

# THE MOVEMENT

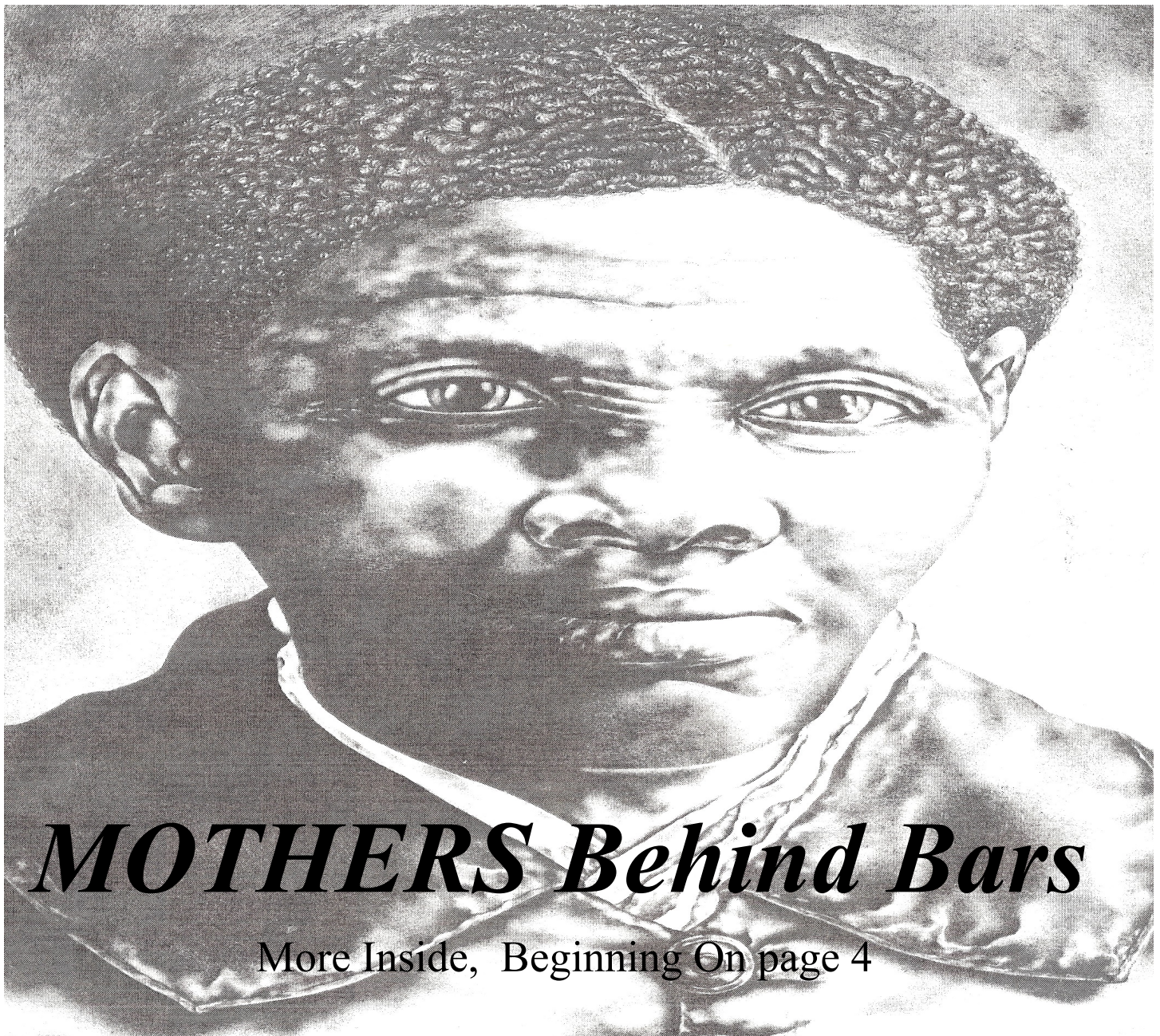
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Issue # 3

The New and Official Newsletter of the  
Human Rights Coalition for the union of  
Prisoners' Families

*Families of Prisoners Unite!*



## ***MOTHERS Behind Bars***

More Inside, Beginning On page 4

Harriet Tubman, by Dominic Newsome



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# Editor's Note

*Greetings!*

*Welcome to THE MOVEMENT. In this summer issue we thought it necessary to give women prisoners' issues a voice that their families and society may become aware of their unique plight within the Department of Corrections, that is, extreme abuse by correction officers. We hope to have more articles printed that would educate everyone about the cruelty women prisoners face.*

*Speaking of 'educating'. That is the purpose of THE MOVEMENT newsletter, to educate the families of prisoners and the general public about the Prison Agenda, the Criminal Injustice System, and the Prison Industrial Complex, so that your family and friends can organize themselves to help change the laws to get prisoners FREE. THE MOVEMENT is the perfect tool for prisoners to use to assist in educating their families about what you are going through, about the system, and about what they can do to change it all. Just subscribe your family, friends, and supporters to THE MOVEMENT newsletter that they may begin to receive their personal issues.*

*Moreover, THE MOVEMENT is a newsletter for the families of prisoners to have a voice and be able to express themselves freely without fear or shame, that they may finally empower themselves. Families also are serving time and suffering with their incarcerated love ones, and far too often they live in fear and shame for having a love one in prison. They go through life keeping their love ones incarceration a secret from others. Mothers tell tall tales of how their sons are in college or the Army, married, and with children when discussing their incarcerated sons to others, out of fear of ridicule and shame. The wives, baby's mothers, and girlfriends of prisoners suffer immensely too. They often experience depression, isolation, loneliness, and despair because of their companions' incarceration. The children of prisoners are the biggest victims of all this, for they are often emotionally and psychologically traumatized by the entire ordeal of experiencing the absence of their father or mother as a child, the prison visits, the site of prison walls and razor wire fences, and the abusive prison guards. All of this weighs heavy on their fragile psyche. Who is more qualified to express the pains and sufferings of families who have love ones in prison than the families themselves.*

*We wish to hear from the families of prisoners who have been adversely affected due to the incarceration of their love one. This is what the 'Families Dare to Speak, Dare to Resist' section is all about, it's for the families to tell their stories. We want other families and the public to recognize the pain of having a love one in prison, so they may understand that when the courts condemn a man/woman to prison, they actually are condemning their entire family to prison with them. Everyone needlessly suffers, which is why we must work to change the way society views incarceration. Instead of a Criminal Justice system, we need to advocate a Restorative Justice System.*

*We also would like to hear from more families and prisoners for the 'Love Knows No Bars' section of the newsletter. If you love your family member that is in prison, then show them some love by expressing such. If you*



*(Continued from page 2)*

*love your family members who have been supportive of you while in prison, then tell your family in society just that. They like to know they are appreciated. So lets make this a family affair.*

*Now about this issue of THE MOVMENT. We have some very informative articles for you to check out. Families, read 'Your Legal Corner', and learn 'How to Protect Your Love One When Arrested'. Families and prisoners must have at least a basic understanding of their Constitutional Rights and the law so they may protect themselves from being violated and exploited by those paid to enforce the law. Ignorance of the law is a luxury we cannot afford. We encourage the submission of more articles that educate the families of prisoners in the law and what their rights are in society. Prisoners, be sure to read my comrade Saleem's piece in the section 'All Power To The People!'", and internalize the information on how to transform your thoughts and behavior from a criminal to a true political activist in service of the people. In the 'Human Right Report' section, check out my article dealing with the latest on the two Child Lifer cases arising out of Florida that the U.S. Supreme Court will be reviewing this year. And yo!, everyone should thoroughly examine 'The Prison Agenda' in this issue as well.*

*Finally, the Human Rights Coalition (HRC) is preparing to carry out protest demonstrations against the County/State Department of Corrections to 'Stop Prisoner Abuse', which includes the issue of prisoners being subjected to Control Units and Long Term/Indefinite Solitary confinement in the hole for years. It's pure Torture! Prisoners can assist by encouraging their families and supporters to attend these protest events, donating much needed material resources, or just being a volunteer worker. Get involved now. Don't wait until guards kick your teeth out while you're handcuffed behind your back, a guard fabricates a misconduct report against you causing you to be sent to the hole for three months and lose your parole date, or when a guard assaults you but you're the one being charged with a new criminal offense by the very guard who assaulted you, in order for you to get your family involved with the Human Rights Coalition. Be PROACTIVE rather than REACTIVE for your rights to be protected and your freedom regained. Contact the HRC Chapter nearest you to get your family members to become activist and prisoner abolitionist.*

*Families of prisoners unite!!!*

**STRAIGHT AHEAD!**

**Mr. Kerry 'Shakaboona' Marshall, Co-Editor In Chief**

**(SCI-Mahonoy)**



# *The Unique Plight of Incarcerated Females, and Other Violations: By Donna Pfender*

If you are a female, inside or out of the walls, I ask you – could you survive on a roll of thin toilet tissue per week? What about when nature calls each month? Add to that an inadequate supply of sanitary supplies and that soiled prison uniforms can be written up as a destruction of institutional property at a C.O.'s discretion. But this is just the tip of the iceberg.

Laundry, both issued and private must be sent out to be cleaned. Personal property does not always make it back to the person it belongs to despite being marked with the inmate's name. Not only is it embarrassing for female intimate apparel to be handled by others, (including males), but it commonly leads to misplaced, stolen or late returns. Gone are the days when washers and dryers were on each unit and inmates were responsible for their own laundry. Policy dictates that it must be sent out to be cleaned.

Then, if women wash out their own personal items, the prison wardens mandated that they couldn't hang their clothing with dental floss or would be written up. When they allowed them to hang it over their bed railings it wasn't allowed in plain view during daylight hours. Some women had to wear their undergarments while they were still wet or damp. And some C.O.s decided that was also a valid reason to write them up, again citing the destruction of prison property. And lo and behold, if a female inmate grieved, it was always found to be frivolous. Two infamous words of the PA Dept. of Corrections: frivolous and unfounded. A recent paper received via the Right to Know Office revealed that only 2% of all grievances filed had merit. TWO PERCENT! Okay, so perhaps they should sit on that cold bowl all day to avoid being written up? But, I wonder what reason they would have then to harass them then? They always seem to change rules to find a reason. And their favorite is telling an inmate to obey a direct order. No matter how ludicrous or degrading that order may be, if not obeyed, the inmate will be written up and possibly given cell restriction or the RHU.

Okay, enough about what others may feel are trivial complaints (other than those who have to live like that). What about Officer Sheetz who runs a work detail outside of prison walls at CBS? Seems he doesn't like Ree Ree females on his details. What is a Ree Ree, I had to enquire. I was told that it means Retarded and that it is only used in reference to African American females. He is known to make their life a living hell if they happen to be assigned to his crew and they are often written up and removed from his crew because he says so. This officer, who is sworn to uphold the law, has been known to have the women who are assigned to him perform such tasks such as dancing in local strip joints, going to people's homes to provide "services" and talks about sex acts and what he prefers openly and in graphic detail. Females who complain or refuse are written up on bogus charges, lose their outside gate clearance, sometimes get placed in the RHU and almost always get a bad recommendation when they come up for their parole hearing. He is currently under investigation and his crew is no longer subjected to his treatment.

Another humiliating practice occurs in the visiting room. If a female inmate has to go to the rest room during a visit, she may wait for up to an hour until they have an officer to take her. They no longer strip search them prior to entering the rest room, but instead have the officer enter with them and the officer will stand there in the small, open room while the inmate relieves themselves while the officer watches. For some women, who have not made it to the bathroom in time and have 'that time of the month', they have already soiled their underwear and uniform. Even though they are given a fresh uniform, they are not given clean underwear and must take measures to prevent further uniform staining or end their visit. (they roll toilet tissue around their underwear). Most women feel that they would rather be strip searched than have an officer watch them relieve themselves. It is both degrading and humiliating. Some females are so embarrassed by it, that they even refuse visits from loved ones during that time of month.

In PA Women's prison, female rape is considered to be a "normal" part of what happens to females in prisons. What can possibly be considered about rape being normal? It is accepted as part of the female experience of incarceration - even with the public. Even movies depict it as something that the female wants or deserves. WHAT? How can there not be outrage and a demand that male guards have no business having control and power over female prisoners? The Geneva Convention forbids it. Women not only end up with the stigma of rape, but sometimes with diseases and babies that could NOT have been conceived prior to being incarcerated. Once delivered, these infants are taken from their mothers and either given to a relative or adopted out. Some guards are actually charged with this crime and found guilty but usually that only occurs when they are reported by their fellow guards. Their sentence? To be transferred to another facility. As for the women's children, they likely will lose all rights to them if they are not consistently in

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***(Continued from page 4)***

touch with them for a period of six months. This is true whether these are their children prior to coming to prison or conceived while in prison. This is a more common problem that people on the outside could possibly know. Families being separated from their loved ones in general is promoted and encouraged although their policy dictates otherwise.

At Muncy, there are reports that some of the older females, long termers and lifers, are being assaulted by gangs of younger women while timid guards turn and look the other way. To complain or grieve, could mean their very lives. And I want to give you an example of their medical neglect. A woman I corresponded with and visited complained of pain and lumps in her breasts. She suffered like that for a year before they saw her at medical. The physician's assistant, who saw her, said she probably had fibrous cysts. She went untreated for almost another year while it spread. Finally, they had her tested and discovered that she had full blown breast cancer. They performed a radical mastectomy, removing both breasts and surrounding tissue under her arms. Afterwards, they took her back to prison. When she cried out in pain, they gave her the drug of choice – Ibuprophen. When she continued to cry out, they put her in the hole.

After a long period of suffering, they took her out to the hospital as she was ready to die. They exonerated her, making her a free woman right before she passed. I believe that they didn't want the expense of taking care of her remains. This woman was a teenager when she was given a second degree sentence for being in the wrong place at the wrong time and she passed at the age of 42. A life was lost long before her physical being perished. She is but one of thousands of stories of medical neglect, inhumane and barbarous treatment.

They also have a unit for females who have been sexually traumatized prior to incarceration. Male guards can watch them while they get undressed to shower and at one point there were no shower curtains for privacy. This traumatized them further. Many women in the female institutions speak about being patted down improperly by males who touch inappropriate areas. Administrators routinely speak about security being of the upmost priority and allow it to be the excuse for improper and illegal behavior. Let me call it what it really is – Criminal!

There is also a Unit Manager named Dewitt at CBS that is being investigated for 'losing' 24 complete files for females who were supposed to be released. Some have been sitting there for as long as a year. I have also heard from some women who were court ordered to be released from Muncy and are still there, months and years later.

Other than just the female populace, the families of inmates tell me of their harassment and intimidation when trying to visit loved ones. One woman who has a son in Huntingdon, told of strip searches every time she wanted to visit. She was told that if she refused, she wouldn't be able to visit her son. They have also denied anyone visiting a loved one while they are in the RHU, which is against the DOC policy of allotting a non-contact visit once a month.

Another woman traveled from NYC to visit her son who is in Fayette near to Pittsburgh, PA. She was told her son wasn't there and when she protested, she was made to leave the grounds under threat of arrest. They have done this more than once to her and now she is no longer allowed on prison property merely for insisting on a visit with her son. There are many reports of guards in swat apparel searching all vehicles and women's purses as they park, prior to entering the prisons. Some people are accused of drugs even in rental cars and claim they had to have been set up by prison guards. The DOC especially doesn't like activists who push for humane treatment in Pennsylvania prisons. I, myself, have been accused of sexual misconduct for patting an inmate's back, which was later disproven; for testing positive for heroin by one of their faulty ion scanners. After washing my hands thoroughly, I tested again and they told me I was positive for TNT! Yes, the explosive. My question was, where did I pick it up inside their institution? For that matter, where did I lose the Heroin (which I have never done)? I asked to see the Captain and was allowed a non-contact visit. Now, if I really had TNT, is it logical that they would let me inside any part of their prison and why weren't the state police called? I got a print-out of the two scans and it showed clearly that the tests had been calibrated. This was also disproven.

And now, I am prohibited from stepping foot on any institutional property in PA under threat of the state police arresting me. Why, because I was told (not accused – told) that I sent in a satellite photo of Huntingdon that was considered to be contraband and an implement of escape. 6 months prior to that, the inmate was charged with the same thing and was told at his PRC hearing that there was no possibility that the photo could have come in through the mail. He was found guilty of possession of the photo and given 6 months in the hole. I had planned to visit him when I learned he would be going back into population. A few days prior to my planned visit, I received a letter telling me I was indefinitely suspended from all institutional property. It didn't even say why. I called

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and talked to the security Captain and he 'barked' rudely at me to "write the inmate and ask him". I told him that he was not acting in a professional manner. I asked him what recourse I had. He told me to write to the superintendent. I did and was told that I had sent in a satellite photograph to the inmate who had been charged with possession of it and the original order remained in effect. I protested that I had not had due process and no chance of a defense to prove my innocence. I wrote to Secretary Beard and he told me to try him again in two years. I haven't done anything that they claim I have done. I have a daughter serving LWOP and I know the policies of the DOC. This mandate is quite a hardship and they know that, yet they don't care and will make up things in order to stop activists by using any means they can. There were some guards that actually revealed to several inmates that they wanted me to 'go away' and that this was in retaliation for my efforts to reveal them. This punishment is because I dared to exercise my first amendment right to freedom of speech. If, and I say If, an implement of escape would come into a mailroom, why wouldn't the mailroom personnel find it? Why was it delivered to the inmate, who got charged with having it and received time for having it after the PRC said it was impossible for it to have come in through the mail? Six months later they claim that I sent it through the mail. It can't be both ways.

Since that happened a year ago, I have heard countless stories similar to mine and even worse. They are trying (and sometimes are successful) in breaking families apart. Why, to feed the Prison Industrial Complex (PIC). To keep the poor rural communities who police the prisons in jobs and the inner cities in constant turmoil. They plan future prisons based on third grade children's test scores. The economy is suffering partly because they relied on the PIC to fuel the failing economy. They took money out of education, health care, social programs and youth programs and poured it into building more and more prisons with some of the harshest sentences in the world.

Individual prisons get stipends to submit the lowest budgets with the cost being directly funneled to the inmates and their families. More and more services that were provided, are now being charged to the inmates themselves. \$10 medical visits are not affordable for inmates making 19cents/hour. Price gouging with telephones further drives families apart. Everything is geared to warehouse the inmates and they don't like families and advocacy groups to interfere with the process. The news media is propagandized and so is the general public. But, more and more people have loved ones on the inside than ever before in US history. Human Rights groups are mobilizing and gain more people daily. While the focus has been on Abu Ghraib and then Guantanamo, the same horrors go on everyday in PA prisons. President Obama said he will not tolerate prison torture. It started here! Yes, right here in Pennsylvania. It began with harassment and intimidation and retaliatory movements. Now, it is targeted at family and activists. If they can violate my rights with impunity, they can violate yours. Could you be next?



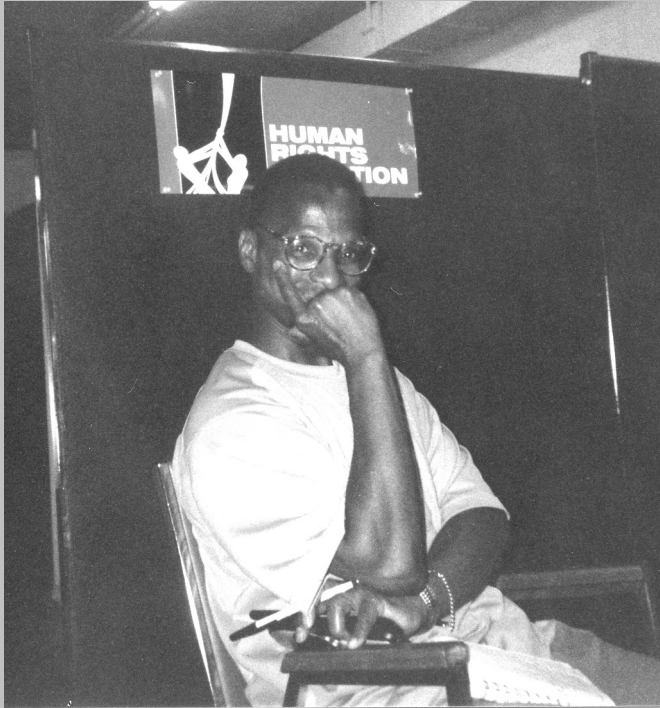
Donna Pfender (President - Fight For Lifers West)

# The Home Front: Serving Our Community

## An HRC-Perspective “Revolutionizing Prison Advocacy”

Bro. Richard “Tut” Carter, Interim Facilitator

Summer-2009



*Its worth being called ‘really-amazing’ when you look at how the Human Rights Coalition has grown into this multi-facet network of different strategies which collectively has revolutionized prison advocacy in this Commonwealth. At a time when many other grass roots organizations have folded under pressure of demands for more prisons cells and less attention towards human rights concerns in prisons, HRC is still vibrant after working in the trenches since our inception. Here we’re celebrating what may be considered as the second wave of the prisoner’s rights movement. And, we’ve started 2009 with great victories under our belts and the resolve to change how prison advocacy is done in Pennsylvania.*

To boost HRC-Philly into 2009, thanks to the mother and son team of Mama Patt and Bro. Shakaboona we have our new newsletter “**The Movement**”, we’re getting letters everyday from around the nation requesting to be added to our mailing list to receive this prisoner’s rights publication. We have new flyers and letterheads which collectively illustrates the fact that, contrary to the expecta-

tions of some – HRC is still a mobilizing force. At the beginning of 2009, HRC-Philly merely had three members who were active and, our Advisory Council that continued to work within the belly of the beast (prison) to provide support towards recruitment strategies and generously supplied us with the kind of ideas for getting this organization “back” in the forefront of prison reform campaigns.

To regain focus as a coalition we relied on our friendship with William Goldsby and Hakim Ali of Reconstruction and Fight For Lifers. With their “**group-mentoring methods**” HRC was enabled to resume our monthly meetings, achieve more efficient office operations, answer our mail in timely fashion and restore our basic sense of purpose. On an average we’re receiving 50 letters per/month from across the nation. Not surprisingly, prison abusive treatment still dominates the American prison landscape.

HRC continues to be invites to participate in myriad of different community-organizing efforts such as Education-Not-Incarceration Delaware Valley, the People Against Recidivism/Ray of Hope Project and, the Philadelphia Coalition of Ex-Offender Support Groups. On Tuesday, June 9 HRC hosted an event entitled “**Advocating for Your Rights in Prison**” as a part of “**Beyond the Walls: 7<sup>th</sup> Annual Prison Health Care & Reentry Summit**” which was held from 8:30am to 5:00pm at the Temple University Student Center. This event was sponsored by numbers of Philly-based organizations that work to improve prison and reentry in the region. Like in the old days, after this writer gave his overview of HRC’s mission, the audience was moved into wanting to get involved after hearing the personal stories of Mamma Patt and Theresa – as a mother and a daughter of incarcerated citizens in this Commonwealth they passionately explained to the audience of nearly 40 people exactly why they’re members of this great organization.

The audience was also given advance notice of HRC’s plans to launch a series of “**Stop Prison Abuse**” protest rallies at CFCF in Philly this August and later this year at the DOC’s headquarters. Just like the old days, as we were wrapping up our presentation we

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were swarmed by people that wanted to sign up to learn more about how that can get involved and support HRC. It deserves mentioning that, in all of the organizing efforts where HRC is invited we are called on because of our mission and reputation in the region for fighting on behalf of prisoner's families, current and former prisoners. One of HRC's ultimate goals is to have an impact promoting new legislation such that make criminal the acts and behavior of willfully violating the human rights of a prisoner. Let's see corrupt guards and administrative personnel lose their jobs and go to prison for prison abusive treatment – and I guarantee you that most of the complaints we've gotten over the years from prisoners and their families will "begin" to stop immediately. It has been my opinion that guards abuse prisoner's human rights only because they are confident that their supervisors will cover for them and there's no threat to being brought to justice for the really inhumane things we know goes on behind bars. In April, U.S. Senator James Webb introduced legislation to conduct a fact finding mission regarding abuses within the justice department and America's prison system. In a letter of support to Senator Webb, HRC requested that we be called to hearings to testify and introduce evidence from families and prisoners regarding prison abuses in this Commonwealth.

HRC-Chester has staked out its turf in Delaware County – on Thursday, June 18, 6-8pm we co-hosted the Chester-based "Pardoned Me Clinic" in support of State Representative Thaddeus Kirkland and the X-Offenders for Community Empowerment at the Chester Fine Arts & Culture Center, 17 E. 7<sup>th</sup> Street. This is to benefit those with outstanding track records after prison who seek up-upgrades in employment opportunity, access to public housing and other important social advantages restricted to those with felony convictions in this state. HRC is also partnering with those mentioned to host a Job-Committee to assist in securing gainful employment for former convicts. A voter's education and registration aimed at attracting formerly convicted citizens and those in the Delaware County Prison who are eligible to vote. We're targeting elected officials to engage them in supporting efforts to increase funding for job training and other essential reentry social policies. In addition, HRC is supporting efforts to organize political rallies locally and at the State Capital wherein, formerly convicted citizens and their family and supporters come out to demonstrate their interest in better laws for those seeking a fresh start after prison. On July 1, HRC began its (three year running) Chester Summer Youth Work-Study Program wherein, at a time when much of the nation is suffer layoffs in the job market and communities complain that they have no funds for summer programs in low income communities, HRC-Chester hired nine new children – the stipends will help them take the burden off their parents regarding the high cost in buying school clothing and supplies.

On the West side of the Commonwealth we have HRC-Fedup out in the Pittsburgh region. The work that Etta, Bret, Donna and their chapter have performed with success deserves a full newsletter. For example, on April 22, due to HRC-Fedup's hard work and dedication to end abusive treatment of prisoners they activated the **"House Judiciary Demands Answers from the DOC: Report all incidents of human rights violations of PA prisoners and their families."** This represents a breakthrough for the kinds of political mobilizing HRC is launching. HRC-Fedup were also instrumental in Gary Tucker's acquittal in Cumberland County in May. S.C.I. Camp Hill falsely accused him of assaulting an officer there. However, the truth was that they brought criminal assault charges against Tucker in retaliation for his attempting to file lawsuit against the officer.

There's talk about beginning an HRC-Harrisburg "soon." With all of this going on in 2009 we are confident that other prisoner rights organizing efforts may regain their strength and join with us. As a final statement, HRC is revolutionizing prison advocacy by lifting the bar. We are taking our battles to end prison abuse to the public and law makers. But, the biggest need will remain to battle today is getting more prisoner's families, friends and significant others involved in this work. Just think, with over 46,000 men and women in the DOC, if just ten percent of their families joined HRC – we could end prison abuse in a flash; we can structure better prison treatment policies which will reduce prison populations overnight simply by opening the doors to actual innocent citizens wrongfully convicted and grant commutations to deserving transformed (x-criminals). Release all political prisoners and re-sentence juveniles sentenced to life to provisional placement where the aim is rehabilitation instead of a life of nothing to look forward to but, punishment in the form of continual abusive human treatment behind bars.

This is the right time to be a member of HRC – we're what happening in Pennsylvania yesterday, today and in the future.

# LOVE KNOWS NO BARS

## Our Family is Our FOUNDATION!



*My Mom, Ginger, and Grandma, Singleton, are my #1 supporters in my life. They have kept me grounded and sane while dealing with this terrible situation of serving time in prison. Every time I talk to my mom and Grandma or they visit me in prison, their positive energy lifts me up and make me feel more alive. They refuse to give up on me or let me give up on myself, and they have never changed up on me. From day one of my ordeal with prison they have shown me unconditional love and support, and have shown me how to laugh again when I'd thought I had forgot how to. My Mom and Grandma are my foundation in life, as they are the foundation of my entire family, they are like Harriet Tubman and Ida B. Wells. That's why I felt it necessary to take time to honor my Mom and Grandma by saying thank you for helping me fight to regain may freedom, that I love you both with all my heart, and that you are appreciated.*

*Love Y'all*

*Kurtis  
SCI-Mahanoy*

Mom Ginger, Kurtis, Grandma Singleton, and Nieces and Nephew.

**Attention: The HRC is always accepting brief letters (w/photo) of love, devotion, and appreciation from the children, wives, girlfriends, parents, family, friends, and supporters of a loved one in prison. Please let your incarcerated loved one know your thoughts by submitting an article w/photo of your relationship with him/her for our issues to come.**



# Love Knows No Bars

## Support of Our Families Makes all the Difference!



*Lauryn and Aunt Victoria*

*It is a clear fact that the hardest part about incarceration, is being separated from loved ones. However, to my loved ones I may be absent but I am not forgotten. My mother (Yvette), father (Austin), younger sister (Lauryn), and aunt (Victoria) have continued to keep me in their thoughts and prayers. With their encouraging letters, host of pictures, and must needed visits; I feel like I have not missed a day of life beyond these walls.*

*I have had days where I have felt like prison was the end all of my life. My family has pushed me to have the determination to look passed my mistakes and make provisions for my future. Because of them I have continued my education and started a business with their help. No matter what kind of support they give me, I would like the world to know I appreciate it. I know that simply saying that fails to express how I really feel, but it is heart felt.*

*With Love,  
Richard  
SCI-Mahanoy*



*Richards's Father, Austin and Mom, Yvette*

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## Our Mother's Love is FOREVER!

### Mothers Are The Movement

Many a times I don't know how to tell my Mom (Mama Patt) and Dad (Arnold) how much I love them and what they meant/mean to me in life. It seems as though I am always at a lost of words to express my love for them, but occasionally I manage an awkward, I love you, birthday cards, or the annual Mothers' Day/Fathers' Day cards to show them my love. However, to me, it never seems to be enough. Never enough for giving me life, love, sustenance, and character. Never enough for their endless support, their perseverance throughout my life's trials and tribulations, their many sacrifices, and their tireless fighting spirits. Maybe someday they will add up the trail of little hearts I've left behind as clues that



Mama Patt, Shakaboona, and Dad—Arnold (Jap) 39th Aspen St.

would lead them to the one big heart at the end. I just want to say that my mom is a Human Rights Activist and Prison Abolitionist of the first order. She struggle on the behalf of all prisoners and for the betterment of all communities. My mom is a 21st century Sojourner Truth, and I am glad to have her as my mother. Keep up the excellent work Mom.

- Love, Shakaboona  
SCI-Mahanoy

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## ***Love Knows No Bars - Picture This:***

*Almost every family has its photo album. Now we want a HRC family album, too—one that will show the faces of HRC and send a message besides. And your family's picture may be just what we need.*

*In each of our issues of The Movement, we will publish several pages of pictures to illustrate the strengths of families and the insanity of the PA Department of Corrections hostile anti-family policies. We want pictures of prisoners and their families, preferably taken in prison. We'll run as many pictures as space permits.*

*If you and your loved ones want to participate here's what you'll need to send us:*

- *A family picture made during a prison visit.*
- *Names and Relationships of those in the picture, listed left to right.*
- *Information on the prisoner's sentence (how much of sentence he/she has in and how much remains to do).*
- *The name and location of the prison.*
- *The name and address of the person sending the picture.*
- *A brief article by a loved one or prisoner expressing their personal feelings to the other (article no longer than three paragraphs).*
- *A stamped, self addressed envelope (or \$.50 institutional check) if you want the picture returned.*

*Send your pictures and article to H.R.C., Attention: Newsletter Committee, c/o Lava Space, 4134 Lancaster Ave., Philadelphia, PA 19104.*



# Women in Prison

## ***The Issue: Sentencing and The War on Drugs***

*The Department of Justice found that women were over represented among low level drug offenders who were non-violent, had minimal or no prior criminal history, and were not principal figures in criminal organizations or activities, but nevertheless received sentences similar to "high level" drug offenders under the mandatory sentencing policies. From 1986 to 1996 the number of women sentenced to state prison for drug crimes increased ten-fold. Nationally one in three women in prison and one in four women in jail are incarcerated for violating a drug law. (Department of Justice, Bureau of Justice Statistics Prisoners in 1997).*

- According to The Boston Globe, "nearly 26% of the nearly 2000 men and women crowding Massachusetts prisons for drug crimes are first-time offenders.... Worse, nearly three out of four drug traffickers who do get charged in major cases, but agree to forfeit substantial drug money to prosecutors, bargain their way out of the long sentences.... The result: those with no money or information to trade face the hard mandatory sentences."
- From 1986 to 1996, the number of women sentenced to state prison for drug crimes increased from 2,370 to 23,700. (Bureau of Justice Statistics, Washington DC Prisoners in 1997)
- In 1986, 12.0% of women in prison were drug offenders. In 1991, 32.8% of women in prison were incarcerated for drug offenses. (Women in Prison, Survey of State Prison Inmates, 1991. US Department of Justice, March 1994, NCJ 145321)

## ***The Issue: Sexual Assault and Misconduct Against Women in Prison***

*The imbalance of power between inmates and guards involves the use of direct physical force and indirect force based on the prisoners' total dependency on officers for basic necessities and the guards' ability to withhold privileges. Some women are coerced into sex for favors such as extra food or personal hygiene products, or to avoid punishment.*

- **Powerlessness and Humiliation**  
There are 148,200 women in state and federal prisons. In federal women's correctional facilities, 70% of guards are male. Records show correctional officials have subjected female inmates to rape, other sexual assault, sexual extortion, and groping during body searches. Male correctional officials watch women undressing, in the shower or the toilet. Male correctional officials retaliate, often brutally, against female inmates who complain about sexual assault and harassment
- **Retaliation and Fear**  
In many states guards have access to and are encouraged to review the inmates' personal history files (this includes any record of complaints against themselves or other prison authorities). Guards threaten the prisoner's children and visitation rights as a means of silencing the women. Guards issue rule infraction tickets, which extend the woman's stay in prison if she speaks out. Prisoners who complain are frequently placed in administration segregation.
- **Impunity**  
Ineffective formal procedures, legislation and reporting capacity within US jails and prisons account for much of the ongoing sexual abuse of women. In 1997, according to the US Justice Department only 10 prison employees in the entire federal system were disciplined, and only 7 were prosecuted. If a prison official is found guilty, he is often simply transferred ("walked off the yard") to another facility instead of being fired. The inmate may also be transferred.

*(Continued on page 14)*

*(Continued from page 13)*

## ***The Issue: Medical Neglect of Women in US Prisons***

*Women are denied essential medical resources and treatments, especially during times of pregnancy and/or chronic and degenerative diseases.*

- **Failure to refer seriously ill inmates for treatment and delays in treatment**  
Women inmates suffering from treatable diseases such as asthma, diabetes, sickle cell anemia, cancer, late-term miscarriages, and seizures have little or no access to medical attention, sometimes resulting in death or permanent injury. Instances of failure to deliver life-saving drugs for inmates with HIV/AIDS has also been noted.
- **Lack of qualified personnel and resources and use of non-medical staff**  
There is too few staff to meet physical and mental health needs. This often results in long delays in obtaining medical attention; disrupted and poor quality treatment causing physical deterioration of prisoners with chronic and degenerative diseases, like cancer; overmedication of prisoners with psychotropic drugs; and lack of mental health treatment. The use of non-medical staff to screen requests for treatment is also common.
- **Charges for medical attention**  
In violation of international standards, many prisons/jails charge inmates for medical attention, on the grounds that charging for health care services deters prisoners from seeking medical attention for minor matters or because they want to avoid work. In some supermaximum prisons, where prisoners cannot work at all, the US Justice Department has expressed concern that charging prisoners impedes their access to health care.
- **Inadequate Reproductive Health Care**  
In 1994, the National Institute of Corrections stated that provision of gynecological services for women in prison is inadequate. Only half of the state prison systems surveyed offer female-specific services such as mammograms and Pap smears, and often entail a long wait to be seen.
- **Shackling During Pregnancy**  
Shackling of all prisoners, including pregnant prisoners, is policy in federal prisons and the US Marshall Service and exists in almost all state prisons. Only two states have legislation regulating the use of restraints (belly chain, leg irons and handcuffs) Shackling during labor may cause complications during delivery such as hemorrhage or decreased fetal heart rate. If a caesarian section is needed, a delay of even 5 minutes may result in permanent brain damage to the baby.
- **Lack of treatment for substance abuse**  
The gap between services available and treatment needs continues to grow. The number of prisoners with histories of drug abuse is growing, but the proportion of prisoners receiving treatment declined from 40% in 1991 to 18% in 1997.
- **Lack of Adequate or Appropriate Mental Health Services**  
48-88% of women inmates experienced sexual or physical abuse before coming to prison (as many as 90% in New York and Ohio prisons), and suffer post-traumatic stress disorder. Very few prison systems provide counseling. Women attempting to access mental health services are routinely given medication without opportunity to undergo psychotherapeutic treatment.

## ***The Issue: Discrimination Based on Gender, Race and Sexual Orientation***

*The growth in incarceration has had its greatest impact on minorities, particularly African Americans. Women are most vulnerable to different forms of discrimination, including sexual harassment or abuse. Women that do not fit the "norm", such as lesbians, face increased risk of torture and abuse.*

### **Discrimination Based on Race:**

- Over a five-year period, the incarceration rate of African American women increased by 828%. (NAACP LDF Equal Justice Spring 1998.) An African American woman is eight times more likely than a European American woman is to

*(Continued on page 15)*



# The Home Front: Serving Our Community

(Continued from page 14)

be imprisoned; African American women make up nearly half of the nation's female prison population, with most serving sentences for nonviolent drug or property related offenses.

- Latina women experience nearly four times the rates of incarceration as European American women.
- State and federal laws mandate minimum sentences for all drug offenders. This eliminates from judges the option of referring first time non-violent offenders to scarce, financially strapped drug treatment, counseling and education programs. The racial disparity revealed by the crack v. powder cocaine sentences insures that more African American women will land in prison. Although 2/3 of crack users are white or Hispanic, defendants convicted of crack cocaine possession in 1994 were 84.5% African American. Crack is the only drug that carries a mandatory prison sentence for first time possession in the federal system.

## Discrimination Based On Sexual Orientation:

- Human Rights Watch has documented categories of women who are likely targets for sexual abuse. Perceived or actual sexual orientation is one of four categories that make a female prisoner a more likely target for sexual abuse, as well as a target for retaliation when she reports that abuse.
- If a woman is a lesbian, her criminal defense becomes more challenging. Jurors in the US were polled as to what factors would make them most biased against a defendant, and perceived sexual orientation was chosen as the most likely personal characteristic to bias a juror against a defendant, three times greater than race. (National Law Journal November 2, 1998.)
- The case of Robin Lucas depicts how sexual identity may subject a woman to further abuse or torture by a guard. She was placed in a men's prison where male guards allowed male inmates to rape her. The male guards taunted her about her same sex relationship, saying to her "maybe we can change your mind".

1. According to the Bureau of Justice Statistics, there were 94,336 female inmates in State and Federal institutions in July 2001. At <http://www.ojp.usdoj.gov/bjs/pub/pdf/pjim02.pdf>

From E-Book of **female prisoners' poetry**, generously hosted by Family and Corrections Network,  
[www.fcnetwork.org/womens\\_poetry.pdf](http://www.fcnetwork.org/womens_poetry.pdf)

**To my children**

Nothing hurts me more right now than being away from you.  
I can handle the consequences of jail, fines, community service, rehab,  
*everything* but the hurt I put you through by being away  
Depriving you hurts more than any punishment sentenced to me.  
I can only pray that you will learn from my bad choices  
and not go through the same mistakes  
Please know that it is you that motivates me to do right now and plan  
for the future. The consequences of being away again is too great to  
re-offend  
Love, Mom

# Families Dare To Speak, Dare to Resist

Norma Cumpian W51648  
CIW MB 158  
16756 Chino-Corona Road  
Corona, CA 92880

May 26, 2009

Dear Human Rights Coalition:

I am writing to your organization in the hopes that you will read my fact sheet and encourage your members to write the governor to uphold my pending release from prison.

Seventeen years ago, I was sentenced to 15 years to life for the death of my abuser. Determined to use my time efficiently, I began my sentence by attending valuable mental health therapy. Since that time, I have been involved in numerous self-help groups, such as *Convicted Women Against Abuse*, *Mexican American Resource Association*, *Toastmasters*, and *Pathways to Wholeness* to name a few. Part of my involvement in these groups has been to share with other women the experiences of my past and lend a hand to those that are beginning their journey of recovery from abuse.

I have also used my incarceration to upgrade educationally. I earned an associate's degree and graduated with honors. Currently I am working towards my bachelor's degree and I will continue to do so upon release. Additionally, I have completed numerous vocational trades offered by the prison.

The Board of Prison Terms recognizes my accomplishments toward rehabilitation and on March 19, 2009, I was granted parole. Unfortunately, my struggle does not end there. The governor has the power to uphold my parole or deny it. He will be deciding this on or about July 17 through August 18, 2009.

Would you be willing to circulate via E-mail the enclosed fact sheet to all your members so they may have the option of writing the governor to uphold my release?

I want to thank you in advance for taking the time to read this letter and for your support.

With warm regards,

  
Norma Cumpian

Enc.

# Families Dare To Speak, Dare to Resist

Continued from page 14

## FREE BATTERED WOMEN

Working for Justice and Freedom for Incarcerated Survivors of Domestic Violence

### About Norma Cumpian



- Norma is a 39-year-old survivor of domestic violence who was pregnant at the time that she killed her abusive boyfriend. A well-known domestic violence expert testified that battering and its effects was critical in explaining what happened in Norma's case.
- In 1992, Norma was sentenced to 15-years-to-life in prison (plus a four year gun enhancement) and has now served 17 years at the California Institution for Women.
- While in prison, she has obtained her Associates degree and multiple certificates, worked as a peer counselor in the mental health department, served as Chairperson of Convicted Women Against Abuse from 2000-2004, trained service dogs and more.
- Norma has an exemplary disciplinary record. Psychiatric reports conclude that she has developed into a dependable and insightful woman and have found her to be a low-risk prisoner.
- Norma has strong parole plans including strong support from friends and family. Upon her release Norma plans to pursue her Bachelors degree.

### About Norma Cumpian's fight for freedom

- Norma was found suitable for parole for the first time by the Board of Parole Hearings on March 19, 2009.
- Governor Schwarzenegger has until August 18, 2009, to decide whether to uphold Norma's parole.

### How you can help

- The Governor has been reversing the parole board's decisions in most cases – thus, massive community support for Norma's release is essential to securing her freedom!
- Send a letter to the Governor telling him that you support Norma's release and that you trust the parole board to make the best determination about who is suitable for parole.
- Contact Free Battered Women at (415) 255-7036 ext. 304 or [info@freebatteredwomen.org](mailto:info@freebatteredwomen.org) or [norma.cumpian@yahoo.com](mailto:norma.cumpian@yahoo.com) for sample letters of support or for more information.
- Encourage others in your organization and your community to join the fight to free Norma!

#### FREE BATTERED WOMEN

(formerly the California Coalition for Battered Women in Prison)

1540 Market St., #490 • San Francisco, CA 94102 • 415-255-7036 ext.304 • fax 415-552-3150  
[www.freebatteredwomen.org](http://www.freebatteredwomen.org) • [info@freebatteredwomen.org](mailto:info@freebatteredwomen.org)



# Families Dare To Speak, Dare to Resist

Continued from page 15

-The Honorable Governor Arnold Schwarzenegger  
Attn: Andrea Hoch, Legal Affairs Secretary  
State Capitol Building  
Sacramento, CA 95814  
Phone: 916-445-2841  
Fax: 916-558-3160

## PLEASE RELEASE NORMA CUMPIAN W#51648

Dear Governor Schwarzenegger,

I am writing to ask you to uphold the Board of Parole Hearings decision to grant parole to Norma Cumpian. Ms. Cumpian has spent 17 years at the California Institution for Women (CIW) on a 19-to-life sentence for the death of her abusive boyfriend. The Board of Parole Hearings found Ms. Cumpian suitable for parole and I urge you to support their decision to release her.

Ms. Cumpian is a 39-year-old woman who has had an exemplary disciplinary record while in prison. She has used her time in prison to transform herself through support groups, study, work, and service. During her incarceration, Ms. Cumpian has displayed considerable leadership skills, as well as a commitment to self-improvement and support for others' growth. Her peers in the Convicted Women Against Abuse group recognized her leadership qualities by electing her the Chairperson from 2000 – 2004.

Ms. Cumpian continues to give back to her community as a peer counselor in the mental health department for more than a decade, and as an HIV and Infectious Disease Educator for nearly ten years. She has earned multiple certificates in computer applications as well as other specialties. Recognizing the value of higher education, Norma earned her Associates degree from Chaffey College. These accomplishments demonstrate her dedication to taking full advantage of the opportunities for both personal growth and developmental programs available to her during her incarceration. Upon her release Ms. Cumpian plans to pursue her Bachelors degree.

Given Ms. Cumpian's insight, accomplishments, strong parole plans and excellent disciplinary record while in prison, it is clear that she does not pose any risk to public safety. I strongly believe that she deserves to be released, and urge you to uphold the parole board's decision to release Ms. Cumpian on parole.

Sincerely,

Signature

Name

Street Address

City, State, Zip

# Russell 'Maroon' Shoats

**Time in Solitary Confinement: 30 Years!!**

**Date Placed In Solitary: 1978**

**Reason(s) Placed In Solitary: Black Panther Party Member; Prison Escapes; and Security Risk**

**Custody Status: Permanent Solitary Confinement**

Russell 'Maroon' Shoats is a Black Panther Party Political Prisoner who was imprisoned in 1972 for the alleged murder of a Philadelphia police officer. The U.S. Government's FBI Cointelpro operations targeted political activists of the Black Panther Party, Students For A De-Underground Organization, and American Indian Movement, that wrongly landed many as political prisoners for simply criminal policies in the 1960s many political prisoners being ica's prison system under soli-

The PA DOC placed Maroon in permanent solitary confinement after his escape. Since then, Maroon has been subjected to torture, and BEHAVIOR MODI-

(LTSU/SMU) the PA DOC officials could dish out over a 30 year period. And at the age of 62, Maroon has still not been physically, mentally, or spiritually broken, and continues to struggle for freedom, justice and equality for all people.

For the past 20 years Maroon has been confined at prisons far from his home to sever his family tie and support, denied release from solitary confinement, denied transfer to a prison close to Philly, and he has been denied crucial medical treatment for a life-threatening illness in violation of his Human Rights and state/federal Constitutional Rights to not be subjected to cruel and unusual punishment.

Russell 'Maroon' Shoats is a political prisoner and co-founder of the Human Rights Coalition (HRC) organization in Pennsylvania.

Are Maroon's Human Rights and Constitutional Rights being violated by the PA DOC? Do Human Rights matter?

**Russell 'Maroon' Shoats, SCI-Greene/#AF-3855, 175 Progress Drive, Waynesburg, PA 15370**

\*Phone, email, and write the PA DOC Secretary and demand that Maroon is transferred to a prison close to Philadelphia and that he receives proper medical treatment and care.



ativists of the Black Pan-  
mocratic Society/Weather  
young Lords Organization,  
Organization for Repres-  
of its members in prison  
challenging America's  
and '70s. Maroon is one of  
unjustly confined in Amer-  
tary confinement.

roon in permanent solitary  
from SCI-Fairview in 1978.  
subjected to every abuse,  
FICATION PROGRAMS

## ***Human Rights Matters***

### THE FACES OF TORTURE IN SOLITARY CONFINEMENT

The following persons - Maroon Shoats and Jerome Coffey - represent the 'Faces of Torture' within PA Department of Corrections (PA DOC) at its State Correctional Institutions (SCIs). As you view the section below, see if the Faces of Torture presented here is one of your incarcerated family members or friends on lock down in the Hole. And as you read ask yourself are prisoners being rehabilitated by the PA DOC's use of solitary confinement/SMU as torture chambers, and are our communities made safe when the PA DOC practices the torture of Human Beings in solitary confinement that causes most prisoners to become psychologically impaired persons that are eventually returned to society. We must work in our communities to bring public awareness to the human rights abuse and torture taking place in the PA DOC and to hold them accountable for their criminal practice of torture. If U.S. prison officials' practice of abuse and torture is illegal in Guantanamo Bay and Abu Gharib prisons overseas, then it is equally illegal when done on American soil in the PA DOC against American citizens!

## Jerome Coffey

**Time in Solitary Confinement: 8 years and 6 months**

**Date Placed In Solitary: October 2001**

**Reasons Placed In Solitary: Allegedly Instigating an Assault on Prison Staff**

**Custody Status: Permanent Solitary Confinement**

**In October 2001, Jerome Coffey was placed in solitary confinement at SCI-Greene for allegedly instigating an incident that involved the assault of two prison staff. Jerome has denied any involvement in the incident. However, even if Jerome Coffey were responsible for the alleged assault on prison staff, it does not justify SCI-Greene/PA DOC for confining Jerome and other Human Beings in solitary confinement for an indeterminate amount of time or permanently. What happens to prison guards when they are accused of or even proven to have, beaten prisoners while handcuffed and defenseless in solitary confinement? - Nothing!**

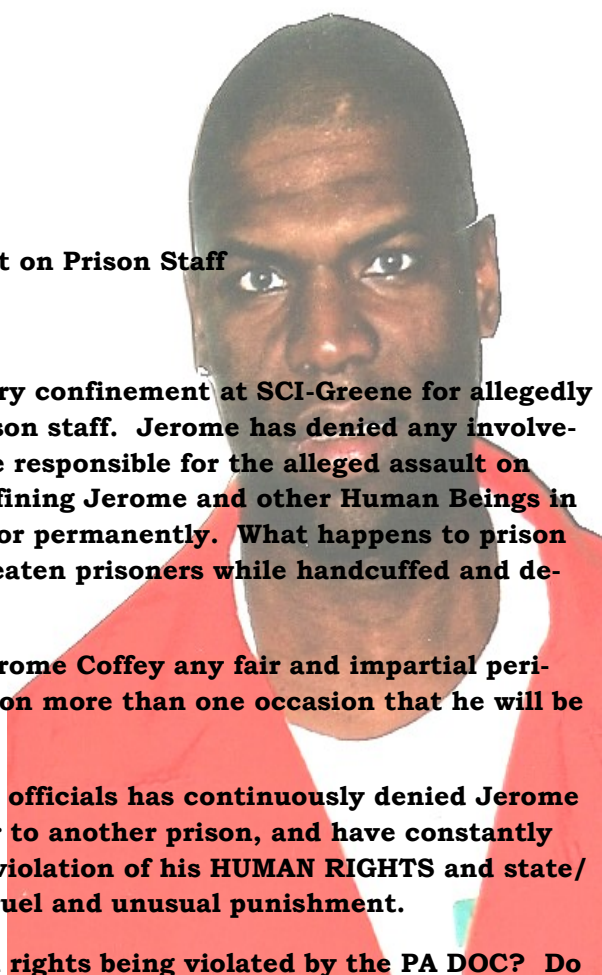
**SCI-Greene's prison administrators has not given Jerome Coffey any fair and impartial periodic reviews as per PA DOC policy, and have informed him on more than one occasion that he will be held in solitary confinement until his DEATH!**

**For the past eight years and six months, SCI-Greene officials has continuously denied Jerome Coffey a release to the prison's general population, transfer to another prison, and have constantly abused and tortured him while in solitary confinement, in violation of his HUMAN RIGHTS and state/federal CONSTITUTIONAL RIGHTS to not be subjected to cruel and unusual punishment.**

**Is Jerome Coffey's Human Rights and constitutional rights being violated by the PA DOC? Do Human Rights matter?**

***Jerome 'Hoagie' Coffey, SCI-Greene/#AS-1558, 175 Progress Drive, Waynesburg, PA 15370***

**\*Phone, email, and write the PA DOC Secretary and demand that Maroon is transferred to a prison close to Philadelphia and that he receives proper medical treatment and care.**





# Powerless in Prison: Sexual Abuse Against Incarcerated Women

By Nicole Summer

Created Dec 11 2007 - 9:17am

*"I am 7 months pregnant [and] I got pregnant here during a sexual assault. I have been sexually assaulted here numerous times! The jailers here are the ones doing it!"*

*-- excerpt from a letter from an inmate in a jail in Alabama to Stop Prisoner Rape.*

Surviving a sexual assault and then navigating the health care system to receive adequate counseling and reproductive medical attention is daunting enough for those who walk freely on the outside. For women in prison, these hurdles can seem insurmountable. Unfortunately, sexual assault, particularly guard-on-prisoner sexual assault, is a fact of life for many incarcerated women, and the ensuing implications for their reproductive health [1] are many.

The power dynamics in prison severely disadvantage the prisoner, who is at the absolute mercy of her guards and correctional officers, relying on them for necessities such as food and for the small privileges and luxuries such as cigarettes. Guards have unlimited access to prisoners and their living environment, including where they sleep and where they bathe. With such an imbalance of power, the likelihood of sexual assault increases. Sexual abuse in prison can range from forcible rape to the trading of sex for certain privileges. While the latter may seem consensual to some, the drastic power disparity makes the idea of "consent" almost laughable. In fact, all 50 states have laws that make any sexual contact between inmates and correctional officers illegal, "consensual" or not. "It's *always* unacceptable and illegal," says Lovisa Stannow, executive director of Stop Prisoner Rape.

While guard-on-prisoner sexual assault is common, putting a number on the instances is difficult because so many assaults are unreported. As with sexual assault on the outside, many survivors in prison are ashamed and embarrassed to come forward, fear that their claim will be hard to prove or fear that their attackers will retaliate. In prison the fear of retaliation is heightened, as the prisoner continues to live with her attacker controlling her daily life. And inmates who report a sexual assault are frequently put in segregated isolation, ostensibly to protect them from retaliation, but this isolation can be emotionally and physically draining, and well, terribly isolating. And many women in prison have been sexually abused in the past, before they were incarcerated, or are accustomed to using sex to get what they want, on the inside or the outside. "A lot of women don't view it as abuse," says Deborah Golden, staff attorney at the D.C. Prisoners' Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs. About 80 percent of women inmates have already experienced some kind of sexual or physical abuse before prison, says Sarah From, director of public policy and communications at the Women's Prison Association.

Despite the widespread underreporting, some statistics exist. First, there are about 200,000 women incarcerated in the U.S. (in federal, state, local and immigration detention settings), a number that is growing exponentially and that makes up about 10 percent of the total prison population. Amnesty International reports that in 2004, a total of 2,298 allegations of staff sexual misconduct against both male and female inmates were made, and more than half of these cases involved women as victims, a much higher percentage than the 10 percent that women comprise of the total prison population. It can vary from institution to institution, but in the worst prison facilities, one in four female inmates are sexually abused in prison, says Stannow.

The risk of pregnancy as the result of a sexual assault is, of course, a concern for many survivors, incarcerated or not. But obtaining emergency contraception [2] or an abortion, if one is desired, may be more difficult for women on the inside. Because many inmates do not report the sexual assault immediately (if at all), using emergency contraception is usually not possible, if it is even available. While prison-

*(Continued on page 22)*

## ***Human Rights Matters***

***(Continued from page 21)***

ers' rights and reproductive rights [3] organizations report hearing few complaints about emergency contraception being inaccessible to women in prison, they are unconvinced that it is widely available. Golden believes emergency contraception should be made readily available and should be on the prison's prescription formulary.

Unlike access to emergency contraception, access to abortion by inmates has seen its way through the courts. Crucially, women do not lose their right to decide to have an abortion just because they are in prison; rather, the issue is how the prison accommodates (or refuses to accommodate) her decision. "There are constitutional minimums [4]," says Diana Kasdan, staff attorney with the ACLU's Reproductive Freedom Project. Although the details can vary from jurisdiction to jurisdiction, prisons must provide access to an abortion if one is desired. "Providing access" can range from providing transportation to an off-site medical facility, to allowing for a furlough or to providing abortions on-site, although Kasdan says she has not heard of the latter. A court in Arizona recently ruled that a court order to obtain transportation for an abortion cannot be required, and a federal court in Missouri ruled last year that a prison cannot refuse to pay for the transportation of inmates to receive abortions.

Paying for the abortion itself is yet another issue for women inmates, and it is a patchwork quilt of inconsistency throughout the states. Some state prison systems fund abortions, some states refuse to pay for what they consider "elective" abortions and some states simply have no official written policy, research by Rachel Roth has shown. Only two states specifically mention sexual assault in their prison abortion policies; both Minnesota and Wisconsin allow for government-subsidized abortions when the pregnancy results from a sexual assault. The federal Bureau of Prisons also pays for the abortion in the case of sexual assault.

In prison, the possibility of a coerced abortion can hang over an inmate who discovers she is pregnant as the result of a sexual assault by a guard. In a letter to Stop Prisoner Rape, one inmate writes:

*A rumor had spread through the facility that I was pregnant. I'm not sure how the rumor got started, but medical staff*

*came to my cell and forced me to provide a urine sample that they could use to test for pregnancy. They did not ask me any questions, offer me any support, or seem at all concerned for my well-being. That same night, three guards, two female and one male, came into my cell, sprayed me in the face with mace, handcuffed me behind my back, threw me down on the ground, and said, "We hear you are pregnant by one of ours and we're gonna make sure you abort." The two female guards began to kick me as the male guard stood watch. The beating lasted about a minute, but it felt like ten or more. Afterwards, the male officer uncuffed me and they left.*

The prisoner's rights as a mother, if she becomes pregnant and chooses not to terminate the pregnancy, are complicated, to say the least. Few jurisdictions allow women to keep their children in prison with them once they are born. Frequently, if there is no family member on the outside to take the child, the child will enter the foster care system, and the state will move to terminate the parental rights of the mother because she is absent. The parental rights of mothers in prison is a fraught and complicated issue, one that goes well beyond the particular problem of sexual assault by guards.

Access to counseling after a sexual assault in prison is virtually nonexistent. An inmate cannot simply call a hotline, since all calls are monitored and she has no privacy. When one inmate sought mental health care from prison services after a sexual assault, she was offered sleeping pills, says Golden. "There's no capacity in prisons for talk therapy," she says. And any counseling inside the prison is not confidential. Some community therapists will come in on visiting days to counsel an inmate, but usually only at the behest of a lawyer, says Golden.

Despite the overwhelming power imbalance, guard-on-prisoner sexual assault is preventable, insists Stannow. Efforts such as making sure the staff is well trained, educating the prisoners about their rights, eliminating impunity for guards and following up on reports of sexual abuse would go a long way toward prevention, she says. Congress had similar goals in mind when it unanimously passed the Prison Rape Elimination Act (PREA) in 2003.

***(Continued on page 23)***

(Continued from page 22)

PREA aims to establish zero-tolerance standards of sexual assaults, to increase data and information on the occurrence of prison sexual assault and to develop and implement national standards for the detection, prevention, reduction and punishment of prison sexual assault. "PREA has been enormously important in ending sexual violence in detention," said Stan-now. "Congress made clear that it's a problem that must be addressed." Perhaps most excitingly, PREA created a federal commission to generate binding national standards regarding sexual violence in detention. But "the existence of the law doesn't mean the problem is gone," Stannow continues. "Now we need to make sure that we build on the momentum of the law to make every corrections system in the country acknowledge that sexual violence in detention is a major problem, and does everything it can to end it."

One of the largest obstacles to eliminating prison sexual assault is the "social invisibility" of prisons. The general public neither knows nor cares about the plight of the incarcerated, and thus cannot demand that its government properly protect prisoners' bodily integrity and rights. Perhaps PREA is the beginning of the end of this social invisibility.

From E-Book of *female prisoners' poetry*, generously  
hosted by Family and Corrections Network,  
[www.Fcnetwork.org/womens\\_poetry.pdf](http://www.Fcnetwork.org/womens_poetry.pdf)

## Prison Life

It's waiting on letters  
When you're doing time.  
And your family won't write,  
or send you a dime.

It's waiting on visits  
that never take place,  
from friends or loved ones,  
who forgot your face.

It's hearing them lie  
And saying that we're trying,  
making you promises  
but you know they are lying.

It's making plans with someone  
Who you thought you knew,  
but their plans suddenly change,  
and it didn't include you.

It's hearing them say how much they care,  
but in your time of need  
they are never there.

It's hearing them promise  
and it goes straight to your head,  
But when push comes to shove,  
They leave you for dead.

It's feelings and Love  
Honor and Pride.  
Pain and Emotions and hurting inside.

It's expressing yourself to your loved ones,  
and friends,  
But they can't feel your pain because  
you're in the pen.

It's calling and hearing  
" 'A' Block's on the phone."  
But you maintain  
Because life goes on.

It's really messed up when you're doing  
time  
But that's "Prison Life."  
Out of sight, out of mind.

THE END



THIS STRIKING INFORMATION IS PRINTED FOR FAMILY MEMBERS AND PRISONERS WITHOUT COMPUTERS OR THE WEB. THIS ARTICLE WAS ORIGINALLY PUBLISHED THROUGH [WWW.INFORMATIONCLEARINGHOUSE.INFO](http://WWW.INFORMATIONCLEARINGHOUSE.INFO). FOR THOSE OF YOU WHO HAVE COMPUTERS, FEEL FREE TO VISIT THIS SITE FOR NEWS YOU WON'T FIND ON CNN. BECAUSE OF SIZE, WE WERE FORCED TO PRINT THIS ARTICLE IN TWO PARTS. PART I PUBLISHED IN JAN-FEB ISSUE OF 'THE MOVEMENT', PART II MAY BE FOUND BELOW.

# Torture Inc. America's Brutal Prisons

By Deborah Davies

## Part II continued from Jan-March 'THE MOVEMENT'

The second tape, from five years earlier, shows Scott Norberg dying a similar death in the same jail. He was also a drug user arrested for causing a nuisance. Norberg was severely beaten by the guards, stunned up to 19 times with a Taser gun and forced into the chair where – like Charles Agster – he suffocated.

The county's insurers paid Norberg's family more than £4 millions in an out-of-court settlement, but the sheriff was furious with the deal. 'My officers were clear,' he said. 'The insurance firm was afraid to go before a jury.'

Now he's determined to fight the Agster case all the way through the courts. Yet tonight, in Sheriff Joe's jail, there'll probably be someone else strapped into the chair.

Not all the tapes we uncovered were filmed by the guards themselves. Linda Evans smuggled a video camera into a hospital to record her son, Brian. You can barely see his face through all the tubes and all you can hear is the rhythmic sucking of the ventilator.

He was another of Sheriff Joe's inmates. After an argument with guards, he told a prison doctor they'd beaten him up. Six days later, he was found unconscious of the floor of his cell with a broken neck, broken toes and internal injuries. After a month in a coma, he died from septicaemia.

'Mr Arpaio is responsible.' Linda Evans told me, struggling to speak through her tears. 'He seems to thrive on this cruelty and this mentality that these men are nothing.'

In some of the tapes it's not just the images, it's also the sounds that are so unbearable. There's one tape from Florida which I've seen dozens of times but it still catches me in the stomach.

It's an authorized 'use of force operation' – so a guard is videoing what happens. They're going to Taser a prisoner for refusing orders.

The tape shows a prisoner lying on an examination table in the prison hospital. The guards are instructing him

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to climb down into a wheelchair. 'I can't, I can't!' he shouts with increasing desperation. 'It hurts!'

One guard then jabs him on both hips with a Taser. The man jerks as the electricity hits him and shrieks, but still won't get into the wheelchair.

The guards grab him and drop him into the chair. As they try to bend his legs up on to the footrest, he screams in pain. The man's lawyer told me he has a very limited mental capacity. He says he has a back injury and can't walk or bend his legs without intense pain.

The tape becomes even more harrowing. The guards try to make the prisoner stand up and hold a walking frame. He falls on the floor, crying in agony. They Taser him again. He runs out of the energy and breath to cry and just lies there moaning.

One of the most recent video tapes was filmed in January last year. A surveillance camera in a youth institution in California records an argument between staff members and two 'wards' – they're not called prisoners.

One of the youths hits a staff member in the face. He knocks the ward to the floor then sits astride him punching him over and over again in the head.

Watching the tape you can almost feel each blow. The second youth is also punched and kicked in the head – even after he's been handcuffed. Other staff just stand around and watch.

We also collected some truly horrific photographs.

A few years ago, in Florida, the new warden of the high security state prison ordered an end to the videoing of 'use of force operations.' So we have no tapes to show how prison guards use pepper spray to punish prisoners.

But we do have the lawsuit describing how men were doused in pepper spray and then left to cook in the burning fog of chemicals. Photographs taken by their lawyers show one man has a huge patch of raw skin over his hip. Another is covered in an angry rash across his neck, back and arms. A third has deep burns on his buttocks.

'They usually use fire extinguishers size canisters of pepper spray,' lawyer Christopher Jones explained. 'We have had prisoners who have had second degree burns all over their bodies.'

'The tell-tale sign is they turn off the ventilation fans in the unit. Prisoners report that cardboard is shoved in the crack of the door to make sure it's really air-tight.'

And why were they sprayed? According to the official prison reports, their infringements included banging on the cell door and refusing medication. From the same Florida prison we also have photographs of Frank Valdes – autopsy pictures. Realistically, he had little chance of ever getting out of prison alive. He was on Death Row for killing a prison officer. He had time to reconcile himself to the Electric Chair – he didn't expect to be beaten to death.

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Valdes started writing to local Florida newspapers to expose the corruption and brutality of prison officers. So a gang of guards stormed into his cell to shut him up. They broke almost every one of his ribs, punctured his lung, smashed his spleen and left him to die.

Several of the guards were later charged with murder, but the trial was held in their own small hometown where almost everyone works for, or has connection with, the five prisons which ring the town. The foreman of the jury was former prison officer. The guards were all acquitted.

Meanwhile, the warden who was in charge of the prison at the time of the killing – the same man who changed the policy on videoing – has been promoted. He's now the man in charge of all the Florida prisons.

How could anyone excuse – still less condone – such behavior? The few prison guards who would talk to us have a siege mentality. They see themselves outnumbered, surrounded by dangerous, violent criminals, so they back each other up, no matter what.

I asked one serving officer what happened if colleagues beat up an inmate. 'We cover up. Because we're the good guys.'

No one should doubt that the vast majority of U.S. prison officers are decent individuals doing their best in difficult circumstances. But when horrific abuse by the few goes unreported and uninvestigated, it solidifies into a general climate of acceptance among the many.

At the same time the overall hardening of attitudes in modern-day America has meant the notion of rehabilitation has been almost lost. The focus is entirely on punishment – even loss of liberty is not seen as punishment enough. Being on the restraint devices and the chemical sprays.

Since we finished filming for the program in January, I've stayed in contact with various prisoners' rights groups and the families of many of the victims. Every single day come more e-mails full of fresh horror stories. In the past weeks, two more prisoners have died, in Alabama and Ohio. One man was pepper sprayed, the other tapered.

Then, three weeks ago, reports emerged of 20 hours of video material from Guantanamo Bay showing prisoners being stripped, beaten and pepper sprayed. One of those affected is Omar Deghayes, one of the seven British residents still being held there.

His lawyer says Deghayes is now permanently blind in one eye. American military investigators have reviewed the tapes and apparently found 'no evidence of systematic abuse.'

But then, as one of the prison reformers we met on our journey across the U.S. told me: 'We've become immune to the abuse. The brutality has become customary.'

So far, the U.S. government is refusing to release these Guantanamo tapes. If they are ever made public – or leaked – I suspect the images will be very familiar.

*(Continued on page 27)*

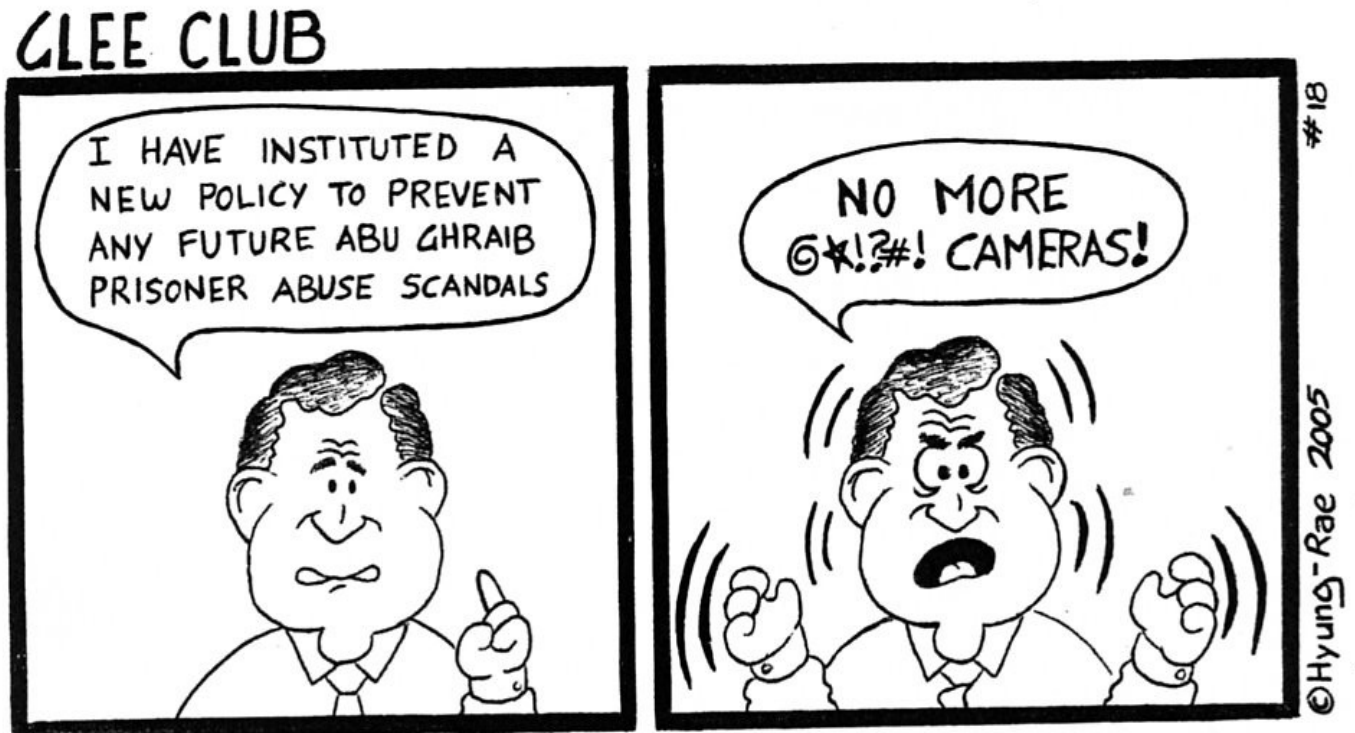


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Abu Ghraib, Guantanamo – or even Texas. The prisoners and all guards may vary, but the abuse is still too familiar. And much of it is taking place in America's own backyard.

Deborah Davies is a reporter for Channel 4 Dispatches. Her investigation, Torture: America's Brutal Prisons, was shown on Wednesday, March 2, at 11.05pm.

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Todd (Hyung-Rae) Tarselli  
BY-8025

Comrades —Hyung-Rae has promised to send his amazing comics to be published in the MOVEMENT on a regular basis. I, for one, can't wait to see his most recent work. Hyung-Rae, thanks in advance. Sometimes you have to laugh to keep from crying.



### **What I Have Lost...What I Have Found**

*I can't imagine telling you  
all the things that I have lost,  
all the pain and misery,  
and all that it has cost.*

*My years of drugs and drinking  
took many things from me.  
It took my pride and self-esteem  
and drained my family*

*I was blinded by the hardships  
I refused to see the light  
All the hopes and dreams I had  
were simply out of sight*

*I couldn't see the good times  
without going through the bad  
Always wanting to be numb  
is really kind of sad*

*As I sit and ponder  
All the years that have gone by--*

*all the wasted days and nights  
just make me want to cry*

*The years of drugs and drinking  
sure took their toll on me  
I thought this way of living*

*was what would set me free*

*The life I lived of drugs and crime  
caught up with me one day  
I looked up in the sky to God  
got on my knees and prayed*

*God, I know you hear me—  
Please come back in my heart  
I know you never left me  
And were there right from the start*

*God came to me and whispered  
Daughter, leave the drugs behind  
I will take good care of you  
I'm all you need to find*

**Pam Yonkers**

*From E-Book of female prisoners' poetry, generously  
hosted by Family and Corrections Network,  
[www.Fcnetwork.org/womens\\_poetry.pdf](http://www.Fcnetwork.org/womens_poetry.pdf)*

# HUMAN RIGHTS COALITION REPORT

Submitted to HRC By: Kerry Shakaboona Marshall

## U.S. SUPREME COURT SET TO DETERMINE CONSTITUTIONALITY OF SENTENCING CHILDREN TO LIFE IMPRISONMENT

On May 4, 2009 the U.S. Supreme Court decided to hear the criminal appeals of two Florida teens serving Life-Without-Parole (LWOP) in prison to consider whether the Eighth Amendment's cruel and unusual punishment clause allows *non-homicide* offenses committed by child offenders to be punished with life imprisonment without parole.

In the cases of *Graham v. Florida*, U.S. No. 08-7412, and *Sullivan v. Florida*, U.S., No. 08-7621, the defendants rely heavily on the court's recent decisions limiting the scope of the death penalty, namely the *Roper v. Simmons* case. In *Roper v. Simmons*, 543 U.S. 551, 76 Cr1 407 (2005), the U.S. Supreme Court prohibited death sentences for murders committed by child offenders under the age of eighteen. The court applied a standard that looked at whether the imposition of a death sentence on a particular class of offender was inconsistent with "*evolving standards of decency*".

In contrast, in *Ewing v. California*, 538 U.S. 11, 72 Cr1 491 (2003), and *Lockyer v. Andrade*, 538 U.S. 63, 72 Cr1 491 (2003) the U.S. Supreme Court upheld harsh non-capital sentences using a "*gross proportionality*" test. Under this approach, courts are first to compare the gravity of the offense with the severity of the penalty. If that examination gives rise to an inference of disproportionality, a court is then to consider other factors.

The two Florida teens', *Graham* and *Sullivan*, petitions for certiorari opted to rely on *Roper's* evolving-standards-of-decency test, rather than the gross proportionality test the court applied to the non-capital sentences in *Andrade* and *Ewing*. The defendant *Graham* was 16 years old when he allegedly committed an armed robbery and assault. While on probation for these offenses, he allegedly committed a home invasion and robbery. He was later sentenced to Life-without-parole for these offenses. The defendant *Sullivan* was 13 years old when he received LWP for an alleged sexual assault committed during a robbery.

The defendant in *Graham* emphasizes that the *Roper* court relied on a domestic and international consensus when assessing evolving standards of decency. The defendant also points out that LWOP for child offenders is contrary to the United Nations Convention on the Rights of the Child, which only the United States and Somalia have refused to sign.

The defendant in *Sullivan* endeavors to take his case out of the mainstream of get-tough-on-juvenile-crime cases by narrowly defining the category of offenders in which he places himself as those 13 years old or younger. The *Sullivan* defendant also contends that 13 year olds are physically and emotionally different from older teens.

In *Graham*, the question presented for the court to decide is: does the Eighth Amendment's ban on cruel and unusual punishments prohibit imprisonment of children for life without possibility of release as punishment for child's commission of non-homicide?

In *Sullivan*, the questions presented for the court to decide are: (1) Does the imposition of life-without-parole sentence on 13 year old for a non-homicide case violate the prohibition on cruel and unusual punishments under the Eighth and 14th Amendments of the U.S. Constitution, when freakishly rare imposition of such sentence reflects na-

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# HUMAN RIGHTS COALITION REPORT

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tional consensus on reduced criminal culpability of children? (2) Given the extreme rarity of life imprisonment without parole sentence imposed on a 13 year old child for a non-homicide crime and unavailability of substantive review in any other federal court, should the U.S. supreme Court grant review of recently evolved Eighth Amendment claim when state court has refused to do so?

## What Does It Mean

Whenever the U.S. Supreme Court grant review of a case, it is usually that they intend to make a major decision on the question (s) presented in a legal case that has national significance, which will set legal precedent for federal and state courts to follow.

When the U.S. supreme Court hears arguments on the Graham and Sullivan cases come October, they could very well decide the cases in of number ways. The worst case scenario is the court could decide *against* Graham and Sullivan by ruling children sentenced to LWOP for commission of non-homicide cases does not violate the eighth Amendment's Cruel and Unusual Punishment Clause. In the best case scenario the courts may decide in *favor* of Graham and Sullivan by ruling that sentencing child offenders under 18 years of age for *non-homicide* offenses does indeed violate the Eighth Amendment of the United States Constitution.

## Watch for the Flim-Flam

The key-word to be focused on here is "*non-homicide*". It appears the court may split hairs by permitting the sentencing of child offenders to life-without-parole for crimes involving homicide, but disallowing it for non-homicide cases.

[If] the court intended to abolish the sentencing of *all* child offenders to LWOP, they would have simply granted review of a case (s) involving sentencing a child offender to LWOP as punishment for "homicide". Such a hypothetical act by the court, if ruled in favor of child defendant (s), would in effect abolish the practice of sentencing [all] child offenders to LWOP in prison, regardless of the class of crime.

However, in light of the court granting review for Graham and Sullivan - whose focus is on LWOP for non-homicide cases only -, it is obvious the court intends to hit society with the flim-flam by abolishing sentences of LWOP for child offenders for non-homicide cases while allowing the barbaric practice in homicide cases. That's called 'splitting hairs'. So much for "evolving standards of decency".

## How Would this Affect Pennsylvania's Child Lifers?

In Pennsylvania, the sentence of life-without-parole in prison is levied *only* in cases of first—or second—degree

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# HUMAN RIGHTS COALITION REPORT

*(Continued from page 30)*

murder, meaning that all child lifers in Pennsylvania have been convicted of that. Thus, a Supreme Court decision prohibiting LWOP sentences to child offenders in non-homicide cases, would have no effect on children serving LWOP in Pennsylvania at all. In Pennsylvania, child lifer prisoners will continue to languish and die in prison, while the number of children serving LWOP—whom are disproportionately African-Americans—will continue to increase. Pennsylvania's notorious top rank as the state that sends the most children to prison for life in the nation and world will not change one iota.

Advocators for the abolition of sentencing child offenders to life imprisonment can only be cautiously optimistic that the Supreme court will throw a life-line to all children sentenced to LWOP by deciding to abolish sentencing children under 18 to LWOP entirely. It is quite possible that the Supreme Court justices will abolish child LWOP for the commission of non-homicide crimes, while leaving the door open for future legal challenges against children sentenced to LWOP for homicide.

## What Can Be Done

What are Pennsylvania's advocates of abolishing child LWOP now to do? The only recourse left now is to FIGHT BACK to abolish the practice of sentencing children to life-without-parole. America, and Pennsylvania in particular, must be publicly shamed through-out the country and the world. This can be done by the families of child lifers and supporting groups organizing themselves to wage a relentless campaign against Pennsylvanian politicians and judges using peoples' pressure tactics of media blitz in newspapers and over the internet, public demonstrations, community speaking tours throughout the state, coalition building with other organizations, and a national call for an economic boycott against the state of Pennsylvania.

We must not rely on the courts or politicians to implement change but take matters into your own hands to make change occur. The only thing the opposition will listen to is a mighty public out cry by the people demanding change, not begging them on bended knees. Organize to Fight Back.

## Books Through Bars

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We believe a society of social and economic inequality leads to a cycle of crime and incarceration. We work to reverse the dehumanizing effects excessive punishment inflicts upon individuals, families and communities. Books Through Bars sends quality reading material to prisoners and encourages creative dialogue on the criminal justice system, thereby educating those living inside and outside of prison walls.

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Submitted by HRC-FedUp!

## HRC-FedUp! Courthouse Update

### Tucker Found Innocent!

### Prisoner beats false charges with HRC help

~~~~~

### ***Gary Tucker Found Not-guilty! HRC, Family Support, and Prisoner Solidarity the Deciding Factors***

Torture survivor Gary Tucker, a state prisoner currently confined in 23-hour control unit lockdown at SCI Frackville, was found not-guilty of assaulting a prison guard by an all-white jury at the Cumberland County courthouse in Carlisle, PA on Thursday, May 21st.

In an emotional trial which featured gripping testimony by Gary and six other state prisoners the jury heard over and over again that it was in fact Mr. Tucker who was assaulted during the incident in question, and that his actions were defensive in character and only taken in response to the provocations of prison guard Stephen Banks.

In January of 2008 Gary's cell door was opened in the Special Management Unit at SCI Camp Hill after he and Banks had a heated argument. Mr. Tucker exited his cell prepared to defend himself with bars of soap in a sock. After chasing Banks away from his cell he was jumped from behind, subdued, handcuffed, and then dragged into a cell out of camera view and beaten bloody. Mr. Tucker suffered a laceration requiring stitches, lost two teeth, and had a bruised, swollen, and bloody face.

Mr. Tucker filed an excessive force grievance. On June 18, 2008 he was informed that it was denied. The next day guards under the command of Unit Manager Chris Chambers began denying him lunch and dinner, reportedly on the orders of Sgt. Barry Jones. After a week of this he was then denied all three meals for two weeks. He only began receiving food again after several prisoners contacted HRC/Fed Up!, reporting that SMU staff were attempting to starve Gary to death. An action alert was sent out and the prison eventually yielded to the pressure.

Seven months after the January assault the District Attorney's office of Cumberland County brought charges against Gary, claiming he assaulted a guard. The trial began Monday, May 18, 2009.

Mr. Tucker's story was confirmed by Karon Shorter, Steven Cave, David Crews, Terry Brooks, and Christopher Williams, all SMU survivors who testified from various state prisons via videoconference. Because Mr. Tucker solicited affidavits from these individuals immediately after he was assaulted he was prepared to call on them when needed. Michael Bundy, another prisoner, provided supporting testimony when he told the jury that he had been assaulted after his cell door was opened at Camp Hill.

The willingness of prisoners to testify while still in the clutches of control unit confinement—Brooks and Williams in fact are still in the Camp Hill SMU—illustrates an important lesson on how to fight back and win by acting in solidarity.

Gary's family turned out to the courthouse everyday in order to make their support known and send a message to the jury and his court-appointed lawyer that he is not alone and will not be permitted to be railroaded.

HRC/Fed Up! organized additional courthouse support and provided witness testimony when Bret Grote took the stand to affirm Mr. Tucker's version of events and speak of the organization's work exposing human rights violations in PA prisons.

When Tucker's family and HRC supporters from around the state arrived to the trial on Monday morning Gary was not even present and Mr. Grote had not been placed on the witness list. Over ten of Mr. Tucker's supporters confronted his lawyer about these problems after jury selection. When court re-convened after lunch Mr. Tucker was in the courtroom and Mr. Grote had been added to the witness list.

Mr. Tucker is only one amongst multiple SMU survivors who plans on pursuing a lawsuit against Camp Hill and the DOC for the repeated instances of assault, starvation, racism, and other acts perpetrated in the context of a thinly-disguised program of state torture.

# *President Obama Nominates First Latina Woman to U.S. Supreme Court*

President Barack Obama made history on May 26, 2009 by nominating U.S. Federal Appellate Judge, Sonia Sotomayor to the U.S. Supreme Court. Judge Sonia Sotomayor, if confirmed by the Senate, will be the 1<sup>st</sup> Latina and 3<sup>rd</sup> woman to serve as a justice on the Supreme Court. Judge Sotomayor is 54 years of age, Puerto-Rican, and a native of the Bronx, New York. She has spent 17 years on the bench as a Federal Judge in the 2<sup>nd</sup> Circuit, and is said to be a top-notch jurist. Republicans consider Judge Sotomayor a “moderate” and are opposed her confirmation as Supreme Court Justice.



John Baer, of the Philadelphia Daily News, reported that ... she's a two-fer and not in the sense that she's a woman and a minority. Nope, the twofer in this case is (1) a powerful message on “the American dream” and (2) a show of impressive political skill.

The judge's story – parents from Puerto Rico, raised in a south Bronx housing project, father died when she was 9, mom worked two jobs, scholarship to Princeton, Law Review at Yale – is another Obama-like “yes we can” life lesson.

As the president said in the East Room of the White House, her nomination shows that “it doesn't matter where you come from, what you look like ... no dream is beyond reach in the United States of America.”



# JLWOP NEWS

*June 30, 2009*

My name is Anita Colon and I am the sister of Robert Holbrook, a juvenile lifer currently located at SCI-Greene and for the past few years I have been involved in the struggle to eliminate the sentencing of juveniles to life in prison without any possibility of parole (JLWOP). I serve on the steering committee for Fight for Lifers –East, and I am a member of the Pennsylvania Prison Society's JLWOP subcommittee. In March, 2009 I was appointed the Pennsylvania Coordinator for the National Campaign for the Fair Sentencing of Youth. This national organization was funded by the Human Rights Watch with the explicit goal of working to eliminate JLWOP. A national coordinator was appointed in Washington, DC and there is a state coordinator in each state where JLWOP exists.

As you may know, the United States is the only country that sentences children to life without any possibility of parole and our home state of Pennsylvania has the distinction of having majority of the country's juvenile lifers. We currently have over 450, which amounts to almost 20% of all of the juvenile lifers in the country (and the world)! Disturbingly, 59% of the prisoners serving life without parole for crimes they committed as juveniles were first time offenders. In addition, there are a significant disproportionate number of minorities serving JLWOP throughout the United States. In Pennsylvania, a black youth is almost 20 times more likely to receive a sentence of life without the possibility of parole than a white youth even though African Americans make up less than 15% of the state's youth population.

I am pleased to report that the momentum surrounding the juvenile lifers issue is building tremendously, both on a local and national level. Last month, US Congressman Robert Scott (VA) reintroduced a Federal Bill that would eliminate JLWOP on a Federal level and require states to follow suit or face significant reductions in federal funding. The bill is named The Juvenile Justice Accountability and Improvement Act of 2009 (HR2289). The bill was co-sponsored by Rep. Jon Conyers and provides for parole review after 15 years of incarceration for anyone serving a life sentence for a crime they were convicted of committing prior to their 18th birthday.

I was chosen by Representative Bobby Scott to testify at the House Sub-Committee hearing in favor of the bill in Washington, DC on June 9<sup>th</sup> along with Marc Mauer (Executive Director of the Sentencing Project), Mark Osler (Former Prosecutor and current Professor of Law at Baylor University), and Linda White (a Board Member of the Murder Victims' Families for Reconciliation). The hearing went well, and although there was strong opposition to the bill by the Minority subcommittee members, the primary objective to the bill was the issue of "federalism" (the federal government telling the states what to do). In fact, although the current Minority Leader, Louis Gohmert, continues to oppose the bill, he spoke out on record against JLWOP and stated that he hoped his home state of Texas did not sentence children to live without any possibility of parole. Two weeks later the governor of Texas signed a bill granting parole opportunities to juvenile lifers.

In addition, in September the Supreme Court will hear two cases involving juvenile lifers (both in Florida, one 13 and one 17) who were convicted of life without parole (LWOP) for cases that did not involve a homicide. Although the outcome of these cases will likely not affect the majority of the juvenile lifers in our country, there have been countless articles published throughout the country in the last few weeks highlighting the general issues of JLWOP in the US and questioning whether the sentence is appropriate. Throughout the country, organizations are working to eliminate JLWOP and states are reexamining their laws as they relate to juveniles. Currently Michigan, California, Florida, Louisiana all have bills being considered that would provide for parole opportunities for juveniles serving life sentences. Our state has been negatively featured in many of the recent articles related to JLWOP. Now is definitely the time for Pennsylvania legislators to address this issue and it seems that is finally happening.

I am very excited to report that three current Pennsylvania State Representatives are extremely interested in juvenile justice reform and are also willing to sponsor a bill in Pennsylvania that mirrors the federal bill introduced by Bobby Scott. PA State Senator Greenleaf was also quoted as being concerned over the number of juveniles serving life sentences in Pennsylvania. He has publically questioned the appropriateness of the sentence and expressed interest in introducing legislation that would change some of our current laws.

Lastly, just last week I participated in a panel discussion surrounding the Convention on the Rights of the Child (CRC) at the 4<sup>th</sup> Annual International CURE Human Rights and Prison Reform Convention at the United Nations in Geneva, Switzerland. My presentation focused on the impact that ratification of the CRC would have on the current and future youth in our country, including the elimination of sentencing juveniles to life without parole. The conference was very informative and I made many international contacts. International support for the elimination of JLWOP in the U.S. is extremely valuable especially because the campaign for the ratification of the Convention of the Rights of the Child (CRC) treaty is also receiving increased attention lately.

In closing, I encourage all of you to call, write, and email your State and local legislators and ask them to support any and all current efforts to eliminate juvenile life without parole.

In solidarity,  
Anita Colon  
PA State Coordinator – Nat'l Campaign for the Fair Sentencing of Youth  
P.O. Box 5364  
Springfield, PA 19064-5364



# Families Dare To Speak, Dare to Resist



----- Original Message -----

**From:** nattyreb

PLEASE GO TO: <http://www.thepetitionsite.com/1/stop-shackling-pregnant-prisoners> and sign onto this letter!

It will only take a moment of your time and then **please forward far and wide!** Thank you very much!

Gov. David A. Paterson  
Executive Chamber  
State Capitol  
Albany, NY 12224

RE: NYS 1290

Dear Gov. Paterson,

The horrific practice of shackling pregnant prisoners must be halted immediately.

Meghan Road recently wrote that:

"Pregnant women who are shackled are at risk of injury during transportation to medical appointments, can suffer added pain during delivery, and may be deprived of appropriate care during examinations and delivery.

Officials from the American College of Obstetricians and Gynecologists have opposed shackling on the basis that 'physical restraints have interfered with the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the mother and the fetus ... thus, overall putting the lives of women and unborn children at risk.'

The risks are heightened by the fact that the pregnancies of women in custody are usually already high-risk because of their past medical histories, which can include substance abuse and limited access to prenatal care. In addition, the humiliation brought on by the shackling is inflicted on women who often have already suffered sexual or physical violence."

Proclaiming that a woman in the midst of giving birth could constitute a flight risk would be laughable if it weren't actually occurring. Treating these women so barbarically agitates underlying issues of mental and physical instability which could lead to premature deaths, damaged infants, torn and mutilated mothers, and rivals the torture practices being actively debated today.

Gov. Paterson, do the right thing and desist this abhorrent practice immediately. We are all entitled to human dignity.

Sincerely,

# Families Dare To Speak, Dare to Resist

## Is Pennsylvania Pennywise and Dollar Foolish? (YOU BE THE JUDGE)

By: Melvin

WHEN IT COMES TO CRIME PREVENTION, INCARCERATION AND PAROLE, IS PENNSYLVANIA PENNYWISE AND DOLLAR FOOLISH? and HOW? can be clearly answered without doubt if one carefully focuses on the complete and un-distorted example that follows :( Imagine listening to a conversation between two total strangers name Jane and John. We will refer to Jane as “Citizen” because she’s locked out beyond bars. Jane is an ex-college student, now raising two children and is presently low on funds. We will refer to John as “Convict” because he’s locked in behind bars. John is also an ex-college student who made a life changing mistake at a time when he too once was and now remains low on funds. Their conversation goes something like this:

Citizen: What happened to cause you to be locked in behind bars?

Convict: Matter of fact, I stole a purse that contained \$350.00.

Citizen: So you’re guilty of the crime and deserve to be punished?

Convict: Matter of fact, yes.

Citizen: Would you give me the details of what happened?

Convict: One day I was in the school auditorium, broke and didn’t know how to make ends meet. Consequently I was tempted by this open purse sitting on a chair that had money flashing out in clear view. I slipped away clean with the purse, so I thought. Apparently someone saw me take the purse and pointed me out to the police, who subsequently arrested me. I was charged under a Pennsylvania Crimes Code Law entitled “Common Law Larceny”. Larceny is defined as a felonious taking and carrying away of personal goods of another...without...consent, (Prior Law 1790 April 5, && 3 to 5, 2 Sm.L. 531) termed “Theft By Unlawful Taking”. The only requirement for the charge was that the subject of the larceny must have value, even though it is the least value. So I was convicted and sentenced to anywhere from two and a half years minimum, to no more than five years behind bars. That’s my story.

Citizen: Did you plead guilty to the charge?

Convict: No. The public defender advised me to take the case to trial using an abandoned property defense. After the fact, I found out that some public defenders are motivated to do anything to bring them the most work (Bucks).

Citizen: How long did your trial last?

Convict: two and one half days for law and order, at the tax payers expense.

Citizen: How much time have you completed on your sentence?

Convict: I served two years of the minimum, costing \$70,000.00, minus trial cost.

Citizen: Did the lady get her \$350.00 and her purse back?

Convict: No! Matter of fact, spent the money on bills and ditched the empty purse.

*(Continued on page 37)*

***(Continued from page 36)***

This is an actual conversation repeated hundreds of times over in a variety of circumstances, demonstrating how a real crime occurs with a real criminal (Convict'em) like John and a real citizen (Con-victim) like the lady who lost \$350.00, with her purse. Now, let us look at how pennywise or dollar foolish this crime actually cost the state/taxpayers to apprehend, try, convict and incarcerate John behind bars and further to parole his beyond bars into productive society.

1. The whole ride to try, defend and incarcerate John cost at least \$4,000.00.
2. John is going to spend 30 months, at a minimum, warehoused behind bars at an all expense costs of \$87,500.00. So the first annual bill to come to the victim in this larceny crime is \$35,350.00, including the amount of the theft, and this cost will later rise to \$87,850.00 in 30 months, at a minimum.
3. John will eventually be reinserted beyond bars at \$35.00 per day on parole for his remaining 30 months to complete his maximum.
4. John's 30 month parole will cost another \$31,955.00.
5. In addition the lady didn't get her \$350.00 and purse back, making a grand total cost of \$123,453.00 at a minimum for John's crime.

In the name of law and order, WHO'S PAYING THIS BILL? Why the victim of this theft in conjunction with the rest of the community will collectively pay \$123,109.00, minimum. John on the other hand, gets the opportunity to be locked in behind bars for an indeterminate waste of time. He also gets to provide employment, insurance, health care, pensions and other benefits for all those involved on the front-end of this con-artistry drawn out by the Prison Growth Industrial Complex, like police, Judges, prosecutors, public defenders, court clerks etc., and the same applies on the back-end of the con with the guards, prison staff and all the parole employment staff jointly involved in this industrial con-artistry.

In addition, John consumes food, needs clothing, shoes, shelter, and he plays cards, football and produces next to nothing. John's impoverish condition is further equipped with a new sparkling felony conviction to show for the lapse in years. Now multiply this example by the hundreds or even thousands and we can readily see billions of pennies lost and foolish dollars wasted in the name of "Law and Order" or instead "Law Out Of Order". The lady beyond bars (Society) who had her purse stolen and community (Citizens) would have otherwise been \$123,109.00 ahead had the purse not been reported stolen and John subsequently ushered in behind bars.

This holds that by reporting the purse stolen for her demand for justice under the states' (Someone's) equity policy of law and order, the victim sentenced or otherwise punished herself and the rest of the community to a fine by taxation cost of \$123,109.00 at a bare minimum. She accordingly lost her money and purse in addition to the decision to not support John and finance The Prison Growth Industrial Complex for the next five years. She would have been better off by simply getting John a manicure, with the bonus of purchasing him a one way airplane ticket to California (pardon my French) to simply get rid of his ass and take her chances that he would not return. But that would nevertheless be the clueless norm with the continued foolish non-sense of dumping the problem in someone else's lap of equity misfortune policy.

Could it be that such a con-artistry can be played on us again and again because we are by nature creatures of habit or is it because the citizens of Pennsylvania are not fully aware that they are victims of crime on crime on by way of the present assumed judicial, but in fact equity enforcement of someone's' public policies? Could it simply be that if the citizens don't know that they are victims thereof, that they by their silence elect instead not to do anything to correct these penny lost, dollar foolish circumstances? To say the least, when it comes to crime, punishment, incarceration and parole in Pennsylvania, the citizens are all in all, penny-clue-less and dollar foolish when it comes to managing, by way of public policy, an impoverish convict, a citizen convict and her \$350.00. For once it is time that "YOU BE THE JUDGE".

***By: A Humble Servant for the Citizens of Pennsylvania***

# The Babylon System -

**Bab.y.lon** - noun, Etymology: Babylon, ancient city of Babylonia, 14th century, a city devoted to materialism and sensual pleasure, many liken Babylon to the United States, see Revelations 17-18.

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



By Mumia Abu-Jamal on death row

## 'A party of one'

That great observer of American democracy, Alexis de Tocqueville, noted that U.S. political parties were like nations at war with one another.

While that's certainly true when it comes to the average rank-and-file party members, who work, sweat, bite and fight against political opponents for ascendancy, the same cannot be said of those at the highest levels.

That is but one lesson to emerge from the abrupt party-shift of U.S. Sen. Arlen Specter, who, up until quite recently was the senior Republican senator from Pennsylvania and among the institution's longest-serving.

Facing an increasingly difficult primary election in the fall, Specter ditched the party on which he has run and won for almost 30 years, and cast his lot with the opposing majority Democratic Party.

Political pundits and talking heads went almost apoplectic in their overheated responses and predictions. "Earth-shattering!" said one. "An earth-quake!" said another. In moments, they counted his votes on Democratic bills and proposals that had yet to be written.

The truth was quite simple: he wanted to win re-election, and he couldn't do it in the GOP.

It's often been said that the Senate is a millionaire's club; but it's more. It's one of the most exclusive clubs on earth. It's only 100 men and women, who are essentially princes and princesses of power.

In each U.S. state only two people can sit in the Senate, and once in, it's quite difficult to lose an election. Because Specter had an irritating independence streak, his upcoming Republican primary would have been among those seen as unsure.

Richard J. Needham, columnist for the Canadian Globe and Mail, said, "Power is a drug on which the politicians are hooked."

Power—that's it. Specter, who has spent his adult life as a prince, didn't feel like giving up that incredible power. And his switch virtually insures that he won't have to.

By switching parties he gives the Democrats one vote closer to a bulletproof majority—the 60 votes with which they can virtually run the table (assuming former comedian Al Franken can hold his lead over the GOP's Norman Coleman).

By so doing, Specter virtually insures that his former party-mates will be powerless, as without 41 votes, they can't stage a filibuster—or effectively block any legislation.

He therefore becomes the most powerful member of that body, for his vote becomes crucial.

The great wit, Alexander Pope, said, "Party-spirit . . . which at best is but the madness of many for the gain of the few."

Arlen Specter is a Party unto himself.

*Mumia's book, "Jailhouse Lawyers," and the movie, "In Prison My Whole Life," available at [www.Leftbooks.com](http://www.Leftbooks.com).*

## What I Have Lost

Integrity, credibility, job security,  
freedom, sanity, possessions,  
schedules, friends, marriage, health,  
stability, time . . . the hardest  
loss . . . time with my children. . .  
gone forever

*From E-Book of female prisoners'  
poetry, generously hosted by Family  
and Corrections Network,  
[www.Fcnetwork.org/  
womens\\_poetry.pdf](http://www.Fcnetwork.org/womens_poetry.pdf)*



## *Prison system exploiting talent and families*

Harry C. Alford

America became the leading nation in the world through its victories and leadership during World War II. Our 65-year reign is the shortest in history and we are far from having any kind of seniority in this position. We have made many mistakes along the way such as slavery, land theft and apartheid.

The good news is that we are finding ways to correct our faults and move forward. But there is one serious fault that we have yet to actually address. That is the medieval prison system that we have implemented and have actually enlarged over the last few decades.

No other nation imprisons its citizens the way America does. For a free democratic nation we have a system that belongs with some sort of tyranny or oppressive order. It is oppressive and targets people of color - particularly African Americans.

There are more African-American males in prisons than in college institutions. That is not the stuff that makes a nation great.

I HAVE A DEGREE IN CORRECTIONAL ADMINISTRATION FROM THE University of Wisconsin. It was during internships that I noticed the actual prison systems did not match the scholarly material I was studying.

There was no direct attempt to address recidivism of actually rehabilitate offenders. The prisons were warehouses that eventually developed into "cash cows" for the manipulative and greedy. U.S. prisons for the most part have become predators on the general population.

Most people who enter prison are there because they could not afford to have adequate legal representation. Once they enter the system there are programs and "catches" that keep them returning or not leaving at all.

I believe that 80 percent of those who are currently incarcerated should not even be there. They are no threat to society and should come out and start contributing.

That is not going to happen too soon. First of all, there are a lot of people who rely on a good population within prison grounds. Labor unions representing the guards lobby and ensure that they lock up as many as they can and keep the revolving door going for those who get out but are destined to return.

The construction lobby keeps the state and federal budgets flush with new capital for building more and more prisons. As they build the demand for more inmates increases. Then there is the slave labor within the prison cells, which is also known as "prison industries."

The incarcerated are forced to work 10-14 hours a day for the total pay of about \$1.70 per day (not an hour - a day!). The owners of the prisons and the outside contractors sell the products of this work for whopping profits and personal gain. Privatized prisons are the worst as the profit motive greatly increases.

The families of the incarcerated are exploited as well. They have to send money to loved ones as the prisons cannot adequately provide nourishment and necessities.

*(Continued on page 40)*

## *The Babylon System -*

**Bab.y.lon** - noun, Etymology: Babylon, ancient city of Babylonia, 14th century, a city devoted to materialism and sensual pleasure, many liken Babylon to the United States, see Revelations 17-18.

*(Continued from page 39)*

The money is used to buy items from the commissary, which is a total rip off. As an example, a seven ounce can of Folgers coffee will cost an inmate \$7.50. That is triple the amount Safeway or Kroger would charge. Who is getting the big profit?

If they make a call to family members by the only method, collect calls, it won't be through AT&T, Verizon, Sprint or a carrier like that. It would be with some kind of private venture and it would cost \$6-\$10 a minute. It is just a set up to rip off families who can least afford it.

Many inmates make good use of their free time. They get educated and train themselves. But can they ever put these new skills or formal training to work? Right now the only logical path for them is entrepreneurship.

That is something prisons refuse to teach them. If they become entrepreneurs they probably will never return and that will hurt this Prison Industrial Complex.

My wife and I work with a few prisoners all the time. Our aim is to stay focused on this issue and do what we can to get them freed.

We have successfully stayed with one sister who is now back into the general population and our aim is to get her economically stable to ensure she doesn't get caught in the revolving door. We also are helping a young brother in the Patuxent Correctional facility in Maryland.

He has been there for 14 years with no violation whatsoever. He has obtained two college degrees and is a serious computer programmer, which the facility exploits for \$1.70 per day.

Fourteen straight years and they won't even give him a parole hearing, Let alone a parole. He has become a victim of his own genius. They don't want to lose him.

America, we have got to end this prison system now!

**Harry Alford is the co-founder, President/CEO  
of the National Black Chamber of Commerce Inc.  
Web site: [www.nationalbee.org](http://www.nationalbee.org).**

## **Resist**

### *Funding Social Change Since 1967*

**RESIST** is a progressive foundation that supports grassroots organizing for peace, economic, social and environmental justice, and provides political education for social change activism. For 40 years, **RESIST** has funded groups that challenge reactionary government policies, corporate arrogance, and right-wing fanaticism through organizing, education and action.

As a non-profit organization itself, **RESIST** relies on contributors with a strong commitment to social, economic and environmental justice, and a firm belief in the need to build grassroots movements and capacity.

## **Attention! Families of Prisoners!**

The HRC is looking for a few good men and women to join our ranks as members or volunteers in order to advance our righteous cause of Freedom and human rights for all! We are looking for people willing to be activists in our movement and wants to be directly involved. Are you able to help in any of the following? Please contact HRC.

- \_\_\_\_\_ PARTICIPATE IN OUR UP COMING PROTEST RALLY (ATTENDANCE, POSTERS, TESTIMONY ABOUT ABUSE OF A LOVED ONE, HELP WITH PLANNING).
- \_\_\_\_\_ PARTICIPATE BY MAKING TELEPHONE CALLS ON BEHALF OF HRC.
- \_\_\_\_\_ PARTICIPATE BY SERVING AS A MEMBER OF THE NEWSLETTER COMMITTEE.
- \_\_\_\_\_ PARTICIPATE BY SERVING ON LEGAL COMMITTEE (GIVING OR FINDING ANSWERS TO LEGAL QUESTIONS).
- \_\_\_\_\_ JOIN THE EMERGENCY RESPONSE NETWORK (E.R.N.).
- \_\_\_\_\_ PARTICIPATE IN LETTER WRITING TO PRISONERS.
- \_\_\_\_\_ HELP WITH WEBSITE DESIGN AND UPDATE.
- \_\_\_\_\_ HELP DISTRIBUTE HRC FLYERS & NEWSLETTERS.

COME JOIN 'THE MOVEMENT'.

To support HRC you only need to send your name, address, telephone number and tell us how you can help. No contribution is too small - a couple of hours a couple of dollars will be appreciated.

**Human Rights Coalition  
C/O Lava Space  
4134 Lancaster Avenue  
Philadelphia, PA 19147**

## Your Legal Corner

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

### ***HOW TO HELP YOU LOVED ONE WHEN ARRESTED OR IMPRISONED***

**By Camara**

The rate of incarceration has taken us to a place in time where almost everyone you speak to has a family member or close friend in prison. Be they male, female, young or old, love ones are being siphoned out of our community leaving the pain and tears of mothers, fathers, sons and daughters in its wake. This whirlwind often leaves those victims lost and confused feeling compelled to help - but not knowing what to do. If you have a son, daughter, or loved one who has been arrested or is in prison, here are some things you can do to help them.

**VISIT YOUR LOCAL LIBRARY TO FAMILIARIZE YOURSELF WITH THE LEGAL PROCESS** - Though it may appear complex, the legal process can be broken into three fundamental stages:

1. Pre-Trial - arrest, charging/indictment, preliminary hearing, arraignment and pretrial motions
2. Trial - Judges responsibility, Prosecutor's responsibly, and Defense Attorney's responsibility.
3. Post-Trial Motion & Appeals (if convicted) - Time for filing appeals and any post-trial motions.

Each stage is governed by the Rules of Court (either State or Federal Statutes), and the State and/or Federal Constitution. Understanding these stages and applying that knowledge to your loved ones particular situation will enable you to assist them more effectively. We suggest you begin your study of the law by reading the "In A Nutshell" legal book series, such as: Criminal Procedures In A Nutshell, Constitutional Law In A Nutshell, and Legal Research In A Nutshell.

**WHERE TO LOOK AN ATTORNEY** - In your local library you will find numerous publications providing information on where to locate an attorney. Examples are: Pennsylvania Lawyer's Directory, Attorney's Guide, and the ABA (American Bar Association) Directory.

**HOW TO DETERMINE THE ATTORNEY FOR YOU** - Choosing an attorney that will match your loved one's needs is on of the most important decision you will be making. First and foremost you must be "case specific". What this means is if your loved one is facing trial on gun violation charges it is best that you hire an attorney who has experience and success with fire arms violations charges. If your loved one has been arrested for murder, it would be best to hire a Trial Attorney who specializes in defending murder cases. If your loved one has been convicted at trial and now faces the appeals process, it would be best to get rid of your trial attorney, and hire an attorney who specializes in handling Direct Appeals and Post-Conviction Appeals cases.

In addition to case specifics, your decision should also include the Attorney's ability to maintain "healthy communication". There are some attorneys who, through occupational hazard, lack the ability to consider the wishes of their client. They view a case, map a course, and turn a blind eye to the ideas and suggestions of the client without explanation or consent. Your goal should be to hire an attorney who is not only a "healthy communicator" with you, but also with your loved one who's in prison.



## Your Legal Corner

*(Continued from page 42)*

You can determine the best attorney for representation of your loved one by asking questions to assess whether they are competent and capable attorneys. You should ask questions such as: “How many cases they have won and lost?”, “How many years they have been an attorney”, and “How many open cases they are currently representing?”

**CONTRACTUAL AGREEMENT WHEN HIRING AN ATTORNEY** - In familiarizing yourself with the legal process you will learn what an attorney is suppose to do, and when it should be done. You must be sure that those obligations are firmly established and detailed in a handwritten or typed contractual agreement (provided by you or your attorney for your personal benefit and protection) between you and the attorney. This is in addition to the attorney’s obligation to maintain healthy communication. The legal contract should consist of some basics, such as, what the attorney is specifically being hired to do, the time frame in which it should be done, and how much the attorney is being paid for his/her service. Both parties should sign and date the contract and each keep a carbon copy for their personal records. Paying the attorney can be made by cash, check, or money order, just remember to make a receipt for the money transaction and keep a copy for your personal records in the event the attorney attempts to scam you.

**KNOW WHAT TO DO WHEN THE ATTORNEY DOES NOT FULFILL HIS DUTIES** - All to often attorneys are derelict in their duties to his/her client, the most common being failure to act or perform during a critical stage of the proceeding. To remedy such situations you and your incarcerated loved one must first maintain a file of all financial transactions and legal correspondence that occur with the attorney. Even phone call conversations should be followed up with a typed letter sent to him/her reiterating what was discussed over the phone, and a copy of said letter to the attorney to be maintained in your files.

In this sense, if you were forced to bring charges against the attorney due to his/her failure to perform a specific duty (violating the contractual agreement or he/she has taken off with the money you paid) you would have documented proof against the attorney that the course the attorney failed to take was in fact agreed upon.

Armed with your file of documentary evidence of copies of money receipts, contractual agreement, and legal letter correspondence of you and your attorney, your next step would be to bring charges against the attorney in the local State and Federal Bar Association, Pennsylvania Bar Association, and American Bar Association. Additionally, you have the option of filing a complaint against the attorney for any wrong doing with your State Judicial Board and Board of Disciplinary Counsel. All of the above can be located at your local library.

Arm yourself with the knowledge of the Law and Constitution. Far too often our loved ones are convicted of crimes they did not commit and sent to prison by the Courts due to their poverty (Class), ethnicity (Race), and their ignorance of the law. Refuse to be victimized by empowering yourselves with knowledge.

# Your Legal Corner

## Questions & Answers

### Dosing Under the Influence

**My cousin went out for happy hour with some friends. When he left the bar around midnight, he realized he had too much to drink. Doing what he thought was the responsible thing, he decided to sleep it off in the back seat of his car. An hour later, a police officer woke him up and charged him with DUI. How can he be charged if he wasn't driving?**

*On just these facts, your cousin will be acquitted. Public policy favors someone to 'sleep it off' rather than drive.*

*The operative word in these cases is 'control.' Did your cousin have the ability to control the vehicle? If the engine was running and he was sleeping it off, he can be convicted because he had the ability to put the car in drive and take off.*

*To minimize the danger of conviction, someone who wants to sleep it off should take the keys and put them somewhere away from himself and the vehicle to demonstrate there is no ability to control the vehicle. As in any criminal case, the minute a police officer starts to question a motorist, the answer should be, 'I have nothing to say without my attorney.' The burden would be on the police to show that you cousin was capable of driving. The fact that he was in the back seat would not demonstrate that beyond a reasonable doubt.*

**Charles Peruto, Jr. a solo practitioner in Philadelphia response... (PhillyMag.com/ June 2009/ The Shore 2009)**

### Risky Business of the Teenage Party

**My 17-year-old daughter had a party while my wife and I were out of town. One of her friends left the party drunk and injured someone in a car accident. Can we be held liable?**

*It depends on whether you or your wife knew that underage drinking was occurring at your home, and whether you helped serve, buy or supply alcohol. Parents may be liable under Pennsylvania's Social Host Doctrine if they 'knowingly furnish' alcohol to minors. This standard requires that parents have actual knowledge of underage drinking (as opposed to imputed knowledge resulting from relationships), or assist in planning, serving, purchasing or supplying alcohol. The Pennsylvania Supreme Court has refused to extend the actual knowledge requirement to impose liability on parents who 'should have know' of alcohol served at their home.*

*For parents to be liable for supplying alcohol to minors, they must have provided alcohol with knowledge that it would be consumed by underage guests. Merely storing alcohol in an unlocked area of the home is insufficient to attribute social host liability to parents, as long as they were unaware it would be consumed by minors.*

*Since your daughter is a minor, you may be liable for negligent supervision if you were able to 'control and/or supervise' your daughter's conduct and knew or should have known of the necessity for exercising control.*

*All of this assumes that your daughter's friend actually became intoxicated at your home, and not at another location.*

**Larry Bendesky of Saltz Mongeluzzi Barrett & Bendesky in Philadelphia response...(PhillyMag.com/ June 2009/ The Shore 2009)**

*I just happen to pick up a magazine, 'Philadelphia' and after reading through it quickly realized that the magazine caters to "Main Line" readers. Or, in plain language readers with money. Its advertisements include Wine Storage Systems, Hot Tubs, Landscape & Hardscape Design, etc. which I read because my belief is the "well-to-do" has advantages that we (common-folk) don't have. I read the questions & answers above and thought that they would be useful to our readers, too.*

*I also read about a great way to find great attorneys—Superlawyers.com What better way to find a good lawyer than through references. That's how I found my lawyer. And even though I had to beg, borrow, and sell everything I owned, I was found "NOT GUILTY". Now that a good lawyer! I'm saying all this to say that two lawyers caught my attention—I've heard good things about them. And let me mention before you read further, I don't even like lawyers; I don't trust lawyers. But, if you must to have a criminal lawyer and you have the money or can get the money for your loved one or yourself, try Superlawyers.com or these guys.*

**Fortunato N. Perri Jr.** is one of the few lawyers in the united States who has obtained excellence in both criminal and civil litigation. His recent acquittals in high-profile cases—including his successful defense of recording artists Beanie Siegel and Cassidy—have earned him a national reputation as a lawyer who excels in the spotlight. He has also achieved one of the largest monetary awards ever received in a civil rights case. He has successfully defended medical, corporate and legal professionals in addition to sports and entertainment figures... McMonagle, Perri, McHugh & Mischak, P.C./ One Penn Square West, Suite 701, 30 S. 15th Street, Philadelphia, PA 19102 / Mpmc.com

**Charles Peruto, Jr.** was voted SUPER LAWYER, by his peers, in ALL areas of Criminal defense for 5 straight years. Charles Peruto, Jr. has been committed to providing the highest quality Criminal Defense and other legal service to the residents of Philadelphia, PA.... Our preparation, ability, determination, aggressiveness, and passion for our client's needs is among the best in the city. Some of our primary areas of practice include the following: Federal Criminal Charges, Drug Offenses, search & Seizure, DUI, ...Homicide and Aggravated Assault ... Juvenile Law ... Criminal Appeals ...We will do what it takes and strive for victory for our client. Contact Us today for a cost free consultation with the Law Office of A.Charles Peruto, Jr./ 2101 Pine Street, Philadelphia, PA 19103/ peruto.com

Mama Patt (HRC)

# **The Power is in Our Hands!**

By: Gus

The Human Rights Coalition (H.R.C.), an organization of families of prisoners, prisoners, and sympathetic individuals is the kind of vehicle I've been hoping for – for years! Those of us who have had the bad fortune to run afoul of the criminal justice system all have our own horror stories we can relate. And being in contact with this system for decades, I too can relate some tales that would make a scriptwriter for a T.V. thriller's job a cinch. But it would be much harder, if not impossible, to explain the pain and hardships suffered by the families of those same prisoners.

Up until now all of us have put our faith in and sought relief from the courts, lawyers, well-meaning groups and individuals, and the politicians. What have we received in return? I'm trying to stay calm and level-headed, here... more pain! It's not as if nobody cared and didn't mean well, some did. But even they got pain in return for their efforts. I can remember when there was a little more than four thousand state prisoners in Pennsylvania. Now it's close to forty thousand! Yet, some of the same people and groups are still trying to help in the same old ways. That's either foolish, insane, or secretly benefiting from our misery.

The H.R.C. is going to do something that has "never" been done" pull together the families of prisoners, prisoners (of all races, religious, genders; regardless of "sentences"), and any truly sympathetic individuals – into a mighty force that will not be ignored, mistreated, denied, mishandled; or have their "human rights" continually trampled upon. They will not "depend" upon any of the old begging style strategies! They're gonna pull their numbers together, network with anyone (nationally and even internationally) that's going the same way, then "demand" that the elected officials, prison employees, judges and everyone who their tax dollars support treat them like citizens. If not, they're gonna work to see that they are removed from those positions...and then pose the same demands to their successors.

How? Simple. There are well over fifty thousand state, federal, and country prisoners in this state on any given day. Once the H.R.C. pulls in ten to twenty thousand of them, and stimulate that mass to "each" be responsible for further recruiting "ten" of their other family members, friends, associates, co-workers, religious brethren (and sisters) or neighbors; then the H.R.C. will have a one hundred to two hundred "thousand" strong body (that's just in Pennsylvania!). No politician, judge, or other elected or appointed official or civil servant can afford to seriously buck such a force. I'm talking about the Governor, Secretary of Corrections, the Parole Board, the Board of Pardons, State Senators, U.S. Senators, State Representatives, U.S. Representatives, Prison Superintendents, State Supreme, Superior, and Commonwealth Court Judges, Attorney General, District Attorneys, Mayors, Magistrates, City and Townships Councils and Boards, Sheriff's, Common Pleas, and Juvenile Court Judges, or any of their underlings and other assorted "players."

Why? Again: The H.R.C. will represent a "force" that could organize campaigns to have "any" of them removed from office or their jobs. They might not initially be able to install in office whoever they choose, but a minimum they could "spoil" the chances of any of their enemies to win elections or appointments by throwing their weight elsewhere. No serious politician appointee, judge (they're "elected" in this state), or "player" wants to run such risks. Which means that the H.R.C. may not have any real friends in those positions, but all of their "enemies" will stay out of their way, and try to satisfy their demands.

There are numerous other ways the H.R.C. will pull together to insure their "human rights" are not trampled upon, and their members are treated like citizens, whether as suffering family members or prisoners. A representative will make available the "by-laws" of the organization that details much of that for the costs of copying and postage. Ultimately, the mass of H.R.C. members will in time recognize their own strength, then move to develop and set in motion other ways to alleviate the pain and misery of their members and win their freedom from the clutches of the "criminal injustice machine".



## ***FROM PUBLIC ENEMY TO ENEMY OF THE STATE***

By Robert Saleem Holbrook

When I was child I used to often walk past the old Eastern State Penitentiary on Fairmount Avenue in North Philadelphia and stare in awe at its high walls and ramparts seemingly towering into the sky believing naively that the old prison was an ancient castle from the days of knights and kings. There were times myself and other kids my age used to try and scale the walls to get a glimpse of what was inside, how ironic it is that now for the past 18 years I've been trying to figure out how to scale out of the numerous prisons I've been imprisoned in since the age of 16.

I've often sat in my cell in total isolation and solitude attempting to figure out what bought me to this point in my life where at the age of 34 I've been imprisoned for 18 years with the rest of my life destined for the same thing. During 3 years of confinement in the state's control unit (Special Management Unit) at SCI-Greene I had the unique opportunity to actually back track practically every poor decision I made in my life that eventually culminated in my imprisonment. When you are locked down for 23 hours a day 7 days a week you have the ability to engage in such personal adventures of discovery.

The pivotal decision that culminated in my imprisonment occurred when I was 14 years old hanging out with some friends on the corner admiring a car an older guy from the neighborhood had.

He sold drugs and seemed to have it all and that's what I wanted, i.e. the girls, the clothes, the respect, etc. It wasn't until years later while in my early 20's that I came to understand the distinction between my wants and needs but at that moment I suffered from "reckless youth" and could only see the benefits that selling drugs provided. That admiration led me to compliment his car and we struck up a conversation that culminated in me agreeing to sell drugs for him. It was that decision, combined with a series of other poor judgment decisions and circumstances that resulted in a Life Without Parole sentence 2 years later for being an "alleged" lookout to a drug related murder. There was a time in this country when it was said the "youth were generally allowed mistakes". However, that is not the case anymore unless we're talking about President George W. Bush who could blame his early cocaine addiction on "being young and a little irresponsible."

Little did I know, but that decision to become involved in gangs and the drug trade, put me on a collision course with not only other gang members and law enforcement but with the federal government's war on drugs. Overnight I had unknowingly transformed from a "kid" to "public enemy" in the eyes and perception of the public and government. For in order for the government to wage a war on drugs it must define someone as the enemy, it must identify and create "public enemies" the public can vilify and fear in order to justify its war and multi-billion dollar budgets to the people and Congress. The enemies were identified. The government had declared war on a substantial segment of its citizenry, in particular youth of color i.e., "gang bangers".

As a "public enemy" it was therefore easy for the state to impose a Life Without Parole sentence on myself and countless other juvenile offenders caught up in the street wars. Despite our age we were the expendable casualties of the war on drugs. From my arrest, conviction and sentencing I was a "statistic" on the policy charts of law enforcement briefings to the media, politicians, government committees, etc. demonstrating law enforcement's "imminent" victory against street gangs and drug lords. Like the "body count" tallies in Vietnam and now Iraq my imprisonment was a slogan or prop for public consumption demonstrating the war is being won and the "bad" guys are losing.

Initially content with the government imposed "public enemy" label I unwittingly played into the stereotype while imprisoned, accepting and conforming to the dog-eat-dog environment of prison. I didn't care about anything and sought to adopt, hone, and sharpen the criminal and predatory traits that dominate the prison system and contributes to the criminality of its inhabitants. I



## **"ALL POWER TO THE PEOPLE"**

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saw no need to change or evolve beyond my perception; this was part of the "game" and on another level beyond my perception part of the governments "script" for young public enemies.

In the controlled environment of prison the script is even more predictable. Act out, break the rules, be "disciplined" via the hole, be released and replay script. Like the script on the streets both sides pretty much accepted their roles. Imprisoned we were society's "public enemies" and in the eyes of the guards it was their patriotic duty to imprison us, having been conditioned to believe they were/are manning the walls in the nation's war on drugs. The institution of justice in this country, from the police, to the courts, to the Department of Corrections is built on a "war model" and its target is youth of color i.e., "gangbangers".

Somewhere in and around the 10<sup>th</sup> year of my imprisonment, at the age of 26, I decided to stop playing out the "script". No one single event or incident bought about this decision; rather it was a culmination of events, maturity, and experiences. For one I started to question why the white kid received 5 to 10 years for the same role in a murder I received a Life Without Parole sentence for – why did the white man that murdered a childhood friend of mine in 1989 by penetrating his skull with a tire iron receive only 5 years probation. There were a million other "whys" that started to bombard my mind and sub consciousness that I could not escape by falling back into the "script". I started to read to satisfy my questions – I had always read during my imprisonment but now I started to take what I read seriously – I became angry as I became more aware of the injustice around me and the feelings of anger and rage that at one time was directed at opposing neighborhoods and prisoners was now directed at the injustices of the state that imprisoned me.

It became impossible for me to play the script once aware of the injustice of my imprisonment and the criminal justice system in general. I also could not just sit still and rage and condemn the system. I had to challenge and confront it as best I could from within the confines of the prison. I decided to become involved in activism against imprisonment and the government's "war on drugs". My politics and activism would spring forth from an "oppositional perspective". The state and I were opponents and the script was tossed out the window. This decision would give me a first hand experience to the response of the institution of government when its legitimacy is challenged and questioned by those it attempts to marginalize, define or ignore. Once again I embarked on a transformation based on a decision that led me on a collision course with a government campaign or policy. Overnight I went from "public enemy" to "Enemy of The State" in the eyes of the Department of Corrections.

The consequences of this shift in personal consciousness and institutional "classification" was substantial and a lesson in the art of "institutional self preservation". Since tossing the script out the window that prisoners are expected to conform to I have remained misconduct free since 2001. The eleven years preceding 2001 I had been kicked out of seven different prisons and done two tours in the state's Supermax Control Unit for incorrigible behavior and had incurred dozens of misconducts.

Normally the D.O.C. would reward or encourage such a turn around in behavior but in the eyes of the D.O.C. the behavior I was engaging in was a far more serious misconduct than if I was running wild in the system breaking every rule on the books. What was this serious misconduct I was engaging in? Networking with activists on the outside challenging the injustice of the so-called criminal justice system, writing articles and pamphlets exposing the injustices of prison and, most serious in the eyes of the D.O.C., articulating a perspective of prisoners and prisons in opposition to the false perception of prisoners and the need for prisons the D.O.C., is articulating to the public. I have seized control of my image from the D.O.C. and dared to define myself, fellow prisoners and the D.O.C. itself. No longer can the D.O.C. at will define me as a gangbanger, murderer, public enemy, etc. without a response to the public.

The D.O.C.'s reaction has taught me that you cannot challenge or protest government injustice, repression, etc. without suffering the foot of the state wherever you are. In the past couple years my custody level has been upgraded to a "High Risk Prisoner" despite years of misconduct free behavior, all my mail is monitored and read due to "radical beliefs" and involvement with "questionable" publications i.e. publications critical of the government's war on drugs and terror. In 2002 I was placed in the hole

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## "ALL POWER TO THE PEOPLE"

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for 14 months without charge because the prison thought I expressed sympathy with the terrorists the United States is at war with because of my grievances/complaints challenging institutional racism. How was a connection to the "war on terror" made with prison activism? In response to a question I posed to a D.O.C. Security Captain about the need to monitor my mail I was candidly told "we live in a new world since 2001" and "the government and the D.O.C. is concerned about this type activity". So not content with being on the front lines of the "war on drugs" the D.O.C. has found a way to muscle into the "war on terror" hustle by monitoring and containing prisoner activist and their supporters on the outside just as the government has used the "War on Terror" to stifle anything outside of the "acceptable bounds of dissent", i.e. write or call your congressman, write a letter to the editor of your local newspaper, vent and get over it, etc. The D.O.C. has manipulated the "war on terror" to suit its own means toward stifling internal dissent and criticism of its policies and practices.

Despite the repression and personal difficulties imposed by the D.O.C. in the end the transition from "public enemy" to "enemy of the state" has been worth it and I have no regrets other than I wish I had made the connection between the drug trade and the government's failed war on drugs and the transition prior to coming to prison as a juvenile offender. Life is about transitions and transcending one's limitations and sooner or later, for better or worst, we all make or miss the transition that will define who we are and most importantly choose to be. No longer will the state define me. I will dare to define myself.

*"In any place in the world, anytime, any man or women rebels to the point of tearing off the clothes that resignation has woven for them and cynicism has dyed gray. Any man or woman, of what ever color, in whatever tongue, speaks and says to himself, to herself "Enough is enough! – Ya Basta!" – Subcommandate Marcos*

*For more of Saleem's writings, check out <http://freesalim.net>*

*I cursed the wind - before  
I learned I had control of the sails. Se'Lah.*

*By: CRM*



*Inmates! Know a family member in society who you would want to receive this newsletter?*

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|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Please provide:</b></p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>Phone #: _____</p> <p>Email: _____</p> | <p><b>Send to:</b></p> <p>Human Rights Coalition<br/>Attention: Newsletter Subscription<br/>C/O Lava Space<br/>4134 Lancaster Avenue<br/>Philadelphia, PA 191xx</p> <p><b>Subscription Rates:</b></p> <p><b>Families of Prisoners – FREE!</b><br/>Prisoners - \$6.00 One Year Subscription</p> |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



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## Official HRC Chapters

**START A HUMAN RIGHTS COALITION (HRC) CHAPTER OR BRANCH IN YOUR AREA.** Each Chapter or Branch must comply with eight requirements. These eight are:

- 1.) Respond to inquiries in a timely manner as resources permit.
- 2.) Update membership to HRC-Philly at least quarterly.
- 3.) Incorporate as a non-profit organization.
- 4.) Publish a newsletter at least semi annually as resources permit.
- 5.) Send minutes of chapter meetings to HRC-Philly.
- 6.) Establish internet video conferencing for statewide chapter meetings.
- 7.) Create a cooperative business to finance your chapter or branch to be financially independent.

### *The Human Rights Coalition (Disclaimer)*

*The Human Rights Coalition is an organization that focuses on the plight of prisoners in their struggle for human rights and humane conditions of prisons and challenging the prison industrial complex exploitation of inmates and the drastic ramification on the families of prisoners and society at large.*

*We recognize that most prisoners are people of color and often are economically disfranchised working class people. HRC serves as an educational and resource forum to the community.*

*The Human Rights Coalition does not have the ability to represent individuals in the court of law nor has funding for such activities. The Human Rights Coalition does not have lawyers for personal counsel nor the ability to write legal briefs on behalf of any individual.*

*The Human Rights Coalition is about building a grassroots movement with the leadership of the families of prisoners and citizens who are concerned about the proliferation of prisons and the lack of social programs that could prevent crime and injustice.*

*"We can bomb the world into pieces but, you can't bomb it into peace"*