

GRATERFRIENDS

A Publication of The Pennsylvania Prison Society

Promoting a humane, just and constructive correctional system and a rational approach to criminal justice since 1787

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Winter 2017

A Tribute to Dr. Julia Hall

By Bruce Bainbridge, AM-6443, SCI Graterford

I never quite got all the titles that Julia had. I just knew and heard time and time again that she wore many hats. I also heard that aging lifers in prison were a major concern to her. I can honestly say that when I met Julia Hall during an interview for placement in the project called Victim Offender Reconciliation Program (VORP), I was a bit intimidated by her. Although, the more I learned about Julia, that changed to admiration and respect.

That first came about through interest in knowing more about reconciliation and penance for my actions. For several years, I was in talks with Howard Zehr, author of Changing Lenses, which in turn led to Julia. As it turns out, Howard is widely known as the father of restorative justice. From our talks, one person led to another and, low and behold, Julia came to Graterford one day and introduced herself, Howard, Marnie Henreig, Ted Klugman, Marge Zipin, Jenny Bergerhoff, and a few others to an audience of men in the mosque. They came to talk to those of us interested in victim awareness and take part in a series of classes about taking responsibility, accountability, and reconciliation. This was a pretty new concept within the Pennsylvania prison at the time.

After making it through the seminar, questionnaire, and interview, I was one of the first ten men here to be accepted into the project. It consisted of weekly meetings for discussions on victim rights and awareness, as well as our perspectives and how we as a group would take responsibility and

(See Tribute to Julia Hall, continued on page 16)

In Memory of Dr. Julia Hall

By Stan Rosenthal, AS-0828, SCI Graterford

I am still shocked and saddened by the passing of Dr. Julia Hall. Not only have I lost an avowed supporter in my quest for freedom, but the entire criminal justice activist community has lost one of our fiercest and most dedicated advocates for causes near and dear to our hearts. I had the privilege to know Dr. Hall for close to the entire thirty-one years of my incarceration and can serve as witness to her moral integrity. Dr. Hall is one of the few people who can take a moral stand and not back down from her position, no matter how unpopular. She withstood criticism for her positions from many sectors, but did not once waver in her quest to bring healing and justice to all injured parties.

In her involvement at Graterford Prison, Dr. Hall championed causes such as Veterans with PTSD, co-founded a chapter of the Gray Panthers with the men inside that still exists today, argued tirelessly for juvenile resentenced lifers and lived long enough to see a major victory in this struggle, advocated for the release of prisoners suffering terminal illnesses, and co-founded with Howard Zehr the Victim Offender Reconciliation Program.

(See In Memory, continued on page 14)

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From the Editors

Greetings from the offices of the Pennsylvania Prison Society in Philadelphia. This is Claire Shubik-Richards, the new Executive Director of the Prison Society. In my short time at the Prison Society I have been amazed at the commitment and heart of our staff, our volunteers, our funders, and our members like you.

Thank you.

It is my commitment to you to get out more editions of Graterfriends in 2017 than were published in 2016. In putting together this edition, we had a backlog of over 100 submissions. We have our stellar intern Laura to thank for reading and organizing these submissions and we have several volunteers to thank for typing up submissions. We are still combing through the backlog. If you do not see your submission in this edition, please understand that it may be slated for an upcoming edition.

Please let us know what you think of Graterfriends and how it can be improved. We won't be able to act on all suggestions — and even those we are able to act on, may take us time. But first and foremost, we are committed to giving you a meaningful and enjoyable publication.

If you do send us a suggestion, please write "SUGGESTION" at the top of your letter so we can keep it separate from article suggestions. What was true 230 years ago when the Prison Society was founded, still holds true today. The Society is still a voice for sensible criminal justice and humane conditions. Our only question is how our voice can be most impactful. Thank you, the readers of Graterfriends, for your interest and engagement.

Sincerely,
Claire

GRATERFRIENDS

EXECUTIVE DIRECTOR AND EDITOR-IN-CHIEF:

Claire Shubik-Richards

EDITOR: Emily Cashell

DESIGNER: Laura Konosky

EDITORIAL ASSISTANTS: Jennifer Stevens & Joan Behr

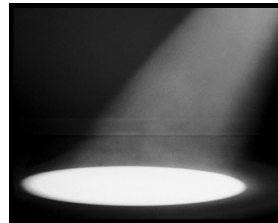
FOUNDER: Joan Gauker

The **PENNSYLVANIA**
PRISON SOCIETY
SINCE 1787

245 North Broad Street · Suite 200
Philadelphia, PA 19107

Telephone: 215.564.4775 · Fax: 215.564.1830

www.prisonsociety.org · www.facebook.com/PrisonSociety



Spotlight

Let's Come Together: It's Time to Change Two DOC Policies

by Marty Dunbar, CM-9649, SCI Somerset

As we step into a New Year, we all make New Year's resolutions. This is my 2017 resolution: I ask my fellow Jailhouse lawyers to join me in challenging two PA DOC policies: DC-ADM 801 regarding institutional misconduct hearings and DC-ADM regarding the institutional grievance system.

These two policies have been broken since the DOC stopped us from representing other prisoners in misconduct and grievance hearings. Instead, the institutional grievance coordinators assign someone else to investigate prisoner grievances.

The DC-ADM 801 is a joke. Every time a prisoner goes in front of a hearing examiner, he or she is told that they are guilty before they are able to present their evidence. Why is this? It is because the hearing examiners stop at the security office first to get his or her orders. I have witnessed this in many state prisons.

When I was in SCI Smithfield, their security office was crying out for attention, so they took some

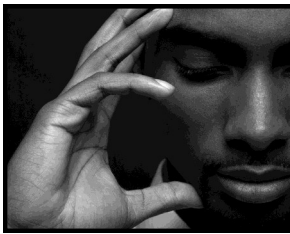
(See Come Together, continued on page 13)

Graterfriends is a publication from the Pennsylvania Prison Society. The organization was founded in 1787 and works toward enhancing public safety by providing initiatives that promote a just and humane criminal justice system.

We reserve the right to edit submissions. Original submissions **will not** be returned. We **will not** print anonymous letters. Allegations of misconduct **must** be documented and statistics should be supported by sources. Letters more than a page in length (200 words) **will not** be published in their entirety in Mailroom or Legal Chat, and may be considered for another column. All columns should be no more than 500 words, or two double-spaced pages.

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If you have a question about Graterfriends, please contact
Emily Cashell, Executive Assistant, at
215-564-4775 x116 or ecashell@prisonsociety.org



Think About It

Actual Innocence of Sentence: Miller and Montgomery

By Nathaniel Riley, CT-8571, SCI Camp Hill

I am writing in regards to the United States Supreme Court's landmark decisions in Miller v. Alabama/ Montgomery v. Louisiana. The former held that mandatory life-without-parole sentencing for juveniles is a violation of the Constitution's ban on cruel and unusual punishment. The latter held that states must apply "Miller" retroactively. I was once told by a friend (Jerome "Hoagie" Coffey) to place something on paper that's beneficial for the people. With that advice in mind, it prompted me to write this much needed article and encourage all juvenile life without parole (JLWOP) to look into this matter.

Many articles have been published in Graterfriends since the decision of Miller. However, in my opinion, many writers on this topic have failed to look deep into the Court's decision and its affect on the many JLWOP throughout Pennsylvania. The Supreme Court's opinion in Miller that neuroscience shows teens' brains are not fully formed, reducing their capability, is especially important. This shows that the *mens rea*, or the specific intent needed to convict one of first degree murder, is not there and therefore cannot prove guilt. The Miller decision represents a substantial change from prior traditional practice, and justifies de novo review in PCRA/Habeas Corpus proceedings. Normally, the doctrine of actual innocence is applied to the conviction itself, but also applies to sentencing. See United States v. Maybeck 23 F. 3d 888, 893 (4th Cir. 1994). Read also Jones v. Delo 56 F. 3d 878, 882-83 (8th Cir. 1995), cert. denied, 517 U.S. 1109 (1996).

Many JLWOP have been filtered throughout the juvenile system and subjected to various psychological reviews at these facilities. Prior to Miller, and during the time of many JLWOP trials and guilty pleas, this mitigating evidence was not allowed. Now, this can be taken into consideration by the courts. Many JLWOP possess low intellectual ability with IQ's ranging from 76 or lower which falls in the ambit of Miller/Montgomery and Jones.

One should obtain these reports, as they are admissible in court, as well as testimony by experts. See Rule 702, Pa. R.E.; Rules 703, 704, 705, and 706 of Pa. R.E. The Pennsylvania Supreme Court has consistently held that psychiatric experts' testimony is admissible to negate the specific intent to kill which is essential to first-degree murder. See Commonwealth v. Terry, 513 Pa. 381, 521, A. 2d 398 (1987); Commonwealth v. Garcia, 505 Pa. 304, 479, A. 2d 473 (1984); Commonwealth v. Walzack, 468 Pa. 210, 360 A. 2d 914 (1976).

For these JLWOP's who have not been appointed counsel, utilize the rules of court. Specifically, use the Rules of Civil Procedure, Rule 208.1, and motion the court for funds for a court-appointed expert and physical examination, under Rule No. 1915.8, Pa. R. Civ. P, to enhance your innocence claim. Remember, the PCRA system is not part of the criminal proceeding itself, but is, in fact, civil in nature. See Commonwealth v. Haag, 809 A. 2d 271, 284 (Pa. 2002) (quoting Pennsylvania v. Finley, 481 U.S. 551, at 557 (1987)).

In light of these decisions, the court is mandated to look at one's state of mind and factors surrounding the events leading up to one's case—life history, etc. Fellow JLWOP's, please keep in mind that the actual innocence of sentence and actual innocence claims are first impression issues in state court, thus giving it a novice approach. Therefore, present one's claims under the miscarriage of justice exception. The failure to consider one's claims will result in fundamental miscarriage of justice. See Herrera v. Collins, 506 U.S. 390, 404 (1993). See also Commonwealth v. Fahy, 558 Pa. 313, 330, 737 A. 2d 214, 223 (Pa. 1999), as the Pennsylvania Supreme Court has continued to treat the concepts of "miscarriage of justice" and "actual innocence" distinctly.

JLWOP's, please take control of your situation and study the cases presented herein. Don't standby mute and allow yourself to be ushered back into the courtrooms to be victimized by the so-called justice system all over again. Remember the old adage: "first time, shame on you. Second time, shame on me." This is your chance; make it count. Read the wisdom in Miller and think outside the box.

In closing, you have an 8 1/2" x 11" page in front of you. What do you see? Put something of substance on it. Seek help from those fellow prisoners who know the law and can litigate to assist you in presenting your actual innocence of the sentence claims based on Miller. In solidarity, I remain. □



Mailroom

In Memory of Dr. Julia Hall

Please add my voice, condolences, and fond memories to her family, friends, and associates in the PA Society for our loss of Dr. Julia Hall, a stalwart and consistent champion of prisoners' rights. Without a doubt, she will be sorely missed by all who knew and worked with her. Volumes can and should be written about her life, and the ideals that she unselfishly stood for. All DOC inmates, but especially here in Graterford, owe her a debt of thanks; our lives are that much richer for having known her.

*Hugh Williams
AF-2932, SCI Graterford*

Conjugal Visits

Our goal is to gather as much support as possible from family and friends to encourage the Governor and DOC Secretary to institute the family reunion program in state prisons.

There are four U.S. jurisdictions that permit family reunion programs for the incarcerated, programs which give prisoners an opportunity to keep their families together.

Prisoners who maintain family ties while incarcerated are less likely to recidivate when released. Moreover, the family reunion programs make it easier for correctional staff to manage participants during their sentences. It is also one of the best tools for facilitating community reintegration after release.

These programs would help reduce crime inside of prisons. The programs are incentive-based, meaning that the prisoners have to be misconduct-free for some years and have to participate in their prescribed programs or groups.

Please sign our "Family Reunion Program" petition at www.gopetition.com. We will then draft a proposal to send to the Governor and DOC Secretary. Your support is greatly appreciated.

*Darrell Taylor
HY-5930, SCI Albion*

SCI Frackville & Flint Michigan: Rampant Water Contamination

The captive audience at SCI Frackville erupted with inquiries about the visible and odiferous changes experienced with the running water supply during the week of 6/13/16 through 6/23/16. Water is a liquid that is a major constituent of all living matter. Clean water is vitally essential to everyday life, i.e., cleaning, cooking, hygiene, keeping hydrated, etc. The frequency with which this problem occurs would lead any person of reasonable firmness to the inevitable conclusion that either this problem isn't given the proper and serious attention or that the maintenance department lacks the adequate knowledge to tackle the problem. These are two of the reasons I would like to think about as a possible answer as to why this problem has eluded a permanent resolution because the third is even too perverse for me to fathom—Flint, Michigan has struck right in our back yard.

Staff members, healthcare providers, administrators, and the maintenance department are conscious about the constant pre-flushing, filthy water being infiltrated into our water supply. This has not escaped the notice of those in charge about those inmates that reside here who have severely deficient immune systems due to diseases such as: Hepatitis A, B, or C, kidney problems, HIV, etc. To those inmates, having to drink this contaminated water could be lethal because their bodies prevent them from disposing of toxins which leads to complications in maintaining a balanced immune system. This translates into higher costs in treatment of those individuals—which citizens ultimately must pay for.

Finally, I submit that in times when the water is visibly dirty, as it was for the entire week, inmates should not be forced to drink the contaminated water while the staff at SCI Frackville is provided bottled spring water. This practice alone only adds insult to injury by creating animosity and resentment for blatant disregard for the inmate populations' health. As a human solution, inmates should have the benefit of bottled water to prevent being infected with some unknown bacteria like Polycythemia Vera, which may cause some serious and irreparable damage in the long run. Therefore, as a practical matter, this problem should and must be addressed without any further delay.

I'd like to pose two questions for you to consider: If you offer a thirsty man/woman a glass filled with

(Continued on next page)

Mailroom, continued

clean water and a glass filled with dirty water, is there absolutely no question which one they'll drink? But if you offer we, the inmate population, a glass of dirty water and an empty glass, can you surmise which one we are forced to drink—bacteria infested, dirty water? Flint, Michigan and the residents at SCI Frackville are drinking the same contaminated water. Flint is right in our backyard and the DOC, DEP, and EPA don't care about us—they are one and the same!

*Bryant Arroyo
CU-1126, SCI Frackville*

Grievance and Misconduct Procedures Need Reform: Part I

In the 2016 edition of Graterfriends (Volume 27: Issue 1), Donald Scott wrote an interesting and truthful article regarding the PA DOC grievance process (DC-ADM-804). I, too, have been looking to reform the grievance process as well as the misconduct system (DC-ADM-801). We simply cannot have staff judging the actions and claims of staff. Both the grievance and misconduct procedures need to be overhauled.

Regardless of whether there are witnesses or video footage, we are denied a full, fair, and unbiased review of the evidence. I propose that two independent committees be commissioned: (1) a Misconduct Board to review all misconduct hearing results and (2) a Grievance Committee to review all decisions about grievances. Both the Board and Committee would have linked computer systems to allow for the review of patterns. Certain patterns of misconducts and grievances (like many questionable misconducts issued after many grievances were filed) might indicate a misuse or abuse of the procedures. The Board and Committee would have jurisdiction to recommend discipline of a staff member for their abuses as well as the authority to overrule and overturn decisions regarding misconducts and grievances.

If you have felt victimized by the Grievance or Misconduct systems, then you, too, should seek legislation to have them overhauled. Together, united, we can compel change.

*Darren R. Gentilquore
GX-1572, SCI Pine Grove*

A Jailhouse Lawyer's Final Thoughts

As I came back from my final court victory, a so-called jailhouse lawyer, turning a 12-to-40 years into a 6-to-20 years, and finally into a 4-8 years (and I have 4 years in), several other prisoners have allowed my victory to continue to motivate them. Others continue to depend on others to fight for their release. As I retire from doing criminal legal law and I focus on business law in preparing for my release, I have several words of advice to others. First, I won two new trials, a Superior Court remand, and had a PCRA [Post Conviction Relief Act] and post-sentence motion granted, all due to two keys I want to share.

Learn PA rules of evidence and PA rules of court. Often lawyers fail to object to evidence that are presented at trial that can be a reversible error. However, know the difference between a harmless error and a reversible error. Many people find good issues that are harmless errors, and they focus on them. But they won't get what they want because it isn't enough for a new trial. Know the difference!

The other key is **do your own work!** I see many people, especially lifers, who allow others to do their legal work, and don't even check the cases in their legal arguments. Nobody, no matter how much you are paying them, lawyers or jailhouse lawyers, are going to have a higher stake in your case than you. So do your own work and learn criminal law. Last word of advice: know when to bail out when you are ahead; don't dig a deeper hole. Many people got rhythm, thought a minor issue would allow them to get a total victory, only now to be sitting with life or more years than they can do.

*Anthony Williams aka Mustafa Life,
LM-6331, SCI-Houtzdale*



Breaking News: DOC has no Idea what “Rehabilitation” is

*By Anthony Saltalamacchia, HT-3225,
SCI Benner*

What does rehabilitation mean to the DOC? Hmm, let’ see: Making you complete useless programs and then denying you parole (repeatedly). I guess that teaches you to always expect failure. Well, I guess there’s the pay, a whopping 19 cents an hour. I guess that we will never really learn how to budget money or be self-sufficient. I guess if they paid us minimum wage like one state does (spoiler alert: It works!), we could buy books to learn with, then rehabilitate ourselves and never come back. But if that happens, the DOC’s multi-million-dollar racket of making money for every filled bed wouldn’t go so well. What else? There is the repression and oppression that forces us into silence and strict obedience. Individuality is destroyed, but I guess it’s good to be like everyone else. I mean, why would I want to be unique, a leader, and strive to be more?

The DOC doesn’t want rehabilitation. If it did, and it really knew what the word meant, there would be a drastic reduction in the prison population. But there hasn’t been and won’t be because the DOC is the grand master when it comes to smoke and mirrors.

Who will Protect me?

By Shawn L. Williams, JZ-9009, SCI Albion

I once wrote to a Pennsylvania legislature about the abuse that I was being subjected to in the Pennsylvania State Correctional Institution in which I am confined. Shortly after, I received a response from the aforementioned politician informing me that it would conflict with his ethical principles if he interfered with the affairs of his government constituents, and enclosed a copy of the Pennsylvania Department of Corrections Administrative 804 “Grievance Policy and Procedure.” He advised me to utilize the formal complaint process that was designed for prisoners such as myself who seek reprieve or redress from abuses while in the

Pennsylvania DOC. Surprisingly, that was in April 2015, and 15 months and literally 50 grievances later, I am still being subjected to the same abuse and harassment by PA DOC staff and officials.

A prisoner cannot rehabilitate in a system that refuses to hold abusive staff and officials accountable for their actions. Pennsylvania DOC officials have no accountability for their actions when it regards prisoners. I contend that every human is entitled to a fair process and opportunity to present complaints before an impartial authority. The PA DOC has manipulated the only avenue that prisoners such as myself have for resolve. There will never be any accountability for abusive officials and staff, but I will always be held accountable for everything—even things in which I have no involvement. The DC ADM 804 Grievance Policy is a cosmetic pacifier that was created to discourage prisoners like me from seeking resolve and protection from abuses and mistreatment from DOC officials and staff.

The Rule of Unintended Consequences

By Terrence McAleer, HU-6870, SCI Rockview

When our legislature convenes to make a law, it is supposed to benefit the whole. But sometimes it is made based on emotions instead of logic. How long must we suffer that wrong decision? How many must suffer indignity by way of it? Then, who must correct and pay for that mistake?

To convict anyone of an alleged crime without a shred of physical evidence and only words and innuendo goes against the core values of our justice system and allows for the replays of the Salem Witch Trials. We need checks and balances to prevent false accusation. Title 18, part 2, article B, ch. 31, subch. A § 3106 does just this: “Allows a conviction of anyone without reasonable checks and balances.” This allows overzealous prosecution of individuals and undue stress, both physical and financial, on their families.

Yes, we must protect our loved ones, but at what cost? Right now, the first to complain is believed over the accused. District Attorneys don’t seem to want the truth, just another notch in their gavel. But who really loses is society as a whole. We have become judgmental idiots without a real conscience who walk around with our egos all puffed up and without substance.

The Salem Witch Hunt was outlawed. Now, the Pennsylvania False Accusation Festival must stop. It's time to keep peoples' words on the transcript even when the judge says "off the record" to protect himself. It seems we no longer have laws to protect the innocent from lies. It is time that §3106 is placed under judicial review just like the Mandatory Minimum was in Berks County. It is a major injustice when a law like this allows prosecutors' egos to go unchecked and destroy others with impunity.

GTL, I-Tablets

By James Hardin, AJ-1593, SCI Forest

In April or May of this year, Christine Meukel, Project Manager/DOC Tablet Liaison, et al, will be reviewing the next round of I-Tablet implementations with it's partner Global Tel-Link. If you have suggestions you would like to see implemented, you should write her now and make them known. Here is her contact information:

Christine Meukel
Project Manager/DOC Tablet Liaison
PA Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

Inmates here have complained that the maximum volume level settings of their I-Tablets is set too low to hear many songs they purchased that were recorded at lower volumes and want the volume levels of the I-Tablets increased statewide. They also want GTL to provide them their "Android 4.4.2" app which allows inmates to view the album covers of songs they've purchased, view their I-Tablets screen in both vertical and horizontal positions, and delete songs they no longer want.

If you feel it defies logic not to allow you to delete a song you paid for, that it serves no legitimate purpose, then write her now and let her know so she can try to advocate for us. You could suggest that GTL find a way to allow you, for an additional fee, to be able to read your hometown newspaper on your I-Tablet, download an e-book, etc. Many of you will have your own unique ideas to offer up, so please don't let this window of opportunity close. Act now and write her with your suggestions as time is of the essence.

The BEST and the WORST

by Richard S. Gross, FF-9878, SCI Graterford

The CBS news show "60 Minutes" did a story on prisons in Germany. It was amazing how safe, clean, and quiet their prisons are. The guards are well paid and receive two years of psychology training. Their focus is on 'calming down' not 'keeping down'.

The prisoners have a key to their cell, which is clean and comfortable. Cells contain appliances, furniture, and plants. More like a dorm room than any cell I've seen. Each incarcerated person has a personalized rehabilitation plan, and can expect furloughs, work release, and parole if they stick to their plan. Even murderers can be released after 15-20 years if they have rehabilitated themselves.

To draw the sharpest possible contrast, "60 Minutes" then visited SCI Graterford. They walked through the crowd on B-block, then saw people locked behind bars for 23 hours a day.

Germany spends less on prisons than we do and has a much lower recidivism rate. They believe in rehabilitation and it works, because they are constitutionally obligated to treat prisoners humanely.

Please remember that any submissions we receive will NOT be published without express permission to print and a note stating that you are the original author.

If we receive a submission without either of these two requirements, we will not print it.

Submissions will not be returned.

Thank you.



Snitches' Evidence is Inadmissible

*By Termaine Saulsbury
GP-3965, SCI Waynesburg*

Traditionally, snitches in the prison environment have been relegated to a Special Protective Custody Unit due to a legitimate fear of being either injured or killed. Nowadays, they are more prevalent among the general populations. They are used as witnesses in court. They are often strategically placed in the same cell or general living quarters of a pre-trial defendant to gather information about a pending case, at the behest of the DA's Office, in exchange for leniency in their cases. However, the Pennsylvania Supreme Court recently ruled that the testimony of a jailhouse snitch is inadmissible in court (see Com v. Franciscus, 710 A. 2d 1112, 1119, 1121 PA. ct.1998).

House Bill 135: Parole Eligibility for Lifer Sentences

By Robert Pezzeca, DX-1148, SCI Dallas

A brief letter to all lifers: I was recently elected as the External Vice President of the SCI Dallas L.I.F.E Association and am joining a very experienced executive board of some great men. I want to bring every lifers' attention to House Bill 135: Parole for all Lifers. We need men to fight day in and day out in order to help get this bill passed. I dropped everything I do to focus on this. I have been on a one man letter-writing campaign, sending letters to every single PA State Rep twice. There are 201 representatives.

Jason Dawkins is the author of this bill. He wrote me in January and asked that I help get this information to every lifer. So, my friends in SCI Huntingdon and Smithfield, we need to help mobilize the lifer community. State Rep. Jason Dawkins can be reached at: 4915 Frankford Ave. Philadelphia, PA 19124. Phone: 215-744-7901. Email: REP.DAWKINS@PAHOUSE.NET.

At this time, we are in contact with state representatives Jordan Harris and Jason Dawkins and are working on getting them to SCI Dallas in order to hear their message and learn how we can

help get this bill more support. Every lifer out there needs to put aside race, greed, religion, and where they're from to work together as one team to help get this bill passed. How long will we continue to let others fight for us? I am willing to work with any lifer to make this a reality. We must utilize every resource we have. So many of us have family on Facebook; let's use this to help spread our message. My family and I have been in contact with all 26 state reps in Philly and all of them have stated that they support Jason Dawkin's Parole for all Lifers Bill. We need to focus on the reps outside of Philly. Get their addresses from the lifers organization in your prison or the law library and use your free envelopes. Write one letter a day if that is all you can do. Go to the library, type it in the computer, print it out eight times, and send it to eight different representatives in Pennsylvania.

The men at SCI Dallas have given me a chance to work and I will not let them down. I will fight day in and day out to advance the parole for lifers movement. I know Huntingdon and Smithfield lifers will do the same. We are an army. Use your intelligence and get people on the streets to send these politicians emails for you in support of HB135. None of us will ever get a second chance until we use our voice as one. This is our time. We are 5,500 lifers. Please come together and speak for House Bill 135: Parole Eligibility for all Lifers.

Also, anyone who remembers Paul Rizzuto, please pray for him. He is now fighting cancer and I don't want to see my friend and fellow lifer die. God Bless. We must share information. I'm listening.

Death Row Exonerations

By Kevin Brian Dowling, DY-6243, SCI-Greene

As many of us know, there have been thousands of exonerations of inmates in past decades. The National Registry of Exonerations estimates that there have been at least 1,645 exonerations since 1988. This includes exonerations from all crimes and by all means (with DNA evidence and without).¹ While the DNA exonerations get most of the attention, DNA is available in only about 10% of murder cases. This is well illustrated by the facts about death row exonerees. There have been 157 exonerations from death row since the death penalty was reinstated in 1972. These individuals had collectively served 2,000 years in prison (1,781 years after trial, more than 220 years before trial). Only 20 of these individuals won exoneration through DNA evidence.² The fact that the other

Legal Forum, *continued*

136 death row inmates were exonerated without DNA evidence gives hope to many. In fact, Pennsylvania is on the verge of its seventh death row exoneration and I am rooting for him as I wait for an honest judge to hear my appeal after 19 years in prison.

Footnotes

¹ The National Registry of Exonerations (www.law.umich.edu/special/exoneration)

² The Death Penalty Information Center (www.deathpenaltyinfo.org)

PA DOC Denial of Transfer of Philly Child Lifers

The U.S. Supreme Court's decisions in Miller V. Alabama and Montgomery v. Louisiana held that mandatory Life without Parole (LWOP) sentences were unlawful for child homicide offenders and required trial courts to offer such offenders a constitutionally-mandated, individualized, resentencing hearing and the opportunity for parole.

According to guidelines issued by the Campaign for the Fair Sentencing of Youth (CFSY), attorneys must conduct extensive investigation to prepare for a resentencing hearing, as one would prepare for trial. Attorneys must regularly visit their juvenile lifer clients to interview them and must have their clients repeatedly examined by psychologists, mitigation specialists, corrections experts, and legal aides in preparation for resentencing hearings.

Attorneys with the Philadelphia-based Amistad Law Project have petitioned Rockview's Superintendent Mark Garman and the Juvenile Lifer Project manager Robert Hammond to transfer their juvenile lifers to the SCIs closest to Philadelphia. The attorneys argued that they cannot effectively prepare for sentencing hearings when their clients are held hundreds of miles from Philadelphia. In denying the petition, the PA DOC suggested that the Amistad attorneys conduct their interviews and investigations with their clients via mail, phone calls, and visits. Their decision effectively prevents juvenile lifers from receiving adequate legal representation and undermines a constitutionally fair/protected right to a resentencing hearing.

Given the complete lack of cooperation from the

PA DOC, I recommend that the Amistad and JLP lawyers petition the trial court for a court order for the 382 juvenile lifers in Pennsylvania to be transferred to prisons closer to Philadelphia. This would facilitate and expedite the preparations by attorneys for resentencing hearings and the negotiations by the District Attorney's Office for the resentencing agreements.

*Kerry "Shakaboona" Marshall
BE-7826, SCI Rockview*

Contract Law

By Thomas S. Vile, BM-0654, SCI Somerset

If a representation constitutes a promise for an act in the future, it implies a duty or a condition owed (See A. Corbin, Contracts, §14, page 31 [1963]) (Truth of the Warranty is a condition precedent to the duty of the other party). See also S. Williston, Contracts, §673, pages 168 to 171 (3rd Ed. 1961), J. Murray, Contracts, §136, pages 275 and 276 (2nd Rev. Ed. 1974), and Langley v. Federal Deposit Insurance Corporation, 108 S. Ct. 396, at 401 (1987).

As used in Contract Law, the term "agreement" often has a wider meaning than "promise" (see Restatement (Second) of Contracts, §3, comment "a" (1981)) and embraces such a condition upon performance. For example, the definition of an agreement is "the bargain of the parties in fact as found in their language or by implication from other circumstances..." Quite obviously, the parties' bargain cannot be reflected without including the conditions upon their performance or of the two principle elements of which contracts are constructed (See E. Farnsworth, Contracts, §8.2, page 537 (1982)).

Any misrepresentation by a party to an agreement constitutes "fraud in the inducement" which renders the agreement voidable but not void (See Restatement (Second) of Contracts, §163, comment "c"; Farnsworth §4.10, pages 235 and 236). Thus, when a party makes mistakes, or perhaps innocent misrepresentation, that party is subject to an action for undisclosed fraudulent representations.

When a contract or agreement is founded upon a written instrument, the parties are presumed to know what conditions or actions constitute the terms of such an agreement. Yet, when a party secures a signature to a written instrument with-

See Contract Law, continued on page 13



Legislative Highlights

By Ann Schwartzman, Advisor & Policy Director

The PA General Assembly has just begun the 2017-2018 Legislative Session. New bills are being introduced and bills that did not pass last session are being reintroduced for consideration this session.

Below are several criminal justice bills that you may be interested in.

Please note that this list is current as of the date of March 9, 2017.

Bill & Printer No.	Description	Prime Sponsor	Action	Position
SB 59 PN 0040	An acting amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, PIE; setting the Prison Industry Enhancement Authority; employment of prisoners by private industry and for subcontracts with correctional agencies; guidelines for prisoner compensation; location of private sector prison industry.	Sen. Stewart J. Greenleaf (R-Bucks, Part and Montgomery, Part Counties)	Referred to Judiciary, 1/12/2017; Reported as committed, 1/24/2017; First consideration, 1/24/2017; Laid on the table, 1/31/2017	Support
SB 62 PN 0043	An Act amending Titles 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for grounds for involuntary termination; in juvenile matters, providing for disposition of dependent child; adding arrest protocols and training to help safeguard children who may be impacted.	Sen. Stewart J. Greenleaf (R-Bucks, Part and Montgomery, Part Counties)	Referred to Judiciary, 1/12/17; Reported as committed, 1/24/17; First consideration, 1/24/17	Support
SB 146 PN 0270	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing increase restitution to crime victims by intercepting lottery winnings and or tax refunds.	Sen. Lisa M. Boscola	Referred to Judiciary, 1/20/17; Reported as amended, 1/31/2017; First consideration, 1/31/17; Laid on the table, 2/6/17	Oppose

Bill & Printer No.	Description	Prime Sponsor	Action	Position
SB 121 PN 104	An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, expanding SIP, State intermediate punishment, by including gambling addictions for treatment.	Sen. Vincent J. Hughes	Referred to Judiciary, 1/20/17	Support
SB 126 PN 109	An Act, amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, eliminating the paid postage policy for prison inmates.	Sen. Lisa M. Boscola	Referred to Judiciary, 1/20/17	Oppose
HB 236 PN 0202	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in judgments and other liens, further providing for personal earnings exempt from process; and, in sentencing, further providing for payment of court costs, restitution and fines by wage attachment. This will be the second priority while support is the first priority.	Rep. Becky Corbin (R-Chester County, Part)	Referred to Judiciary, 1/31/17; Reported as committed, 2/7/17; First consideration, 2/7/17; Laid on the table, 2/7/17; Removed from table, 2/8/17	Oppose
HB 285 PN 0271	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for collection of restitution, reparation, fees, costs, fines and penalties. Requiring criminals to pay restitution to crime victims from their inmate accounts: 25% from wages and 50% from deposits.	Rep. Todd Stephens (R-Montgomery County, Part)	Referred to Judiciary, 1/31/17; Reported as committed, 2/7/17; First consideration, 2/7/17; Laid on the table, 2/7/17; Removed from table, 2/8/17	Oppose
HB 631 PN668	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for a mandatory period of probation after release for certain sexual offenders.	Rep Ron Marsico	Referred to Judiciary, 2/24/17	Oppose



Report from Nicole Sloane, Esq. Criminal Defense Attorney

Inmate Claim for Missing Boots Moves Forward after Commonwealth Court Win

Steven Owens' boots were gone. Inventory reports confirmed the boots were in Owens' property when he arrived at SCI Mahanoy from SCI Smithfield on October 24, 2014. The boots came up missing three and a half months later, after Owens was transferred to SCI Mahanoy's RHU. According to Owens' civil complaint, two corrections officers had secured Owens' cell and packed his belongings. Owens found the boots were missing nineteen days later, when he was first permitted to inspect his belongings.

Owens made efforts to try to get his boots back. He first filed a grievance asking for the return of his boots or, if the boots were not found, asking for \$92.65, the cost of the boots. Unfortunately, Owens' grievances were denied as were the appeals through all stages of the grievance appeal process.

Having been denied relief through the grievance system, Owens filed a complaint in the Court of Common Pleas of Schuylkill County, Pennsylvania. Before the various defendants in Owens' case including the Department of Corrections and several of its employees were served, the trial judge dismissed Owens' complaint. Providing his rationale for dismissing the complaint, the trial court judge found Owens' complaint to be frivolous. The judge argued that Owens' legal complaint was frivolous because it was barred by the legal doctrine of sovereign immunity. **Commonwealth v. Owens**, No. 2624 C.D. 2015 (Pa. Commw. Ct. 2016).

Undeterred by the denial of his grievances, the loss of his grievance appeals and the quick dismissal of his complaint by a trial court, Owens appealed the trial court's decision to the Commonwealth Court of Pennsylvania. In a well-reasoned, albeit unreported, opinion authored by Senior Judge James Gardner Colins, the Court found that the trial judge erred when it concluded that Owens' claims against the Department of Corrections and two of its employees were barred by sovereign immunity. Specifically, Judge Colins wrote that the Department of Corrections and the two corrections officers who secured Owens' cell and packed his belongings were not protected from Owens' claims by the doctrine of sovereign immunity.

Judge Colins explained that while lawsuits against Pennsylvania agencies (such as the Department of Corrections) and agency employees are usually barred by sovereign immunity, there are certain situations in which that immunity has been waived. Explained another way, sovereign immunity can be considered a type of shield that protects a government agency and its employee from arrows fired at them in the form of lawsuits. By waiving sovereign immunity in some situations, our lawmakers have prevented some government agencies and its employees from using the shield to protect themselves in several situations.

One of those unique situations in which Commonwealth agencies and its employees are not protected from lawsuit by sovereign immunity is when there is an allegation of an agency or its employees were negligent and that negligence caused damages which would be recoverable in a lawsuit against a non-government agency or its employees. Even then, sovereign immunity is only waived if the claim for negligence is in one of nine categories in which the sovereign immunity does not apply.

Owens argued that his claim falls within the "care, custody or control of personal property" exception to sovereign immunity. *See* 42 Pa.C.S. § 8522(b)(3). As both Owens pointed out and then the Commonwealth Court acknowledged, legal claims for damages based on prison staff's negligence in handling an inmate's personal property is not barred by sovereign immunity. Therefore the trial judge erred when he dismissed Owens' complaint against the Department of Corrections as well as the two corrections officers who handled Owens' personal property. Contrary to the trial judge's assertion, sovereign immunity would not shield the Department of Corrections and the two corrections officers from liability. As to them, the trial court's dismissal of Owens' claims was reversed and the matter was remanded to the trial court for further proceedings. □

Contract Law, continued from page 9

out disclosing its true nature or contents, a claim of “fraud in the factum” may be pursued. Under Pennsylvania law, when a contract or agreement is “induced by fraud,” the injured party as a choice of alternative remedies; he may either rescind the agreement or contract or affirm it and maintain an “action in deceit” for damages. See Greensberg v. Tomlin, 816 F. Supp. 1039 (1993); Lind v. Jones, Lang, La Salle America Inc., 135 F. Supp. 2d. 616; and Baker v. Cambridge Chase Inc., 725 A. 2d. 757 (1999). The standard of “fraudulent conduct” is defined as a misrepresentation “fraudulently uttered” with the intent to “induce the action undertaken in reliance upon it to the damage to the victim (See Moser v. De Setta, 589 A. 2d. 699 (1991).” Therefore, a person asserting fraud must establish:

1. A misrepresentation.
2. Scienter (knowledge) on behalf of the misrepresenter.
3. An intention by the maker that the recipient will be induced to act.
4. Justifiable reliance by the recipient upon the misrepresentation.
5. Damage to the recipient.

See: Briggs v. Erie Insurance Group, 594 A. 2d. 761 (1991)

No one knows your case, conditions, and causes of your dilemma better than you. Therefore, assert your constitutionally-protected rights. Make your civil complaint. State your claim utilizing accuracy, brevity, and clarity of simple language. Do your homework beforehand. Sue for relief for the damages incurred upon you. The pen is mightier than the sword. Your defendants should be the following:

- Pennsylvania Department of Corrections
- Pennsylvania Department of Corrections Executive Secretary John Wetzel
- Pennsylvania Correctional Industries (responsible for commissary sales)
- Pennsylvania Correctional Industries Directory Tony Miller/Designee
- Manufacturer of the tablet (This entity will make cross-complaints against the service provider)
- Manufacturer of the tablet’s CEO or President
- Service Provider
- Service Provider’s CEO or President
- The Facility Manager/Superintendent of the facility where you are currently confined

- The commissary supervisor of the facility where you are currently confined

You may also contact the appropriate in-state and out-of-state area Better Business Bureaus and utilize the Pennsylvania consolidated statute, “The Pennsylvania Long-Arm Law.” This mandates that all departments of the state of Pennsylvania deal in transactions with reputable out-of-state companies or corporations and are forbidden by law from dealing with disreputable out-of-state companies. This includes the Pennsylvania DOC for issued items purchased. □

(Come Together, continued from page 2)

30 prisoners out of the general population, issued them falsified misconduct reports on drugs, gave them 90 to 240 days in a restricted housing unit (RHU), and thus erased the good records they had achieved. There were never any drugs found on any of these prisoners. They were offered a reduction to 60 days in RHU if they would plead guilty and they all refused. The hearing examiner is supposed to be an independent, impartial third party. This is a violation of a prisoner’s right to a fair hearing.

The other policy in question is DC-ADM 804, which is another joke. When you file a grievance, the officer tells you to file two, one for the prison security office which will warn you to drop the grievance and one for the Secretary’s Office of Inmate Grievances and Appeals which will refuse to respond to your grievance.

The DOC Secretary needs to revamp these policies, like he did with some of the other ones. I have sent a letter with supporting documents to the Pennsylvania Judiciary Committee to show them how these policies are being used to violate prisoner’s rights. It is time for a change! □

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to *Graterfriends*?
See the order form on
page 18.**



Announcements

Abolitionist Law Center – Hepatitis C Project

The Hepatitis C Project is part of the Health and Environmental Rights Docket of the Abolitionist Law Center. The Hepatitis C Project is aimed at organizing a network of pro bono attorneys to provide legal services to Hepatitis C positive inmates in the Pennsylvania prison system. Because of medical advances hepatitis C can now be cured with new direct-acting antiviral medications - but more than 6,000 incarcerated patients in Pennsylvania are being denied the cure. Attorneys are needed to provide representation in this important public health effort to establish a right to the cure.

ALC is asking people who have chronic hepatitis C and are in need of treatment to contact us for a health survey. We will be recruiting and training attorneys to provide representation to those most in need of immediate treatment.

Please remember that we have limited capacity and can cannot guarantee representation by ALC or other attorneys. It is our goal to continue advocacy and litigation on this issue so that all those with hepatitis C are provided access to these new, life-saving medications.

Write to us for a health survey: ATTN: Lauren Johnson Program Coordinator Hepatitis C Project, Abolitionist Law Center, PO Box 8654, Pittsburgh, PA 15221.

230th Annual Meeting & Anniversary Celebration of the Pennsylvania Prison Society

Wednesday, May 3, 2017
6:00 pm to 8:30 pm
At the historic Eastern State Penitentiary

Please RSVP below using Eventbrite—more information can be found on our website. A \$45.00 donation is suggested.

If you have questions about the event, tickets or sponsorship, please contact us at events@prisonsociety.org or 215-564-4775 x107

The Prison Society does not offer home plans.

However, our online resource, **The Prisoner Reentry Network** has **800** organizations, many of which can assist in finding a home plan.

If you are in need of contacts for a home plan, have your counselor or loved one help you search on the Prisoner Reentry Network at www.phillyreentry.com

(In Memory, continued from page 1)

Plus, every semester, Dr. Hall would bring her Drexel University students here to meet with the men of Graterford so they could get a realistic understanding of the difference between their textbook theories and the reality experienced by incarcerated men. Most of the students left with a very different perspective of prisons and the criminal justice system. You could feel her passion as she wanted her students to come to grips with the realities experienced by those imprisoned in, what she argued, was a less-than-successful criminal justice system. Dr. Hall sought to help educate every student, legislator, peer, and administrator on all issues close to her large and caring heart.

At the time of her passing, Dr. Hall was actively working on a panel appointed by Governor Tom Wolfe. The panel's focus was to devise ways for Pennsylvania's commutation process to be streamlined and expedited. I feel confident that Dr. Hall, this tireless bundle of energy and passion, had many more accomplishments of which I am not aware. One of Dr. Hall's greatest joys came when the U.S. Supreme Court ruled it unconstitutional to sentence children under 18 years of age to mandatory LWOP sentences. She had befriended many of the juvenile sentenced lifers here and was elated at their chance to rejoin society. Dr. Hall is smiling down at this significant sign of progress. I know she would not have stopped until all the injustices she fought against were no more. To a tireless advocate and educator for unpopular but common-sense changes, rest in peace and thank you for a lifetime of dedicated public service. You are missed!

Programs & Services

FIRST Mentoring Program

The Prison Society seeks volunteer mentors and mentee participants for its F.I.R.S.T. Mentoring Program (Families and Individuals Reintegrating Successfully Together).

The program helps prepare incarcerated individuals for successful reentry. After a series of workshops on relevant topics such as applying for medical benefits, securing housing, social media, and obtaining education and jobs, mentees are assigned to mentors. Mentors meet one-on-one with participants for at least 6 months to develop and achieve a personalized goal plan. So far, the program has served approximately 200 returning citizens in prison and after release.

Want to get involved?

Mentees must:

Currently reside in the Temporary Housing Unit (THU) at SCI Chester or SCI Graterford
OR

Expect to be paroled from a State Correctional Institution to the Greater Philadelphia Area within six months.

Mentor volunteers must:

Have been out of prison for a minimum of 2 years.

Please email rberger@prisonsociety.org or **write to the address below to request an application:**

Rachel Berger, *Mentoring Program Coordinator*
Pennsylvania Prison Society
245 N. Broad Street, Suite 200
Philadelphia, PA 19107

New bus prices are effective as of January 1st, 2017. All tickets will follow these rates:

Tickets for the following trips have been increased to \$50.00:

- Albion
- Cambridge Springs/Mercer
- Forest
- Fayette
- Greene
- Pine Grove

Tickets for the following trips will remain at \$40.00:

- Laurel Highlands/Somerset
- Houtzdale
- Rockview/Benner
- Smithfield/Huntingdon

Tickets for the following trips have been reduced to \$35.00:

- Muncy
- Coal Township
- Frackville Mahanoy
- Dallas/Retreat
- Waymart

If you are purchasing 3 or more tickets, please ask about our family group rates.

In addition, you will now be able to use a debit or credit card to purchase your bus ticket inside of the office; however, there will be a \$2.00 surcharge.

You are still able to purchase your tickets via mail with a money order. Please be sure to write your name, address, phone number, the prison you are traveling to, and the month you are traveling in.

Tribute to Julia Hall, continued from page 1

be held accountable for our actions. This would eventually even lead to a face-to-face with victims of crime. Most importantly, it was a project of awareness about victims and our destructive intrusions.

After hearing everyone give their presentation, it became clear that Julia was heading this project. She was no-nonsense yet very respectful to anyone she spoke with or heard from. In all honesty, I had many reservations about taking this class that were mainly because of the straight-forward approach Julia led. Was I going to be up for scrutiny? It turned out Howard would often be her wing man. But that's who Julia was. As I came to find over the years, when Julia took on a project, she was the take-charge person. She was confident and knowledgeable in all that she did. Yet, she had her moments of concern, care, and compassion for those of us often considered least among any group of people. Julia restored value in us.

What was important to her were those whom she enlightened. Julia's students were her top priority. From my perspective, Julia could not have been a stronger advocate for human dignity from all corners of this country. For instance, not many people know just how instrumental she was in getting the forty-seven-member Advisory Committee on Geriatric and Seriously Ill Inmates, also called Senate Resolution No. 149, to include the life-sentenced inmate population—a serious point of contention at the time.

It was difficult for Julia to share her personal life though she had her own tragedies and set-backs. Julia was not one to dwell on this or use it as an excuse for not doing something that she said she would. I respected Julia on many levels as I expected nothing less than honesty, integrity, loyalty, and compassion from her. Some individuals did not appreciate her loyalty and candidness or her sometimes dismissive cover on both sides. But that was part and parcel of Julia as a consummate professional.

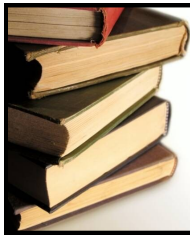
Julia took on Lifers and Veterans issues alike and championed the Gray Panthers as one of her most dedicated concerns.

I was very proud of her association with Maggie Kuhn, the founder of the Gray Panthers.

Julia never gave up on improving the conditions of confinement for older prisoners and veterans and working toward their release. At times when those she represented doubted her loyalty, she was steadfast and came back another day. She would often tell us that our issues were not high-priority with legislators but that they were with her. She would not stop representing us at all levels. Nonetheless, no one really got that all the work done for us was through Julia's free time. She did this between her school responsibilities as a tenured professor, often up against a university that didn't care so long as it did not reflect badly on them. Of course, her students were always her priority. Julia brought an amazing balancing endeavor to everyone she touched! Who can take her place in the history of criminal justice reform?

Rarely did anyone ever hear complaints from Julia. Until recently, I did not know that she did not like driving in the snow or dealing with traffic and detours getting to Graterford. These were the things no one heard about inside; something we prisoners never really got being so out of touch and this place so out of reach. That still did not stop her from keeping a commitment to us.

Out of the many hats that Julia wore, including her most recent appointment to the Pardons Board Advisory Committee, I think one of her most prideful was her hat as conveyor for Gray Panthers. She was there from its inception. Chairing the Pennsylvania Coalition for Fair Sentencing of Youth was also very high, as well as President of the Board of The Pennsylvania Prison Society. These were all very important concerns on her mantle. Julia would always talk about her expertise not as a bragger, but as an experiential approach on geriatric and seriously-ill inmates, as well as the underdeveloped minds of the youth in prison. As an older inmate, this was not something I always wanted to hear. I always wanted to prove her otherwise. But that wasn't her point—we were her point as a civilized and compassionate society. However, I can't help but think that most of her expertise came from working with all of us for all these years. I can appreciate and respect her unending belief in her work. Thank you, Julia. You will be missed. God bless and protect. □



Bookcase

New Releases!

- “Life with a Record: Reenter Society, Finish Supervision, and Live Successfully” by Anthony Tinsman, 04276-063, www.freebirdpublishers.com, 888-712-1987
- “A Cry for Justice” by Daniel Cummings, AF-4891, Amazon, Barnes & Noble, Midnight Express Books, and all major online book retailers
- “Drawing Flower Art” and “UFO: Rodents in Trouble” by Howard B. Brown, W34824, available for free at www.prisonsfoundation.org

The Prison Society does not provide compensation for overcrowding in the Philadelphia Prison System.

It’s a rumor.

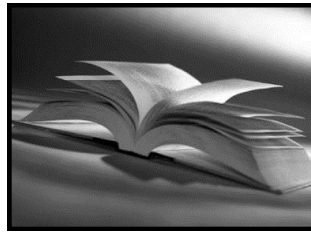
Contrary to what you may have been told, no compensation is available from the Prison Society — or any other agency — for individuals who have experienced overcrowding at the Philadelphia Prison System

It’s simply not true.

For more information on previous class action suits concerning overcrowding in the Philadelphia Prison System, please contact:

The Pennsylvania Institutional Law Project
The Cast Iron Building
718 Arch Street, Suite 304 South
Philadelphia, PA 19106

The Pennsylvania Prison Society is a non-profit organization advocating for and providing initiatives that promote a humane, just and constructive correctional system.



Literary Corner

A Failure to Communicate

By H.J. Rogers, Official Visitor

It was just under two hours on the road,
Broken by brunch [that’s not what they call it]
at the *MISS BLUE* in Hundred, West
Virginia, on the south side of the Mason-
Dixon line,

To S.C.I. Greene, a little to the east of
Waynesburg, Pennsylvania, where
I now sit in the waiting room while
they finish with the count.

I am waiting to get admitted to the “Capital
Unit” [their euphemism for what most
other prisoners call “Death Row”], while,
of course, the 137 men on the Unit
are trying to figure out how to
get off the row without dying.

I am not family but an “Official Visitor” and
an old guard mutters as he registers
me “I don’t understand why you people
come here.”

“You want to know the truth?” I growl.
He looks up quizzically as he shoves my
“Prison Society” card and driver’s
license back across the counter.

“It feels good when I leave”, I smile.
He lowers his gaze and I wonder if he got
my message.

Probably not, I think, as Lee Marvin telling
Paul Newman “What we have here is
a failure to communicate” flashes across
my frontal lobes.

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