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JUSTITIA

A Diverse Commission Calls For Needed Prison Reforms

By Joel Freedman

In June, the Commission on Safety and Abuse in America's Prisons, which is staffed by and funded through the Vera Institute of Justice, released its report, *Confronting Confinement*. The Commission, made up of members with little in common, has now spoken in a single voice about widespread deplorable conditions at far too many of our nation's penal institutions, about how we can overcome these serious shortcomings, and the risks for all of us if we fail to act.

The Commission is chaired by John J. Gibbons, a former Chief Judge of the U.S. Court of Appeals for the Third Circuit, and by Nicholas de B. Katzenbach, a former U.S. Attorney General. Other members include Salvador Balcorta, a nationally respected Chicano activist for social justice; Stephen Bright, a well-known prisoner rights advocate; Richard Dudley, M.D., a psychiatrist and expert on the psychological damage of prison violence; James Gilligan, M.D., former Director of Mental Health for the Massachusetts prison system; Saul Green, former U.S. Attorney for the Eastern District of Michigan; Ray Krone, a former

death row inmate who was exonerated by DNA testing; Mark Luttrell, sheriff of Shelby County, Tennessee, and former warden at three federal prisons; Gary Maynard, director of the Iowa Department of Corrections and president of the American Correctional Association; Marc Morial, president of the National Urban League and a former mayor of New Orleans and Louisiana state senator; Pat Nolan, a former Republican leader in the California State Assembly who spent 25 months in a federal prison on a racketeering conviction; Stephen Rippe, former Major General in the U.S. Army; Laurie Robinson, Director of the University of Pennsylvania's graduate studies in criminology; Gloria Romero, California Senate Majority Leader and Chair of the Senate Select Committee on the California Correctional System; Timothy Ryan, Chief of Corrections for Orange County, Florida and past President of the American Jail Association; Margo Schlanger, a former attorney in the Civil Rights Division of the U.S. Department of Justice; Frederick Schwarz, Senior Counsel of a prestigious law firm; William Sessions, former Director of the Federal Bureau of Investigation; Hilary Shelton, Director of the NAACP, Washington Bureau.

Over the course of the Commission's investigation, the Commission received more than 1,000 letters, e-mails and phone calls from former inmates and their families, and from corrections officers and correctional administrators. Some letters praised individual officers, physicians, and administrators, but most described institutional abuses and malpractices. Many of the people who contacted the Commission also testified at the

Commission's public hearings. Witnesses at the hearings included former Rhode Island detective Scott Hornoff, who described degradation and abuse in prison before he was exonerated; former Florida prison warden Ron McAndrew, who described a code of silence that allowed rogue corrections officers to brutalize prisoners and to intimidate other officers; and Victoria Wright, who recounted a story of medical neglect that led to her husband's death at a California prison. People from 46 states told the Commission about physical and sexual violence, prison gangs, gross medical neglect, officers losing their jobs after reporting abuses by fellow officers, racism, overcrowding, and other dehumanizing conditions.

New York's state prisons' abuses were brought to the Commission's attention. Sister Antonia Maguire, a Catholic nun who has worked for 32 years with inmates at three New York state prisons, testified about the deaths of inmates because they were deprived of competent medical care. At one prison, which has a nursery where babies can remain with their mothers for a year to ensure bonding, a mother brought her four month old baby to the prison clinic because he was listless. Every day for five days, she brought her baby to the clinic; each time the nurse said there was nothing wrong with him. A counselor intervened. The baby was seen by a prison physician who said the baby was okay and sent him back. The next morning the baby "was so listless that when he was again brought to the clinic, a van was called and she went with him to the hospital where she stood in shackles while a doctor pronounced him dead."

One woman, who was married to a lifer in New York, testified, "From the time I became a mother, maltreatment by guards seemed to intensify." She was not allowed to bring in sufficient changes of clothing for her infant, who frequently soiled herself. She had to "fight with guards not to stamp my baby's hand with whatever chemical is in the ink that they mark incoming visitors with. I'd argue: are you going to mistake this 6-month-old for a resident of the facility?" Mrs. _____ also testified that "one guard, while he was strip searching my husband, remarked, 'I don't know what kind of woman would ever marry a man in prison.' Clearly, in an already tense situation, this officer was looking to provoke." Mrs. _____ testified that she was "pat frisked several times in a manner than can only be defined as sexual molestation. The guards in question randomly had

my husband face the wall, spread his legs as far as possible, and then rub the crack of his buttocks, and fondle his testicles and penis. The first time this happened, my husband turned his head to voice an objection and had his face slammed into a wall. This sort of search happened numerous times, and while I will never know how horrible it was for my husband, it left me, as the witness, deeply depressed and scarred, knowing someone I loved was being treated in this manner."

Eddie Ellis, Director, NuLeadership Policy Group at the City University of New York, and a former New York state prisoner, testified: "We must send a clear and convincing message to everyone within the prison system, that abuse of power will not be tolerated; that violators will be prosecuted. We must get serious about this and make it a reform priority—In the absence of the rule of law, individual judgment, bias and prejudice become the standard by which prisons are operated. This is what currently exists. It must be changed."

Elaine Lord, former superintendent at Bedford Hills Correctional Facility for women, testified that while the vast majority of corrections personnel are honest and hard-working, "There are always a handful of officers and supervisors who believe in acting tough to show who is in control. Some officers are simply predators and respond inappropriately in a volatile setting, creating situations that are a hazard to both staff and inmates. We must arrange the prison environment so that inappropriate force is not rewarded or esteemed, so that inmates know that certain behavior will not be tolerated and will be stopped by force if necessary."

Lord also testified that "in the past four or so decades, programs offered to inmates inside many prisons have been decimated in response to public anger over 'coddling' and the political response to that anger. This has been very short-sighted. Programs make good security sense, and they make an officer's job easier. Inmates who participate in programs are more oriented to the outside and to self-improvement and less apt to get into trouble or jeopardize their place in a program. By cutting programs and leaving inmates with too much time on their hands and nothing meaningful to do, we have added to the already chaotic and volatile situation of some prisons." Lord added that "in Bedford Hills, by 2000, half of the inmate population was receiving mental health services, and 80% of serious incidents involved mentally ill inmates. These inmates were also involved in most

cases where force was used by staff to quell a disturbance or assault. If we expect staff to deal with the complex issues presented by the mentally ill, then we must provide more education for them and appropriate programs for the inmates.”

Jack Beck, Director of the Prison Visiting Project, Correctional Association of New York, testified about the “extreme reaction to outside monitoring” in the Association’s relationship with the New York State Department of Correctional Services (DOCS). “The Department has refused to comment on our reports, which we send to DOCS prior to their publication, to enter into any discussions with us about our findings and recommendations after the reports are issued, or to share with us what actions, if any, it intends to take to address the issues raised in our reports,” Beck told the Commission.

Beck described preliminary results of his organization’s study of violence in New York’s prison system. He explained that prisoners report markedly different levels of gang violence in different prisons. In prisons where tensions run high, gang violence is a greater problem.

Beck testified that the lowest levels of tension and violence exist in prisons where officers clearly adhere to Departmental policies, where there is meaningful communication between prisoners and staff, and where prisoners feel respected.

According to Beck’s testimony, the Correctional Association’s surveys observed significant differences among the prisons in the frequency of violence reported. At four of the prisons located in the northern and western regions of New York — Attica, Auburn, Gowanda and Southport — the rate of physical confrontation with staff (22.3%) was nearly twice the rate (12.2%) at the four prisons closer to New York City — Arthurhill, Eastern, Fishkill and Sing Sing. “At Eastern, a maximum security institution that emphasizes programs and provides inmates with greater individual responsibility and autonomy, only 3% of the inmates report having confrontations with staff.”

There was also significant variability in the inmates’ responses to questions about inmate-on-inmate confrontations, racial tensions, gang activity and contraband drug use. Western New York prisons seem to experience the most problems in these areas, while the prisons closest to New York City experience fewer problems.

Beck concluded his testimony: “Given the

generally closed nature of correctional institutions and the lack of political or public mechanisms to make these institutions accountable, it falls on organizations such as the Correctional Association to be society’s camera and report on what is actually happening inside prison walls. We urge the Commission to recommend increased outside scrutiny of prison systems, increased transparency and increased accountability for how inmates are treated and for the state of conditions of confinement. Violence and abuse, along with a lack of programming and inadequate general conditions, hinder inmates’ ability to learn and grow while they are incarcerated — a reality that haunts society in high recidivism rates and bloated prison budgets.”

In its report, the Commission observed, “We can legitimately deprive prisoners of liberty, but we cannot allow anyone who is incarcerated to be victimized by other prisoners, abused by officers or neglected by doctors — Jail and prison administrators everywhere must confront prisoner rape, gang violence, the use of excessive force by officers, contagious diseases, a lack of reliable data, and a host of other problems.”

Commission recommendations include preventing violence by reducing crowding, promoting productivity and rehabilitation, employing more surveillance technology, and supporting community and family bonds. Prison health care should be improved by partnering with health providers from the community, ending co-payments for medical care, and extending Medicaid and Medicare to eligible prisoners. Other recommendations involve giving prisoners in segregation opportunities for rehabilitation, assuring better care of mentally ill prisoners, increasing inmates access to the courts by reforming the Prison Litigation Reform Act, better monitoring of penal institutions through expanded governmental and non-governmental oversight, and assuring media access to facilities, to prisoners, and to correctional data.

The Commission called for more non-invasive drug-detection devices, such as booths and wands, to minimize the confrontations and humiliation that accompany searches of prisoners. The Commission also recommended installation of new wall-mounted video cameras to protect inmates and staff from violence — and sometimes from false allegations. And the Commission has called upon Congress to investigate the reasons why the U.S. Justice Department has become so lax in using its authority to initiate investigations

and to bring criminal prosecutions and civil actions when it sees incidents or conditions that violate prisoners' constitutional rights.

(The Commission's 126-page report, and the testimony given at four public hearings, can be accessed at www.prisoncommission.org.) ■

What the Amish are Teaching America

By Sally Kohn

On October 2, Charles Carl Roberts entered a one-room schoolhouse in the Amish community of Nickel Mines, Pennsylvania. He lined up eleven young girls from the class and shot them each at point blank range. The gruesome depths of this crime are hard for any community to grasp, but certainly for the Amish — who live such a secluded and peaceful life, removed even from the everyday depictions of violence on TV. When the Amish were suddenly pierced by violence, how did they respond?

The evening of the shooting, Amish neighbors from the Nickel Mines community gathered to process their grief with each other and mental health counselors. As of that evening, three little girls were dead. Eight were hospitalized in critical condition. (One more girl has died since.) According to reports by counselors who attended the grief session, the Amish family members grappled with a number of questions: Do we send our kids to school tomorrow? What if they want to sleep in our beds tonight, is that okay?

But one question they asked might surprise us outsiders. What, they wondered, can we do to help the family of the shooter? Plans were already underway for a horse-and-buggy caravan to visit Charles Carl Roberts' family with offers of food and condolences. The Amish, it seems, don't automatically translate their grieving into revenge. Rather, they believe in redemption.

Meanwhile, the United States culture from which the Amish are isolated is moving in the other direction — increasingly exacting revenge for crimes and punishing violence with more violence. In 26 states and at the federal level, there are "three strikes" laws in place. Conviction for three

felonies in a row now warrants a life sentence, even for the most minor crimes. For instance, Leandro Andrade is serving a life sentence, his final crime involving the theft of nine children's videos — including "Cinderella" and "Free Willy" — from a Kmart. Similarly, in many states and at the federal level, possession of even small amounts of drugs trigger mandatory minimum sentences of extreme duration. In New York, Elaine Bartlett was just released from prison, serving a 20-year sentence for possessing only four ounces of cocaine. This is in addition to the 60 people who were executed in the United States in 2005, among the more than a thousand killed since the reinstatement of the death penalty in 1976. And the President of the United States is still actively seeking authority to torture and abuse alleged terrorists, whom he consistently dehumanizes as rats to be "smoked from their holes," even without evidence of their guilt.

Our patterns of punishment and revenge are fundamentally at odds with the deeper values of common humanity that the tragic experience of the Amish are helping to reveal. Each of us is more than the worst thing we've ever done in life. Someone who cheats is not only a cheater. Someone who steals something is not only a thief. And someone who commits a murder is not only a murderer. The same is true of Charles Carl Roberts. We don't yet know the details of the episode in his past for which, in his suicide note, he said he was seeking revenge. It may be a sad and sympathetic tale. It may not. Either way, there's no excusing his actions. Whatever happened to Roberts in the past, taking the lives of others is never justified. But nothing Roberts has done changes the fact that he was a human being, like all of us. We all make mistakes. Roberts' were considerably and egregiously larger than most. But the Amish in Nickel Mines seem to have been able to see past Roberts' actions and recognize his humanity, sympathize with his family for their loss, and move forward with compassion not vengeful hate.

We've come to think that "an eye for an eye" is a natural, human reaction to violence. The Amish, who live a truly natural life apart from the influences of our violence-infused culture, are proving otherwise. If, as Gandhi said, "an eye for an eye makes the whole world blind," then the Amish are providing the rest of us with an eye-opening lesson.

(Sally Kohn is Director of the Movement

Vision Project at the Center for Community Change and author of a forthcoming book on the progressive vision for the future of the United States. She graciously gave permission to reprint this article, which was originally published on October 6, 2006 by CommonDreams.org, an internet portal that features progressive viewpoints on a wide range of issues.) ■



Monroe County Reentry Task Force: Blasting Through Obstacles to Successful Reentry

By Ann Mason

Every year, 27,000 people leave New York State prisons and return home. The effects of incarceration on the offender, his family and his neighborhood, and the success of an offender's ultimate reentry, are issues that affect our entire community. How do we make sure ex-offenders come home to stay? What actually happens when a man or woman who has been in prison, finally reaches the day when they will walk out of the gate and back into the Rochester community? Within three years, two out of three will be back in prison—an unacceptable outcome for the offender, his family, and our community.

The New York State Division of Criminal

Justice Services (the state agency that oversees both the Division of Parole and the Department of Corrections) realized that community safety could be greatly enhanced by focusing on serving ex-offenders at highest risk to commit new offenses. A grant was made available from DCJS and Catholic Family Center, through the Monroe County Executive's office, as one of eight counties to participate in the County Reentry Task Force pilot project. Our goal was to come up with a comprehensive plan for our county to deal with the crisis of reentering ex-offenders—more than 2,000 a year in Monroe County alone—and then put the plan into practice. The project officially got off to a start in May 2006.

The Monroe County Reentry Task Force was fortunate to be able to build on the work of committed groups and individuals that have served men and women both during and after incarceration—SMART, JPC, Cephaz, Spiritus Christi Prison Ministry to name a few. MCRTF pulled together more than 30 agencies, along with the NYS Division of Parole, the Office of Probation, the Department of Corrections, the Department of Human Services, the Monroe County Sheriff and brainstormed for three months around the obstacles to successful reentry. This has already resulted in a streamlined application process for temporary assistance and Medicaid, faster, easier entrée to substance abuse treatment programs and emergency housing, and has created new relationships between human service providers and correctional agencies that are serving the same population.

At this time, the MCRTF is taking referrals from the NYS Division of Parole only, because we are required to focus on high-risk offenders on parole. However, we can offer self-help materials to people who are currently incarcerated, or to their families. In the near future as funding becomes available, we hope to have adequate staff to extend services to anyone reentering the community from county, state or federal correctional facilities.

If you have questions about the task force or reentry in Monroe County, please feel free to contact the MCRTF Coordinator, Ann Mason, at Catholic Family Center, at 585-262-7163, or amason@cfcrochester.org. ■

Cephas: A Rock on Which to Build

By Bob Miller

Cephas, another name for the apostle Peter, was formed in 1972 in response to the riot at Attica State Prison in September 1971. Volunteers from Rochester were asked to visit individual inmates at Attica to listen to their concerns. Soon, the Cephas volunteers were asked to meet with groups of inmates as well. Without any formal training, the Cephas volunteers, over time, developed a way of working with groups of inmates that inspired many men and women to change the attitudes and behaviors that led them to prison, and subsequently to change the course of their lives. The group meetings are based on listening, trust, honesty, and accountability—applicable to both offenders and volunteers. When inmates from the group were released to Rochester, Cephas supported those individuals, providing stable housing, employment, and community groups that focused on coping with the unique stresses of re-entry.

Today, Cephas conducts nine groups weekly in seven state prisons, including Albion Correctional Facility for women. We now provide transitional housing for men in both Rochester and Buffalo, and we also help former inmates access substance abuse treatment programs and assist them in finding employment.

Hunter House, our transitional residence in Rochester, provides a home-like atmosphere for up to eight men at a time. Applicants must be from Monroe County, and they must be on parole or post-release supervision. If an inmate is in a facility that has a Cephas group, he is required to attend. Our experience has shown that if an inmate is serious about making changes in his/her life and has developed a re-entry plan, he/she has a better chance of succeeding after release. We require a commitment to live in the house for a minimum of three months, though most men stay longer, up to six months.

Many of the men who complete our transitional program have enrolled in college or obtained good jobs.

Here are two examples, in their own words:

“I was released in December 2002, and came straight to the Cephas residence in Rochester...Walking over from the parole office that day, I was filled with that same old destructive desire to drink and party. There is absolutely no doubt in my mind what I would have done if I had not been on my way to Cephas. Cephas quickly became my refuge, not from the world, but from myself. With (their) help, I was able to start a new life, and I now am the night manager at the residence. I earned an associate’s degree in human services at MCC, along with my daughter, and I am enrolled in the bachelor’s program at Brockport this fall. I have been blessed with one miracle after another, and I owe it all to a wonderful group of people who call themselves Cephas.”

“In the process of serving my time, I had to look at me and my pitfalls and work at correcting them. Upon my release from incarceration, I had been accepted at the Cephas program... Cephas gave me a place to constructively and methodically, but slowly, get things in my life back in order. I am now a full time college student... Even when I was diagnosed with multiple sclerosis, all of Cephas was there for me... I am sure that I would not be where I am today if it were not for Cephas and Hunter House.”

After several years at Cephas, I have learned that there is no way to predict who will do well in our program. Sometimes the man who initially appears unmotivated and uncaring turns out to be neither. There is also no such thing as a “one size fits all” approach to re-entry. No matter what the background or criminal record of an individual, there is always hope for change, but change occurs one person at a time, and even though our groups may be very helpful, there is no substitute for building a personal relationship with each man who walks through the door.

On November 19, 2006, we will host our third annual Celebration of Hope at School of the Arts on University Avenue in Rochester. At that event, we will present the Phoenix Award to a number of men and women who have successfully re-entered society. The celebration begins at 7:00 p.m. and will include desserts and coffee as well as live music. Tickets will be available soon. If you are interested in attending, please call us at 585-546-7472. ■



Commonwealth of Massachusetts v. Richard Asadoorian: A Case That Illustrates Need for Innocence Inquiry Commissions

By Joel Freedman

I review prisoner's claims of innocence as part of the services offered by the Greater Rochester Community of Churches Judicial Process Commission. In most cases, I conclude that the jury made the right decision. However, I believe Richard Asadoorian, 56, of Dracut, Massachusetts, who was convicted in 1993 by a Middlesex County, Massachusetts jury of rape, kidnapping and assault, is actually innocent of these charges, for which he is serving a 20-year prison sentence.

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.

Highly questionable performance by 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.

As for why Asadoorian's post-conviction

appeals have been unsuccessful, Edward Radin, author of *The Innocents*, a book about people who have been wrongly convicted of crimes, explained why it is often difficult to correct miscarriage of justice, even when new, credible and exonerating evidence surfaces after a defendant has been convicted. "Once the machinery of legal prosecution has been put into motion, it resembles some giant, unfeeling robot device that rolls endlessly on, overpowering anything and anybody in its way. Unlike electronic computers, the legal machinery has no convenient stop switch or a plug that one can pull from a wall to bring it to a halt. It requires great effort and sometimes great ingenuity to force it to a standstill and extricate an unfortunate caught in its clutches," Radin wrote.

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.”)

It would require a book to fully cover all aspects of this case. To date, the courts have ruled that Asadoorian is not a miscarriage-of-justice victim. If what has been dealt to Asadoorian is called justice, then God help us all.

What can be done to help wrongly convicted prisoners who have exhausted their appeal options? In August 2006, North Carolina created an eight-member Innocence Inquiry Commission that will review new evidence that was not considered in the trials or appeals of convicted prisoners who claim innocence. If at least five of the eight members agree there is sufficient evidence of actual innocence – the members focus on evidence of innocence, and not on constitutional issues raised in most appeals in the judicial system, the case is then reviewed by a special judicial panel empowered to overturn the conviction.

The case of Richard Asadoorian illustrates the need for Massachusetts and other states to follow North Carolina’s example. In the meantime, every day that Asadoorian continues to languish in prison is a day that diminishes a system of justice that tolerates the perpetuation of such injustices.

(Freedman assesses prisoners’ innocence claims as part of the services offered by the Judicial Process Commission.) ■



New York Should Outlaw Foie Gras Production

By Joel Freedman

The American Society for the Prevention of Cruelty to Animals (ASPCA), which has police powers in New York to enforce laws protecting animals, says that in the production of the gourmet “delicacy” foie gras (fatty livers), the duck’s liver “becomes so enlarged that, according to the documentation of veterinarians, the animal must experience unspeakable pain and suffering. The results of necropsies performed on dead birds that have been force-fed have shown ruptured livers, throat damage, esophageal trauma, and food spilling from the birds’ throats and out their nostrils.”

Three years ago, Cardinal Joseph Ratzinger, who later was named Pope Benedict XVI, condemned foie gras production and said that “this degrading of living creatures to a commodity seems to me to contradict the relationship of mutuality that comes across in the Bible.”

In 1936, Nazi Germany became the first of 14 European nations to prohibit foie gras production. Even a monster like Adolf Hitler was repelled by the cruelty of force-feeding (ducks or geese have pipes inserted down their throats to force ingestion of an amount of food equivalent to force-feeding a human adult 27 pounds of spaghetti a day in order to swell their livers to several times normal size). Foie gras production was halted in Israel, and legislation was enacted in California to prohibit force-feeding. Most of the foie gras produced, sold and consumed in America comes from Sullivan County in New York State.

Not long ago, animal protection advocates were surprised by news that the owners of Hudson Valley Foie Gras, in Sullivan County, experienced a possible twinge of conscience and asked State Senator John Bonacic to sponsor legislation in the Senate that would prohibit force-feeding after April 2016. The senator did introduce a bill to that effect. Later, however, the foie gras entrepreneurs decided they did not want their business phased out. New York’s Farm Bureau spoke out against Bonacic’s bill. For his part, Bonacic helped assure the death of his own bill in the Agriculture Committee.

All this speaks volumes about the lack of righteousness in New York politics and about the power of special interests to control the legislative process.

I sometimes wonder why God allows such cruelty and injustice. I have no answers. I do believe, however, that God is deeply saddened and offended by foie gras production and other forms of animal abuse, and that those responsible for cruelty to animals are damaging their own souls.

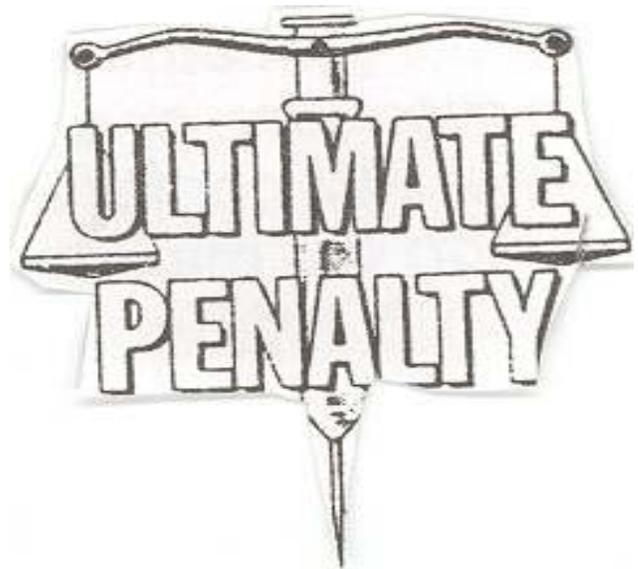
This is why clergy everywhere should address the need to extend moral consideration to other species. Priests, ministers and rabbis have often claimed that only humans have souls, and that only humans can go to heaven. The need to show more kindness to non-human animals is almost never a sermon topic.

I believe God loves all his creations. Heaven would be an unhappy place if humans were the only ones admitted there.

Far too few government officials and politicians have the mindset of the late US Senator Richard Neuberger, who said in a Congressional address, "I have always believed that cruelty to animals is a black mark in heaven. I realize animals do not vote. They do not make campaign contributions to enrich the coffers of politicians. But I will be their friend. I imagine that he who spoke the Sermon on the Mount would want it that way, too."

As for victimized ducks in Sullivan County's foie gras farms, they deserve priority passage to heaven when they die. After all, due to the abhorrent cruelty of force-feeding and to the callousness of those elected officials who kowtow to the foie gras producers, the ducks have already experienced hell on earth.

(Freedman chairs the public education committee of Animal Rights Advocates of Upstate New York.) ■



DEATH PENALTY POTPOURRI

By Clare Regan

* New Yorkers Against the Death Penalty is the state anti-death penalty organization to hire a Victims' Outreach Liaison. Marie Verzulli is the sister of one of the eight murder victims of Kendall Francois, a mentally-compromised man who was sentenced to life without parole. Verzulli believes a murder victim's family members heal more quickly if the case doesn't keep being highlighted during appeal after appeal, allowing families to focus on the loved one rather than the perpetrator. This is also the stand of Murder Victims' Families for Reconciliation, Murder Victims' Families for Human Rights and those participating in the Journey for Hope. "More violence is not the answer to crimes of violence" is the message Verzulli brings to high school students, among others.

* In November 2006, a bipartisan commission in New Jersey appointed to study the death penalty is to make its report and recommendations. New Jersey became the first state to pass a legislatively mandated moratorium on executions, to last at least during this study period. The state has spent \$253 million to send 60 people to death row. All but 10 sentences have been overturned.

* Since 1985, Kenneth Richey has been on death

row in Ohio for the arson death of the two-year-old daughter of a former lover. He has constantly refused to plea, maintaining his innocence. Forensic experts hired since Richey's conviction contend there is no evidence of use of accelerants and that the fire was accidental, started either by a cigarette or by the child herself who had previously started two fires. The mother was at a party elsewhere and Richey was outside, very intoxicated, when the fire started in the second floor apartment. Amnesty International has said Richey's "is the most compelling case of innocence on Death Row." Although the courts ruled in 2004 that Richey should be retried in 90 days or released, appeals by the prosecutor prevented this. The 6th Circuit Federal Court of Appeals will finally re-hear parts of the case and reconsider some of the evidence on January 25, 2007. Unfortunately, Richey's health is deteriorating.

* Anthony Graves, who has been on the Texas death row for 12 years, was scheduled for a new hearing in September 2006 under a ruling of the 5th Circuit Federal Court of Appeals. Two crucial statements that had been withheld from the defense had been uncovered by students of the University of St. Thomas. His co-defendant Robert Carter, who has been executed, had recanted his testimony implicating Graves multiple times. There was no physical evidence linking Graves to the crime. As of October 1, no new hearing has been held.

* Cory Maye, an African-American, was recently removed from Mississippi's death row to await a new sentencing hearing. A SWAT team, which included the police chief's son, late at night had raided the other side of the duplex expecting to find drugs. They then burst into Maye's house where he was staying with his toddler daughter. Maye was wakened, grabbed his gun and shot at the intruders, killing the chief's son, who was white. An appeals judge ruled that Rhonda Cooper, Maye's lawyer, was competent during the guilt phase but incompetent during the sentencing phase. The trial judge insisted that Cooper begin the penalty phase the afternoon of the conviction because the jury was tired and wanted to go home. Cooper had asked for a week to prepare. The trial began at 2:20 p.m., the jury began deliberating at 4:35, and a death verdict was delivered at 6 p.m.

* Nigeria re-sentenced 104 death row prisoners to

life imprisonment on October 1, 2006, as part of the celebration of its 46th anniversary of independence from Britain. In past years, prisoners ill with AIDS or other diseases were released. ■



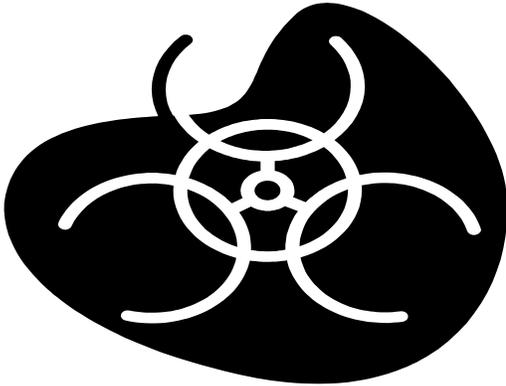
VIOLENCE OF POWER XIV

By Clare Regan

* The United States is using an affiliate of Halliburton to build the largest embassy in the world in Baghdad, expected to be completed next year. Marines will guard the compound which will occupy 104 acres and be surrounded by 15-foot walls. There will be two major office buildings, 600 apartments, an electricity plant and water system, swimming pool, gym, movie theater, food court, beauty salon, car repair shop and night club. It overlooks the chambers housing the Iraqi government. (Outside the walls, the country suffers from severe water and electricity shortages.) The people of Iraq view this huge embassy as a symbol of occupation. VIOLENCE OF POWER

* Chevron is being asked by Amnesty International, Environmental Rights Action and Corporate Accountability International to end "gas flaring" in Nigeria and Ecuador. Gas flaring sends out fireballs of flame, 24 hours a day, seven days a week. This results in oil fires, contributes to greenhouse gases, and produces toxins which lead to premature deaths, child respiratory illnesses and

cancer. Boiling local water does not rid it of the poisons. Chevron reported high profits at its annual shareholders meeting. VIOLENCE OF POWER ■



(As Legal Crusades Against Marijuana Users March On...)

Alcohol Remains America's Number One Drug Problem

By Joel Freedman

Recent surveys indicate that more than seven million Americans under the age of 21 are current binge drinkers, which is defined as having five or more drinks on the same occasion sometime in the past month.

On one occasion when I was 18 years old, I was in a car with several other college students. We were all drunk. The driver had the car at 95 miles per hour on a dirt road. At the time it seemed like a lot of fun. Today, as a senior citizen, I wonder how I could have been so stupid. As Shakespeare bewailed, "Oh! That man should put an enemy into their mouths to steal away their brains."

Many prisoners who have corresponded with me have said that their underage drinking progressed during their adulthood to habitual alcohol abuse that was a major factor in the crimes for which they are now imprisoned. One death row inmate wrote me, "When I was going to AA (Alcoholics Anonymous) and staying sober, things were cool, even great at times. But when I was

drinking, well, you know, anything can happen."

I do know – although people with alcohol problems must still be held accountable for their actions. I sometimes drove a car while intoxicated when I was young. Fortunately, I caused no accidents – though there were certainly some almosts. I am grateful I was able to stop drinking before my luck ran out.

Community forums on underage drinking are currently being held throughout America. At one of these forums I attended, a law enforcement officer asked, "How do we tell our youth that drinking is bad for them when we adults do it ourselves?" Good question. Research shows that parental influence is the main determinant of whether youth use alcohol or other drugs. Sadly, those parents who most need to attend these forums are usually conspicuous by their absence.

Robert Teachout, a theologian, concludes that "alcohol is perhaps the most dangerous drug in our culture because of its complete acceptance by society, its total availability to the populace, and its devastating effect on every aspect of our national life – including our homes, our children, our individual health, our safety, our schools, our jobs, our courts, and our government policies."

Alcohol is also a "gateway" drug leading to the abuse of other drugs. My career as a professional social workers included providing services for alcoholics and their families. I saw how people from all ethnic groups and from all walks of life got caught in alcohol's cruel trap.

It does not need to be this way. Every day in the United States, millions of people on both sides of prison walls who were once regarded as "hopeless" alcoholics are now enjoying being clean and sober – with the help of Alcoholics Anonymous, Narcotics Anonymous, or other treatment options.



JUDICIAL PROCESS COMMISSION

121 North Fitzhugh Street
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JPC Expansion Prompts Wish List!!!

JPC is serving more and more people coming home from jail or prison. In order to meet the demand we have more students helping – thanks goodness. We have seven to be exact and they all need space to work in and phones. We have rented 2 more rooms from the Downtown Presbyterian Church and we installed computers this summer but now we need furnishing and phones.

- 4 wingback chairs
- 2 computer chairs
- 2 small tables
- 2 large file cabinets
- 2 book cases
- 2 floor lamps
- cell phones with minutes
- multi-line phone system with eight lines
- funds to cover increased costs of office supplies and postage