

Speeches from Union Rally on Prison Reform Sacramento, August 12, 2004

Prisoner of Hope

We are here today because of a system that is out of control. It's a paramilitary system that terrorizes its own United States citizens; and is more concerned with pay raises and benefit packages than providing inmates with medical treatment.

The California Department of Corrections is funded by the taxpayers of this great state. We are here today to let it be known that we, citizens and taxpayers, do not support our tax dollars underwriting terrorist activities in our prisons. When we closely examine what is happening within the prison walls -- the abuse and pattern and practice of failing to provide medical treatment to inmates -- it is terrorism. Prisons have become institutions of degradation, humiliation, and destruction instead of centers for training, change, and reform.

During the early morning hours of June 29, 2004, my niece, Toya Shumake, received a voice-mail message from the California State Prison Solano that her brother, Anthony Shumake, was dead. That's it! That's all! They did not provide any details on how or why he died. Later, after we heard this shocking news, the family made several calls to Vacaville for answers. To no avail. They were unwilling to provide my family any information about Anthony's death.

To add insult to injury, later that afternoon, Anthony's grandmother, Annie Shumake, received a telegram stuck inside her screen door. It indicated that not only had her grandson, Anthony Shumake, died, but she had forty-eight hours to claim his body -- or the State of California would cremate him.

Pursuant to Article 7, Section S1070.1 of the Department of Corrections Operations Manuel regarding deaths, the policy states: "The Department shall treat the

death of an inmate or parolee with dignity and respect as is regularly accorded persons who are not incarcerated or on parole."

Pursuant to Article 7, Section S1070.10 of the Department of Corrections Operations Manuel regarding Notification of Next-of-Kin, the policy states: "The senior custodial officer shall review the inmate's C-File and using the CDC Form 127, notify the next-of-kin as humanely as possible." Institution staff and/or P&CSD staff may be utilized for this purpose. P&CSD staff are located, or have assigned agents, in every section of California.

Regarding Anthony Shumake's death, the Department violated its own policies. It is shameful the way our family has been treated. We have never experienced such a disregard for humanity. No one in the CDC will talk to us. As of today, six weeks later, we have still not received official notification of Anthony Shumake's cause of death.

Where is the dignity and respect? Is this humane? Is this what we expect from our prison system?

As a family, we are crying out for help. We would like to know why the policies and procedures of the CDC are being violated. We are concerned that inmates do not receive proper medical treatment, and in many cases, are actually denied medical treatment. We want to know if CDC guards are trained to recognize serious ailments or behavior changes that indicate illness. We want to know if the doctors and medical personnel are competent; and most of all, if they are truly concerned about the inmates' medical needs.

My nephew, Anthony Shumake, had a tooth pulled, and now he is dead! Anthony Shumake was given a prison sentence, not a death sentence! We want to know why the wrong tooth was pulled; and why the medical staff did not identify the infection until it was too late. We want to know why Anthony Shumake was transported two-and-a-half hours from Vacaville to an emergency room in Manteca when there is an emergency room a few minutes from the CSP Solano institution.

Was it because CSP Solano was being sued for \$18 Million in unpaid health care bills? This is still America! Inmates ought to be treated like human beings! They're American citizens and ought to be treated better than this!

In spite of my family's personal pain and suffering, and the suffering of other families -- who have incarcerated loved ones or who have lost loved ones due to the failure of the system to provide medical treatment -- I still have hope. If the CDC is to be transformed, we the people of the great State of California must move forward with the expectation that we can make a difference. We must fight for justice for the inmates who can't fight for themselves.

We must all have hope. We must understand that the system can change; and acknowledge that we are the instrumentality of change. When men and women of good will come together, the impossible becomes possible. Brothers and sisters, this is no time for apathy and complacency. This is a time for vigorous and positive action. We must have a restoration mentality.

I believe God is going to transform this system. He is going to comfort all of us who have lost our loved ones and who have loved ones currently suffering in the CDC system. I believe in God. I believe in America.

So let us leave here today, with a renewed commitment to get involved. Let us leave here today, with a renewed commitment to write letters and make phone calls to our elected officials demanding that this system be reformed. Let us leave here today, sending a clear message to those men and women currently incarcerated that they are not alone, that we feel their pain, and that we are committed to fight the good fight for inmate justice and prison reform.

Let us send a message to our Governor and our State Legislature that the men and women in prison are our loved ones. Let the message be clear that we care for our loved ones and will not go away.

Anthony Shumake, we will always miss and love you. You will always have a

place in our hearts. Thank you for forty-one years of being with us.

Remember, there is hope.

May God bless all of you and forever keep you.

Reverend Andre L. Shumake, Sr.

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A Stacked Deck

It is my privilege to represent Mr. Charles Wesley. He was released from Chino in 2000 and has since been generally gainfully employed and been successfully pursuing his college education. His goal is to work in some capacity in the legal field. But it is only by the Grace of God that he is here today. He nearly lost his life to the medical care system at Chino, where he was luckier than most because he was the Chairman of the Men's Advisory Council, the so-called "MAC Chairman" and had easier access to educational materials and key persons.

Mr. Wesley has permanent nerve damage because a needed surgery was delayed for seven months by MTAs who were angry at him because he complained and filed appeals. We have evidence that some of his medical records were shredded at the direction of an MTA. He was in severe pain, unable to make it to chow, fellow inmates brought him his food, he was observed lying on the ground on multiple occasions because of pain—none of this did anything to speed up his surgery. In fact, he was teased and threatened and told that unless you withdraw your appeals, you'll never get your dammed operation.

Unfortunately, medical care is routinely withheld or delayed as a form of punishment in California prisons. The keys to medical care are in the hands of

guards, known as MTAs [Medical Technology Assistants], who effectively run the prison medical facilities. Let's be clear: guards should not be permitted to affect in any manner life and death medical decisions. They must not be placed in a position where they can affect access to medical care because they are not competent or properly motivated to do so.

We must have a prison medical system controlled by doctors and nurses who are independent of the guard union, independent of the guard culture, independent of the guard mentality and motivated not by a desire to punish but by a sincere desire to preserve the mental and physical health of our prisoners, who are our sons and daughters, brothers and sisters. Anything less than that is inhumane and has already proven to be a failure.

In the long run it will be cheaper to provide proper and timely medical care to inmates because disease processes will be interrupted earlier and the earlier a disease is treated, the cheaper the treatment. Moreover, it is better and cheaper to release an able-bodied inmate who potentially can be gainfully employed and can become a productive member of society instead of someone crippled by the medical system and dependent thereafter on the government for support.

The solution lies in legislation, not litigation. The inmate has little chance of success in court. The deck is stacked against the inmate litigant by the code of silence among the guards and the inmate's lack of access to legal information and professional legal assistance as well as every other possible impediment, including punishment inflicted on inmates for filing appeals which legally must be exhausted before obtaining access to the court system. Appeals can be a risky venture for an inmate especially when the appeal calls into question the conduct of an MTA.

In addition to taking guards out of the business of medical care, the medical staffs themselves should be upgraded. The physician staff should be filled with energetic, highly qualified, multi-specialized and, above all, dedicated physicians AND NOT the semi-retired

doctor seeking an easy avocation and plenty of spare time. The medical staff should be filled with physicians who can speak English fluently and there should be some who speak Spanish on the medical staff at each facility. Providing a doctor who can't understand English is the same as not providing a doctor at all and may be unconstitutional.

I would like to say a few words about compassionate release. AB 1946 is going to be revived, and hopefully passed, because of your combined efforts. Together we have tremendous political power which will not be ignored. Compassionate release is not only humane but makes great economic sense. It certainly costs more to care for the terminally ill or the paraplegics in prison than it would in some institution specialized to provide appropriate services for these conditions or at home. The public deserves good statistics on the number of inmates with terminal diseases or profound handicaps and the cost of providing appropriate in-prison care to them. But cost considerations aside, prisoners are people and, in general, they should be given a chance to spend their last weeks and months with their families.

Let us remember that "there but for the grace of God, go I". Most of us are free, not because we are morally superior to those in prison but because we are luckier. Most of those incarcerated are probably guilty of the crimes charged and should serve their sentences; some are innocent but couldn't fight the right kind of legal fight for one reason or another; some have sentences which make no sense whatsoever. But it should not be left to guards to impose a death sentence to anyone who displeases them by withholding, delaying or interfering with medical and psychiatric care. Sentencing is a matter for judges, not guards, just as medicine is a matter for dedicated physicians and nurses, not guards.

Thank you.
Mark Ravis, M.D., J.D.

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First Amendment

Jesus said in his sermon on the mountain: "Ye are the light of the world that cannot be hidden."

For this speech I have drawn from the principle of that speech, by Jesus, to support my beliefs that the media should be allowed converse with inmates, and report on their issues and concerns. Indeed, the media is a light, which will never be hidden.

My talking points will include the following:

- Media access gives the public a real look inside our prisons. (A "macro" view - the big picture - of what's happening in the prisons.)

- Media access affords the prisoner's a chance to be seen and heard. (A "micro" view - what individual prisoners have to say about themselves and their circumstances - while incarcerated.)

- Media plays a role in a prisoner's redemption. (The effects of the good work of a prisoner can be spread throughout the nation by the media.)

- "Let the media light shine" - a summary of what is at stake by eliminating media access to prisoners in California State prisons. Also, the end of my presentation will include a discussion about the inherent bias against prisoners, particularly in television news coverage, caused by prisoners not being allowed one-on-one TV interviews.

Fred D. Jackson
The Media Light
August 12, 2004

PAROLE— CHANGE IT NOW

In 2002 the Board of Prison Terms held 4,826 hearings for Lifers. Lifers are Inmates with a term-to-life sentence. It found exactly 48 or 1% suitable for parole. The now deposed governor was

forced by the courts to release 2 or 3 of these inmates, inmates who had served many years beyond their minimum sentences. At least 2 were victims of battered woman syndrome. The new governor has released about 35 to date.

What school or business producing a 1% success rate could continue to operate? The California Department of Corrections has a Board with a 99% failure rate. An entire department exists that accomplishes virtually nothing! A few years ago the department was threatened with being dissolved.

What is the makeup of this board? Who are these people? It is comprised of former police officers, former correctional officers, crime victim advocates, law enforcement boosters, and of course, lawyers. Is it then surprising that no one gets out? Where are the experts in human behavior to determine fitness?

The board had to reduce its work load so a law was passed to allow them to delay rehearing if an inmate is denied to 5 years. I mean its hard to issue all those denials year after year. They might have to meet twice a month.

Here's a quote from the Board's web site: It is not uncommon for inmates to receive many parole hearings before they are found suitable for release. Now there's some news for you.

The District Attorney from the prosecuting county may make a presentation opposing or supporting parole. He doesn't even have to attend but can communicate via TV or the internet. Crime victims or their families are entitled to present a 15 minute Victims Impact Statement. The inmate may have a lawyer. Inmate families have no say.

This board also looks at Mentally Disordered Offenders. Tell me why exactly mentally disordered persons are in prison?

Here's how you are classified as Mentally Disordered by the BPT on their web site: the parolee has an illness or disease or condition that substantially impairs thinking, perceptions, emotions, judgment or behavior

The parolee was convicted of a crime that involved force and violence that resulted in or threatened serious bodily harm

Note this one-this covers many potential parolees. I don't see how it determines mental illness.

The mental disorder was the cause or a contributing factor in the crime for which the parolee was convicted.

The mental disorder is not in remission and cannot be controlled by medication the parolee has received treatment for severe mental disorder for at least 90 days in the year prior to parole the parolee poses a danger to others because of the mental disorder.

We're talking about between 500 and 1,000 hearings per year.

Please remember there are thousands 3 strikers in prison. None of these have reached the minimum 25 years in the 10 years since its passage. But the time is coming when the system will be clogged worse than ever.

There is another parole system, much larger than the lifer paroles conducted by the Board of Prison Terms. The Department of Corrections handles all determinate sentence paroles. At the end of a sentence the inmate is placed on parole for 3 years. Once an inmate is released, he is given \$200 and told to report to his parole agent immediately. In the words of one parolee: You catch the bus, by the time you even get where you're going, you're down to \$150. By the time you even see your parole officer you have no money in your pocket.

As the parolees return to the same poor neighborhoods they left, there is mounting evidence that they have become what some criminologists and prison officials now call the collateral damage of the prison- building boom. Because of the spending binge states were forced to sharply curtail programs. Education, job training and other rehabilitation programs inside prisons were slashed. The newly released inmates are far less likely to find jobs, maintain stable family lives, or stay out of the kind of trouble that leads to more prison. Many states have

unintentionally contributed to these problems by abolishing early release for good behavior, removing the incentive for inmates to improve their conduct.

The recidivism rate for California is 70% and half the inmates in California State Prisons are parole violators. Is a 30% success rate anything to crow about? The national rate of violators being returned is 35%. A 65% rate isn't good but it does mean the rest of the country at least achieved a "D". California has a disgraceful "F".

Here's a statistic for you: In 1980, 2,995 parole violators were sent back to prison in California. In 2000, 89,363 were returned. The numbers have continued to soar: a fifth of all parolees nationwide are from California.

About 80% of the parole violations are for technical violations not new crimes.

Some of you may remember when Governor Dukakis ran for president. He was accused of being soft on crime and the ad that did him in was the revolving door with prisoners going in and out. In California we have reversed things. The revolving door awaits the parolee.

Consider this: The state's Little Hoover Commission issued a scathing report in which it noted that nearly 70 percent of California parolees were returned to prison. The national average is 35 percent, and many of the California inmates who went back to prison did so for violating relatively minor conditions of their release. A missed meeting, bad drug test, or whatever the parole agent considers a violation.

Our society has put up so many barriers preventing the reintegration of previously incarcerated felons into "normal" life that one can't imagine a successful mass prison release program without spending quite a bit of additional moneys on reintegration programs

No court or jury put any parole violator back in prison. That happens solely by non-judicial parole officers, upheld by parole committees also composed of correctional officers. Almost all of the state employees involved are members of

the California Correctional Peace Officers Association - the CCPOA, better known as the prison guard's union. The CCPOA is, at present, the most politically powerful union in California, and has pushed hard for new prisons and tougher laws to fill them. For the past 20 years, CCPOA's version of "public safety" has been "lock up every single person we can for as long as we can and never parole them.

We spend about \$1.5 Billion on paroles. \$1 Billion to imprison recidivists and \$500 Million on the outside. What a colossal waste.

The money could be spent better on drug treatment, job training and education for inmates before release, the Hoover report said, greatly reducing the number of people returned to prison. Although three-quarters of the 160,000 inmates have drug or alcohol problems, only 6 percent get treatment. Only one-third take part in job or education programs. What a colossal failure.

All this leads to one thing: ACTION!

There is an act to amend Section 3041 of the Penal Code, relating to parole.

SB 1522, as amended, Vasconcellos. Parole. Existing law regulates the setting of parole. This bill would provide that the determination not to fix a parole date would only be reached upon a showing of clear and convincing evidence that the individual currently poses an unreasonable risk of danger to public safety.

I would ask you to urge the legislators to act upon this bill by taking it off the suspense file and putting it to a vote.

Write your local papers with a letter to the editor and demand some sanity in the parole system, send a copy to your legislator and if possible visit them.

Robert Driscoll, father of 7, member of the LA Archdiocese Catholic Detention Ministry

Sanity in Sentencing

I don't have to tell those of you who have family members in California's prisons about what California has done over the past 10 to 20 years. You are aware that California has dramatically increased prison sentences. Instead of seeking alternatives to prison, the state has engaged in a massive prison construction business. The union representing prison guards has courted politicians from both parties. And for most of that period of time, few politicians had the courage to be labeled as soft on crime.

At the same time, some of our politicians have spread a popular myth that extreme laws like the Three Strikes law has caused a reduction of crime. They do so despite the fact that really good studies show that Three Strikes did not cause the reduction in crime. It is easy to get discouraged when you listen to the debate about crime.

But I want to share some good news about changing attitudes about crime. I have been writing about Three Strikes for almost a decade. In my first article, I predicted that we could eventually return to our senses. Among things that had to take place, I argued that a budget crisis would help to bring us to our senses. I am not sure that I cannot promise without qualifications that "hope is on the way," I think that those of us who are interested in decent and fair criminal sentences and parole policies have some reasons to be more optimistic today than we have been in decades.

Let me describe some of the factors that give me cause for hope: many of you know that we spend too much money simply to warehouse prisoners: that money goes primarily to bricks and mortar and to prison guards salaries. Punitive attitudes have led to reduced services for prisoners, like education and related services. The prison construction boom appears to be at an end. The budget crisis has forced politicians to look for solutions.

California's budget does not give cost cutters many options. Our budget requires

certain spending that is beyond the budget-cutting ax. The general fund is a relatively small percentage of the total budget. So where can politicians go to find savings? One of those areas is the prison system, roughly a \$6 billion dollar budget, and one that unlike other budgets receives little oversight. Prisons routinely exceed their budgets without consequences.

The challenge then becomes how we can convince politicians that they can reduce the prison budget and not endanger public safety. For a moment, remember when California was a trendsetter. In the area of prison reform, California is well behind the curve. I want to discuss briefly some positive developments that have taken place elsewhere.

Some of you may be aware that the United States Supreme Court had before it two Three Strikes cases during its 2002 term. In one of those cases, the 9th Circuit had found that the imposition of a Three Strikes sentence violated the United States constitutional protection against cruel and unusual punishment. The Supreme Court was closely divided with Justice Kennedy joining the justices who rejected the prisoners' claim. But shortly thereafter, at last year's ABA convention, he delivered a speech in which he gave a national call to action bringing attention to our prisons, both to conditions of confinement and to the use of mandatory minimum sentences. He bemoaned decades of misallocation of resources for prisons while we gut funding of our public schools. He also argued in favor of reinvigorating pardon and clemency processes.

The American Bar Association responded to his call by setting up what came to be known as the Kennedy Commission, whose representatives held hearings around the country. We were able to host a session at McGeorge Law School where various people interested in prison policy including recently appointed head of the CYAC, Rod Hickman, testified.

Justice Kennedy's speech can be found at abanet.org/media/kencomm/amkspeech03.html. You can find a link that the speech on U.N.I.O.N.'s Index page. In June, the Commission published its report. Many of its recommendations would lead to more sensible sensitive sentencing policies that

would focus more carefully on the individual circumstances of particular defendants. It also highlighted greater study and availability of alternatives to prison. Its recommendations are guided by two primary principles:

- (1) Lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community and who commit the most serious offenses.
- (2) Alternatives to incarceration should be provided when offenders pose minimal risk to the community and appear likely to benefit from rehabilitation efforts.

Its specific recommendations include a recommendation that we get rid of mandatory minimum sentence statutes and that we allow judges to consider each individual's specific circumstances when judges decide on prison sentences for defendants. Among other recommendations, the report recommends greater use of alternatives to prison sentences. It also recommends more sensitivity to racial disparity of our criminal sentencing policies.

Justice Kennedy immediately endorsed the commission's recommendations. The ABA's adoption of the commission's recommendations should go a long way towards putting sentencing and parole policy on the agenda in the near future.

Another reason that may give hope for relief is an unintended consequence of the recall of Governor Gray Davis and the election of Arnold Schwarzenegger. Davis counted on the support of California's most influential union, the California Corrections and Peace Officers Association. Its influence was so great that even faced with a severe budget shortfall, Davis agreed to a pay increase for members of the union. The new governor promised to "blow up boxes," and to go about the business of politics in a new way. Signals are mixed on whether he really will do so and whether he has the political courage to take on the CCPOA. He did appoint a commission to study reforming our prisons.

The governor appointed former governor Deukmejian to head the commission. To show how far the pendulum has swung back towards rationality, even though

Deukmejian was responsible for some of the legislation that has led to longer prison sentences with fewer opportunities for prisoners, his commission's report contains some good news.

Among its proposals is the endorsement of POPS. POPS, a program begun in the late 1980's in Louisiana, has been adopted in several states. It focuses on a number of things: students from law schools in states with these programs work up a report on older prisoners. The goal is to identify prisoners who represent a low risk of repeating criminal conduct upon their release from prison. In addition, POPS works to get better medical care for aging prisoners by lobbying to have special geriatric units created in prison where they can be segregated from younger, more violent prisoners who prey upon them. POPS also lobbies to have physicians and other health care personnel trained in taking care of older prisoners. We know about the crisis in health care in prisons generally but older prisoners present special problems because of the normal health care problems of aging, combined with how rapidly their health deteriorates when their conditions go untreated. My hope is that McGeorge will set up a POPS program if the legislature follows up on the recommendation of the Deukmejian report.

The report also recommends a number of other significant reforms, including shifting resources from warehousing offenders in prisons to more intensive parole supervision and community-based sanctions, including in-home detention and close monitoring and increased use of drug treatment, education, and rehabilitation for some offenders.

Some of these recommendations are also consistent with Little Hoover Commission report, *Back to the Community: Safe & Sound Parole Policies* (Nov. 2003) The Little Hoover Commission is considered a non-partisan group. It avoids taking political positions and tries to make practical recommendations for better government. Its report concluded that California's parole program is an extraordinarily expensive failure that, despite large expenditures, fails to adequately protect public safety. The report notes the lack of accountability within the system and notes the need for

proper evaluation of current programs. The report further observes that California's narrow focus on punishment has led the system to release inmates ill-prepared to assume productive and safe roles in the community, and has created a system too reliant on incarceration, the most costly alternative in a spectrum of possibilities for parole violators. The report offers specific, concrete suggestions on how to carry out its recommendations at all necessary levels: state correctional, local law enforcement, community-based programs, legislative support, and with the parolees themselves. Recurrent notions, such as cost-effective alternatives to incarceration for parole violators, the use of individual risk assessment to create programs tailored to individual parolees, as well as repeated evaluation of the system as a whole, run throughout its recommendations, aimed toward creating a more comprehensive and effective parole system), available at <http://www.lhc.ca.gov/lhcdir/172/report172.pdf>.

For many years, I have opposed Three Strikes especially two features of the law. One is the inclusion of residential burglary among the crimes that qualify for the first two strikes and more importantly because of the fact that any felony, even minor offenses like petty theft with a prior or person drug possession offenses may qualify to send someone away for twenty-five years to life. I have come to believe that we need to do a great deal more than reform three strikes before we can have a sane and humane sentencing scheme. In April, a colleague at McGeorge and I organized a two day discussion of reforming the entire sentencing scheme. We are currently drafting a report in which we make our specific recommendations.

In all of these reports and in more and more discussions about how we can reform prisons, saving money without increasing the risk to the public, the common thread is that we must look to alternatives to prison, especially for non-violent prisoners. You know that we can't continue to pile more prisoners into single cells, that we have to adopt better conditions in prisons, that we have to find real treatment for mentally ill patients.

I hope that you can see that there are people interested in sentencing reform and in finding alternatives to the constant march towards longer prison sentences, more prisons, and fewer and fewer opportunities for those in prison. I will close with one final thought: I was delighted when Cayenne Bird invited me to speak at this event and I have gotten to meet some of the people who have the real human stories. I want to encourage you to continue to hope for meaningful reform. For over twenty years, victims rights groups have made headlines and have become an organized and powerful force in California politics. But policy makers need to understand the human cost of the one-way policies that have led to a prison system that is bursting at its seams. You provide that voice with your individual stories and the stories of your loved ones. We need to hear

Michael Vitiello
Professor of Law
McGeorge School of Law

Visiting

I think everyone here is aware of the huge price paid by inmate families. We pay to visit by having to drive hundreds of miles, we pay to eat while we visit and, boy, do we pay! We pay hundreds of dollars for junk food costing half as much outside. We pay in loss of dignity by being treated like cattle and slime by the guards at the visits, too. We pay just to talk to our loved ones on the phone at outrageous rates-----at least double what others pay for collect calls-----. We pay, and pay, and pay!

But now when we want to send our loved ones some food or clothes to keep them healthy and warm, we must pay a vendor selected by the CDC who also charges us twice what we pay at our own stores. They choose the brands, the selection, and we pay to send out hard-earned money out of state and in the back pockets of the CDC. We pay, and pay, and continue to pay!

The other problem is the greed of the CDC. To force money to be sent into the inmates accounts that can only be used in the canteen via a mystery fund called

"Inmate Welfare", or through outside stores which have a conflict of interest because the ownership is associated with the CCPOA can only be called greed. Prices are already outrageous in the canteen and visiting rooms. Just increasing the number of items without competition is unfair to families struggling to make ends meet.

And now with more than half of what they send proposed to be "seized" for restitution, this program diminishes families' ability to help their loved ones.

Be mindful that increases in "restitution" to 55% by 2007 of what families send to their loved ones is already being seized in another money grab. If inmates only earn \$15 a month-if they're lucky-where does the money come from that is being seized? That's right! From inmate families! We pay and pay and pay!

To add insult to injury, the CDC proposes to charge inmates a 10 percent service charge to cover institution cost when inmates use their own funds to purchase packages and personal property necessary since the CDC does not supply many needed items. The CDC has forced this change and wants the inmates to bear an additional cost. This is outrageous and contemptible. In essence, the CDC wants inmates to pay an additional 10 percent to use their own money. But remember-whose money is this really? That's right! Yours, mine, all of ours! We send in the majority of money that inmates use to make these purchases and now not only will they take 55% for restitution, they will take another 10% as a service charge! This is outrageous. We must let the lawmakers and the public know about this scandalous money-grab paid for by the families of inmates.-----Families who are themselves victims of crime burdened with legal costs, carrying for grandchildren and children of inmates.-----

Those inmates without family members to send them packages or money are underfed and hungry. Does this unwise move really save money? No, it results in angry prisoners most of whom are already extremely ill from diseases they've caught while in prison. And it just costs families more money! Why are we always

targeted for money-grabs by the CDC?
We pay and pay and pay!

Please show up for the hearing on this outrageous restitution plan on September 16. It will be a hearing just like the one you've attended today. But if you don't show up-every time you send your loved one some money-the CDC will take 55% of it. That means if you send in \$20, your loved one will receive only \$9, which might buy one jar of coffee! One jar of coffee will cost YOU \$20! How much "restitution" is actually being collected strictly from the inmate's earnings? If they earn \$15 per month and they have \$10,000 due in restitution like my husband then it would take him 667 months or 55 years to pay off this debt. So who is really paying these restitution amounts-WE ARE! We will pay, and pay, and pay.

The extremely remote location of the prisons results in only a small percentage of inmates getting visits. The poverty level of many families further reduces ability to visit. Isolating the inmate further serves what purpose? Doesn't the "Correction" part of the Department of Corrections mean anything? Don't you want inmates to come back into society with some ability to adjust?

To make matters worse, the CDC has implemented new visiting rules that make many inmates unable to visit with their minor children. These restrictions can be imposed by just having been accused of certain crimes. That's right! You do not even have to be convicted to be barred from visiting with your own children. The decision to impose this visiting restriction is being implemented as a "blanket" rule in all 33 prisons and without looking at the particular circumstances of individuals. The memo put out by the assistant director of the CDC last summer instructed staff to ban the visits-period. The CDC, in turn, has instructed family members and inmates to appeal the decision but the appeals are then denied without explanation and without adhering to any time deadlines set by the Title 15.

Not to mention that the new rules require a juvenile court order even if the juvenile court does not have jurisdiction over that child. The juvenile court won't hear cases

over which they don't have jurisdiction--leaving the inmate with no recourse even if they have obtained an order in the Family Law court. Has anyone in the CDC realized the impact of these new rules on the children of these inmates? Many, many of these children have been visiting their mothers and fathers for years-no problems-and now they are being told they cannot see their moms and dads at all anymore.

IN *PENAL CODE* §6350, THE LEGISLATURE PROVIDED THAT THE CDC IS TO MAKE ALL REASONABLE EFFORTS TO PROMOTE VISITS TO PRISONERS SO AS TO MAINTAIN AN INMATE'S FAMILY AND COMMUNITY RELATIONSHIPS.

By applying a blanket policy to all inmates with certain offenses, the CDC has not made all reasonable effort to maintain the familial relationships between prisoners and their children. Each prisoner's situation should be evaluated on a case-by-case basis to determine whether a danger to the minor exists.

Let's not forget that a law canceling all visits was passed in 1996 - not just family visits but all visits and at any time they could invoke that outrageous restriction to all of us. You heard correctly-at any time, the CDC could elect to cancel all of our visits all together! Most people don't realize this fact-but it's true.

We already endure unspeakable conditions just to visit. We are strip searched at random and asked to reveal parts of our body in ways our doctors don't even ask us to do. We are denied bathroom use and forced to sleep in our cars in freezing weather only to be treated like the scum of the earth by the guards with little more than a GED education. We are herded, prodded, and corralled like cattle. We are insulted, lied to, and cheated. We stand in lines in the blazing sun and sleeting rain. We are chastised like children and punished by having our visits terminated. We are turned away from visits after driving hundred of miles so guards can have a lazy day at the expense of the state. The list of insults to visitors and the intolerable conditions they

must endure just to visit just goes on and on and on.

Let's not forget that no matter which prison we visit at, we are limited to shorter visits because counts are done in the middle of visiting hours, and because even though visiting is supposed to begin at 8:30, the guards don't start processing visitors until 8:30 which means we don't see our loved ones until they lazily decide to go get them from the gate. While we are supposed to be able to visit for 6 and ½ hours, we are lucky to visit for 5-that's if our visit isn't terminated early due to overcrowding.

So if we let them get away with this arbitrary and hurtful restriction to children's visiting-there is no end to the restrictions they will place on all of us! Somehow, we let family visiting slip out of our hands-we must not let them take away any more visiting privileges. Not one more! If we let them get away with this-they will keep taking and taking and taking!

It is time for us all to speak up! We must speak up loud and clear! We have to let everyone know we will not be taken advantage of any longer. They might hear us right today, but they will only pay attention when we organize and join together. They will have to pay attention when we file lawsuits and when we alert the press to their corruption. When we can finally put aside our differences and join together in solidarity and demand change. Make no mistake-we will keep paying, and paying, and paying-even with the deaths of our loved ones-until we say no more and take action. Start today. Make a commitment to make your voice heard.

Sarah Chappell is a therapist and Ph.D. candidate who works with foster children, addicts, and parolees

We don't agonize, We organize and mobilize

I have been a California Journalist and Publisher for 36 years, and have a statewide television show on most of the cable Channels called "Cayenne Common Sense."

What the UNION is actually is a newsletter, a communications system that ties everyone up and does calls to action that make a difference. We don't just pass email back and forth on the internet, we finance campaigns when we can such as this rally today. There are many advocates of smaller groups in the UNION but almost everyone is related to an inmate in prison, jail or juvenile hall.

I am a grandmother of four and a mother to a son incarcerated in CSP Lancaster, which is located exactly 416 miles from where I live, a transfer which was an act of retaliation and to keep me out of the prisons.

But that is an impossible thing to do, keep me out of the prisons, because all of us are tied together in the UNION communication network with a daily newsletter that tells you when, where, how to fight back for yourself and others. We are behind the walls and do not operate from a position of fear. They can't torture us all, although my family and especially my son has endured more than our fair share of torture for standing up to CCPOA/CDC and beastly wardens such as Michael Knowles.

It is the people of the UNION who report what is happening behind the walls to the legislators and 47 journalists who get the newsletter every day in spite of an unlawful ban to keep the media out that violates the first amendment. We have defied this media

ban since 1998 on a daily basis and cooperate fully with the media.

Our purpose here is to let the legislators know that we demand the immediate release of non violent inmates due to inhumane conditions caused by overcrowding. We are angry as hell at the cruel and unusual punishment inflicted on us through neglect and torture of our loved ones in prisons and jails. We want the legislators to GET SMART ON CRIME.

Our purpose is to alert you, the taxpayers related to inmates, that these conditions exist and are being financed with your money.

We are also here to teach others about our battle plan for real action We hope to garner enough support for a massive class action lawsuit for all the unlawful rules changes, especially those around visits. A few thousand people can get together and easily file lawsuits for about \$20 each. That's seems to be the only language that legislators and CDC understand.

What we have in our movement is 500 tiny, fractured groups and too few people doing all the work and paying for everything. This inaction by the 3 million people connected to inmates is the only reason in the world we have all these problems. In a democracy rules government, the largest, most funded groups of voters put their candidates into office. That's what we fail to do, even though we outnumber everyone.

So we are stuck with law enforcement's lawmakers, the ones they put into office and buy off to vote for their special interests.

But we do not need to have the victim mentality. We can fight back because as a voting group, we outnumber everybody who oppresses us.

We are asking for 2600 intelligent people to get together and help us pay a law firm

with the ability to win class action lawsuits instead of busting the law practice of a small pro bono lawyer who cannot handle it. Would groups like AARP depend only on charity legal and advocacy work? No! Nor should we!

We are collecting no money now, but if you will get involved and help make this lawsuit possible please sign up at the table over there with -----

Besides the trouble with visits, we need to demand help for inmates who are suffering and dying at the hands of our lawmakers. Inmates and their families, foster children who will be tomorrow's prisoners, have no place to go for help, even in life and death emergencies. Nobody hears our screams. If they do, legislators seem powerless to do anything about it. That's how terrible conditions are at every level of this prison state.

Here we are paying out billions on juvenile halls, jails, and prisons and they are operating completely out of control of the taxpayers who fund them.

Inhumanity is conducted as business as usual. We see headlines about all the changes but a simple doctor's visit takes months.

The attitude here at the Capitol is that the wardens and guards are the good guys and everyone connected to an inmate is a liar.

The media has been much better this year. They should not stand by and allow themselves to be banned from prisoner access

This is how these terrible crimes against humanity are committed in taxpayer financed institutions and are allowed to exist while flying under the radar of public knowledge.

The end result is that voter financed institutions are doing more to create crime than to prevent it. People are returning to their communities

much sicker than before their incarceration. Few up here under the big top care. "They are only inmates" most, legislators say.

Inmate abuse and death rarely even make the news.

I went before the Senate Rules committee last summer and many times in the past years and testified against Wardens who were being confirmed. There was no one else representing inmates there except for me.

I was treated with derision for voicing but a few of the complaints from inmate families. The senators didn't want me there. They not only don't care about what is happening to inmates, they don't even want to hear about it.

Anyone who complains is a liar. The truth is offensive to them, confronting the evil of this prison system is too much of a stretch for those born with a silver spoon in their mouths. Why do we put them into rule over us?

The UNION is here today because we want to change the unbearable callousness and incompetence of our legislators and the court system. The only reason in the world things are this bad is because there is no official prison reform group with enough voters and funds to rail loudly enough against these inhumane practices.

Yes, there is a social justice movement that has been going on for 20 years. God bless every activist who has gone broke trying to organize the families of prisoners. So many don't understand that they outnumber all these other oppressive groups and their pain is coming from nothing but better organized voting lobbies than prisoner families, and those groups use the government to do their bidding to promote the prison slave industry.

The prisoners are the pawns in all these ugly little games and the California

human bondage industry then becomes the largest growth industry in the United States. Human bondage is our main state product. "What can I do about it?", you ask with your pockets empty and your heart broken.

Well, here's the plan: Excessive sentences, wrongful arrests and conviction, prosecutors who distort or withhold evidence and have no consequences to them for doing so, psychological intimidation and torture to "break" inmates, visiting restrictions which which punishes children, increases in family restitution to half of what you send to your loved one, forced vendor packages, continuing medical neglect and unsanitary conditions which cause disease.....we have THOUSANDS of reasons to sue.

But we cannot do that unless thousands of people contribute to make this possible. Depending on volunteers to do this fierce fighting never works out. It is crippling to take the attitude that some lawyer, judge or legislator or group without funds is going to rescue you.

That is never going to happen. We must organize and rescue ourselves by sharing the load across many shoulders.

There is only 160 days to gather almost a million signatures in an initiative campaign which is the way you change laws, so you don't begin until the funds and volunteers are together.

Everyone must be committed, trained and ready to go. Other groups do this everyday. You can do it too.

That is what we are doing now, putting together supporters. If everyone here teaches this formula to TEN PEOPLE and signs them up in the UNION and they then continue the process and SIGN UP ANOTHER TEN EACH, we could grow in leaps and bounds.

Our commitment as U.N.I.O.N. members is to:

1. Write one ten sentence letter to the editor of a local newspaper every week about a current prisoner news topic. This provides the public with education.

2. Show up to important hearings and protests when called or send someone to stand in your place.

3. Legislators seldom read email or mail or respond to it. They do respond to seeing their names in the newspapers and they note how many people come to a protest. If you are silent, they assume that you are happy with current laws and bills. So silence is the worst possible position to take.

4. We invest time in finding and educating others who will then also write letters to editors and show up for protests.

The formula for success goes like this..... 6500 X 200 each totals 1.3 million, that's enough to finance each campaign.

Both money and people are necessary to do the right actions and at the right time.....IN UNISON ..so our voices are heard loudly by the lawmakers.

6500 X 200 signatures on each FORMAL initiative passed through the Secretary of State can change ANY law or vote out any bad politician. That totals 1.3 million people which is enough to qualify anything for the ballot in our state.

So 6500 people willing to work a little, about 2 hours per week, can build the voting group required to change any law.

Think United Farm Workers or any other labor union, that is what is needed.

. . Please see our table during and after these events to subscribe to the U.N.I.O.N. daily newsletter for less than 8 cents a day (\$30 a year so we may continue to bring education and active pressure on our lawmakers together by doing campaigns.

Everyone in the UNION, including me is an unpaid volunteer. But campaigns cost money, unlike just passing email back and

forth to one other which is what most of these groups do.

There is a huge difference in taking action and holding the legislators accountable by filing lawsuits and just passing email.

I would like for us all to walk the halls of the legislature today so that you can see the system at work. Our legislative sponsor is Assemblymember Jackie Goldberg the Democrat from Los Angeles that has an excellent voting record on our bills.

Let's not agonize.....let's organize ...and sue.

B. Cayenne Bird, rightor1@aol.com .

In Support of a Moratorium on the Death Penalty in California

My friends, I join you here today to make a great noise. I join you here today to speak for those who have no voice in our society, for those who are paying their debt to society and are incarcerated throughout this state, in places as far flung as Pelican Bay and El Centro-the 162,685 men and women who languish within the control of the California Department of Corrections' barbaric system of criminal injustice. We come together here today to confront our government here in this sacred place where our laws are made, where our human and democratic rights are protected. We raise our voices to demand that our legislators listen, to demand that our Governor listen. We demand that they do something about this six billion dollar beast called the CDC whose voracious appetite for our tax dollars remains unaccountable to anyone. We demand that they listen to our voices on behalf of the silenced victims of this system who are needlessly suffering and dying every day because of outrageous corruption, inhumane overcrowding, unacceptable brutality, and grossly negligent health care. We demand that our legislators and governor address the systemic failure of this barbaric system to

even come close to approaching treatment of the prisoners in their charge that bespeaks a civilized democratic society.

But I also come here today to urge you to protest the crown Jewel of the State's system of Criminal injustice- that place called Condemned Row at San Quentin on the shores of beautiful San Francisco Bay. I invite you today to join with me in calling on our Legislators and Governor to put a moratorium in place in this state- to stop the machine of death in our state long enough to investigate this system which imposes the most drastic of punishments any civilized state can demand. We demand that if the state is to be given the power to take a human life that such a system function at the absolute highest levels of integrity and fairness. We need a time out to the pleas of sane, rational and fair-minded people, but especially people who staff our courts, - lawyers, judges and even members of our supreme judiciary throughout our country who are calling for a time out on executions-for a moratorium to carefully and rationally study whether what we do in the name of justice meets our highest standards of justice.

I don't know if you are aware of this but in June the criminal justice system of this country released a man by the name of Ryan Matthews, from his death Row cell in Louisiana. He was freed after persistent and dogged attempts by his legal counsel finally forced the state to provide definitive DNA proof which exonerated him from his sentence of guilt. He was number 115 since capital punishment was resumed in this country in 1977. He will not be the last. Given the numbers, we should expect that about 1% of all people on death rows around this country will be found innocent. Of the more than 6000, who have already been executed there were surely more who should have been freed rather than killed. In this state, this means that there are at least 6 men or women on Death Row who are innocent of the crimes for which they have been convicted who are sitting awaiting death right now. And that does not include those who have been sentenced to death who are mentally ill, developmentally disabled and simply incompetent by any normal moral standard of responsibility. That doesn't

include those who are on the Row because of incompetent counsel which is most of them, or jury improprieties, prosecutorial and police misconduct, malfeasance or judiciary prejudice. There are no people who are not poor on the Row. There are no people who had top flight counsel on the Row. The Row is a place predominated by poor men and women of color or who happened to be in the wrong place at the wrong time.

They have been convicted by a system which the California Prosecutors Association has told us repeatedly is free from the problems which plague other states. We are told that our system functions at the highest levels of professional expertise, concern for justice and judicial scrupliosity which predominate in our D.A.'s offices, our courts and our appellate system We are assured that these men a women of highest moral and legal integrity are more than enough of a surety that our capital punishment system in this state is above reproach.

I am here to tell you what I assume you already know--the emperor has no clothes. Our system of criminal justice as a whole and in particular as it pertains to the death penalty- that ultimate weapon of the state is mired in bureaucratic inefficiency, corruption, racism and judicial malfeasance at every level. We have developed a system which has replaced concern for guilt or innocence with procedural correctness. Those who believe that our system of appellate procedure closes the gap of integrity on capital punishment have never watched as our courts has asserted that evidence is inadmissible or that, because the process was carried out according to the rules. According to a recent study carried out by the University of Santa Clara Law School, California had over 80 serious defects in its system of capital criminal procedure and systematic function. Many of these are the very same issues that cause Governor Ryan of Illinois to call a moratorium on executions in that state.

In this time when our state is mired in a budgetary mess that forces us to watch as serious problems facing our state are not dealt with because we have no money, we continue to spend more than 90 million dollars a year to keep the death penalty in

place. Money we desperately need to make our state a better place. Who could we feed or house with that money? Who could we educate or make healthier with that money? What could we do with that money that would make it less likely that even one more person will be warehoused in our society's most shameful penal system.

Brothers and sisters, every human being is a precious human being-Every person is a beloved precious child of God. There is no one who hasn't made mistakes and no one that ought not to say of those in prison, or even on death row, There but for the grace of God go I. I stand here with you this day to demand that we address this system that perverts, distorts and destroys that human life and which treats that human life as useless trash to be stashed in the back forty of our state to rot. Every man and woman in our prisons deserves the rights and dignity due to us all as human beings made in the image of God. We demand a moratorium on the machine of death in this state. We demand that this crown jewel of this corrupt system be examined and found to be the worthless counterfeit glass we know it to be. Stop the machine of death and see that the machine indeed cannot be fixed. In the name of everything holy and right I challenge this government of ours to live up to its oaths to protect and defend all people in this state. We need a moratorium NOW. Thank you.

Fr. Bruce R. Bramlett

DNA Tests Often Denied to the Poor

Thank you for allowing this Mother of a Death Row Inmate, Keith Doolin, speak openly about the money, (\$) that general population defendants and their families do not have to save the innocent by DNA.

In vision this: The Prosecutor strutting across the courtroom with his index

pointing to the Defendant, Keith Doolin, with a loud boisterous voice proclaiming, "Make no doubt about it, Mr. Doolin is the killer". Continuing, Prosecutor Dennis Cooper again pointed his finger at Mr. Doolin's face saying, "This DNA, I submit to you, it does point the finger at the defendant. (RT 4387)

The DNA have never been done! How was it that Dennis Cooper, a servant of the states prosecution could lie to the jury who brought back a guilty verdict, and the sentence of Death?

There had never been a granted DNA test on the defendants side, in this case, before or during trial, except the District Attorney's office decided to take a selective piece of evidence in the middle of trial and send it to their own Department of Justice (DOJ) lab; which the results concluded "Negative" for Keith be to a contributor to the evidence of the DNA. Yet the judge would not let the defense side do any DNA testing to the excuse of money. Judge Quaschnick stated it would delay the trial and he and the prosecutor, Dennis Cooper, had their plane tickets to Hawaii to vacation together with their girlfriends. (FOX TV, local Channel 26 wrote a \$5,000 check for the DNA to be done, yet, the motion was denied) [CRT, appellate file]

At the same time of these court rulings the defendant, Keith Doolin, did not know that his own attorney would only spend a total of \$5,000 on his whole case including the penalty phase; a set deal with the Judge. A Death Penalty case cost the defense side alone \$500,000 to \$1,000,000, where the DA's side will spend as much as \$2-3 million, just to get a Death sentence, particularly during an election year to show "tough on crime".

Defendants and their family members who know nothing about criminal proceedings, have no idea of the corruption and deals done in hallways and judges chambers. Many times as in this case, the lack of hundreds of thousands of dollars not owned by the defendant nor his family members, sets the case as indigent, thus giving the District Attorney a run away course of lies, false evidence, false witnesses, and Judges who allow the prosecutor to run the courtroom including swooning the jury.

Fundamental fairness entitles indigent defendants to an adequate opportunity to present their claims fairly within the adversary system." (*Ake v. Oklahoma* (1985) 470 U.S. 68, 77.) Keith has always, even to this day, maintained his innocence of these crimes though he now sits on Death Row.

The request for DNA testing at trial and the Post-conviction motion under Penal Code section 1405, is asking for no more than an opportunity to subject certain evidence to testing. In Keith's case, the prosecution put DNA evidence before the jury, argued that it pointed the finger at the defendant, Keith, that he had sex with the victim, which is believed played a significant role in his conviction. When the DNA motion was argued before Judge Quaschnick, the trial Judge, the governments attorney, Dennis Cooper, stated that the evidence is not material and has nothing to do with the case. What does that mean?, you can't argue that both ways! "If in fact it turns out to not be the defendants, then under the prosecution's own theory of the case, he can't be the killer". (R.T. 5082)

When The California Legislature decided that post-conviction DNA testing was necessary to prevent the death or imprisonment of innocent persons, then to deny this motion would be to deprive Keith of his only meaningful opportunity to prove that his conviction and sentence was erroneous and unlawful. Yet all DNA testing, including the post-conviction motions have been denied. (What are "they" hiding?)

Former FBI Director, now Judge William S. Sessions argues that prosecutors have a professional duty and moral responsibility to seek the truth. Judge Sessions also states too many prosecutors vigorously oppose DNA testing, and implies that the prosecutors work hard to keep DNA testing out of pretrial, trial, and post-conviction testing. J. Sessions does not understand why prosecutors oppose a defendants access to DNA evidence for testing in cases where the results could make a difference. "Prosecutors have nothing to lose--unless they put their pride before their professionalism--in allowing post-conviction DNA request to go forward. If the DNA test proves the defendant is guilty, than all doubts will be

resolved. If it exonerates the defendant, then there is an opportunity to correct a tragic mistake and begin the search for the real criminal." [The Washington Post, Sept. 21, 2003.]

Think of the money the state would save by allowing the DNA to be done in an early, yet timely manner? What about the emotions, stress, financial lost to family and friends, job loses, time and energy expended, man hours of the state to prepare the person to be an inmate, etc.

A procedural due process violation is established when a person is deprived of life, liberty, or property interest without adequate procedural protection. (*Matthews v. Eldridge* (1976) 424 U.S. 319; *Foss v. National Marine Fisheries Service, Inc.* (9th Cir. (1998) 161 F.3d 584,588.) Here, Keith's life and liberty are at stake. Under our own DNA Laws, Statues, and Penal Codes, fundamental fairness requires that the Court Grant this Capital Defendant access to evidence to conduct test that might prevent the state-sponsored execution of an innocent man. As execution of an innocent man violates the Due Process Clause of the Fourteenth Amendment to the *Untied States Constitution* (*Herrera v. Collins* (1993) 506 U.S. 390; *Carriger v. Stewart* (9th Cir. 1997) 132 F.3d 463)

Checking our own California Assembly and Senate Legislation, this year alone there are 15 bills before the Assembly, and 5 bills before the Senate. In 1993 the Legislation was trying to figure out what this DNA was about and started writing Bills regarding this new technology with new born babies and post-parium mothers, to identify them as Mother and Child. Each year thereafter, more Bills started surfacing as the pocket liners from corporations were needing money to continue their research, which at that time we see the Bills erupting from the judicial to the prison system.

We must remember at this point of Legislation notice, there erupted a law that all Death Row Inmates, Sex Offenders, and other Felony Inmates must participate in having their DNA taken by oral swabs, drawn blood, and fingernail clippings or they would be held down to take the specimens, then go to the SHU (hole). An Injunction ensued, and the

collection stopped only after all the inmates had contributed their DNA. Today, in Fresno County, if you are stopped or arrested for anything, DNA is taken, usually under the pretense that you have been drinking, and they need the Alcohol blood level. They now have the source for DNA to be done.

In 1995, along came the O.J. Simpson case and DNA was on the map for the courts/Judges, prosecutors, and defense attorneys to learn and understand, which to this day many of these public servants to not understand, however, those who do understand the results of DNA and the progression of the testing to be done have successfully used it to exonerate 137 men and women from Death Row across the US, and many more lifers, numbers unknown.

DNA is the name, MONEY is the game! As one reads through the legislative bills regarding DNA, you soon get the message that the work of the Prosecutors and Judges are well and working to word the recommendation to make it harder for an innocent person to be freed from arrest through sentencing along with prison terms. Every angle has been looked at, as DA's, Judges, and Courts do not and sometimes will not admit a wrong, but would rather have one killed by the state in the name of the People of California, you and me, than to set the innocent free.

To add to the false results of DNA, contaminated laboratories, untrained lab personnel, we now must concern ourselves with the new device of RFID: radio-frequency identification chips. The chips are made by VeriChip, a subsidiary of Applied Digital Solutions of Delray Beach, Fla. The rice size micro chips are implanted into the upper arm by a syringe-like device, then activated by a scanning signal that can be linked to the person's identity, other pertinent information, like security clearance. This device makes is easy for the government to track the person with the implant. Something like GPS (global positioning satellite) which all GMC vehicles and many other vehicles have, and stores driving information along with audio (voice) information for five years. I suppose they implant the RFID at birth?

If State Attorneys, Judges and Courts are not going to follow the law, then we must work harder for the right of the law.

*Calling for a moratorium of the Death Penalty, *watch the bills that are effecting all of us and our loved ones,*make a statement by contacting your representatives not once, twice, but many times. The biggest thing that must happen is to *educate the general public, as many of them have NO IDEA what is really going on, as they live day by day in their own world, thinking "that problem" belongs to someone else, guess what,? it is their problem; any amount of money spent on unlawful doings effects/affects each of those who don't care as it effects those of us who do care.

Thank you again, PEACE

Donna L. Doolin-Larsen
Fresno, Ca 93722

George Washington Descendent doesn't Approve of Prison Slavery

As an African American who has traced my ancestors back to Cousin George Washington, I have to voice my distaste for our Prison System.

It is especially poignant to me because my thirty four year old son has been sentenced to a prison term of thirty-three plus years. I have a few comments about the District Attorney, and Judge that sentenced him, but his case is on appeal, and I am not going into it now.

My name is Anita Wills, a mother, writer, lecturer, and Historian.

I am the author of a book titled, Notes And Documents of Free Persons of Color. In the book I use genealogy, and DNA to document my maternal family's history, here in America, and in Wales. The book spans four hundred years in America, and

tells about those who had extraordinary achievements.

The book begins in 1950's Pennsylvania, where my father, George Baxter Senior, is being investigated by the FBI. My father was a linguist, even though he worked in the Steel Mills, and one of the languages he spoke was Russian. That put him under the scrutiny of the FBI, who was suspicious of An African American who spoke Russian.

The book travels back in time, and documents the achievements of my ancestors, who were slaves, and free blacks in Virginia and Maryland.

That is why in the late 1600's Virginia began codifying the church laws, and adding edicts from England. These laws are still a part of Henning's Statutes At Large, and are housed in the Library of Virginia. Although many of the laws are not practiced, they are understood. I sat in a courthouse and listened as a judge sentenced my son to sixty-six years in prison, and look at him like he was a piece of meat. He will be eligible for parole in thirty three years, when he is sixty seven. If the Courts have their way, I will never touch my son again, or see him walk free. If the courts have their way, I, like my ancestors will watch my son toil as a slave under an antiquated system.

This situation reminds me of one of my ancestors who was taken to court at the age of seven, and sentenced to serve George Washington's father for thirty years. Her name was Mary Bowden, and she would be the first of three Generations to serve the Washington family. She was sentenced under the laws of Colonial Virginia, which were made by, and for the benefit of white males. What was her crime? She was mulatto, we are not certain who her mother was, but there is speculation that her father was Augustine Washington Senior, the father of George Washington. The only way we will ever prove that is if we do DNA tests.

Just as today, in Colonial Virginia, the laws made no sense, because they avoided penalties for crimes wealthy whites were likely to commit. They were aimed at

persons who were poor, and disenfranchised. The harshest laws were saved for African Slaves, who were by design at the bottom of the rung.

If I believed that my son deserved that sentence, or the treatment he is receiving at Susanville, I would not be here. However, as a descendant of slaves, I am concerned about how this system is exploiting prisoners. For each prisoner that is working for nine cents an hour (less than workers in Bangladesh), another person is unemployed. When Corporations benefit from our sons and daughters going to prison, it means that laws are going to be passed to keep these prisons operating. America is the only Industrialized Country that sales Stock in its prisons.

This is exactly why the north and south fought the Civil War, to end slavery. Yet, the media will use the issue of prisons as if they are rehabilitating those who are incarcerated. Most of those who are imprisoned will be getting out, some for good behavior, and others will max out. They will be going back to the same neighborhoods they left, and what will they take back there? If someone is being exploited, and they have a mind to, they will learn to exploit others.

An inmate got a letter to us, and told us to check on Kerry (my son), because they had taken him away. We received the letter this past Monday, and spent two days chasing him down. Kerry had a breakdown, and was in a psyche ward for two weeks, yet no one bothered to tell us. His counselor, some man named Mr. White, slammed the phone down on Kerry's girlfriend when she asked where Kerry was. I didn't know what had happened to my son for two week and still haven't been able to talk to him. You see they have been caught physically abusing the prisoners, and that won't wash anymore with the public. Now, they use psychological abuse, like isolating the prisoners, and keeping them caged like animals.

No mother should ever have to endure this worry. My son could have been dead and buried, and I would not have known about it.

In Virginia the, home where George Washington was born, is a National Monument. The birth site, and home of George Washington, is a working plantation. I believe the prisoners from Virginia's State Prisons are now working it. The land is basically the same as it was when my ancestors served indentures there. I believe at least one of Washington's slaves is the father of my ancestor, Patty Bowden. He is buried in an area that is no more than a ditch, on the outskirts of the Washington Plantation.

How sad that after all of the struggles my family and many more have endured, after all the glory and achievements, this society is still at square one. America is getting away from the Democratic Principles that we are supposed to have extended to all of our citizens. My son is a Carpenter, and was a taxpayer; he was raising his sons, prior to his imprisonment. The prison system now sees him as a Carpenter, who could possibly build the handcrafted office furniture, they sale to fortune 500 Corporations. The prison industrial complex is looking for a few good men. As long as they are young, with strong backs; black, white, brown, they are now equal opportunity exploiters. Don't worry, if crime goes down, they will tighten laws to make sure that the Jails are kept full. In the PIC, the whites can be used as over seers for the blacks and browns. But every inmate who is put out to work like livestock for 9 cents to 45 cents an hour is a slave, no matter what their race.

The jobs they do are dangerous, hard labor. They are not educational. What is educational about cleaning up horse and cow manure or the garbage dumps?

It is not about victims, and criminals, it is about a system that is broken, and needs fixing. It cannot be fixed by enslaving some people, so that others can benefit from their crimes. Slavery was wrong then, and it is wrong now. Are we going to revisit this in a hundred years, when the descendants of prisoners are suing the State of California, for reparations? That is where we are headed.

We need to end slavery and profit from the labor of human beings then we can focus on better solutions to crime such as

education, prevention and accountability of government officials, especially DA's and Lawyers.

Anita Wills is a Historian, Writer, Lecturer, and Genealogical Researcher. Her book, Notes and Documents of Free Persons of Color is available at, <http://www.cafepress.com>.



<http://www.thereporter.com/Stories/0,1413,295~30195~2332655,00.html>



Rev. Andre Shumake (center) addresses a crowd during an inmate rights rally at the state Capitol while surrounded by family members. (Tod Rasmussen/The Reporter)

Seeking prison reform

Families rally to decry system's failures

By Kimberly K. Fu/Staff Writer

Friday, August 13, 2004 - The family of Anthony Shumake, 41, is still reeling over the California State Prison, Solano inmate's death on June 28.

And though more than a month has passed since he died, they said answers - and the aid of prison officials - continue to elude them.

On Thursday, the Richmond man's three sisters, grandmother and uncle - the Rev. Andre Shumake - gathered at the state Capitol with dozens of other inmate families to decry the problems plaguing the prison system.

Among the cache of speakers were professor Michael Vitiello of McGeorge School of Law, who expounded on alternative sentencing and the failure of the Three Strikes Law, and Robert Driscoll of the Los Angeles Catholic Archdiocese Detention Ministries, who condemned what he saw as a failed parole system.

Rev. Shumake shared his family's personal pain and rallied for more community involvement in stopping what he described as "state murder by medical neglect."

Anthony Shumake apparently suffered from a dental infection that caused his neck to swell and prevented him from eating for six days, his sisters said. Instead of transporting the inmate to the nearest medical facility - VacaValley Hospital, about a 10-minute drive from the prison - he was transported to Doctors Hospital of Manteca, about a 2 1/2-hour drive. He subsequently died.

What especially angered the reverend was that the inmate's sister, 29-year-old Toya Shumake, was notified of the death via voice mail.

"To add insult to injury, later that afternoon, Anthony's grandmother, Annie Shumake, received a telegram stuck inside her screen door," he said. "It indicated that, not only had her grandson, Anthony Shumake, died, but she had 48 hours to claim his body or the state of California would cremate him."

The method of notification, and continued treatment of the family, lacks respect, dignity and sense of humanity, he said. Other inmate families, he added, were no doubt treated the same way. But all could change that if they banded together.

"In spite of my family's personal pain and suffering, and the suffering of other families... I still have hope. If the (California Department of Corrections) is to be transformed, we the people of the great state of California must move forward with the expectation that we can make a difference," he said. "We must all have hope. ...When men and women of good will come together, the impossible becomes possible."

"Brothers and sisters, this is no time for apathy and complacency. This is a time for vigorous and positive action. We must have a restoration mentality."

Anthony Shumake's sisters said they're concerned for all inmate families, but their focus remains on what happened to the older brother they described as loving, mild-mannered and full of heart.

"We lost our mother seven months before he had passed. He said, don't worry, when I get out, I'll take care of you," remembered LaShun Shumake, 38. "Then we had to plan his funeral."

Kimberly K. Fu can be reached at cops@thereporter.com

Autopsy won't end questions

Inmate dies in a Manteca hospital days after having a wisdom tooth removed at CSP-Solano.

By Brian Hamlin/Senior Staff Writer

Roughly two months ago, California State Prison inmate Anthony Shumake underwent what is normally considered a routine dental procedure - the removal of a wisdom tooth - at the Vacaville prison.

Six days after the June 22 extraction, following complaints of severe neck swelling, inability to swallow and a roundabout ambulance trip from Vacaville to Manteca, Shumake was dead.

The San Joaquin County Coroner's Office, which released its autopsy findings this week, ruled the death "accidental, complication of therapy" involving hypoxic cardiac arrhythmia (irregular heartbeat due to lack of oxygen) and an apparently undiagnosed abscess that caused throat swelling and difficulty breathing.

According to the coroner's report, Shumake, 41, was taken by ambulance from the Vacaville prison at 3:45 p.m. on June 28 en route for treatment at Doctor's

Hospital in Manteca. He arrived at 6:20 p.m. and was given anti-inflammatory and antibiotic drugs.

At 8:57 p.m., the coroner's report stated, "The decedent was in respiratory arrest. The decedent was sitting upright on the bed and had a panicked look on his face and had his hands to his throat indicating he was having difficulty breathing."

Despite medical efforts to stabilize Shumake, including cardio-

pulmonary resuscitation, he was pronounced dead at 9:45 p.m. the same day.

What remains unclear is why Shumake's condition was allowed to worsen for several days prior to his being taken for outside medical care, and why that medical care was sought in Manteca - roughly a 2 1/2-hour drive from Vacaville - instead of in the emergency room at nearby Vaca Valley Hospital, which is about 10 minutes from the Peabody Road prison.

The Department of Corrections reportedly has launched an internal investigation into the circumstances leading up to Shumake's death, but has released no conclusions.

B. Cayenne Bird, founder of the prison reform organization UNION (United for No Injustice, Oppression or Neglect), charged that Shumake's case is typical of prison medical care in California.

"He obviously suffered. He knew he was sick. He had no place to go," Bird said. "The inmate's life has zero value."

The UNION organization recently sponsored a rally at the state Capitol during which Shumake's uncle, the Rev. Andre Shumake of Richmond, demanded answers.

"As a family, we are crying out for help. We would like to know why the policies and procedures of the CDC are being violated. We are concerned that inmates do not receive proper medical treatment and, in many cases, are actually denied medical treatment," the Rev. Shumake said. "We want to know if CDC guards

are trained to recognize serious ailments or behavioral changes that indicate illness. We want to know if the doctors and medical personnel are competent, and, most of all, if they are truly concerned about the inmates' medical needs."

Both state Sen. Jackie Speier, D-Hillsborough, and Assemblywoman Loni Hancock, D-Berkeley, also have contacted the Department of Corrections about the Shumake death.

Brian Hamlin can be reached at courts@thereporter.com.

Letters to the Editor: Governor needs new view of prisons

As with any medical emergency, there exists a "golden hour" of time for treating a patient for an optimum outcome. A compromised airway should have been a life-and-death concern to the doctor at California State Prison at Solano County when he decided to call an ambulance. Who decided that Anthony Shumake could wait two hours for treatment by transporting him 76 miles to Manteca, as opposed to a 10-minute drive to VacaValley Hospital?

This is clearly an opportune time to pass the buck, but don't pass it to Gov. Arnold Schwarzenegger, because it is certainly no sweat off his back if the buck stops elsewhere. Perhaps another major lawsuit for medical neglect may impact his current position of viewing an entire prison facility and posing for television cameras from a guard tower, to viewing the entire prison system from a whole different level. It is time for the governor to step down from his tower and see the prisoners' view from the same level as Anthony Shumake did. Just ask his family if Gov. Schwarzenegger had a clear view of existing conditions beyond his aerial press opportunity.

Got a toothache, governor? No problem. The state can pull it for you. The state Department of Corrections is certainly

more effective, accountable and efficient under your watch. Just say "ah," and wait a few days for a followup to see how you are doing. Never mind that you cannot swallow anything in the following six days while you wait. That's probably to be expected if you are locked up, or maybe on lock-down while in prison.

The governor has handed total control of our prisons to CDC, which has clearly demonstrated that they do not rehabilitate, they just incarcerate. "Corrections" is an oxymoron when used to describe a broken system.

Tamra Smith, Eureka

Deadly neglect in prisons must stop

The story about the rally sponsored by United for No Injustice, Oppression or Neglect with the accompanying photo of a bereaved Reverend Shumake and his family shows the underbelly of an out-of-control prison system ("Seeking prison reform: Families rally to decry system's failures," The Reporter, Aug. 13).

The death of his nephew, California State Prison at Solano inmate Anthony Shumake, because of a dental infection was senseless, but so typical of conditions of overcrowding and maltreatment of inmates statewide. The sign over his head giving the name of the sponsoring group beckons to the citizenry to take a stand against such medical neglect.

The politicians allow this as business as usual and the lawsuit payouts for such preventable deaths and disabilities are likely in the hundreds of millions of dollars. This is tax money that could be going to crime prevention through education, rehabilitation, social workers and creating jobs for young people.

My heart goes out to this reverend and his family. This type of death by medical neglect is being done in our names and with our tax dollars. Only we as citizens can put an end to it.

It's a wake up call that we have to end the careers of politicians put into office by law enforcement labor unions, if they

don't do something about torture in California's prisons.

Randy Siple, Davis

Write United for No Injustice, Oppression or Neglect at P.O. Box 85, Garden Valley, 95633, or see the group's Web site at www.lunion1.com - Editor.

Governor must rein in corrections

The article on the Shumake family was very informative ("Seeking prison reform: Families rally to decry system's failures," The Reporter, Aug. 13). I was in speaker at the rally and now understand how out of control the California Department of Corrections is. We have people who are sentenced to prison, not to die, and they are coming out in body bags.

My own son, Kerry Baxter Sr., is incarcerated at High Desert State Prison in Susanville, and was taken to a mental ward two weeks ago. He is 500 miles from his family in the Bay Area, and getting there is an infrequent event. The person who told us about our son was another inmate, and his letter was not supposed to reach us. That is how I came to be a participant in the event.

When we called the prison, a man we spoke with said he was Kerry's counselor, but did not know where he was. When Kerry's girlfriend pressed him about Kerry's whereabouts, he slammed the phone down in her ear. We had to have state and county officials call there in order to get information on my son.

This is the same treatment that the prisoners at Abu Grabi in Iraq were receiving. These correctional officers, who are paid by taxpayers like myself, are abusing the prisoners who come under their care. Not because the prisoners have done anything to them, but because the CDC looks for sadistic people to work in the prisons. We are paying the salaries of these abusive, unqualified state employees. The union they created was created with California taxpayers money.

I cannot believe the offenses that are going on in this, one of the most liberal states of the union. It reminds me of the

suffering my ancestors went through during slavery - although those who are impacted now run the gamut of races - and had no one to speak for them. This is not to say that we should take focus away from victims and their families. We must make sure that there is equal justice for all, and that correctional officers get out of the business of punishment.

Gov. Arnold Swarzenegger is managing to rein in every other department, and he needs to make radical changes within that department as well.

Anita L. Wills, San Leandro

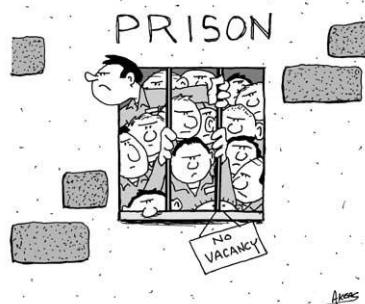
Overcrowded cells

Thank you for addressing the issue of California's overcrowded prisons. Avenal State Prison houses two and a half times its intended capacity. Wall to wall bunk beds with flammable bedding would create a domino-effect inferno. This risk is acceptable to the California Department of Corrections.

On the other hand, the same department exercises a meticulous accuracy when keeping count in the visiting rooms. One person over the limit set by the fire marshal is cause for a family to be sent away, terminating the visit with their loved one early.

The message here is twofold: Visiting in the opinion of the Department of Corrections is superfluous, and secondly, the Department of Corrections considers the lives of "free people" of more value than the lives of our incarcerated loved ones. We family members beg to differ.

Rose Caragol, Lemoore



Critical overcrowding Beleaguered prison system must address population problem

It should come as a surprise to no one - not the correctional officers, not prison administration, and certainly not the inmates - that California Medical Facility and California State Prison at Solano County are appallingly overcrowded.

That was the finding of the Solano County grand jury, revealed in a report released last week. The grand jury is required by law to look into Solano County's prisons every year, and every year it's the same story: Facilities meant to house a lower number of inmates are filled to the brim. Gyms, day-use rooms and meeting spaces are all being used as cells. Triple bunking is prevalent.

Initiatives intended to be emergency measures have come to be standard practice.

Yes, there is some construction of new dormitories taking place. But those facilities will only keep up with demand that was projected several years ago. The institutions are still trailing hopelessly behind the times.

If a reduction in the number of inmates is on the way - as has been projected - it has yet to be seen at the local institutions.

In addition, the grand jury censured CMF for a major nursing shortage. Given CMF's unique mission to provide psychological treatment and medical care for prisoners, such a shortage is devastating.

These problems must seem pale compared to the California Department of Correction's well-publicized shortcomings, ranging from fiscal

mismanagement to corruption and ineptitude in the ranks. The department has two black eyes from a rash of Senate hearings and investigations that have revealed its seamy underbelly.

But overcrowding should not be dismissed as a peripheral issue. It is yet another piece in the terrible puzzle that makes up California's beleaguered prison system. Overcrowding when tolerated for too long becomes the norm and is bad for everyone - the inmates, the officers and the administration.

The state must address this issue with the same sense of importance as it has tackled the fiscal and management issues.

Prison Health is Public Health but there is no place to go for help

By B. Cayenne Bird, Director
United for No Injustice, Oppression or Neglect

The recent death of the Anthony Shumake, the nephew of prominent community leader, Rev. Andre Shumake, Sr. is but another incidence of state murder by medical neglect.

As someone who has been taking complaints from inmates and their families from 33 prisons and most of the jails since 1998, I emphasize that this death due to neglect is not unusual. In fact, I believe that the media is banned for the purpose of covering up medical neglect and abuses to prisoners that routinely make them much sicker than before they were incarcerated. It is unacceptable that the media is banned from taxpayer financed institutions including prisons, jails and juvenile halls when the lawsuit payouts are so high.

Since I wrote the article which appeared in the Los Angeles Times on September 29, 2000 "Imprisonment Should Not Be

Revenge" decrying medical neglect, we as taxpayers have paid out hundreds of millions more of our tax dollars due to prison and jail mismanagement.

Conditions have worsened. Advocates, prisoners and their families have no place to go for help even in life and death emergencies. We're spending billions on a failed prison and jail system that is breaking the bodies and spirits of men and women in our names and with our tax dollars. We call it "Corrections" but nobody is getting corrected. People are simply being destroyed for the rest of their lives.

There are no statistics anywhere that all this inhumanity is doing one thing to prevent or deter crime. In fact, it appears that what we are doing here is destroying addicts and the mentally ill simply for being sick. Caging people instead of healing them is barbaric and ineffective. Yet legislators put into office by law enforcement unions refuse to put an end to the conveyor belt laws causing overcrowding and resulting in inhumane conditions.

Any sentence to prison or jail is a potential death sentence with the rampant abuses and disease epidemics raging out of control there. And since we are all connected - at least three million people related to State Prison Inmates alone - this devastation is affecting us all. Life threatening diseases were reported by the Center for Disease Control to be leaking out to the public during a federal congressional hearing held Jan 29, 2004.

The mental illness being created by inhumane living conditions is endangering us all.

The public safety is not being served when prisoners are denied basic custodial care such as food, clean water, fresh air, medical and dental care. Yet this is what has been going on ever since Pete Wilson took the prison population from about 20,000 to 150,000 so he could appear to be "tough on crime" for the sake of his political career.

Anthony Shumake's death was preventable. The law states that inmate's medical care should be at the same level of regular community care. But for the sake of making a profit on what is nothing

more than a slave-labor industry, medical, dental and mental health care is being denied on a daily basis. The standards are far below that of regular community care but the health departments have no jurisdiction to clean it up.

The death toll is high and you as a taxpayer have a right to know the details. Now with West Nile Virus in full swing, and no insect repellents or screens available for inmates roasting in sweltering cells, the risks of more medical deaths are even greater.

Politicians elected by law enforcement labor unions are so callous that you could drop a dead body on practically any desk in the legislature and they would just work around it. Shocking conditions are considered business as usual and the lawsuit payouts are hidden from journalists, spread across several budgets.

There are too many people in prison. Hospital and ambulance bills aren't getting paid. It is not uncommon for an ambulance to take two or three hours to arrive to these remote locations. Even prison visitors have died because the guards usually aren't trained in even the most basic first aid procedures and there are no doctors on the grounds at night or on the week ends.

It might be a dress rehearsal for Governor Schwarzenegger, nothing more than a photo opportunity but for the people of my home state, these are serious matters of life and death. The fiscal and human toll of this callous grinding machine are immeasurable.

The dead bodies have been stacking up around me now for six years, worse than the war in Iraq, all of it flying beneath the radar of a banned media. We need to demand the immediate release of all non violent prisoners for humanity's sake and get the press back inside these bloodhouses

B. Cayenne Bird, Director

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Rally Count

The official count of those who stood up for prisoners was 166.

Not enough to get the attention of the national media or to be respected by the legislators. They need to see at least 500 people to be convinced we are intelligent enough to organize a voting group.

But it was better than last year and once again, was the only rally held by any group at the Capitol where the legislators can see us. Hopefully inmates are going to send their families to help us achieve the necessary numbers needed to do recalls, file lawsuits and initiative campaigns. We need at least 100 volunteers going to the hearings on our bills. Unless we get these volunteers, we can't win for lack of workers and funds.

So keep on recruiting! No lawyer, judge or legislator can rescue people who don't first have a large, funded citizen's group in place! Keep on building the UNION