11-30-1996

Resist Newsletter, Nov. 1996

Resist

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Earlier this year, guards forced a prisoner in Georgia to strip down to his underwear and stand outside in subfreezing temperatures for 30 minutes as punishment for refusing to address a prison guard as "sir."

At another Georgia prison, inmates have been subjected to the "motorcycle," a metal bed on which their hands, feet and back were chained for days at a time. A football helmet placed over each prisoner's head and they had no choice but to urinate and defecate on themselves.

The Georgia prison commissioner, Wayne Garner, now leads members of his select "goon squad" into prisons to harass, threaten, humiliate and brutalize prisoners whom Garner has determined, in his own words, "ain't fit to kill." Since January, prisoners have been beaten and bloodied; prisoners heads have been shaved en masse; prisoners have been forced to squat while naked and walk and quack like ducks; prisoners' personal property has been destroyed right in front of their eyes. "Just prior to the departure of the tactical squad," wrote one prisoner, "the guards all line up and give [Garner] a Nazi salute."

Pro-Punishment Movement Fervor

These storm-trooper shakedowns and the resulting violence toward Georgia's prisoners are a part of an ominous, frightening trend here—and nationally—that has gained much momentum in recent years. This pro-punishment movement, led by politicians of all stripes and fueled by racism, fear, and misinformation disseminated by the mainstream media, has, in the words of longtime prisoner advocate Al Bronstein, fostered "a spirit of meanness, selfishness and punitiveness that seems to have no bounds."

Here are just a few examples of the cruelty faced by prisoners across the country:

- Several months ago prisoners in the Iberia (Louisiana) Parish Jail were strapped to a metal chair, with their hands and feet tied behind them. Sometimes they were kept in this position for days at a time.

- Prisoners confined to states' "super max," high-tech prisons regularly suffer from physical and psychological brutality. They are sometimes chained to their toilets. At the notorious Pelican Bay supermax facility in Northern California, a prisoner was held down by guards in scalding bath water and received second and third

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degree burns all over his body.

- Alabama, Arizona, Wisconsin and other jurisdictions have brought back the chain gang, a penological relic outlawed in another era. Virginia has done away with parole for prisoners, as well as abandoned most treatment programs.
- In Sacramento, California, a deputy sheriff regularly beat prisoners, took photographs of his dirty work, and placed those pictures in his photo album.
- Criminal defendants and prisoners alike suffer from widespread use of the remote-controlled "electronic shock stun belt." This stun belt is capable of producing an eight-second high voltage shock that causes instant incapacitation and severe pain and has been called a "torture device" by Amnesty International.

According to criminologist Nils Christie, who has long studied and written on the destructive, counterproductive nature of prison as punishment, "Were some of the U.S. prisons and jails today discovered immediately after World War II, the people running them would be up for war crimes."

Racism in the South's Justice System

Prisons and jails in Southern states have always been especially barbaric; even national legislative reforms that took place in the 1970s and 1980s did not have any significant—certainly not lasting—impact on the Deep South's gulag. Prisons in this region are notorious for their special brand of tortuous treatment, fueled by racism and a racist power structure that uses the criminal "justice" system to keep the boot on the neck of poor folks and people of color. The South incarcerates more people per capita than any other region of the country. The executioner is busiest in the former Confederate States, where 260 of the country's 340 executions have occurred since 1983. Southern prisoners are sent to jail and prison for longer periods of time (NCIA). "And the reason the sky's the limit is because everyone knows when we're talking about crime and punishment we're talking about men of color. The young black male is [considered] expendable."

Several years ago, during one of the Prison and Jail Project's investigations into awful conditions at a rural county jail, I confronted a sheriff about not allowing African-American prisoners access to books, magazines, and writing materials. The sheriff, who seemed genuinely astounded that I had questioned this policy, spit back at me: "Son, don't you know niggers can't read?"

Another time, at a slave labor prison camp in Sumter County, Georgia (where 90% of the 325 prisoners are African American), I listened to an assistant warden blame most of the crime problem in our county on "those colored kids on dope." What was his solution, I asked. "Take 'em out and shoot 'em all in public, like they do in those Arab countries," he answered.

Everywhere we go in south Georgia—into the jailhouses, prisons, courtrooms—we encounter this same kind of racism. African Americans are singled out in a very deliberate and methodical manner, not only by those who hold power in the law enforcement and judicial systems, but also by the school systems and those who control the community's purse strings. And with few exceptions, those who wield true power in south Georgia are white males. They are the bankers, the sheriffs, the judges, the prosecutors, the real estate moguls, and the school superintendents. Whites continue to hold the balance of power on important decision-making bodies that determine the community's welfare.

Tough on Crime Mentality

Certainly race isn't the only factor which contributes to the pro-punishment mind-set in the U.S. For nearly 20 years there has been a proliferation of right-wing, "tough on crime" rhetoric in this country, which has resulted in legislation like the "three strikes and you're out" law and mandatory sentencing. The so-called drug war has turned some of our communities into virtual police states, with due process suspended. Thousands upon thousands more persons have been incarcerated for longer periods of time, the majority of whom are people of color. "In a relatively few years," said NCIA's Jerome Miller, "the absolute majority of Black men in the U.S. will be in prison."

The public fears crime, and this fear is fueled not only by race but also by high
profile cases that give the appearance that everyone labeled "criminal" is violent and incorrigible. And, in recent years, we’ve seen the federal courts—in particular the U.S. Supreme Court—whittle away at laws which up to now have afforded defendants in criminal cases basic constitutional guarantees and protected prisoners from cruel and unusual punishment.

Organizing for Prisoners’ Rights

It’s open season on prisoners. What started out 15 years ago to be mainly a conservative attack on the power of the courts to protect defendants’ and prisoners’ fundamental human rights has today become an all-out assault on the prisoners themselves. Prison officials feel they’ve been given the green light to beat, maim and psychologically torture those in their custody. The abuse directed toward prisoners is blatant and it is epidemic. And it must be stopped.

Prison & Jail Project members have stood in front of jailhouses and marched through southwest Georgia counties demanding justice.

In August of this year, the Prison and Jail Project (P&JP) asked the U.S. Justice Department’s Civil Rights Division to investigate the “brutal and illegal” practices of Georgia’s prison boss Wayne Garner, stating that Garner’s inhumane behavior violates “most, if not all, of the rights guaranteed to prisoners under the U.S. Constitution.” The Prison and Jail Project maintains that Garner has instituted a reign of terror, authorizing the deliberate, sadistic physical and psychological abuse of prisoners by prison personnel. “Under Garner’s rule,” the P&JP wrote to assistant U.S. attorney general Deval Patrick, “prison personnel believe they have carte blanche permission from ‘on high’ to ignore, mistreat or brutalize inmates.”

The P&JP has also challenged other instances of abuse in Georgia’s prisons, jails and courthouses. Last year, at the P&JP’s request, the Justice Department investigated 11 southwest Georgia county jails and found each of them to be unfit for human habitation. The Project has forced the removal of a racist magistrate judge in Sumter County, Georgia. It has assisted in filing civil rights litigation challenging inhumane jail and prison conditions, the wrongful death of an African-American prisoner, and the illegal practices of a state court judge and prosecutor. Prison & Jail Project members have also stood in front of jailhouses and marched through southwest Georgia counties demanding justice; sat in courtrooms with defendants and their loved ones monitoring proceedings; gathered on street corners to alert the public to the racist and arbitrary nature of the criminal justice system.

Those of us who are in the long-haul struggle for human rights, who daily fight for economic, social, and racial justice, who are determined to resist illegitimate authority, must recognize that this country’s criminal justice system is a corrupt and useful tool of the rich and powerful.

We must understand that prisons in the U.S. have long been, in the words of historian Howard Zinn, “an extreme reflection of the American system itself.” Indeed, Dostoevski’s long-ago observation still rings true today: “The degree of civilization in a society can be judged by entering its prisons.”

John Cole Vodicka directs the Prison and Jail Project and has been active in the civil rights and prisoners’ rights movements for more than 20 years. P&JP received a RESIST grant in 1996. For more information, contact the Prison and Jail Project, PO Box 6749, Americus, GA 31709.

Listed below are several prison issues and prisoners’ rights organizations to contact for more information.

ACLU National Prison Project
1875 Connecticut Avenue NW #410
Washington, DC 20009

American Friends Service Committee
Criminal Justice Program*
1414 Hill Street
Ann Arbor, MI 48104

The Center for Alternative Sentencing and Employment Services
346 Broadway #3W
New York, NY 10013

Citizens United to Rehabilitate Errants (CURE)
PO Box 2310
Washington, DC 20013

Committee to End the Marion Lockdown*
Box 578172
Chicago, IL 60657-8172

Families Against Mandatory Minimums
1612 K Street NW, Suite 1400
Washington, DC 20006

Prison & Jail Project*
PO Box 6749
Americus, GA 31709

Prison Law Project/National Lawyers Guild*
558 Capp Street
San Francisco, CA 94110

Prison Legal News
2400 NW 80th Street #148
Seattle, WA 98117

* denotes RESIST grantee
The Prison Industrial Complex:
The Rise of Systematic Exploitation

JACKIE WALKER

This September, officials in Los Angeles were faced with a dilemma, one surfacing in a variety of forms in communities across the country. Officials had to choose between spending $19 million on general assistance for the homeless or the operation of a high-tech local jail. Twin Towers, the high-tech jail, cost $373 million when completed in the fall of 1995. Despite this huge expense, the jail remained closed for lack of operating funds. Advocates at the Los Angeles Coalition to End Homelessness estimated housing one prisoner in Twin Towers would cost as much as supporting 10 people on general assistance. The sign of a homeless protestor summarized the issue: "Jobs Not Jails."

The correctional industry is experiencing huge profits and becoming the growth industry of the 1990s.

Ultimately, officials in Los Angeles chose to provide funding for general assistance programs. But in this new age of the prison industrial complex, funding for social programs is becoming further endangered as localities opt for prison construction to bolster faltering economies. According to a report by the National Governors' Association and the National Association of State Budget Officers, state corrections spending growth is out pacing the growth in Medicaid spending and is expected to continue to increase during the next five years. In 1994, officials in the Texas Comptroller of Public Accounts warned of a "prison industrial complex" exacting its toll on taxpayers. That year a study cited in the Criminal Justice Newsletter uncovered numerous examples of waste in the correctional system, including an ineffective purchasing process, lost weapons, units with more cars than staff authorized to use them, and 1,700 empty prison beds.

An unprecedented growth in the prison population has also occurred in the past 10 years. According to the Bureau of Justice Statistics, the United States now has more than 1.5 million people behind bars, an increase of 113% since 1985. People of color and women have accounted for a large portion of this increase. A report by the Sentencing Project of the U.S. Department of Justice revealed nearly one in three African-American males between the ages of 20 and 29 is either incarcerated, or on probation or parole, while between 1986 and 1991 the number of women in state prisons increased 75%.

This increase in both funding for correctional industries and in prison populations dramatically impacts two different sectors of society. The correctional industry is experiencing huge profits and becoming the growth industry of the 1990s. For families of prisoners, however, these policies translate into additional economic hardship and splintered relationships.

Prisons and Jails are Booming Business

Over the past 10 years, the construction and servicing of prisons and jails have become a multi-million dollar industry. The corrections industry is portrayed as a lucrative choice for investors. A cursory review of 1996 American Correctional Association (ACA) annual conference materials highlights this boom:

- State and federal correctional authorities are projected to spend more than $25 billion on operational and capital expenditures in 1995 alone.
- State correctional agencies spent $5.1 billion on prison construction in 1994-1995, representing 151 new facilities and 117 additions.
- Annual increases in state and federal prison populations translate into a need for approximately 1,250 new beds per week to meet the demand.
- Operational costs have increased by more than $10 billion over the past five years.

Although the prison industrial complex is often viewed in terms of the enormous profits companies and investors reap, a human cost is also involved. Officials seldom ask how these policies impact prisoners and their families. An exploration of three quite disparate areas that comprise the prison industrial complex reveals the human face of the problem. These three areas, the corrections communication market, the increasing numbers of women prisoners, and sentencing policies all have economic, social and racial implications.

Calling Collect for Profit

Families of prisoners express uniform outrage at the telephone industry. Telephone officials estimate that the corrections communication market produces about $1 billion in annual business and is expected to grow about 10% a year.

Most advocates for prisoners agree maintaining communication with loved ones on the outside is a factor in the rehabilitation process. But the excessive cost of collect calls depletes the already low budgets of many families of prisoners.

"Families of prisoners are really being taken to the cleaners by telephone companies. They usually end up paying double or triple the cost of what you normally pay for a phone call in the free world. The money given back to prison systems is routinely about 30%, but sometimes as high as 50%, particularly in jails," explains Charlie Sullivan, National Director of Citizens United to Rehabilitate Errants (CURE). To combat this situation, CURE negotiates with telephone companies for rate caps and supports the concept of bill party preference to eliminate the kick back prisons systems receive.

Advocates on the state level echo Sullivan's comments. "There's an excessive amount of frustration families feel about the phone system. There are all types of plans for making international calls but none concerning incoming collect calls. Instead families of prisoners are stuck with paying collect calls that are extremely ex-
pensive," says Penny Ryder, Director of the Criminal Justice Program of the American Friends Service Committee.

In Michigan, state prisons' telephone kickbacks generate millions of dollars for the Department of Corrections. According to Ryder, a review of the 1996 Michigan Department of Corrections budget uncovered an anticipated $8 million in revenue from the telephone industry. To address this problem, Ryder has developed a plan of action that includes organizing the community and meeting with telephone company officials to discuss using more responsible policies. Ryder also hopes to persuade legislators to require the Department of Corrections and telephone company officials to develop policies that are less costly for the families of prisoners. If these efforts fail, Ryder plans to use organized protest to highlight the problem.

More Women in Prison

Women have become one of the fastest growing groups of prisoners. A profile of women prisoners shows a significant difference from their male counterparts particularly regarding the nature of offenses. According to the Bureau of Justice Statistics 1991 special report “Women in Prison,” almost half of all women were serving a sentence for a nonviolent offense. This report also found nearly one in three women prisoners were incarcerated for drug offenses in 1991, compared to one in eight in 1986.

Additionally, almost 80% of women prisoners have children. It is estimated that nationally 165,000 children are affected by their mothers' incarceration. The most common caregivers for the children of women prisoners are grandparents and other relatives, while a smaller number of these children are in foster homes or other institutions.

Overall women prisoners face numerous

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Sentencing policies designed by politicians claiming to be “tough on crime” [affect] communities of color disproportionately.

Biased Sentencing Policies

Another area affecting families are sentencing policies designed by politicians claiming to be “tough on crime.” Although many politicians claim these laws treat all offenders equally, communities of color are disproportionately affected. The disparate sentences between crack cocaine and powder cocaine highlights this issue. People convicted of selling five grams of crack cocaine (96% of whom are people of color) receive mandatory five year sentences while powder cocaine dealers (predominantly white people) have to sell 500 grams to receive the same sentence. This is particularly disturbing given National Institute on Drug Abuse statistics showing the largest number of crack cocaine users are white.

In California the highly touted “three strikes and you’re out” law has had a similar impact racially. A report by the Center on Juvenile and Criminal Justice found African Americans were being sent to prison at a rate 13 times that of whites. Additionally, 85% of those convicted under the new law were nonviolent offenders. “The general public thought they were buying into something designed to take multiple violent offenders off the street. But . . . what we’re seeing are women with fairly minor criminal histories facing life sentences because they have drug problems,” says Ellen Barry, Executive Director of Legal Services for Prisoners with Children.

Although the prison industrial complex shows no signs of decreasing, there are policies and organizations the public can support to change the process.

Keeping the Faith

Criminal justice issues continue to be the “whipping boy” of the politicians, as evidenced by the rhetoric from the 1996 presidential and congressional elections. Although the most recent figures on crime show a stabilization and the lowest rates in a decade, politicians continue to insist on prison building. Such rhetoric ignores the underlying issue: profit. “Our capitalist economic system shouldn’t be pushing folks into supporting more incarceration because of the profit issue. We need to be producing goods and services to build communities rather than divide them,” says Penny Ryder of the AFSC.

Despite this hostile climate, advocates remain committed to changing the dialogue on criminal justice issues. Factors from youth activism to communities demanding accountability motivate prison advocates to continue demanding justice. Advocates like Brenda Smith at the National Women’s Law Center challenge the public to ask: “How much is this [prison] going to cost taxpayers? . . . Do all of these people need to be serving time? It’s much less expensive and more effective to have community placement.” And less expensive for communities also means less profitable for the prison industrial complex.

Jackie Walker is the AIDS Information Coordinator at the ACLU National Prison Project. For more information, contact the National Prison Project, 1875 Connecticut Avenue NW, Suite 410, Washington, DC 20009.
PWA-RAG Reaches More Prisoners

ROBERT G. MAGNER AND SHEILA MAGNER

Beginning in the fall of 1987, a young man named Jimmy Magner viewed firsthand a real American horror story. Incarcerated himself, he observed other prisoners with HIV/AIDS being denied adequate care and treatment for their illness; being discriminated against by prison staff and other inmates; being denied education about AIDS and possible treatments; being moved to other facilities or isolated in lockdown or administrative segregation; being denied parole or placement in halfway houses that were ill-prepared for persons with AIDS.

Not only was Jimmy reviled by the unfair treatment prisoners received, he was outraged. Jimmy became an active lobbyist in support of prisoners with HIV/AIDS and founded what is now known as the Prisoners with AIDS—Rights Advocacy Group (PWA-RAG) Newsline. With only a shoestring budget, the Newsline grew to a readership in the untold thousands. Thanks to the acceptance of the Solicitor General of Canada, the Newsline now reaches readers in 51 Canadian prisons, as well as readers in many foreign countries.

Sadly, our son Jimmy succumbed to AIDS himself in July of 1994. He lived to see PWA-RAG blossom into a quarterly newsletter which is respected across the country as one of the finest informational AIDS newslines in publication. It is also recognized by the Centers for Disease Control and Prevention, National Institutes of Health and the World Health Organization as an informational resource. PWA-RAG has always been, and will remain, free of charge to prisoners with HIV/AIDS.

Over the years, conditions in many prisons have improved, but there is still a lot of work to be done to insure adequate care and treatment for prisoners with HIV/AIDS. PWA-RAG now enjoys acceptance in almost every prison system in the United States, furnishes resource material to prison libraries upon request, and works very closely with prison officials to organize peer-support groups. PWA-RAG also works closely with families of prisoners to help them cope with their problems and to encourage their understanding and support of family members who are incarcerated with HIV/AIDS.

PWA-RAG has managed to keep up with ever-increasing demand for the Newsline through the support of many who help us with the printing and distribution. RESIST has supported us with grants for the past six years, and without their help we never would have survived. We have made many applications for grants from foundations, but prison issues are not very popular. As Jimmy’s parents, we want to keep Jimmy’s dream alive by continuing to provide all the help and support that we can to prisoners with AIDS through the Newsline.

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Advocating for Changes in Prisons

In this age of HIV disease, those employed in correctional systems throughout the United States have an opportunity to respond to this HIV pandemic with effective and humane policies.

In this age of HIV disease, those employed in correctional systems throughout the United States have an opportunity to respond to this HIV pandemic with effective and humane policies. Not one system experienced any management problems resulting from their innovative condom distribution policies. These programs are saving lives! The six correctional systems are New York City, Mississippi Department of Corrections, San Francisco County Jail, Philadelphia City Jail System, Vermont Department of Corrections, and Washington DC.

- Conjugal Visits: Persons in prison living with HIV are discriminated against when they are not allowed conjugal visits. Partner notification policies could be established for HIV-positive prisoners.
- Clinical Trials: Prisoners should have access to clinical trials
- HIV/STD Peer Education: All prisoners should have standardized HIV/STD peer driven health education programs.
- Crypto-Sporidium Parvum: Prisoners with HIV should have the availability of distilled bottled water.

Sheila and Robert G. Magner are the directors of PWA-RAG, Inc. PWA-RAG has received several grants from RESIST, including one in 1996. For more information, contact: PWA-RAG, PO Box 2161, Jonesboro, GA 30237.
In each issue of the Newsletter we highlight a few recent RESIST grants. This month, we feature grants awarded at our September Board meeting. For more details about these grants, please write to the organizations themselves at the addresses listed below.

**Alabama Committee to Abolish the Death Penalty**

3512 Clairmont Avenue, #407
Birmingham, AL 35222

The Alabama Committee to Abolish the Death Penalty (ACADP) began in 1990 when approximately 20 civil rights and religious leaders met to discuss their mutual concerns about the return of executions in Alabama. Out of their discussions ACADP was formed to proactively engage in public education and action to abolish the death penalty. In addition, the ACADP seeks to end the Jury Override exception in Alabama which allows judges to overturn jury verdicts in capital murder cases where the jury recommends a life sentence instead of the death penalty.

A Resist grant of $850 will enable ACADP to continue publishing their newsletter, which is a vital link to their membership and the community at large. The newsletter provides up-dated information on both local and national issues related to death penalty cases, legislation and executions.

**Boston CISPES**

42 Seaverns Avenue
Jamaica Plain, MA 02130

From the 1980s through 1992, the mission of Boston CISPES centered on protesting U.S. military and financial support of the repressive Salvadoran government. During that time CISPES sought a cut off U.S. aid, and responded to human rights abuses by the Salvadoran military and security forces. After the peace accords, CISPES’ focus shifted towards the struggle for economic justice as multinational corporations began to set up sweatshops in El Salvador, eroding living standards and destroying public sector unions.

CISPES has embarked upon a national campaign to “Educate and Advocate for Working People’s Rights.” As a part of that campaign, CISPES will utilize a Resist grant of $1000 to fund the printing and copying costs of their “Sweat Gear” catalog which examines abuses in the garment industry in El Salvador.

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### Join the RESIST Pledge Program

**We’d like you to consider becoming a RESIST Pledge.**

Pledges account for over 25% of our income.

By becoming a pledge, you help guarantee RESIST a fixed and dependable source of income on which we can build our grant-making program. In return, we will send you a monthly pledge letter and reminder along with your newsletter. We will keep you up-to-date on the groups we have funded and the other work being done at RESIST.

So take the plunge and become a RESIST Pledge! We count on you, and the groups we fund count on us.

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### Grants

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<td><strong>Citizens for Alternatives to Radioactive Dumping</strong></td>
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<td>144 Harvard Street, SE</td>
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<td>Albuquerque, NM 87106</td>
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Citizens for Alternatives to Radioactive Dumping (CARD) is a state-wide organization devoted to safeguarding the people and land of New Mexico from nuclear contamination. For almost 20 years, CARD has rallied citizen action against both long-standing and recent nuclear threats, including a permanent nuclear waste repository planned for New Mexico. In support of this effort, CARD has engaged in education, direct action, lobbying and legislative efforts to prevent New Mexico from becoming a “national sacrifice area.”

Resist’s grant of $1,000 will help fund a conference on the use of civil resistance tactics in response to the increasing health and safety threats from the nuclear industry.

| **People Organized in Defense of Earth and her Resources (PODER)** |
| 55 North IH 35, #205B |
| Austin, TX 78702 |

PODER was formed in 1991 by a group of Chicano East Austin activists and community leaders in order to increase residents’ participation in corporate and government decisions related to environmental hazards in their neighborhoods. PODER seeks to redefine environmental concerns as social and economic justice issues. PODER began by examining the health effects of a large semiconductor manufacturer which is located in a predominately Latino section of East Austin. Recently, PODER successfully forced six major oil companies to relocate a “tank farm” which was leaking oil into the local water table, and they continue to monitor clean up efforts from the spill.

A Resist grant of $800 supports PODER’s campaign to relocate a residentially situated Browning Ferris International (BFI) Recycling Plant that poses a health and safety threat to its neighbors.