to the court that he was convicted on the basis of the lies of the actual perpetrators of the robbery was dismissed by the Judge who said if they lied before, maybe they are lying now! APPEALS CONTINUE!

In OH the role of geography in determining death sentences was one factor death penalty opponents cited as they asked Gov. Taft to stop executions. Ohioans to Stop Executions, the League of Women Voters and the ACLU delivered a letter asking for a moratorium followed by an independent and thorough review of Ohio's death penalty system, enacted in 1981. In Hamilton County, (Cincinnati) 43% of offenders facing capital punishment were sentenced to death, compared to 39% in Montgomery County, 22% in Butler County, 8% in Cuyahoga County (Cleveland) and 5% in Franklin County (Columbus). (Asso. Press)

GW of NY writes about a case titled *CRAWFORD vs. WASHINGTON*, 124 S.C.T. 1354. He believes this case overturned the 1980 decision of *Ohio vs. Roberts* 448 U.S. 56, 100 S.C.T. 2531. He quotes the new case saying "the ultimate goal of confrontation clause is to ensure reliability of evidence. It is a procedural rather than a substantive guarantee in that it commands not that evidence be reliable but that reliability be assessed in a particular manner by testing in the crucible of cross examination." THIS SAYS NO PERSON SHALL BE PREJUDGED BY EVIDENCE WHICH HE HAS NOT THE LIBERTY TO CROSS EXAMINE AND THUS FURTHER BACKS UP THE 6th AMENDMENT.

### NEW WAYS TO EXTEND PRISON TIME

excerpted from an article by Clare Regan

In 1980 only 21% of those admitted to prison were on parole. By 1999 68% of those leaving prison were on parole. Of the people being returned for parole violations 85% are drug or alcohol abusers. A year after release, 70-80% are still unemployed, 50% are illiterate, and 10% are homeless. Studies show that 20% of all inmates suffer from severe mental illnesses. Ms. Regan describes the case of Jason Peterson from an article by Fox Butterfield: "Peterson spent nearly all of his 2 year sentence for possession of a pipe bomb in solitary confinement in CA's Pelican Bay "super-max" prison. When released to his mother's house he refused to leave his room. His mother hoped for help and called his parole officer--who handcuffed him and revoked his parole for "psychiatric reasons". He was given another year at San Quentin prison. When a parole is revoked, the parolee is not permitted a lawyer or to call witnesses at the revocation hearing. Mrs. Peterson hired a lawyer and Dr. Terry Kupers, a psychiatrist who serves as an expert witness in suits dealing with mental health treatment in prison, but neither was allowed to present evidence.

When Peterson was later released he became an apprentice plumber. Since then, his parole has been revoked 3 more times - once because a plumber's knife was found in his toolbox. Another time, a toy grenade was found in his bedroom. His sister said he had purchased it as part of a Halloween costume. In the third instance, he was accused of threatening a former girlfriend who was allegedly harassing his current girlfriend. The girl's mother was allowed to testify against him, but his employer was barred from speaking on his behalf.

California ended flexible sentencing which permitted early release, but has found a way to add to the original sentence. This innovation helps keep the prisons filled even as the crime rate decreases.

### ASKING!

Are AL inmates sent income tax payments once a year as an honorarium? A prisoner says the government sends these to prisoners, but the Warden confiscates them. True?

Are LA (Angola) inmates not allowed Bibles except from a vendor list? An inmate reports that any sent in are destroyed or sent back. Isn't this against 1st Amendment and civil rights of prisoners? There are many religious organizations working there, but perhaps individuals aren't allowed materials to study on their own. True?

## ADVOCACY CONTACTS

ADDRESS CHANGE: Prison Book Program, c/o Lucy Parson Bookstore, 1306 Hancock Street, Suite 100, Quincy, MA 02169 (617) 423-3298 info@prisonbookprogram.org  
http://www.prisonbookprogram.org

NOTICE: Thanks for bringing the non-responses of the following to our attention. We apologize for them:

PRISONER SERVICES OF ENGLISHTOWN NJ IS NO LONGER AT THAT ADDRESS AND THEIR WEB SITE IS GONE.

BARBED WIRE COMMUNICATIONS OF MANSFIELD, OHIO IS NO LONGER IN OPERATION THAT WE CAN FIND.

We have no address that we can assure you will be correct to order the U.N. COMPENDIUM we wrote about.

Cell Pals in Columbus OH is accused of ripping off a prisoner who sent them 40 envelopes. Beware!

Prison Fellowship Ministries is still in service. Write for their newsletter at: Prison Fellowship, PO Box 2205, Ashburn, VA 20146-2205

COMPASSION, a publication by death-row inmates gives scholarships to relatives of murder victims. Donations support the scholarships. The current winner's sister was murdered a decade ago at age 4. Zach Osborne received \$5,000 "to help him realize his dream of becoming an officer of the law and finding a way to prevent future violence" writes Dennis Skillicorn, a MO death-row inmate, the newsletter's editor. Director S. Dear of People of Faith Against the Death Penalty presented the scholarship saying, "He has wisdom beyond his years, gained the hardest way—a wisdom that victims need healing and that victims can come to forgive even those who have caused the greatest pain. For a police officer to have that kind of view is a great gift to the community and to the police force."

Send donations to: Compassion, 215 E Front St., Perrysburg OH 43551.

Some prisoners ask to place an ad, or to tell others of new groups. Examples: A coalition of "Lifers" hopes to collect \$1.00 a month from many of them, to hire a Lobbyist to champion their rights. A basic problem is that most lifers and other prisoners have no \$, and aren't allowed to write to other prisoners. One inmate has lists of men seeking pen pals, but finding those who want to correspond with prisoners is difficult. How can the few be connected to the many? These are good ideas, but we see the difficulties also. We don't take such ads since this is an informational newsletter only. Thanks for understanding.

TACLE (Texans Against Corrupt Law Enforcement) says stock market info and financial records of private prisons in the USA should be open for inspection. TACLE believes legislative, judicial and prison officials own private prison stock and are manipulating their positions to "drive-up" the prison population to add to stock market profits. Any judges, prosecutors and attorneys owning "prison stock" have a conflict of interest. Public officials using "tough on crime policies" to disguise their profits (by keeping innocent's in prison) must be held to higher accountability. A disclosure law designed to reveal this information to keep the public informed was passed in 1978.

From AS in TX: "In order to find what job categories are prohibited to felons you must submit an I-60 to the Law Library to request a copy of The Echo, July 2004, where there is a full list of the jobs prohibited to felons." Also: "Yes, a felon who is NOT convicted of drug charges can obtain a student loan--there are several student grants that may be available to him/her. For info on college enrollment and financial aid, write to: TX Higher Educ. Coordinating Board, PO Box 12788, Austin TX 78711-2788.

www.innocentinprison.org or Innocent in Prison c/o Katja Pumm, Kasperstrasse 62, 21647 Moisburg Germany (Reference from CA prisoner, but we don't have any further info--be careful writing overseas--the Patriot Act may find a problem with that--you think?)

VA prisoner VF recommends a ministry to meet the spiritual, emotional, family needs of prisoners. Write to: Believers Behind the Walls, Attn: Offer #092012, PO Box 1215, Willow Grove, PA 19090. Also: a newsletter from: A Christian Perspective, PO Box 1325, St. Augustine, FL 32085-1325

## PRISON NEWS

### ***IRAQ/USA PRISON ISSUES***

When reports of abuse at the prison in Iraq surfaced, Ron McAndrew felt the same outrage as other Americans, but the retired FL prison warden wasn't surprised. The abuses in Iraq were different, but the pattern (beatings, humiliation, intimidation) was familiar.

McAndrew is a panelist at the first public hearing of the Commission on Safety and Abuse in American Prisons. Organized by the Vera Inst. of Justice, the commission will take on issues facing the prison system: abuse, poor training and a lack of standards. After a final hearing 01/06, it will issue a report to Congress and advocacy groups. "A thorough look at prisons is warranted, since about 13.5 million people are incarcerated annually. What goes on in prisons is like domestic violence or child abuse was 20 or 30 years ago. No one talks about it. It's time to shed some light on what goes on" says Alex Busansky, a former NY prosecutor, the committee's executive director.

(Newsweek, Daren Brisco)

### ***A RECENT EXAMPLE OF THE ABOVE TOPIC!***

Info on a May lockdown in a major NJ prison says it was mass retribution against all inmates because contraband was found "somewhere". Prisoners have no way to bring such items into the prison. Guards don't admit to trafficking in these (they'd lose their jobs, right?). So, all prisoners suffered with no visits, yard time, store orders, classes, or group sessions. Meals were smaller, mail was stopped. Plastic coolers aren't allowed now, only Styrofoam which last only a month, and costs \$7.00. Cells were trashed. Property, commissary and some radios destroyed, cigarettes, hygiene items, and 12" fans taken. (Only 9" fans allowed now). Even personal papers were wadded up, TV's and word processors were thrown on the floor and broken. Writing supplies were crumpled. Many shops are now closed. Over 300 jobs, any which allowed a person any contact with anyone outside their specific area have been taken away. Prisoners will not be reimbursed for destroyed property. (Remember Attica? Remember Lucasville?)

### ***HOMES OR PRISONS?***

The Architects/Designers/Planners for Social Responsibility (ADPSR), a group of building professionals note that as the prison population swells, jails and prisons are pushed to their limits. The answer is to stop building prisons and to adhere to a kind of Hippocratic oath to promote public health, not harm. ADPSR says building re-design simply won't work anymore. The system's too far gone. Inmate abuse--by other inmates and guards—is well documented. Prisons have become incubators for diseases. New super-max prisons rely on extended solitary confinement to control prisoners. What ADPSR wants to see are other approaches to justice that are based in community and fully respect each individual's human rights. Consider the idea of building homes instead of prisons. Higher investment in home mortgages is directly linked to lower crime rates, according to 2 sociology professors at George Washington University. Forget a neighborhood's racial makeup, or how much money people make--when banks invest in people's homes, people invest in their neighborhoods. Schools are stronger, public services better, streets safer. Lower crime rates mean fewer in jail, and for cash-strapped states that's a good thing.

HOWEVER, under Pres. Bush, several federal financial agencies have enacted or proposed changes to roll back regulations in the Community Reinvestment Act, the federal law that forces banks to offer fair loans to low and moderate-income borrowers -- the very program that drives the mortgage lending that has kept people out of prison. There are also reports that buried in the massive Intelligence Reform and Terrorism Prevention Act passed last December there is a 2 paragraph provision calling for at least 40,000 new immigrant detention beds by 2010. Resistance to imprisoning hordes of Americans may be on the rise, but the ever-profitable prison industry may have found a new avenue for growth.

(Utne, May-June 2005, Hannah Lobel)

### ***SUICIDE OR SEROTONIN?***

IA St Penitentiary: Nathan Watson found dead 7 hours after he suffocated himself. He was in a special unit designed to treat mentally ill inmates. The rest of the story is like others reported when we wrote of Serotonin Syndrome. No mention is made of psychiatric medicines Watson might have been given, but he was not 18 years old in 1998 when he shot his father. Sentenced to life in prison, the sentence was overturned when he pled guilty to reduced charges. Has anyone checked his medications records, or those of other suicides there? (Gazette)

## PRISON NEWS

**DESPERATE PLEA FOR HELP** from Restricted Housing Unit in PA: Asbestos was found on 3 cell blocks, cell lights & `on/off' switches, and covers for florescent lights all removed.

### **ACCUSATIONS OF MISTREATMENT**

Sheriff Brown of Saginaw Co. Jail in MI says holding prisoners naked in detention was to protect inmates and staff. A lawsuit was filed by a female inmate who was left stripped naked, shivering in front of a surveillance camera for 3 hours. The county changed the policy and now gives paper gowns to inmates in isolation. In a request for class-action status filed by the ACLU of Michigan recently, plaintiffs allege 91 other claims of mistreatment, including instances in which people are still held naked. They claim the policy of taking away inmates' clothes is not about safety, but about punishment by humiliation and discomfort.

(Asso. Press, Sarah Karush)

### **THE REAL ISLAM?**

"I have studied under the Sunnah (the orders, acts of worship, and the legal ways of the Prophet of Islam) for 16 years. That which is now presented as Jihad is not of Islam. Aggression is forbidden. Jihad is a spiritual quest. The state of Jihad is one of peace and reconciliation...a personal, spiritual journey and is not associated with anger, hate, or man's physical wars. Jihad is a communion with self. To obtain peace is Jihad. That is the true and only definition of Jihad, according to the Prophet of Islam. (written by Abu Ali Abdur Rahman, TN, as printed in Compassion--see JW Advocacy page).

In US prisons, thousands of Muslims practice their faith. Islam has been a part of prison culture for decades. The Nation of Islam, a splinter group, was a major force behind the faith's growth in US prisons as some leaders were imprisoned for refusing to fight in WWII. The NOI faith mixed black empowerment with Muslim traditions, but adopted views some orthodox Muslims consider heretical. Malcolm X educated himself in prison by reading the entire dictionary. He later accepted orthodox Islam. Correction officials struggle with how to evaluate Muslim chaplains as they safeguard prisons from militants. Islam has no central authority. There is no equivalent of a major seminary in the US. How to certify their chaplains? The Federal Bureau of Prisons has not hired a Muslim chaplain since 2001. Without a religious leader, inmates teach each other the faith. Due to budget cuts, many DOC's cut chaplaincy jobs and rely on volunteers (for all religious faiths).

(Enquirer, Asso. Press by Rachel Zoll)

### **SELF-DETERMINATION**

An agent is a person through which an end is achieved. A causal agent is one who causes things to happen in his life. Self-determined people act as the causal agent in their lives. They act "with authority" to cause something right to happen in their lives. They are actors in their lives, not merely acted upon. Causal agency implies that a person who makes things happen in life does so to accomplish a specific end or creating change. Self-determined behavior is goal-oriented and directed.

These people set goals, and evaluate their progress toward the goals. When they meet barriers, they problem-solve to overcome them. They regulate their actions to maximize their potential for reaching their goal, identifying resources that enable them to do things they cannot do alone. Humans cannot have good lives, or self-determine by breaking laws, using "feel-good" drugs that twist the mind, or allowing rage or greed to overcome common sense and respect for other humans and the world.

(From The Jayhawk Educator, Alumni Magazine, Summer 2005)

#### THERE'S A HOLE IN THE FABRIC

By Linda Komar, Bereavement Magazine, May/June 2001

The tightly woven fabric of the family has a hole in it today.  
We lost a member of our family.  
There will be no way to ever mend that fabric completely.  
It will eventually fray out and become softer.  
It's hard to look forward to the time when that will happen,  
because it is so painful now.  
That hole is hard, sharp and hurtful.  
My heart is blinded by the pain.  
My mind knows it will soften with time,  
... but when will that happen?  
... that nice, soft, frayed hole in the fabric of our family.

## ORIGINALS

## WHAT'S A WINDOW WORTH?

By NZ &amp; CJ

No windows in the prison dorm  
only cubicles, noise and more noise.  
No easy chairs, no ease at all,  
only cots, and a box to cram your stuff in.

But down the hall, on the way to chow,  
there is a window, a narrow view.  
Oh, that walk down the hall!  
A sight to crane your neck for.

Glimpses of tree buds unfurling,  
exploding out to full leaf in a week,  
white blossoms, a hint of blue sky,  
a bit of a garden that needs tending.

You can almost see sunshine and shadows,  
rain, snow, fog, even a breeze!  
Glimpses to fall out a window for--  
to see it all fully—if only, if only--

## What's This Life For...

by Francisco Favela, Jr., AZ

What's this life for? All it does is rain.  
What's this life for? All I feel is pain.  
What's this life for? I always gave it my best.  
What's this life for? I can't get any rest.  
What's this life for? Please tell me.  
What's this life for? The world is about to end...  
What's this life for? For I'll never see you again.

## A Writer's Emotions

By Stefan Crisbasan, IL

Looking into my depths I found icicles of old.  
To melt them thoroughly I took from heaven's star-fire.  
I do not know how I can whole again my heart make.  
I only believe it must heal,  
needing heaven's light to dispel the haze.  
From sleep to rise at once, with forehead wet and cold,  
I look inward with a prayer that love may take me home.

## WHY?

By Frank Prieto, TX

I don't know why the grass is green.  
I can't explain the miracle of birth.  
The more I strive to understand,  
the more I suspect it probably  
isn't meant for me to unravel the mysteries.  
I'm not an educated man but even I can see,  
and understand that we must heal our world  
before we occupy ourselves with other spaces.  
Can you explain why our society is impoverished?  
Why we're wracked with war, terror and politics?  
Each day finds racism, greed, injustices--  
yet we search the planets and the stars.  
If you know, please come forth.  
If you have answers to these mysteries,  
explain them, tell us what we should do.  
This earth, my home and yours,  
is in desperate need of answers.

## NOT HIS CHILD

By Desi Sykes, NJ

I am not a child, but a product of his rage.  
His hate will not hold me, for my fate is my own.  
Tomorrow he may claim me, but pardon his  
shame?  
Surely I will not.  
No longer will I cry, not deny my life for his crime.  
I am not his child, only a child of pain.  
\*written for my father, the rapist!

Temporary Gain  
By Wendel Rapp, TX

Where is the satisfaction in temporary gain?  
I know when it delivers, it soon will bring me pain.  
To seek for things eternal, is to fill your soul with life.  
These won't abandon you, or leave you with much strife.

THINK ABOUT IT: "We must turn to each other, not on each other." (Jesse Jackson)



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### FAVORITE QUOTES

One Man's Opinion: "If I am sincere in what I say and there's consequences because of my actions, I am prepared to stand up and take it. If I have to go to prison because I don't want to kill anybody, so be it."

(Sgt. Kevin Benderman, facing court-martial after refusing to return to Army duty and being denied conscientious objector status).

"There are two ways of exerting one's strength, one is pushing down, and the other is pulling up." (Booker T. Washington)

"Only a virtuous people are capable of freedom." (Ben Franklin)

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