

GRATERFRIENDS

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

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April 2013

A Losing Equation: Street-Smarts + Jail-Wise = Lifetime Stupidity

by Lee A. Horton, CN-2067, SCI Chester

Two weeks ago, on my way to afternoon chow at SCI Chester, I fell in behind three inmates who were having a fascinating but sad conversation on education. They were so loud I couldn't help but overhear every word.

"The Unit Manager said I gotta get a GED before I get paroled!" the youngest of the three said, as they moved slowly down the corridor towards the chow hall. He was around 23, tattooed, pants sagging, with an I-don't-have-a-clue expression on his face. "What do I need a GED for anyway?" he continued. "If college graduates can't find jobs then what is a GED going to do for me?"

"Nothing," an older bedraggled inmate around 49, with missing teeth, interjected. "They want you to believe you need a GED and a college degree to get ahead. But the GAME don't respect no GED's or college degrees. It's a waste of time, a scam for lames and squares." I was disgusted, but curiosity kept me listening.

"You sound crazy!" a third, neatly dressed inmate around 33, with a low hair cut and a baby face, almost shouted as they grabbed their trays.

Following closely, I wound up in the fourth seat at their table.

"Man, don't listen to this fool," Mr. 33 said to his younger compatriot. "You need a GED, a college degree, a trade, and whatever else might keep you out of jail. Yeah, I graduated from high school but if I had went to college I know I wouldn't be in prison doing 5 to 10."

Laughing, Mr. Bedraggled cut him off. "He don't know what he's talking about, young buck. You gotta get a nice hustle, so you can make some money."

"Like you, I suppose," Mr. 33 shot back sarcastically.

"I know what I'm talking about," Mr. Bedraggled stated matter-of-factly. "I been hustling and in and out of prison for over 30+ years. I survived the streets; no GED, just a degree from the school of hard knocks."

"Exactly," Mr. 33 said heatedly, "and what you got to show for it? Yeah, you survived, but for what? Ok, you're street- and jail-wise but you been doing the same thing over and over expecting a different result. That's the definition of a 'nut'." At this point the younger of the three, looking at me, laughed hysterically. But I didn't crack a smile, I just continued to listen.

"Man, everybody know I get bread on the streets," Mr. Bedraggled quipped, angry and embarrassed. "Back in the day my name was ringing in the streets and if you go to any jail, everybody knows me."

"Calm down, man," Mr. 33 said with a slight smirk. "This ain't about you. Maybe you was a top notch BALLER in the early '90s. But that was then and this is now. You haven't been out of prison more than six months at a time in the last 20 years. In fact, you been in prison this time for almost 14 years."

As if on cue, the younger inmate looked at me again and said, "Dread, what do you think?"

This was the invitation for which I had been waiting. "I agree that you need an education to get ahead in life," I started. "A GED might not seem like much now, but as you get older not having one will become a liability."

"That's what I'm saying!" Mr. 33 blurted out, almost jumping out of his seat and pointing his finger at Mr. Bedraggled.

(See Losing Equation, continued on page 15)

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From the Editors

There are many bills related to criminal justice that have recently been introduced to the Pennsylvania General Assembly. You can see them on Page 6, and there is another sample letter on Page 7. We hope you find these sample letters helpful for writing your legislators.

We have also received several letters in response to Mr. Lofton's letter about Ernie Preate, Jr.'s memorandum. We hope that the issue of retroactivity will be resolved when *Cunningham* and *Batts* are decided, and we hope that will happen soon.

The article on the front page is an interesting dialogue between several prisoners regarding the importance of an education, and how the lack thereof can be a detriment to those who are either trying to stay out of prison or successfully reintegrate with society after incarceration.

We are happy that Jeffrey Neal Saxberg's letter about hope in the February *Graterfriends* has helped at least one person keep her hope alive that she will again see her child. See "RE: Hope" on Page 10.

Finally, Executive Director William DiMascio talks about what the Founding Fathers would have thought about the death penalty, and how some current high-ranking legislators are doing to help abolish it. See Page 16.



Pssst... Pass the Word

JOIN THE CAMPAIGN FOR PRISON PHONE JUSTICE

by George Rahsaan Brooks-Bey, AP-4884, SCI Frackville

I read Nathaniel Gains' article in February's issue of *Graterfriends*. He complained that he and his family are being "forced" into buying phone cards from prison because if they don't, they will be "double charged."

For Mr. Gains, and other prisoners who do not know, a national coalition of media and criminal justice activists, led by the Human Rights Defense Center, Working Narratives, and the Center for Media Justice, invite prisoners, their families, friends, supporters, and lawyers to join the campaign to fight this "highway robbery" of high-cost prison phone calls.

This campaign needs those of us inside prisons, jails, boot camps, and detention centers to speak up about the impact the charges have on us and our families. With the support of prisoners, their families, and others, our righteous fight will be advanced, state by state, to bring about legislative change, while also pushing the Federal Communication Commission (FCC) to take action.

I suggest that Mr. Gains and other prisoners send a brief letter to the FCC explaining the impact that high
(See Phone Justice, continued on page 15)

GRATERFRIENDS

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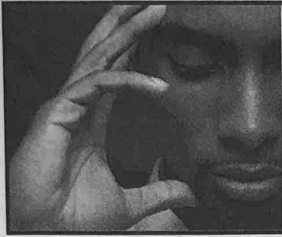
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Think About It

NARCISSISTIC RIFLE ASSOCIATION AND PUBLIC SAFETY

by Richard "Beetle" Bailey
AF-9284, SCI Laurel Highlands

To hold fast to the Second Amendment, the right to keep and bear arms, one must keep in the forefront of our rationale when it was created. The interpretation of the amendment must be in context with the evolution of civilization; it originally gave American citizens the right to keep and bear black powder rifles and muskets.

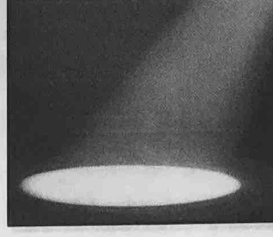
No one is saying you can't have rifles and pistols. They're saying we need to eliminate assault rifles and high volume magazines. Hunters either want a trophy, rack, head, hide, or meat for food. An assault rifle would destroy those prizes as they inflict much more violence, viciousness, and damage.

In all the gun control hearings, not once has anyone provided a reason as to why private citizens need assault rifles and high volume magazines. For those who own or want to own one, when's the last time you carried your assault rifle and magazines with you to church, the grocery store, or to a movie theater?

The National Rifle Association (NRA) uses the old magic trick of misdirection to divert responsibility of harm from these evil weapons by claiming we need stronger background checks to keep "convicted felons" from purchasing weapons. However, "mass murderers" are deranged individuals who often have no criminal records: the shooter in the Texas tower, the movie theater, the Arizona political rally, the little Amish schoolhouse in Pennsylvania, or the massacre at Sandy Hook.

We can't eliminate all evil, but we can eliminate the production, sale, and ownership of these truly evil weapons and high volume magazines. I ask all who own or support productions, sale, and ownership — are these evil weapons so important to you that you'd so readily sacrifice the lives of your children, husbands, wives, brothers, sisters, friends, neighbors, co-workers, etc.? Tonight when you tuck your child in bed, look into their eyes and tell them, "I love you, but I cherish my assault rifle more!"

Australia has already banned these evil weapons. Are you telling me that America, the greatest nation in the world, cares less about her children than Australia?



Spotlight

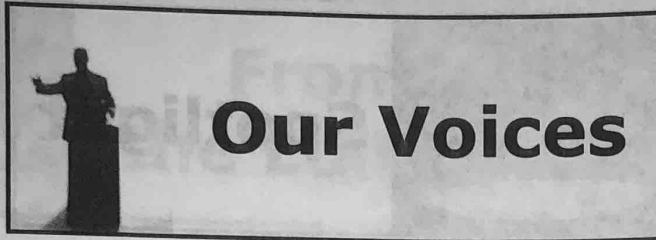
RESPONSE FROM ERNEST D. PREATE, JR. RE: JUVENILE LIFERS

by Ernest D. Preate, Jr., Esq.

I am writing in response to Mr. Floyd Wilson's views, expressed in the January 2013 *Graterfriends*, on my theories about juvenile lifer issues. I feel compelled to respond.

1. First, I was not part of the drafting of SB 850 by Sen. Greenleaf's Judiciary Committee, nor was I on his Citizens Advisory Group.
2. There are some who believe SB 850, which was signed into law by Gov. Corbett on October 25, 2012, is unconstitutional. While I do not agree with all the various parts of SB 850, it was the best compromise Senate Judiciary Chair Stewart Greenleaf could come up with in the face of tremendous pressure from prosecutors, police, and victims groups.
3. As per the Rules of Statutory Construction, there is a presumption of constitutionality of legislation. The law places a heavy burden on those seeking to overturn legislation.
4. Just because the legislature chose to draw a distinction between some juvenile lifers who committed murder under the age of 15 from those who committed it between 15 and 18, does not, *per se*, make it unconstitutional. As long as there is a discernible "rational basis" for such distinctions, the court will not disturb the legislative findings. Examples include setting the earliest driving age at 16, the age to drink at 21, or the age to vote at 18. In this same vein, under the Pennsylvania Juvenile Act, a "child" is defined as an "individual who is under the age of 18," or "is under the age of 21, but committed an act of delinquency before reaching the age of 18." However, the legislature drew another line in the Juvenile Act, saying that a "delinquent child" is a "child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision, or rehabilitation." Further, the Act states that a "delinquent act" shall not include the crime of "murder," nor shall it include certain enumerated crimes "where the child was 15 or older at the time of the alleged conduct and a deadly weapon" was used. In SB 850, the legislature drew lines at under 16, and under 18. It will be hard to establish that such line-drawing is unconstitutional, given the previous legislative history of line-drawing in juvenile matters.

(See Preate Response, continued on page 13)



Our Voices

RE: IS IT THERAPY OR TORTURE?

by Gary Casey, KF-6298, SCI Greensburg

In response to the article, "Is it Therapy or Torture?" I would like to impart my experience with the therapeutic community (TC). In Mr. DeSheild's article in the January *Graterfriends*, he outlined a pattern of behavior in the TC program that those who run the program adhere to. To best understand how this happens, one needs to understand a little about how TC works. Part of the program is based on participants policing each others' "criminal thinking behavior." In TC at SCI Greensburg you are required to do what's called "pull-ups" or "push-ups." A pull-up is identifying an action or behavior that is considered a rule that's being broken or skirted, then writing a pull-up ticket on the accused party. That ticket is read in a group meeting where another group member delivers a sanction. This can be as minimal as a warning or a verbal apology, to an essay of 250, 500, or 1,000 words on the charge. It can also include demeaning behaviors like those described by Mr. DeShields. If presented with a pull-up, there's no denying the accusation, true or not. There is no refusal of the sanction. This is called an L/E — learning experience. There is no appeal to staff without a written DATs form that has to go through a part of the inmate governing body of TC called COC. Any attempt to discuss any issue with any staff member in the institution is cause for immediate dismissal from TC; what was said about the inmate policing of other inmates is 100 percent accurate.

Now, the COC, or group inmate leaders, are in my experience favored by TC staff to the point where if they actually get caught in a major rule infraction (smoking, lying) chances are that they want to be sanctioned for it or dismissed from TC, as many others have been, only to have to go back and start over again or max out their sentence. The group leaders also have the horsepower to put stink on people in the group they might want to get kicked out. I saw it happen on more than a couple occasions; kind of a secret hit list. There will always be jailhouse snitches, but TC gives them a license to operate and protect them (at least temporarily) from reprisal. In many cases, those in TC are near parole or paroled upon completion of the program. This breeds an atmosphere of abuse of authority. No one dares speak up if they feel they're being humiliated. Many of the sanctions are abusive of Islamic belief systems, but the attitude is to suck it up or quit — a hard choice when you have family waiting for you to come home. Every staff

(See RE: Therapy, continued on page 15)

A FEW WORDS BEFORE I GO

by Keith Connors, HB-7072, SCI Mahanoy

Within the next two weeks I am going to be released back into society but before I go, I would like to say a few things.

First, I would like to thank the free book programs and their volunteers for sending me books when I was in need. Through your services, I was able to learn so much in order to become better equipped for society. The work that you do is extremely important, not only to myself, but to countless others like me.

Second, to all of the lifers within the DOC: keep your heads up, continue having faith, keep hope alive, and continue the positive fight because, as you all probably know, there are a lot of changes happening within the penal system. There is no doubt in my mind that, in the near future, you will all receive that second chance that is long overdue. My hopes and prayers are with you all.

Third, to all of you who are wrongfully convicted: keep your heads up and continue to be persistent because it will pay off. Do not, under any circumstances, allow the courts to intimidate you or wear you down; don't allow them to win. Don't fall for any of their tactics because, as we all know, they do their best to make the conviction stand, even when they know you're innocent. As sad as it is, that's the system, a system full of injustice. My hopes and prayers are with you, all of you.

Fourth, to all of the men and women within the DOC who are activists: continue fighting the good fight for the multiple areas that the system is screaming out to be reformed; your very hard work is beginning to show. There are many changes that are currently occurring within the system and, as long as you keep doing the work you've been doing, more changes are to come.

Fifth, to all of you who haven't yet joined the fight: I encourage you to do so. If you find yourself complaining about this, that, and everything else, don't bother taking it to your fellow inmate — you won't get anywhere. Instead, write to an organization that is fighting for prison and parole reform. That's one way you can join the fight.

My suggestion to you is, begin putting your institutional library to good use; stop making cards and dominoes so important and begin writing more. There are many organizations, publications, newspapers, magazines, and radio talk shows that you can write to. If you aren't sure how to write an article or essay, there are thousands of books on those subjects. So join the fights and make a difference!

In closing, I would like to give a special thanks to the Pennsylvania Prison Society and all of their volunteers for everything that they do for those who are incarcerated and those who were recently released, and even the families of offenders. Thank you so very much. I will be in touch very soon.

God bless you all.



Mrs. GE-6309 Time

by Reesy Floyd-Thompson

THE DIFFERENCE BETWEEN SEX AND INTIMACY

When people find out how long I have been married to someone who is incarcerated, one of the quickest questions I receive is, "What about sex?" I respond "What about it?" It is completely inappropriate to inquire about another's sex life, which is why I ask the person why and how this is their business. However, the question of sex is a revealing look at the mentality of people when it comes to prison, relationships, sex and — the piece they don't consider — intimacy, as it often leads my inquisitor to respond with "I don't see how you do it." And, this is where I educate them.

We live in such a sexualized world. Sex permeates every aspect of our lives, from direct references to the slightest innuendo. Some say sex is the most important part of a relationship. If that were true, relationships separated by distance and time would be flaccid, but that is not the case. When you are in a relationship removed from sex, thoughts and urges wane.

Intimacy is not a function of the anatomy. It's a function of the heart and at the center of that heart is communication. Communication is the tool by which intimacy enters. In this type of relationship, you can't use sex to fix an argument or pass the time, you have to communicate. Intimacy is the ability to connect on a level so deep it transcends physicality and understanding. Intimacy is the by-product of communicating with love.

I'm able to be with my husband because we have true intimacy. I hear his heartbeat from the inside. I read the sound of his voice. I know the wounds and hurts before the words are spoken. I see the weariness that hides behind his eyes. I possess powers no other woman has because he only communicates with me, as in he allows me to see him stripped-down naked without masks, presumptions, or ego. Sex is fleeting, a moment in time. Intimacy is a fingerprint on the soul. His handprint is on my heart. This is how I do it. Education complete.

Reesy Floyd-Thompson is the founder of Prisoners' Wives, Girlfriends, & Partners (PWGP). For more information about this group, please write Reesy at:

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Legal Chat

MILLER AND THOSE OVER SEVENTEEN

I would like to thank Mr. Davenport and the others who have submitted articles regarding *Miller v. Alabama* and those over the age of 17. I was 18 at the time of the offense and I have filed a subsequent PCRA on this issue claiming that *Miller* should apply to "minors" via equal protection. The lower court dismissed my PCRA on these merits, and my brief in the Superior Court is due on March 1, 2013. (*Com. v. Mandeville*, No. 3288 EDA 2012).

I would like to share some of the ideas I've come across and presented in my arguments. In Pennsylvania an "adult" is defined by statute as: "An individual 21 years of age or over." (Pa. C.S. § 1991), and a "minor" is defined as: "An individual under the age of 21 years." In *Marino v. Marino* (411 Pa. Super. 424, 432 (1991)), the Superior Court stated: "Thus, at minimum, absent some clear exception to the contrary, a person reaches the age of majority, and necessarily is considered emancipated by an act of law, when that person arrives at the age of 21."

In *United States v. C.R.*, (792 F. Supp. 2d 343, 495-506 (2011)) the court found that a five-year mandatory minimum was cruel and unusual punishment for a 19-year-old based upon *Roper* and *Graham*. Read this case; the court discussed brain development, cited several studies and discussed the testimony of Dr. Laurence Steinberg, finding "that the bright line cut-off of age 18 does not accurately reflect the realities of adolescent brain development." (*Id.* at 502) See also *United States v. Marshall*, 2012 U.S. Dist. LEXIS 90487 (June 29, 2012) (Applying the legal reasoning in *Miller* and *U.S. v. C.R.* to find a sentence cruel and unusual punishment.)

I hope this information is helpful to guys and gals pursuing this issue. Good luck and stay in the fight.

David Mandeville
DN-7632, SCI Smithfield

RE: ERNEST D. PREATE, JR. MEMORANDUM

I recently received Ernest D. Preate Jr.'s memorandum suggesting that the recently enacted SB 850 can possibly be applied to juvenile lifers convicted prior to June 24, 2012.

Now that attorney Preate has recently sent me that document, I would like to take this opportunity to respond to the article by Floyd Wilson that was published in the January issue of *Graterfriends*. In said article, Mr. Wilson stated that he determined attorney Preate's posi-

(See Legal Chat, continued on page 8)



Legislative Highlights

Ann Schwartzman

Policy Director, The Pennsylvania Prison Society

The Pennsylvania General Assembly has been focused on Appropriations Budget hearings. Several bills have been introduced recently and are moving through the process. Below are a few criminal justice bills that you may be interested in, and their status. Please note that this list is current as of March 14, 2013.

BILL NO. PRINTER NO.	DESCRIPTION	CHIEF SPONSOR	PPS POSITION
HB 690 PN 187	Prohibits private correctional facilities from operating in Pennsylvania, but does not prevent currently operating facilities of this kind from continuing to operate (Referred to House Judiciary 2/13/13)	Rep. N. Goodman D-Schuylkill County	Support
HB 766 PN 878	Called the Convicted Arsonist Registry Act, it requires those convicted of arson to register with the state; lifetime registration. Juveniles' records will be destroyed at age 25. Penalties will be incurred if not in compliance. Registry is not available to the public. (Referred to House Judiciary 2/25/13)	Rep. S. Conklin D-Centre County	Oppose
HB 781 PN 893	If an inmate is eligible for Medical Assistance at the time of incarceration, a chief administrator should work with DPW to either maintain this eligibility or suspend (rather than terminate) eligibility, restoring it once the prisoner is released. (Referred to House Judiciary 2/25/13)	Rep. M. Cohen D-Philadelphia Cty.	Support
HB 1004 PN 1178	Provides for race in sentencing capital cases; no person shall be sentenced to death or shall be executed under any judgment based on race. (In House Judiciary 3/14/13)	Rep. R. Matzie D-Allegheny and Beaver counties	Support
HB 1005 PN 1179	Provides for the reduction of sentence for certain minors under 18 at the time of the crime who were sentenced to a minimum term of 10 years to life, and already served three years of that sentence. (In House Judiciary 3/14/13)	Rep. R. Matzie D-Allegheny and Beaver counties	Support
SB 305 PN 214	Counties will establish community corrections forfeiture funds; seized contraband from offenders will be considered abandoned and unclaimed without property rights when offenders are not under court jurisdiction for two years; other stipulations. (Passed Senate Judiciary Committee, in Appropriations 2/6/13)	Rep. J. Eichelberger R-Bedford, Blair, Fulton, Huntingdon and Mifflin counties	Reviewing
SB 486 PN 449	Dubbed "Robin's Law," this mirrors Megan's Law in that it requires "domestic violence predators" to be registered with the state police. Only applies to an offender who is convicted and has a personality disorder or "mental abnormality" defined as a mental condition that predisposes the individual to commit violent crimes. (Referred to Senate Judiciary 2/13/13)	Sen. L. Boscola D-Lehigh, Monroe, and Northampton counties	Oppose
SB 487 PN 450	Amends current law so that those arrested and charged (not just convicted) of a felony offense must provide fingerprints and DNA samples. (Referred to Senate Judiciary 2/13/13)	Sen. L. Boscola D-Lehigh, Monroe, and Northampton counties	Oppose

[address of legislator]

Dear Representative_____:

I am writing to urge your support of HB 781, regarding Medical Assistance for prisoners. If this bill is passed, individuals who are on Medical Assistance at the time of their incarceration, will be able to continue to receive this important assistance after they are released. This helps prevent delays in medical care, ensuring that the individual may continue their plan for decent health care and reintegration into society.

This is important to me because [Add your own thoughts here, if you wish.]

In the end, this bill could help the state save critical dollars, since people will not have a disruption in their health care, thus limiting the high cost of health crises and hospitalizations.

Please support this bill. Thank you.

Sincerely,

Legal Chat, continued from page 5

tion the Pennsylvania Supreme Court will effectuate the retroactive application of SB 850 as being “farfetched and preposterous.” After reading attorney Preate’s memorandum myself, I must strenuously disagree!

First, the U.S. Supreme Court normally provides some direction. In the *Miller* case, they didn’t. That being the case, it’s going to be up to the local courts to decide whether it should be retroactive.

In *Commonwealth v. Lofton*, 2012 (Pa. Super. LEXIS 4083, Pa. Super. 267), the court ruled: “the legislature failed to contemplate that the longstanding precedent that persons are generally entitled to retroactive applicability of decisions when they are pursuing an identical issue on direct appeal.” The case cited: *Commonwealth v. Caceza*, (469 A.2d 146, 148 (Pa. 1983)), which stated, “We hold that where an appellant decisions overrules prior law and announces a new principle, unless the decision specifically declares the ruling to be prospective, the new rule is to be applied retroactively to cases where the issue in question is properly preserved at all stages of adjudication up to, and including any direct appeal;” *Commonwealth v. McCormick* (519 A.2d 422 (Pa. Super. 1986)), which discussed various retroactivity approaches utilized in Pennsylvania; and *Griffin v. Kentucky*, 107 S. Ct. 708 (1988), which claimed that new federal constitutional rules apply retroactively to cases on direct appeal.

Thus, juveniles convicted before June 24, 2012, but who are on direct appeal, may be entitled to resentencing “despite” the legislature’s failure to adequately address such juveniles. Since the statute does not, by its explicit terms, apply to those convicted before the *Miller* decision, there still is an absence of “statutory authority” of how to sentence juveniles convicted before *Miller*. See, *Commonwealth v. Lofton*, supra.

York County Judge Richard K. Reen, during a hearing requesting resentencing for two juvenile lifers in September, 2012, commented, “Our Supreme Court is not known for going out on the limb and using advisory opinions.” And, after Gov. Corbett signed the bill into law, Judge Reen himself asked: “What’s the difference between a juvenile convicted of murder of June 24th and a juvenile convicted of murder on June 25th?” Lastly, U.S. District Judge John Corbett O’Meara ruled, “all Michigan inmates serving no-parole sentences for murder committed by juveniles are entitled to a chance at release,” declaring that the landmark *Miller* decision applies retroac-

tively. So, after doing research on this matter, I can understand Attorney Preate’s position that the State Supreme Court can apply its King Bench Powers. Thus, his position is neither farfetched nor preposterous.

George Rahsaan Brooks-Bey
AP-4884, SCI Frackville

Editorial note: We want to make it clear to readers that we received the letter from Mr. Wilson before the Lofton case was decided, so he did not have access to the final decision in that case when he wrote the letter that appeared in our January issue.

**OPEN LETTER TO
THE PENNSYLVANIA GENERAL ASSEMBLY**

Since the 1980s, Pennsylvania legislators have been implementing so-called “tough-on-crime” laws that are simply pointless and shameful. Many of these laws have been instrumental in causing the alarming number of prisons being built and unnecessary incarceration at an unaffordable cost to taxpayers; a cost many believe we can no longer afford just to appear tough on crime and to indulge legislators in politics as usual.

If this body is serious about making meaningful changes, it is time to consider real criminal justice and reform initiatives that will ensure public safety and prevent misuse of public funds; initiatives that will restore funds needed to rebuild dilapidated schools throughout our state or even improve school safety. Further, it will increase employment opportunities and successful reintegration programs for offenders soon to be released back into the community after serving many years in prison.

Recently, a number of legislators have shifted their tough stance on the issue of crime and now recognize that taking a balanced approach will be more effective. This was significant in the decision to enact SB 100, which takes positive steps toward reducing the prison population. In addition, HB 135 focuses on community revitalization and crime prevention; thus, providing for justice reinvestment grants.

The bottom line is that mass incarceration in Pennsylvania is not the right approach to addressing our public safety concerns. In fact, it has the opposite effect. Merely warehousing offenders until their eventual release to a failed economy does nothing to address the root problems: lack of jobs, failed schools, single parent households, proliferation of easy access to guns, and so on. Perhaps when legislators start to view prison cells as limited and very expensive units, then serious thought and action will be devoted to both preventive and remedial policies and laws to address the problems of crime and violence in the Commonwealth.

The Pennsylvania General Assembly is urged to pass legislation that will reflect real improvement in our criminal justice system and prison reform laws, including parole eligibility for all life sentenced prisoners.

Kevin S. Mines
AY-5941, SCI Graterford

CORRECTION

In the February *Graterfriends*, the Our Voices column, “Violence: A Humanly Equal Potential” by Deablo Clentscale said: “By denying the so-called violent offender — and I say so-called because the crimes were not violent but were branded as such ...” Instead, it should have read: “By denying the so-called violent offender — and I say ‘so-called’ not because the crimes were violent but as being caste branded...”

RE: ERNEST D. PREATE, JR. MEMORANDUM

I also saw the memorandum Ernie Preate sent to the juvenile lifers about SB 850. And I read Floyd Wilson's comments in the January 2013 *Graterfriends* about his reactions to the memorandum.

My view is that Preate was providing possible scenarios as to how the Pennsylvania Supreme Court will deal with the issue of retroactivity in *Cunningham*. Preate cited the 1915 case *Commonwealth v. Minnich* which stated that "[w]hen the term 'conviction' is used in a statute, it means the ascertainment of the guilt of the accused and judgment thereon by the court."

Minnich has been cited in more recent cases. For example, see *Commonwealth v. Gonzales*, 609 A.2d 1368 (1992); *Commonwealth v. Kane*, 633 A.2d 1210 (Pa. Super. 1992); and *Rogele, Inc. v. Workers' Compensation Appeal Board*, 969 A.2d 634 (Pa. Comm. 2009).

I think it's also worth keeping in mind that the Pennsylvania Supreme Court's jurisprudence tends to be "result-oriented." Justice Zappala stated as much when he sharply dissented from fellow justices in the 1987 *Commonwealth v. Pierce* case. That was the year the high court added another prong to proving claims of ineffective assistance of counsel in order to be in lockstep with the U.S. Supreme Court's decision in *Strickland v. Washington*. 572 A.2d 973, 987.

So, in large measure, I see Preate just being realistic in how he thinks the process might work. As Justice Zappala recalled in his *Pierce* dissent, according to the majority, "the law [must] be modeled to suit [its] pressing needs [of the moment]." (ID., 983.)

However, I do have a question: assuming the Pennsylvania Supreme Court elects to go that route, does resentencing "reset the clock" in terms of computing the finality of the judgment of the sentence?

In other words, does it restore a person's direct appeal rights? For example, see *Commonwealth v. McKeever*, 947 A.2d 782 (Pa. Super. 2008) (holding a successful first petition under the PCRA does not "reset the clock" for calculation of the finality of a judgment of sentence where the relief granted affected the sentence only.) See also *Commonwealth v. Dehart*, 730 A.2d 991, 994 n.2 (Pa. Super. 1999.)

That, to me, seems to be a much thornier issue. Perhaps Preate himself, and other policy and legislative people looking at this, have overlooked the "reset the clock" issue. Assuming a former juvenile lifer is resentenced — say from first-degree to second- or third-degree homicide — that is a change to the "judgment" and not the sentence only. Does that reopen the entire panoply of appealable issues?

Kenneth B. Davenport
AF-7291, SCI Dallas

ANALYTICAL SKILL

The core precept in litigation is analytical skills. What is analytical skill? It's the method of proof in which a known truth is sought as a consequence of reasons from the thing to be proved. In litigation, such skills require abstract thinking (your imagination) in formulating legal principles and rules applied to concrete facts. This intellectual activity is used primarily in case analysis. True legal advocates/mentors don't plagiarize. They analyze. Competent legal analysis produces its own language. Legal writing manifests your analytical skills.

Common precepts of legal analysis involve analogizing, synthesizing, reconciling, and distinguishing cases within a superstructure of doctrine. It's the intellectual demands of this process that form analytical skills. Competent legal analysis is dialectic (Webster's Dictionary.)

Analytical skills involve identifying and sorting facts and evaluating those facts according to the applicable rule of law (case law, statutes, etc.) Identifying the correct rule is your first task to determine which facts are relevant and material (Black's Law Dictionary.) The next step is utilizing the paradigm of syllogistic reasoning:

- The legal question (issue)
- Rule of law governing the question (major premise)
- Facts categorized by rule (minor premise)
- Application of rule to the facts (conclusion)

All legal analysis and reason are premised upon the above syllogism. Mastering this fundamental precept and paradigm of legal analysis induces analytical skills and the realization objectively, detecting invalid premise and fallacies in legal argument. Ultimately, your analytical and dialectical skills will be manifested in your legal writing. Analyze, don't plagiarize. Plagiarism won't save you in the courtroom. Expand your vocabulary and analytical skills. Research the underlined words. Educate yourself to empower yourself. Order via I.L.L. (Interlibrary Loan) from your prison law library: "Teaching legal analysis using pluralistic models of law", 36 Gonz. L. Rev. 433 (2000).

Frederick T. Ray, III
GF-2842, SCI Pine Grove

MOVING?

If you have been transferred to another prison or are being released, please inform the Prison Society so that we can change your address in our database. We don't want you to miss any issues of *Graterfriends*. Please write to the address on the bottom of page two. Thank you.



Mailroom

WHY DO WE TREAT JUVENILES LIKE HARDENED CRIMINALS?

I am writing to you out of sheer frustration concerning our current criminal court system. I am the father of an eleven year old girl. On October 25, 2012, at 1442 hours, my daughter allegedly struck a school teacher in the chest during a heated argument.

My daughter was hand-cuffed, questioned, and finger-printed before her mother was present or even notified! Officer Michael Monaghan of the Upper Darby Township Police Department "stacked" charges against my daughter. She was charged with simple assault, harassment, and aggravated assault. At best, she should only have been charged with harassment or disorderly conduct.

I have seen on the local and national news that war veterans returning from the Gulf War now have a special court system designed to not prosecute them on their first non-violent offense, but to give them treatment and counseling. This may be a good idea; however, what happened to helping children in a positive manner so as not to cause them to have a criminal history? Doesn't society and the court system understand that a child's mind is not fully developed until they reach the age of 25?

The part of the brain to develop last is the frontal cortex, which is responsible for reasoning, decision-making and impulse control. I feel strongly that in order to stop the revolving door of the prison system, which is designed to make you fail, society should invest more resources into inner-city youth programs to stop the plight of the young African-American children.

Rashad "Shad" Williams
JU-1628, SCI Laurel Highlands

RE: HOPE

As I read the February 2013 *Graterfriends*, the article titled "Hope," brought tears of joy to my eyes for Jeffrey, and tears of HOPE for myself. Thank you for sharing such a personal and wonderful moment, with us all. I've been incarcerated for 14 years. Initially, I received regular visits with my son, but that ceased in 2009. I have not seen nor spoken to him since then. There is not a day that goes by that I don't pray to have some level of communication (letters, visits, phone conversations) with my son. I just want him in my life again! By you sharing your experience, you have given me HOPE that one day I will feel the same joy you are feeling now.

Tricia Muff
OE-9959, SCI Muncy

RE: HEARING EXAMINER

In reply to Timothy Donnelly's letter in the February 2013 issue of *Graterfriends*. I have experienced similar injustices in the past regarding frivolous misconducts, and the hearing examiner relying on nothing more than the word of a correctional officer. However, though outside groups and organizations play an important role in bringing about a change for the many injustices that we face locked behind these walls, the biggest problem before locked behind these walls is us. Many times over the years, I have seen prisoners trying to step up to bring about a change for the better, and each time there are "inmates" working for the administration and against these prisoners who are trying to make a change.

One example comes from when I was at Dallas some years back, and a new policy cut our paid working hours and time allowed for school. There were some who tried to organize a protest and that Monday morning everyone was going to refuse to work. Before Monday morning came, the two individuals who organized this were locked up under investigation, and shipped out of the prison. They had been there for over 20 years. Other "inmates" informed security of what was going down before it was to take place. Needless to say no strike ever took place, and the policy has now been in effect for 12 or 13 years.

Each time something like this happens, at every prison I have been in, the end result is the same — someone informs the administration of what is going to take place before it happens. So, the problems that we face in here are much bigger than organizations on the outside stepping up; the problem is the mentality of the people who are inside of these prisons today, where working with the administration has become the norm, even when these people stand to benefit. There is little unity among prisoners anymore. Things will continue to be as they are until the mentality of the people changes; until then, things will only get worse.

Shariff Ingram
DV-6749, SCI Greene

KILLED BILL, VOL. 2

After reading January's issue of *Graterfriends*, I felt compelled to contribute my thoughts concerning the "Correctional Officer's Bill of Rights" State Representative Mike Fleck and his cavalcade of sponsors are audaciously trying to get passed. Although it failed, it will probably be introduced in the next session, bolstered by additional support and adorned with bells and whistles to ensure that the current lopsided field of play becomes a terrain in which prisoners will struggle to stay afloat.

It is truly difficult to fathom the dire effects the passage of this bill would unleash. Our constitutional rights are infringed upon the moment we are incarcerated. That "grey area" where officers are given free reign to use their professional judgment and discretion will be-

come even more vast if they are permitted to sue their captives if complaints and claims brought against them are deemed frivolous.

Another prong of this bill seeks to allow DOC employees to retain their medical benefits pending investigations. I'm not quite sure if this is a regulation already in effect, but what I do know is that if a prisoner is placed under any form of investigation, he or she is immediately stripped of any so-called benefits or privileges until cleared of any wrongdoing, or there is no just cause to continue a hollow investigation.

Our pay comes to an abrupt halt if, for a litany of reasons, an investigation is launched. Isn't it only fair and equally sound that officers' pay becomes suspended as well?

Behind the walls of every prison it is universally known that some of the officers employed to instill safety and order are abusing their power and discretion. This abuse especially occurs in segregated housing units such as the RHU, SMU, and other behavior modification programs.

Denying prisoners meals, showers, and recreation are favored tactics employed without restraint. Despite utilizing the proper chain of command and methods to report said abuse or harassment, such as request slips and grievances, the administration that reviews our claims routinely denies these appeals for relief as being frivolous.

In an "our word against their word world," integrity and justice are merely fleeting concepts. It will be a bona fide travesty if this bill is ever passed.

Let us all hope that our legislation will once again rubber stamp this proposal as being...frivolous.

Justin Barnett
HC-6401, SCI Smithfield

KARMA

An Allegheny County jury found SCI Pittsburgh corrections officer Harry Nicoletti guilty in early February 2013 on 27 counts of abusing inmates. Prosecutors alleged he targeted inmates convicted of sex crimes. Of the 22 inmate accusers, 21 testified at the trial, and the jury found Nicoletti guilty of at least one charge related to 13 of them. SCI Pittsburgh remains under federal investigation. A jury in December 2012 found former guard Tory Kelly guilty of threatening/assaulting an inmate. Two other former guards await trial. Authorities say Nicoletti was a ringleader of guards who abused inmates. A former colleague, Curtis J. Hoffman, also testified against Nicoletti. It is said that our backgrounds and circumstances may influence who we are, but we are responsible for who we become!

Terrance Washington
DN-3858, SCI Somerset

DESERVING OF REDEMPTION

I am currently in the process of writing a book. My book is based on my life and the terrible events I endured. It also includes the stories of two lifers I can't forget. I want society to see us women as more than just convicts and menaces to society. I would say that 90 percent of the women here have been sexually abused or physically abused growing up, and even as adults. Speaking from experience, I was a good kid until all of those life changing events happened. I became defiant, angry, and self-destructive. My innocence was taken. I hated the person I had become. I was too young to realize why I acted that way. I only realized it when I began to work on my issues. I feel that had we not been through these experiences, nine chances out of ten, we would not have ended up at SCI Muncy.

The two women I am writing about have been portrayed as vicious killers, homicidal animals. So, society has placed them behind these bars to grow old, die, and never be thought of again. Not anymore! They will have a voice. They will be heard and not shunned by society. These women deserve a chance to clear their name; a chance to explain their side of the story. The courts only see one side of a criminal, the side that committed the crime. They don't see the side that's been sexually abused, beaten by their husbands, abandoned, left to survive on their own. That's the side no one has ever taken the time to hear.

There are many factors people need to consider when they judge the women at SCI Muncy. What have they been through? What has caused them to commit their crimes? When I look at these women I see mothers, grandmothers, friends — strong surviving women. These women deserve a chance to redeem themselves. I'm hoping that my book can be my voice, the voice for these two women, and hopefully more.

Andrea Dudash
OR-1969, SCI Muncy

(See Mailroom, continued on page 12)

When submitting a letter or column to *Graterfriends* for publication, please attach a letter (or write on your submission) that it is for publication and that you are the original author; date and sign the declaration. Thank you.

Mailroom, continued from page 11

MILLION DOLLAR FIX FOR A HUNDRED DOLLAR PROBLEM

In the July 2012 *Graterfriends*, I wrote an article called "The Thousand Dollar Fix for a Hundred Dollar Problem," it covered the waste of taxpayer dollars in relation to the meal ticket scheme.

Now, the powers-that-be have outdone themselves. Basic common sense dictates, if it's not broken, don't fix it. Well, they did it again. A state-wide multi-million dollar system is in the works and being installed in each facility. We will not scan our ID to obtain our meal. On top of the millions of dollars being spent to save pennies, the department must still have a corrections staff member babysitting the scanning device.

The original self-serving excuse for the meal monitoring was to curb the few that double-up and, by doing so, allow the rest of us to have more food placed on our meal trays. That was not true, the food service instructions prohibit the line workers from filling the already small tray slots. I know this to be true, as I worked the serving line. I wish I had a penny for every time I heard, "Cut back on the portions, we're running out."

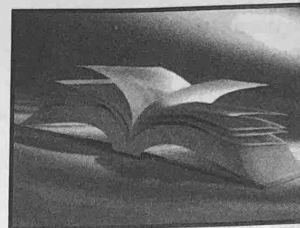
In closing, I must reiterate: millions of dollars of taxpayer money spent on a state-wide meal system, in a time where taxpayers are choosing between food or rent, is ludicrous. The Pennsylvania DOC needs to be monitored by an outside federal agency. As always I ask you to have your families and friends (taxpayers) send this article to the governor and outside media to expose this waste. Together, UNITED, we can force change.

Darren R. Gentilquore
GX-1572, SCI Albion

DAY OF RESPONSIBILITY COMES TO ALBION

SCI Albion held its first Day of Responsibility symposium on January 26th, and thanks to the dedication and hard work of Mrs. Karla Webb and her staff, the all-day event turned out to be one of the most positive experiences we inmates in attendance ever had in this environment. The seminar was split into two sessions. The morning session started with a thorough and insightful education on just what it means to be responsible as a human being. This was followed by a presentation from outside guests on the impact of crime on victims, and later, a discussion on the most effective ways to make amends. After the lunch break, the afternoon session began with a panel discussion on the impact of crime on the community, followed by a very productive Q & A session. Then the agenda shifted to a structured period of reflection and the signing of pledges by the inmates in attendance. And finally, there were closing remarks made by one of our own.

Two factors that made this entire Day of Responsibility so successful were the variety of outlooks and the stories



Literary Corner

ANOTHER LABEL

by Grace Hughes, OP-4656, SCI Cambridge Springs

Somebody's daughter born in 1968
Only to be a victim of rape
Now known as property of the state
A convict, an inmate and a felon
A label for each mistake
Everyone speaks
But no one asks why?
I was a daughter filled with hate
I was another victim of rape
I was a child trying to protect self
I was a woman trying to cope
Another person running out of hope
Battered, Beaten and Controlled
I was a girlfriend
A prisoner of love
Just like my lawyer who came to my defense
Just like the judge who sentenced me to 2-6 years
Somebody speak up
Somebody ask why
Somebody listen
The story's real
And I am human...

that were shared throughout the day. For me, it was a beautiful thing to see so many of my fellow prisoners reflecting in such a positive manner. The long-term offender peer group members who were in attendance were all excited the day after the event as we made our way around the compound and heard all the positive buzz in the air from those who attended the standing-room only event.

On behalf of all the inmates who participated and helped make our first Day of Responsibility a successful one, I wish to thank Mrs. Webb and her eclectic team of staff members and inmates who made this day a success. Mrs. Webb is an example of a DOC employee who genuinely cares about making a difference in the lives of others, and we thank her for her dedication. We are all looking forward to finding out what she and her staff have in store for us at next year's event.

Vincent Boyd
AM-8121, SCI Albion



Bookcase

WHEN A CHILD IS WORTH MORE THAN THE WORST MISTAKE HE EVER MADE: A JUVENILE LIFER'S STORY

Book by Antonio M. Howard

This vivid and compelling story is about redemption, growth, tragedy, uncertainty, and forgiveness; a memoir of an adolescent forced to find his way through a labyrinth of abuse and misfortune that culminates in a decision that lands him in Pennsylvania's worst adult prison at age 15, sentenced to life without parole. As if predicting a fate beyond prison, Antonio writes, "It's not my life story because I still have a lot of life left to live." Now, 21 years later, Antonio braces for the State's unpredictable application of a 2012 U.S. Supreme Court ruling that could potentially set him free, or at least partially answer the question:

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Preate Response, continued from page 3

5. Lastly, Mr. Wilson believes the Pennsylvania Supreme Court's "King's Bench Power" derived from the English Common Law Act of 1722 is merely a "jurisdictional tool." It is all that and more. Once the Supreme Court gains jurisdiction, it has the broad power by statute 42 Pa. C.S.A. Sec. 726 to grant extraordinary relief to "enter a final order or otherwise cause right and justice to be done."

My argument is that under this broad and sweeping power to "cause right and justice to be done," the Pennsylvania Supreme Court, when it decides *Cunningham* and *Batts*, could direct the lower courts in resentencing of juvenile lifers in PCRA proceedings to use as guidelines the provisions of SB 850.

I am even more bolstered in my opinion by the recent case *Commonwealth v. Lofton* (December 7, 2012), wherein a Superior Court panel sent a case back to the trial court for resentencing in a juvenile murder proceeding. The panel expressly directed the Trial Court to use as "guidance" the provision of SB 850 (now 18 PA. C.S. Sec. 1101.1) as the factors the court had to consider in resentencing.



Announcements

The Life Support for Women with an Incarcerated Loved One support group has been suspended until further notice.

Fight For Lifers West In

Pittsburgh, Pennsylvania, has meetings every third Saturday at Crossroads U.M. Church, located at 325 N. Highland Ave. in the E. Liberty section of Pittsburgh, 15206 (across from Home Depot) at 10:00 a.m. until 12:00 noon. Contact FFLW at 412-361-3022 (leave a message) or at fightforliferswest@yahoo.com for more information. We really need lifers' family and friends to get involved. Our lifers need us more than EVER!

SAVE THE DATE!

Annual Business Meeting

5:00 p.m.

Tuesday, June 4, 2013

Arden Theatre

40 North 2nd Street

Philadelphia, PA 19106

Election of new officers and the Board of Directors

Prison Society Celebration

Ticketed reception

6:00 p.m. — 8:30 p.m.

Same date and location as above

Stay tuned for more information about our celebration!

DEATH ROW

April Birthdays

Herbert Blakeney
FB-5713, GRN

Scott Wayne Blystone
AP-9152, GRN

Richard Boxley
EL-5206, GRA

Terry Ray Chamberlain
CL-6265, GRN

Michael Conforti
BQ-0537, GRN

Jermont Cox
CE-8242, GRA

Jose DeJesus
DS-0256, GRN

Robert Anthony
GW-0422, GRN

Randy Todd Haag
AK-7856, GRN

Kevin J. Marinelli
CT-9974, GRN

Kenneth Miller
EC-6130, GRN

Michael Pruitt
GF-1448, GRN

Romero, Edwin R.
CZ-3206, GRN

Singley, Michael B.
EP-2753, GRN

Thomas, Brian
AY-7427, GRN

Treiber, Stephen E.
FD-8026, GRN

Vandivner, James W.
GY-6354, GRN

White, Derrick
KG-5326, GRN

Wholaver, Ernest Jr.
FY-3325, GRN

GRA = SCI Graterford
PO Box 244
Graterford, PA
19426-0244

GRN = SCI Greene
175 Progress Drive
Waynesburg, PA
15370-8090

If you do not want your name published, send a letter to Graterfriends each year you do not want it to be included. Be sure to note your date of birth.

Racial Justice, continued from page 16

viduals in the criminal justice system. Defendants could bring up evidence of bias either before trial or at a post-conviction hearing to try to have the presiding judge give them a life sentence without parole instead of a death sentence.

And from the other side of the country, here is another indication that the death penalty tide is moving inexorably in the direction of abolition. John A. Kitzhaber, a medical doctor and governor of the state of Oregon, has publicly commended his legislature for undertaking a reevaluation of capital punishment there. In a letter to the chair of the House Committee on Judiciary, he wrote:

"Oregonians have a fundamental belief in fairness and justice — in swift and certain justice. But Oregon's death penalty is neither fair nor just; neither swift nor certain. And it is not applied equally to all. In Oregon, the single best indicator of who will and will not be executed has nothing to do with the circumstances of a crime or the findings of a jury. The only factor that determines whether someone sentenced to death in Oregon is actually executed is that they volunteer."

When high elected officeholders go public on issues such as these, they are sticking their necks out a lot farther than those founding fathers. If it is not enough that most nations of the world have abandoned capital punishment, we now see a steady stream of states doing the same — Illinois, New Mexico, New Jersey, Connecticut. Pennsylvania may be the last state to end this terrible practice, but eventually it will acknowledge that this ultimate act of revenge has no place in civilized society.

In the meantime, unfortunately, racial injustice and capital punishment continue to drain this country of dollars, human capital and moral treasure.

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Phone Justice, continued from page 2

prison phone charges have on you and your families. The goal is to gather thousands of powerful stories. Address the letter: "Dear Chairman Genachowski," and please speak from your own personal experience. You must state the following at the top of the letter: "This is a public comment for the Wright Petition (CC Docket #96-128)." Your letter will be made part of the public docket in the case. Send your letter to:

Chairman Julius Genachowski
Federal Communications Commission, Public Comments
445 12th Street, SW
Washington, D.C. 20554

We also need your help organizing on the outside. Ask your family members to sign up for the campaign at www.phonejustice.org and invite them to share their stories about the high costs of prison phone calls.

In your personal stories, include the multiple and costly warnings during prepaid telephone calls; the frequent and costly — but highly profitable for the phone company and the DOC — disconnections of calls; and being charged a flat rate for direct and collect calls when consumers in the U.S. are given cut rates on weekend, holidays, and evenings.

The Pennsylvania DOC claims to have a fundamental responsibility to encourage and support activities that foster the maintenance of family and community ties between offenders and the free world. That being their claim, they should be discouraging profiteering on tariffs placed on phone calls that are far in excess of the actual cost of the call, as these charges discourage and hinder family/ community contacts.

Thus, exclusive agreements between this phone company and the DOC is expressly contrary to legitimate penological concerns, such as maintaining ties and increasing the probability of successful reentry.

In short, the DOC and the contracted phone company are using their positions of power over prisoners to take advantage of bill-paying people over whom they have no legal authority. They use their control over a "captive audience" to unjustly enrich themselves. This unconscionable arrangement violates prisoners', their families' and their friends' right to free speech and association. They have Equal Protection Rights under the 14th Amendment, and their rights to unimpaired freedom to contract under Article I, Section 10 of the U.S. Constitution. The agreement with the phone company also further violates the Sherman Anti-Trust Act, U.S.C. Section 1 et seq., the Communications Act, 47 U.S.C. 151 et seq.

Only if we unify and support each other will we end the abusive cost of prison phone calls. Encourage others to join us in the legitimate struggle.

Losing Equation, continued from page 1

With all eyes on me, I went on. "Most of us are in prison because we either are uneducated or undereducated. How much not having an education has stunted our individual growth and development from boys to men cannot be quantified. Who knows where many of us would be had we chose school over the streets." The two younger inmates were nodding in approval, so I continued. "No offense," I offered, diplomatically, towards Mr. Bedraggled, "but your math don't add up. My calculation says that **Street-smarts + Prison-wise = Lifetime Stupidity**. It's a losing equation. Street-smarts can only take you a short distance in life and if you're prison-wise then you're already behind because you've done too much time."

At that point I paused to see if they were still with me. "Of course, young brother," I said finally, "you need to get your GED as soon as possible and when you get out enroll in college. Look, I'm not going to tell you that an education is a panacea to all your problems. But, like a flu shot, it can inoculate you against the maladies of poverty, incarceration, and failure." With that, I got up and excused myself. Two weeks later I passed the young brother in the hall and he was carrying a GED book. I pray that it's just the beginning.

Re: Therapy, continued from page 4

member TC here at Greensburg, at one point or another, stated that if you show respect, you'll receive respect. It sounded good in theory, but was absent in practice. I was discharged from TC after finishing 75 percent of the program. I am told it was for lying to staff. There was no investigation or attempt to clear up the issue before I was kicked out. I requested a formal hearing and was cleared of the charge only to find myself with four class-one misconducts three days later. This was clearly the staff's way of telling me that I wasn't welcome in TC. But you see, no one here would admit that. It would be unprofessional. I should have been released in early December. The same atmosphere exists that resulted in my discharge, but as an inmate my word has less weight than helium.

Given the abysmal failure rate of TC, I don't understand why it's even implemented, aside from the fact that it provides a lot of state jobs that probably pay well. With at least a 30 percent failure rate in the TC program, and a nearly 50 percent recidivism rate among those who complete TC, how long can they continue to throw money at this sham of a program? I'm reasonably smart and try as I might I can't see how the example they set in any way channels men and women into healthier and more conscious decisions. The common belief among even the graduates is, "I'm glad that bulls__t's over with."

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THE LAST WORD

The Slow March Toward Racial Justice

by William M. DiMascio
Executive Director, The Pennsylvania Prison Society

"How can I be expected to believe that this same racial discrimination which has been the cause of so much injustice and suffering right through the years, should now operate here to give me a fair and open trial." —Nelson Mandela

If the Founding Fathers believed so strongly in the right to "life" that they described it as being unalienable, you might think they would have expressed with clarity when that right could be taken away. You might also expect to find somewhere in the emerging nation's foundational documents reference to just when the people of this new democracy ceded to the government the authority to end a citizen's life.

Where is it written that states could legally execute more than 15,000 men and women for offenses as horrid as forgery, adultery, or witchcraft, to mention a few of the justifications used?

In fact, there is no direct mention of this most serious business — just indirect references in the Bill of Rights, ironically. Given the ultimate importance of capital punishment, the finality of the act, and the risk of human error, wouldn't it seem logical that the authority to execute would be spelled out clearly? Why did they choose this back door approach?

Perhaps it was a matter considered akin to slavery, another unpleasant and inconvenient topic, especially for the many framers who were themselves slave owners. It

was easier to say "all men are created equal" when clearly many were less equal than others. Of course, taking the easy way out of difficult situations always comes with costs. Four score and seven years after the Declaration of Independence was signed, the country was engaged in a bloody civil war that took the next step toward equalizing everyone. Then another century elapsed before civil rights legislation advanced equality another step.

The extraordinarily slow march of human progress on these two great issues might be disheartening if it were not for occasional glimmers of hope. It is not possible to legislate the cultural change that would end racism. But we can applaud state Representative Robert F. Matzie of Aliquippa for his persistence in pushing a Racial Justice Bill in the state legislature in the face of stiff opposition from the District Attorneys Association.

The measure, similar to laws adopted in Kentucky and North Carolina, would address racial disparities in sentencing in capital cases. Specifically, the proposed law would allow defendants in minority racial groups to introduce evidence of racial bias against them from indi-

(see Racial Justice, continued on page 14)