

# THE MOVEMENT

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

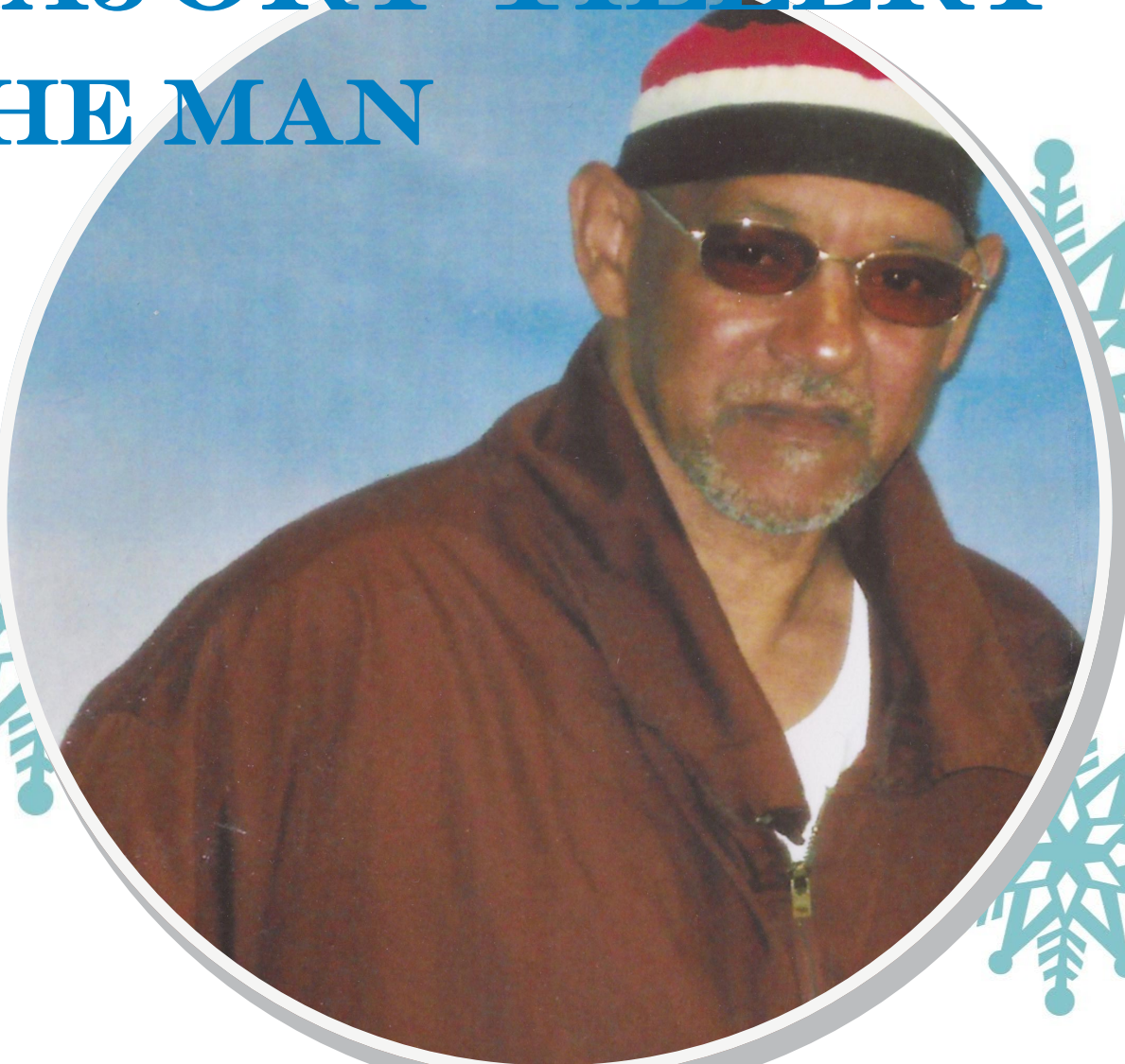
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Human Rights Coalition for the Union of Prisoners'  
Families

IN THIS ISSUE!

MAJORY TILLERY

THE MAN



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## **Dear Comrades!**

The Human Rights Coalition-Philadelphia **sincerely apologizes** for the delay in responding to all of your letters. As this organization is run solely by volunteers there is simply not enough resources to assist us with the tremendous amount of letters asking for help. While we have earnestly tried to answer your letters, we are aware that we've fallen short; in addition, we've observed that campaigning for an "individual prisoner" provides only temporary relief and does not address the root cause of violations that all prisoners are subjected to. With that said, HRC has come to the sobering realization that we must focus **all** of our resources on **campaigns** that will result in justice for the many.

We are not discouraging letters of abuse, but please understand that your letters will be used for the greater good; we **need** your letters (along with your consent to make public) to use as evidence in bringing about change in practice, policy and laws that encourage and/or sustain prison abuse. Before sending in letters of abuse, as always we recommend that you follow the grievance procedure. We know how ineffectual and frustrating it can be as some of our members are former prisoners themselves. However we will not have a strong case and/or strong evidence when the proper channels aren't utilized first and foremost. Remember to save copies of important documents, such as grievances, witnesses, case notes - but unless solicited from an HRC member, do not send them.

Our apology is sincere and we stand true to our mission to empower prisoners and prisoners' families to fight against prison injustices by seeking to change laws, policies, and practices that have a negative impact on prisoners in general, their families, and our communities. HRC is committed to create a safe supportive space where family, ex-prisoners, and friends could engage and **empower** themselves. HRC is committed to serve prisoners by informing them of their human and constitutional rights and **empower them to support each other** against abuse and inhumane prison conditions. To achieve this, HRC provides prisoners with literary, journalistic and legal tools, and documents their voices and stories, and provides tools that re-shape and re-define themselves and prison culture. We earnestly appeal to you to **help us help you** by asking your family and friends to contact HRC by email at [Info@hrcoalition.org](mailto:Info@hrcoalition.org) or by mail at 4134 Lancaster Ave., Philadelphia, PA 19104. TOGETHER we can build the strong base of resistance required to fight injustices in prisons and dismantle the prison industrial complex, piece by piece.

We stand with you in this struggle,

## From The Desk of The Editor

### Welcome to THE MOVEMENT!

This is a special issue of THE MOVEMENT for me because I finally was able to interview none other than Major Tillery. The man that saved Mumia Abu-Jamal's life at SCI-Mahanoy. The pigs were attempting to take Mumia's life via intentional medical neglect, but our dear brother Major Tillery foiled their plans by bringing public attention to the situation. The rest is history, as they say.

Just as importantly, Major Tillery's investigators uncovered newly-discovered evidence that proves his innocence and how he was framed for murder by the corrupt Philly police and D.A.'s Office.

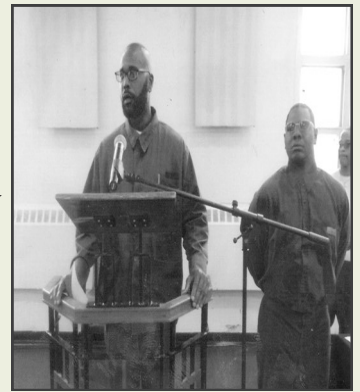
Please give brother Major Tillery your support by making a monetary donation to his legal defense so that he may retain an appeals attorney.

Also in this issue is the campaign to enact HB 2135 which is the House Bill to provide parole eligibility to LIFE sentenced prisoners. Pennsylvania prisoners should be keenly aware of and actively involved with the campaign to enact HB2135. Campaigns of any kind aren't run on goodwill or volunteering alone. Campaigns are run on money! Prisoners and their families must make monthly donations to fuel (fund) our campaigns. Donate money to the CADBI organization that's spearheading the campaign to enact HB-2135; checks should be payable to: **Decarcerate PA**; and mailed to: **CADBI** c/o Decarcerate PA, PO Box 40764, Philadelphia, PA 19107.

Please enjoy THE MOVEMENT magazine and give a copy to your love ones in prison or in society.

Let's struggle together to win! Straight Ahead!

*Bro. Shakaboona, Co-Editor*



Kerry "Shakaboona" Marshall  
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Bellefonte, PA 16823

**Greetings and Happy New Year!** This is Mama Patt and I want to bring you up to date concerning THE MOVEMENT as we have had an unfortunate set-back. Last year (2015) with Issue #26 & #27 we lost our printer who was very kind; and, for years gave us a discounted price. We immediately searched for a new printer who would give us the same rate; but even the cheapest printer quoted a price 3x more than what we were accustomed.

I say all of this to say that where money wasn't a major issue in the past, it is an issue now. The cost of each issue is now \$2,000 per issue; and as the quantity increase so does they price. Each issue, beginning with Issue #26 & #27, has been published and mailed solely through donations. And, currently, each issue cannot be printed until we receive enough donations to cover the cost; this is the reason why we have not been able to keep to our schedule.

As we cannot adhere to a schedule we will no longer sell subscriptions at \$12 per year, as this charge doesn't come close to covering the cost of printing and mailing. Also, we will not be able to send free magazines to family members, unless they specifically request them.

THE MOVEMENT is a powerful magazine that we do not want to see go under. It gives the men and women in prison a voice; it reminds the public that prisoners are human beings who have family that love them; it exposes the brutality that the DOC tries desperately to keep hidden and/or deny; it is an educational tool; it promotes change through unity, and it gives hope. This magazine is unlike any other through out the prison system.

Therefore we are asking for your support through your donations and the donations of family and supporters. We ask that you tell others about THE MOVEMENT and ask them to donate. Donations may be made through PayPal at [www.hrcoaliton.org](http://www.hrcoaliton.org) or see page 29.

Proposed Schedule:

Winter Issue - mailed first week of January

Spring Issue - mailed first week of April

Summer Issue - mailed first week of July

Fall Issue - mailed first week of October



## **WE NEED TO ACT TO ABOLISH 13<sup>TH</sup> AMENDMENT**

Richard "Tut" Carter, Sr., Delaware County Native & Community Activist

The Thirteenth Amendment of the U.S. Constitution was proposed on Jan. 31, 1865, and ratified on Dec. 6, 1865, which provides:

**Section 1.** *Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*

**Section 2.** *Congress shall have power to enforce this article by appropriate legislation.*

Today many of us are amazed by the seemingly increasing frequencies of cops killing Black People. About two years ago we began hearing crowds chanting that, "Black-Lives Matter!." And, about a year ago, following the shooting of a white cop we heard that "Cops Lives Matter (Too)!". Now few are chanting that, "All-Lives Matter," while a council-woman for the City of Wilmington asked the question, "If Black Lives Matter, shouldn't Black Lives Matter to Blacks too?" (Following the senseless wave of Black on Black killings haunting our communities seemingly everywhere. Notwithstanding, America never had a serious discussion about race relations between blacks and white people and, blacks haven't had any seminars to examine the root cause of Black-on-Black Crime. And here is what I believe is the reason why we, the American People, haven't really addressed this oddity (called black and white race relations) and why Blacks want some other people to come and solve our social problems.

Let's start here: When we read the Thirteenth Amendment of the United States Constitution (today) with Twenty-First Century eyes and minds – one should immediately ask themselves and others, "What purpose does this amendment have in modern society?" We should also examine why the U.S. Congress has repeatedly used its power to enforce that amendment at the expense of American citizens.

While most Americans believe that slavery in these United States was abolished by President Abraham Lincoln nearly two hundred years ago, the thirteenth amendment says that slavery was not really abolished (altogether). Instead slavery in America exists in many different forms, including civil penalties. Unlike fines, prison time, or probation, civil penalties are not specified in the criminal law and are rarely mentioned during sentencing. These civil penalties are imposed

not just while a felon is incarcerated or paroled or on probation, "but after completion of his/her sentence – and often permanently." (Hugh LaFollette, 2005). Therefore, every time Americans in general and the poor Americans in particular, are convicted of committing a crime they immediately become branded as a slave (based on the authority of the 13<sup>th</sup> amendment and, anti-felon social policies promulgated by U.S. Congress.) As a result, when a crime occurs in communities marked by statistics that show "one in every three American adults having criminal records" – every household with one ex-con is a slave house. Congress has authorized law enforcement to treat not just households with ex-convicts as slave dwellings but also authorizes law enforcement to treat communities with thirty percentage or more ex-convicts as slave camps. In a way Congress has relegated the Black Community as some form of "modern-day plantation." For sure we have a lot of material stuff (money, cars, homes and some of the comforts of liberty) which blur us from seeing that, even with a black president **some of us** still are not fully free America citizens, **yet!**

For those that don't believe this, just look at the evidence that pits cops against the African American Community today:

1. We hear everyday about another case where cops shoot, kill or maim blacks (sometime cops even kill and beat African Americans that are actually innocent). Almost all the time those acts of violent behavior occur in Black Communities around the **nation, yet** we have never heard in the news about Black cops shooting and killing white people; this is just an observation and is not being said to incite black cops to begin shooting anyone.

2. In places like Chester, Delaware County, PA – where the police force is predominately white and the community is about 73 % African American – nowhere throughout Delaware County or the nation for that matter do we see that dynamics operating in reverse. For example, you can't find a predominately White Community being policed by a predominately black police force.

3. The black community has a big target on its back that really empowers other Americans to prey on its slave (ex-con) population. As mentioned above, once a person has a criminal record they are a slave according to the 13<sup>th</sup> Amendment. The really clever historical twist in this discussion is how White America transforms the once free labor it derived from the old school U.S. slave trade, to creating job security from re-arresting and re-incarcerating ex-convicts (slaves). Any wonder now why Congress passes laws that restrict ex-convicts from securing gainful employment? Could it be that the

*(Continued on page 5)*



(Continued from page 4)

denying substantial funding for our children's education is a way to socially engineer the need for a larger prison system in America's future?

What I am implying here is, if we are going to really address the above mentioned circumstances we need to re-focus our aim to examine the purpose of the 13<sup>th</sup> Amendment in today's America. We need to examine and lobby to abolish those civil penalties to level the playing field for those ex-convicts that are seriously struggling to become decent citizens and take care of their children and work hard to feed their families and to keep a roof over their head. Another matter that needs to be addressed as well: the African American Community *must* re-educate our children so that they grow up with the sense that they have to police, prosecute and rehabilitate their own criminal elements in the community. Yes indeed, Blacks need to stop relying on those who have historically mistreated them (to begin policing our own community). I believe that once we abolish the 13<sup>th</sup> Amendment, lift all those civil penalties and give ex-convicts incentives to go straight many of the problems we are seeing today will begin to correct themselves.

Let's put an end to slavery in America (in all of its socially engineered forms) by writing our Congress men and women and telling them that we want them to revise the Thirteenth Amendment of the United States Constitution by removing language which allows ex-convicts to be treated as slaves in 21<sup>st</sup> Century America.

**Harambee = "Lets Pull Together!"**

## a pos·te·ri·o·ri

The word "penitentiary" has its origin in the word "penitent" which is synonymous with "repentance" which adds the implication of a resolve to change, the acknowledgment of sin and/or wrong doing and turning away from it. These words are rooted in the church, the foundation of this system and country.

Let's look at the acronym D.O.C.—Department of Corrections. This indicates this department is specialized in the correcting of people. My Webster Collegiate Dictionary 11th Edition states:

Correction is the treatment and rehabilitation of offenders through a program involving penal custody parole and probation, also the administration of such treatment as a matter of public policy.

I pointed all of this out to say that this system is allegedly designed to adhere to the above title and necessary remedies to transform the alleged criminal to return to society. This is their agenda, is it not?

They claim prisons are for the rehabilitation of the alleged criminal. If that be the case why sentence us to death by incarceration if prison are implemented to rehabilitate?

Abolish All Prisons!  
For Dereliction of Duty!

Curtis Tawfeeq Braxton DT-0787

## THE FLOCK OF BIRDS STORY

Submitted by Marvin Sutter EJ-9181

A flock of birds were flying south for the winter and they flew into a ice storm. One of the birds was pelted so hard by ice it broke a wing and fell to the ground. As the bird lay on the ground freezing to death another flock of birds flying by after the ice storm shitted on him and the warmth from the bird's shit began to cover the bird and melt the ice away. The smell attracted a fox and the fox ate the bird.

*The moral of the story is everybody that get you in shit ain't always bad and everybody that get you out of shit ain't always good.*

## Nationwide Prison Strike Mostly Ignored by National Media

By Rohit Chandan



(graphic: *Sofie Louise Dam, The Nib*)

On September 9, the 45th anniversary of the Attica prison uprising, inmate laborers at 40 prisons in 24 states across the country went on strike (**The Root**, [9/10/16](#)). **The Nation** ([9/7/16](#)), **Guardian** ([9/9/16](#)), **Wired** ([9/3/16](#)) and **Waging Nonviolence** ([9/7/16](#)) all reported that this may have been the largest prison strike in history.

But a search of the Nexis news database for the terms “prison” and “strike” showed that most national corporate news outlets thought that the potential of history being made on September 9 needed little to no news coverage.

**CBSMoney Watch** ([9/9/16](#)) actually had a substantive report by Aimee Picchi, who noted that, “Aside from the low or nonexistent pay, the strikers say they object to the use of violence or punishments if they don’t perform as well as their jailers expect.” Picchi quoted a statement from the Incarcerated Workers Organizing Committee:

Overseers watch over our every move, and if we do not perform our appointed tasks to their liking, we are punished. They may have replaced the whip with pepper spray, but many of the other torments remain: isolation, restraint positions, stripping off our clothes and investigating our bodies as though we are animals.

But other national outlets, including the other broadcast networks **ABC** and **NBC**; the leading cable news channels, **Fox News**, **CNN** and **MSNBC**; the public networks, **PBS** and **NPR**; and prominent newspapers like the **New York Times**, **Washington Post** and **USA Today**, offered no coverage of the prison strike.

A few stories on the strike appeared in local newspapers, including the **Philadelphia Inquirer** ([9/10/16](#)), **Miami Herald** ([9/9/16](#)), **Montgomery Advertiser** ([9/9/16](#)) and **Birmingham News** ([9/9/16](#)). Activist outlets like Mask Magazine and It’s Going Down! released updates and tallied acts of solidarity.

Outlets that covered the strike noted that inmates sought improved prison conditions. Temperatures in Texas prisons have been known to reach 150 Fahrenheit (**The Nation**, [9/7/16](#)), while in other states, inmates are forced to work at recycling facilities and fight fires while receiving little to no pay (**Waging Nonviolence**, [9/7/16](#)). Some reports (like a Sofie Louise Dam’s graphic essay in **The Nib**—[9/8/16](#)) pointed out that because the 13th Amendment banned slavery “except as punishment for crime,” forced prison labor is not merely similar to slavery, it is a literal continuation of the antebellum slave system.

Organizers for the strike have also made connections between prison labor and unions. **Wired** ([9/3/16](#)) reported organizers are “quick to point out that relying on cheap prison labor takes jobs away from those outside—but so far response from outside organizations like labor unions has been tepid.” Most corporate media outlets, meanwhile, would have to increase their level of response considerably to qualify as “tepid.”

**Correction:** An earlier version of this post said that the *Wall Street Journal* had no coverage of the prison strike; it ran a piece on September 14.

While we didn’t intend our list of alternative media coverage to be exhaustive, **The Influence** ([8/9/16](#)) had a report that was noteworthy for coming a full month before the strike.

FROM: [HTTP://FAIR.ORG/HOME/NATIONWIDE-PRISON-STRIKE-MOSTLY-IGNORED-BY-NATIONAL-MEDIA/](http://fair.org/home/nationwide-prison-strike-mostly-ignored-by-national-media/)

## **Why Do Pennsylvania's Courts Suffer From Chronic Scandal?**

*P.J. D'Annunzio, The Legal Intelligencer*

*October 17, 2016*

Pennsylvania has the dubious distinction of being home to one of the most notorious judicial crimes in U.S. history. But five years after the masterminds behind the "kids-for-cash" scandal went to prison, the state's courts have continued to struggle with corruption and misconduct on the bench.

Court leaders often claim that these examples of corruption and misconduct are isolated incidents carried out by a few bad apples. But legal and political experts argue a number of overarching factors contribute to Pennsylvania's judicial woes, from the election of judges to political cronyism, allowed to fester by a judicial disciplinary system that remains ineffective despite reform efforts.

In the time since former Luzerne County Judges Mark Ciavarella and Michael Conahan began serving their hefty sentences in 2011 for accepting \$2.8 million in kickbacks to lock up thousands of juveniles in a privately owned prison, a slew of Pennsylvania judges—many in Philadelphia—were criminally convicted or cited for ethics violations for their own scandals.

In 2013, state Supreme Court Justice Joan Orie Melvin of Pittsburgh was charged and convicted of using employees on the state payroll to do campaign work. The following year, nearly the entire Philadelphia Traffic Court bench was brought up on ticket-fixing charges. A handful of judges pleaded guilty before trial. All six judges who went to court escaped ticket-fixing convictions, but four were sent to prison for making false statements. Only two judges involved beat the rap; one of them, Michael J. Sullivan, was later convicted of tax fraud.

Also in 2014, former Philadelphia Municipal Court Judge Joseph C. Waters Jr. pleaded guilty to fixing cases involving his political supporters, calling other judges to influence the outcomes; he was caught through an FBI probe into the court.

Last year, Waters, who has seen the justice system from multiple angles—first as a police officer, then as a lawyer, later as a judge, and finally as an inmate—was sentenced to two years in federal prison. His colleague, Judge Joseph O'Neill, was sentenced in September to four years' probation for lying to the FBI about receiving calls from Waters.

These are just some of the most prominent examples of judicial misbehavior in the past five years, far from an exhaustive list. Some judges have received criminal convictions, some were charged solely by the state's Judicial Conduct Board for ethics violations, and others faced allegations of misconduct. But the question remains: Why does this keep happening?

David Thornburgh, president of political watchdog group The Committee of Seventy, said politics plays too much of a role in putting judges on the bench.

"There are conditions that open the door to corruption," he said. "I think when there's a lack of political competition in a one-party town, like Philadelphia, that's one."

Thornburgh added that sources of support for judicial candidates need to be examined: "If you're supported by some interest group, that can bend your judgment in the wrong direction."

Judicial elections should be scrapped altogether, according to Maida Milone, the executive director of Pennsylvanians for Modern Courts. Milone's organization has been advocating for merit selection of judges—that is, appointment of judges and justices by the governor—for nearly 30 years.

"When money and its influence are inextricably bound to election to judicial office, we do not necessarily get the most qualified candidates sitting on the bench, and many who are elected feel obligated to the people who have elected them, people who might well appear before them," Milone said.

*(Continued on page 8)*



## **Pennsylvania: A State of Turmoil**

When sentencing former Philadelphia Traffic Court Judge Willie Singletary in 2015 for lying to federal investigators looking into ticket-fixing, U.S. District Judge Lawrence F. Stengel of the Eastern District of Pennsylvania said the fact that Singletary—a man who amassed roughly \$11,000 in outstanding traffic citations of his own over a 10-year period—could be elected to the bench was a testament to Philadelphia's "diseased" political system.

According to G. Terry Madonna, director of the Center for Politics and Public Affairs at Franklin and Marshall College, the disease infects the entire state.

Of judicial misconduct, Madonna said, "You could argue it's not as bad as it could be, given the rest of the state's political culture." Still, he added, "Judicial candidates have to come out of that culture."

Thornburgh, the Committee of Seventy president, said many consider Pennsylvania to be in the "Corruption Belt," among the most corrupt states in the country.

"There may be some truth to that, but we have to be careful," he said. "You can't fall into the trap of saying, 'That's the way it is, you can't do anything about it.'"

Pennsylvania has a history of political scandal almost too long to list. In some of those instances, members of the judiciary feature prominently, such as in the Roofers Union scandal involving the bribing of 17 Philadelphia judges in the 1980s, or the 1994 prescription fraud conviction of state Supreme Court Justice Rolf Larsen—the only Pennsylvania justice ever to be impeached—or the 2008 insurance fraud conviction of former state Superior Court Judge Michael T. Joyce.

In recent memory, the state has been plagued by several episodes of corruption that resulted in the convictions of prominent officials, such as former Attorney General Kathleen Kane, former Treasurer Rob McCord, and former Congressman Chaka Fattah. Pennsylvania has also been home to multiple gate-suffixed scandals, including Computergate, Bonusgate, and most recently, Porngate, which put an end to the careers of two state Supreme Court justices: J. Michael Eakin and Seamus P. McCaffery.

The two were not accused of criminal conduct or corruption in Porngate, but both resigned from the court amid allegations that they sent sexually explicit and offensive emails from their government email addresses to other state officials. Eakin, who was suspended in 2015 prior to resigning, was hit with a \$50,000 fine from disciplinary authorities for his conduct. McCaffery was also suspended prior to his 2014 resignation, but ultimately faced no ethics charges. The Judicial Conduct Board's investigation into McCaffery was terminated upon his resignation.

By order of the Supreme Court, the board was tasked with looking into not only the sending of pornographic emails, but McCaffery allegedly getting a traffic ticket issued to his wife fixed, allegedly calling a Philadelphia court about judicial assignments, and his wife's alleged receipt of referral fees while working as a chief judicial assistant in McCaffery's chambers.

Federal authorities also investigated McCaffery on the referral fee issue, but in an October 2014 announcement, the U.S. Attorney's Office for the Eastern District of Pennsylvania said charges would not be filed and the investigation was closed.

## **Lacking Discipline?**

In 1993, after the pill-dependent Larsen was charged with having a doctor write his prescriptions for antidepressants and tranquilizers in the names of court employees, "the voters attempted to overhaul disciplinary matters for judges because there was a feeling then that things were out of control," said Bruce Ledewitz, a professor at the Duquesne University School of Law.

That led to the creation of the Judicial Conduct Board, an organ of the state Supreme Court tasked with policing judges.

But Ledewitz said the board has since failed to live up to its mandate, precisely because it's part of the system it's supposed to scrutinize.

"The JCB is not independent of the legal-political establishment," Ledewitz said. "In that sense the effort of the people to create independent judicial discipline failed."

He added that the board does not actively seek out misconduct, waiting for it to be reported.

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"It's not structured correctly, it's passive and people bring problems to it. It doesn't go out and investigate, it's not a watchdog," Ledewitz said.

The board's chief counsel since 2012, former Superior Court Judge Robert A. Graci, said critics of the organization are misinformed. He said it is an "independent board within the judicial branch, the court does not control it."

Graci said the fact that the board stepped in to investigate Orie Melvin, McCaffery and Eakin should debunk any perception that it's not independent.

As for its perceived passivity, Graci said, "Typically, the board reacts to complaints filed within the board, that is not universally true," he added, noting, "We act on anonymous complaints with great regularity."

Additionally, Graci said the board, which is often understaffed, is doing a good job of vetting the piles of requests for investigations it receives, many of which he said are filed by disappointed litigants over how their cases turned out. Last year the board received 845 requests, he said; so far this year that number is over 600. The state has roughly 1,000 judicial officers spread across 67 counties.

"Given the limited resources and staff, the board does a very good job of ferreting out true instances of misconduct," Graci said.

"I think the board itself is operating quite well," he added. "Could we use more staff? Absolutely."

Criticisms of the board's effectiveness were at their most intense during the "kids-for-cash" scandal.

The board received a complaint against Conahan, one of the scandal's perpetrators, in 2006. Then-chief counsel Joseph Massa waited more than seven months after receiving that complaint to bring it to the board members' attention. Conahan and his partner in the scheme, Ciavarella, were not criminally indicted until 2009.

In the wake of "kids-for-cash," former Gov. Ed Rendell and the state legislature created the Interbranch Commission on Juvenile Justice to make recommendations on how to avoid a similar disaster. The commission recommended, among other things, that the Judicial Conduct Board should review its internal operating procedures as well as the "role and independence of JCB staff" to ensure its accountability.

Pittsburgh-based family lawyer Kenneth Horoho was on the Interbranch Commission and said its report and recommendations definitely got the attention of the board.

While Horoho said there has been no organized effort since then to follow up on how many of the recommendations had been adopted by the board, when "we finished our report the JCB did revise their regulations and so forth. They did follow up with implementing a number of recommendations."

Still, even after recommendations were made, claims of ineffectiveness, as well as the same cronyism that plagues the state at large, persisted.

In a 2014 interview after McCaffery's departure from the Supreme Court, discussing the board's role in investigating allegations of McCaffery's interference in the Philadelphia court system, former Administrative Judge John W. Herron said, "I was interviewed several times over several years by both the JCB and FBI. Perhaps they [the JCB] are understaffed and underfunded, but it appears that they were too slow and ineffective with regards to the investigation into a justice of the Supreme Court."

Herron added, "Perhaps they considered other investigations more important than one involving a justice of the Supreme Court."

### **What Is Being Done?**

State Supreme Court Justice David N. Wecht, who campaigned in 2015 on the platform of cleaning up the courts, said there is currently a push for reform.

The Supreme Court has put out a recruitment call for interested candidates from various political parties and professional backgrounds to join the ranks of the Judicial Conduct Board and other court committees geared toward keeping judges honest, Wecht said.

One way to address the problem, according to Wecht, is to have judges enroll in continuing ethics education, something that is not currently required.

*(Continued on page 30)*

## **ADMINISTRATIVE SEGREGATION & VIOLENCE REDUCTION INITIATIVE**

The Department of Corrections has established many committees and subcommittees to review its use of administrative segregation in an effort to reduce the use WHILE also reducing prison violence. This page is intended to offer a timeline of these activities.

October 2016 Update:

### **Testing Concepts to Reduce Violence and Use of Restricted Housing**

Since the fall of 2015, DOC employees of all classifications have been meeting to address the need to reduce the use of administrative segregation (known as restricted housing in Pennsylvania). The DOC is committed to doing this while reducing the incidents of inmate-on-inmate and inmate-on-staff assaults. For nearly a year, employees have been assigned to and working on committees that look into a variety of issues.

The DOC also has joined forces with BetaGov, a non-profit organization that helps agencies take concepts and put them into workable and measurable concepts. DOC employees suggest concepts and BetaGov helps put the concepts into action. Many concepts are now being piloted (or tested, in other words). Some concepts may prove useful, while others may not, and that's what makes the piloting of those concepts so important. We'll try something and if it works we'll implement it. But if we try something and it doesn't work, we move on to another concept to test.

Since the DOC partnered with BetaGov, DOC employees have submitted more than 100 ideas or concepts for trials ... all meant to reduce the need for the use of administrative segregation and all done while working to reduce inmate-on-inmate and inmate-on-employee violence in our state prisons.

Some concepts that are in some form of being tested include:

### **Swift, Certain and Fair (SCF) Pod – UNDERWAY, BEING EXPANDED - SCI Somerset**

SCI Somerset has taken a new approach to managing inmates' behavior through the use of Swift, Certain and Fair (SCF) responses to misconduct.

This began on January 1, 2016, when inmates assigned to one custody level 4 general-population housing-unit pod were given a list of nine behaviors that would no longer be addressed

through the established misconduct process. Instead, the pod was informed that these behaviors would be addressed by staff on their unit, including the corrections officers, the unit sergeants and the unit manager. Certain behaviors would be handled through the SCF process.

The inmates were also informed of the consequences of these behaviors. They were given a progressive-discipline scale that provides for sanctions ranging from "reprimand and warning" to "cell restriction," which could be for the remainder of that day and up to the following five days, with several steps in between. These sanctions are certain (i.e., specified) with respect to how many times a specific behavior is observed in the previous 365 days.

A preliminary review of results 90 days after the pilot began shows promising results.

The SCF pod has had fewer misconducts, infractions and grievances compared with other pods at SCI Somerset. Somerset leadership notes that staff are reporting positive interaction between the unit staff and inmates, reduced stress levels and an increased sense of security in their work environment.

Based on the early positive results, SCI Somerset has been granted approval to extend the pilot for 90 days and to begin another SCF pilot on another pod in the facility. External researchers are conducting a formal evaluation of SCF at SCI Somerset, and the DOC has decided to extend the pilot to 12 other state prisons.

**Read More Go To:** [http://www.cor.pa.gov/General%20Information/Pages/Administrative-Segregation-and-Violence-Reduction-Initiative.aspx#.WDB55\\_krLS0](http://www.cor.pa.gov/General%20Information/Pages/Administrative-Segregation-and-Violence-Reduction-Initiative.aspx#.WDB55_krLS0)

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Dear HRC,

This is Ge Ge, founder of L.I.G.H.T. I wanted to comment on the new program called "Swift, Certain & Fair" created by Brett Bucklen, Director of Research for the Department of Correction in Pennsylvania. This program is being implemented in 9 State Prisons here in PA. The idea is to reduce the so-called "alarming" rate of violence against staff. But I have been following this ever since that so-called "riot" in SCI-Houtzdale, when a staff who had his face blurred, went on the news (WTJ News) and claimed that staff are scared to go to work because the punishment for assault on staff wasn't severe enough to deter prisoners from committing them. This was and still is an attempt to take away our human rights.

*(Continued on page 11)*



(Continued from page 10)

I wrote to the WTAJ News and asked them, why are they only looking at this from the view point of staff and not asking the important question, like why are these so-called "random" acts of violence being committed? Well I will tell you, nothing about these attacks are random. These attacks are the result of disrespect and harassment from staff. These abuses are going on unchecked and unpunished by the upper management.

Well surprise, the news has not responded to my letters nor have they investigated anything relevant to this. Instead they took sides with the administration and helped make us look like animals. Now the gulags have a tool to further take advantage of us which will only increase violence. What is next? They want to make all prisons locked down 24/7 and take all our privileges. So we need to defend our rights. That means we must file grievances and take those responsible to task.

I encourage anyone who is in prisons that have this program, to file a grievance and state that this program is a violation of the Due Process Clause. Due Process requires "written", not verbal, notice of any misconduct and a fair hearing to weigh the preponderance of facts, before any imposed sanctions. So if staff can just punish you without cause then they are in violation. This program opens the door for more harassment and bias actions perpetrated by staff. They can now punish you without any proof and even after you serve this punishment you can still have a misconduct and go to the RHU [Solitary Confinement]. All with no just cause.

I am outraged with this tactic the Prison Industrial Complex (PIC) is using to diminish our rights and I will not stand for this. Please if you hear me join my efforts to shut this down.

It is too easy for the PIC to make an example out of us and lie about us. So we need to resolve this before it gets worse. Also, perhaps a solution to the violence against staff might be, that the staff would be punished (just like us) for their constant disrespect and harassment against us. We need a way to prove these misconducts and punish those responsible.

That is what I have to say about the atrocious attempt to take our rights. Do you feel me? Do not be silent. Voice your grievances and tell the PIC that you will not sit back and allow your rights to be taken.

Sincerely,

Mrs. GeGe and L.I.G.H.T.

Aka Chris Calix JY4937  
SCI-Rockview  
Box A  
Bellefonte, PA 16823

(Continued from page 34)

was an acceptable way to comply with the Supreme Court ruling. Savage wrote in an earlier ruling, however, that a sentence with a maximum of less than life had to be considered by the resentencing judge. The life maximum should be ordered only in rare cases, but was allowable, he said.

Affronti acknowledged that the office had not been willing to offer a negotiated new sentence of less than 35 years to life for those were 15 to 17 at the time of their crime, which is the current sentence set by Pennsylvania for first-degree murder involving a juvenile defendant 15 and older, set after the Supreme Court invalidated sentences of life without parole. Pennsylvania law also now allows for a more lenient sentence of 25 to life for juveniles who were younger than 15 at the time of the crime.

Affronti said the District Attorney's Office would continue to use the new Pennsylvania law as a guideline for offers to the lifers, though it does not legally apply retroactively, because "I believe a 15-year-old that commits first-degree murder in 1974 should be treated the same as a 15-year-old in 2016."

Songster's case will be in Common Pleas Court for a hearing Monday. Bridge said the District Attorney's Office would face the issue of maximum sentences in juvenile lifer cases again at the state level, when a three-judge panel will hear a variety of issues arising from the cases.

After the hearing, el-Shabazz - who had told the judge that the office was going through the cases "at a record pace" and contacting victim's families - was scolded by a woman who said she was speaking for family members of victims who do not oppose re-sentencings.

"Every person that has lost someone does not feel that way," she said. The father of Anjo Pryce, she noted, was quoted as saying the opposite, that he considered the two defendants, Songster and Brome, "as innocent as Anjo."

# The HomeFront: Serving Our Community!

## Ubuntu

The  
first  
an-



annual **Ubuntu Philadelphia** was held at St. Joseph's University on Nov. 2, 2016. The brainchild of lifer Kempis "Ghani" Songster, the focus of the event was community healing in the aftermath of violence. Ubuntu is a Bantu word that means "human-ness" or "I am because you are." The event provided a space for victims of crime and family members of incarcerated men and women and formerly incarcerated men and women to speak openly in an effort to achieve some mutual understanding.

The event featured a panel discussion with family member of lifers, including Catherine Songster, Kempis's mother, Julie Burnett and Kimberlee King. It also featured a healing circle based on Native American rituals of community healing. Several formerly incarcerated men and family members took part, including Malik Bandy, who was recently released from Graterford after serving a 20-year term.

There was also a presentation from Samantha Broun, whose mother was a victim of Reginald McFadden in the 1990s and who testified at state legislative hearings back then to strengthen life sentences and make commutation more difficult. She has a had a change of heart and presented an audio documentary in which she changes her position and now supports second chances for incarcerated men and women.

Several men from Graterford created and mailed out a "peace wall" (also featured on back cover of this issue) for the event that was hung in the hall for loved ones to sign.



Mike Lyons, Ph.D.  
Assistant Professor  
Department of Communication Studies  
Interim Director, Justice and Ethics in the Law Minor Saint Joseph's University Philadelphia, PA

[www.jmikelyons.com](http://www.jmikelyons.com)  
twitter: @jmikelyons

## THE MOVEMENT

[www.hrcoalition.org](http://www.hrcoalition.org)



# The HomeFront: Serving Our Community!

## REPORTBACK: Day of Action to End Death By Incarceration



*Dear CADBI members and supporters,*

*On October 18th, over 200 people traveled to the State Capitol for the Day of Action to End Death By Incarceration (aka Life Without Parole) and to support House Bill 2135, which would make people serving life sentences eligible for parole after 15 years. We held a rally on the steps of the Capitol, and visited dozens of legislators, bringing a clear message that Death By Incarceration sentencing harms our communities.*

*This inspiring and powerful event would not have been possible without months of hard work by CADBI members on both sides of the prison walls. **To everyone on the inside who helped spread the word by contacting friends, family, and community leaders, THANK YOU!***

*In addition to the 200 people who came to Harrisburg for the day of action, hundreds more who could not be there physically sent messages of support, donated money, and contacted their legislators about this issue. We could not have done this without you.*

*Included here is a little more info on how the Day of Action went, where things stand with the bill, and where we go from here.*

### Lobbying

Early in the morning, about 30 people from Philly and Pittsburgh drove up to Harrisburg to do lobby visits before the rally. We met with 17 legislators and staffers, including key members of the House Judiciary Committee, to express our support for HB2135 and stress the importance of ending Life Without Parole. In addition to members of the House Judiciary Committee, we also met with other Democratic leaders in the General Assembly, as well as a few Senators to discuss the possibility of a companion bill being introduced in the Senate.



*CADBI supporters gather inside the capitol building.*

*Photo credit: Patricia Vickers*

In addition to our in-person lobbying efforts, we simultaneously held a call-in day so that people from across the state who were not able to come to Harrisburg could participate in the Day of Action. We asked people to call both their own representatives and Representatives Ron Marsico and Joseph A.



Petrarca, who chair the House Judiciary Committee, to ask them to support HB2135 and hold a House Judiciary Committee hearing on the bill.

## The Rally

Shortly after 11:00 am, crowds of people began showing up at the Capitol for the day of action. Three buses, along with several more cars, came from Philadelphia, as well as smaller delegations from Pittsburgh, Harrisburg, Reading, the Lehigh Valley and elsewhere. We gathered on the steps of the Capitol to sing, chant, and listen to speakers.



*Steve Blackburn speaks on the capitol steps.  
Photo credit: Joe Piette*

Many people gave powerful testimony about the importance of ending Death By Incarceration (DBI), including: Kimberly King, who lost one brother to gun violence and has another brother serving DBI; Steve Blackburn, who was serving DBI until his sentence was commuted in 1990; Jude-Laure Denis, the Executive Director of POWER Northeast who talked about the importance of faith and the need to directly confront white supremacy; Eric Miskovitch, who was recently released from prison and is now fighting to bring others home; Representative Jason Dawkins (who was joined at the podium by Representatives Vanessa Lowery Brown, Ed Gainey, Joanna McClinton, and the recently elected Chris Rabb), who spoke about why he introduced the bill and his commitment to moving it forward; Patricia Vickers, a CADBI and Human Rights Coalition leader whose son Kerry Shakaboona Marshall is serving a DBI sentence and is also a leader in this movement; and Terri Harper, a member of the LifeLines Project who is currently serving a DBI sentence at SCI Muncy and addressed the crowd via pre-recorded audio. CADBI's own Russell Maroon Shoatz III officiated the program.

We also listened to the audio recording of the "Lady

Lifers" at SCI Muncy singing their original song "This is not my home," and the entire crowd joined together to sing and chant about the need to end Death By Incarceration. In addition to the Representatives mentioned above, Representatives Jordan Harris, Angel Cruz, Thaddeus Kirkland, and Donna Bullock also attended the rally. We had artwork on display from many people serving DBI sentences and their family members, as well as signs, banners, and individual placards people had filled out highlighting their own personal reasons for wanting to end Death By Incarceration.

## Taking Harrisburg by Song

After the rally, we divided up into six teams and entered the Capitol building to again take our message to those in power, this time in the form of song. The teams traveled to different offices for a very special kind of lobbying. Much like people might travel from house to house singing carols at Christmas time, we traveled to legislative offices singing songs about the need to end Life Without Parole. Songs included "Go Tell it to the House Reps" to the tune of "Go Tell it on the Mountain," "An Aging Face" to the tune of "Amazing Grace", "When The Lifers Come Walking Home" to the tune of "The Ants Go Marching," and several others. At every office, we also left a packet of information for legislators about why this issue is so important and what they can do to support HB2135.



*CADBI members serenaded legislators with songs supporting HB 2135 and demanding they bring our people home. Photo credit: Joe Piette*

Before we left the Capitol building, over 100 of us convened at the entrance to the House Republican caucus room, where most of the

Republican representatives were meeting. We took that opportunity to loudly serenade them with our message. In addition to the songs, the halls of the capitol filled with the sound of all of us chanting "How're we gonna bring our loved ones home alive / We're gonna pass HB2135!" We then marched to the Democratic caucus with the same message.

## Media

Of course, protests can reach more people than just those who are in attendance, and through this action we were hoping to reach people across the state through the media and through our own networks. We are happy to report that the Day of Action was covered by CBS21, the Philadelphia Tribune, WURD, Generocity, and Workers World. On the same day as the rally, the Harrisburg Fox News affiliate also ran a poll on whether or not Pennsylvania should reconsider Life Without Parole, and State College News ran a story on LWOP just days later. We also produced our own media, taking pictures and videos that were shared by hundreds on social media.

## What's next for HB2135?

The introduction of House Bill 2135 -- which would make everyone sentenced to Death By Incarceration eligible for parole after 15 years -- was an unprecedented step towards ending DBI in Pennsylvania. The bill was introduced by Rep. Jason Dawkins, and initially co-sponsored by Rep. Vanessa Lowery Brown and Rep. Leslie Acosta. Since the bill was introduced, Representatives Kinsey, Kim, McClinton, Cook-Artis, Gainey, J. Harris, M. Daley, Bullock, Bloom, Sims and Cohen have also signed on as co-sponsors.



Rep. Jason Dawkins speaks about HB2135, a bill he introduced, which would allow Pennsylvanians incarcerated for life to apply for parole after 15 years. Photo credit: Patricia Vickers

Curious about the singing? Here is just one of the many songs from the protest (sung to the tune of The Ants Go Marching One by One)

### *When Lifers Come Walking Home*

*When lifers come walking home again  
Hurrah! Hurrah!  
We'll give them a hearty welcome then  
Hurrah! Hurrah!*

*Their moms will cheer and their kids will shout  
Their sweethearts they will all turn out  
We never thought we'd see the day  
When the lifers come walking home.*

*The lifers hold a precious key  
Hurrah! Hurrah!  
To ending violence we believe  
Hurrah! Hurrah!*

*The lifers have done their time we say  
They're ready to serve and they've changed  
their ways  
We never thought we'd see the day  
When the lifers come walking home.*

*Let love and friendship on that day,  
Hurrah, hurrah!  
Their lives we will not throw away,  
Hurrah, hurrah!*

*And let each one perform some part,  
To fill with joy the future's heart,  
We never thought we'd see the day  
When the lifers come walking home.*

While we were not able to move HB2135 out of the House Judiciary Committee before the 2016 legislative session came to an end, Representative Dawkins has made clear that he intends to reintroduce the bill as soon as the new session begins in January. In the coming legislative session we will continue to put pressure on the House Judiciary Committee Chairs to hold a hearing and bring the bill up for a vote.

We want to emphasize the fact that this fight is far from over. It was very unlikely that a bill like this one would move forward the first time it was introduced, especially given the reactionary nature of the PA General Assembly. Passing this bill will be a multi-year struggle and will require continued and escalating pressure and mobilization from people inside and outside of prison. It is a huge step in the right direction



I stand on the shoulders of our heroes and roar!!



Families & Community Speak Out!

## How Pennsylvania's Prison Population Exploded: Part Two

By: Martha R. Conley

As described last month in Part one of this article, the Pennsylvania Legislature ushered in the era of mass incarceration in Pennsylvania by passing 30 crime bills in 1995 with the help of then Governor Ridge and the Legislative Exchange Council (ALEC). Pennsylvania went from 12,000 prisoners in 1986 to more than 51,000 at its peak in 2012.

Pennsylvania is exceptional in many other ways:

1. "Pennsylvania has the highest incarceration rate among states in the Northeast". (Pgh. Post-Gazette 2-19-16).
2. In 2001 Pennsylvania incarcerated blacks at rates higher than several former slave states.
3. In 2001, The Pittsburgh Post-Gazette reported that 1,678 of every 100,000 blacks in the state are in prison compared to 117 of every 100,000 whites.
4. By 2005 the numbers had gotten worse: 2792 Blacks were incarcerated per 100,000 as compared to 305 whites per 100,000
5. It is the only state in the U.S. that does not provide any money on a statewide basis for indigent defense.
6. It has seen over 250 death sentences vacated since the death penalty was reinstated in PA in 1974.
7. PA has the second highest number of people (5000) serving life without parole (LWOP) in the country.
8. PA has over 500 people who were sentenced to LWOP as juveniles, some as young as 14 and most of them kids of color.

It doesn't take a whole lot to be sentenced to LWOP in Pennsylvania, even in the absence of physical evidence...a homicide unsolved for months, a detective that wants to close the case, indifferent legal representation and people motivated and/or coerced and facing prison time can lead to a conviction. Convictions also result from witnesses who go from "I didn't see his face to "That's him" after meetings with detectives. It helps if you happen to be black and you have a juvenile record. If you're a black kid in Pennsylvania as elsewhere a juvenile record comes easy. The detective can go to his files and pull up your name and you're it.

That's apparently what happened to Jerome Coffey, inmate # AS1558. Coffey was sentenced to life without parole for a crime he vehemently denies he committed. Although vehemence is no substitute for evidence, one's refusal to plead guilty and risk serious prison time (life or death) should at least suggest to detectives that they might want to consider other suspects...especially in a country where 95% of cases result in a plea bargain rather than a trial. Innocent people often are talked into pleading guilty to something they did not do upon being threatened with harsh prison sentences or life without parole or even death. The criminal justice system should not tolerate incarcerating innocent people to avoid the constitutional mandate of a jury trial. The detective in Coffey's case, after months of being unable to solve the crime, testified that he "went to his files" and Coffey was it.

The fact that crucial transcripts were "lost" by the court has helped to keep Coffey there for 23 years. The fact that he had an alibi matters not since his alibi came from his family. One of the witnesses in Coffey's case has since signed an affidavit saying detectives coerced his testimony against Coffey. Coffey's case is one of many that reeks of police misconduct in Philadelphia, famous for police corruption. In the 1995 police scandal in Philadelphia (one of many) police officers admitted to making arrests at night in order to earn overtime when they appeared in court the next day. They also admitted to false arrests, planting drugs on people, shaking down drug dealers, paying witnesses to testify falsely in court and testifying falsely themselves.

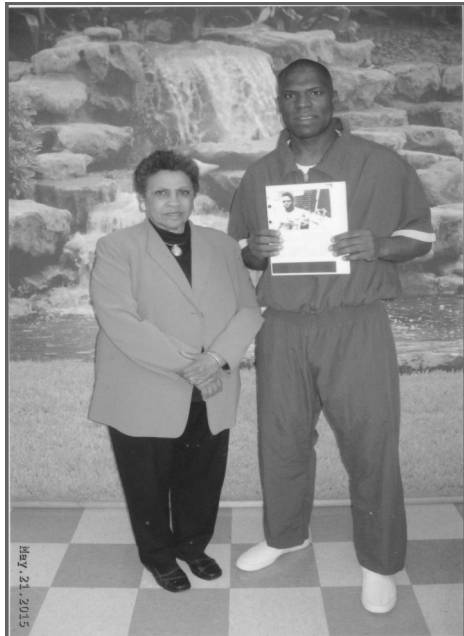


(Continued from page 16)

Mass incarceration has other serious consequences for the black community aside from the fact that it is mostly the black community that is locked up. According to the Prison Policy Initiative, "Eight Pennsylvania House districts meet minimum federal population requirements only because they count prisoners as local residents". However, prisoners in Pennsylvania cannot vote. "Crediting thousands of mostly urban minority men to other communities has staggering implications for modern American democracy, which use the Census to apportion political power on the basis of equally-sized legislative districts".

Counting prisoners as residents of the district where they are incarcerated is actually against Pennsylvania law that states, "[N]o individual who is confined in a penal institution shall be deemed a resident of the election district where the institution is located". The report goes on to say that counting prisoners where they are incarcerated pads those legislative districts and inflates the votes of residents who live near prisons while urban communities would be entitled to more representation if prisoners were counted as residents of their home communities as required by law.

Thanks to Jerome Coffey for his contribution of research to parts one and two of this article.



Martha R. Conley and Jerome Coffey

From: The New People, a publication of The Thomas Merton Center Pittsburgh

(Continued from page 22)

hepatitis C, and they should seek to enforce that right."

## Hepatitis C Legal Resources:

For the address of the ACLU office near you, ask a librarian, counselor, or loved one on the outside.

If you're in Massachusetts, or to ask for a copy of the class action complaint, write to:

National Lawyers' Guild, Massachusetts Chapter  
14 Beacon St., Suite 407  
Boston, MA 02108

ONLY if you're in Pennsylvania, for info and referrals, write to:

Abolitionist Law Center  
P.O. Box 8654  
Pittsburgh, PA 15221

ONLY if you're incarcerated in Tennessee AND have hep C or another disability, for info and referrals, write to:

Disability Rights Tennessee, Attn: Intake Unit  
2 International Plaza, Suite 825  
Nashville, TN 37217

For copies of the class action complaints, you may be able to find them using the law library or if a loved one outside can print and mail them to you:

[abolitionistlawcenter.files.wordpress.com/2015/08/chimenti-v-doc.pdf](http://abolitionistlawcenter.files.wordpress.com/2015/08/chimenti-v-doc.pdf)  
[www.clearinghouse.net/chDocs/public/PC-MA-0042-0001.pdf](http://www.clearinghouse.net/chDocs/public/PC-MA-0042-0001.pdf)  
[www.clearinghouse.net/chDocs/public/PC-MN-0003-0002.pdf](http://www.clearinghouse.net/chDocs/public/PC-MN-0003-0002.pdf)  
[www.aclu-tn.org/graham-et-al-v-parker-et-al/](http://www.aclu-tn.org/graham-et-al-v-parker-et-al/)

Or, for the PA class action complaint, write to:

PA Institutional Law Project  
718 Arch St #304S  
Philadelphia, PA 19106

I stand on the shoulders of our heroes and roar!!



Families & Community Speak Out!

## The long test of faith of Omar Askia Ali

BY MICHAEL Z. MUHAMMAD -CONTRIBUTING WRITER

Submitted by Mrs. Karen Ali from: [http://www.finalcall.com/artman/publish/National\\_News\\_2/article\\_103338.shtml](http://www.finalcall.com/artman/publish/National_News_2/article_103338.shtml)

*"The offense of the political prisoner is political boldness, the persistent challenging — legally or extra-legally — of fundamental social wrongs fostered and reinforced by the state. The political prisoner has opposed unjust laws and exploitative, racist social conditions in general, with the ultimate aim of transforming these laws and this society into an order harmonious with the material and spiritual needs and interests of the vast majority of its members." Angela Y. Davis*

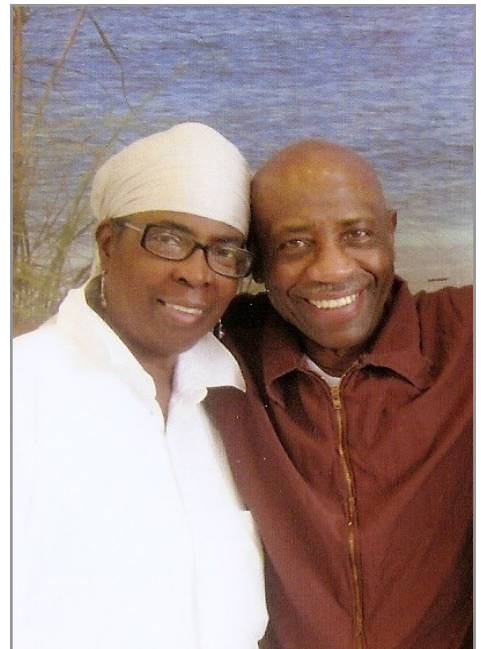
PHILADELPHIA—Edward X. Sistrunk, now known as Omar Askia Ali, was active in the Nation of Islam in the 1960s and 1970s as the movement pursued its mission of the complete spiritual, economic, social and political resurrection of the Black community. Family members say he has served 45 years in prison for a crime he did not commit and accuse the authorities of fabricating evidence that was presented to an all-White jury. His advocates are his family members. They are fighting to gain his freedom by educating the community about his plight and soliciting badly needed support.

According to wife Karen Ali, the family has hired an attorney that specializes in appeals, Shannon K. McDonald. "Although the family resides in different cities we are one in fighting to have Omar's conviction overturned," she told The Final Call.

While taking his children to the Muhammad University of Islam, he was pulled over by the Philadelphia police and ordered to take his children home as he was being taken downtown for questioning. That was in 1971 and Mr. Ali fell into a deep dark hole and was all but forgotten. He was accused of homicide and arson in the Dubrow Furniture Store heist. The case at the time was sensational, as six Black men allegedly robbed the store owned by a well-off Jewish businessman. During the robbery a fire was set and a maintenance man sadly lost his life. Omar Ali and another man were charged with the crime and sentenced to life in prison. He has languished there for nearly five decades. No forensic evidence was gleaned from the crime scene. He was identified through an old mug shot.

According to Mark Schafer, who acted as Mr. Ali's private investigator, there was a serious conflict between the arresting officer and Mr. Ali. "At the time of his arrest there was a horrid fear between city politicians and the police with the Nation of Islam," he stated in a radio interview. "Mr. Ali was very active going on street corners trying to get youth off drugs even confronting drug dealers. The arresting of-

(Continued on page 19)



Karen & Omar have fought this fight together. Mrs. Ali is a strong advocate and supporter of her husband's innocence and continues to lead in this struggle to right a wrong.

*(Continued from page 18)*

ficer was later arrested and convicted for shaking down and protecting the same dealers Mr. Ali was confronting. In effect he was targeted so that the competition could be removed," Mr. Schafer concluded.

Sylvester Johnson, a former Philadelphia Police Department commissioner, was also a member of Mosque No. 12 at the time. Mr. Johnson said he asked the district attorney's office to look again into the outcome of Mr. Ali's case. "Justice was not served correctly in his case. He deserves a new trial and I support him. From my knowledge the evidence against him is flimsy at best and he is the victim of the stacked jury," Commissioner Johnson told The Final Call.

Mr. Ali's attorney at the time of his appeal was Peter Goldberger. In a WDAS radio interview in 2003 he capsulized the case against his client. "The evidence against him was very weak. The district attorney's office used two strategies to obtain the conviction, one was stacking the jury with all Whites and the other was poisoning the jury with innuendo of race and religion," he said. "Actually during a federal hearing in 1990 his conviction was overturned based on constitutional and procedural issues. The private notes of the DA were admitted into evidence and it was found she stacked the jury. Upon appeal by the DA however in 1995, the court ruled (Mr. Ali's) lawyer in 1986 had dropped the issue from her brief and as a consequence the 1990 ruling was overturned," he said.

Mr. Goldberger told The Final Call the case was used to demonize Muslims and show they were not the clean cut respectable image they presented. "The evidence at trial was so absurd that one witness testified she dreamed she saw Mr. Sistrunk at the scene of the crime," Mr. Goldberger recalled.

Norris Gelman who is Caucasian and was in the district attorney's office at the time said in the same radio interview that Mr. Ali was not tried on evidence that resulted in his arrest. The attitude in the DA office was win at all cost, thus the mug shot identification was subordinated to his religion and race, he said. "It is a very disappointing way to try a case. To buttress a case on race and religion is not even evidentiary, it plays to prejudice," he said. Mr. Gelman verified the veracity of the radio interview with The Final Call, adding that he knew Mr. Ali as a good, kind and compassionate person.

After the initial conviction in 1971, there was a retrial and conviction. In his own defense, Mr. Ali writing for Decarcerate PA wrote, "One of the oldest and most pernicious of these inequities is that old relic of injustice called the 'ALL WHITE JURY.' All but forgotten by the general public. During the Philadelphia D.A. administration of Ron D. Castille (current chief justice of PA's Supreme Court), Assistant District Attorney (ADA) Jack McMahon in 1986 recorded a training session in which he taught the racist tactic to incoming ADA's. Later, in 1990, then director of training for the Philadelphia D.A.'s office, Bruce Sagel, taught the same tactic. Mr. Sagel's 'ideal jury' was '12 Archie Bunkers who will convict on little evidence.' The reference is to the bigoted lead character in the 70's sitcom 'All in the Family.' This type of racist and illegal policy has caused thousands upon thousands of African American defendants all over the country to be unjustly convicted."

According to court records, the detective who put the case together was a dirty cop. He was eventually charged, tried and convicted of bribery and jailed. He admitted to being high and stealing money during drug raids. The judge in the initial trial was James McDermott. His reputation in the Black community was the "hanging judge," said activists. Not only did he impose a life sentence but added an additional 10 to 20 years. The second trial was heard by Albert Sabo. The same judge that presided over the trial of famed journalist Mumia Abu Jamal, who received a death sentence for the murder of a police officer. While Judge Sabo dropped the tail off of Mr. Ali's sentence, the additional 10-20 years, he told him, "I've been keeping my eyes on you."

In vetting this story, The Final Call found through old news accounts that Mr. Ali has been a model prisoner from day one. Writing for the Philadelphia Tribune in 1982 Norris P. West published accounts of Mr. Ali's establishment of the Boxing Association of America (BAA) in prison. It was founded at Holmesburg Prison where he was originally incarcerated.

Harold Jamison writing for the legendary Philadelphia New Observer noted, "The Boxing Association of America is more than just a team of good amateur boxers. The non-profit's president/founder Edward 'Omar Askia Ali' Sistrunk has been breaking records ever since the

*(Continued on page 20)*



(Continued from page 19)

program started in 1979. The organization has instituted a number of positive programs such as victim compensation, fundraisers for sickle cell anemia and the Children's Hospital of Philadelphia. The BAA also has the distinction of staging the first prison boxing match staged in a public area at the old Philadelphia Civic Center in 1982. It was televised nationally by the late Howard Cosell," Mr. Jamison wrote.

The list of accolades for Mr. Ali's work while incarcerated is long and diverse. In 1983, in a news article published in the Philadelphia Daily News, Elmer Smith wrote, "The BAA received the Presidential Seal of Approval from President Ronald Reagan in the form of a written letter after he learned of the program."

Mr. Ali's activities have extended beyond his boxing program. John Woestendick writing for the Philadelphia Inquirer in 1986 documented his successful campaign for public bus service to Graterford Prison where loved ones could more easily visit incarcerated relatives.

He also started a Biodynamic Gardening Program chronicled by the Philadelphia Daily News in 2002.

The Final Call interviewed for this story a number of Mr. Ali contemporaries and members of Mosque No. 12 from that era, including the former Captain Daood Nasir, Imam Wali Bilal and Brother Bamba Ra. Each told the same story: "Bro Omar was not involved in the crime for which he is accused."

There may be light at the end of the tunnel for Mr. Ali with a recent Supreme Court ruling. In 1987, an 18-year-old Black man from Georgia, was convicted and sentenced to death for the murder of a 79-year-old White woman.

In May, the Supreme Court invalidated the conviction and sentence because prosecutors had struck every Black prospective juror at his trial—a violation of his constitutional rights. The ruling sent the case back to the Georgia courts, where the state may choose to retry the case. The ruling could also set the stage for a new trial for Mr. Ali. The Final Call contacted the Philadelphia District Attorney's office spokesperson Cameron Kline for comment. No one responded to the call.



Shannon K. McDonald

Mr. Goldberger believes all avenues for appeal have been closed and the best course of action is mounting a campaign for a governor's pardon. His current attorney, Shannon K. McDonald, told The Final Call that there has been a new ruling in constitutional law which may provide an avenue for appeal and he has filed a petition trying to use it.

For his part Mr. Ali told The Final Call, "I am the forgotten man." "Although I am innocent of the crime for which I was incarcerated I often wonder if I made myself a magnet for the authorities to arrest me? I know I was used as a scapegoat because of my activities to stop the flow of drugs into the Black community. This was the work of the Fruit of Islam at that time and we made enemies because of it."

Mr. Ali's legal defense fund is being managed by his sister Sharon Daniels. For more information, call: 267-581-7025.

## Your Legal Corner

WE ACCEPT LEGAL ARTICLES THAT EDUCATE AND EMPOWER FAMILIES OF PRISONERS OF THEIR CONSTITUTIONAL RIGHTS AND LAWS; AND HOW TO DEAL WITH THE POLICE, LAWYERS AND THE COURTS ON BEHALF OF THEIR LOVED ONES. SIMPLY FORWARD YOUR ARTICLE TO THE HRC'S NEWSLETTER DEPARTMENT FOR POSSIBLE PRINTING.

## Your Legal Right to Hep C Treatment

By Suzy Subways

In prison, a person must have enough time left on their sentence to complete the treatment. The new meds usually take 8 to 24 weeks. So a full year is no longer needed for treatment.

Some states have rules that say people in prison can only get treatment for hep C if they are close to dying of it. But all people in prison have a constitutional right to health care. Case law, also called legal precedent, is made up of decisions judges have made on lawsuits in the past that are used to decide cases now. Attorney Bret Grote of the Abolitionist Law Center says, "There's a lot of authority in the case law that standard of care in prisons is supposed to be consistent with the standard of care in the community." This means people in prison should be getting the same medical care as people outside.

The standard of care guidelines for hepatitis C are set by the American Association for the Study of Liver Diseases (AASLD) and the Infectious Diseases Society of America (IDSA). In October 2015, these organizations updated the guidelines. They now say everyone with chronic hep C should be cured, even those with mild liver disease. (Chronic hep C means the virus has been detectable for at least six months.) The only people the guidelines don't recommend the cure for are those who have a short life expectancy for reasons not related to hep C.

Grote says that some legal precedents mean that for prisons, the cost of medications can be a factor in the decision to deny treatment. But it can't be the only factor. And there is no clear way to draw a line between those who urgently need treatment and those who don't. Hep C is complex, and it doesn't progress in a predictable way. It's also hard to know whether hep C is causing other health conditions or not.

In a lawsuit Grote is working on to get the hep C cure for political prisoner Mumia Abu-Jamal, a federal judge ruled on August 31 that the way the Pennsylvania Department of Corrections (DOC) decides who gets hep C treatment violates the U.S. Constitution. "This is the first legal decision by a court in the United States establishing that prisoners with chronic hep C have a right to the cure," Grote says. The ruling should influence judges in other states and the federal system. (The case is *Abu-Jamal v. Kerestes* 3:15-CV-00967 in U.S. District Court, Middle District of PA.)

### Class action lawsuits:

Lawyers in Pennsylvania (PA Institutional Law Project), Massachusetts (Prisoners' Legal Services and National Lawyers Guild), Minnesota (International Humanitarian Law Institute), and Illinois have filed class action lawsuits. They argue that denying the hep C cure in prison because of the cost is deliberate indifference to a medical need, which is cruel and unusual punishment and therefore violates the Eighth Amendment of the Constitution. Lawyers and activists in Tennessee (ACLU-TN, Disability Rights Tennessee, and No Exceptions Prison Collective) have filed a similar lawsuit seeking class action status.

A class action lawsuit affects everyone in the "class," whether or not you are named in the lawsuit. So if these lawsuits win, everyone in prison with hep C in those states could be eligible to receive treatment in the future. Grote explains, "If the class action is successful, people can expect that the DOC will be forced to treat more people. But how many people, and how fast?" Even if you are in a state with a class action lawsuit, you may want to advocate for yourself to get the cure if you are sick. It could be years before the class action is resolved, after the judge has made a decision and the DOC appeals.

(Continued on page 22)

## Advocating for yourself:

Before going into court, you'll need to exhaust all administrative remedies, Grote says. You may need help from medical staff to find out what your hep C viral load and fibrosis level are. Ask about your platelet count and whether there has been anything abnormal in your blood tests. If you have loved ones outside who can call the medical staff and ask them to cure your hep C, that might help. You may need to sign a release form to let your loved one have your medical information.

Before filing a grievance, you'll need to put the request on paper and get a denial of the request on paper. For a strong case, you have to prove that the decision to deny medication was based on the high cost. Your grievance can say, "Because there's no medical reason for refusing the care, I request that this be remedied. Failure to do so would be deliberate indifference to a serious medical need." Proper procedures can be different at every facility. It's important to meet all deadlines and comply with all rules, so they consider the grievance on merits.

The prison may respond to your grievance by saying you are being treated already because medical staff are monitoring your condition with blood tests. This is still deliberate indifference, Grote says. "In prison, proving cruel and unusual punishment requires a higher standard than medical neglect," Grote says. "The prison often says, 'The plaintiff wants x treatment, but we gave him y treatment.' But with hep C, there's only one way to treat it. Other case law says providing treatment known to be less effective still exposes the person to unacceptable risk of injury. The key is to establish that the defendants were aware of risk to health and didn't take reasonable measures to stop that."

## Finding a lawyer:

It can be very hard to find a lawyer when you're in prison. It can help to ask jailhouse lawyers or old timers who to contact on the outside. Grote recommends asking around for a criminal defense attorney with a good reputation, or a lawyer who's not afraid to go against the DOC. If a lawyer says they're not available, ask if they can refer you to another lawyer. "Attorneys are more likely to return calls referred from other attorneys they trust," Grote says.

The American Civil Liberties Union (ACLU) has an office in every state and Puerto Rico. It's best if you write to the ACLU office closest to your facility. If they can't represent you, ask them for the addresses of civil rights lawyers, attorneys who do prison litigation, and activist legal projects near you.

If you're in a state with a class action lawsuit, you may want to write to the attorneys on that case to ask if they'll consider representing you or referring you to another lawyer. If you are very sick with advanced cirrhosis, ask the class action attorneys to consider seeking an injunction to get you treatment.

If there is no class action lawsuit in your state yet, Grote advises people to try to get one started. "People should reach out to lawyers in other states who have filed class action suits or those on the outside who can obtain filings from those lawsuits. Get the complaints, get the briefings, and present them to attorneys in your state," he says. "Lawyers will be more likely to be persuaded if they have these materials."

## If you can't find a lawyer:

It's important to try to find an attorney, Grote says. "If a pro se litigant goes into court against the state, and the state calls its doctors and medical witnesses, it's unlikely the litigant will get far, unless they have a lot of data on their health and understanding of hepatitis C." An experienced lawyer can find doctors to serve as expert witnesses for you.

If you can't find an attorney, representing yourself (pro se) can be a good idea. It can even build the case law, setting good precedent, and help others. It's important to stay informed about the progress of cases like yours. One good way is to subscribe to *Prison Legal News* (see page 15).

Grote believes that it's only a matter of time before people in prison will get the cure for hep C. "We need to put up a more aggressive fight to make sure it happens more quickly," he says. "Incarcerated people have a right to the cure for

(Continued on page 17)



## Major Tillery Battles On

By Mumia Abu-Jamal

For over 31 years, Major Tillery has been a prisoner of the State.

Despite that extraordinary fact, he continues his battles, both in the prison for his health, and in the courts for his freedom.

Several weeks ago, Tillery filed a direct challenge to his criminal conviction, by arguing that a so-called "secret witness" was, in fact, a paid police informant who was given a get-out-of-jail-free card if he testified against Tillery.

Remember I mentioned, "paid?"

Well, yes--the witness was 'paid'--but not in dollars. He was paid in sex!

In the spring of 1984, Robert Mickens was facing decades in prison on rape and robbery charges. After he testified against Tillery, however, his 25-year sentence became 5 years: probation!

And before he testified he was given an hour and a ½ private visit with his girlfriend--at the Homicide Squad room at the Police Roundhouse. (Another such witness was given another sweetheart deal to lie on Major, and get off!)

To a prisoner, some things are more important than money. Like sex!

In a verified document written in April, 2016, Mickens declares that he lied at trial, after being coached by the DAs and detectives on the case.

He lied to get out of jail--and because he could get with his girl.  
Other men have done more for less.

Major's 58-page Petition is a time machine back into a practice that was once common in Philadelphia.

In the 1980s and '90s, the Police Roundhouse had become a whorehouse.

Major, now facing serious health challenges from his hepatitis C infection, stubborn skin rashes, and dangerous intestinal disorders, is still battling.

And the fight ain't over. --©'16maj

# MAJOR TILLERY, THE MAN

## INTERVIEW OF MAJOR TILLERY

By: Shakaboona Marshall

*Major Tillery is a well-known, highly respected man, Revolutionary, Prisoners' Rights Activist, Religious Leader, and Human Rights Advocate. I have had the honor of interviewing Major Tillery from September – October 2016, sometime after he was retaliated against by the Pa. Dept. of Corrections (PDOC) for exposing the death plot on political prisoner Mumia Abu-Jamal's Life at State Correctional Institution SCI-Mahanoy and after newly-discovered evidence was presented that undoubtedly prove Major Tillery's innocence of murder. The below Question and Answer will give people a better understanding of who Major Tillery is as a person, and that he is more than the man that saved Mumia Abu-Jamal's life. Meet the Man, Major Tillery.*

**Shakaboona:** As-Salaam Alaikum my brother. I salute you with a raised clenched fist. It's an honor to finally interview you. I've been interested in interviewing you for some time now. Unfortunately, circumstances didn't permit it to happen. But here we are now brother. So let's get to it. In political activist circles they are calling you "The Man Who Saved Mumia Abu-Jamal's Life". What are your thoughts about that? And take us through what happened with Mumia Abu-Jamal at SCI-Mahanoy?

**Major:** Walaikum As-Salaam. In The Name of Allah (God), The Beneficent, The Merciful. Thank you for interviewing me Brother Shakaboona. The only thoughts I have about saving Mumia is that I've been in prison for 33 years and have watched men, known and unknown, die from the lack of human concern for prisoners by prison staff. Prisoners use to care for each other and force the prison staff to seek medical help for each other. Now, due to the lack of concern and the fear many of these new prisoners have for the Hole (Solitary Confinement), they will step over each other and let you die. I saw brother Mumia wasting away and explained to him he needed to go to the hospital. I really didn't know how disoriented and sick he was until I saw him the law library. I then saw Superintendent John Kerestes on the block and explained to him that Mumia was in his 60s and needed emergency medical attention. He was deliberately indifferent to Mumia's medical situation and explained to me how I should worry about myself. I told him that Mumia was my business and that I was going to see to it that he gets the medical attention he needed. I then took action. I would have done the same for any prisoner that was in the predicament that Mumia was in.

**Shakaboona:** I was informed that there was a huge backlash of retaliation against you by the PDOC for making the public aware of Mumia Abu-Jamal's dire medical condition. Why were the PDOC so angry and hostile towards you over Mumia? And in what ways did the PDOC retaliate against you for coming to Mumia's aid?

**Major:** Well, the PDOC are angry at me because I foiled their conspiracy to murder Mumia by way of intentionally denying him medical treatment. The PDOC retaliated against me because I exposed their plot to kill Mumia through their medical department to the world. That day, my assigned cell was searched and ransacked by guards. I was removed from my prison job as a Peer Educator Specialist. The next week my cell was searched and ransacked twice more by the Security Officers. The week after that, prison staff packed my property up, placed me in a transport van, and emergency transferred me to SCI-Frackville where I was immediately placed in the Hole for allegedly receiving a letter with drugs [on] it. I have a civil lawsuit in about the PDOC's retaliation and phony drug accusation against me, along with a sworn affidavit from the man the letter allegedly came from. The PDOC never even contacted the man to investigate the matter, because it was a false accusation to begin with fabricated to justify the emergency transfer of me and my placement in long-term solitary confinement.

**Shakaboona:** What is your situation like now? And what can the political activist community do to further support you.

**Major:** My legal investigator Rachel H. Wolkenstein told she sent you the new event of my criminal case that proves my innocence. People can help me retain an attorney to represent me in the post-conviction appeal process to help me get free and can pressure the PDOC to have me transferred from SCI-Frackville, which is a punitive prison. You know about the racism and oppressive purpose of this prison.

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**Shakaboona:** Yes. I'm very aware of the culture of white supremacy and wickedness of SCI-Frackville's officials against Black and Latino prisoners and I hope people help pressure the PDOC to transfer you from that place. I have read the newly-discovered evidence in your post-conviction appeal case showing and proving your actual innocence, and with the right attorney you can definitely regain your freedom. Can you give a brief overview of the police and District Attorney's (D.A.) frame-up of you and the corruption they engaged in with your case?

**Major:** As you know I was a member of *The Nation Of Islam (NOI, The Nation)* since the late 1960s, in fact, since 1968. In the late 1970s under the leadership of Imama Warith Deen Muhammad - son of The Most Honorable Elijah Muhammad - we turned over from what we called *The First Resurrection* in the NOI to following *Sunni Islam*. I was never in the so-called *Black Mafia*, which the white press invented along with the term *Black Muslim*. I have never wanted nor have been inspired to be or copy off of White Gangsters or any gangster. I grew up on *The Brotherhood* of our religion Islam. Yeah, I engaged in gang war when I was young boy from the 49<sup>th</sup> & Woodland Avenue gang. But in my teens, in the 1960s, I became aware of America and Black people's deplorable position here and wanted to do something positive about it. I mention that to say this, the State's jailhouse informant witness Emanuel Claitt explained – which I sent you the affidavit statement he made and that's also on You Tube – how the D.A.s Office and Detectives hated me for my participation in The Nation Of Islam and falsely accused me of being a member of The Black Mafia in order to convict me of a crime I didn't commit. You have to remember that the government's CoIntelPro operations was going on at the time to destroy radical Black organizations, and The Nation Of Islam and its leaders were on that list to be neutralized. D.A. Barbara Christie and Roger King and Detective Gerald played their part by setting up a lot of brothers and sisters in the early 1970s.

I know you haven't seen the video of these lying witnesses on YouTube, but you have their recanting sworn statements showing how the D.A. and Detectives coerced and bribed the jailhouse informants with sex with their girlfriends while in police custody and with reduced sentences in their criminal cases, just to have them say what the D.A. wanted them to say for my conviction. Jailhouse informants Emanuel Claitt and Robert Mickens, along with a lot of other informant witnesses, were recruited to be professional witnesses for the Philly Police Dept. and D.A.'s office. The evidence shows this.

**Shakaboona:** Although the public is just coming to know you as “The Man Who Saved Mumia Abu-Jamal's Life”, you are a highly respected and well-known – some say Legendary – prisoner activist, jailhouse lawyer, religious leader, and human rights advocate in your own right. Even Mumia Abu-Jamal wrote admiringly of your brilliant legal acumen and activism in his book ‘*Jailhouse Lawyers*’ when describing your historical victory in the precedent-setting class action lawsuit of **Tillery v. Owens**. There aren't many prisoners who don't know the name Major Tillery and of your contributions to the human rights prisoner movement in Pennsylvania. For the general public's sake, can you tell everyone about yourself?

**Major:** I've been in prison for 33 years now. I was sent to the Marion Illinois Federal Prison by the PDOC in retaliation for filing the class action suit Tillery v. Owens to help mentally ill prisoners and more. The PDOC never had a Special Needs Unit (SNU) for the mentally ill until we won the Tillery v. Owens lawsuit. I grew up in the 1960s with Edward Africa (Goodman) of the MOVE organization who lived next door to me and were best friends. He went and joined with MOVE and I joined The Nation Of Islam. I have been sent to prisons all over the United States due to my political activism. The PDOC would trade me for other prisoners, the way they traded slaves. The reasons they gave for the transfers was that I had influence over other prisoners and was a threat to the Dept. of Corrections because of this. Because I fight for prisoners' human rights, am influential with prisoners, am a jailhouse lawyer, and am a MAN that demands respect and humane treatment in prisons, the PDOC have kept me in the Control Units in every state prison I've been to for over 20 years! I've had 12 misconduct reports against me in 33 years of imprisonment, yet I've been sent to out-of-state prisons more than any other Pennsylvania state prisoner.

**Shakaboona:** In 2015, Mumia filed a civil lawsuit in Federal Court concerning the PDOC's denial of curative Hepatitis C medical treatment in the case Mumia Abu-Jamal v. Kerestes. Recently, the court denied Mumia's motion for preliminary injunction for allegedly suing the wrong officials, though that wasn't true. Have you read the Court's Opinion yet? If so, what are your thoughts about the court's decision?

**Major:** I felt the exact same thing you did about the court's opinion. But I think the court is giving the PDOC time to change their policy before our Brother Mumia amends his lawsuit.

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**THE MOVEMENT**

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**Shakaboona:** You're right about that! Men and women are dying weekly in the prisons' infirmary because these pigs don't want to pay the cost to medically treat prisoners. In addition to that, the government uses the health crisis in prisons to extra-judicially murder well-known political prisoners from the 1960s – 80s under the guise of medical neglect. For example, look at the intentional medical neglect deaths of political prisoners Marilyn Buck, Mondo we Langa, Merle Africa, Phil Africa, and the brother from The Angola 3 (Herman Wallace). Not to mention the near-death medical neglect of political prisoners Lynne Stewart, Russell 'Maroon' Shoatz, Leonard Peltier, Imam Jalil (formerly H. Rap Brown), Mumia Abu-Jamal, and recently Brother Lumumba (co-defendant of Maroon). What do you think about this?

**Major:** What I've learned is that the America system – even in the times of the '60s – leaders had great patience and would act like we're winning and are making great progress. But they knew, through the history of slavery, we were taught to have short attention spans. So the oppressors wait for the political-minded brothers and sisters to get old, knowing the young generations would forget. They know time cease and just the "everyday struggle" will weed the potential leaders among us out. So the stand-up ones who are left are discredited, caged, or killed by the enemy of our people. They place the real brothers who understand the fight in prisons and then in the Holes of prisons which are really mental asylum dungeons. And there, the oppressors – using their Dept. of Corrections – hope that this environment will break you down to a mental basket case, a feces thrower, or one who grind-up other prisoners on behalf of the enemy to the point that those prisoners break as well. So when the pigs take brothers and sisters that their "Hole" can't break, they try to snuff out their lives in other ways, like intentionally denying them medical treatment for cancer, diabetes, and Hep-C until they die. Because they don't want such influential prisoners to teach other prisoners how to raise their consciousness, how to survive together, and how to resist.

**Shakaboona:** In light of the out-of-court settlement victory in *Shoatz v. Wetzel* in 2015, we are now seeing the gradual dissolution of the PDOC's use of indefinite solitary confinement as a weapon against mostly conscious prisoner activists and political prisoners. Is it now possible that, with legal representation and outside support, political prisoners like Joseph "Joe-Joe" Bowens and Arthur "Cetewayo" Johnson can now finally get released from indefinite solitary confinement as well?

**Major:** Yes. As of this moment, the Federal District Court recently has ordered Cetewayo's release from permanent solitary confinement after serving almost 40 years in the Hole, at last!!! So many prisoners in like situations can now get out the Hole.

**Shakaboona:** In regards to indefinite solitary confinement, courts across the country are pronouncing rulings against its use, like in the case of *Incumaa v. Sterling*, 791 F.3d 517 (4<sup>th</sup>. Cir. 2015). Are PA Courts headed in the same direction?

**Major:** Yes. Kicking and screaming all the way. And still trying to find ways to keep you locked-down in the Hole.

**Shakaboona:** You're right about that! Now in PA there's also a growing movement to pressure the state's legislature to pass a law to provide parole eligibility to prisoners serving Life-Without-Parole (LWOP)/Death-By-Incarceration (DBI) prison terms. How can **prisoners assist in this endeavor?**

**Major:** I've been reading the instructions you and Brother Omar Sistrunk been giving about this issue, and I would only repeat what y'all said. We need the public support. We need to organize prisoners, our families and friend, our neighborhood churches and mosques, our community organizations, and our grassroots activists and student activist to strategically confront the PA political establishment through voting, protests, boycotts, occupations and more.

**Shakaboona:** The PA Commutation Board is being challenged now too. A campaign to get commutation for prisoners serving LWOP/DBI sentences is in effect. Have you any suggestions about this matter?

**Major:** I've been giving this a lot of thought. But PA is so out of touch from what's going on in other states. I would suggest that all prisoners and their families join the commutation campaign. Find out the organization(s) that's spear-heading the commutation campaign, join it, and become active in it.

**Shakaboona:** What's the current state of the Human Rights Prisoners' Movement in relation to human rights issues of mass incarceration, abuse and torture, solitary confinement, LWOP/DBI sentences, Prison Abolition, and Black Lives Matter?

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**Major:** I'm very happy to see so many young people coming to the realization that it's up to them to take the forefront of the fight. And as our history and the present show, it's the Black women who are out-front in the struggle for justice and freedom, arguing and fighting for the police to stop shooting down unarmed Black women, men, and children. That's why any young brothers that come my way, I'm at them about two words they like to use, "bitches" and "niggers". Because they're offensive and degrading terms towards our women and men, and what you think and call yourself matters. It's the sisters (Black women) out there fighting for our asses – not bitches!. Ya dig. Remember that. And it tells a lot about a "people" by the names they "accept" to be called.

**Shakaboona:** Brother, statistics show that we are suffering today the same or greater economic hardships, social injustice, racism, and oppression in America despite some modest gains than our generation before us have had. Do you think the Black Lives Matter movement activists are showing us and other oppressed peoples a radical way forward in dealing with our condition as a people? And is it enough?

**Major:** No one group can carry 400-plus years of oppression. But the young people out there are starting to move forward. What we have to show them is how we made our mistakes in the 1960s and '70s by thinking we won and allowing ourselves to be sucked into a society and culture that put us back to sleep in mental death and modern slavery. At 66 years old, it seems to me like the movie 'Groundhog Day', where we as a people keep falling for the banana in the tailpipe of the car trick by the enemy, generation after generations.

I hear the brothers my age always complaining about the young brothers not being shit. And my response to those old guys is the same, if young people ain't shit, then what does that make us? Because these are our children and grandchildren, so how can we separate ourselves from them. We're the ones that miss-taught the young brothers and sisters out there in society, so that means we must not be shit either. They learned from us, ya dig. And that's a fact we have to correct. The worse thing in life is an old fool who waits until he's 50 years old to be a gang leader. Man up! Until the day I walk free or get carried out this joint, I will fight for the rights of prisoners, our youth, and people who identify with our people's struggle for Truth, Freedom, Justice, Equality, and Peace.

**Shakaboona:** Well my Brother, it's time to bring this historical interview to an end. Are there any final thoughts?

**Major:** Brother Shakaboona, first I want to thank you and commend you on the work that you do. Secondly, I wish to express my deepest appreciation for the help I received from Rachel H. Wolkenstein, Esq. and Nancy Lockhart who has investigated my case on mostly her own dime (\$\$\$), and for their undying support. Rachel and Nancy believe in my innocence and were among the first to reach out to help prove my innocence and regain my freedom. I thank them both.

I have a real chance to be free once more, but I need the people's help. I need a lawyer to help me with my appeal. My case is one of the largest police and D.A. corruption cases in decades that need to be exposed to the public and courts. I don't have to tell you but a lot of Philly lawyers will not touch this kind of corruption case, 'cause they're too scared to be labeled as '*persona non grata*' in their circle of judicial peers. So I need the support of the people, first and foremost, and of judicial activists. And together WE WILL WIN!

Stay strong Shakaboona. It was good speaking with you. As-Salaam Alaikum.

**Shakaboona:** It was an honor to speak with you once again Major. Likewise, stay strong, healthy, patient, wise, and unbroken. My raised clenched-fist salute to you Major Tillery!

Walaikum As-Salaam.



# For 31 Years Major Tillery Has Claimed His Innocence

## A Case of Gross Prosecutorial Misconduct and Police Corruption

### Videotape of Prosecution's Jailhouse Informant Exposes Truth:

*[Major Tillery] didn't do that crime . . . If right is right, right gonna prevail because the DA knows that they lied and got me to lie. I want to free my conscience. I can't live with myself knowing that I did that.*

-- Emanuel Claitt, videotaped August 3, 2016

On September 7, 2016, Major Tillery filed a *pro se* Supplemental Post-Conviction Petition, including the videotape of the prosecution witness, Emanuel Claitt. This sworn and recorded statement is proof of what Major Tillery has always insisted: He is *innocent* of the poolroom shootings on October 22, 1976 that left one man dead and another wounded.

Emanuel Claitt's 1985 testimony at Major Tillery's trial was all lies manufactured by police detectives and the prosecution. Claitt swears the police and prosecution threatened and coerced him with false murder charges and induced him to perjure himself with favorable plea deals and allowing sexual encounters with his girlfriends in the police homicide interview rooms.

Claitt's statement that he was offered sexual favors in exchange for lying against Major Tillery is corroborated with documentation of the homicide detectives on his case, Lawrence Gerrard and Ernest Gilbert, arranging the sexual encounters. Newly discovered login sheets for police headquarters (the "Roundhouse") for December 14, 1983 show that Emanuel Claitt signed in under one detective and his girlfriend assigned in with the other detective during the same time. However, a Right to Know Request for all relevant login sheets was denied by the police department stating the records are "no longer possessed" by the police department.

In May 1985 Major Tillery was convicted of homicide, assault, weapons and conspiracy charges for the death of Joseph Hollis and wounding of John Pickens. The prosecution had no evidence linking Major Tillery to the crime, despite the car keys, clothing, money and drugs found at the scene. The surviving victim of the shooting named two other men as the shooters. No charges were brought against Tillery and his co-defendant, William Franklin, for four years.

In the spring of 1980 trial homicide detectives coerced a false statement from jailhouse snitch Emanuel Claitt who was facing serious felony charges and years of state time. Claitt's lying testimony was the only evidence against Franklin at his November 1980 trial. At Major Tillery's trial in 1985, the prosecution produced a second informant to testify that he heard shots coming from the



Major Tillery's Family from left to right: Nejii, Daughter - Kamilah, Major Tillery, and Granddaughters.

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poolroom and that he believed Tillery was inside. These jailhouse informants now *swear they had no actual knowledge of the shooting and were not present on the scene.*

Both prosecution witnesses have come forward with sworn declarations that their testimony was fabricated, coached and perjured by the prosecution and homicide detectives. Emanuel Claitt names Philadelphia Assistant District Attorneys Leonard Ross, Roger King and Barbara Christie and Homicide Detectives Lt. Bill Shelton, Larry Gerrard, Ernest Gilbert, and Leon Lubiejewski as responsible for presenting this manufactured testimony against Major Tillery. Many of these officials of the criminal justice system have been previously cited for defendants' false convictions and suppression of favorable evidence.

Major Tillery filed a *pro se* Post-Conviction Relief Petition on June 15, 2016 based on the new evidence provided by the sworn witnesses statements of Emanuel Claitt and Robert Mickens establishing that the Commonwealth of Pennsylvania committed fraud on the court and jury which undermined the fundamentals of due process when it manufactured and presented false evidence to convict Major Tillery of a crime he did not commit.

In attempt to sweep this case under the judicial rug, on August 19, 2016 Judge Leon Tucker filed a Notice of Intent to Dismiss Major's PCRA petition. A *pro se* Response was filed on September 7, 2016 disputing the judge's initial determination simultaneously with filing the *pro se* Supplemental Petition including the Emanuel Claitt videotape. It is an uphill battle to even get the court to consider this claim of fundamental injustice. Major Tillery has filed *pro se* and needs legal representation to proceed and win his case.

Major Tillery has languished in prison over 31 years because of prosecutorial misconduct and police corruption. This was a textbook criminal story of bogus convictions. Major Tillery turned 66-years-old on September 5, 2016 and has spent over three decades in prison for crimes he did not commit. Twenty of those 31 plus years were spent in solitary confinement. Tillery has endured many very serious medical issues and medical neglect. Currently, he is plagued with serious illnesses that include Hepatitis C, liver damage, stubborn skin rashes, intestinal disorders and arthritis.

MAJOR TILLERY URGENTLY NEEDS YOUR HELP TO OVERTURN HIS CONVICTION AND WIN HIS FREEDOM.

MAJOR TILLERY IS NOT REPRESENTED BY AN ATTORNEY AND NEEDS YOUR ASSISTANCE TO RETAIN ONE.

FOR MORE INFORMATION, TO READ THE NEW APPEAL, OR TO **DONATE** GO TO: ***JusticeForMajorTillery.org***

You may write to Major Tillery at:

**Major Tillery AM9786**  
SCI Frackville  
1111 Altamont Blvd.  
Frackville, PA 17931

**Major Tillery**  
PO Box 13205  
2347 N 7<sup>th</sup> Street  
Harrisburg, PA 17110

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"We're going to make an effort to draw on academics and practitioners as well as jurists from around the country to bring us up to date on the best practices," Wecht said.

But no system is perfect, and Wecht admitted as much. There is no way to totally stamp out bad behavior; he said it would be like creating a police force that could prevent all crime.

"There's no fool-proof system that can guard against human frailty," Wecht said. "What we can do as a Supreme Court is try to structure and implement the best we can judicial education and judicial discipline and try to be the best jurists we can be."

"Even if all judges in the aggregate are part of a wonderful system of human professionals," he added, "every now and again someone is going to go off the rails. We can strive to prevent that, but it is inevitable every now and then there is going to be an outlier."

From: <http://www.thelegalintelligencer.com/id=1202770132452/Why-Do-Pennsylvanias-Courts-Suffer-From-Chronic-Scandal?mcode=0&curindex=0&curpage=ALL>

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**Sudoku #1 (Hard) Answers on page 32**

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# What's The News!



## ***Protesters Gain Victory in Fight Over Dakota Access Oil Pipeline***

By JACK HEALY and NICHOLAS FANDOS  
DEC. 4, 2016

Flags flap in the wind on the main thoroughfare of Oceti Sakowin Camp on the edge of the Standing Rock Sioux Reservation, Dec. 3, 2016 outside Cannon Ball, North Dakota.

CANNON BALL, N.D. — The Standing Rock Sioux Tribe won a major victory on Sunday in its battle to block an oil pipeline being built near its reservation when the Department of the Army announced that it would not allow the pipeline to be drilled under a dammed section of the Missouri River.

The Army said it would look for alternative routes for the \$3.7 billion Dakota Access pipeline. Construction of the route a half-mile from the Standing Rock Sioux reservation has become a global flash point for environmental and indigenous activism, drawing thousands of people out here to a sprawling prairie camp of tents, teepees and yurts.

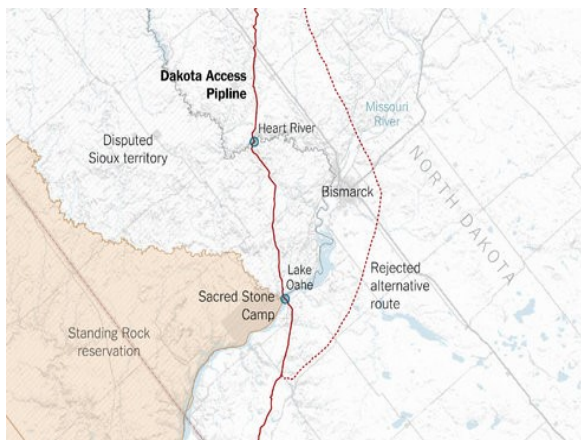
“The best way to complete that work responsibly and expeditiously is to explore alternate routes for the pipeline crossing,” Jo-Ellen Darcy, the Army’s assistant secretary for civil works, said in a statement. The move could presage a lengthy environmental review that has the potential to

block the pipeline’s construction for months or years. But it was unclear how durable the government’s decision would be. Sunday’s announcement came in the dwindling days of the Obama administration, which revealed in November that the Army Corps of Engineers was considering an alternative route. The Corps of Engineers is part of the Department of the Army.

President-elect Donald J.

Trump, however, has taken a different view of the project and said as recently as last week that he supported finishing the 1,170-mile pipeline, which crosses four states and is almost complete.

### **The Conflicts Along 1,172 Miles of the Dakota Access Pipeline**



[A detailed map showing the Dakota Access Pipeline that has led to months of clashes near the Standing Rock Sioux Reservation in North Dakota.](#)

Though the Army’s decision calls for an environmental study of alternative routes, the Trump administration could ultimately decide to allow the original, contested route. Representatives for Mr. Trump’s transition team did not immediately respond to requests for comment.

Mr. Trump owns stock in the company building the pipeline, Energy Transfer Partners, but he has said that his support has nothing to do with his investment.

There was no immediate response from Energy Transfer Partners, but its chief executive, Kelcy Warren, has said that the company was unwilling to reroute the pipeline, which is intended to transport as much as 550,000 barrels of oil a day from the oil fields of western North Dakota to a terminal in Illinois.

Reaction was swift on both sides, with environmental groups like Greenpeace praising the decision. “The water protectors have done it,” a Greenpeace spokeswoman, Lilian Molina, said. “This is a monumental victory in the fight to protect indigenous rights and sovereignty.” But Craig Stevens, a spokesman for the MAIN Coalition, a pro-infrastructure group, condemned the move as “a purely political decision that flies in the face of common sense and the rule of law.”

“Unfortunately, it’s not surprising that the president would, again, use executive fiat in an attempt to enhance his legacy among the extreme left,” Mr. Stevens said in a statement. “With President-elect Trump set to take office in 47 days, we are hopeful that this is not the final word on the Dakota Access Pipeline.”

Representative Kevin Cramer, Republican of North Dakota and a Trump supporter, called Sunday’s decision a “chilling signal to others who want to build infrastructure in this country.”

“I can’t wait for the adults to be in charge on Jan. 20,” Mr. Cramer said, referring to Mr. Trump’s inauguration. Still, the announcement set off whoops of joy inside the Oceti Sakowin camp. Tribal members paraded through the camp on horseback, jubilantly beating drums and gathering around a fire at the center of the camp. Tribal elders celebrated what they said was the validation of months of prayer and protest.

*(Continued on page 32)*



# What's The News!

(Continued from page 31)

"It's wonderful," Dave Archambault II, the Standing Rock tribal chairman, told cheering supporters who stood in the melting snow on a mild North Dakota afternoon. "You all did that. Your presence has brought the attention of the world."



The decision, he said, meant that people no longer had to stay at the camp during North Dakota's brutal winter. The Corps of Engineers, which manages the land, had ordered it to be closed, but the thousands of protesters had built yurts, tepees and bunkhouses and vowed to hunker down.

"It's time now that we move forward," Mr. Archambault said. "We don't have to stand and endure this hard winter. We can spend the winter with our families." Law enforcement officials and non-Native ranchers in this conservative, heavily white part of North Dakota would like little more than to see the thousands of protesters return home. The sheriff has called the demonstrations an unlawful protest, and officials have characterized the demonstrators as rioters who have intimidated ranchers and threatened and attacked law enforcement — charges that protest leaders deny.

But on Sunday, several campers said they were not going anywhere. They said that there were too many uncertainties sur-

rounding the Army's decision, and that they had dedicated too much time and emotion to this fight to leave now.

Federal and state regulators had issued the pipeline the necessary permits to proceed, but the Corps of Engineers had not yet granted it a final easement to drill under a stretch of the Missouri River called Lake Oahe.

The Standing Rock Sioux had objected to the pipeline's path so close to the source of their drinking water, and said any spill could poison water supplies for them and other reservations and cities downstream. They also said the pipeline's route through what are now privately owned ranches

bordering the river crossed through sacred ancestral lands. News of the government's denial came after the size of the camp had swelled with hundreds, perhaps thousands, of Native and non-Native vet-



erans who had arrived to support the tribe. As word spread, people who had camped out here for months, sometimes in bitterly cold temperatures, and who had clashed violently with local law enforcement, linked arms and cheered and cried.

They screamed, "Mni wiconi!" — the movement's rallying cry — which means "Water is life."

Jon Eagle Sr., a member of the Standing Rock Tribe, said the announcement was a vindication for the thousands who had traveled here, and for the multitudes who had rallied to the tribe's fight on social media or donated. Millions of dollars in donations and goods have flowed into the camps for months as the tribe's fight and the scenes of protesters being tear-gassed and sprayed with freezing water stirred outrage on social media. (Law enforcement officials have insisted the entire time that they have acted responsibly and with restraint.)

"I don't know quite how to put into words how proud I am of our people," Mr. Eagle said. "And I mean our people. I don't just mean the indigenous people of this continent. I mean all the people who came to stand with us. And it's a beautiful day. It's a powerful day."

Ken Many Wounds, who has served as a tribal liaison to express concerns and questions to law enforcement, said he had been standing by the camp's main fire — one that is tended constantly — when he heard the news from the tribal chairman's wife. He said he did not believe it at first.

"I hugged her, I cried," he said. "Our prayers have been answered. A lot of people didn't believe that prayer was going to be the answer. But our people stayed together. In our hearts, we knew."

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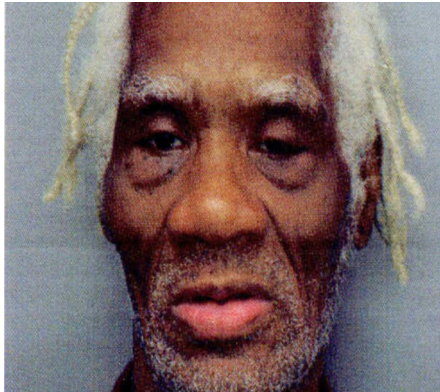
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# What's The News!

## Juvenile lifer, 79, rejects deal for parole. 'His view is: He's been in long enough'

Updated: OCTOBER 28, 2016



79 years old, oldest juvenile lifer. Joseph Ligon has served 63 years in prison for two murders committed when he was 15 years old, making him the oldest and longest-serving juvenile lifer in the world.

Like 300 others from Philadelphia, he's eligible for a new sentence following a January Supreme Court decision banning life without parole for juveniles. But, when he received the District Attorney's offer - a deal for 50 years to life in prison that would make him immediately eligible for parole - the white-haired, 79-year-old declined on principle.

"His view is: He's been in long enough," Bradley Bridge of the Defender Association of Philadelphia, told the court Friday. "He doesn't want to be on probation or parole. He just wants to be released." Ligon was one of five youths charged in the stabbing deaths of Charles Pitts and Jackson Hamm in Point Breeze. He was also among seven defendants named in a petition Friday asking a three-judge panel to answer legal questions that could shake up the process of resentenc-

ing juvenile lifers in Philadelphia, which is home to more such inmates than any place else in the country.

The defense team, including the Defender Association, the Juvenile Law Center, and private defense lawyers, proposed 15 questions, including: whether a maximum of life is unconstitutional in a juvenile case; whether it's illegal to base resentencing on a current state law that explicitly does not apply to cases older than 2012; and whether, because the juvenile lifers' first- and second-degree murder sentences were found unconstitutional, they must be resentenced as third-degree cases.

District Attorney Seth Williams has said all offers would be guided by the 2012 law, which sets minimums of 35 years to life in first-degree cases and 30 to life in second-degree cases. So far, his office has extended approximately 65 offers.

The approach leaves the ultimate decision of whether to release lifers up to the parole board.

That's drawn withering criticism from U.S. District Court Judge Timothy Savage, who in August called it "an abdication of judicial responsibility."

Last week, the Philadelphia Bar Association Chancellor Gaetan Alfano also decried the policy "as not reflecting individualized sentencing required by the Constitution."

"We in the Philadelphia legal community believe that we must do better," Alfano said in the statement.

Williams' office responded that, in fact, "Each offer has been based on a careful, individualized assessment of the crime and the defendant."

Individualized sentences are a cornerstone of the Supreme Court decision. Beyond that, many legal questions around the resentencing of juvenile lifers remain murky.

The Pennsylvania Supreme Court may soon decide some of them. In December, it will hear arguments in *Commonwealth v. Batts*, on questions including whether juveniles must be found incorrigible "beyond a reasonable doubt" before life sentences can be imposed. In the interim, judges across the state have been interpreting the law in wildly different ways. One, in Tioga County, ordered an inmate who'd served 46 years released immediately. Another, in Chester County, sentenced several inmates to time-served-to-life without conducting a hearing. And a third, in Allegheny County, has determined that he is bound to apply the 2012 sentencing statute in all cases.

So far no contested hearings have yet been held in Philadelphia. Of the 65 offers made, seven long-serving juvenile lifers have been resentenced under new deals making them eligible for immediate parole, and 26 more are scheduled for resentencing. Three others have formally rejected offers.

One lifer, Nathaniel Anderson, 59, agreed to a new sentence of 35 years to life in prison Oct. 25.

A husband, stepfather, and devout Muslim - court proceedings were delayed a half hour while he negotiated permission to wear his kufi in the courtroom - he earned a bachelor's degree from Villanova University while incarcerated. Anderson's lawyers described a man who had little in common with the 16-year-old who'd been part of a 20th-and-Carpenter-Street gang, engaged in a battle with the Black Mafia. After Black Mafia members, including the victim, Roger Pinkard, shot at Anderson and his friends and firebombed one of their mother's cars, the teens went looking for revenge. Anderson was there when a friend shot and killed Pinkard. According to his lawyers, Anderson rejected a deal for four to 15 years. He has now been in prison 43 years.

(Continued on page 34)

# What's The News!

(Continued from page 33)

Fifty-seven friends and relatives packed the courtroom to overflowing, including a 63-year-old man who grew up with Anderson and said he knew six juvenile lifers from his neighborhood alone. Nydeerah Hatton, one of Anderson's stepdaughters, said he's been an inspiration to his extended family. After having three children, she left school. But after Anderson completed his baccalaureate, she decided to do the same.

"He's inspired me a lot, being confined and still being able to achieve goals. Seeing him do it, he's my motivation," she said.

He could be paroled within months. Hatton said she expects his transition will be seamless.

"I don't think it would take anything for him to fit in," she said. "He's already in."

## Federal judge blasts Philly DA's 'juvenile lifers' policy

Updated: OCTOBER 18, 2016  
by Amy S. Rosenberg, Staff Writer

The Philadelphia District Attorney's Office has conceded that a judge resentencing "juvenile lifers" may impose a minimum sentence lower than the 35 years that the office has been offering in such cases.

The possibility was raised Monday as the office agreed to move ahead with resentencing for Kempis Songster, 44, who is serving life without parole for a murder he committed in 1987 at age 15.

An openly frustrated U.S. District Judge Timothy J. Savage - who ordered a new sentence for Songster four years ago, and again in August with a 120-day deadline -

said the office's policy of offering all inmates the same deal for a new sentence was inconsistent with a U.S. Supreme Court ruling that put back into play about 300 murder cases in Philadelphia involving juveniles.

Savage's Aug. 17 order had urged resentencings in which a judge would have discretion to impose "individualized, proportionate sentences," take into consideration an inmate's rehabilitation, and impose a maximum of life only in "the rarest of permanently incorrigible" cases. "Here's the problem that I have," Savage told Assistant District Attorney Susan Affronti on Monday. "If you're saying you have all these offers out, it seems you're treating all of these folks the same way - 35 years to life. I don't get that. That to me appears to show a lack of due diligence, of looking at each case individually. I understand you want to do this for policy reasons. Maybe because it looks good."

Songster's case and others are back in the courts as a consequence of *Montgomery v. Louisiana*, a U.S. Supreme Court decision in January that made retroactive the court's ban on automatic life-without-parole sentences for juveniles. The ruling affects about 2,300 cases nationwide, about 500 of which are in Pennsylvania - including about 300 in Philadelphia.

Affronti, accompanied by Tariq el-Shabazz, one of District Attorney Seth Williams' top deputies, agreed Monday to drop the appeal of Savage's order directing Songster to be resentenced as well as its request for a stay of the 120-day time frame. Savage's earlier ruling questioned the district attorney's reliance on parole as the means of release by leaving maximum life sentences in place.

Affronti said a contested sentencing hearing was the goal all along in Songster's case, but argued that the Supreme Court ruling did not invalidate the maximum of life in these sentences as long as the sentences allow for parole eligibility. She said a sentencing judge could impose any

minimum. "The state court judge could impose five years," she said.

Douglas Fox, representing Songster, said he would request a sentence with a maximum of less than life and a minimum that would make Songster eligible for release. Songster has been in prison 29 years. He and Dameon Brome were convicted in 1988 in the killing of Anjo Price, 17. All three were runaways working for Jamaican drug posses in Southwest Philadelphia. Brome is incarcerated in the Dallas, Pa., prison; Songster is in Graterford.

Bradley Bridge of the Defender Association of Philadelphia, who is handling many of the juvenile lifer cases, said the district attorney's dropping of its appeal was significant because it left Savage's opinion in place. "His vision of what is a



Kempis Songster

lawful sentence is substantially different than the prosecutor's view of what is a lawful sentence," Bridge said. "The prosecutor has now conceded that Judge Savage wins. They're not challenging him on it."

Until now, Williams has offered about 60 defendants plea agreements of 35 years to life, which, Savage previously noted, in effect pass the decision on release over to the parole board, which has approved the release of a handful of defendants in the oldest of the cases. Williams' office has argued that allowing parole in these cases

(Continued on page 11)

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# Human Rights Matters



## Health Care

### Getting Treatment for Hepatitis C

by Suzy Subways

Hepatitis C attacks the liver and can be deadly, but new medications can cure it in almost all cases. Hep C is common in prison. But most prisons don't even test people to find out if they have the disease, let alone provide medication to cure it. Drug companies have been allowed to set an extremely high price for the new drugs (also called "the cure"), because we live under a free-market economic system. Prisons are not willing to pay up.

#### What the new meds are:

These are some of the most highly recommended new drugs:

Harvoni (ledipasvir-sofosbuvir)  
Epclusa (sofosbuvir-velpatasvir)  
Viekira Pak (dasabuvir, ombitasvir, paritaprevir, and ritonavir)  
Zepatier (elbasvir/grazoprevir)

These are also highly recommended new drugs, but none of them should be taken by itself—they are used in combinations:

Daklinza (daclatasvir)  
Sovaldi (sofosbuvir)  
Olysio (simeprevir)  
Technivie (paritaprevir/ritonavir and ombitasvir)

Even newer medications will be available soon. *Prison Health News* will keep you informed. You can also write to HCV Advocate or Hepatitis Education Project and ask for info on hep C treatment. See pages 14 & 15 for their addresses.

Here are some things healthcare providers think about when deciding what to prescribe:

What genotype of hep C you have  
Whether or not you've taken hep C medication before  
Whether or not you have cirrhosis (severe liver damage)  
Other conditions you may have, like kidney disease  
Other medications you are taking, especially certain HIV meds

Drug regimens with interferon are not recommended by medical experts anymore, because they are not as effective as the new regimens ("the cure"). Interferon has high rates of serious side effects like anemia and depression. The old drug ribavirin may still be used, but only in combination with new drugs.

In 25-30% of people who get hep C, the infection spontaneously clears without medication. This would happen within the first 6 months of someone becoming infected. When tested with the screening test (antibody), these people will always be positive, but when a confirmatory viral load test is done, it will be negative. It is important for anyone who has tested antibody positive in the past to ask their medical provider to run a confirmatory viral load test.

If you have chronic hep C, here are some other ways to stay as healthy as you can:

Avoid alcohol, because it can damage your liver  
Make sure you are monitored regularly by an experienced healthcare provider  
Check with a health professional before taking any medications or nutritional supplements that are prescribed to you or from commissary  
Drink plenty of water  
Eat more low-fat foods  
Exercise  
Get vaccinated for hepatitis A and B  
Avoid cigarettes and recreational drugs, including other people's meds

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A big fat THANK YOU! to everyone who so generously donated to the publication of this issue of  
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LARGE OR SMALL, everyone's donation  
is so very much appreciated.



Thank you and  
have a prosperous  
and Happy New  
Year!

From *THE MOVEMENT*  
Committee.

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## **Felony Disenfranchisement: The Untold Story of The 2016 Election**

Over two million Black people could not vote in last week's election, according to a recent study by The Sentencing Project. One in 13 Black Americans of voting age is disenfranchised due to a felony conviction, a rate four times greater than that of non-Black people. As staggering as those numbers are, in four states -Florida, Kentucky, Tennessee and Virginia - more than one in five Black Americans have had their voting rights stripped away.

In 1976, there were 1.12 million disenfranchised people in the U.S. due to felony convictions, but by 2016 that number skyrocketed to an estimated 6.1 million, propelled in large part by the drug war and other reprehensible policies that purposefully targeted Black communities.

Visionary activist Kenneth Glasgow tells us what it felt like to walk into prison for the first time and be relegated to second class citizenship when his voting rights were taken away. After he was released from prison, Pastor Glasgow couldn't vote for 3 years. Today, he is a leader in the voting rights movement and advocates for people who are formerly incarcerated.

"There's only one thing that's in America and in the United States that classifies you and declares you a citizen, that's your right to vote. So if I get a felony that takes away my right to vote, so that also takes away my citizenship. So what is this war on drugs really about?"

Pastor Kenneth Glasgow is founder and president of The Ordinary People Society (TOPS), a faith-based organization in Dothan, Alabama that provides programs and services to people and their families that have been impacted by incarceration, drug addiction, poverty and homelessness. TOPS helps restore people holistically, and works with the most vulnerable and marginalized.

"Martin Luther King's dream was for us to have our voting rights...civil rights and all of this, and there were some people left behind," said Pastor Glasgow. "In the 13th Amendment it says that no man can be held in involuntary servitude or in slavery, except for what? A felony conviction."

Last week's election of Trump and sweeping Republican victories in the House and Senate lifted the thin veil that fully exposed the truth about America. Racism, misogyny, classism,

xenophobia run rampant through our systems, and white supremacy is bolstered by voter suppression.

DPA (Drug Policy Alliance) media manager Tony Papa said this about the significance of voter restoration: "Exercising the right to vote should be an important part of an ex-prisoner's rehabilitation. It's an act that makes one feel whole again following years of losing those rights as part of a punishment for crimes committed. If through voting, individuals can become involved in the political process, they have a much better chance of fully integrating back into society."

Felony disenfranchisement and the recent gutting of the Voting Rights Act, one of the most underreported factors in this election's outcome, will continue to silence those that are most vulnerable and most in need of justice - those that need their voices heard in our political process. We demand reform, and we demand it now, because 6 million discarded voters is simply unacceptable.

***The Ordinary People Society***  
***403 West Powell St.***  
***Dothan, AL 36303***  
***Phone/Fax: (334) 671-2882***  
***Email: [TopsSociety@yahoo.com](mailto:TopsSociety@yahoo.com)***

For more reading & video go to: <http://theordinarypeoplesociety.org/>

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## **"Lets come together" It's time to change two D.O.C. policies, The DC-ADM 801 & DC-ADM 804**

As we step into new year, we all make New Year's resolutions, this is my resolution . . . I ask my fellow Jailhouse Lawyers to join me in 2017 to fight to challenge two of the Pennsylvania Department of Corrections , the DC-ADM 801, which deals with institutional misconduct hearings and the DC-ADM 804, which deals with the institutional grievance system!!!

When I was young my mother and father would always tell us that if something isn't broke then you don't need to fix it; those two policies have been broke since the D.O.C. stopped us from being able to represent other prisoners and since the institutional grievance coordinators began assigning someone else to investigate our grievances!

*(Continued on page 37)*

## say what ? . . . speak up! // writings of multiplicity

(Continued from page 36)

The DC-ADM 801 is a joke. Every time a prisoner goes in front of the Hearing Examiner he or she is told that they are guilty before they are able to present their evidence. Why is this? It's because the Hearing Examiner stops at the institutional security office to get his or her orders. I have witnessed this in many of the state institutions I have been incarcerated in. I have also witnessed this incident while I was incarcerated at S.C.I. Smithfield when their security office was crying out for some attention. They took some 30 prisoners out of the general population and issued them falsified misconduct reports on drug charges, each of these prisoners received 90 to 240 days of disciplinary (RHU) time and lost everything they had worked hard for! There were never any drugs found or taken from any of those prisoners. They were picked out by a corrupt security office and they were told by the Hearing Examiner to plead guilty and he would give them 60 days in the RHU which they refused to do. By the way the hearing examiner is supposed to be an independent, impartial third party. This is a violation of a prisoner's right to a fair hearing.

The other policy in question is the DC-ADM 804 (the Grievance System) which is another joke. When you file a grievance the officer tells you not to just file one, but file two – and they are right because the institutional security office controls this as well. You are threatened to drop the grievance or else; and if you don't "sign off" you will be "dealt with". Central Office, the Secretary's Office of Inmate Grievances and Appeals, which is where final appeals to grievances are heard, will deny your grievance as well! Where is the fairness?

The Secretary needs to revamp these policies like he did some of the other ones. I have sent a letter to the Pennsylvania Judiciary Committee along with some documents to show them first hand how these policies are violating us prisoners who are in the custody and care of the Pennsylvania Department of Corrections.

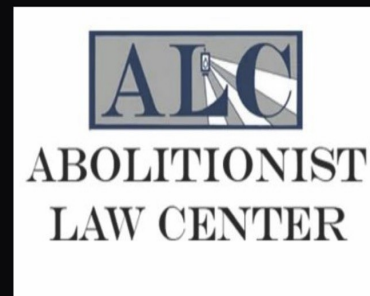
"It's time for a change!"

By: Marty Dunbar #CM-9649  
SCI-Somerset  
1590 Walters Mill Rd.  
Somerset, PA 15510-0001

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### The Abolitionist Law Center

ALC is a public interest law firm organized for the purpose of abolishing class and race based mass incarceration in the US. ALC is also currently organizing a Hepatitis C Project.



### ALC's Hepatitis C Project



There are 5400+ inmates in the PA DOC who have chronic Hepatitis C and 99% are not being treated. Hepatitis C treatment has a 95% cure rate, 8-12 week treatment period, but the cost is high.



The purpose of the project is to recruit a network of pro bono attorneys in PA to file prison medical care claims on behalf of inmates most in need of treatment.



Please spread the word of the project and if you are seeking treatment, please write to the mailing address to receive a Hepatitis C Health survey.

**Please be aware that at this time we cannot guarantee legal representation**

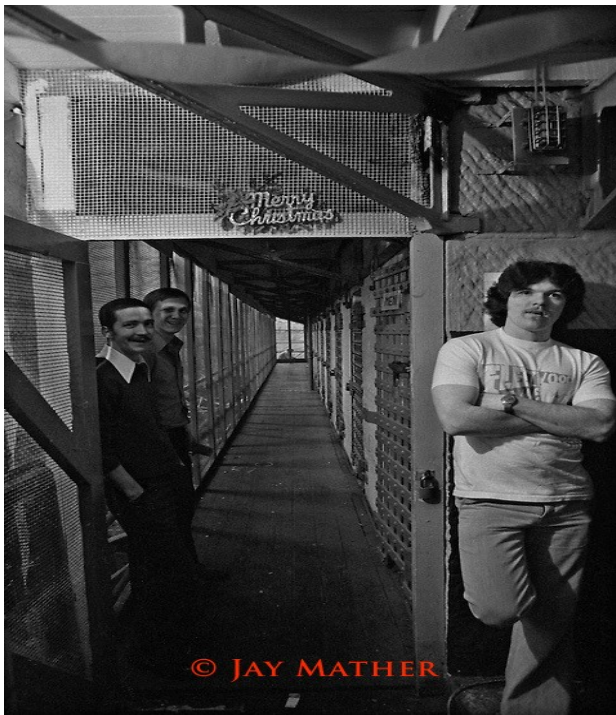
Mailing Address: Abolitionist Law Center P.O. Box 8654 Pittsburgh, PA 15221

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## Some Thoughts on 2016, a Christmas in Prison in 1977, and My Best Wishes for You for 2017



The Kentucky State Penitentiary at Eddyville held the first open house for family and friends of inmates on Christmas Eve, 1977. The warden, Donald Bordenkircher and staff worked with the inmates to improve morale and make repairs to the facility. The event was successful and it was continued through 1984. © Jay Mather

2016 has been a very different year. I staved off some early-to-mid-career wobbles by **taking a long walk** and then stepped back into society just in time for the United States to descend into its own **special horror show**.

I was in Phoenix the night the satsuma-catastrophe won the electoral college vote. The clerk at the gas station voted for Trump. She told me her brother had served in the US military for 13 years, serving four tours of Afghanistan and Iraq. She had heard

that Russia would initiate WW3 if Clinton was elected president. She believed Trump had good relations with Putin and so she voted for him so her brother wouldn't be killed. The premise, the abandonment of logic, the separation I felt from her, her certainty, my certainty ... they were all just really depressing. We were so far outside of reality nothing seemed solid or reliable, not a nod, not a discussion. Not there, not then, as the Michigan returns came in.

I don't know what to say about 2016. Half of the US + 2.8 million know it was a catastrophe. The remainder are gonna figure out the catastrophe over the next four years.

The day after the election I **said**:

"History's greatest leaders tend not to be elected politicians; they are most often people working in communities for the protection of their rights, the advancement of compassion, the resistance to gross concentrations of power and toward common sense. Trump is an ass-hat. We'll see how bearable or utterly toxic things become in the next few months. All the while remember your own agency and don't underestimate your own power."

That still holds.

I'll continue doing what I do, which is to write about the images and contexts which speak to the great injustices and abuses that occur daily in America's prison industrial complex. I wish you calm, breathing, nourishing food this holiday season. I wish you strength, creativity and community in 2017 to take on, and thrive in, this confounding, challenging, bizarre world.

I'm spending the first half of 2017 in England. I'll be back in the US to join the show in June. Love to you, be good, be smiling. Champion others and volunteer your time and resources so that you may be closer to your neighbours.

Happy hols.

—

*A note on the image: I was pleased to discover **Jay Mather's** series **Christmas In Prison** which documents a family day at the Kentucky State Penitentiary at Eddyville on Christmas Eve, 1977. It depicts a moment when prison administrations were willing to make efforts to accommodate the emotional needs of prisoners. It's strangely old-school; the dinner is held in the massive stone cellblock. Family events these days are in visiting rooms or other communal spaces. Mather's pictures seem so unlikely when set against modern day's sterile, cinder block rooms that function to control visitors and prisoners. See Mather's full 62-image series **here**.*

FROM: [WWW.PRISONPHOTOGRAPHY.ORG](http://WWW.PRISONPHOTOGRAPHY.ORG)

***If any prisoner, family member, or community activist would like to submit an article that is critical of the state and county prison systems, courts, D.A. offices, police, capitalist corporate America, and the government, just forward your article to the HRC's Newsletter Department for possible printing.***

## Here's What's Gone Down So Far in Three Days of America's Largest Prison Strikes

*Jeremy Galloway, The Influence, September 12th, 2016*

Summer is drawing to an end here in the South, but in the region's prisons—and across the most incarcerated nation on earth—things are just starting to heat up. Friday (September 9), marked the 45th anniversary of the Attica Prison Uprising. It also saw the launch of a coordinated series of nationwide work stoppages and hunger strikes by incarcerated Americans, the largest of its kind in history.

Organizers (and, as a formerly incarcerated person, I am one of them) currently estimate that incarcerated workers at over 40 facilities in at least 24 states are participating. Since prison administrations' knee-jerk response to these actions is to lock down the facilities—and since, as I predicted when I previewed these actions in *The Influence* last month, mainstream media coverage is muted—it's difficult to gauge precisely how widespread the strikes are, where exactly inmates are striking, and how successful they've been. But reports have trickled in from around the country, and through networks of organizers, media reports and communications from incarcerated people, we've worked to keep track.

### A Spreading Wave of Resistance

One of the earliest came from Holman State Prison in Atmore, Alabama. Alabama has been a hotbed of prison organizing since at least 2014, when the Free Alabama Movement (FAM), inspired by the 2010 Georgia prison strikes, began to crystallize. Growing out of a class for jailhouse lawyers, FAM has become one of the leading voices in national discussions of prison reform and abolition.

Holman inmates reported at noon on September 9:

*"...all inmates at Holman Prison refused to report to their prison jobs without incident. With the rising of the sun came an eerie silence as the men at Holman laid on their racks reading or sleeping. Officers are performing all tasks."*

At publication time, Holman's officers are still performing those tasks, with no signs of change.

Prior to the official strike kickoff, inmates at Holmes Correctional Institution, in the Florida panhandle, led an uprising that forced the facility to be shut down. Over 400 inmates participated in that rebellion, which the prison administration has linked to the national strikes.

As the list of facilities involved expands, the South continues to lead the way. Prisoners in multiple Alabama prisons, at least two other Florida prisons, Fluvanna women's prison in Virginia, and prisoners in [North Carolina](#) and South Carolina\* (see the South Carolina prisoners' demands below) all engaged in various forms of resistance. Most Georgia prisoners don't work on Fridays, but some on-the-ground reports indicate that they plan to join the actions when their work week begins today (September 12).

But the South does not stand alone. Over 400 prisoners at Kinross Correctional Facility, Michigan held a protest on the prison yard and caused property damage to the prison, prompting officials to transfer 150 of them to other facilities. Clallam Bay Correctional Center in Washington State is reportedly on lockdown after actions there.

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Many women prisoners are involved: Those held at Central California Women's Prison, a women's prison in Nebraska, at Lincoln (Nebraska) Correctional Center, a women's prison in Kansas, and at Merced Jail, California have either refused to work, are on hunger strike, and/or have led uprisings in their facilities.

It's significant that so much of the resistance is focused on women's facilities (although this certainly isn't without precedent: The 1974 Bedford Hills and 1975 North Carolina Correctional Institute for Women<sup>[1]</sup> uprisings are two of the most significant events in US prison history). Women, especially young women of color, make up the fastest-growing corrections population. The history of resistance in US women's prisons continues to rapidly unfold, even if the media pays it little attention.

Resistance hasn't been limited to state prisons. Detainees at Guantanamo Bay have been holding a hunger strike. And detainees at Stewart Detention Center, an immigration detention center in southwest Georgia—controversially operated by the notorious Corrections Corporation of America—which has seen multiple incidents of resistance in recent years, also went on hunger strike over the weekend.

### **Support and Solidarity on the Outside**

The actions haven't been limited to jails and prisons. Friends, family and supporters of incarcerated people took to the streets across the country to express solidarity and support for the strikes.

Atlanta, Arizona, Portland, Lucasville (Ohio), Pittsburgh, Milwaukee, St. Louis, New York, Providence, Richmond, Durham, Austin, Denver, Los Angeles and dozens of other large and small US cities have seen protestors, sometimes numbering into the hundreds, take to the streets or picket prisons. In Atlanta, where I live, about 50 people disrupted business Friday at Wendy's, McDonald's, Starbucks and Aramark—companies that have exploited incarcerated labor—during street protests. According to witnesses, police responded by trying to run over protestors and dousing protestors, bystanders, and each other with pepper spray. On Saturday, protestors from as far away as Atlanta and Athens, Georgia met with members of Mothers and Families (of FAM) to stage a solidarity protest outside the gates of Donaldson Correctional Facility in central Alabama. Solidarity also came from outside the US—including Quebec, and from as far away as Greece, where prisoners offered a salute to their US counterparts, and Serbia. Such a broad display of unity and support across prison walls is unprecedented.

### **Slavery Is Alive and Well in the US**

Strike organizers in different cities and states have expressed a broad range of goals, some immediate and some longer-term, but one theme ties the actions together: an end to prison slavery.

FAM organizers point out that:

*"The 13th Amendment to the U.S. Constitution continues to permit slavery to exist in this country "as Punishment of crime, whereof the person has been duly convicted," and the institution and enterprise of slavery was legally transferred to the State government's prison systems." (Read the full text of the 13th amendment here.)*

What constitutes a "crime" is, of course, a political decision—and one often taken deliberately to the detriment of certain populations, as the history of the War on Drugs perfectly demonstrates.

The modern prison system has been built on the ashes of chattel slavery, first through the convict leasing system, then the notorious "chain gangs"—which lasted through the 1950s—up to modern mass incarceration.

As long as slavery is protected by the US Constitution, poor people and people of color will continue to find themselves victims of a harsh system that exploits free and cheap labor for the benefit of the state, corporations and the ruling class.

Today, the signs of oppression and institutional violence are inescapable. Reports of police killing unarmed people of color have become commonplace, so much so that only the most outrageous cases gain national attention. Many of us barely bat an eye at the non-stop stream of stories about people behind bars be-

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ing physically or sexually abused by guards and being forced to live and work in deplorable conditions, often without access to basic medical care or adequate food.

We also live in a time of resistance which our country hasn't seen in well over a generation, if ever. People who are directly impacted by modern mass incarceration, our nation's draconian drug policies, police violence, laws which are intended to protect but end up criminalizing sex workers by police violence, are not only demanding change, they're making it themselves.

That, perhaps more than anything else, sets these modern social movements apart from liberation struggles of the past.

At the actions in Atlanta on Friday, a police captain, as soon as he appeared on the scene, asked protesters, "Who are the leaders?" Our group didn't miss a beat, responding that *we're all leaders*. The system doesn't know how to respond to a movement without leaders to intimidate, harass, or even assassinate. In fact, the tone of the police changed dramatically after that, with officers allowing us to march in the streets to our final stop at Aramark, one of the biggest prison contractors in the country.

### **Where Will We Stand Once the Smoke Settles?**

Whether the current, growing wave of strikes will result in an end to prison slavery remains to be seen. Right now, events are unfolding so fast it's difficult to keep pace. But one thing is certain: Like Attica before it, 9/9/2016 opened a new chapter in US prison history. Where this goes will be up to the people on the inside putting what little freedom they have on the line, and those of us on the outside fighting for their voices be heard. These strikes are the result of years of planning by people on both sides of the prison walls and follow on the heels of dozens of smaller strikes and uprisings\* (see a partial list below) that have swept through the prison system in the last six years.

Many of us carry the scars of having lived through the largest prison system in world history for years, even decades, after we're released—if we're released at all. Which is why solidarity is vital.

It's easy to turn a blind eye to the struggles of people society has branded "criminals" when we haven't walked in their shoes. Hell, it's even tempting for those of us who have served time to turn our backs and forget about our incarcerated neighbors once we leave those jail and prison cells.

But incarcerated people are our neighbors today—odds are there's a county jail, probably even a state detention facility, in your backyard—and most incarcerated people will be released one day.

Slavery is alive and well in the modern US. The wheels to undo it are in motion at this very moment. How will we respond when they ask where we were while they screamed out for compassion, support, and solidarity? On which side of history will we wake up tomorrow?

Now, perhaps more than ever before in our lives, it's time to ask ourselves such questions.

*Article From: <http://news.infoshop.org/prisons/three-days-of-americas-largest-prison-strike>*

## **WHEN?**

**When is the new change gonna begin?  
When is the yesterday losers gonna enjoy today's wins?  
When is the chaos and confusion gonna end?  
When is the lion gonna realize his home isn't a den?**

## **WHEN?**

**When is the mass incarceration and cops killing us gonna stop?  
When is the men gonna start being fathers instead of pops?  
When is the women gonna return to their rightful spot?  
When is the youth gonna cease thinking getting locked up and shot gets them props?**

## **WHEN?**

**When is all lives gonna matter?  
When is the government gonna stop distorting statistics data?  
When is we gonna help each other climb up the ladder?  
When is you gonna pursue your dreams instead of watching them scatter?**

## **WHEN?**

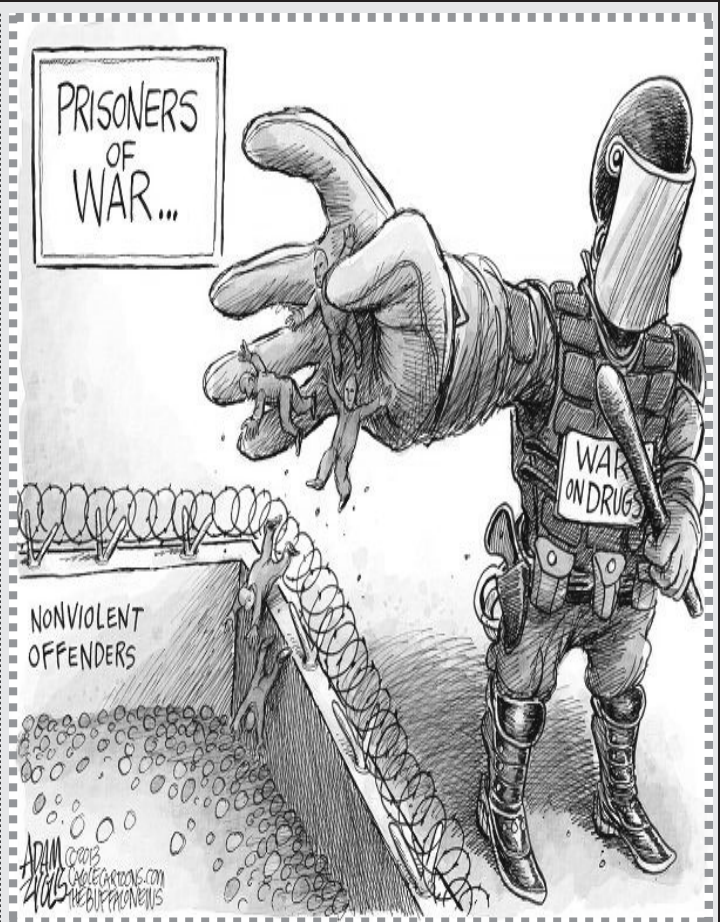
**When is we gonna support our sisters to advance further?  
When is we gonna begin giving more love to fathers and mothers?  
When is we gonna truly love and respect one another?  
When is we gonna progress together My Brother?**

## **WHEN?**

**When is the Major Change my friend?  
When is you gonna be a proud African-American-European and Latino?  
When is your Master's of Ceremonies gonna stop rambling and rappin?  
When is we gonna unite and make all of this happen?**

## **WHEN? WHEN? WHEN?**

**By: Yassin Sin Raws Mohamad**



**Thou Shalt Not Kill**

Bernard Bouton

From: <http://www.cartoonmovement.com/cartoon/12983>





# Keep ALC in the fight to end mass incarceration!

## Until we are all free, none of us are free!

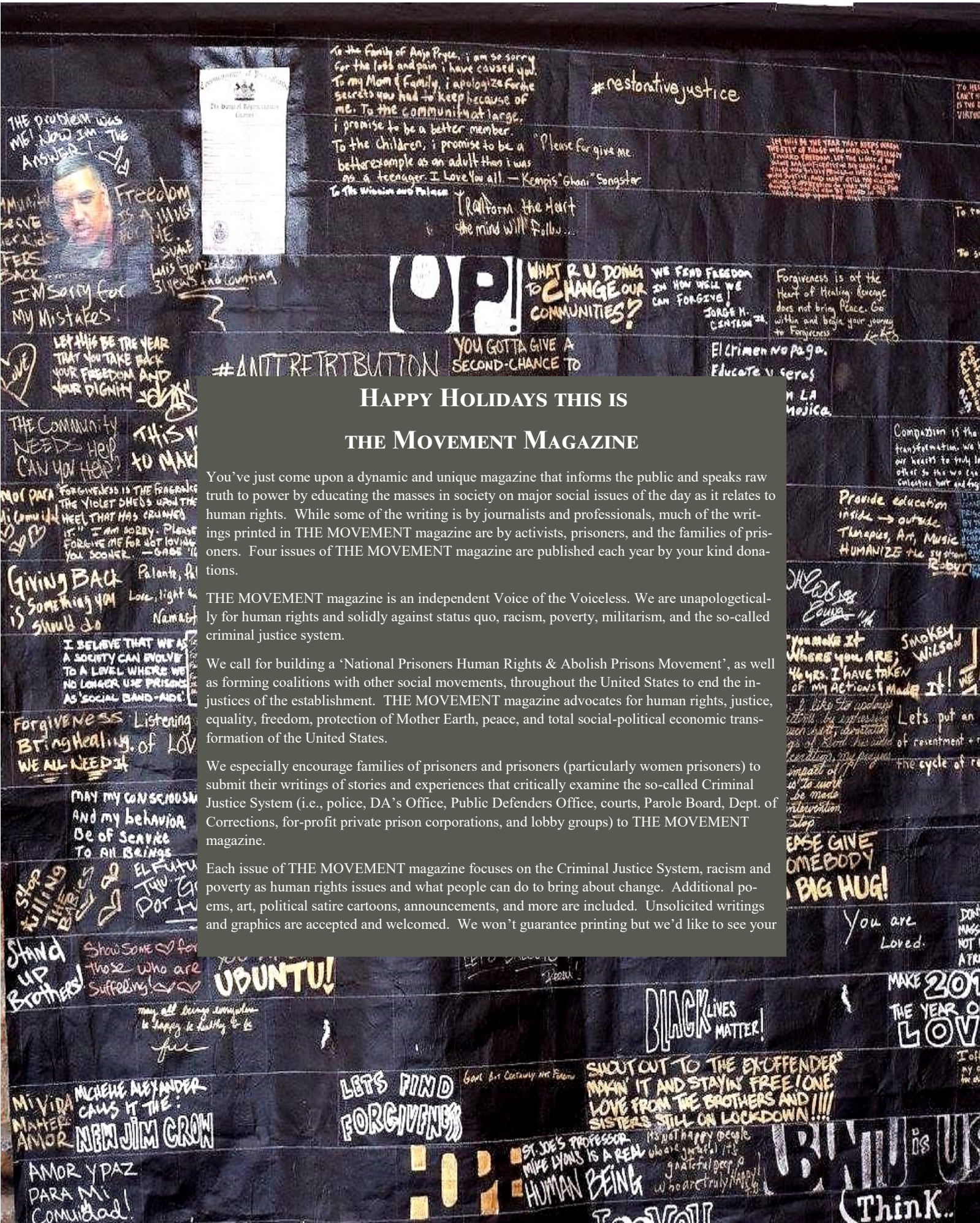


## A Message of Thanks and Gratitude

The Abolitionist Law Center sends this note of gratitude, appreciation, respect and solidarity to our clients and their families. You are on the front lines of the struggle against mass incarceration and we are honored and grateful to learn from you and fight with you. Our work would not be possible without all of you. We will continue to build the movement against mass incarceration with you and will not stop until everybody comes home.

Thank you to our clients and their families: Russell Maroon Shoatz and the Shoatz family; Kerry Shakaboona Marshall and Patricia Vickers; Charmaine Pfender and Donna Hill; Avis Lee; Tracey Nadirah Shaw; Robert Saleem Holbrook and Anita Colon; the Human Rights Coalition; Mumia Abu-Jamal; Arthur Cetewayo Johnson and Julie Burnett; Christopher Wallace; Ronald Williams; and all others we have represented and will represent, their families, and our movement partners.





## HAPPY HOLIDAYS THIS IS THE MOVEMENT MAGAZINE

You've just come upon a dynamic and unique magazine that informs the public and speaks raw truth to power by educating the masses in society on major social issues of the day as it relates to human rights. While some of the writing is by journalists and professionals, much of the writings printed in THE MOVEMENT magazine are by activists, prisoners, and the families of prisoners. Four issues of THE MOVEMENT magazine are published each year by your kind donations.

THE MOVEMENT magazine is an independent Voice of the Voiceless. We are unapologetical for human rights and solidly against status quo, racism, poverty, militarism, and the so-called criminal justice system.

We call for building a 'National Prisoners Human Rights & Abolish Prisons Movement', as well as forming coalitions with other social movements, throughout the United States to end the injustices of the establishment. THE MOVEMENT magazine advocates for human rights, justice, equality, freedom, protection of Mother Earth, peace, and total social-political economic transformation of the United States.

We especially encourage families of prisoners and prisoners (particularly women prisoners) to submit their writings of stories and experiences that critically examine the so-called Criminal Justice System (i.e., police, DA's Office, Public Defenders Office, courts, Parole Board, Dept. of Corrections, for-profit private prison corporations, and lobby groups) to THE MOVEMENT magazine.

Each issue of THE MOVEMENT magazine focuses on the Criminal Justice System, racism and poverty as human rights issues and what people can do to bring about change. Additional poems, art, political satire cartoons, announcements, and more are included. Unsolicited writings and graphics are accepted and welcomed. We won't guarantee printing but we'd like to see your

Above Back Drop: "Peace Wall" created by men from Graterford Prison was hung for loved ones to sign at Ubuntu event in Phila., PA, see page 12