

# Justicia

## Newsletter of the Judicial Process Commission

In This Issue

[Volunteers Needed](#)

[Death Penalty News](#)

[Grant News](#)

[Justice and  
Innocence](#)

[Invitation to you](#)

[Book Review](#)

Join Our List

Join Our Mailing List!

Dec. 2009-Jan. 2010

### CALL FOR VOLUNTEERS!

#### Volunteers Needed Now at JPC

Mentors - Use your real life experience. Ordinary people are needed who are good listeners, are willing to share, and be part of a team. Mothers and grandmothers are especially needed for our new young mothers' project. We also need men to mentor male ex-offenders. Work one-on-one with adults. Help change lives. Personally very rewarding. Learn a lot about Rochester. Be part of Rochester's biggest adult mentoring program, and an integral part of JPC's re-entry program. Two hours per week commitment for one year. May need to pay for local transportation, food, and other small expenses. Two-evening training session coming up January 18 & 19, from 5:00 to 9:00 p.m.

Rental Apartment Coordinator -- Find safe and clean apartments for women who are pregnant or have children two years old or younger, and who are coming home after being in county jail,. Coordinate with landlords, women clients, Dept. of Human Services, case managers and federally-guaranteed funds. Two half days per week. Start locating apartments in May with actual start up in July.

Office Supplies Buyer -- Purchase office supplies and second-hand items for very small clothing and household items cupboard. Half a day per week.

Food Buyer/Cook -- Purchase food at public market. Bring to JPC downtown office on Monday and prepare soup, salad and sandwiches for roughly 20 people. (This could be two separate jobs)

Office Assistant/Coordinator -- Two afternoons a week; answer and screen calls, welcome customers, triage customers on busy days, write letters soliciting contributions for mentoring program, return phone calls, make copies, make coffee.

Writers -- Write articles for publication in JPC's bi-monthly Justicia newsletter. Focus on current activities in the office or fundraising events, or high light office staff, mentors and volunteers. Hot topics in the criminal justice and re-entry arena are urgently needed. Photos needed too. Justicia is published online and distributed via email program. Also paper publication three times per year - if the funds hold up!

For further info, please contact Sue Porter at 325-7727 or at [sporter@rocjpc.org](mailto:sporter@rocjpc.org)

### DEATH PENALTY UPDATES

Justicia

By Suzanne Schnittman



- On November 19, 2009, the first electrocution in the United States in more than a year was used to impose capital punishment on Larry Bill Elliott in Virginia's Greensville Correctional Center. Elliott was convicted of the January, 2001, shooting deaths of Dana Thrall and Robert Finch. At 60 Elliott was Virginia's oldest death row inmate. In that state inmates can choose between the electric chair and lethal injection. (Source: *Democrat and Chronicle*, Nov. 18, 2009)

- On December 8, 2009, in what the *Democrat and Chronicle* headlined "a novel one-drug injection," Kenneth Biros, 51, was put to death at the Southern Ohio Correctional Facility. It was the first U.S. execution to use a single-drug injection instead of the standard three-chemical combination that has come under legal attack because it can cause "excruciating pain."

Biros was convicted of killing his 22 year old victim in 1991, then scattering her body parts in Ohio and Pennsylvania. He was given one dose of sodium thiopental, which was supposed to take longer to kill than the old method. But in ten minutes Biros was dead, the same time required in three-shot executions. The one-drug injection amounts to "an overdose of anesthesia, which is commonly used to euthanize pets."

Ohio switched to the one-drug injection because a "botched execution on another inmate in September 2009." Critics of the three-drug method (see previous *Justicia* articles) have long claimed that it is cruel and unusual punishment. The injected drugs allegedly cause pain while leaving the condemned immobile and unable to cry out. When Ohio changed its method "death penalty opponents praised it as a step forward."

When the three-drug method was tried in the Supreme Court in 2008, that body upheld it in a Kentucky case. The Court then said states "would have to change from the three-drug process if an alternative method lessened the possibility of pain." (Source: *Democrat and Chronicle*, Nov. 14, Dec. 9, 2009)

## GOOD GRANT NEWS!



JPC Receives Grant from the Federal Second Chance Act!  
The Women's Re-entry Project Gets Underway in 2010

By Mary Boite

As one of 36 groups from 136 applicants nationwide to the Federal Second Chance Act grant, JPC and RIT will receive a total of \$296,000 over two years to implement mentoring/case management services for pregnant women and new mothers returning from jail. The women must be pregnant or have children ages two and under. The grant is a testament to our years of working with people both inside and returning from, jails and prisons. The value of the mentoring and the help we have provided, to ex-offenders who want to succeed in society and not return to prison/jail, is now on the national stage. Our customers, the correctional system and our supporters have always understood and appreciated this work; now the federal government is acknowledging its importance.

We worked in partnership with the Rochester Institute of Technology to obtain this grant, and will continue to collaborate with RIT to implement the program. Women in prison/jails who are pregnant and / or have very young children have needs specific to their situations, needs that are not being well met locally and in many areas of the country. As a result, they suffer high recidivism rates - in New York, within three years of their release, 39.9% will return to prison at a per capita "minimal cost" of more than \$35,000 a year.

This project plans to cut in half the recidivism rate, working with 40 women ages 18 and over. The other tragic statistic is the high probability that children who have one or more parent incarcerated, will also end up in the criminal justice system. As is true all over, the more you can help the mother, the more the children and the extended family will benefit.

JPC is currently interviewing candidates for Case Manager Positions. We are also preparing for the Martin Luther King Jr. Mentor Training on the 18<sup>th</sup> and 19<sup>th</sup> of January - 24 people have already enrolled for the training. Mentors and Case Managers will work as a team, during both Pre- and Post-Release periods with the women, children and extended family members.

We are grateful for this chance to serve this population. We also thank MacClurg Vivian, grantwriter, and Professor John Klofas of RIT (and JPC Board Member). The support of Louise Slaughter, Member of Congress for the 28<sup>th</sup> District, and many of the organizations with whom we have partnered over the years, is also much appreciated.

## JUSTICE and INNOCENCE

Science and Faith Triumph (Finally)

By Mary Boite



The release of James Bain on December 17 of this year once again proved the vital importance of groups like the Innocence Project of Florida. Although the original prosecutor in the case said that he wished that DNA evidence had been available 35 years ago, when Bain was found guilty of kidnapping and rape of a nine-year-old boy, the truth is that it has been available and reliable for a long time. It just wasn't available to James Bain and many others languishing in prison, protesting their innocence.

Not, that is, until the Innocence Project got involved earlier in 2009. Seth Miller, lawyer for the Innocence Project, admits that nothing can replace his years in prison, from the age of 19 until now. Bain is 54, and credits his deep faith for enabling him to persevere and not harbor any anger. On a more practical level, a new Florida law entitles him to \$1.75 million, \$50,000 for each year he spent in prison as an innocent man.

His family and friends, including a 77 year old mother whom Bain called to let her know he was free, have a wonderful Christmas ahead of them.

James Bain is free, but his case points forcefully to the injustice of refusing DNA testing for inmates - this should be an automatic part of the trial process and would definitely prove or disprove many cases. Yet another reason that the death penalty is deeply flawed, as reported in the 2009 Annual Report of the Death Penalty Information center (elsewhere in this issue of Justicia). Prosecutors should *never be allowed to refuse this testing*.

## YOU'RE INVITED!

Open Invitation to Participate in JPC

Dear Friends of JPC,

As we gear up for the coming calendar year and our ability to serve the community, we look for fresh blood and new faces around our office and our Board of Trustees table.

Are you willing to be one of those faces? Wouldn't that be a fabulous New Year's Resolution? To become more involved in an organization to which you've pledged your interest over the years, or perhaps in which you've recently become more curious?

How could you possibly help? you might ask. Well, I have quite a few ideas.

- write for us, either in "Justicia" or letters to the media or letters to legislators
- become a mentor, using your listening and life skills to counsel the ex-inmates, parolees, or people on probation that we serve (see flyer elsewhere in Justicia about mentoring mothers; we also need men to mentor other men)
- design our website - it always needs improving
- raise money - through phone calls, visits to religious congregations, or letter-writing
- raise money - help run events for fun and profit



- fill volunteer positions - see the list elsewhere in Justicia
- become a member of the board -
  1. participate in the decision-making process that drives JPC,
  2. learn how we procure grant money,
  3. bring us new ideas and new skills in using email more efficiently
  4. help us re-write our bylaws
  5. be a policy maker, advocating for the clients we serve (currently our issue is helping them procure birth certificates from the county)
  6. invest yourself in understanding re-entry services
  7. connect with the anti-death penalty work we do through New Yorkers for the Alternatives to the Death Penalty
  8. work with women and children whom we'll serve through our Second Chance Grant work over the next year (see flyer elsewhere in Justicia)
  9. help us find a permanent home
  10. just give us money!

This is a great time to upgrade your participation in JPC. We are forming a committee to find you, so if you find us first it's a win win. Call 585-325-7727 or send an email directed to Suzanne Schnittman at [info@rocjpc.org](mailto:info@rocjpc.org) to start the process. You'll be pleased at what a fabulous direction your volunteer work can bring!

## BOOK REVIEW

*A Promise to Ourselves: A Journey Through Fatherhood and Divorce*,  
by Alec Baldwin (with Mark Tabb)  
A Review by Joel Freedman



*A Promise to Ourselves* is a book that grips the reader from the very first page. Written to describe the trauma and tribulations he experienced because of contentious divorce litigation with Academy Award-winning actress Kim Basinger, and to offer practical guidance to help others avoid the anguish he has endured, actor Alec Baldwin shares his encounters with judges, lawyers and court-ordered therapists during his divorce proceedings. These experiences left Baldwin "outraged over the injustices" he believes are "endemic to the family law system in our society." Using a very personal approach as well as the stories and perspectives of others, Baldwin challenges us to change the way divorce and child custody is decided in America so that non-custodial parents, especially fathers, will no longer be forced to abandon hopes of equitable rights in their relationships with their children.

In 2006, Judith Kaye, Chief Judge of New York's highest court, oversaw the Miller Commission (named for New York Supreme Court Judge Sandra Miller), that called for the enactment of no-fault divorce laws in New York, and for more emphasis on staying out of court. According to Judge Miller, "Mediation is a far more humane and better process for resolving these disputes, rather than litigation." Baldwin would agree with such efforts to promote what divorce reform advocates call "collaborative divorce." He believes "our society has an urgent need for reform in the area of family law. A staggering number of men and women are impacted by the madness of divorce and custody law as it is adjudicated in American courts. Countless others are impacted, secondarily, by the effects that these injustices have on someone they love. Most significantly affected are the children of divorce: the millions of Americans who grow up suffering as the result of divorce battles and thus carry the scars with them into adult life."

The temper of our time seems to be that men have fewer rights in a family law courtroom than women do. Baldwin believes the reason for this lies in three factors that have developed over the past four decades. Throughout history, there have been men who abandoned their families, abused their wives and children, and who have neglected to financially support them. "The system we live under

today is a response to that behavior, and we must acknowledge that such laws are valid in their intent and purpose", Baldwin acknowledges. But when such situations do not exist in family break-ups, fathers should not be disadvantaged in custody disputes.

The second factor noted by Baldwin is "the evolution of family law into an industry. There are judges, lawyers, and therapists who manipulate and take full advantage of the passions, pain, and loss of God-given rights of every man and woman to parent their child." Due to the inefficiencies of the Los Angeles County family law system, Baldwin was forced to spend \$1.2 million dollars in order to secure his right to see his daughter. Divorce is now a \$28 billion industry in our country.

The feminist movement is the third factor cited by Baldwin to explain why some women are able to arbitrarily deny many fathers' access to their children. "Over time, the feminist movement has leveraged its important and well-deserved courtroom victories regarding domestic violence, rape evidence, and sexual harassment in the workplace into the conditions we now see in American family law. Due to their gains, violence is less tolerated (a good thing), while the definition of what constitutes violent behavior is broadened (a tricky thing). Much of that broadened definition is currently used in divorce litigation to pathologize some of what is perceived as typically male behavior for the purpose of removing men from their homes and keeping them from seeing their kids (not always a good thing)." Baldwin applauds the "brave and conscientious women, along with many men, who have fought to reemphasize the pain and misery women have endured due to subordination by men and, eventually, to secure women's rights." But, he argues, "the pendulum has swung too far". Baldwin proposes that there should be a default presumption of joint custody in cases in which there are parental disputes over custody - with the stipulation that this presumption would not apply when a parent has been unfit, such as when fathers or mothers have physically abused or molested their children. In the past, and in some places in the present, our legal system has put men's interests ahead of women's interests. Where feminism is in charge, women's interests are placed ahead of men's interests. Baldwin wants to see a system that is more balanced and not gender-biased.

Although the term "Parental Alienation Syndrome (PAS)" is not included in the American Psychiatric Association's Diagnostic and Statistical Manual (DSM), Baldwin suggests that "whether or not the effects upon the child of one parent's campaign against the other rises to the level of mental illness is not the real question, not when you are the one running into walls separating you from your child". He argues that PAS "is a form of child abuse, for the child is the ultimate victim. The alienating parent chooses to cut the child off from one of the most important relationships in that child's life. As a result, the child will be far more susceptible to a wide range of problems than those who have a good relationship with both parents."

In 1985, Richard A. Gardner, M.D., a clinical professor of child psychiatry at Columbia University, introduced the term "Parental Alienation Syndrome (PAS)" as a psychological disturbance "in which children are obsessed with deprecation and criticism of a parent-denigration that is unjustified and/or exaggerated". The PAS child rejects one parent as all "bad", while embracing the other parent as all "good". Applying PAS to one of the themes of his book, Baldwin insists that

Because PAS occurs in the overall context of custody litigation, judicial action is required to curb it. An alienating parent's greatest tool is time. The more time that parent has the child, and the less time the child spends with the target parent, the more effective the programming will be. Therefore, stopping the alienation process demands that the child have quality time with the target parent. Swift judicial intervention by awarding extra or compensatory visitation to the target parent often sends a clear message to the alienating parent to stop the programming process. When courts award more visitation time to the target parent, the tension and stress that previously existed between the alienated child and the parent will dissipate and even disappear with time. However, the key is *swift* judicial action.

Baldwin reminds us that males are not the only victims of PAS. "Usually through drug charges, a history of alcohol abuse, or an arrest record of some kind, men go into court, aided and abetted by a male-leaning judge and/or evaluator, and take children away from their mothers. The effect is the same. Children need two parents, where two parents exist, ready, willing, and able to carry out their role."

Baldwin does not address what the role of an incarcerated parent should be in the lives of children. Certainly, in some cases, losing a parent to prison is a blessing for their children and other family members; the less contact they have with their incarcerated family member, the better off they will be. But there are many, many prisoners who are good parents. All too often, some judges are too quick to terminate the parental rights of incarcerated people, based solely on the fact that they are imprisoned. Prisoners are often the victims of PAS.

Not long ago, I received a call from a woman who was outraged by a case in which a woman had been court-ordered to arrange to bring her children to a prison for visits with their incarcerated

father. I explained to the caller that absent evidence of a prior abusive or neglectful relationship that would traumatize children if a visitation/correspondence relationship continued, I agreed with the judge's decision. I suggested to the caller that she should read Nell Bernstein's book, *All Alone In the World: Children of the Incarcerated*, which might change her opinions about children visiting their imprisoned parents. The Children's Center at Sing Sing Correctional Facility, established by the Osborne Association, operates on the premise that meaningful contact between incarcerated fathers and their children can have a positive impact on both. Inside the center, fathers can hug and hold their children, read books and play computer games with them, and help them make key chains out of colored string.

The Oregon Department of Corrections works closely with other state and non-profit agencies known as the Children of Incarcerated Parents Project. Oregon inmates have access to parenting classes and special visits where they receive feedback from a family therapist. Mothers at Oregon's Coffee Creek Correctional Facility are permitted to participate in an on-site Early Head Start program where youngsters spend twice-weekly, three-hour stretches with their mothers in a pre-school-like setting. A Girl Scouts Beyond Bars has been established at this prison, allowing mothers and their daughters to participate in bi-monthly troop meetings inside the prison.

Various sociological studies would support many of Baldwin's contentions. A high level of parental conflict tends to create long-term distress among children. Divorce without continuing parental conflict does children much less harm. When children of divorce lose a parent as a role model, source of emotional support, practical help and supervision, distress among these children increases. Continued healthy contacts with the non-custodial parent help to reduce such distress.

*A Promise to Ourselves* has much to offer readers who may be interested in attaining a better understanding of the psychological and financial toll that divorce litigation takes on people. At a time when more than half of all marriages in the United States end in divorce, we are dealing with a major social issue. In addition to proposals for systemic reform, Baldwin examines topics such as the value of prenuptial agreements, decisions about when and how to file for divorce, divorce strategies for couples in various income brackets, selecting an attorney, private mediation versus going to trial, custody/visitation strategies, and the value of constructive co-parenting.

The introduction to *A Promise to Ourselves* begins with a unique statement: "I never wanted to write this book." Baldwin explains that "if the circumstances of my case had been truly anomalous, I likely would have taken my lumps and got on with my life. I would not have written this book if I felt that my experiences were isolated. However, I have seen the other broken lives and destruction that this system leaves in its wake. I have even had attorneys, in a fleeting moment of candor, admit that the system is terribly flawed. I am not stating that every divorce proceeding is the same. Nor am I suggesting that most divorce lawyers and family law judges are at best inept or at worst corrupt. There is, however, enough injustice, inefficiency, and corruption within the system to compel us as a society to closely examine what is being perpetrated on innocent men and women, funded by our tax dollars."

*A Promise to Ourselves* is an engaging and provocative book. Baldwin's coverage of his subjects is thorough, nicely organized, and well-written. Baldwin's interview with Jeannie Suk, a law professor at Harvard Law School, is reprinted in his book, and this contributes to its plusses. The book is an important addition to the literature on divorce in American society, and deserves wide readership.

*A Promise to Ourselves* is published by St. Martin's Press, New York. 2008. 224 pages. \$24.95. ISBN-13: 978-0-312-36336-9.

#### JPC PARTICIPANTS IN PERSON

Top (L to R): Courtney, Valerie White-Whittick

Bottom: John Mourning, Azhir Tahir, Jane Coons, Charles Rance, Shalanda Patterson, Mary Boite, Sarahia Gadson, Thomasina Jones, Kamilah Richardson





## ARTICLE HEADLINE

### Justicia

*The JUDICIAL PROCESS COMMISSION*

285 Ormond Street

Rochester, NY 14605

585-325-7727; [www.rocjpc.org](http://www.rocjpc.org); email: [info@rocjpc.org](mailto:info@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.

#### BOARD MEMBERS:

Mary Boite, Vice-Chairperson

Jack Spula, Editor, *Justicia*

Helen Cheves

**Jane Coons, Treasurer**

John M. Klofas

Venessa M. Mitchell

Isabel Morrison

Gail Mott, Secretary

John Mourning

Harry Murray

Clare Regan (1927-2006), Editor emerita, *Justicia*

Fred Schaeffer, Chairperson

**Suzanne Schnittman**

**John Perry Smith**

Mary Sullivan

Louise Wu Richards

#### STAFF

Mavis Egan, Client Navigator/Project Evaluator

Susan K. Porter, Coordinator

Kamilah Richardson, Case Manager

Valerie White-Whittick, Mentor Coordinator