

Justicia

People Who Make a Difference and the Difference JPC Makes

By Hasana Martin

I began my Rochester AmeriCorps service at the Judicial Process Commission in October of 2007. I did not know what to expect, but I arrived with a willing spirit and a belief in JPC's core mission. JPC was founded partly in response to the 1971 Attica uprising by members of Church Women United. The late Rev. Virginia and John Mackey, the late Ms. Clare Regan and Ms. Lois Davis promoted the use of restorative justice and nonviolent protest as a means of creating a just society. My background in education and my life experiences have led me to support causes and organizations that seek to empower the most powerless among us. Through my experiences at JPC I can truly attest to the fact that people can and will change negative behaviors and or attitudes if they are supported and encouraged. Those who work, volunteer, serve on

the board, and mentor at JPC are seeking to better society by reaching out to those who may find themselves without the means, resources, or tools to effectively navigate many of society's systems.

The Greater Rochester and Monroe County area offers many resources to those individuals who are returning from incarceration, living with criminal convictions, or currently incarcerated. At JPC, we work alongside the Monroe County Reentry Task Force, Monroe County Legal Assistance Center, the Monroe Department of Health and Human Services, NYS Department of Corrections, NYS Division of Criminal Justice Services, NYS probation, Federal Bureau of Investigation, and NYS and federal parole officials. All of these agencies play a part in offering choice, guidance, and opportunity for growth to those who have been incarcerated or have a criminal history. I have found my time at JPC assisting these individuals to have been the most fulfilling of my professional life. I have witnessed men and women obtain jobs, find stable housing, pursue and complete their educational goals, complete drug treatment, and reunite with their families. It has been my pleasure to be able to assist these people with obtaining certificates of relief, creating résumés, and accessing services that will improve the quality of their lives.

During my time at JPC, I have learned a great deal about the obstacles that a person confronts when trying to move past his or her involvement with the criminal justice system. I have seen the struggles, fear, and despair that people face when they apply for employment, search for housing, or seek legal assistance. Finding gainful employment is a challenge for the average American, but it is even more so for someone who has a criminal history. One of the major mandates of JPC staff is to assist those who wish to enter or reenter the workforce. Although this is often a challenge, success is possible and the support that JPC along with MCLAC attorney Jason Hoge, RochesterWorks, Rochester Rehabilitation Center, Inc., VESID, and many other community agencies offer allows many people to either gain or return to stable employment.

A certificate of relief local sentencing court or a certificate of good conduct issued by the NYS Board of Parole is often the validation needed to open the door of opportunity and success for an individual. The process of obtaining the certificate of relief or certificate of good conduct can be a long and tedious one; however, these certificates are often very useful to those seeking employment, licensure or to further their education. These certificates provide evidence of the strides a person has made towards addressing any issues that may have contributed to his or her criminal convictions. JPC is a vital source of information concerning local mental health, drug treatment, medical providers, social services and legal agencies that can assist people with addressing issues that may prevent them from moving forward. JPC case managers assist in the certificate application process. By working with probation, parole, local courts, and the parole board we are able to help those who have made great efforts achieve their goals.

Another very rewarding aspect of my time at JPC was the opportunity to reach out to community leaders and agencies and offer a forum for their representatives to inform JPC members about their services. It has been personally satisfying for me to see Rochester's Mayor Duffy meet with us on a Monday night to discuss the need for jobs for those returning from incarceration. Mayor Duffy followed this initial meeting not only by sending his assistants Mr. Darryl Porter, Mr. Carlos Carballada, Mr. Charles Reaves, and Mr. Keenan Allen for a second meeting. He also addressed the topic in a public forum. This address led to the issue being

addressed in the Rochester Democrat & Chronicle. As a result, Mr. Allen has contacted JPC regarding new employment opportunities. I am eagerly looking forward to the opportunity to refer some of our members to a bricklaying-training program, which will begin in November 2008. Many organizations have reached out to JPC and its members, offering opportunities for growth. This is no small feat in these difficult economic times. A few agencies and individuals who have worked with JPC to educate our members during our Monday Night workshops are: Duncan McElroye, Action for a Better Community (ABC); David Johnson BS, CASAC Norris Clinic; Ernest Flagler, Rochester Fire Department; LaRon E. Nelson MS, FNP, RN, Monroe County Health Department; Jim and Eunice Eckberg, National Alliance on Mental Illness (NAMI); Patricia H. Beaudrie, Rochester Educational Opportunity Center (REOC); Davis Passmore, Rochester City School District (RCSD); Mary Ellen Spennachio-Wagner, Board of Cooperative Education Services II (BOCES II); Carmen Camacho, RN, American Diabetes Assoc.; Mr. Vince Butler, Men's Education for Non-Violence; Pat Johnson and Danielle Erway, Center for Youth Services; Mary Beth Conway, Esq., Volunteer Legal Services Project (VLSP); and Jason Hoge, Esq., Lori O'Brien, Esq., and Robin Marable, Esq., Monroe County Legal Assistance Center (MCLAC); Consumer Credit Counseling; Darryll D. Rudy, Foodworx; Cynthia Adell and Pamela Kennedy, Preferred Care; and Michael Boucher, LCSW, MA, St. Joseph's Neighborhood Center. These Monday training sessions have been well attended and received. Representatives from these and other organizations graciously donate their time and expertise to JPC attendees and their efforts are greatly appreciated.

Answering prison correspondence was a very interesting and challenging part of my service. JPC receives prison correspondence from most NYS prisons and from prisons in many of the 50 United States. The scope of services and the areas of advocacy here at JPC are very wide. Correspondences are read in as timely a fashion as possible. Answering prison correspondence while at times time-consuming is a very important part of JPC's mission. The letters written by those currently incarcerated often request legal assistance or seek to correct an issue within a particular facility. Letters such as these are responded to as quickly as possible. JPC does not

provide any legal advice, however; there are numerous legal agencies state and nationwide that persons in need may contact. In some rare instances actual intervention is necessary, and Susan K. Porter in addition to her many other duties will contact prison officials on behalf of an individual. Letters requesting re-entry information are always a pleasure to answer. It is my sincere belief that providing individuals who are returning to the community with information will lessen their fears and anxiety and provide a smoother transition. Re-entry issues such as the obtainment of stable housing, gainful employment, mental health treatment, substance abuse treatment, valid ID, along with child support and family reunification issues are realities that no one should face alone.

It has been my pleasure to work alongside people who are truly dedicated to changing society for the better. JPC staff, which includes, JPC coordinator Susan K. Porter, case manager Kamilah Richardson, client navigator Mavis Egan, along with Rochester AmeriCorps member Lisa Moose. These dedicated and caring women work long hours offering words of encouragement, listening ears, and unending patience in order to ease fears and strengthen the resolve of those trying to find a better more productive way of living. Volunteers also give of their time, energy, and expertise in an effort to support those who are struggling to make changes in their lives one step at a time. As a team, we were able to celebrate JPC's open house, the Mackey Awards, and JPC's 1st annual picnic with board members, volunteers, and those who support our mission and share our vision for a safer and more equitable society.

JPC board members tirelessly raise funds, mentor, or manage day to day duties of the organization and are the unseen heroes of JPC. Mr. Fred Schaeffer, board chair, was instrumental in finding wonderful new office space. He has even made a trip to the local office supply store to get ink for my printer. Ms. Mary Boite has stuffed many, many thank you letters and made many, many copies; she and Mrs. Suzanne Schnittman contribute articles to *Justicia*. Mrs. Schnittman wrote a wonderful article that was published in the *Rochester Democrat & Chronicle* in the spring of 2008 that describes the services offered at JPC. Ms. Boite and Mrs. Schnittman also play a major role in fundraising efforts. It has been a pleasure to see how JPC has grown and I am sure that this growth will continue.



Some of the JPC faithful. Bottom row, L to R: Hasana Martin, Mavis Egan. Top row, L to R: Kamilah Richardson, Lisa Moose, Deacon John Mourning. "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it is the only thing that ever has." –Margaret Mead

Ms. MacClurg Vivian is a wonderfully talented grant writer who spends many hours, often along with Susan K. Porter, researching and writing proposals that help to keep JPC's doors open. Attorneys Jason Hoge, Lori O'Brien, Robin Marable (MCLAC) and Marybeth Conway (VLSP) offer their time and talents repeatedly. They attend trainings, provide presentations, and represent people who would not ordinarily be able to afford legal counsel. Deacon John Mourning is another asset who through his continued dedication provides outreach services to Monroe County and Albion Correctional Facilities. JPC Mentor Outreach Coordinator Valerie White-Whittick oversees the mentoring program. The mentoring program seeks to connect those who need guidance and encouragement as they make changes with volunteers who wish to take on a supportive role. I must also make mention of JPC support staff Betty, Steve, Chris, Sheila, Henry and Charlie. They make life so much easier and are an invaluable part of our team. The list of people who contribute to the success and longevity of JPC is too long to recount. I cannot thank Jack Bradigan Spula and Joel Freedman enough for the work they do with *Justicia*. I read so many letters from people seeking their advice and support. Jack's editing and Joel's writing seem to reach into the hearts and minds of many who seek truth and justice for all. *Justicia* is a wonderful part of JPC's mission and a much-needed source of information.

Moreover, many thanks to the many, many JPC members who come together every other month to fold, tab, and label *Justicia* so that each issue may reach its destination. The giving is full circle because JPC receives donations, thank you notes, and letters of support from those who are currently inside facilities across New York and the United States, and from their families and friends. It is a pleasure and honor to be part of an organization that quietly and diligently seeks to make the city of Rochester, Monroe County, and the world at large a safer place by advocating for the rights of all its citizens and informing them of the many possibilities for positive change that exist.



Lisa Moose, Case Manager, AmeriCorps, stands in front of JPC's new headquarters on Ormond Street. The new location offers many advantages – among which are parking capacity and a sidewalk entrance – that help us further our organizational mission.

Troy Davis In Peril

By Suzanne Schnittman

On September 23, 2008, death penalty abolitionists sighed in relief when the United States Supreme Court granted a last-minute stay of execution to Georgia's Troy Anthony Davis. On Monday, October 6, the Court said it would discuss the appeal date in a private conference October 10, just as *Justicia* went to print. The Court apparently needed more time to look at the appeal from the death-row inmate... (**Note: see important update at the end of this article.**)

Davis, an African American, is accused of shooting and murdering a 27 year old white off-duty police officer, Mark Allen MacPhail, in a Burger King parking lot in Savannah, Georgia. He supposedly did so on August 19, 1989, after responding to the cries of a homeless man being pistol whipped.

At the initial trial, a parade of witnesses pointed to Davis as the shooter. In the absence of forensic evidence (a murder weapon, a fingerprint or a trace of DNA left behind) those nine witnesses were enough to convince a jury that Davis committed the murder, and that he deserved to die.

Davis, 39, has been on death row since he was 22. Over the seventeen years since his initial trial, people gradually began to change their testimony. Seven of nine key prosecution witnesses to testify against him have recanted their testimony. The witnesses said statements implicating Davis had been coerced by strong-arm police tactics, challenging the backbone of the prosecution's case.

The two witnesses who stood by their testimony have issues, too. One of them initially told police that he didn't see who shot MacPhail. The other witness, Sylvester "Redd" Coles, went to the police station the day after the shooting and, accompanied by his attorney, tipped off investigators that Davis was their man. Years later, Coles allegedly told three people that he, in fact, had killed the officer.

Last year, Davis received his execution date, for July 2007. His only hope was for an intervention by the Georgia Supreme Court, the U.S. Supreme Court, or the state Board of Pardons and Paroles – the same board that, just four months earlier, had commuted the sentence of Georgia death row inmate Samuel David Crowe.

"I had a feeling that once [Crowe] had been commuted, it would be very difficult politically for the board to commute anybody else," one expert said. "There's only so many commutations that are politically possible."

In July 2007 Davis was one day shy of execution when granted a 90-day stay of execution by the Georgia Board of Pardons and Parole. At the time, the board signed an order that indicated it was troubled by Davis' case. "The members of the Georgia Board of Pardons and Paroles will not allow an execution to proceed in this State unless and until its members are convinced that there is not doubt as to the guilt of the accused."

The next September, 2008, the same parole board issued a decision denying Davis clemency, in a 4 to 3 ruling, and refused to consider the recanted testimony. The decision, which basically came down to a legal technicality, stated that unless the original testimony was "the purest fabrication," the recantations weren't admissible.

Chief Justice Leah Sears, writing for the dissent, was dismayed at the ruling. "I believe that this case illustrates that this Court's approach ... is overly rigid and fails to allow an adequate inquiry into the fundamental question, which is whether or not an innocent person might have been convicted or even, as in this case, might be put to death."

The state set Davis' new execution date for September 23, 2008. His attorneys appealed to the U.S. Supreme Court. On the afternoon of his execution date, Davis said goodbye to his family and readied himself for the death chamber. Less than two hours before he was scheduled to die, he was watching TV. He learned that the U.S. Supreme Court had issued a stay. The high court wanted time to decide whether to hear Davis' case.

"The argument we've made is that it's unconstitutional to execute an innocent man," says Davis' D.C.-based attorney, Jason Ewart. "It's an issue that the Supreme Court has looked at before, but has never definitively decided. This provides a good case for that."

Davis' claims of innocence have attracted international attention from figures including former US president Jimmy Carter, Nobel Peace Prize winner Desmond Tutu of South Africa and Pope Benedict XVI. All have spoken out against Davis' execution.

In September, Carter said, "Executing Troy Davis without a real examination of potentially exonerating evidence risks taking the life of an

innocent man and would be a grave miscarriage of justice."

The case has also been taken up by Amnesty International and a group known as Georgians for Alternatives to the Death Penalty (GFADP).

In the last 35 years, 129 innocent people have been released from death row. Five of the exonerees are from Georgia.

SEE UPDATE BELOW and info box on p.6.



Late update: Supreme Court denies new hearing for Davis; GA sets execution date.

(excerpted from AIUSA statement published on AlterNet): "Amnesty International USA (AIUSA) decried today's (14 October 2008) U.S. Supreme Court decision to deny a new hearing for Georgia death-row inmate Troy Anthony Davis. The Court had granted Davis a stay of execution just hours before he was scheduled to be put to death while it decided whether to hear the case. In denying Davis' petition for a writ of certiorari, the Court has effectively ended a longstanding battle to have new evidence in Davis' favor heard in a court of law.

"The Supreme Court's decision is truly shocking, given that significant evidence of Davis' innocence will never have a chance to be examined," said Larry Cox, executive director for AIUSA. "Faulty eyewitness identification is the leading cause of wrongful convictions, and the hallmark of Davis' case. This was an opportunity for the Court to clarify the constitutionality of putting the innocent to death — and in Davis' case, his innocence could only be determined with a new hearing or trial."

"It is disgraceful that the highest court in the land could sink so low when doubts surrounding Davis' guilt are so high," Cox added.

The state of Georgia has set an execution date of Oct. 27 for Davis. There still may be time to halt the process. (And whether or not an execution has taken place when this reaches you, you can still speak out and work against this kind of injustice.)

**CONTACT THE GEORGIA
BD. OF PARDONS &
PAROLES.**

(phone) 404-656-5712 or 404-651-8502;
(fax) 404-651-6670; (404)651-8502; (404) 651-
5282; (404) 463-6627

**CONTACT Georgia Gov.
Sonny Perdue.** Phone: (404) 656-1776;
Fax: (404) 656-5947 and 404-657-7332

**FOR MORE INFO. and to
urge your friends and
family to add their voices
to end capital punishment,
see:**

amnestyusa.org/troydavis

or

www.troyanthonydavis.org

Editorial: First Amendment Rights Must Be Preserved At Penal Institutions

For nearly three years the Reconciliation Network has focused a death penalty vigil on death row inmates in the Northeast. After reading each name, participants chant, "Not in My Name," indicating displeasure with the state that will execute them with public funds and literally in the names of citizens.

The lead article in the March-April 2008 issue of *Justicia*, "Death Penalty De Facto Moratorium Comes to an End," written by JPC board member Suzanne Schnittman, noted a lull by local activists who had previously participated in peaceful and lawful monthly vigils to protest capital punishment. Schnittman concluded her article by suggesting those "who vigil be ready to resume our work and invite others to join us."

The Media Review Committee of the Oneida Correctional Facility, a medium security prison in Rome, New York, decided that Schnittman's article invites violence and promotes anarchy. The March-April 2008 issue of *Justicia* was therefore banned at this prison.

The July 23 issue of the Rochester Democrat & Chronicle published *Justicia* writer Joel Freedman's guest essay that protested what happened at Oneida. "Officials in a publicly funded state institution have shown blatant disrespect for common sense, for the rights of prisoners, for the rights of the Judicial Process Commission and for the First Amendment of the US Constitution that provides for freedom of speech and freedom of press in a democratic society. Although our Bill of Rights is more than 200 years old, it is constantly being tested. Whenever the constitutional rights of one individual or group are violated, our heritage of freedom becomes endangered for all," Freedman wrote.

Susan Porter, JPC Coordinator, shared Freedman's article and Schnittman's article with Oneida Correctional Facility Superintendent Susan Connell. Porter asked Connell to explain what specific language in Schnittman's article prompted the prison's media review committee's decision to

ban the March-April issue of *Justicia*. Porter also advised Connell: "I realize prisoners have the option to appeal to the Central Office media review committee. However, this creates hassles for prisoners. The point is that our newsletter should not be censored by Oneida's media review committee without reasonable cause to do so. In the instant case, the action taken by Oneida's media review committee was totally unjustified in our opinion. I would also like to establish an understanding with you whereby you would notify me of any future bans of our newsletter, and you would discuss with me specific reasons why any particular article in our newsletter is found unacceptable for delivery to Oneida's inmate subscribers."

In her August 5 reply letter, Superintendent Connell asked us to "please be aware that the appeal process was utilized by the involved inmates. The appeal resulted in the reversal of the initial determination and the publication has been distributed to the inmates. The facility media review committee will continue to operate within the parameters of DOCS established procedures. Staff attended training when opportunities are provided. I trust this resolves your concerns."

This reply does *not* resolve JPC's concerns. When inmates receive notification that a publication has been found to be unacceptable, they are advised that if they do not appeal to the Central Office Media Review Committee or ask that the publication be sent to a person of their choice at inmates' expense, the publication will be destroyed. Many inmates may not want to get involved in controversies and will not object to bans on incoming publications, or to the publications' destruction by prison personnel. Even successful appeals create inconveniences and sometimes retaliation. And when a prison bans articles such as the one authored by Schnittman, the prison is *not* operating "within the parameters of DOCS established procedures." This is probably why Connell declined to respond to our request for the specific language in Schnittman's article that Oneida's Media Review Committee found unacceptable.

Could the decision of Oneida's Media Review Committee to ban the March-April 2008 issue of *Justicia* be the beginning of an agenda to find absurd excuses to try to keep future *Justicia* issues from reaching Oneida's inmate subscribers? Why is Oneida's superintendent unwilling to contact

us directly to discuss with our coordinator any possible findings by the prison's Media Review Committee that result in the ban of future *Justicia* issues?

Last year, in the September-October 2007 issue of *Justicia*, we published an article entitled "Abuses by Corrections Personnel is Number One Concern of Many Oneida Correctional Facility Inmates." The article, written by Joel Freedman, reported complaints we had received from Oneida inmates, alleging unprovoked physical abuse and humiliating taunting by some correction officers, denial of privileges to which inmates are entitled, and retaliation when inmates filed grievances. Freedman's article provided extensive coverage of a survey and visit conducted by The Correctional Association of New York, which concluded that such serious shortcomings are commonplace at Oneida.

Did Oneida's Media Review Committee have this article in mind when its members tried to ban a later issue of *Justicia*?

Whatever this committee's motivations, our newsletter will continue to spotlight problems in America's courtrooms and penal institutions, the need to abolish the death penalty, and other important issues.

We would appreciate hearing from any prisoners who receive notification that our *Justicia* newsletter is unacceptable. We will fight to eliminate such censorship, while respecting the confidentiality of those who contact us.

Update: Commonwealth of Mass. v. Richard Asadoorian

By Joel Freedman

In the September-October 2006 issue of *Justicia*, I wrote about the case of Richard Asadoorian of Dracut, Massachusetts, who was convicted in 1993 by a Middlesex County, Massachusetts jury of rape, kidnapping and assault, who I believe is actually innocent of these charges, for which he is serving a 20-year prison sentence. Asadoorian, 58, is currently imprisoned at the Massachusetts Correctional Institution in Norfolk, Massachusetts.

Highly questionable performance by Paul F. O'Neill, Asadoorian's defense attorney (who was disbarred, shortly after Asadoorian's conviction, for fraud with another client), and the District Attorney's Office tendency to brush aside evidence that the

alleged victim's accusations were unfounded, led to an unjust jury verdict.

Higher courts have refused to grant Asadoorian a new trial, even though the trial defense attorney refused to play for the jury numerous taped conversations between Asadoorian and the alleged victim, including a conversation the day after the alleged rape, in which she expressed her love for Asadoorian.

The attorney also refused to call the jury's attention to numerous love letters the alleged victim sent to Asadoorian. Two weeks before the alleged crimes, she sent Asadoorian a valentine, "I know I love you. I know you love me. I know we (will) make it together forever." These communications were crucial to Asadoorian's defense that this former girlfriend contrived her accusations because she was a spurned lover, and not the other way around, as she testified at trial. The alleged victim testified she informed Asadoorian she wanted to end their relationship, and that Asadoorian, while driving the car in which she was a passenger, became furious over her rejection of him. She testified Asadoorian held her hostage in the car as he drove faster and faster to terrorize her, that he grabbed her by the hair and thus prevented her from jumping out of the car, and that Asadoorian eventually ran over the lawn and crashed into the bushes in a neighbor's yard.

The jury was not informed that immediately after the accident, the neighbor told a detective that the driver who crashed onto her lawn was a woman. Since she, alone, drove and crashed the car, she obviously could not have been kidnapped in it. Instead, Asadoorian's attorney pressured Asadoorian into not disputing the alleged victim's claim that he was the driver. The attorney also refused to call to the witness stand several defense witnesses including an acquaintance of the alleged victim, who was prepared to testify that the alleged victim admitted to her that the accusations against Asadoorian were "exaggerated." (The trial record indicates that prior to jury selection, Asadoorian told the judge, "I would like to dismiss my lawyer." The judge replied, "Have a seat, please. Have a seat. We're going to pick fourteen jurors now. Have a seat.")

George Tetreault, a highly respected polygraph expert, reported that Asadoorian's polygraph results corroborate Asadoorian's innocence claims. Asadoorian maintains that his former girlfriend contrived her accusations because

he told her he wanted to end their romantic relationship.

On February 20, 2007, The Sun, a daily newspaper in Lowell, Massachusetts, published a feature article about Asadoorian's situation. Headlined "Local Man Would Rather Stay In Jail Than Go Free On A Lie," Asadoorian told the Sun reporter, Lisa Redmond, about his refusal to participate in a sex offender treatment program which requires an admission of guilt as a prerequisite to acceptance into the program. "I'm not going to lie. It's unethical, and it would discourage others who are wrongly accused from standing up to the system." When he first went to prison, Asadoorian said he was labeled a sex offender and beaten up by other inmates, but after so many years behind bars, "Now people know me." Asadoorian also told the newspaper that "in prison, sex offenders hide. I'm not hiding."

Redmond also interviewed newly elected Middlesex County District Attorney Gerry Leone, who said that "there are already extensive appeals options for defendants in our current system. However, I'm always willing to look at new ideas to help assure a just and fair judicial process." But when I wrote to Leone to request a re-examination of Asadoorian's case, I received no response.

In May 2007 I made a similar request to Massachusetts Attorney General Martha Coakley. I wrote to Coakley: "I realize you are empowered to serve as legal counsel or advisor to county prosecutors, but your office also has a responsibility to protect and preserve justice. Recently, North Carolina's attorney general intervened in the Duke University case. Mr. Asadoorian's case and the case of the wrongly accused Duke University athletes share striking similarities." No response.

In the past year, a movement by a team of high-profile criminal defense attorneys has been initiated to have Judge Charles J. Hely barred from hearing cases in the motion session at Suffolk Superior Court. The attorneys claim Hely's rulings, unlike other judges who take turns presiding over the motion section, are always unfavorable to defendants. Hely presided over Asadoorian's trial and has rejected all of Asadoorian's post-trial motions.

James E. Tamagini Jr., a former Middlesex County prosecutor, is facing federal drug-conspiracy charges in New Hampshire and has a recent arrest for possessing and selling anabolic

steroids in Massachusetts. Tamagini was the prosecuting attorney at Asadoorian's trial.

These events regarding Hely and Tamagini do not exonerate Asadoorian, but they do raise serious questions about the trustworthiness of the judge and prosecutor involved in Asadoorian's case. And, as noted above, the jury never heard much of the evidence that points toward Asadoorian's innocence.

Toward A More Compassionate Ethic That Includes All Living Beings

By Joel Freedman

Last September, after completing the paperwork for adopting two large sister teddy bear hamsters from Lollypop Farm, I took another look at a six month old dwarf hamster and adopted her, too.

Tiny Esther was only one-third the size of the others. I provided Esther with her own spacious cage, bedding made from reclaimed pulp waste (Avoid pine and cedar which is toxic for animals. Use bedding made from reclaimed pulp waste, pressed paper pellets, alfalfa, straw, grain byproducts, aspen or recycled newspaper with soy ink. Corncob bedding is non-toxic, but there have been instances of smaller animals choking on the pieces), nourishing food, and an exercise wheel Esther used so often that one would think she was training for a marathon run. Esther enjoyed being petted and receiving light massages.

In April, Esther stopped exercising and eating. When it appeared her dying process would be prolonged, a friend accompanied me to the veterinary clinic where she was painlessly euthanized. We remained with Esther as she entered a new phase of her journey through eternity. (I believe animals have souls.)

The Spring 2008 issue of "PETA's Animal Times" includes a number of true animal rescue stories that, along with my experience with Esther, re-affirm my belief in the special bond that can and should exist between people and animals - including animals most people would not consider befriending.

Attorney Elissa Katz rescued a mouse from a horrible death: "Sitting at my desk at work, I heard a noise and saw movement out of the corner of my eye. To my horror, it turned out to be a very small mouse stuck on a glue trap. For the next hour and a half, I methodically alternated between vegetable oil and warm water to free the terrified and injured animal. From that day on, Mouse became very bonded with me: sitting on my shoulder, eating from my hand, and squeaking when he wanted a treat. He lived in a large enclosure full of tunnels, tubes, wheels, and nesting spots for 2 ½ years until it was time to make the very difficult but kind decision to have him euthanized. There is much to be learned and appreciated from a little mouse. I will never forget how he trusted me to free him from that ungodly trap."

Jennifer Anderson, a Maui dive leader, was diving in the ocean when she encountered a Manta ray who was wrapped head to tail in fishing line. The line had torn into her body at the back, causing deep v-shaped parts of her flesh to be missing from her backside. "When I touched her, her whole body quivered, just as my horse would. I put both of my hands on her, then my entire body, talking to her the whole time. I knew she could knock me off at any time with one flick of her great wing." Nevertheless, Anderson cut through the first line, which pulled into the animal's wounds.

"With one beat of her mighty wings, she dumped me and bolted away. I was amazed when she turned and came right back, gliding under my body. I went to work. She seemed to know it would hurt and, somehow, she also knew that I could help." When all the lines were finally cut, the Manta ray came to life and swam directly out to sea.

But then the Manta ray decided to swim back to thank Anderson for the underwater rescue. "She approached me and stopped, her wing just touching my head. I looked into her round, dark eye, and she looked deeply into mine. I felt a rush of something that so overpowered me, I have yet to find the words to describe it, except a warm and loving flow of energy from her into me. She stayed with me for a moment. Then, as silently as she came back, she lifted her wing over my head and was gone.

Not long ago, my brother, Charles Freedman, while kayaking in California, was surprised when a young sea lion, apparently orphaned, made herself at home on the kayak. He gently pushed the animal back into the ocean, but

she jumped back on the kayak, snuggling up to my brother. Fearing that she would perish in the ocean, he alerted a harbor patrol boat. A sea lion rescue organization took custody of the gentle animal at least until she can demonstrate the survival skills necessary for return to her natural habitat.

If as the humanitarian Dr. Albert Schweitzer wrote, a person “is really ethical only when he obeys the constraint laid on him to aid all life which he is able to help,” then Katz and Anderson actions certainly meet this standard of conduct. Their rescue experiences, and the responses of the animals they rescued, call to mind the words of Henry David Thoreau: “The language of friendship is not words, but meanings. It is an intelligence above language.” Or, as one San Francisco animal protection official believes, “the hope for the animals of tomorrow is to be found in a human culture which learns to feel beyond itself. We must learn empathy, we must learn to see into the eyes of an animal and feel that his life has value because he is alive. Nothing else will do.”

It disturbs and saddens me when organizations strive to do a good job protecting the civil rights of human beings, but do not show much concern about protecting animals. I lost a lot of respect for the American Civil Liberties Union (ACLU) when this organization took it upon itself to defend the “rights” of a cult to defy state animal protection statutes. The cult was killing and maiming animals in “religious” ceremonies. The ACLU maintained these atrocities were protected by the First Amendment.

When the Correctional Association of New York observes rodent infestation at a particular prison, the Association’s staff calls for the prison administration to “take more aggressive” control measures that usually involves use of glue or other killing traps and/or use of poisons. Instead, the Correctional Association should urge prison administrators to work with organizations such as People for the Ethical Treatment of Animals (PETA) that will assist prisons to develop more humane and more effective ways to deal with rodent infestation. (Visit HelpingWildlife.com for further information.)

On a larger scale, we need to hold governmental bureaucracies accountable for their actions, including actions involving environmental or animal protection. In September 2006, several conservation organizations provided documents to the Union of Concerned Scientists Scientific

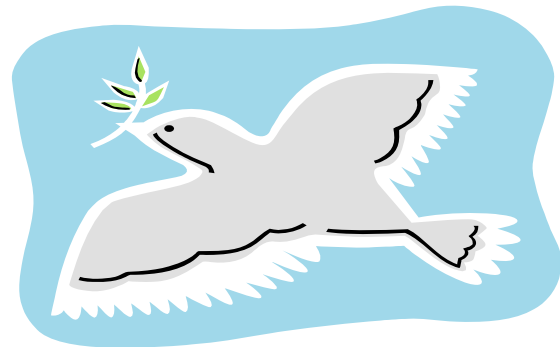
Integrity Program, which showed that a ranking U.S. Interior Department official had interfered in the scientific process prescribed by the Endangered Species Act. Assistant Secretary Julie MacDonald had directed scientists working for the U.S. Fish and Wildlife Service (FWS) to change their scientific findings regarding dozens of imperiled species. MacDonald personally rewrote scientific documents. These revisions took away the protection of these species and influenced land-use decisions which affect hundreds of other species and thousands of acres of habitat.

Francesca Grifo, director of the Scientific Integrity Program, alerted the Washington Post and key members of Congress to what MacDonald had been doing. An exposé was published in the Post. Several members of Congress called for independent investigations. The Interior Department’s inspector general concluded last year that MacDonald had “harassed, bullied, and insulted” FWS employees to pressure them to alter scientific documents. Shortly after the date for a congressional hearing was announced by Rep. Nick Rahall (D-WV), MacDonald resigned.

Grifo testified before the House Natural Resources Committee that political interference in endangered species science was pervasive within the Interior Department, and that 128 FWS scientists had been “directed for non-scientific reasons to refrain from making scientific findings that are protective of species.”

Whether all this will really make a significant difference in the long term remains to be seen, but at least MacDonald lost her job and Interior Department higher-ups have begun to recognize that future unethical conduct may be subject to public scrutiny.

Let’s all move toward a more compassionate ethic that includes all living beings.



Newsletter Feedback Needed

Dear Loyal Reader,

Once every few years we would like to hear from you our loyal readers. If you really enjoy this newsletter you need to let us know. We need to hear from you because *Justicia* publication and mailing costs are continuing to rise. A donation of any size or a letter of support means you will be kept on our mailing list. But without a donation or a letter you will be removed from the list.

For every rule there is always an exception. Prisoners, do not panic! If you are incarcerated you will continue to receive *Justicia* free of charge.

Readers living in the free world may go to our web site to view the newsletter. Please let us know so we may remove your name. You save a tree and a lot of money for JPC if you choose to go the web route.

-Sue Porter, Coordinator

Fairness for All

By Katie Blackburn, Community Organizer

To Provide Fairness for All, New York State Needs an Independent Public Defense Commission. Before locking someone up or taking away parents' rights to raise their children as they see fit, the State should provide a fair process. For the process to be fair, individuals facing court action that could take away their liberty or their kids should have a lawyer, even if they can't afford to hire one. That lawyer should have the time, resources, and skill to represent the client well. And this should be true in every city and county. But as *Justicia* readers know, that isn't always the case. Excessive caseloads and lack of resources prevent even the best lawyers from meeting their clients' needs. Political interference with public defense offices threatens fairness to client communities in many locations.

New York State was once a leader in seeking to provide legal services in criminal cases and certain other matters. Now, county after county suffers an ongoing public defense crisis. A group appointed by Chief Judge Kaye called in 2006 for creating an Independent Public Defense Commission heading a statewide, fully and adequately state-funded public defense system...

Organizations and officials know reform must come. People and institutions across the state recognize the problem. A number of newspapers have called for public defense reform. Governor Paterson has said an Independent Public Defense Commission is a good idea.

A bill to implement the Kaye Commission recommendations was introduced in the State Legislature last year. *The Campaign for an Independent Public Defense Commission works for fairness*; many organizations and individuals endorse its goals. JPC is but one Rochester-based group that has joined the Campaign; others include Church Women United in Roch., Compeer, Farmworkers Legal Services of NY, Greater Roch. Community of Churches, League of Women Voters Roch. Metro Area, Montgomery Neighborhood Ctr., Downtown United Presbyterian Church. For gen'l information and endorsement info: www.newyorkjusticefund.org/campaign.htm. Campaign for an Independent Public Defense Comm., 194 Washington Ave., Suite 500, Albany NY 12210. 518-465-0519.

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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Judicial Process Commission
285 Ormond Street
Rochester, New York 14605
585-325-7727
info@rocjpc.org
www.rocjpc.org

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Service Master H&S: Who are they?

By Kamilah R. Richardson

Service Master is a janitorial cleaning agency that has been in business for two years, owned by Sanford Coley and William Hawkins (*pictured at right*). Both owners have a combined total of 40 years experience in the janitorial field.

There is one local office here in Rochester and it is located in the same building as Judicial Process Commission at 285 Ormond Street, upstairs. They currently have 37 buildings that they service here in the greater Rochester area – including buildings in Greece, Gates, Henrietta, Brighton, Pittsford, and Mendon.

They are willing to hire ex-offenders, and they have at this time several on staff. Their goal is to acquire as many businesses as possible to generate at least \$1 million in revenue. Since they are a new business here in Rochester, we are writing this article to put them on the map so that the public is aware that there is more than just the major cleaning companies here in Rochester.

Their prices are reasonable and their work is impeccable. If you have any questions, please feel free to contact William Hawkins or Sanford Coley at their office at (585) 325-4120.

Richardson is a Case Manager with the Judicial Process Commission.

