Civil Commitment Law Roasted On ABC's Nightline

By Dan Pens

I had gotten word through the grape vine that Nightline was going to do a show on the Washington civil commitment law. So I stayed up several nights in a row to check it out. The plight of the Kurdish refugees seemed to be the dominant story all week long. Then, on Friday night, April 26th, the roving spotlight of Nightline focused its beam on Washington's civil commitment (witch trial) proceedings.

The first ten minutes of the show was a filmed background report. It was a fairly typical TV news report... long on visual images and soundbites, short on fact or substance. There were clips of the victim's lobby talking about the need to lock up the sex-fiend monsters. They showed footage of one such miserable creature being dragged away from his civil commitment "trial." Governor Gardner was shown signing the law and proselytizing about the need to protect innocent victims. The TV reporter did his commentary while standing in front of a fence bristling with razor-wire. What news story about prison would be complete without the bristling razor-wire shot? In short, the background report was about what you'd expect from the bourgeois media.

After the commercial break Forrest Sawyer introduced the live guests for the debate portion of the program. He had three guests: King County's District Attorney, Norm Maleng; A law professor; and a clinical psychiatrist, both from Washington state. At first it appeared that Mr. Maleng was going to win the day. He was the smoothest talker, and seemed to have his lines down pretty good. Forrest Sawyer of ABC apparently did his homework, though. He and the two other guests brought up the most salient points of the law, which are summarized as follows:

1.) The Civil Commitment law waits until after an offender has fully completed his prison term, and then, when he's about to be released he suddenly needs "treatment."

2.) The terms "sexual predator," "personality disorder," and "mental abnormality" which are used in the law to define persons eligible for indefinite confinement are vague, ambiguous, and have virtually no valid legal or clinical meaning whatsoever.

3.) Current civil commitment laws require the state to show proof of recent dangerous behavior on the part of the person who is being committed.

4.) It's absolutely impossible to predict whether an individual is going to reoffend. Period. The Washington Psychiatric Association and the American Psychiatric Association have both asserted that it's beyond their scientific capability to make such a determination. How, then, can a jury of twelve lay-persons make such a determination?

5.) Under the current climate of public hysteria about crime, and sex-crimes in particular, its ridiculous to assume that a jury could make a reasonable or informed decision at a civil commitment hearing. It's almost inconceivable that a jury would take the responsibility of determining a sex-offender to be not dangerous. It's highly probable that any jury would assume that if the state thinks the man is dangerous enough to bring to the hearing, then he must be a "sexual predator."

6.) The civil commitment law is paralyzing the voluntary sex-offender treatment programs offered in the prison. Inmates are informed that anything they say to their therapist can later be used against them in a dvil commitment hearing. (See "Sex Offender 'Treatment' in Washington State," PLN, March 1991) This has the effect of clamping-up the inmates and severely undermining the treatment process.

Forrest Sawyer put the burner under Mr. Maleng, repeatedly badgering him and cutting off his answers. By the end of the show Mr. Maleng, and his civil commitment law, were pretty well roasted. The last word was left to the clinical psychiatrist. Mr. Sawyer asked him, "... if this law has any redeeming value whatsoever?" The doctor responded, "Uhh.. well, in a word, no."

It appears the civil commitment law may be overturned by the courts on Constitutional grounds. The ACLU wrote a superb amicus brief which exposes the law for the farce it is. Prisoners need to continue their efforts to organize and get the word out, though. The possibility remains: this type of preventative detention – if it works for sex offenders – might soon be expanded to include other types of violent crimes, too.
Court Upholds Collection Of Blood Samples For DNA Data Bank

A federal court has affirmed a Virginia policy of collecting DNA samples from incarcerated felons, saying the practice does not violate the inmates’ right to privacy or constitute unreasonable search of seizure. The ruling is believed to be the first in the nation in a case challenging a state’s mandatory collection of DNA samples.

Virginia last summer began taking blood samples from all inmates convicted of felonies, intended to establish a DNA criminal data bank, similar to the FBI’s fingerprint files. At least 10 other states have similar laws, but most call for collection of DNA samples only from certain categories of offenders, mainly sex offenders.

U.S. District Judge James C. Turk ruled March 4 that the state has a “special law enforcement need” for the DNA samples, citing high recidivism rates among felons. (The higher the recidivism rate, the more likely DNA taken from a blood stain or other evidence at a crime scene would turn up a “match” from a DNA data bank of former prison inmates.) A computerized bank with DNA profiles of offenders could deter crimes or help in the capture of suspects, Judge Turk said.

The judge ruled that the DNA testing does not violate inmate’s privacy—because the intrusion of taking a blood sample is a minor one, and because the state law bars use of the samples for anything other than determining identification characteristics. “Prisoners, incident to their status as convicted felons, relinquish some expectation of privacy,” he wrote. “For example, prisoners are required to submit to searches of their cellblocks, body-cavity searches and health tests.”

Virginia Attorney General Mary Sue Terry praised the ruling, saying, “This is good news for law enforcement in Virginia. DNA is probably the most important crime-fighting tool since fingerprints.” But Harold Kent, a University of Virginia professor of law who helped file the lawsuit on behalf of inmates, said the ruling “almost certainly” will be appealed.

Mail To Public Officials And Media Protected

The New Jersey Department of Corrections had a regulation that prevented them from opening outgoing “legal correspondence,” but allowed prison officials to open, read, and censor mail being sent to public officials, government agencies and media representatives. Prisoners challenged the rule in state courts, arguing that such mail should be treated as privileged “legal correspondence.”

The New Jersey Supreme Court agreed with the prisoners. While such mail could contain dangerous material such as escape plans, plans relating to ongoing criminal activity and threats of blackmail or extortion, the court went on to hold “that threat is minimal when we consider the proposed audience: legitimate public officials, government agencies, and members of the media.”

Against such “minimal security risks,” the court concluded, “rests the significant free speech rights of inmates” to communicate personal grievances concerning the institution, conditions of confinement and unlawful activity. The court therefore ordered that the rules on outgoing mail be amended to treat mail to those recipients from inmates as privileged mail. In re Rules Regarding Inmate Mail, 120 N.J. 137, 576 A.2d 274 (1990).

[Editor’s Note: Washington’s Administrative Code (WAC), section 137-48, defines outgoing mail to the courts, attorneys, legal aid groups and public officials as “legal mail,” but the definition does not include letters written to the new media in this category.]

Which Shell Is The Pea Under?

Government Crime Statistics Invoke Slight Of Hand

The U.S. Justice Department claims a “definite and positive” link between locking people up and violent crime rates in the United States. As more offenders go to prison, the argument goes, violent crime decreases.

It seems there was a 17% decrease in the nation’s imprisonment rate during the 1960s, but in the 1970 and 1980s the imprisonment rate increased by 39% and 99%, respectively. Conversely, the Justice Department argues, there was a 100% increase in violent crime in the 1960s, but decreases in the growth rate during the next two decades – down 47% in the 1970s and down 11% in the ‘80s. Thus, it is contended, the large increase in prison populations during the ‘70s and ‘80s worked to lower the rate of increase in violent crime. The conclusion, of course, being the need to continue prison expansion.

Bolstered by such sound logic, the current administration has made the building of more prisons a key part of its anti-crime program. The Department of Justice’s 1992 budget allocates $2,159,640,000 to the federal prison system, and 24.4% increase over 1991. The federal prison population was about 25,000 in 1981, is about 60,000 today, and by 1995 will be close to 100,000.
Female Guards Can Pat Search Male Prisoners

Prisoners at a Nebraska state all-male prison brought a civil rights lawsuit complaining that their constitutional right to privacy was violated by pat searches performed by female guards and by female guards observing them nude or partially nude while they showered, used toilet facilities, dressed and undressed, and slept. They also asserted that the provision of greater privacy protection to female inmates at Nebraska state prisons violated their right to equal protection.

The U.S. Court of Appeals for the Eighth Circuit rejected the claims. It held that allowing female guards to pat search male prisoners on the same basis as male guards was a reasonable practice as applied in the Nebraska state penitentiary and did not violate any privacy interest which prisoners retained. The pat searches were performed in a professional manner that did not include an instruction to deliberately search inmates’ genital and anal areas, although incidental touching might take place. Any privacy rights retained by the inmates, the court held, were outbalanced by the internal security needs of the prison and the legitimate equal employment rights of female guards.

The court also said that treating male inmates differently than female prisoners as to privacy did not violate equal protection. Such prisoners were not “similarly situated,” the court reasoned. There are differences in the number and age of inmates, the kinds of crimes committed by them, the length of sentences, and the frequency of incidents involving violence, escapes or contraband. These differences justify differences in the security measures taken as to male and female prisoners. Timm v. Gunter, 917 F.2d 1093 (8 Cir. 1990).

Prisoner Victims Of Guard Assault Win Damages

Ten prisoners in the D.C. jail learned they were being transferred to another facility. A number of the inmates passively resisted the transfer. They alleged that after the transfer, they were beaten by correctional officers. None of the inmates were placed in maximum security by the prison housing board on the basis of allegations that they assaulted the officers.

The inmates sued 15 guards and the District of Columbia for violation of civil rights. Among the misconduct asserted was the participation of several of the officers in the beatings and the non-intervention of other officers who observed the beatings. The inmates also complained that they were disciplined without written evidentiary findings and asserted that five of the inmates had not had any hearing at all.

A jury awarded the prisoners $29,000 in compensatory damages, with the punitive damages assessed against individual officers. Additionally, the housing board chairman was found liable by the jury for $500 in punitive damages to each of the five inmates denied a hearing before being placed in maximum security. Covington v. District of Columbia, U.S. Dist. Court No. 87-2658, Sept. 5, 1990, reported in 34 ATLA L. Rep. 10 (Feb. 1991).

Medical Care

A former federal prisoner with diabetes was awarded $500,000 for failure to provide medical staff to provide proper diagnosis and treatment of foot infection which led to below-the-knee amputation of his right leg. The prisoner brought suit against the U.S. pursuant to the Federal Tort Claims Act, 28 U.S.C. Sec. 1346(d), for alleged inadequate medical care. He was under treatment by the prison's medical staff for diabetes mellitus and developed a bacterial infection in his right foot. He claimed that the medical staff misdiagnosed and improperly treated his infection, leading to an advanced infection culminating in gangrene necessitating a below-the-knee amputation.

The inmate was 48 years old at the time of the amputation. He claims that the bacterial infection entered his foot through either an abrasion caused by the improperly fitted institutional boots he was required to wear or through a fissure caused by a fungal infection between his toes (athlete’s foot) that was not detected by the medical staff because his feet were not properly examined to rule out infection.

The court found that the medical staff departed from basic standards of care owed to a diabetic prisoner in the diagnosis and treatment of a foot infection and failed to provide a his medical chart to the hospital to which the prisoner was transferred. While the plaintiff incurred no personal medical expenses and presented no proof of lost earnings or employment opportunities, the court awarded $500,000 in damages for pain and suffering. Williams v. United States, 747 F.Supp. 967 (S.D.N.Y. 1990).

From The Editor

By Paul Wright

Welcome to another issue of PLN. As I write this I don’t know how successful our plea for donations in the last PLN was. Hopefully everyone who hadn’t donated yet was overcome with a spirit of generosity.

In an attempt to avoid having to ask for money each issue we are hoping to acquire institutional subscribers to PLN. From now on PLN will be available to institutions such as companies, agencies, libraries, law libraries, etc. for the low rate of $60.00 a year.

To do this we need help from our prison readers and those who are employed by agencies that have some input into what publications are subscribed to. If you like PLN and think others would benefit from reading it, take this issue of PLN to the librarian or person responsible for ordering subscriptions at that

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facility and encourage them to subscribe to PLN at our institutional rate.

This will accomplish two things. First, it will make PLN available to a wider body of readers than it is now, and secondly, if we can sell just 24 institutional subscriptions we can publish PLN at our current rate for a year with no additional income. Which means no more pleas for money for a whole year! But we need your support to be able to pull it off.

While I'm on the subject of donations, I would like to thank Larry Jantz (property officer), Robin Moses (correction program manager, retired) and Ronald Van Boening (associate superintendent) for their indirect donation of $80.00 to PLN. I recently won part of a lawsuit where the above gentlemen deprived me of some legal materials and books on Marxism. As part of the settlement the taxpayers of Washington State gave me $200.00 of which $80.00 have gone to PLN. That covered about half our costs for this issue.

In follow ups to other stories that we have covered in PLN, readers may recall my article in the February, 1991 issue of PLN concerning the brutalizing of CBCC prisoner Aaron Fast by a gang of eight white prison guards.

After I wrote that article Dan Pacholke, the captain at the prison, ordered me infracted for having written about the incident. I was found "guilty" of having "lied to staff" and sentenced to 20 days in the hole and 30 days loss of good time. Neal Brown, superintendent, dismissed the infraction on appeal stating that he would drop the infraction if I dropped the article. I didn't drop the article.

That issue of PLN was banned as being "inflammatory" at this prison and the warden on Feb. 1, 1991 threatened to put me in the hole for "disruptive" behavior. "Seattle Times" columnist Rick Anderson did a story on the above censorship which appeared in the March 15, 1991 edition of the "Seattle Times." The warden's assistant, Paula Norris said she didn't know what had happened to Aaron but that whatever I said was false.

Mr. Anderson did another column on this on April 1, 1991, after having received numerous affidavits on Aaron's assault and on the censorship of PLN. He also reported on the racist discrimination against black prisoners at CBCC and the beating of CBCC prisoners Eddie Newman and other white prison guards. The "Seattle Times" wasn't censored.

Since those articles appeared several citizens rights groups have distributed the affidavits of witnesses to the above and other prisoners beatings at CBCC to legislators and other elected officials. "The Progressive" in it's May 1991 issue has a short editorial on the subject as well.

I also received a letter from the Department of Justice informing me that they had received my complaint on Aaron's behalf and had asked the FBI to investigate the matter as a possible civil rights violation. PLN will keep readers posted on what happens with this investigation.

Last year in the May and June 1990 issues of PLN we reported the riot that occurred in CBCC's close custody unit after prisoner Terry Grant was beaten by prison guards. Several guards were themselves beaten when prisoners went to Terry's rescue and then F unit was seized and held for some four hours.

Three prisoners, Terry Grant, Bobby Lee and Robert Lindell were later charged with custodial assault. Terry and Robert are still awaiting disposition of their charges but Bobby Lee had his charges of having allegedly assaulted prison guards dismissed after the judge ruled the state had waited too long to press charges.

Enjoy this issue of PLN; and be sure to share it with friends and family.

Prisoner With AIDS
Care Found Lacking

The national commission on AIDS has concluded a study of AIDS in prisons and jails with the finding that "the situation today for many prisoners living with [the AIDS] disease is nothing if not 'cruel and unusual.'"

After visiting prisons, holding a fact-finding hearing, and gathering other information, the 15-member findings commission said, "The finds were sobering and troubling... Prisoners with HIV disease are often subject to automatic segregation from the rest of the prison community, despite the fact there is no public health basis for this practice. Lack of education of both inmates and staff creates fear and discrimination ... and unjust policies directed toward inmates living with HIV disease. Despite high rates of HIV infection [among prisoners] and an ideal opportunity for prevention and education efforts, former prisoners are re-entering their communities with little or no added knowledge about HIV disease and how to prevent it," the commission said.

The Commission, whose members were appointed by the President and Congress, recommended that the U.S. Public Health Service develop guidelines for treatment and prevention of HIV disease in all federal, state, and local correctional facilities. Adequate health care should include, at a minimum, access to HIV testing, regular examinations by physicians with sufficient training in AIDS-related diseases, T-cell monitoring at regular intervals, and "timely, consistent and appropriate access to necessary medications."

The 43 paged report is HIV Disease in Correctional Facilities, and includes a model policy on AIDS for prisons. It is available from the National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street NW, Suite 815, Washington, D.C. 20006.
Life Without Parole Okayed For 13-Year-Old Killer

On April 15 the U.S. Supreme Court refused to overturn a sentence of life in prison without the possibility of parole for a Washington state 13-year old boy convicted of murder. The state courts had held that the sentence did not violate the eighth amendment prohibition against cruel and unusual punishment.

The case involved Barry Massey, convicted of killing a Tacoma marina owner during a robbery. He was 13 at the time, and accompanied by a 15-year old with a criminal record who allegedly orchestrated the killing. Massey suffers from a learning disability, had a third-grade reading level, and a borderline IQ of 77, and had never been in trouble with the law before his arrest on murder charges.

Massey's attorney wrote that: "One cannot know with any degree of reasonable probability that your of such tender age cannot be rehabilitated."

Mere "Institutional Security" Claim Not Enough

A former prisoner of the Nevada State Prison brought a federal civil rights complaint against guards claiming that his fourth, eighth and fourteenth amendment rights were violated. He contended the violation occurred when guards forced him to submit to a blood test, supposedly in connection with an AIDS test, by threatening to shoot him with "taser" guns.

The trial court dismissed the complaint and the prisoner appealed. The U.S. Court of Appeals for the Ninth Circuit reversed, holding that the guards offered "no evidence that the AIDS test, if such was the purpose of the blood sampling, was reasonably related to legitimate penological interests."

The prisoner alleged that each inmate had been already screened for AIDS upon entering the prison, and that prison officials knew that no prisoners had AIDS at the time the samples were taken. The defendant prison officials did not contest these allegations. The prisoner also claimed that the blood samples were collected in order to help train medical personnel in the administering of AIDS tests.

"Without a further explanation [of the reasons for the test], general protestations of concern for the welfare of the citizens of Nevada and the prison community are simply insufficient to render the involuntary seizure of blood samples, even from prison inmates, constitutionally reasonable." The prisoner claimed that the samples were taken to train state health care workers and asserted that this was not a legitimate penological objective. This assertion, the court commented, "may well be correct." No matter how serious a disease, "unwilling prisoners may not be made mere guinea pigs for its study." Walker v. Sumner, 917 F.2d 382 (9 Cir. 1990).

Crime And Revolution Prisons Don't Work

According to the Bureau of Justice Statistics of the U.S. government, the United States is number one in the world – number one in imprisonment.

More people are in prison and jail in the United States than in any other country.

More than one million people incarcerated makes for 426 per 100,000 residents as of June 30, 1989. South Africa came in second with 333 and the Soviet Union came in third with 268.

In Europe the figures range from 35 to 120 per 100,000. Asian countries range from 21 to 140.

For Black males the figure is 3,109 in the United States and 729 for South Africa.

Since 1980 the nation has doubled its prison population, but overall crime fell 3.5 percent. Meanwhile, the United States spends $16 billion a year imprisoning people.

No this article is not from the twilight zone. The figures come from the U.S. government.

What comrades should learn from this is that once again the criminal justice system is not a solution to any problem. It can't stop crime. It's only bologna to say that putting people in prison deters them from committing crime.

It makes many middle-class people feel good to put people in prison, but it does not solve any problem.

Police Don't Work Either

The number of police that a city hires does not affect the crime rate. If a city hires more police than its neighboring city, it is not any less likely to have a higher crime rate than its neighbor.

Stated scientifically, there is no correlation between the number of police hired and the crime rate. Studies comparing different cities and studies of one city with different size police forces over time demonstrate that hiring police is not a solution to crime.

One might suspect that if there were no police or if everyone were a police officer it would make a difference. However, outside of these extremes it does not matter how many police there are. In the real world of the wide range of U.S. cities, it does not matter to the crime rate how many police officers there are.

Hiring more police, like building more prisons and locking more people up, will not solve the crime problem.

Death Penalty Does Not Work

Statistics on different countries show that having the death penalty does not prevent murder. In fact, the exact opposite is the case. Countries with the death penalty are significantly more likely to have higher murder rates than countries without the death penalty.

Individual states within the United States that institute the death penalty also do not see any reduction in their murder rates.

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Crime and Revolution continued from page 5

The same is true for instituting the death penalty for certain kinds of murder. For example, instituting the death the death penalty in New York for cop-killing did not lower the cop-killing rate.

One theory for this is that when governments institute capital punishment, go to war and tolerate corporate violence like pollution or starvation, the population picks up a message that violence is legitimate in many circumstances.

Another danger is that societies like the United States waste all their time debating tougher law enforcement, the death penalty and budgets for police when none of these things are effective in reducing crime. Other societies may do a better job addressing the real causes of crime and hence wipe out more crime at the roots.

Revolution

Americans have a very hard time thinking rationally about crime. Unlike other countries without a rugged individual frontier past with settlers on their own pieces of land, the United States in general has a strong belief in having people make it on their own.

Although the Euro-Americans committed genocide against Native-Americans to obtain farmland in the United States, the myth arose of the rugged frontierperson “making it” through hard work. That mythology carries forward in another way today in the United States: the United States has the largest middle class in the world. This class of people makes the United States even more individually minded than other capitalist countries in the world.

Crime is a political problem. It can not be solved by the current political system because politicians have to say and do what is popular with the middle class and upper class, the firm believers in blaming individuals for their lack of determination to work hard, uphold good morals ad nauseam. These middle and upper class people believe they have achieved their good position through their individual merits and hence criminals must be people without these merits who should be locked up.

Some people uphold the dogma that the working class in the imperialist countries like the United States are most advanced because they live in the most technically advanced societies. Yet it is the pervasive individualism of the U.S. working class that made it possible for George Bush to win his election merely by referring to a Black rapist in his political advertisements. Far from being advanced, the American working class falls prey to fascist anti-crime politics far more readily than most other working classes with the possible exception of the South African white working class.

In other societies the problem is not quite so bad, especially societies without a middle class of white workers who benefit from the plunder of the Third World. For more on this subject read J. Sakai’s Settlers: The Mythology of the White Proletariat and H.W. Edwards’s book Labor Aristocracy: Mass Base For Social Democracy. These books explain why white workers as a group on average enjoy a different relationship to the means of production than other working classes. It is the absence of a white proletariat that partly explains the attitudes of the U.S. public toward crime.

People who want to go on tolerating murder, rape, teenage suicide, wife-beating, drug-dealing, alcoholism and property crimes of the criminally deprived—such people should go on blabbering about more cops, prisons and death penalties. People who really want to “get tough” on crime should get tough with their analysis first. They should work against the causes of crime and all other oppression.

Reviews

World View is the quarterly publication of the Political Prisoners Rights Campaign. The spring 1991 issue is 16 8½ x 11 pages and contains articles on western military intervention in the USSR; a response to Amnesty International criticizing that organization for a pro US/UK bias (for example, A.I. has not criticized the British occupation of Northern Ireland with its death squads, torture, lack of civil rights, etc.) and it’s policy of not supporting political prisoners who have advocated the use of violence such as Nelson Mandela; there is an excellent article on the Basque independence struggle and an article on international law and political prisoners. This is highly recommended for anyone interested in political prisoners. For information write: Political Prisoners Rights Campaign, B.M. Box 2300, London WCIN 3XX, England

MIM Notes is the monthly journal of the Maoist International Movement. Each issue has at least one page devoted to prison struggle. MIM also has a listing of books on political and economic theory that are available to prisoners. Write: MIM Distributors, P.O. Box 3765, Ann Arbor, MI 48106.

Still Not The Hilton

From: Out Of Time 2/91

The Bureau of Prison’s (BOP) ‘mission’ to isolate, hide and break the spirit of women political prisoners (a la Lexington High Security Unit, Lexington, KY 1986-88) continues at Federal Correctional Institute (FCI) Marianna in Florida. The tactics, environment, and locale have changed. The name of the game is still isolation; the goal is creating passive, idle women. Currently Silvia Baraldini, Marilyn Buck and Susan Rosenberg are incarcerated in this, the newest maximum security prison for women.

Marianna is a small, rural community in the Florida Panhandle. It is 75 miles from Tallahassee, quite a distance to major air transportation and there’s no public bus service to the prison. Thus the expense to visit women inmates is great. The result is obvious: family and friends can’t get there, little visiting takes place and the feelings of isolation are increased.

Internally the women are isolated from one

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another. Each cell has its own T.V. There's no large outdoor field so no team sports. Educational programs are via video cassettes. Women don't participate together in educational or cultural programs. No communal activities means no collective sense and no community identity.

The BOP wants passive inmates. They are creating an environment where boredom and idleness reign. Nearly one-third of the women are on tranquilizers; lithium, dilatin, etc. Drugs and passivity. There are not enough jobs and the women at Marianna don't have to work or for that matter don't have to do anything. The video cassettes as educational programming don't work, the inmates lose interest. So prison authorities phase out educational programs because of “lack of interest.” Another void is created; nothing to do.

Marianna is a new form of lock-up. We will keep you posted on developments in Florida and other new state-of-the-art U.S. prisons, 1991 style.

Biden: Violence Is At A New High

Last year was “the bloodiest year in the United States history,” with the murder toll jumping to an all-time high of 23,200, and rapes, robberies and assaults also reaching record levels, according to a report released by Senate Judiciary Committee Chair

The “epidemic of violent crime sweeping the nation” has damaged the credibility of the justice system, the report said. “Indeed, all elements of our criminal justice system are approaching collapse....The nation's state and local law enforcement officers are out-gunned, under-manned, and ill-equipped....The backlog of criminal cases before the nation's courts is crippling the nation's prisons and jails are filled well beyond the capacity they are designed and staffed to handle....And the juvenile corrections system is falling apart.”

The study, based on preliminary FBI Uniform Crime Report figures for 1990 and other Justice Department data, was prepared by the Democratic majority staff of the Judiciary Committee. It was issued as Senator Biden introduced his omnibus anti-crime legislation.

The report offers and unusually grim view of crime and criminal justice in the United States. The “record carnage” of 1990 is “terrifying” compared even to the year before, but “the horror of the nation's record levels of violent crime is more properly seen when one compares the America of 1990 with the America of 1960,” the report said. In those 30 years, the number of murders grew four times faster than the population, and violent crime as a whole grew more than 12 times faster than the nation's population, according to the committee staff analysis.

“We are the most violent and self-destructive nation on earth,” the report said. “In 1990, no nation had a higher murder rate than the United States. What is worse, no nation was even close. Last year, our murder rate was 11 times that of Japan, nearly nine times that of England, over four times that of Italy, and nine times that of Egypt and Greece.” The United States compares even more unfavorably with other nations on rape and robbery, having nearly 150 times the robbery rate of Japan, for example.

Summarizing recent testimony by FBI experts and others at Judiciary Committee hearings, the report blamed the crisis on the rise of “powerful, organized gangs intent on killing to gain and keep control of the lucrative drug trade,” particularly youth gangs and new Asian gangs, or “Tongs.” The report cited “drugs, deadly weapons, and demographic trends” as other factors.

New Report Cites Higher Rates Of H.I.V. Infection Among Inmates

The virus that causes AIDS may be more common among prison and jail inmates, especially women, than previously thought, according to a new study based on testing of nearly 11,000 inmates entering 10 prisons and jails between mid-1988 and mid-1989.

The study, conducted by the Johns Hopkins School of Public Health and the Centers for Disease Control, found that rates of Human Immunodeficiency Virus (HIV) infection ranged from 2.1 percent to 7.6 percent for male inmates, and 2.5 percent to 14.7 percent among females.

A variety of earlier studies have indicated HIV infection rates as high as 17.4 percent among inmates from the New York City area, but far lower rates elsewhere. The names of the prisons and jails in the new study were not released, but they were said to represent all areas of the country. The findings were reported in the Journal of the American Medical Association.

At nine of the 10 correctional facilities, women had higher rates of HIV infection than men. The difference was greatest among prisoners under age 25, with 5.2 percent of women in that age group testing positive, compared to 2.3 percent of the men. Minority groups also had higher rates of infection: 4.8 percent overall, compared to 2.5 percent of white inmates. No major difference in HIV infection rates was found between prisons and jails.

Human Rights In The U.S. Criminal Justice System

by Equal Justice U.S.A.

In addition to it's current use and expansion of the death penalty, the United States enters the 1990's with the highest rate of incarceration in the world. Over one million of our sisters and brothers are behind bars in state, county and federal jails and prisons. Statistics show that very disproportionate numbers of poor and minorities — and, increasingly, those who work in solidarity with them — fill these institutions. A hard

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and honest look at the demographics of the prison population clearly shows that such systemic biases deeply permeate our criminal justice system—a system promising “equal justice for all.” We have identified the primary biases as:

- **Economic Bias:** The majority of prisoners are unemployed or underemployed when they are arrested. One study found that 71% of those incarcerated earned less than $10,000 a year. Most are illiterate. Not surprisingly, two-thirds of all prisoners are serving time for property (i.e., economic) crime. And, while only 26% of wealthy defendants serve prison time, 53% of poor defendants are incarcerated. Further, poor people are much more likely to receive a death sentence. While the well-off can pay for a quality defense, poor people are often represented by less-experienced and overburdened counselors.

- **Racial Bias:** Nearly 50% of prison inmates are people of color, and 43% alone are African-American males. The exact same proportions are true for death row. Approximately 1 in every 9 African-American males is under some kind of correctional control on any given day. Nationwide, African-American males go to jail at a rate **nine times** that of whites. The rate for Latinos is **twice** as high and for Native Americans is **five times** as high. In Hawaii, **three times** as many Asian-Americans are imprisoned as whites. Sixty percent of all women in prison are non-white. Put in a global context, an African-American male is **four times** as likely to go to jail as his counterpart in South Africa, making the U.S. the world’s leading jailer **per capita** of people of African descent. The combination of a white victim and an African-American defendant is much more likely to lead to the death penalty than any other racial combination. Since 1976, no state execution has resulted from a case where the victim was black and the defendant was white.

- **Political Bias:** It is estimated that there are over 150 “political prisoners” currently being held in U.S. prisons and jails. Although the U.S. government denies the existence of any political prisoner in the U.S. system, there is significant documentation of political bias in sentencing and of government targeting of legitimate, progressive organizations and individuals with the intent to criminalize their actions and political movements. Further, there are prisoners currently within the system who clearly receive discriminatory treatment based on their political perspectives and efforts to educate and organize fellow prisoners for humane treatment, services, etc.

Despite this stark and overwhelming evidence to the contrary, the majority of U.S. citizens still believe the system provides “equal justice for all.” This is due in great part to the fact that we live in a highly segregated society which promotes race and class divisions. As the global and domestic economic situation becomes more and more desperate for the “have-nots,” politicians unabashedly play on the fears of the “haves,” using tough talk of “law and order,” “war” on drugs and crime and expanded use of the death penalty to gain political mileage (Willie Horton ad, etc.) Such tactics only feed a climate of fear and hatred that ultimately instructs whites to fear blacks and the rich to fear the poor, diminishing the quality of all our lives.

We can begin to overcome this climate of fear. But only if informed and compassionate people speak out and call for a renewal of true justice.

**Puppets On Strings Of Oppression**

By Christofer Knech

All of you came to prison because society did not enjoy your behavior and actions, whether they condemned such actions to be criminal when they may or may have been, but you all have a common relation which is that you are prisoners in confinement, being insulted, beaten, maced, kicked, assaulted and basically oppressed by your hosts: PRISONCRA TS.

I would think that a person would truly come to find that such behavior modifying techniques cause pain, both mentally and physically and that they would rather avoid such treatment instead of recommending it.

But it seems this isn’t the case, at least not in Ohio prisons. Here, we are “honored” with puppets who aid such inhumane treatment by fighting their fellow comrades, or joining forces with the puppeteers as a Inmate Organized Crime Bureau Investigator (IOCB) and snitching and bringing the police to your cell. These are the people who try and intimidate fellow comrades by saying such ludicrous statements as “You can’t beat the system” or “There’s no use in standing up ‘cause you can’t win.” This transmissible disease seems to have spread to the vast majority of you and appreciation can only be given to the prisoncrats for their subliminated propaganda that they have placed in your jellied brains to be exercised.

But are you not the same robots who also complain about such treatment? The ones who “wish” they could stop this or, get this privilege back? But then again, we can’t win – right? Of course not, because people of your nature help the police keep us oppressed, you play into their hands by fighting and arguing with yourselves that the prisoncrats smile and laugh while you fight yourselves.

Has it ever occurred to you to put aside the medacious propaganda you are led to believe and join together and crush the true disease? Stop being puppets, cut the strings of oppression and fight for your dignity and individuality because if you continue to walk and talk as the puppeteers command you – you can always look forward to the psychological torture and scrambled securities and a 24-hour motel of hell to come back to when society labels you as a risk.

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Aftermath MANCI
Control Unit & Perotti Update

Numerous organizations inquired into the beatings of six prisoners in the AC Control Unit at Mansfield, Ohio prison by 35 guards. The Cleveland ACLU has requested a written explanation and investigation into the matter. A civil rights complaint was filed by a free world citizen with the U.S. Department of Justice charging prisoncrats with violating the prisoners’ rights. An investigation is ensuing. We urge citizens to lodge civil rights complaints with the U.S. Department of Justice each time prisoners are brutalized by prison guards. In wake of the brutal beating inflicted upon Rodney King by the LAPD, and investigation by the U.S. Department of Justice into a pattern and practice of brutality, we must demand the same investigation into the pattern and practice of brutality in our gulags. When a citizen lodges a complaint with the Department of Justice, they are more apt to investigate than when a prisoner does so. Therefore, we urge all families and friends of prisoners to lodge complaints with the Department of Justice whenever a prisoners rights are violated.

On March 1, 1991, Linda Leisure ended her fast at the urging of John Perotti. On April 19, 1991, two prisoncrats from the Department of Corrections came to Lebanon prison to talk to John Perotti who was still on his hunger strike. Perotti weighed 169 lbs. (down from 234 lbs. on Feb. 14, 1991) at that time and was being transported by wheelchair. The prisoncrats told Perotti department policy, mandated he be force fed, but if Perotti would eat they would honor their previous promise to send him to MANCI prison on Tuesday, April 23, 1991. They also allowed Perotti to call his attorney, who will be moving for a preliminary injunction hearing in U.S. District Court requesting Perotti’s outright release from AC (isolation). Due to these factors John Perotti broke his hungerstrike and is now in the AC Control Unit at the MANCI prison awaiting a hearing date for the injunction. His new address is: John Perotti, MANCI #167712, P.O. Box 1368, Mansfield, Ohio 44901.

While he is still held in AC he is not isolated on a one man AC tier nor subjected to the high degree of behavior modification techniques used at Lebanon prison. Letters urging that the injunction issue relating to MANCI prison on

Inhumane Living At CCI

CHILLCOTHE, OHIO – Prisoners at Chillicothe Correctional Institution (CCI) confined in the segregation unit are constantly subjected to cruel and unusual punishment.

Prisoners are confined to a building that is over 100 years old and the penological practice it was built for is inadequate for 20th century correctional purposes, subjected prisoners to cruel and unusual punishment. The plumbing is as old at the building and only cold water is available in the cells.

On A-Range none of the 18 cells have a flushing mechanisms. The flushing is controlled by guards and as a result of this practice prisoners are subjected to smelling their earlier emitted urine and feces while they sleep and eat. This is denying them equal protection of the law and subjecting them to more cruel and unusual punishment.

When prisoners are placed in “Strip Cells” they are denied toothbrushes, soap and other items necessary to maintain their personal hygiene. This violates institutional policies.

The cells are infested with roaches, ants, rodents (rats and mice) and other insects as well as bird droppings. At times the prisoners foods is sprayed with dangerous chemicals (roach spray) and they are forced to eat it. This causes intentional infliction of mental and emotional distress in violation of state laws, health and sanitary conditions.

Angelo Crimi R-147-656 and six other prisoners have filed a class action lawsuit against the officials at CCI. One of the plaintiffs in the class action suit (Dakeen White R-151-602) was on a roundtrip at the hospital and three guards beat him while riding the elevator at the hospital. That is a prime example of what prisoners may go through if they stand up and fight for their civil rights. The result from the beating: another lawsuit.

Letters of protest should be sent to: T.L. Morris (warden), P.O. Box 5500, Chillicothe, Ohio 45601.

Pro-War Hypocrisy

By Paul Wright

In early March of this year I received a T-shirt that said “official WWI souvenir, brought to you by ITT Rockwell, General Electric, et al.” With a small U.S. flag with a skull and crossbones on it.

Property guard L. Marts denied the T-shirt saying it “depicted violence.”

I appealed the denial to Superintendent Neal Brown who weaseled around the censorship question and told me to appeal it to Larry Kincheloe, the Director of Prisons.

After appealing it to Kincheloe he replied by stating he was rubberstamping Brown’s decision to deny me the shirt because “it is reasonably believed it will cause or incite violence.” As the reason changes from the initial denial to the appeal and the buck is passed.

While anti-war T-shirts and messages are deemed conducive to “violence,” prison employees are running around with U.S. flags, yellow ribbons, etc., on their shirts saying “We Support Our Troops” and the hearings officer has a poster on his office window with helicopter gunships saying “We Support Our Troops and God Bless America.” So apparently the warden and director of prisons find pro-war sloganeering to be fine but anyone that disagrees with
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When I was in the army I was told that it was to protect rights like that of free speech that the United States has over a half million troops overseas. Yet the reality is free speech exists only as long as what you have to say agrees with those who control the guns or in this case, the prison property room.

Next thing you know those darn white peace doves will be starting riots according to Brown and Kincheloe.

The Prison/Community Alliance (P/CA) is a group of Washington state prisoners and concerned citizens whose goal is to abolish the Washington state Indeterminate Sentence Review Board, AKA the parole board, and bring all indeterminate sentence prisoners under the new SRA guidelines. The courts and the legislature are unwilling to abolish the parole board, so the way the P/CA is focusing on doing this is the ballot initiative, to let the voters of the State of Washington decide whether or not they want the parole board.

P/CA does not need money, they need people willing to get involved and make their voices heard. PLN will cover new developments as they occur. To get involved or for more information please contact: P/CA, P.O. Box 276, Kent, WA 98035.