

Coalition For Prisoners' Rights Newsletter

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POSITIVE CHANGE POSSIBILITIES

The Prison Abuse Remedies Act (PARA), as noted briefly in our December issue, would undo the worst parts of the Prison Litigation Reform Act (PLRA) passed in 1996 during the Clinton Administration. Prisons across the country have used the PLRA requirement of a showing of physical injury in order to sue for mental or emotional injury to allow abusive and cruel mistreatment of those imprisoned to continue.

The new legislation, PARA, introduced by Rep. Robert Scott (D-VA) would allow prisoners to prevail under the same conditions as plaintiffs in other kinds of civil rights cases. It would also make important changes in the PLRA's "exhaustion" requirement, which forces prisoners to complete the charade of prison grievance systems before they can sue. As it currently stands, prisons use bureaucratic procedural hurdles to make it always difficult and sometimes impossible for prisoners to get their complaints heard in court.

The new bill would also remove all of the 1996's laws restrictions for suits brought by imprisoned youth under 18. This is important since they are at greater risk of abuse in prison, especially sexual abuse.

IN 2009 EXECUTION NUMBERS RISE

As of press time for this issue, there have been 52 prisoners executed in 2009, compared to 42 in 2007 and 37 in 2008. The lower numbers are resulted from a *de facto* moratorium caused by waiting for the U.S. Supreme Court decision on lethal injection in a Kentucky case, *Baze v. Rees*. When the Court's decision was finally announced, it was that lethal injection was NOT cruel and unusual punishment and therefore unconstitutional. So the pace of executions picked up again. This enabled Ohio to botch an execution by being unable to find a vein, despite numerous tries.

Overall, there were 1.6 million people in state and federal prisons at the end of 2008, the most recent year for which complete figures are available. The percentage increase of prisoners that year, 0.8%, is the smallest annual increase this decade. In the 1990s, the average annual increase was 6.5%. The U.S. prison population has risen every year since 1972, after dropping during most of the 1960s.

Now however, the economic crisis is resulting in most states reconsidering their sentencing policies and practices. In Texas, for example, in the recent past, parole rates have been very low. The Texas parole rate is now more than 30%.

In Mississippi, the street drug sentencing law that required those convicted of drug offenses to serve 85% of their sentences has reduced the time-to-be served provision to less than 25%. California, neck and neck with Texas in the number of prisoners and resisting mightily court ordered reductions, is supposed to cut its number of prisoners by at least 40,000 over the next two years. The exception to this trend: Florida, with its current limited good time law.

BUT EXECUTION SENTENCES DECLINE

The highest number of execution sentences issued in one year was 328, given out in 1994. For seven years in a row there has been a decline in numbers. The total of execution sentenced projected for 1009 is 106. This is the lowest annual number since 1976.

One reason may be that, since 1989 when DNA evidence began to be used, 246 criminal convictions have been overturned, 17 of which involved people on death row.

However, execution sentences in California have increased 50% since 2008, the majority from Los Angeles, Riverside and Orange counties.

CRIME OF THE MONTH aka Crimetoppers

In January, 2009, Israel, armed and financed by the U.S., unleashed a brutal assault on the 1.5 million people of Gaza. More than 1,400 Palestinians were killed, 80 to 90% of them civilians, including nearly 400 children. Fifteen percent of the structures in Gaza, 22,000 buildings, were demolished, including 4,000 homes (another 21,000 homes badly damaged); 21 medical facilities; 1,500 factories; 280 schools. The entire electricity, water treatment and sewage infrastructure, as well as 80% of all agricultural land was damaged/destroyed.

The Goldstone Report, headed by an internationally respected jurist, himself a Zionist and ardent supporter of Israel concluded: "...[the] deliberate actions of the Israeli forces and the declared policies of the government of Israel...cumulatively indicate the intention to inflict collective punishment on the people of the Gaza Strip in violation of international humanitarian law."

This was the first bombing campaign in history conducted on a defenseless civilian population held captive within a fenced area and not allowed to escape the assault.

Now, one year later, Israel's continued illegal siege, enabled by the U.S., Egypt and the international community, has prevented any building materials from entering Gaza. No reconstruction has been possible. The U.S. Army Corps of Engineers designed and is helping Egypt construct a steel barrier extending 30 feet underground along Egypt's border with Gaza to prevent the digging of tunnels used to bring supplies in to Gaza. Our Crime of the Month is the partnership between the rogue states of Israel and the U.S.

This 2 page version of the CPR monthly newsletter will be included in all correspondence we send out. Others who would like to receive it must send us a stamped, self-addressed envelope (up to 12 at one time) for every issue they would like to receive.

Please continue to send us address change updates and renewals--in order to stay on our mailing list and to receive next year's holiday card/calendar.

Many thanks to the Real Cost of Prisons Project for making the newsletter available on-line at: <http://www.realcostofprisons.org/coalition.html>. Download & mail it in!

Our debt level remains at about \$10,000. Donations continue to be most welcome!

Demócratas presentan proyecto de reforma migratoria integral

Un grupo de legisladores demócratas encabezado por el representante Luis Gutiérrez (D-IL) entregó a la Cámara de Representantes una propuesta de ley de reforma migratoria que, entre otros beneficios, incluye una vía regulada de legalización de millones de indocumentados.

El plan de reforma migratoria demócrata incluye, un fuerte componente de seguridad fronteriza y una vía ordenada para otorgar la residencia a millones extranjeros sin papeles que llevan tiempo en Estados Unidos, pagen multas e impuestos y carezcan de antecedentes criminales.

De ser aprobada le dará a las personas la oportunidad de tener inmediatamente un permiso de trabajo y viajar a sus países de origen mientras se lleva a cabo el proceso de legalización.

Tras seis años como residentes temporales, quienes califiquen finalmente obtendrán la residencia permanente, y cinco años más tarde podrán gestionar la ciudadanía.

Los jóvenes que han estado en la escuela secundaria tendrán acceso inmediata a una residencia permanente.

En cuanto a quienes no podrán calificar para obtener papeles de estadia legal, el plan incluye los mismos términos contenidos en la amnistía aprobada por el Congreso en 1986. Los que tengan delitos serios no serán elegibles. Una felonía (delito mayor) o tres crímenes de bajo rango lo descalifica automáticamente.

VOICES FROM INSIDE

Florence AZ December 1, 2009

Re: JLWOP, K. W. Blackerby, AZ. Many of you who wrote to me tore my heart to pieces. I cannot write "inside." Request "all available info." A postcard will do. VOG, PO Box 950, Jeffersonville IN 47131. My case and success with NLPA took a drastic detour.

Lancaster CA December 2009

The Other Death Penalty Project, PO Box 1486, Lancaster CA 93584, www.theotherdeathpenalty.org
What now? We are moving forward with raising funds, further developing our internet presence, making connections with other prisoners' rights groups, and trying to deepen and secure our long-term viability. Use your stamps to write to officials and the media about LWOP!