

Justicia

Citizens' Right to Vote Includes You!

By Mary Boite

The history of voting rights in this country is not a pretty story, although touted as one of democracy's basic, if not downright sacrosanct, principles and America's crowning example to the world. Most people in the U.S. did not possess the right to vote when the country was established, because women, African-Americans (slaves) and people who were not property owners were excluded from the franchise. In fact, once the Constitution and the Bill of Rights with their various amendments became federal law, some states were actually more progressive and some excluded groups actually *lost* the right to vote that they had had *before* these were enacted.

The right to the vote conferred on African Americans by the Fourteenth Amendment did not guarantee that they could, in fact, exercise that right – thanks to the various "Jim Crow" laws enacted by various states whose lawmakers continued to support discrimination. Sharing power is something that had to be wrested from their grasp, and it took years of the Civil Rights movement and the support of many to do that.

The laws prohibiting people who were

incarcerated (and even those who'd served their sentences and were out on parole) from voting had their roots in those discriminatory laws such as the Poll Tax. In our time, we've seen illegal attempts in some states to continue that process and we now have some regions demanding new blocks to easy exercise of citizenship such as unreasonable Identification and Registration rules.

The good news – there is a new Voting Rights movement out there, making sure that people who've been in prison Know Their Rights and how to exercise them. In the long term, that movement aims to change the law; in the meantime, *read on to know your rights now and be able to vote in the upcoming election. This is an important time for your country, and you need to be able to participate in its future.*

Re-Enfranchisement for Persons Convicted of Crimes

By Jason Hoge

As this article is being written, two nations prepare for historic elections, both referendums on "change" and restoring a sense of legitimacy to their democracies. In the United States, the first

candidate of African-American ancestry, Barack Obama, stands to be nominated as president, and in Zimbabwe, Robert Mugabe appears set to be pushed aside by democratic reformer Morgan Tsvangirai, after nearly 28 years as the president, the last ten of which have been marked by corruption and human rights violations. Thus, these two nations are upon the precipice of great change, and yet, sadly, one of these nations will disenfranchise millions of its citizens from participating in the momentous election by stripping the voting rights of certain persons who have been convicted of crimes.

While commentators have valid concerns whether Zimbabwe's election will be fair, they must commend Zimbabwe for its progressive approach in allowing prisoners and persons convicted of crimes to participate in the democratic election process. In contrast, our nation, which holds itself out as the beacon of democracy, is set to disenfranchise nearly 5.3 million Americans, who are either in prison or have been convicted of a felony, from voting in the historic 2008 United States presidential election.

Our nation, which will rightly criticize the election process in Zimbabwe, has itself been condemned by the International Community. Most recently, in July 2006, the United Nations Human Rights Committee condemned America for disenfranchising prisoners and persons convicted of crimes from participating in democratic elections. As Justice Thurgood Marshall stated, in his dissent in the seminal 1974 case *Richardson v. Ramirez*, "[Ex-offenders] are as much affected by the actions of government as any other citizen, and have as much of a right to participate in governmental decision-making. Furthermore, the denial of a right to vote to such persons is a hindrance to the efforts of society to rehabilitate former felons and convert them into law-abiding and productive citizens" (1).

The disenfranchisement of millions of Americans is no laughing matter, yet the rationale for the removal of voting rights from prisoners and persons convicted of crimes is laughable. What legitimate governmental or societal purpose is served by stripping citizens who are incarcerated, or convicted of crimes, of their voting rights? The only realistic concern that can be raised is that a prison inmate might vote for his cellmate, who then could theoretically be elected to public office, and then who in return might pardon his nominating cellmate. However, this proposition does not even

pass the laugh test, and we are left pondering the real motive behind voter disenfranchisement of prisoners and persons convicted of crimes.

Certainly by removing voting rights of convicted felons, one's chances of successful re-entry into society from prison are not enhanced by any means. This is contrary to the opinion articulated by Republican Senator Arlen Specter, who has previously stated that: "[Restoring voting rights to ex-felons] would aid ex-convicts in being reintegrated into society." Without substantive evidence of the rehabilitative effect that the removal of voting rights has, this goal appears to simply be more punitive in nature than even remotely rehabilitative.

In fact, voter disenfranchisement of persons convicted of crimes can be directly traced back to the reaction of angry white southerners after the passage of the Fifteenth Amendment to the U.S. Constitution, which granted freed slaves the right to vote. Although laws excluding criminals from voting had previously existed in the South, "between 1890 and 1910, many southern states tailored their criminal disenfranchisement laws, along with other voting qualifications, to increase the effect of these laws on black citizens." Thus, the rationale behind voter disenfranchisement of prisoners and persons convicted of crimes is at best contrary to successful reintegration of these populations back into society and at worst relic of racial hate and marginalization.

Voter disenfranchisement of persons incarcerated and persons convicted of crimes vary greatly from state to state in the United States. For example, 30 states, like Rhode Island, bar people with felony convictions from voting while they are incarcerated, on probation, or on parole. Five states bar ex-felons from voting while under parole supervision but not while on probation; and in 11 states, some ex-felons lose their right to vote for life. Only Maine and Vermont permit inmates to vote (2). In New York State, pursuant to NY Elec. Law § 5-106(2), the only persons who are disqualified from participating in the democratic election process are as follows:

- * persons incarcerated for felony convictions; and,
- * persons under parole supervision for felony convictions.

It is simply a myth that any person convicted of felony in New York State loses their voting rights. This sort of misinformation suppresses voting among the poor and communities of color on a

daily basis, as many persons convicted of felonies in New York fit this demographic. A recent survey conducted by the Brennan Center for Justice, Demos, and the Legal Action Center found that 24 out of the 63 (38%) of local elections boards have provided erroneous information regarding voting rights of persons convicted of crimes (3).

It is important to note that while prisoners and persons who have been convicted of crimes are barred from voting, all are still counted as residents for the purposes of election constituents. Thus, even though they are not permitted to vote, they are still utilized as empowerment for communities that would otherwise not have such census numbers. For example, approximately 20 percent of prisoners are from Upstate New York; however, 91 percent of prisoners in New York State are incarcerated in Upstate New York (hence the phrase “going Upstate”) (4). Alongside casinos and industrial hog or poultry factories, the prison system is among the three leading rural economic enterprises. Thus, while prisoners are counted as constituents in rural Upstate communities, they are represented by politicians who, at best, either ignore their interests or, at worst, work directly in opposition to these citizens’ interests and needs.

Contrary to common knowledge, those persons barred from voting in New York State because they are under parole supervision for a felony conviction, may have their voting rights restored pursuant to NY Corrections Law. Article 23-A, section 703, provides for the issuance of either a temporary Certificate of Relief from Disability or Certificate of Good Conduct by the New York State Parole Board (5). The New York State Division of Parole has announced under its new Chairman and Chief Executive Office that the new policy of NYS Parole is to issue new parolees with Temporary Certificates of Relief from Disability automatically. Thus, accordingly, it should only be consistent that all parolees who are eligible for Temporary Certificates of Relief from Disability or Certificates of Good Conduct be issued such Certificates solely for the purposes of restoring voting rights. By simply fulfilling its stated policy, NYS Parole could, in one move, “re-enfranchise” hundreds of thousands of New Yorkers just in time for the historic, 2008 presidential elections.

Giving parolees a stake and voice in their community will most certainly contribute towards their successful reintegration into society and will

help fulfill the goals of the NYS Parole Board in achieving rehabilitation and securing public safety. Therefore, prisoners, parolees, persons who have completed their sentences, family members, advocates, and all citizens must ensure that this noble policy announced by the Chairman of NYS Parole is put into practice without delay.

Lest it be forgotten, as the New York Times recently reported: America has the highest incarceration rate per capita, more than any other nation on earth (6). One out of every 100 Americans is incarcerated. Astoundingly, even higher is the rate of African-Americans who are incarcerated between the ages of 20 and 34, where one in nine African American men are incarcerated! Voter disenfranchisement has a disproportionate effect upon African-American and Latino communities.

At this historic juncture, there is no better time for citizens of New York and, on a broader scale, of the United States, to band together to challenge the status quo of the current state of voting standards. This level of disenfranchisement must end. The 2008 presidential election yields the potential to be one of the most democratic elections of all time if we, as a nation and a state “re-enfranchise” millions of our fellow citizens to ensure the true promise of this great nation of ours: Equality, Justice, and Democracy!

Jason D. Hoge, Esq., is Lead Council for the Monroe County Legal Assistance Center Re-Entry Project. Also, Kiera M. Slye, Law Student Intern for the Monroe County Legal Assistance Center Re-Entry Project, contributed to this article.

Notes:

(1) See, <http://www.hrw.org/reports98/vote/usvot98o.htm> citing Andrew L. Shapiro, *Challenging Criminal Disenfranchisement Under the Voting Rights Act: A New Strategy*, 103 Yale L.J. 540, November 1993.

(2) See, *Youth Demand Voting Rights, Regardless of Ex-Felon Status*, Wire Tap Magazine, Beth Schwartzapfel, November 3, 2006 at <http://www.wiretapmag.org/activism/42826/>.

(3) See, at <http://www.demos.org/page26.cfm>.

(4) See, <http://www.cssny.org/pdfs/factsheet.pdf>.

(5) See, New York State Division of Parole: <http://parole.state.ny.us/PROGRAMrestoration.asp>.

(6) See, at <http://www.nytimes.com/2008/02/28/us/28cnd-prison.html?hp>.

Did you know...

In New York You Can Register to Vote Even if You Have a Felony Conviction If:

- You have been discharged from parole;
- You are currently on probation;
- You have been pardoned;
- Your maximum sentence has expired; or
- You have been convicted but have not been sentenced to imprisonment, or if the sentence of imprisonment has been suspended.

Please contact us...

If you think you are eligible to vote but have been told by the Board of Elections that you are not eligible, or you have been told that you need to provide some type of documentation such as a Certificate of Relief from Disabilities, we want to hear from you.

If you, or anyone you know, had difficulty registering to vote in New York due to a criminal conviction, please call (in the Rochester area) Jason Hoge at Monroe County Legal Assistance, 585-325-2520; or (outside the Rochester area) the New York City-based Brennan Center for Justice, 212-998-6418.



At the Awards event: Eileen Hurley, Spiritus Christi counselor and Mackey Award winner; and Rahsaan DeLain, counselor, Monroe Cty. Corr. Facility.

The Mackey Leadership and Training Awards and Dedication of JPC's Reception Area

By Mary Sullivan

On May 29, 2008, in its offices at 285 Ormond Street, the Judicial Process Commission, whose Board Chairperson is Fred Schaeffer, honored its 2008 Virginia and John Mackey Awardees: the Leadership Award in criminal, social and restorative justice was given to Eileen Hurley; the Training Award in these fields, to the MCLAC Re-Entry Project. The awardees were chosen by a five-member independent panel whose recommendations were approved by the JPC Board.

The Reverend Virginia and John Mackey were outstanding advocates of criminal justice and social justice in the Greater Rochester area and beyond. In the early 1970s, in response to serious problems in the criminal justice system and to the violent conclusion of the Attica Prison Uprising, Ginny founded the Judicial Process Commission, then in affiliation with the Genesee Ecumenical Ministries. The Commission - a volunteer group of educators, attorneys, and clergy, under Ginny's leadership - strenuously addressed a range of major issues involving law enforcement, the courts,

and jail and prison reform, including advocacy of needed legislation to strengthen the justice of the system. Ginny also authored a major national document on *Restorative Justice: Toward Nonviolence* (1990) and was instrumental locally in founding the Task Force on Courts, the Center for Dispute Settlement, the Finger Lakes Restorative Justice Center (now called Partners in Restorative Initiatives), community service sentencing, merit selection of the Public Defender, and many other lasting endeavors. When the Mackeys left Rochester in the early 1990s to live closer to their family, the state of New York lost the near presence of their prophetic voice, but not the persuasive memory of their just lives and enduring example.

At the ceremony on May 29, the JPC dedicated the Reception Area of its offices to the memory of Virginia and John Mackey. Present was their daughter Janet Mackey Adam of Pittsburgh. JPC said:

To dedicate a place is to devote it to a particular goal and mode of acting, and to do so in memory of a stellar example of that purpose and ideal. Today we gratefully dedicate this space to the cause of Restorative Justice and Non-Violence in community relations, and name it in honor of our founder Virginia Mackey and her husband John.

Into this room, on a daily basis, will come dozens of men and women, now released from jails and prisons and seeking to be restored to happy, productive lives and to their rightful place in society. May the memory of the Mackeys continue to inspire us in our daily efforts here.

Following the dedication, the Mackey Leadership Award, including a framed citation and a monetary award, was given to Eileen Hurley, "for ground-breaking activity in restorative justice." She was nominated by Rahsaan DeLain, coordinator of the Minors Program at the Monroe County Correctional Facility. For well over a decade Eileen has founded and led such restorative endeavors as the Women of Conviction Project (designing ways to reduce incarceration and recidivism among

women), the Wesleys' Mothers Meeting (for mothers of incarcerated children), and the Spiritus Christi Mental Health Center (for un- and under-insured adults and children and based on the premise that violence is a community health problem). Most recently she developed the Responding to Violence Initiative through which she serves as an Outreach Worker providing psychosocial support, partnerships, and counseling to 16-18-year-old men and their families during incarceration and post-release, in collaboration with other agencies and networks. The Award was presented by Mary Sullivan, RSM.

The Mackey Training Award was presented to the MCLAC Re-Entry Project of the Monroe County Legal Assistance Center. The Project is directed by Jason Hoge; the Center, by Lou Prieto. The Project is well known countywide for its extensive training programs, acquainting a variety of criminal justice personnel and volunteers with the needs and rights of the thousands men and women who complete their sentences in New York State each year and seek successful re-entry into a just society. The Project was nominated by Bryan Hetherington. In presenting the Award, Sue Porter, coordinator of JPC, noted among the Project's many endeavors, its advocacy of Certificates of Relief (whereby judges certify that former prisoners have completed their sentences with evident prospects of successful re-entry), the right to employment and voting privileges, and numerous other social and legal rights of persons with criminal records. The Project has regularly helped hundreds of people seeking a second chance, through its presentations to officials and others in a variety of venues over the last two years.

The Judicial Process Commission is proud of the 2008 Virginia and John Mackey Awardees, and urges the public to support their endeavors. Eileen Hurley may be reached at 121 N. Fitzhugh Street, Rochester 14614 (phone 325-1180). The MCLAC Re-Entry Project may be reached at One West Main Street, Suite 400, Rochester 14614 (phone 325-2520).



At the Awards event (L to R): Jan Mackey Adam; Mackey Award winners Lou Prieto, MCLAC director, and Jason Hoge, director, MCLAC Re-entry Project; Susan Porter, JPC.

Upon Presenting the Mackey Training Award

Comments by Susan Porter, JPC

Today I am honored to give the Mackey Training Award to the Monroe County Legal Assistance Center... The MCLAC Re-entry Project successfully seeks to restore to full participation parolees, probationers, and others who were once involved in the criminal justice system. It does so by helping individuals understand their legal rights to employment in New York State and their criminal record.

MCLAC aids those who are eligible to apply and obtain a certificate. A certificate provides proof to an employer that the individual has changed and become rehabilitated. Certificates are issued by the NY State Parole Board or by a judge, and are added to job applications or given to employers during an interview. A certificate may also be used to lift bars to employment that exist for individuals seeking to become licensed in New York State or to restore voting rights to felons.

For the last two years, MCLAC has obtained the reinstatement of 41 workers fired or suspended due to their incarceration record, and won monetary damages totaling \$79,000 from employers. MCLAC has trained well over 1,000 people through dozens of presentations to a variety of groups including: employment, vocational and treatment counselors,

judges, lawyers, parole officers, probation officers, court personnel re-entry providers and elected officials.

Just as much of the organizing work of the Rev. Virginia Mackey was bold in spirit, MCLAC's Re-entry Project is painted with the same spirit and impact. It is a model training project in New York State and the nation.



Lou Prieto, director, MCLAC



(L to R): Jan Mackey Adam and Rev. Denise, Spiritus Christi.



(L to R): JPC board members Louise Wu and Suzanne Schnittman; JPC case manager Kamilah Richardson.

Unresolved Issues Remain In The Aftermath Of A Supreme Court Decision

By Joel Freedman

On April 16, a seven-to-two decision by the U.S. Supreme Court found that the present protocol for executing Kentucky prisoners by lethal injection is acceptable.

Had the Supreme Court found otherwise, lethal injection death penalties could have continued, but states would have been required to change the protocol and mix of drugs used to induce death.

The prevailing form of lethal injection involves the utilization of three drugs, the first to sedate the prisoner, the second to paralyze him/her, and the third to stop the heart. The problem comes with the second drug, pancuronium bromide, which leaves the individual conscious and possibly able to feel excruciating pain. But because this drug paralyzes the prisoner, execution observers cannot necessarily be aware of any suffering. (In some states it is illegal to use pancuronium bromide on animals because it is considered to constitute cruelty to animals.) And if the initial injection of barbiturates is insufficient, the administration of the third drug is also apt to be excruciatingly painful.

In the *Baze v. Rees* case, the Supreme Court could have insisted that the protocol be changed to allow for condemned prisoners to be overdosed with enough barbiturates to produce a coma and then death. This method is commonly used by veterinarians to euthanize animals. Justices Ruth Bader Ginsburg and David Souter are the two Justices who believe that the currently used methods of lethal injection for capital punishment place the condemned prisoners at risk of pain and “cruel and unusual punishment.”

I suspect that in the minds of some of the Justices who voted in the majority, questions of “So what? Who cares?” arose in considering the pain aspect of the present lethal injection protocol. After all, there is no guarantee that any of us will die painlessly. In fact, for the majority of us, varying degrees of physical discomfort or pain will be associated with the dying process. So why be too concerned about whether or not a particular method of execution is painful? After all, these convicted murderers gave little thought to the pain they caused to their victims. Why make the state ordered death of a convicted murderer *too* easy for him?

Justices Clarence Thomas and Antonin Scalia opined that “a method of execution violates the Eighth Amendment only if it is deliberately designed to inflict pain.” Otherwise, there should be no restrictions. The electric chair that was invented late in the 19th century was designed to be a more humane alternative to hanging, whereby the condemned person often died painfully from slow strangulation. But the intent of hanging was to produce a quick death. As for what actually happens to an individual who dies in the electric chair, 25 years ago the Arkansas Legislature completed a study of various death penalties and concluded that “electrocution is an extremely violent means of inflicting death - the condemned urinates and defecates and his tongue swells, the body sometimes catches on fire, and the smell of cooked flesh permeates the chamber.” Yet because the electric chair was not deliberately designed to produce such torture, the Thomas and Scalia opinions would sanctify the continued use of the electric chair. (The Nebraska Supreme Court has ruled that the electric chair is an unconstitutional method of capital punishment.)

Chief Justice John C. Roberts, Jr. said in the court’s controlling opinion that the challengers must show not only that a state’s method “creates a

demonstrated risk of severe pain,” but also that there were feasible alternatives that would significantly reduce that risk. The petitioners had, in fact, offered a protocol that would allow the use of lethal injection, while significantly reducing the risk of painful death. But Roberts said “a slightly or marginally safer alternative” would not suffice. “Simply because an execution method may result in pain, either by accident or as an inescapable consequence of death, does not establish the sort of ‘objectively intolerable risk of harm’ that qualifies as cruel and unusual.”

Another member of the majority, Justice John Paul Stevens, said in his separate opinion that he felt bound by the court’s precedents to uphold the constitutionality of the Kentucky protocol.

In a curious twist, Stevens also urged states to consider abandoning one of the three chemicals, the paralyzing drug that would leave an inadequately sedated inmate conscious but unable to move, breathe or cry out. Since no state has so far abandoned the three-chemical combination, however, it is puzzling that Stevens did not join the dissenting opinion of Ginsburg that was also supported by Souter. Ginsburg wrote: “Kentucky’s protocol lacks basic safeguards used by other states to confirm that an inmate is unconscious before injection of the second and third drugs - If readily available measures can materially increase the likelihood that the protocol will cause no pain, a state fails to adhere to contemporary standards of decency if it declines to employ those measures.”

While upholding the Kentucky protocol, Stevens went on to express his opinion that the death penalty should be abolished in the United States. “I have relied on my own experience in reaching the conclusion that the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State is patently excessive and cruel and unusual punishment violative of the Eighth Amendment.”

Stevens’ opposition to the death penalty notwithstanding, it is apparent that the death penalty remains with us, at least for now. But should efforts continue to try to modify the lethal injection protocol to assure there will be no unnecessary physical suffering endured by the condemned individual? I believe such efforts should

continue. While the debate continues over the issue of whether capital punishment itself violates the Eighth Amendment, there should be no debate on the issue of torture in the administration of the death penalty. When we say that a perpetrator of a serious crime should be sent to prison as punishment but not *for* punishment, we are talking about a prisoner’s right to live in a safe, humane environment during the time he is deprived of his freedom to live in free society. If a person is executed, he should also have the right not to be tortured in the process. I personally believe the arguments to abolish capital punishment are stronger than the arguments to maintain it, but as long as executions are being carried out, anyone who opposes governmental involvement in torture should be concerned about torture in the execution process, particularly when there is no real advantage to be gained by society when an individual may suffer excruciating pain in the execution process.

The moratorium on carrying out executions has ended with the decision in *Baze v. Rees*, but even the Supreme Court Justices themselves acknowledge that this decision is not airtight. “The question of whether a similar three-drug protocol may be used in other states remains open, and may well be considered differently in a future case on the basis of a more complete record,” Justice Stevens wrote. Justice Thomas said that the decision in *Baze* “is sure to engender more litigation because we have left the states with nothing resembling a bright-line rule.” And Jordan Steiker, a professor of law at the University of Texas, recently told the New York Times that “we will end up largely where we were before *Baze*. It has set us on a course in challenges, efforts to document botched executions and efforts to explore alternative protocols.”

Thoughts on *People v. Tammy Grimes* and “The Right To Rescue”

By Joel Freedman

On February 22, Blair County, Pennsylvania Judge Elizabeth Doyle sentenced Dogs Deserve Better founder Tammy Grimes, 44, to do 300 hours of community service (in a capacity helping people

rather than animals), to spend a year on probation, to pay \$3,900 for the cost of her trial plus supervisory and community service fees.

Grimes' "crime" was to remove an elderly and painfully dying dog from the yard of Steve and Lori Arnold of East Freedom, Pennsylvania, in September 2006. Grimes rescued the dog, Doogie, after she unsuccessfully attempted to persuade a local SPCA and district attorney to bring a cruelty prosecution against the Arnolds. At her trial, Grimes presented photo evidence and veterinarian testimony that Doogie was suffering. A video of Doogie the day he was rescued, as well as a video of him eight days later showing considerable improvement, were withheld from the jury that convicted Grimes of theft and receiving stolen property.

Ten days before the sentencing, Grimes requested jail time instead of the alternative penalties. "I am morally and ethically unable and unwilling to pay any fine that goes to pay the salaries of those who use power wrongly. As founder and director of Dogs Deserve Better, I do community service virtually every day of my life. I was performing community service the day I picked an aged and dying dog out of the mud and got him the veterinary care he was entitled to by law. It is incumbent upon Blair County voters to remove from office anyone who by their actions or inactions condones animal cruelty and abuse." An appeal of the conviction and sentence is underway.

Dogs Deserve Better, now in its sixth year of advocating for chained, penned and otherwise neglected or abused dogs, has started planning for a Rescue, Rehabilitation and Training Center for formerly chained and penned dogs. According to Grimes, "in our efforts for these dogs, we are currently fostering and rehoming as many as 700-1,000 dogs per year. When working with dogs who have spent their lives outside, our biggest task is to train them to live inside the home with the family. With that in mind, it is not in the dog's best interest for us to build a typical shelter. We must be working to housetrain the dogs and teach them the ways of inside living. So we will build a more advanced facility with living areas, training areas and a humane education room. To that end, we visualize a center that will house 16-24 dogs at a time, in two to three separate living areas, and they will be trained with the other dogs and trainers each day."

(Donations toward this center and toward normal daily operations, which includes veterinary

care for rescued dogs and education materials, are welcome. Dogs Deserve Better, P.O. Box 23, Tipton, PA 16684; phone 814-941-7447; www.dogsdeservebetter.org).

Every day in the United States, hundreds of thousands of dogs are forced to spend their lives outdoors, in all weather, chained to trees or doghouses providing inadequate shelter. Chained dogs often suffer from frostbite, parasites, dehydration, malnutrition, lack of exercise, or improperly fitted collars. (Continually chained pit bulls could indicate dog fighting.) And even when shelters and basic sustenance are adequate, the lives of chained or otherwise isolated dogs are lonely and unhappy.

Thirteen years ago, I adopted a frisky black Labrador retriever puppy from an animal shelter. Athena loves being petted and hugged. She greets me with her tail wagging, her eyes all devotion. Athena enjoys long walks with me and fetching baseballs. And when I have a bad day, Athena snuggles up to me and cheers me up.

Dogs are, indeed, "man's best friend," deserving of a place in our hearts and *inside* our homes.

Every state and locality should have laws limiting the number of hours a dog can be tethered outdoors. (Texas prohibits night-time tethering of dogs outdoors and prohibits day-time tethering of dogs outdoors for more than three hours a day.) Existing statutes that prohibit cruelty to animals need to be more strictly enforced. And people like Tammy Grimes, who make compassionate choices to rescue suffering animals rather than looking the other way, should not be prosecuted. Her case spotlights the need to protect dogs and other animals from mistreatment, and to better appreciate the sincerity of human beings who recognize that humans are not the only species on our planet who deserve moral consideration.

Inmate to Inmate Violence At Maximum Security Prisons

By Joel Freedman

Don Juan Britt was assaulted and seriously injured by another Sing Sing Correctional Facility inmate.

After release from the hospital, Britt was placed in protective custody where he was attacked again. His cell was set on fire. Britt sued the New York State Department of Correctional Services (DOCS). A federal jury awarded Britt \$100,000 against DOCS Commissioner Glenn Goord and \$50,000 against DOCS security chief William Connolly. The jury also awarded Britt \$5 million and \$2.5 million in punitive damages against those defendants, respectively. A federal district court later reduced the amount of punitive damages to \$200,000 and \$100,000, respectively. Britt has contested this reduction. Settlement discussions between all parties are reportedly underway. (See *Britt v. Garcia*, 457 F.3d264 2nd Cir. 2006.)

Whatever the outcome of this individual lawsuit, this case illustrates the violence that often occurs in maximum security prisons. In many of these prisons, mistreatment of prisoners by correction officers and attacks on officers by prisoners occur with alarming frequency, but inmate to inmate violence usually occurs with even greater frequency.

I received a letter from a prisoner who described a happening inside the walls of the prison where he is incarcerated:

“--- had risen from his machine in a fit of rage while confronting another inmate worker about playing with him too much. Although two inmates walked away from the scene, --- remained standing. The supervisor demanded to know what was going on. --- immediately pointed into the distance while repeatedly stating, ‘He keeps on f---king with me! I done told him that I ain’t no kid.’ The supervisor kept saying ‘Who? Who?’ As --- began to calm down and return to his machine the supervisor gave up his search. Soon all was back to normal except for a few remarks concerning ---’s informing the supervisor. This is often looked upon as ‘snitching,’ which is forbidden by the inmate code. Any arguments between inmates are generally handled by inmates. Nevertheless, --- acted emotionally. When --- returned from work, his throat was cut. He died – he was due to be released next year.”

In one prison publication, an inmate wrote: “I am most discouraged and ashamed when I witness the violence that breaks out among us. It is then that I become unsure and feel the weight of imprisonment pressing down until we’re stamped into unrecognizable forms less than human.”

Beyond the issue of prison violence, man’s

inhumanity to other people and to other species infects our entire society and the world we live in. It’s difficult to read a newspaper these days without getting depressed.

Perhaps the worst episode in prisoner to prisoner violence in American history took place during the 1980 Santa Fe, New Mexico, State Penitentiary riot. Mark Colvin, a principal investigator and report writer for the New Mexico attorney general’s study of this riot, said that “organizing against violence is the paramount task of our time.” Because of their violent environments, “prisons have become breeding grounds for perpetual threats to our safety and security,” Colvin wrote in a commentary published in the October 1, 1981 issue of the “Santa Fe Reporter.” Colvin concluded that “prisons are an obvious place to begin organizing for non-violence; perhaps in the process we can learn how to organize our society for non-violence.”

Colvin expressed these thoughts 27 years ago, but the majority of our maximum security prisons remain unsafe for prisoners, and sometimes remain unsafe for correction officers.

In dealing with the Don Juan Britt case, I wish corrections officials would work hard to prevent such lawsuits by making greater efforts to assure that prisons are safe and decent places for their prisoners and personnel.



At the Awards: Eileen Hurley; Sister Mary Sullivan, Mackey Award Committee.



At the Awards: Allen Reed and Sister Mary Sullivan

Spring Pledge Campaign Update – Looking Good!

By Mary Boite, JPC Fundraising Chair

Thanks to the 80 individuals and one church donation, our Fundraising Campaign is nearing a very successful conclusion. The “official” pledge/donation period was the two-month period of April and May, but as this issue goes to press, we are still counting donations that are coming in on the Pledge Contribution Forms.

We are gratified to be able to say that so far, we’ve received a total of \$12,997.33 from our many friends, supporters who realize the effect that one small organization has made, and continues to make, in the real day-to-day lives of our customers and our community.

The more headlines that trumpet the violence that is a part of some segments of this community, the more we need to look at the progress that has been made by you and by the Judicial Process Commission, in helping some of the thousands of people coming out of prison. With your help, those we touch can get on with their lives as productive members of society – working, supporting themselves and their families, staying free of drugs and alcohol, volunteering in their communities and eventually mentoring others to do the same.

The small steps they take toward recovery don’t happen by luck or in a hurry. They happen because of their own hard work and determination, supported by all of us. You’ve shown repeatedly, and especially over the last few months, that you

realize that, and we thank you. For those of you who’ve decided to take the “bell” challenge thrown out by the Greater Rochester Community of Churches and are planning to donate all or part of your government rebate back to benefit JPC or another worthy program – thank you for that selfless act. Don’t worry – it will still be counted as part of the campaign!

In the next issue of *Justicia* we will print the names of our generous friends, with the total received. You know how grateful we are, but it’s important to us to publicly acknowledge you.

The JUDICIAL PROCESS COMMISSION

285 Ormond Street
 Rochester, NY 14605
 585-325-7727; email: info@rocjpc.org
 website: www.rocjpc.org
We welcome your letters and Justicia article submissions by e-mail or postal mail.

VISION

The Judicial Process Commission envisions a society with true justice and equality for all. We understand that in a just society, all institutions will be based on reconciliation and restoration, instead of retribution and violence.

MISSION

The JPC is a grassroots, nonprofit organization that challenges society to create a just, nonviolent community which supports the right of all people to reach their fullest potential. We do this by:

- Providing support services for those involved in the criminal justice system
- Educating the public
- Advocating for changes in public policy.

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Interested in learning about how to effectively
help parolees and probationers?

JPC APPRENTICESHIP MENTOR TRAINING

September 22 and 23

Mon. and Tues. 5:00 to 9:00 PM,
84 Scio Street

Hosted by Rochester Friends Meeting
(Near the Eastman Theatre)

Training Topics:

- Local, State and Federal representatives discuss their agencies role in the criminal justice system. Project guidelines and boundaries
- Mentor reflections and requirements.
- Active listening skills and feedback.
- Health issues.
- Employment discrimination and welfare issues.

Reservations required in advance by Friday, Sept 19, at noon. Call 325-7727 or email info@rocjpc.org. Interested volunteers should have 2 hours a week to give, be willing to commit to 1 year of apprenticeship service, attend some Monday Night Training Workshops and provide written information about the outcomes.

Volunteers Needed

- Voting rights advocates and public policy activists for voting rights and identification for employment.
- Cooks and servers for the Monday Training Group for men and women reentering from jail, prison or probation.
- Advocates for prisoners that write the office (we get over 14 letters per week).
- Gardeners to beautify Ormond Street area with planters and gardens.

Items Needed for Customers

Pens, pencils, notebooks.

Sugar, creamer, coffee, cookies.

Bus passes, daily unlimited.

Gift cards to Kmart for underwear, socks and shoes.

All occasion cards, birthday cards, holiday cards.

Call Sue at 325-7727 for more info.