

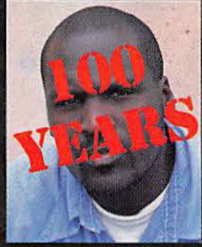
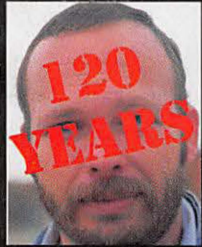
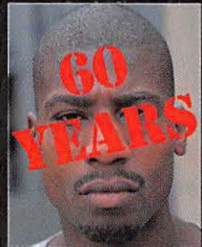
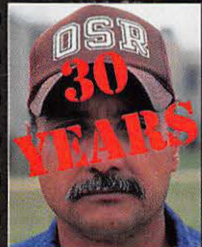
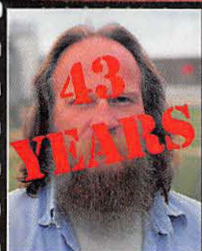
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JANUARY-FEBRUARY 1996

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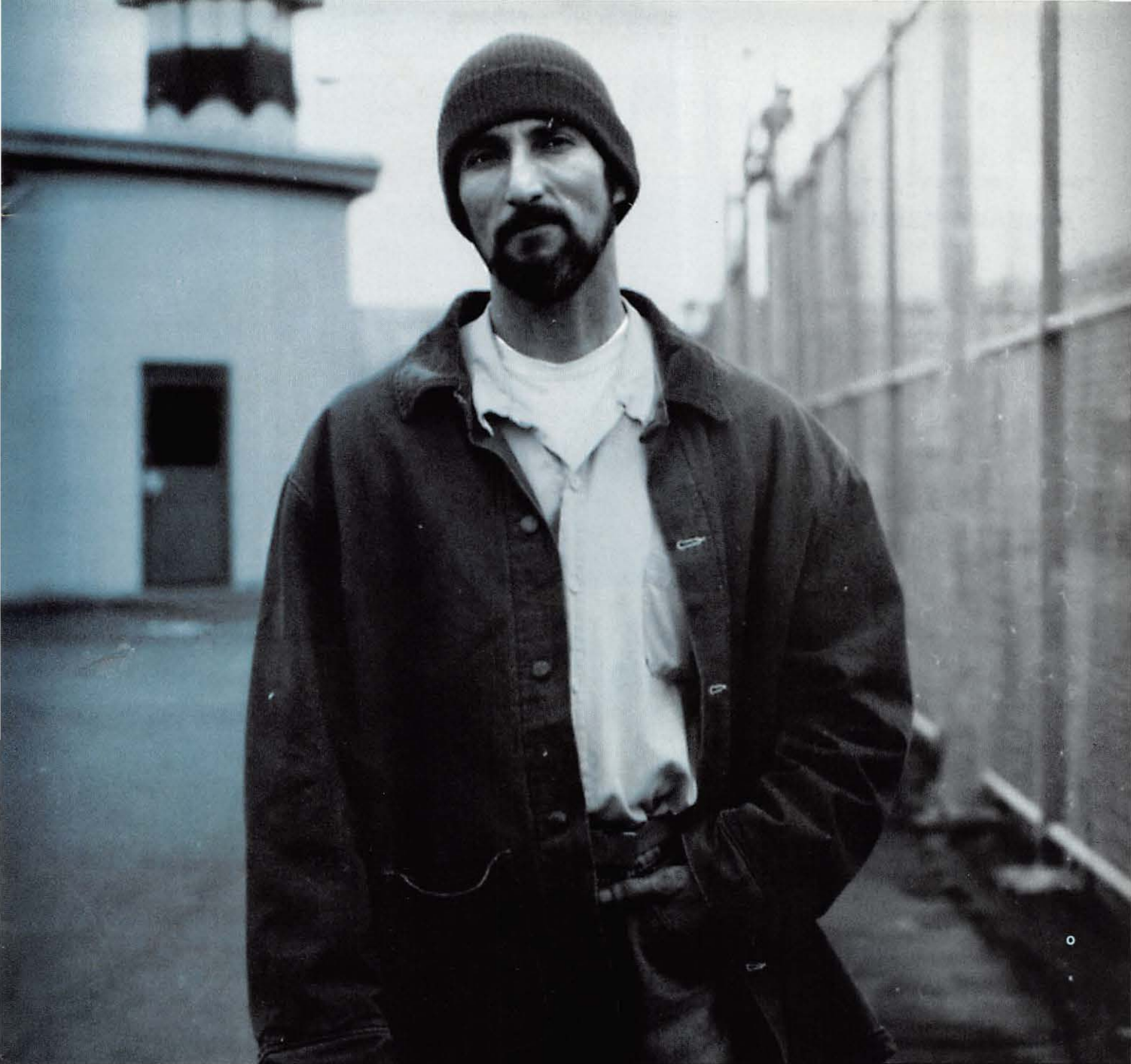
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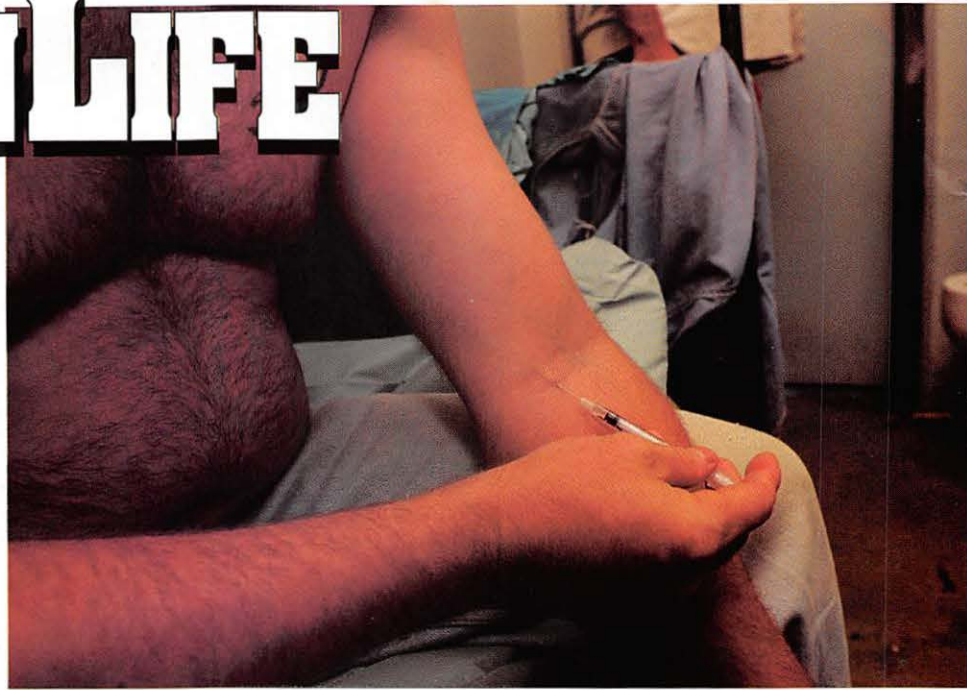
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A prisoner shoots up in his cell.
Photos and design by Chris Cozzone.



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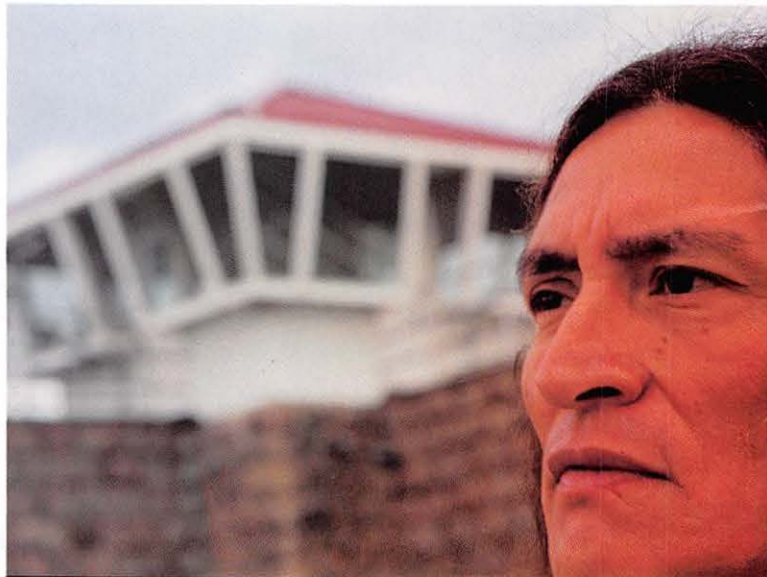
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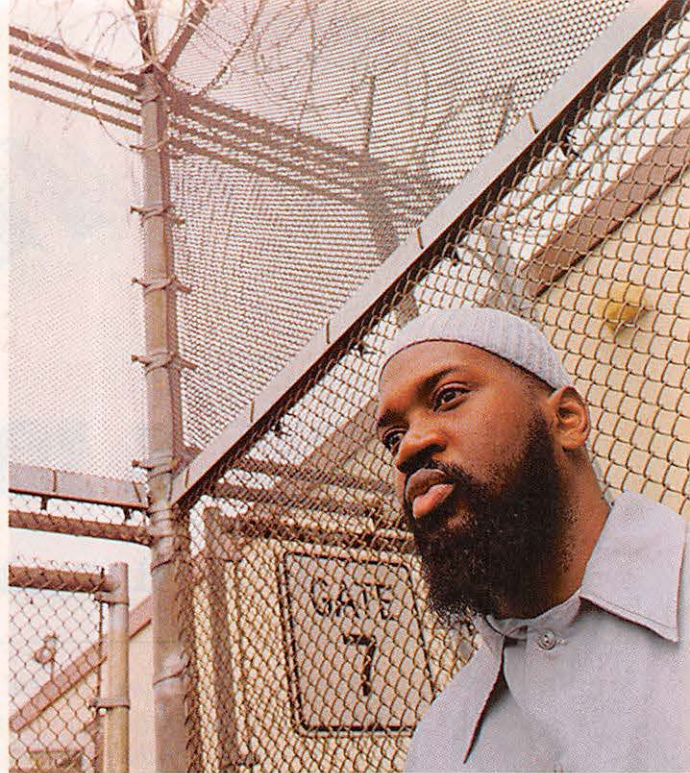


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Voice of the Convict



TRUCE: A JOINT PROPOSAL

by Richard Stratton & Kim Wozencraft

When the tyrant has disposed of foreign enemies by conquest or treaty, and there is nothing to fear from them, then he is always stirring up some war or other, in order that the people may require a leader.
—Plato

If we care about the future of this country, it is time for Americans to admit the War on Drugs has been a rout—not just a failure, but a catastrophe. We lost the War. Drugs won.

We lost the War for good reason: we chose the wrong enemy. You cannot win a war waged against plants and chemicals. It was bogus to begin with, a war no one—certainly not the government—wanted to win. The real enemies—ignorance, drug abuse and addictive behavior—survived the war unscathed and are as prevalent as ever. As veterans of the conflict, we believe the time has come to call a truce.

We come to the negotiating table from opposite sides of the Drug War battlefield. Kim is a former cop whose first assignment was undercover narcotics. She got strung out in the line of duty, then served a federal sentence in '82. Richard is a retired marijuana and hashish smuggler who did 8 years on 25 before winning release through the courts in '90. Our experience in the world of illicit drugs is extensive, from the highest echelons of international traffickers to the foot soldiers making retail street sales, from the back rooms of police stations to the walled fortresses of our vast penal system, we have seen and been part of the whole corrupt and deadly world of the Drug War.

Our nation is awash in drugs, licit and illicit. Gun battles rage in our cities as rival gangs seek to expand their turf or just get even for yesterday's killing. According to mainstream media outlets, crime is

rampant. We are told it's all because of drugs. The war on crime is essentially the War on Drugs. But the violence is not about drugs. It is about money. As an article entitled "The Wages of Prohibition" in *The Economist* (Dec. 24, 1994) makes plain, once you declare something illegal its market value increases so exponentially that it becomes impossible to stop desperado entrepreneurs who would become rich trading in that product.

The numbers are clear. Dope is a multi-billion dollar industry. The Drug War is the biggest cash cow the federal government has had going for it since the fall of the Evil Empire. The same people who gave us the Cold War and the war in Vietnam, the same people who have run this county head over heels into debt, now give us the War on Drugs as justification for their invasion upon our private lives and their disastrously overstuffed budget.

Here is an issue on which both the Right and the Left can and should agree: The government's War on Drugs has eroded our rights as Americans, both innocent and guilty; debilitated the economy; and fomented an atmosphere where the police run amok, invade our homes, beat us, kill us and seize our property, all in the name of protecting us from ourselves. Conservatives and radicals will have a meeting of the minds when they realize that the real enemy in the War on Drugs is freedom.

Politicians, cops, judges, physicians and the millions of Americans who use drugs daily know that the Drug

War is a total bust, yet the government continues to raise the battle cry because it is in their interest to keep the myth of the War alive. Like all wars, the Drug War enriches those who profit on our weaknesses.

Many who know the War has been lost yet favor continuation of criminal penalties for drug possession and use argue that to legalize drugs would cause us to become a nation of drug-addled zombies. Perhaps they understand that addiction is a fundamental flaw, or trait maybe, of our species, living as we do in the late Twentieth Century. We are a nation of addicts, whatever substance or activity the addiction is directed toward. Food, sex, work, gambling, shopping, drinking, watching TV: it doesn't matter what we are addicted to. Laws won't change it. What matters is that we learn to control our addictive behavior.

Drugs are here, available, a fact of life. Interdiction doesn't work. The totalitarian world of prison is a hotbed of drug activity. If we can't keep drugs off the cellblocks of our maximum security prisons, we will never be able to successfully prohibit them in a free society. It is folly to think otherwise. Politicians who claim to be working toward a "drug free America" defraud their voters.

Making some drugs illegal merely enables drug addiction by allowing the addict to blame the drug for the addiction. We wage war on plants and inert substances instead of trying to understand and learn to control addiction. We blame the substance,

the evil foreigner who produces it, or the despicable dealer who provides it, instead of forcing the consumer to take responsibility for his or her behavior. Some people become addicted to drugs, others do not. Those who care about themselves and other people and who want to lead healthy, active lives usually know when to say, "No, thank you," to drugs.

The doctor who prescribes Prozac or Valium or some kind of sleeping tablet is viewed as giving solace through his legal remedy. People who take illegal drugs often say they do it for the same reason as the patient who seeks relief from the physician: because it works. Drugs, licit or illicit, do alleviate pain. But drug addiction only compounds pain. By telling us what drugs we are allowed to become addicted to, and punishing us when we become addicted to *controlled substances*, the government is treading on our most basic right: the right to determine our own behavior, with the corresponding obligation to take responsibility for our actions.

Neither drug use nor drug addiction is responsible for the burgeoning prison industry. The Drug War is. The War is responsible for the corruption of our police forces, our prosecutors and judges, and as it corrupts those people it empowers the most aggressive and unscrupulous elements of our society. The War is responsible for the proliferation of firearms and violence on the streets. By calling their anti-drug effort "war," the government has legitimized the use of weapons—by both sides.

The War has also meant a multilateral surrender of personal liberties. Americans now submit to being surveilled, stopped on the highways and searched, having their urine analyzed, their phone lines tapped, their children turned to informants and their lands and homes invaded by marauding drug cops, all in the name of waging this shadow war. The authorities may seize our cash, our cars and our homes, even if they only suspect wrongdoing. We have to pay lawyers to try to get our assets back, whether convicted of illegal activities or not.

What we propose is a truce, perhaps partial at first to see how it works, but with the ultimate goal of placing responsibility for choices

about drugs where it belongs: with the individual in a free American society; in cases of minors, with their parents. We suggest the place to begin is with the currently scheduled drug that seems to be the least harmful of any of the presently illicit drugs, less harmful even than many legal drugs, and one that is used regularly by 30 to 40 million Americans.

Deregulate marijuana, legalize cultivation of hemp, including *cannabis sativa* and *indica* for the myriad uses to which it can be put, grant amnesty to the hundreds of thousands of people currently in prison, on probation or on parole for having grown or possessed this plant, and see if, in a year or two, we have in fact become a nation of heroin addicts. Germany recently legalized cultivation of hemp for use in making paper, cloth, rope, oil and many other products; they're in on the ground floor of a potentially huge market. Hemp farming is also an ecologically sound proposition.



America would do well to investigate the business possibilities. After all, our Constitution was printed on hemp paper.

Deregulation would entail doing away with criminal penalties for possession of marijuana, permitting individuals to grow plants for personal consumption, and licensing large scale growers and sellers. Like tobacco and alcohol, marijuana could be sold with appropriate regulations for quality control in place. Instead of wasting billions of dollars chasing pot heads and ripping up cannabis plants, we would create a badly needed influx of capital into the legitimate economy.

The argument that marijuana functions as a gateway to the use of stronger, dangerous drugs falls apart when you look at the number of regular marijuana smokers versus the

number of heroin addicts in this country. To say pot use leads to heroin addiction is another case of placing blame on a substance; a substance can have no malice or ill will, it simply is, whether addictive or not. We invest it with mystique when we say it is so harmful that it must be made illegal. The only real relation marijuana has to heroin is that both must be purchased on the black market.

Deregulation of marijuana does not necessarily lead to complete deregulation of all drugs. To offer cocaine and heroin in the shop window of our pharmacies would be too tempting for many, and an enticement to some who otherwise would never consider using either drug. But marijuana, by any and all standards, is less harmful than two presently legal, though controlled and clearly very addictive drugs: alcohol and tobacco. Alcohol abuse is directly responsible for at least 150,000 deaths a year, tobacco about 400,000.

Yet we may choose to use alcohol or tobacco without risking imprisonment. As we become more educated about the dangers of these substances, some of us may think twice before lighting up or tossing one back. But the choice remains ours to make. The government is not in our homes telling us what to do. We are responsible for our own well-being. We are free to make choices.

There has never been a documented case of marijuana killing anybody, though its illegality forces users to risk imprisonment, even death. The substance itself is relatively benign. It has a long history of use as a medicinal herb. But under the aegis of War, the police have arrested over eight million Americans and thrown them into the justice system's labyrinth. Eight million. Think of the lives damaged or destroyed by criminal prosecutions, prison sentences and felony records. Think of the tax dollars wasted to imprison marijuana outlaws. Think of how much we could do to inform, educate and assist drug addicts if those same dollars were spent in an effort to help our fellow humans rather than to wage a vicious and unwinnable war against our very selves.



Contributors Column

Our new contributing editor **Mansfield B. Frazier** was released from federal prison to a halfway house in May 1995. His first book, *FROM BEHIND THE WALL, Commentary on Crime, Race and the Underclass*, was recently published by Paragon House. He lives in Cleveland where he is working on his next book of essays and a collection of short stories.

George C. Gray co-wrote "High on the Range," and contributed to "Junk in the Joint." He is a journalist in Albuquerque, New Mexico, where he currently works on films at KNME-TV.

Marc Levin, Al Levin and **Daphne Pinkerson** of Blowback Productions are award-winning documentary filmmakers whose *Prisoners of the War on Drugs*, produced in association with *Prison Life* magazine, airs on HBO January 8, 1996. The Blowback team is at work on a six-part history of the CIA for the Discovery Channel and also has a new HBO/*Prison Life* documentary in development.

Through his writing, public speaking and on-line participation, former DEA Special Agent **Michael Levine** has become one of the most formidable foes of the government's war on drugs. His books, *Deep Cover* (Delacorte, New York, 1990) and *The Big White Lie* (Thunder's Mouth, New York, 1993), written with his wife and writing partner, Laura Kavanau-Levine, tell the inside story of how the illegal drug trade is controlled at its highest lev-

els by the CIA. Levine's new book, *Triangle of Death*, is a fact-based novel about revenge and the deep cover hunt for a deadly and addictive sex drug.

Michael Montalvo is one of the nation's foremost jailhouse lawyers. With his victory in *U.S. v. 405,089.23*, Montalvo threatened to slaughter the government's sacred cash cow: asset forfeiture. And he did it all from the law library at USP Lompoc. Now in his third year of law school, Montalvo intends to become a licensed member of the Bar after release from prison so that he can continue to resist the drug war by challenging the unconstitutional means the government employs against U.S. and foreign citizens. He has a bail motion before the Ninth Circuit Court of Appeals pending the outcome of his direct appeal, and he recently filed his brief in the Supreme Court on the double jeopardy issue he won in *U.S. v. 405*.

Susan Rosenberg is a U.S. political prisoner serving 58 years for weapons possession. After over ten years in maximum security federal prisons (including two years at the Lexington, Kentucky High Security Unit (HSU) for women that was finally closed as inhumane under pressure from human rights groups and the ACLU National Prison Project), she was recently transferred to Danbury FCI for women in Connecticut. She is an AIDS educator and peer advisor as well as a prize-winning poet and writer. Her short story, *Lee's Time*, published in the October 1994 issue of *Prison Life*, is currently being adapted for a feature film. Rosenberg is guest editing a special issue of *Prison Life* on political prisoners to be published in 1996.

Jeff Stewart served 52 months of a 60-month sentence in federal prison for growing marijuana. Since his release in November, 1994, he has been working with his sister, Julie Stewart, at the national headquarters of FAMM (Families Against Mandatory Minimums) in Washington D.C. Jeff is in charge of program development for FAMM and he is pursuing a bachelor's degree program in business education.

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WORD

by Chris Cozzone, Executive Editor

We are in touch with a lot of people in federal and state prisons. Many of our connections are "in-house reporters" or editorial advisors; others are just friends. Long before you see our concepts and ideas in PLM, they are put to the test by consulting with our homiez.

Most of the time, they agree with what we're doing or where we're headed. When we run pieces on shitty prison conditions or expose scams like UNICOR, they all say "cool." Stories on successful ex-cons like Eddie Bunker and Jimmy Santiago Baca, or respected convicts like Herby Spurling, always get us thumbs-up, too.

Other times, we are warned not to run something. A lot of prisoners suggest we keep away from stories on riots and gangs because they'll get the mag censored (like they did in our October '94, March '95 and May/June '95 issues). Or they'll tell us not to run stories on snitches, like the one on Donald Frankos in the October '94 issue, because "those punk-ass rats don't deserve the space or attention." The article, "Challenging the Convict Code," in our July-August '95 issue was warned against, too. "What's wrong wit' youse guys?" one guy said. "Y'can't change da code."

But we ran all that shit anyway, because our code tells us to run the truth no matter what. When we begin bowing to censorship, we'll be just like any other weak-ass mainstream publication.

None of our sources had a problem with an entire issue devoted to prisoners of the war on drugs. "Long overdue!" wrote one guy. "It's time people heard the other half of the story," said another.

Then we told them we were going to run something about the drug scene in prison. Here's some early criticism:

"You'll blow it for a lot of people," wrote one woman.

"That's just what the public wants to see: how all these 'coddled' prisoners are hanging out doing drugs in these country club prisons. Nice going."

It was not our original intent to do a feature on drugs in prison, even though we knew it was a big part of prison life. But when we got inside and saw how the drug scene in prison reflects the

failed drug war on the streets, we felt we had to confront this contradiction.

As we were working with Blowback Productions on the HBO documentary, *Prisoners of the War on Drugs*, we visited dozens of prisons across the country. During the course of the filming, and as we put together this issue, we got both video and stills of prisoners doing drugs behind bars.

"You can't put a picture of a prisoner shooting up on your cover!"

"The politicians will use it against us! The department of corruption will use it as an excuse to crack down on us and stop visits."

"You can't do that!" one dude wrote. "You're supposed to be the voice of the convict! You're on *our* side!"

Well, we are.

A lot of people out there need help. The war on drugs is a mess. The focus of the drug war is not trafficking and distribution, it's possession arrests. While these petty criminals have little or no impact on the overall drug trade, many of them are more than just recreational users. Many are addicts who need help.

As you'll read in this issue, the federal and state departments of correction do little more than scoop these guys off the street and throw 'em behind bars. Because there are little or no treatment programs, and because the prison environment is deluged with drugs, these people get no help and remain addicts.

The same argument that says nonviolent people turn violent due to the prison environment can also be applied to drugs. A few years in the system and what happens? Drug users become drug addicts; drug addicts die.

Since we all know that rehabilitation is a dead word, we figure the least the

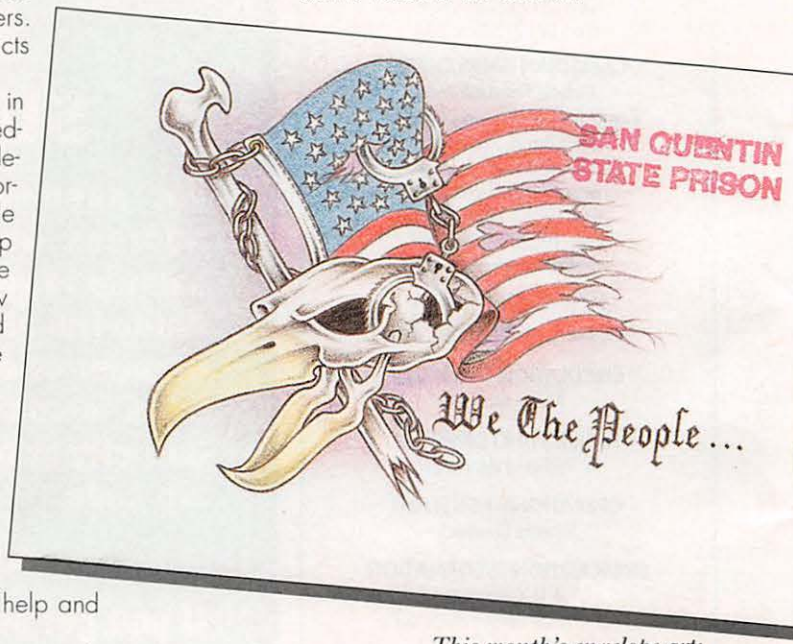
system can do is keep the prison environment clean. If there's any place in the world that should be clean, shouldn't it be prison?

The fact that drugs are just as available in prison as they are on the street makes a mockery of the government's war on drugs. I mean, if you can't keep a controlled environment like prison clean, how are you ever going to clean up the streets?

"It's the visitors," a lot of guards and wardens have told us. "They bring in all the drugs, smuggled in their buttholes and other cavities."

That's what John Q. Public thinks. The truth is, most of the drugs in prison get in through the guards. They can bring it in bulk and make big bucks under the table. The authorities know this. If visits were really the problem, they would've been stopped a long time ago.

Our mission is to show what's going on behind bars. If we pull our punches or slant our stories to kiss the Man's ass or hype some inmate's bullshit, we wouldn't be the Voice of the Convict.



This month's envelope art: Jed Miller is the artist responsible for the envelope above. A victim of the 3 Strikes laws in California, Jed is locked up at San Quentin. Douglas Berg of Eastern Correctional Institution in Maryland, also one of last year's Art Behind Bars winners, created the other two envelopes on the next page.

Mail Call

SQUEAKY COMES CLEAN

Dear Richard Stratton:

I saw your Sept./Oct. '95 story on ex-convict Eddie Bunker, and want to write to both him and you. As Eddie told you, he and I were swarmed by federal drug agents in the hallway of the Hollywood Holiday Inn sometime in the early '70s. We had not gone there to score or to discuss a drug deal but to review my notes for a proposed book.

I had first met Eddie about half an hour before when, by the arrangement of mutual friends, he picked me up from the old county courthouse and drove me to the hotel.

I found Eddie to be a cold and taciturn monk during the ride to the hotel; chit chat was definitely not in order. Then, within seconds after we stepped out of the hotel elevator, agents streamed out of rooms like cockroaches. They must have occupied the whole floor. I was shoved into a room and intermittently ignored and ridiculed, as agents came in and out, disrespectfully rifled and read my notes, and after an hour or so, told me to go. They wanted Eddie. I learned later that he had been booked for some ridiculous dollar amount of drugs.

didn't see Eddie again until one bright day when he and a mutual friend stopped by the Dodge van where my female friends and I were living to drop off an enormously conspicuous rifle before they went to rob a Beverly Hills bank. I accepted this piece of artillery openly, as if it were a set of drapery rods. It would've been in poor taste to argue.

Eddie had been told that our van had been tailed while we lived beside the courthouse. He himself had only recently been let out of jail under a false agreement to help the feds catch a bigger fish, and it could've been assumed by then that they suspected their bait was bad. As it turned out, Eddie's vehicle had a tracking device on it, and he was re-arrested that day for bank robbery after being chased by several branches of local and federal police.

During the next months I was living between cities, getting into some trouble of my own, but not of my own doing. I spent six or eight weeks in a central California jail charged with a shooting death that had occurred when I was in another city. I was visited there by a bow-tie guy who said he was Eddie Bunker's Los Angeles public defender on the Holiday Inn case. I was willing to testify for Eddie, but after the interview, the lawyer could not say whether or not he would call me. I think now that I didn't ask him enough questions.

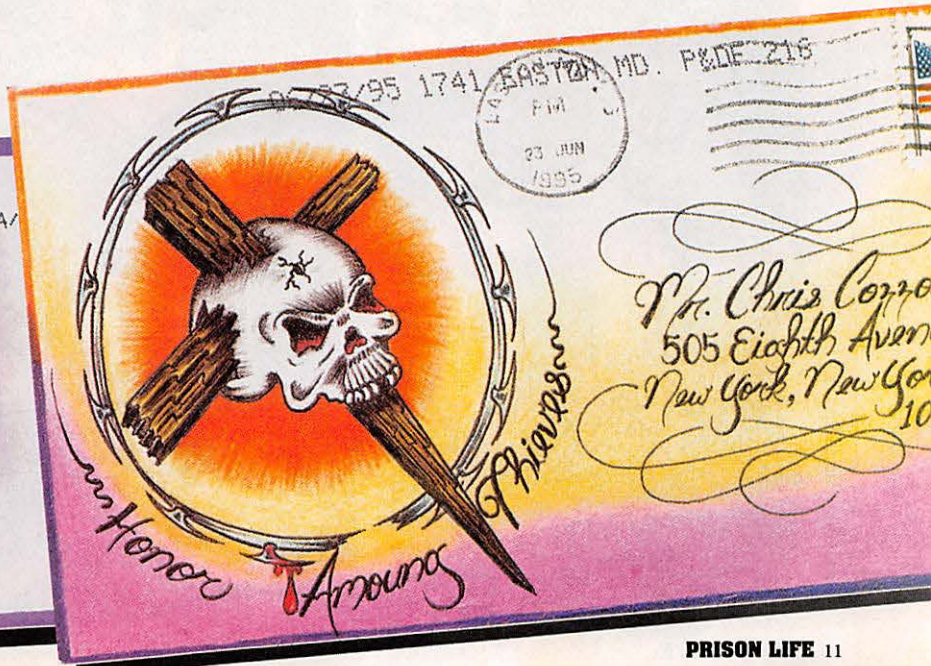
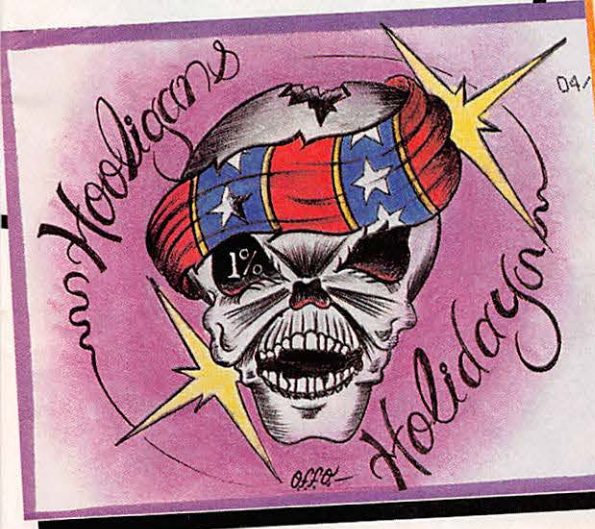
The murder charge against me

was dropped because I could not prove my whereabouts, but instead of being released, I was given over to the custody of the Los Angeles sheriffs, transported and charged with the robbery of a 7-11. At a preliminary hearing, I was positively identified, with emotional emphasis, by two indignantly sure witnesses, bound over for trial, and spent maybe two more months in custody before the true perpetrator, whose only resemblance to me was by gender, confessed to the robbery.

It was during this bizarre stay in the county jail that I was yelled awake, badgered into hurry-up-and-wait lines, and taken totally unprepared into the much larger and more polished federal courtroom on behalf of Edward Bunker. There he was, well-dressed, at a wide counsel table far across the courtroom, and here was I on exhibit in a short-hemmed hand-me-down jail dress, my face dotted with a forgotten dry blob of toothpaste/pimple cream. On the witness stand I was asked something that had not come up in the conversation with the man asking it of me now: What was Eddie wearing on the day he was arrested?

In the previous eighteen months, I had been arrested in five counties several times for auto theft, at least twice for murder, three or four times for trespassing, once for dissuasion of a witness, and now for robbery. Most of my friends were in jail; Charlie Manson and several others recently sentenced

(continued on page 81)



THE RIGHT VERDICT FOR THE WRONG MAN

by Mansfield B. Frazier

The swiftness of the not-guilty verdict in the O.J. Simpson trial shows how repulsed the jury was by racist, corrupt cops like Mark Fuhrman. An axiom of law is that whoever comes into court accusing another must himself have clean hands. Fuhrman's hands were stained with black blood. The verdict was an indictment of racism and corruption in our criminal justice system.

The prosecutors added further insult to Fuhrman's criminality first by promoting him as their key witness, then trying to save face by stating to the jury, "Yes, Fuhrman is a racist. But he is an anomaly, a rogue cop." Sure, like the cops who beat Rodney King. Or like the cops who routinely harass, coerce and brutalize blacks because they know they can get away with it.

Most black Americans are all too aware that many cops are racists. A growing number of whites are now recognizing that large numbers of our police operate outside

the laws they are sworn to uphold. These outlaws with badges and guns are common in big-city police forces. Their very presence in a case can, and often does, taint the outcome.

Though most white police officers are not as depraved as Mark Fuhrman, virtually all of them will protect racist or corrupt cops and become willing accomplices by their complaisance. A hard core of bad cops corrupts an entire police force.

If Fuhrman planted the bloody glove at Simpson's estate, he did it because he believed Simpson had killed white people. Like so many other white police officers, Fuhrman acted as if his first and only duty was to protect whiteness and its privileges. Had Nicole Simpson and Ron Goldman been black, Fuhrman most likely would not have cared enough about the outcome of the case to consider planting evidence.



Illustration by Stephen Gressak

The impunity with which Fuhrman perjured himself indicts every police department in America. All cops are capable of committing similar illegal acts because they know that the system they operate under will allow them to get away with it. So much wrong has been done in this country under color of authority—and behind the blue wall of silence—that Detective Fuhrman had no cause to hesitate when faced with an opportunity to plant evidence and bolster his case.

“Badly captured; well held,” is the secret rule of thumb of many police agencies. Why should O.J. Simpson be treated any differently? Cops don’t make reputations and get promotions by sending Joe Blow to prison. They actively seek high-profile, career-enhancing cases. Some will go to any length to nail a celebrity suspect. Where shoddy, slipshod and outright dishonest police work had been good enough to win conviction after conviction in the past, Fuhrman and his accomplices had no reason to believe it wouldn’t work in the Simpson case.

Much of the fear that drives the white militia movement is founded on what these people have seen the government, in the jack-booted form of its police agents, do to blacks and other minorities. They fear that the no-knock warrant, the stop-and-search with no more probable cause than a hunch (usually based on race), and the flagrant disregard for the rights of non-whites will spill out of the ghettos and imperil their lives. They understand that once the mad dogs within police agencies get a taste for the blood of citizens, they will not be sated. For when a bad cop is caught, police brass circle the wagons. They never clean their houses of those unfit to serve. Racist and overzealous cops are allowed to undermine all our liberties and make a mockery of the principles our forefathers fought and died for.

The most frightening aspect of the corruption of our criminal justice system by cops like Mark Fuhrman is that the judges who are in a position (and indeed have a sworn duty) to expose and punish such blatant abuse of the law turn a blind eye to the Constitution and allow fundamental concepts of justice and fair play to be trampled under the guise of fighting crime. Testifying by police and other authorities is routinely winked at by those who are in a position to halt such egregious injury to our court system. Crime has replaced communism as the scare tactic to use on the willingly misled majority. With statements such as, “You’re either with us or against us,” and “We’ll do whatever it takes to get the bastards,” the fascist mentality is dividing the land. We have reached the point where it takes a beloved athlete (albeit a black man) and a multi-million dollar defense team to ensure that justice is served and our rights are protected.

O.J.’s guilt or innocence became a secondary issue to the tactics of the police, and rightly so. A solid house won’t stand on a rotten foundation, and a criminal cannot be brought to justice by illegal means. Our system of law holds that it is better for a guilty man to go free than for an innocent man to be convicted. And again, rightly so. The police, in their zeal to convict, denied the families of Nicole Brown and Ron Goldman a fair prosecution of the

man accused of (and, despite many blacks protestations to the contrary, probably guilty of) murdering their loved ones. The police will now compound this failing by refusing to investigate any further. No one will ever be tried and convicted for these crimes. The case is over. American justice is no better served because into all of this the “race card” has been played.

I wish my race didn’t have the luxury of interjecting the race card into this or any other case or situation. It is crippling to blacks and protective of a corrupt system. It provides blacks with a strategy even when racism is not operating. It gives us an all too convenient way to duck responsibility for the nefarious acts we, like every other group, commit. To have full and true equality in America, we must be held as accountable for our misdeeds as anyone else. But the very real specter of racism prevents this and robs us of the right to be held responsible for our good and bad deeds as individuals. Unless and until justice is meted out fairly and in a color-blind manner in America, we will always have to question any and all police action because too often racism and the corruption that goes along with it distort the proceedings.

Of equal or larger concern to the black community should be the reaction of some of our members to the O.J. case. Here we have a black man who completely disavowed and relinquished his blackness when it suited his purposes. We championed his cause when the white world he abandoned us for turned on him. We surrounded him with our support, our care and our love without mentioning his former desertion. We as a race have been far too quick to forgive those who betray us in this manner.

Michael Jackson similarly quit the race and we just as quickly embraced him and his cause because we were afraid that his and O.J.’s blackness wouldn’t allow them to receive fair treatment at the hands of a white judicial system. Thus, we are forced into supporting men who, by their actions, have proven that they have no love for their own black race, men whose lifestyles border on the pathological, the shameful and the downright disgusting.

Shame on us for not qualifying and attaching strings to our support. If we allow these black men to so use us, and to turn their backs on us when fame and fortune lure them away, but who then rush back when trouble arises, what message does this send to the rest of the world? It says that we are at best children who will allow ourselves to be treated in any shabby manner while we remain as loyal as lap dogs.

Shame on us for not setting higher standards of racial fealty for those we shower with admiration. In Simpson and Jackson, we find the closest approximation to royalty blacks are allowed in America: athletes and entertainers. We worship and idolize them for escaping the stigma of what white America attempts to portray its black citizens as, yet we make no demands on them for our love. These men managed to transcend the color line by negating rather than celebrating their blackness—but at what price to us as a race and ultimately to themselves?

Today, for example, when a black youth is discovered to have talent with some kind of ball, he is given an athlet-

O.J.’s guilt or innocence became a secondary issue to the tactics of the police, and rightly so.

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ic scholarship, usually to a white university. If his prowess continues to develop, he is given a sports car, an expensive watch, and all too often a white cheerleader to marry—at which point he loses all connection to his race.

Like every other race, we need our heroes. They offer us hope that the wretched third of our race still mired in poverty, degradation and ignorance will one day rise above their squalid condition. But just as we accord our heroes admiration, so we must require that they do their duty to the rest of us.

W.E.B. Dubois stated in *The Soul of Black Folks* that races advance by the exceptional member reaching a higher vantage-ground and then reaching back and lifting his duller brother up. Sadly, this isn't happening enough within the black race.

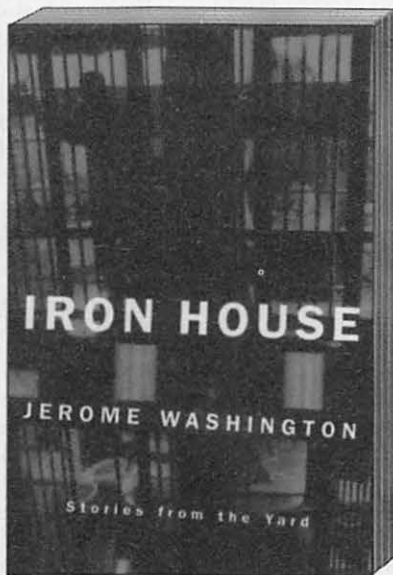
We have been too busy idolizing the wealthy and famous of our race to notice how quickly they have disavowed the downtrodden and the disenfranchised. Did the Hollywood branch of the NAACP, which staged a rally for Michael Jackson, raise its voice above a peep to protest the Rodney King beating? Never mind that King is a ne'er-do-well who will constantly be in some sort of trouble with the law. The fact remains that if we don't move to protect the rights of the least among us, the rights of all our race are at risk of being violated by those in authority.

And so it is with O.J. and Michael. Yes, their rights deserve protection, too. But we, ordinary black men and women, have rights also. We have the right to demand that those in the position to do something do just that: Something.

When we truly mature as a race we will demand that our heroes live up to their role as models for the rest of us and that they do not betray us by becoming pseudo-whites. The O.J. verdict has done more to call much needed attention to the endemic corruption and racism in our criminal justice system than the countless Rodney King-like violations that take place on our city streets every day. In this case, it may be that it is better for a guilty man to go free in order to demonstrate to the rest of us how guilty we are of allowing innocent men and women to be treated unfairly by our criminal justice system because of race. It's just too bad that the man himself is such a disgrace to his people.



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RIOTS ERUPT IN U.S. PRISON SYSTEM

It was the most widespread and costly uprising the American penal system has ever experienced. When it was over, 70 federal prisons across the country were locked down. Various sources said anywhere from 20 to 40 prisons had gone off. The unprecedented rash of rioting resulted in dozens of injuries to prisoners and staff and caused tens of millions of dollars in damage, overtime pay and lost revenue from closed Federal Prison Industries factories.

As yet, the full extent of the casualties and damages is not known as Bureau of Prisons officials continue to shroud the disturbances in secrecy. At press date, at least one federal penitentiary (USP Atlanta) was still locked down, and USP Leavenworth seems to be under a communication blackout—we have heard nothing from our usual sources at Leavenworth, and other prisoner advocacy groups report that they, too, are concerned that prisoners in Leavenworth are being kept *incommunicado* as a result of trouble at the maximum security pen.

Although major media outlets reported some of the incidents early in the course of more than three weeks of rioting and lock-down, they relied on federal prison officials for information and quickly dropped the story as BOP spokesmen refused to admit there was a crisis.

Reports from prisoner witnesses tell a different story.

"The feds are saying it's racial," says C4, a prisoner at the Federal Correctional Institution in Memphis, TN. "But it's not. During the riot, you had Crips and Bloods from LA, you had gangs from Chicago, you had white guys, all in this together. There's nothing racial going on."

The uprisings, explains C4, were in

direct response to Congress's refusal to amend the unfair sentences for crack cocaine offenses. C4 was sentenced to over nine years for possession of 4.9 grams of crack. If he had been caught with powder cocaine, he would've received a slap on the wrist and two months probation.

On October 18, the House of Representatives voted 332 to 83 to reject a proposal by the Federal Sentencing Commission to modify the 100 to 1 sentencing disparity between crack and powder cocaine. Under current federal law, possession or distribution of five grams of crack cocaine means a mandatory five-year sentence without parole. To receive the equivalent sen-

crack laws are a race thing and how they should be changed. Finally, we thought, somebody understood what is happening."

According to a study by the U.S. Sentencing Commission, about 14,000 of the 90,000 federal prisoners are incarcerated for crack offenses. The study also shows that 88% of these offenders are black, 7% are Hispanic and 4% are white. In contrast, 32% of offenders convicted for powder cocaine crimes are white, 27% are black and 39% are Hispanic. The Sentencing Commission's report to Congress recommended removing the disparity in sentences for crack and powder cocaine.

"Whenever the opposition spoke out during the debate," reports C4, "their argument had no merit. When they came out with 'We just need to lock these people up,' there were experts who opposed this as unjust. At the time they took a voice vote, everyone in the TV room jumped up, happy. It really looked as if something was going to be done. But then they took the count. We couldn't even look at each other. We were in a state of disbelief.

"There was no question there would be trouble. People were saying, 'The more they lock us down, the more we're gonna tear this shit up.'"

According to a prisoner at FCI Talladega, a riot there also broke out soon after the debate. There was a chain reaction from prison-to-prison.

"It was spontaneous," reports one prisoner. "The frustration felt by all of us in the federal institutions has reached the boiling point. We got no more parole, no more good time, no more educational programs, and more time than rapists and killers, all for a few rocks."



Prisoners and experts agree crack laws target minorities. A guard at Oklahoma State Reformatory monitors two drug prisoners: Lionel Fortenberry (middle), who received 100 years for possession of crack with intent to distribute, and Aldofus Wade (right), who got 60 years for conspiracy to distribute crack. Photo by Chris Cozzone.

tence for powder cocaine, you would have to be caught with 500 grams.

The day the proposal was defeated, riots broke out at five U.S. prisons. Uprisings at other institutions soon followed.

"Everyone was in the TV room watching the debate on CSpan," says C4. "We were following this bill from day one. During the debate, congressmen and judges explained how the

BOP Crisis

(continued from previous page)

During the lockdown, prison guards harassed prisoners who are members of FAMM (Families Against Mandatory Minimums) and singled them out as ringleaders due to the group's advocacy efforts, which include eliminating the disparity between crack and powder cocaine sentences. FAMM's newsletter, the FAMMgram, and *Prison Life* have been accused of facilitating communication between prisoners.

"The only communication we had," says CA, "was through our families, although this is the first day I've been able to make a call—a full two-and-a-half weeks after the uprising. Because this country has a way of locking up families, word gets spread through the home. 'Your brother at so-and-so prison called today...'"

Federal District Judge Richard Conaboy, who, as Chairman of the Sentencing Commission, oversaw preparation of the Commission's report, said that he had been "forewarned that if something isn't done soon there may be undesirable results." And in fact the BOP predicted trouble back in 1993 after disturbances in three prisons related to the crack laws.

Yet, once the trouble began, the BOP typically overreacted and, according to inside witnesses, the guards provoked disturbances at several institutions.

"You would not believe what is going on in this place," reports a pris-

oner at FCI Marianna, Florida. "In the early hours of October 25 (Wednesday), there was work call. The people left the units but quietly congregated in the yard for a peaceful no work demonstration. But the people who run this place are just itching for a fight. They had their SORT team ready. They came in numbers, all dressed in black with black helmets, black shields and with armaments. They came in with AR-15 assault machine guns that each carried a 30 round ammo clip. Also, they came in with shotguns, tear gas guns and tear gas foggers. They bombarded the yard with tear gas. We've all been locked down since.

"Now the SORT team, who look just like Nazi SS troopers, bring us our box lunch and try to intimidate us day and night. Today the SORT team came into our cell, made a shambles of it, and took away my cellmate on some bum excuse.

"All weights, pool tables, ping pong tables and other recreational stuff have been taken away. I feel that the government, as well as the warden here, wants us to go off so that they can keep us on lockdown. All our windows have been bolted shut, there are bars going up all over the place. This place really looks like hell now. They even have three people to a cell—one sleeps on the floor. Here come 15 SS troopers to take one more prisoner to the hole."

At the minimum-security federal prison camp in Atlanta, prisoners report that a SORT (Special Operations Response Team) squad invaded

the camp while prisoners slept. The SORT team then began beating prisoners indiscriminately with clubs.

"We've never seen anything like this," said Monica Pratt of FAMM, after prisoners and family members called to report the beatings. "Sometimes there is a good explanation. But the stories are coming together to paint a very disturbing picture." In one instance, a blind prisoner at the camp was clubbed by SORT team members.

A report from USP Lompoc also attributed much of the trouble to overzealous guards. "During lunch, two cops pushed a black kid for taking an extra dessert. He put it down, but the cops kept pushing him. The kid pushed back and shit flew: People were jumping, cops were running to pile on, several fights broke out. The cops almost lost control. It took them about 3 to 4 minutes to regain order. Several guards were injured.

"They were embarrassed; now they're pissed. To get even, they've conducted hostile shakedowns and destroyed personal property. Firearms were brought in for the first time since Alcatraz. A SORT team has arrived: helmeted, jackbooted, club-carrying troops are in complete control now. They want to hurt the convicts to get even. I think this will probably last a while."

At FCI Memphis, where there was talk of an uprising even before the debate, the actual riot broke two days after the vote.

"A work strike had been one of the alternatives," a prisoner said, "but the

PRISON RADIO SHOW WINS AWARD

Houston's *Prison Program* (KPFT, 90.1 FM) won the Best Radio Talk Show title in a contest sponsored by the *Houston Press*. Airing Fridays between 9 and 11 p.m., the program was launched in 1980 by Ray Hill, a former Texas prisoner and gay rights activist. As a manager of KPFT, Hill started the radio call-in show for Texas Department of Corrections prisoners and their families. Hill wanted "to cast some light down the dark channels of the criminal justice system," he says, and the hour-long show quickly doubled in length. *The Prison Program* ran on Sundays at first, but Hill found that the time slot was causing prisoners to miss their suppers. Its new slot on Friday nights is a time when, Hill says, "convicts don't generally have a hell of a lot to do."

Hill learned that first hand when he was convicted of burglary and sentenced to 160 years in 1970. Luckily for the prisoners who use his show as a link to the outside world, Hill won an appeal on his sentence and was released after four years behind bars.

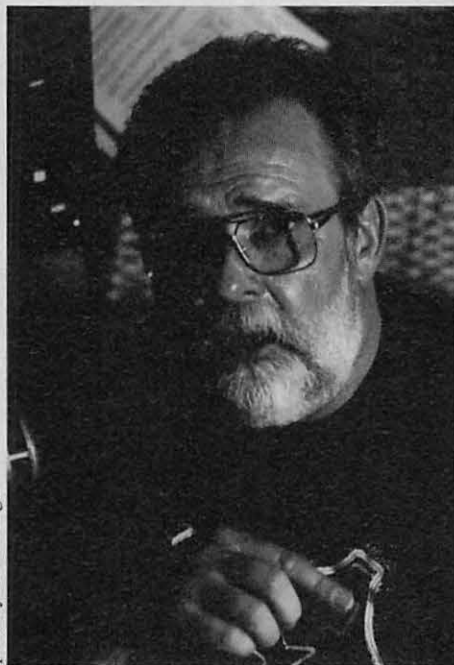


photo by Steve Krueger

outrage was so great, we wanted something full-strength."

"It broke out at chow time while everyone was eating," reported C4. "All of a sudden, units were on fire. There was chaos from noon until ten that night. I was locked in my room and the whole unit was smoking. We thought everything was burning up. But my celly next door kicked my door off its hinges and got me out.

"There were people everywhere. My homeboys were at another unit so I went to see if they were okay. There were police everywhere, not shooting guns but cameras, trying to capture everyone on film. We saw the warden. He turned around and ran! The goon squad came in but turned back when the prisoners ran to the rec yard. It was a mess. The Beale Unit was on fire, the Memphis Unit was totally destroyed. We even tore up the UNICOR factory some. There had to be millions in damage.

"A lot of guys were hurt from fire and smoke," C4 continued. "At least one person is in critical condition. Thirty or 40 suffered from smoke inhalation after the goon squad smoked out a building. Then we were given masks and told to get our homeboys from the buildings that were smoking. Then we were all locked down."

Prisoners at FCI Memphis were locked down for two-and-a-half weeks.

"They kept us in busses," says C4, "10 busses outside the complex. Some slept outside in the cold. We didn't even have shoes for three days. We were fed bologna sandwiches."

During the lockdown, prisoners say, the institution did everything it could to cover up or downplay the riot.

"The goon squad came in and tore up everything," says C4. "They took everything that was written. I had a diary I was writing in. It's gone. They're trying to hide the fact that this was *not* a racial thing but in opposition to the unfair crack sentencing.

"They shipped out all the leaders by now. They were put on busses, destination unknown. They shipped off the Muslims and anyone connected to the Nation of Islam, too, I think, because of the Million Man March. Gangleaders and those who were heavily jacketed are also gone. I'm sure they're recording this phone conversation—then *I'll* be gone, too."

Although several prisoners voice regret in having to resort to violence, C4 sums it up: "We know it's wrong," he says. "But we've been denied so cold, so bluntly, that we just don't care anymore."

THE CANADIAN SCENE



PRISONER DEATH PURSUED IN HIGHER COURT

Kingston, Ontario—October 24 marked the second anniversary of the death of Robert Gentles, a prisoner at the maximum-security Kingston Penitentiary. Gentles was 23 at the time of his death, said to be caused by asphyxia.

During a lockdown, guards stormed and maced Gentles' cell when he refused to lower the volume of his radio. Gentles was taken to a segregation cell, hands cuffed behind his head, and placed face down on a bunk. He never got up. According to Tidy Francis of the Black Action Defense Committee in Toronto, "Robert Gentles didn't just die. He was executed."

Robert Gentles was a 240-pound, prisoner rights activist serving a 31-month sentence. He was handled by at least six guards trained to deal with violent incidents. After a brief inquiry, the government closed the case. Ontario's chief pathologist cited the cause of death as "positional asphyxia."

Gentles' family and anti-racism groups throughout Canada were outraged. Exercising a rarely used Canadian law, the Gentles family filed charges of manslaughter and criminal negligence causing death against the six guards in September 1994.

By March 1995, charges against four of the guards were dropped, leaving only Brian Aitchison and Sean Wylie to stand trial. During this time, Wylie was transferred to a minimum-security institution, where prisoners filed complaints of abusive behavior.

On June 22, all charges were dropped due to lack of evidence. Of grave importance to the family are the three conflicting autopsy findings between prosecution and independent pathologists.

Dr. David Dexter, a Kingston pathologist, performed the initial autopsy on Gentles and refused to offer a specific cause of the asphyxia during the inquiry. In an earlier hearing, however, Dexter told a Justice of the Peace that "Swelling at the back of Gentles' neck could be the result of pressure being applied." Despite this testimony, he failed to mention any swelling in his original post-mortem report.

Dr. Frederick Jaffe, a retired forensic pathologist retained by the defense, said that after reviewing Dr. Dexter's file and performing a second autopsy, "All findings point toward a death due to smothering, probably by a pillow." The government reported the guards used reasonable force and that the swelling behind Gentles' neck and a cut over his lip were irrelevant.

Ontario's chief forensic pathologist, Dr. David Chiasson, argued that "It is highly unlikely Gentles was suffocated, since it would have taken considerable force to hold down a 240-pound man." The defense points to the six guards present and the fact that Gentles was handcuffed.

On the second anniversary of her son's death, Carmetta Gentles led a vigil and march through Kingston, ending outside the prison. Attorney Julian Falconer, hired by the family, will pursue the charges in a higher court.

In the initial court appearance, Correction Officer Wylie was represented by a successful, outspoken Toronto attorney, Alan Gold. Paid by the Corrections Service of Canada Union, Gold is known for representing high-profile clients for high fees. The Gentles family has filed a separate civil suit for \$10 million against the warden, the Correctional Service of Canada Union, and the six guards.

—Tom Mann

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Prisoners and Families of Prisoners—Telephone your senators and congressmen once a month with the following message: Repeal the mandatory minimum sentencing laws that pertain to drugs. Decriminalize drugs and stop wasting my taxes incarcerating drug offenders. Dial 202/224-3121 to speak to your representatives. If you don't know their names, call your nearest post office for the information.

—Thomas R. Geers, USP Lewisburg.

PRISON EDUCATION. Boston University is interested in forming a national association of colleges that continue to offer educational programs for prisoners. Any readers who might know of college programs offered at federal, state or county joints that have survived the '94 Crime Bill, or former inmate students whose college programs have been cut due to the loss of Pell Grants (include name and address of eliminated program), please contact: Walter J. Silva, Director of the Prison Education Program at Boston University, Metropolitan College, 808 Commonwealth Avenue, Boston, MA 02215. For the past 25 years, Boston University has offered college programs at the following prisons: MCI Norfolk, Bay State Correctional Center and the women's prison, MCI Framingham.

PELICAN BAY LIFERS have recently formed a support group but would like to see how other cons are running their own groups. If you have any suggestions, ideas or any helpful literature, please send to: Dr. George Leavitt, Pelican Bay State Prison, P.O. Box 7000, Crescent City, CA 95531-7000.

INCARCERATED NATIVE AMERICANS: The Native American Church, Inc. is a legally incorporated and recognized entity which fights to protect and establish Native American Freedom of Religious Rights in all ironhouses across Turtle Island (U.S.A.) The NAC is not a prison gang or a disruptive group but merely seeks to practice ancestral religions. NAC headquarters is in Houston, TX; chapters have been established in WA and CA, and more are planned for OR and OH. The NAC supplies limited religious items to incarcerated Native Americans if you have been approved by the DOC to receive these items. Native American brothers and sisters in other states interested in starting a chapter should write to: David Thunderhawk, #399488, Rt. 1, Box 150, Coffield Unit, Tennessee Colony, TX 75884. Liberation to all prisoners! *A-ho Mitakuye Oyasin!*

SURVEY

"GETTING HIGH IN JAIL" Legal vs. Illegal Drugs

Can you answer yes to any of the following questions?

1. Did you swallow, or were you injected with any kind of drug (medication) after you were taken into custody by the police, through the time you were sentenced for your current commitment?
2. Was this a "mind-altering" drug? Did it make you feel different from the way you normally feel?
3. Was this drug given to you before or without your signing a written "informed consent" form?
4. Was this drug(s) given to you by a medical doctor or psychiatrist?
5. Before being arrested, were you taking these same medications or just after you were arrested?

If you answered yes to any of the above questions, please write to the two addresses below and state who you are, what state and county you're from, and what drug(s) were administered to you in jail.

It is illegal to take a defendant to court under the effects of mind-altering drugs without due process of U.S. and state laws.

Write to: B. Buechler, 825 Battery St., 1st Floor,
San Francisco, CA 94111 or B. Yaley, 1606
Milvia Ave., Berkeley, CA 94709

Thank you for your help and participation in this survey.

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DRUG LAW 101

How People Like You Get Locked up for Decades

As politicians in the 1980s tried to show that they were "doing something" in the war on drugs, mandatory minimum sentences for drug offenses became common. The expectation was that mandatory minimums would reduce the availability of drugs by reducing the number of suppliers, but the expectation has not come true. What has come true is a living nightmare of barbaric punishment for small-time offenders.

The government's war on drugs has succeeded wildly in packing prisons, but that's about all.

- The number of adults in state and federal prisons on drug charges more than tripled between 1986 and 1991.
- Nearly 1 in every 3 new state prisoners is a drug offender, up from 1 in 25 in 1960.

Much of the prison population explosion is due to mandatory minimum sentences imposed by Congress in 1987 for even the smallest federal drug violations; many states have adopted mandatory minimums as well.

THE ORIGINAL CULPRIT: SENTENCING REFORM ACT

Although mandatory minimums are sometimes confused with the federal sentencing guidelines, it is important to understand the distinction. Through 1983, federal judges enjoyed broad sentencing discretion. That latitude allowed judges to tailor the sentence to the facts of the individual case; it also resulted in large sentencing disparity.

In 1984, Congress enacted the Sentencing Reform Act, perhaps the most significant change in sentencing policy in American history. To begin with, the act abolished parole in the federal prison system. In addition, the Sentencing Reform Act delegated to the U.S. Sentencing Commission broad discretionary powers to create a body of sentencing guidelines that the federal courts would be required to follow. The guidelines have been fully operative in the federal courts for several years.

The guidelines begin by assigning a base-level sentence to each type of crime. That sentencing level is then enhanced by aggravating factors (such as perpetrating the crime in an unusually brutal manner) and reduced by mitigating factors (such as acceptance of responsibility for the crime). The computation then provides the sentencing judge with a particular range within which he may sentence the defendant.

Sentencing guidelines have been criticized for their rigidity and severity. The defendant's personal characteristics are "not ordinarily relevant." That a person has been employed for the last 30 years, raised three children, and contributed thousands of volunteer hours to charity does not entitle her to any sentence reduction compared to a person who has never held an honest job or done anything for the community.

The 700 pages of federal sentencing guidelines are, in the words of Federal District Judge José Cabranes, "nearly unintelligible to victims, defendants, and observers, not to mention the lawyers and judges involved. Disparity is rife, though much of it is now hid-

den within the guidelines themselves and in the silent exercise of discretion by police officers and federal agents, prosecutors, probation officers and federal judges."

SEALING THE DEAL: MANDATORY MINIMUMS

While many federal prisoners are sentenced according to the guidelines created by the U.S. Sentencing Commission, there are also statutory mandatory minimums for certain crimes. When statutory mandatory minimums enacted by Congress conflict with the sentencing guidelines, the mandatory minimums prevail. Thus, if the sentencing guidelines specify a sentence in the 5- to 6-year range, but the statutory mandatory minimum requires a 10-year minimum sentence, the 10-year sentence is imposed.

Today there are over 100 federal laws specifying mandatory minimum sentences. Although a few mandatory minimums have existed since 1790 (for piracy and murder), such sentences did not become widespread in the federal system until 1956, when they were enacted as part of federal efforts to control narcotics. The federal mandatory minimums were repealed in 1970, as Republican and Democratic members of Congress recognized the flaws in the mandatory minimum approach.

But in 1984, Congress embarked on a process that continues today, adding vast new numbers of mandatory minimums, particularly for crimes involving drug or firearm offenses. In fact, 94 percent of federal mandatory minimum cases involve four laws covering drugs or weapons.

The mandatory minimums are extremely tough on drug offenses and make drug weight almost the sole factor in setting a drug crime sentence. For example, merely possessing more than five grams of crack cocaine requires five years in federal prison. (An individual packet of sugar in a restaurant weighs about one gram.) The only factors other than drug weight that may be considered in the sentencing are

(1) if the defendant has prior convictions (in which case the mandatory minimum is raised) and (2) if the U.S. Attorney makes a motion stating that the defendant has provided "substantial assistance" in obtaining the conviction of another drug criminal (in which case the court has discretion to sentence the defendant to less than the mandatory minimum).

In 1988, Congress added conspiracy to commit a drug offense to the list of crimes with mandatory minimums. Conspiracy charges enable prosecutors to cast a wide net in apprehending suspected drug offenders. For example, if a woman tells an undercover federal agent where to buy some LSD, and the agent then buys some LSD from a person who possessed five grams of LSD, the woman, as a "conspirator," is subject to the same mandatory minimum as is the person who actually possessed the LSD.

Beginning with New York's Rockefeller Law in 1973, almost every state has enacted its own mandatory minimums. The tremendous emphasis on imprisoning drug offenders has resulted in a corrections boom:

- In Washington State the number of drug prisoners has risen 966 percent since 1980.
- In New York State 45 percent of all new prison commitments are for drug convictions.
- Illinois prisons now hold five times as many drug prisoners as they did five years ago.
- The director of Florida's Department of Corrections described the drug war as "the primary engine fueling the enormous growth experienced by Florida's correctional system."
- In Texas, the number of drug offenders in prison rose 350 percent from 1989 to 1992.
- A whopping 70 percent of federal prisoners are drug offenders.

The combination of mandatory minimums and the sentencing guidelines results in severe sentences for first-time drug offenders. In 1990, 88.9 percent of all drug offenders in federal court who had no prior conviction for any offense were sentenced to prison. In contrast, 79.4 percent of first-time violent criminals were sent to prison. Drug offenders with no prior record were sentenced to an average prison term of 68.4 months, compared to 56.2 months for violent criminals with no prior record.

"REAL OFFENSE" SENTENCING & DUAL PROSECUTION: FURTHER MISCARRIAGES OF JUSTICE

Most people believe that in the American criminal justice system a person may be sentenced for a crime only if he pleads guilty to the crime or is convicted of the crime after a trial. Although conviction-based sentencing was the practice in America for most of its history, it is now being replaced with "real-offense" sentencing. Under real-offense sentencing, a person who is convicted of any crime may have his sentence increased on the basis of any other offense that the prosecutor alleges was committed—even though the supposed real offense was never proven in a court of law.

Incorporated in the federal sentencing guidelines, real-offense sentencing is also used in New York and other states. Allegations about the supposed real offense may be based on hearsay, reputational evidence and other "evidence" that would not be admissible at trial. An actual example of real-offense sentencing involved a defendant who was acquitted of possessing a certain quantity of drugs and convicted of possessing a smaller quantity.

The court sentenced him on the basis of the higher amount, even though he was acquitted.

Federal prosecution and imprisonment of a defendant who has already been prosecuted in state court is referred to as "dual prosecution." During the Reagan and Bush years, administrative guidelines on dual prosecutions were greatly relaxed. The double-jeopardy clause of the Bill of Rights might be thought of as a protection against dual prosecution, but that clause, like the Fourth Amendment, is not nearly as powerful as it used to be, as interpreted by courts who confuse being tough on crime with being tough on the Constitution.

Thus, there are more and more cases like those of Rufina Canedo. Canedo pled guilty to possession of 50 kilograms of cocaine and was serving a six-year state sentence. Federal prosecutors came and demanded that she testify against her husband, which she refused to do. Her guilty plea in state court was usable evidence in federal court. And so she was sentenced to a federal 20-year mandatory minimum. Her state prison time is not credited against her federal sentence.

JUDGES: NO FRIENDS OF MANDATORY MINIMUMS

As long as there have been mandatory minimums, there have been judges who found the resulting sentences repugnant to principles of justice.

In New Mexico in 1981, one judge resigned after being forced to send to prison a man with a clean record who had brandished a gun during a traffic dispute.

By May 1993, 50 senior federal judges, such as Jack B. Weinstein and Whitman Knapp of New York, had exercised their prerogative to refuse to hear drug cases. (Senior judges are allowed much more control over their dockets than are ordinary district judges.) Many conservative, Reagan-appointed federal judges have denounced the 5- and 20-year mandatory minimums as draconian miscarriages of justice. Federal District Judge Stanly Harris remarked, "I've always been considered a fairly harsh sentencer, but it's killing me that I'm sending so many low-level offenders away for all this time."

A Gallup survey of 350 state and 49 federal judges who belong to the American Bar Association found 90 percent opposed to the federal mandatory minimums for drug offenses. The sentencing guidelines did somewhat better: 27 percent of the judges thought they had worked well, while 59 percent thought they had worked poorly or not at all. Fifty-nine percent of the judges thought the federal sentencing guidelines should be scrapped, while 30 percent did not.

The judges of every federal circuit in the United States have enacted resolutions calling for repeal of the federal mandatory minimums, as have the American Bar Association and the Federal Court Study Committee (created by Congress).

The national incarceration budget is about \$25 billion annually. This figure is about as high as that of the much-maligned Aid to Families with Dependent Children program. Taxpayers have justifiably begun to ask whether the \$22.5 billion spent on AFDC helps cure poverty or, in fact, causes poverty through its perverse incentives. It is time to begin asking whether the \$25 billion spent on prisons is an intelligent response to a national drug epidemic.

Excerpted from the Cato Institute Policy Analysis, Prison Blues: How America's Foolish Sentencing Policies Endanger Public Safety, by David B. Kopel, May 1994.

KING RAT

by Michael Levine

**“Gentlemen, in this business,
you’re only as good as your rats.”**

*—Lecture on the Handling of Criminal Informants from
U.S. Treasury Law Enforcement Academy, August, 1965*

“I’m looking for Mike Levine, ex-DEA,” said a man’s voice.

“How’d you get this number?” I said. It was close to midnight and my wife and I were in a San Francisco hotel on business.

“Man, you don’t know what I went through to find you.”

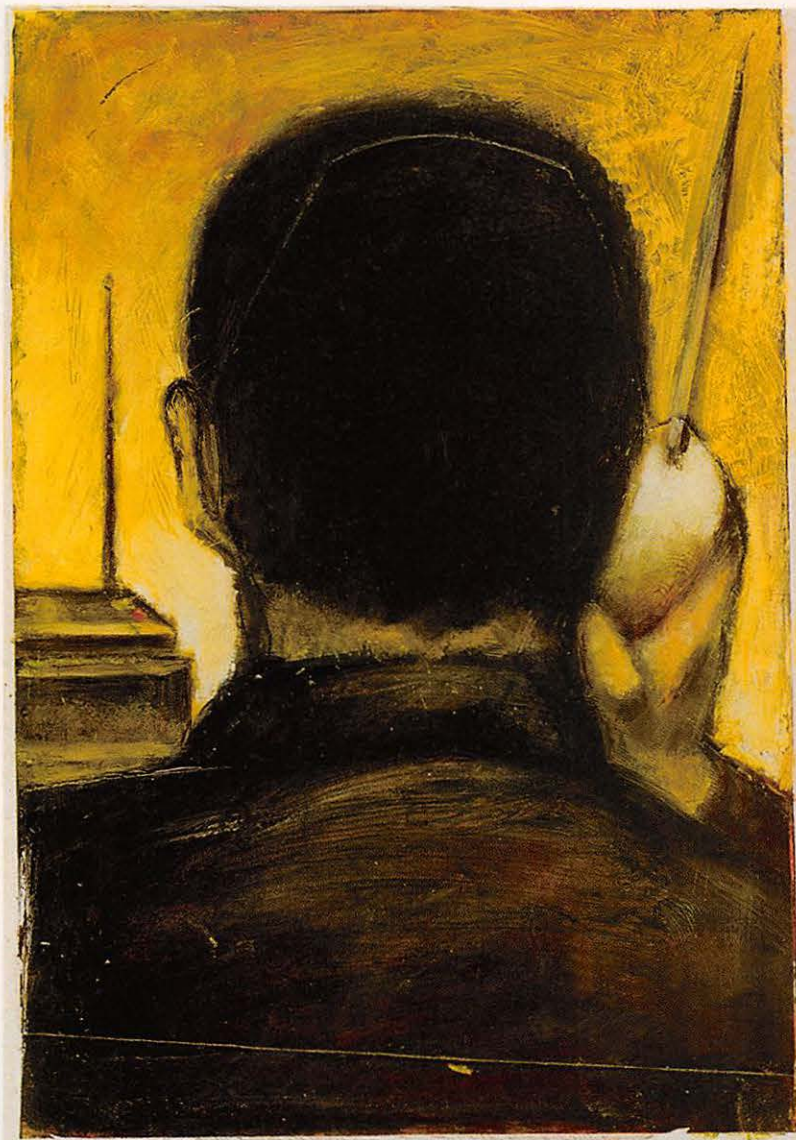
The voice belonged to a well-known California defense attorney who said he’d tracked me through my publisher.

“I’m in the middle of trying a case,” he said. “I need you to testify as an expert witness. The judge gave me the weekend to find you and bring you here.”

“Whoa! Back up,” I said. “I’m not a legal consultant.”

“But you’re a court-qualified expert. I checked you out. I read your books. I read some interview you did. Didn’t you call the drug war a fraud?”

“A huge fraud. But because I talk about thieves, crooks and dopers inside the government doesn’t mean I’m gonna work for them on the outside.”



Days before this phone call I had turned down a six figure offer to work as a consultant for a Bolivian drug kingpin I'd spent half my life trying to put in jail. I was a firm believer in if you can't do jail, don't do the sale.

"Look, I'm defending the guy for expenses," snapped the attorney. "He's been working sixty hours a week for the last three years parking cars—does that sound like a Class One fucking cocaine dealer to you?"

Class One was DEA's top rating for drug dealers. You had to be the head of a criminal organization and dealing with tens of millions of dollars in drugs each month to qualify as a Class One. Pablo Escobar and the fabled Roberto Suarez were Class Ones.

He had my curiosity.

"You can prove your guy's a parking lot attendant?" I asked.

"I'll Fedex you his time sheets. Better yet, I'll send you everything—undercover video-tapes and DEA's own reports. You tell me if the guy's a Class One."

"Why me?"

"DEA couldn't get any dope from Miguel (not his true name)—not even a sample. So they charge the poor bas-

tard with a no-dope conspiracy. Did you ever hear of anything like that? A parking lot attendant on a no-dope conspiracy? Then they bring in a DEA expert from Washington to testify that a true Class One doper doesn't give samples. You and I both know that's bullshit."

His words flashed me back to an incident I described in *The Big White Lie*. It was July 4, 1980, and I was in a suite at the Buenos Aires Sheraton, sitting across a table from one of the biggest dope dealers alive, Hugo Hurtado Candia, as he handed me a one-ounce sample of his merchandise—ninety-nine percent pure cocaine—as a prelude to a huge cocaine deal. The man was part of a cartel that was two weeks away from taking over his whole country.

The lawyer was right: it was pure bullshit. But it was the kind of bullshit I had always been aware of. There's enormous career pressure on street agents to make as many Class One cases as they can, for a simple reason: federal agencies justify their budgets with statistical reports to Congress and Congress loves to see Class Ones. The agents with the highest percentage of Class Ones are the guys who get monetary rewards and promotions. And over the years the professional rats, who originate more than 95 percent

Art by Stephen Conway



of all drug cases, had learned that selling a Class One to the government was worth a much bigger reward payment. Many of them knew the DEA's criteria for a Class One better than a lot of the agents.

Unfortunately, in DEA and other federal agencies—where agents are trained to be duplicitous to begin with and then exposed to deceitful, lying, scumbag politicians and bureaucrats who want results that make them look good and don't give a damn how you get them as long as you don't embarrass them by getting caught—there were agents who would bend the facts in their own favor. They'd write up a mid-level dope dealer or a street peddler as a Class One, based on "evidence supplied by a previously reliable informant," without corroborating the rat's information.

To me, that kind of bullshit was no different than all the federal prosecutors with an eye on public office who exaggerated the importance of their cases to a media that would swallow just about anything as long as it sold papers and got ratings—and it was downright harmless compared to some drug czar facing 20 million Americans on *Larry King Live* and saying, "We've turned the corner on the drug war," to further his political career. If you put all the dopers the

press had reported as "linked to the Medellin or Cali cartels" hand-in-hand, they'd circle the fucking Earth.

But DEA flying an expert witness across country to make a parking lot attendant look like a Class One coke dealer in a federal trial was something I'd never heard of.

"You didn't answer me," I said. "What do you think I can do for you?"

"When I cross-examined the DEA expert he named your book, *Deep Cover*, as one of the books he read to qualify as an expert. Now I want you to testify that he's full of shit."

"There's gotta be something you're not telling me."

"If I'm telling you the truth, will you be here on Monday?"

Just the thought of me going head-to-head against the small elite agency I'd been part of for almost a quarter of a century put knots in my stomach. Outsiders hear about the blue of wall silence, but no description I've ever heard really does it justice. To most guys in narcotic enforcement, the scummy bottom of life's barrel is the CI—the criminal informant—the rat. There's only one thing lower: a cop who turns rat on his own. And to me, going to work for a dooper was exactly that.

"How did the thing get started?" I asked.

"A CI approaches DEA with a deal. He's wanted in Argentina and Bolivia. He says, 'If I get you a Class One arrest here, will you get the charges dropped against me over there?'"

"How much did they pay him?"

"Over thirty thousand fucking dollars. And they admitted he's gonna get more when the trial is over."

Thirty thousand was not all that much for a Class One, but I wasn't going to say anything.

"And Mr. Car-parker, what kind of rap sheet does he have?"

"Nothing!" I held the phone away from my ear. "This is his first arrest."

"What kind of rap sheet does the rat have?"

He laughed. "This guy's been busted all over South America for every kind of con job in the book. He even tried to sell his wife's vital organs while she was in a coma."

"Come on, counselor," I said.

"If I'm telling the truth, will you be here Monday?"

"I listened this far," I said. "If you want to send me your stuff, I'll look at it."

The telephone woke me early the next morning. It was a retired DEA agent I'd worked the street with for two different federal agencies.

"People called me, Mike" he said. "And I said, 'No way, not Mike Levine.' You ain't gonna testify for some fucking dirtbag."

"I'm not doing anything yet," I said, marveling at the speed of the federal grapevine. "I agreed to look at the case file."

"The guy's a scumbag, piece-of-shit dope lawyer. He's like all these guys—every time his mouth moves he's lying. The case was righteous, Mike. Don't fall for it—not you."

When I hung up, my sweet wife and partner, Laura, was studying me. "You're as pale as a ghost."

"He's someone I really respected. Did I sound as mealy-mouthed as I think?"

"No, just really shaken."

The Fedex package was delivered to my room on Saturday morning. I opened it to find a stack of reports including Miguel's work records, the transcripts of audio-tapes, the rat's file (much of it blacked out, as I expected) and a video cassette. It was the DEA's whole case.

The work records were straightforward. Miguel worked for a large parking lot chain, punching a time clock for an average of sixty hours a week for the past three years, at minimum wage. He also had a little side business of delivering lunches to workers in the area. And, as the attorney had claimed, he had no prior criminal record.

The CI (I'll call him "Snakeface"), on the other hand, was wanted in both Bolivia and Argentina for bad checks, petty theft and every kind of scam known to man. He had a total of seventeen charges outstanding against him. His favorite scam was selling cars he didn't own. His other part-time source of income during the last four years was selling drug cases to DEA.

Snakeface first comes to Washington, D.C. from Bolivia with a wife and two kids whom he promptly abandons, returning alone to South America. Things don't go too well and in a short time he's back in the U.S., on the lam

from police and scam victims in two countries. Miguel, a family friend and fellow Bolivian, tries to help out by giving Snakeface part of his lunch delivery business.

In the meantime, Snakeface's wife suffers a cerebral hemorrhage and falls into a coma. While she lies dying, her grieving husband tries to sell her vital organs. When the sale of his dying wife's heart, lungs and kidneys doesn't work out, Snakeface decides to sell Miguel, organs and all, to the DEA as a Class One cocaine dealer.

Snakeface's first move showed me that he was no novice in playing the federal rat system. Instead of calling the local Washington, D.C. office of DEA, or the FBI, he called DEA in California. He described Miguel as "Chama," the "East Coast distributor for a huge South American cartel dealing in shipments of thousands of kilos of cocaine into the U.S." and "the head of his own criminal organization"—a description that just happened to fit the criteria for a DEA Class One violator.

The reason Snakeface approached a DEA office in Southern California, as far away from Washington, D.C. as he could get, was a move of sheer con man beauty. His experience as professional federal rat had taught him about the insane competition for headlines, budget and glory between the myriad American federal enforcement, spy and military agencies—53 at last count—involved in some form of narcotic enforcement or another. He knew that the California agents, afraid that the East Coast agents or some other agency would steal their case, would keep Chama King of Cocaine a secret.

California DEA reacted exactly as Snakeface had predicted. Instead of calling the Washington, D.C. office and asking them to check out the information, they sent Snakeface airline tickets and money to go to California so they could get their first evidence—a recorded telephone conversation—and lock the case in as a California case.

Next Snakeface told Miguel, "Look, I've got this American Mafiosi in California

who is dumber than a guava. The guy's so dumb he's even sent me airplane tickets to fly out there and set up a cocaine deal. I'll tell him you're the capo de tutti frutti of all Bolivian drug dealers. You tell this *boludo* that you can deliver all the cocaine he wants. He'll give you a couple hundred thousand dollars out front. Then you and me take off back to Bolivia rich men and open up a chain of drive-in theaters."

So Miguel-the-Car-Parker went along with the deal. He had failed the U.S. government-financed test of his honesty; a test that, according to my training, was called Entrapment.

Now we cut to Snakeface in Southern California making his first DEA-tapped phone call to Chama King of Cocaine. He calls the parking lot where Miguel is supposed to be waiting, prepared to play the role of Chama King of Cocaine for some *capo di tutti dummo* he knows will be listening in. Only Miguel isn't there.

"He's home sick," says the woman who answers the parking lot phone.

Do the DEA agents stop here and ask, "What the hell is the East Coast distributor of hundreds of millions of dollars worth of cocaine and the head of his own criminal

WHILE SHE LIES DYING HER GRIEVING HUSBAND TRIES TO SELL HER VITAL ORGANS.

organization doing parking cars all day long?" No. They call his house and tape-record the call.

Miguel answers. He's in a bad way. He apologizes to Snakeface, explaining that he's home with a terrible hangover. Then he tells this long, confused story about some friend of his getting drunk in his room, stealing his pants and wrecking his car.

"Shit," says Chama King of Cocaine, "in the morning I come out and I don't see my car. Man! 'That son-of-a-bitch,' I said. 'Shit! Where's my car? Shit!' I was sad. . . Shit! It's like the only one I have to go to work."

Snakeface, with some effort and doing all the talking, finally steers the conversation into some garbled code-talk that sounds more like Roberto Duran trying to explain the Monroe Doctrine to Mario Cuomo than a drug deal.

Snakeface: "Yeah, what I'm trying to do is—since it's a matter which is quite serious—big—and from the other things that I've seen like this, when we can't be playing with, with unclear words and. . . that's why what I, what you did, and I asked you if you'd spoken with him, because I know that he has the financial capacity and after all he's, he's a partner of, of, of [major drug cartel leader] and, and in the end anything will yield a profit if we're hanging on to a big stick that's on a big branch and, and we won't have any problems. Right?"

Chama King of Cocaine: "Of course."

That was about as clear as it ever got. If it was a dope conversation, the fact that he was talking across three thousand miles of telephone wire from his home phone—something a high-school crack dealer wouldn't do—didn't seem to bother Chama or the agents in the least.

At the end of this conversation, did these experienced, highly trained agents say, "This guy doesn't sound smart enough to be a Washington Heights steerer," or, "Let's pull the autopsy report on the rat's wife." Nope. They opened a Class One investigation targeting Miguel the parking lot attendant, and paid the rat his first thousand dollars. And there was plenty more to follow.

The packet of reports indicated that the investigation lasted eight months, during which time Snakeface successfully pimped the DEA agents about Chama King of Cocaine while simultaneously pimping Miguel about "Tony" (a DEA undercover agent), describing him as "the Dumb-and-Dumber of the Mafia."

During that time, California DEA conducted no investigation of Miguel whatsoever. The record showed no telephone investigation to ascertain whether Miguel was making telephone calls to any real drug dealers; no financial investigation to see what he was doing with his drug millions; no surveillance that would have revealed that Chama King of Coke was a working stiff who lived in a one-room apartment. They did nothing but write down as fact whatever their rat told them.

For eight months Snakeface stalled the California agents by reporting that Chama was in the process of putting together a major shipment of cocaine; and the agents continued to pay him. In all, he received another \$29,000 in informant fees, plus expenses, which included periodic trips back to California from Washington to be debriefed

on his progress. For eight months the agents nagged Snakeface into trying to get Miguel to deliver a sample of cocaine, any amount, just something to prove he was really in the business.

The sample never came. Miguel didn't even know anyone who could sell him a small amount. And if he did, he didn't have the money. Snakeface was afraid that if he paid for the sample himself, the California agents might get wise to him. So he came up with a clever solution: he told the agents that Class One dealers don't give samples, only small dealers give samples. When, to his astonishment, they believed him, he took it one step further: he told them Miguel would not make the deal unless the agents put part of the money—\$300,000—out front, and said this was another sign that Miguel was a true Class One dealer.

Snakeface had enough experience selling cases to the Feds to know they would never front that kind of money. He also knew that the Fed's indecision and the slow-moving bureaucracy could give him quite a few months on salary—which is exactly what happened.

After eight months, the California agents finally decided that if Chama wouldn't deliver drugs to them without front money, they'd get him on video-tape promising them cocaine and accepting the money—all they'd need to prove him guilty of conspiracy to possess and distribute—and then bust his ass. Miguel would face enough charges to make him a guest of the American taxpayers for more years than he had left on this earth. The no-dope conspiracy arrest would also give the agents their Class One stat and maybe a headline from the ever gullible press.

By this time Snakeface had not only received \$30,000 in rat fees, but all charges against him in South America had disappeared.

What a country!

Now Snakeface had two final duties to perform for his

masters: bring Miguel to California for his arrest and then testify in court. More money was promised to come after Miguel's conviction. How much, we'll never know.

The stage was now set for the final act—the videotaping of the crime. Only there was one remaining snag.

Miguel didn't have the money to come to California for his own arrest. In a final irony, DEA had to pay for his trip.

At last, dressed in his best Sears casuals and prepared to play the role of a Class One cocaine dealer for what he thought was a live audience of Mafia retards, Miguel was on his way to California, like a big Bolivian turkey on his way to enjoy Thanksgiving dinner.

It was close to midnight when I keyed the videotape of the climactic undercover meeting between Chama King of Cocaine and Tony Capo of The Three Stooges Mafia Family.

The screen flickered to life.

Center screen, Chama and Tony (the DEA undercover) faced each other across a table. Between them was a piece of hand luggage containing three hundred grand in hundreds and fifties.

Several problems were immediately apparent. First, they hardly shared a common language. Tony's Spanish was rudimentary at best and Miguel spoke only a few words of English. Tony, for example, kept referring to the "per-

Snakeface had not only received \$30,000 in rat fees, but all charges against him disappeared.



cento," until Miguel finally figured out he was trying to say "purity"—a word anyone who did drug deals in Spanish would have known in his sleep.

Second, neither man knew his role. It was like Pee-wee Herman and Newt Gingrich playing dress-up and pretending to do a drug deal. Chama was dressed like the hotel maintenance man, and Tony like an Elvis impersonator.

Neither knew the mechanics of a real Class One drug deal, or any real drug deal for that matter. There was no discussion of specific amounts, prices, weights, meeting places, delivery dates, provisions for testing the merchandise before delivery, methods of delivery or prearranged trouble signals. Nothing happened that resembled a real drug deal, which is typically a paranoid event all about specifics. What the agents had on video wasn't authentic enough for a Stallone movie.

The only thing clear was that Tony was asking Miguel to promise that if Miguel was allowed to leave the room with the \$300,000 he would deliver an unspecified amount of cocaine within 20 to 30 days to an unspecified location.

Pretty good for a parking lot attendant.

Miguel eagerly assured his new benefactor that he would make the delivery. He was then allowed to examine the money, after which the undercover DEA agent asked him if he was happy with what he saw. Miguel, who must have been thinking that America truly was a land of gold-paved streets guarded by idiots and that his friend Snakeface was a genius on a par with Einstein, or at least Howard Stern, assured Tony that he was very happy.

With all the elements of the crime of conspiracy recorded on videotape, Tony concluded by saying "Whew! Thank you very much and I'll wait for your call."

"O.K.," said Miguel, his eyes bugged out with disbelief as he got to his feet holding the money.

"Hey, dude," said Tony, "I'll be here a little while. I have to make a few calls. Bye."

Miguel's look as he started to leave with the money said: Feet, don't fail me now. But they didn't have far to go—about a half dozen steps before he was arrested.

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I clicked off the video. If DEA stood for Dumb Enforcement Administration, Miguel undoubtedly was a Class One violator. But a drug dealer he definitely was not.

Had the agents responsible for this case been working for me at any time during the seventeen years I was a supervisory agent, I would have jerked them into my office for a private conference. "There are a million real drug dealers in this country," I would have told them. "There's probably a couple of hundred working within a square mile of the office. If you've gotta go 3,000 miles and spend a quarter of a million in taxpayer bucks to turn a fucking parking lot attendant into a Class One doper, you oughta be working for the CIA, or Congress, or wherever else you can convert bullshit to money."

I would have put them on probation and moved to fire them if they couldn't do the job. I had done it before.

But was this any of my business now that I was retired? And if Miguel wasn't a dope dealer he was certainly a thief, wasn't he?

"What are you going to do?" asked Laura.

"I wish I knew," I said. "It's pure entrapment, but the idiot did his best to sound like a doper. If I'm gonna go against DEA, I don't want to lose."

There were things happening to me and things in the news that had been on my mind during the days leading up to this phone call, and that would keep me up for the rest of the night.

The first was the shooting of the wife and son of Randy Weaver by FBI agents during a raid at Ruby Ridge. The guy was supposed to be a white supremacist and I'm a Jew, but we had something powerful in common: the unbelievable pain of having our children murdered.

What had my head spinning in disbelief was that the case against Weaver that had provoked the raid in the first place—possession of a sawed-off shotgun—had been set up by a professional rat like Snakeface, and Weaver had been found innocent by reason of entrapment.

I kept flashing back to an incident from the beginning of my career, when I was serving with BATF, enforcing the federal gun laws.

The rat's name was Ray. He had a glass eye, no front teeth and a rap sheet as long as a cheap roll of toilet paper. He was my first CI and would be the prototype for many hundreds to follow.

"I met this guy who wantsa sell a sawed-off shotgun for sixty bucks," said Ray. "His name is Angel. He's a black Puerto-Rican." He flashed me his goal post smile. "One a them Young Lords," he added, naming the Mao-spouting Latino organization that was high on the BATF list of favorites.

"How do you know it's a violation?" I asked. A shotgun had to have a barrel length of less than 18 inches to be a violation of the National Firearms Act, which was the law we enforced.

Ray winked his good eye at me. He knew the law as well as any agent. He made his living selling drug and gun cases to the government.

"When the dude left the room to go to the john, I measured it. How much is it worth if I duke you into the guy?"

I explained that if Angel delivered the gun in a car, we would seize it and the informant fee would be raised according to the value of the car; or if Angel was somebody newsworthy it would be worth a couple of hundred. But Angel-Nobody-with-one-gun was only worth a hundred bucks (then twice the average weekly income in the U.S.).

Ray already knew all this. Like all professional stools he just wanted the arrangement spelled out beforehand. If I didn't take the case or he didn't like the deal, he knew he might still be able to sell it to the FBI or another ATF agent.

"But the dude is a Young Lord, that's got to be worth something extra."

"People can say they're anything. We'll see who he is after I bust him."

Following my instructions, Ray set up a buy/bust meet. Later that night, covered by a team of about a half dozen undercover agents, I met Angel, a nervous eighteen-year-old, on Bruckner Boulevard in the South Bronx. The kid had the gun in a paper bag just the way Ray said he would. I handed him the sixty bucks, took the gun and busted him.

On the way back to headquarters in lower Manhattan, something happened that Ray didn't count on. When I told Angel that possession and sale of a sawed-off shotgun carried a sentence of 25 years in federal prison, he blinked a few times and turned rat himself.

(continued on page 74)



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Celimate of the Month

Rap Sheet

Name: Yusuf Abdush-Shaheed
Age: 37
Birthplace: Newark, New Jersey
Conviction: Murder in a drug-related armed robbery
Sentence: 30 years—15-year mandatory minimum
Time Served: Almost 15 years
Ambitions: To help young convicts re-enter society on a straight, sincere path

by Pam Widener

Those of you who check out the *Prison Life*/HBO documentary on January 8, *Prisoners of the War on Drugs*, will see our Celly of the Month, Yusuf Abdush-Shaheed, standing in the yard at East Jersey State Prison, explaining in cold, hard terms how easy it is to make drug deals in the joint, and why 75 percent of Rahway prisoners feel drugs are a necessary part of making life behind bars more bearable.

The scene is brief but the message is clear: "If it wasn't for drugs in prison, you'd have a lot more violence. Ain't *nothing* in here," says Shaheed. "When you got anger, frustration, prison and *time...* that's gonna breed violence. They should feel lucky there are guys like me inside the penitentiary with something to sedate the violence."

But this perspective, and the role of drug dealer, is actually a reenactment of Shaheed's former self, the three-time loser who came into the system at the age of 21 — a heavy drug user with a heavy attitude. And it is not a past he likes to dwell on. "I'm more concerned with who I am now, and where I'm going," says Shaheed, now drug-free for ten years. That his role in the documentary is so powerful and compelling only emphasizes the depth of his personal conversions.

Shaheed spent the first four years of his incarceration trying to escape the reality of a 30-year sentence with 15 years to do before possibility of parole. "If I had this time to do," he thought, "I was going to do it with what I thought at the time was my freedom — freedom to do the things that I did before in the street. And what I did on the street was I got high and robbed people."

"I wasn't surprised that you could actually do drugs, get high, buy and sell dope in prison. Because you hear stories when you're in the ghetto, and you hear stories in the county jail, then it all just comes to reality when you get to prison."

The chances of breaking such a cycle are slim. For years, Shaheed wore a mask in prison — a tough-guy mask, a “stupid jailhouse pride thing,” he now calls it. He saw his options as: prey or be preyed upon. And getting high kept him from having to face what was under the mask.

But Shaheed says there was always a voice deep inside telling him he would some day have to stop. “You run and you run and you run, and then you realize that you have to confront yourself. For me it was a process — from wanting to change to actually taking steps to change.”

Shaheed’s experience has been religious through and through. When he relates the story of his earliest motivation to change — and to stop getting high — he describes an epiphany: “I was sitting and looking out the window, looking over the wall, and I thought about my time and just how my life was going, and I said, ‘Well, it’s time to stop. It’s time for me to really stop.’ Earlier in the day, which happened to be the designated Rah-way “Family Day,” Shaheed had gotten high on barbiturates, reefer and coke — his usual combination — to try to wash those kinds of thoughts away. And for the first time in his four years of incarceration, the drugs didn’t work. His inner voices were still getting through to him.

“For once in my life, I wanted to give it an honest shot. I wanted to try to live my life with sincerity. Because I had bullshitted myself for so long, I just wanted to try being real with myself.”

Expressing his decision to his crew wasn’t easy. Shaheed was a leader and they didn’t want to break off the relationship with him, but they also didn’t want to stop getting high. Eventually, though, when it became clear to them that Shaheed’s decision to live drug-free was final, they joined him. In an ironic twist, Shaheed’s natural qualities as a gang leader were what helped get his prison crew off drugs. And now his past life as a drug dealer and user is part of what makes him so accessible to the young men he helps to get straight.

To bolster his chance for recovery, Shaheed sought out a prisoner-run drug program called New Direction and got involved with encounter groups. But after six months, he knew these groups weren’t going to be enough. “I needed more to help reinforce me, because I knew that at any time, if I got into a certain mood, I could get high again.”

It was slow in coming, but the reinforcement Shaheed needed finally came when he was able to embrace the tenets of Islam. “I never in my wildest dreams thought I would be a praying person. I looked at people who prayed as people who were soft — weak — not able to deal with reality.” But after focusing more on religion, and reading more, Shaheed eventually came to feel the power of prayer and to become a practicing Muslim. “Prayer is just one thing,” he insists. “After you pray, you got to get up and work. You’ve got to work towards what you’re praying for.”

When Shaheed was transferred to a Jersey pre-release center ten months ago, the supervisor for the chapel, Abdul Karim Muhammad requested to the warden that Shaheed be the Islamic representative. For almost a year, he has been guiding congregation, prayer and classes teaching the basics of Islam. To Shaheed this is “just another way of giving back, which is something I plan to do for the rest of my life. I’m not just doing it

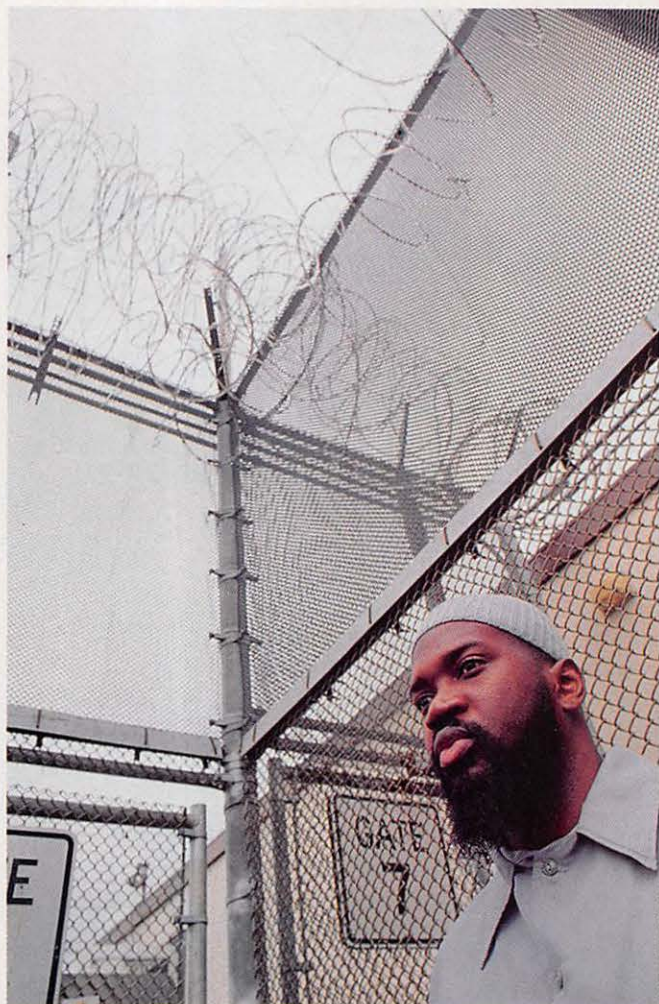


Photo by Chris Cozzone

now because I’m incarcerated. It’s something I owe myself, and I owe it back to the society I come from. I don’t intend on going to another part of the community. I want to go right back to the same community where I did the robbing and the hurting, and try to help with some healing.”

Despite the work credits Shaheed is earning (enough to max out in 11 months), he is sure that when his mandatory minimum is up in two months and he goes before the parole board, he will be denied. “Which means that when I walk out, I walk out. No parole, I do the whole sentence.”

The Muslim tenets are now the strong inner voices for Shaheed: “My faith is in Allah, not in the parole board. Nothing is going to happen without Allah’s permission.” And if he can’t get back to his community, to his wife and five children, his role on the inside is clear: to set an example for younger people who are on their way *out* of the system. “This is a pre-release center, where you have kids between 18 and 25 who are doing a year and then going back out into society. I try to make them look at their options. I say, ‘Look at what you did, but now look at some of your options going out. What you *can* do.’ In our classes we look at re-entry from an Islamic perspective. How important it is for them to be sincere. The biggest thing is sincerity. Religion is sincerity. That’s what religion is. Religion is sincerity. That’s it.”



A black and white photograph of a prison building. The building is constructed from large, rough-hewn stone blocks. Several windows are visible, each covered with vertical metal bars. The perspective is from a low angle, looking up at the corner of the building. The sky is visible at the top right.

**Story by
Chris Cozzone & George Gray**

**Additional Reporting by Marc Levin,
Al Levin & Daphne Pinkerson**

Photos by Chris Cozzone

A photograph of a prison building with a stone wall and a guard tower. The building is made of light-colored stone blocks and has several windows with metal bars. A guard tower with a red roof is visible on the right side of the wall. The sky is overcast.

HIGH ON THE RANGE:

Drug War in
the Wild West

There's not much to see in Granite, Oklahoma: a convenience store, a gas station, a restaurant that never seems to be open and people who give you weird looks because they can see you're from out of town. There's not even a McDonald's in Granite. What you will find there, besides a lot of sky and farmland, is the Oklahoma State Reformatory, a high-medium security prison with a population bigger than its neighboring town.

The prison lies hidden behind Granite Mountain, which rises several hundred feet at the edge of town. On one side of the mountain, you'll see fields where farmers tend the crops according to the season. On the other side, behind the steep walls of the prison, the convicts watch the seasons pass.

At the turn of the century, the mountain was an actual granite quarry manned by prison chain gangs. You can still see strings of numbers where the old-time cons have taken a stab at immortality by chiseling in their prison i.d. numbers. Now the quarry is the prison dumping ground: Rolls of rusting concertina wire and junked building material lay strewn beneath an old watchtower. Built of the mountain's rocks, the tower stands vacant and gaping. Today, the only rocks quarried at Granite Mountain go to supply a dying tombstone business in town.



**“Was I a threat to society?
I was more of an addict.”**

*—Donald McCalev, doing 120
years for possession of meth.*

"I don't have any prior convictions. They gave me life for one 8-ball of cocaine, man. You dig? One 8-ball."

The prison was built in 1909 for Oklahoma's juvenile delinquents. After a few years, the state turned it into a medium-security prison for adults, though the term "reformatory" stayed. But as prisoners at OSR will tell you, there's not much reforming going on behind those granite walls.

In many ways, OSR is your typical state pen. It could be San Quentin, it could be Rahway—its location, deep in America's heartland, in the middle of nowhere, matters not. The escalating consequences of the country's war on drugs have bloated this prison with convicts, who not only have little hope of a future but who are angry at having to live in abominable, overcrowded conditions. The prison, plagued with escapes, has had three wardens in the past six months. There's a 60 percent prisoner unemployment rate, no treatment for the hundreds of convicted drug addicts, and drugs are as easy to score as gum in a candy store. Half of OSR's overcrowded population lives in a condemned cellhouse.

Originally, OSR had two triple-tiered cellhouses. But in 1987, under federal court order, the cellhouses were condemned and the prison had to build pod units in the yard. Last year, in defiance of the federal court order, OSR reopened one of the condemned cellhouses and the tri-tiered block is now double-bunked. Even with the unlawful reopening, the prison is running at 135 percent capacity.

"They got people sleeping on floors in some cells," says East Cellhouse prisoner Homer Hordigree, one of OSR's drug cases who has spent time in Alcatraz and Marion. "There's not one empty bunk anywhere."

The overcrowding is a direct result of the war on drugs. Sixty percent of all OSR prisoners are in for drug use, possession or distribution. That percentage climbs to 90 percent when you add those sentenced for drug-related crimes.

Oklahoma has had a hard-on for



crazy drug laws ever since the war on drugs began. In 1994, it led the nation in locking up more male offenders per capita than any other state, and for the last ten years it has been number one for locking up more women per capita not only in the U.S. but in the world.

In Oklahoma, possession of a couple joints can get a sucker 20 years straight time. And it has. Victor Warrington was slammed with 20 years for possession of marijuana with intent to distribute. Distribution does not mean actually selling weed. If you happen to be a generous party host, you can get hammered for it. Warrington had 12 joints on him when he was arrested.

"I've been in since '92," says Warrington. "America's drug laws? They're absurd. They're passing out too much time for drugs, treatin' us like we went out and killed somebody."

Sam Shoals got nailed, too. He ended up with 25 years.

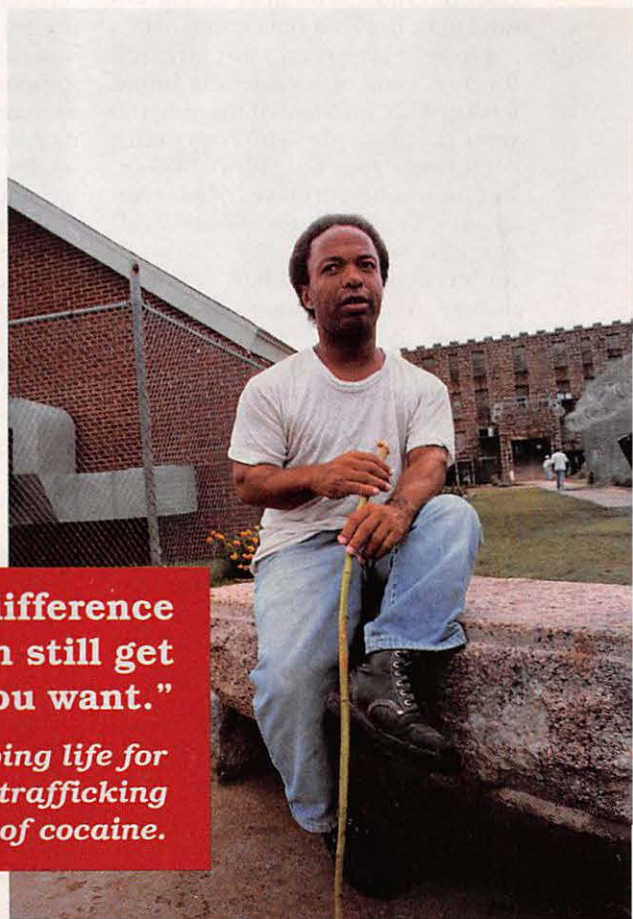
"I had a crack pipe," he says. In Oklahoma, possession of a crack pipe is a Class A misdemeanor. "But they took it, ran a substance test through the pipe and found residue of crack cocaine. They gave me 25 years for that bullshit. 25 years..."

Homer Hordigree was

working as a truck driver, taking speed to keep awake as he drove from Oregon to Florida when he was pulled over by a city cop in Oklahoma City. Because Hordigree's prior offense was 19 years old, he was considered a first-time offender. Still, he was slapped with an eight-year sentence for possession of one gram of meth (short for methamphetamine).

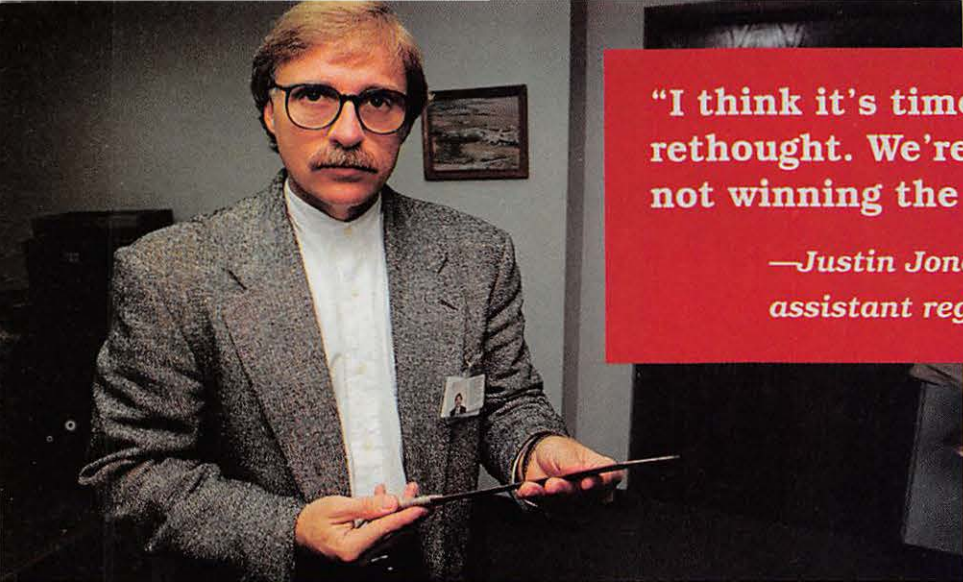
"I attribute my *low* sentence to the fact that I had enough money for a lawyer," he says. "If I had to rely on the state, I would've gotten 50 years."

Most of the prisoners locked up for drugs have had to rely on the state for their defense. More often than not,



"There's no difference here. You can still get anything you want."

—Too Short, doing life for distribution & trafficking of cocaine.



"I think it's time for everything to be rethought. We're filling the prisons, not winning the war."

—Justin Jones, former warden and current assistant regional director for the OK DOC.

OSR's former warden, Jack Cowley, doesn't advocate legalizing drugs. But he does admit to big problems in corrections as a result of the war on drugs. Cowley was the warden of OSR for two-and-a-half years before he was transferred last September. An outspoken critic of corrections, he has been called a lot of things in his 25-year career, "maverick" being the most common.

"I'm a little proud of that," he says, "because I don't typically agree with bureaucrats when it comes to the treatment of offenders. I believe the system can work, but I think it has gotten off herding them around more than trying to help them help themselves."

Coming from someone working for the Oklahoma DOC, Cowley's perspective on the war on drugs is even more radical.

"The war on drugs is a failure and a success. It's a miserable failure because it has not stopped drug use in this country. But it's a great success because it's the best economic boom we've ever seen. Prisons are big business. It's the growth industry of the '90s and the profits are overriding the expenses. The public is not willing to change because the upper class hasn't felt the pain yet.

The poor folks are the clients of the system. That's why we have poor people in this country—to be the clients. Until the richer



they end up with a sentence that will keep them behind bars for several decades. As in New York and L.A., most are young African-Americans from urban ghettos.

At OSR, there is an abundance of African-Americans doing time for crack cocaine. Anthony Edwards, a first-time offender, was busted with a straight shooter that had residue in it and was given 30 years. Terry Stevens got caught trafficking and was slapped with 15 years for his first offense. Rodney Vicks got 20 years for possession; Aaron Butler got 25 years for trafficking, distribution and possession; Terrence Jefferson got 15 for unlawful delivery of narcotics; and Tony Miles got 15 for distribution. But those sentences are considered light by Oklahoma standards.

Lionel Fortenberry got pinched for possession of cocaine with intent to distribute and ended up with 100 years for his crime. The cops didn't even find drugs on Aldofus Wade, but he was given 60 years for conspiracy to distribute. Wade's fall partner, who sold the drugs to undercover cops, had enough money to hire a lawyer. He got off with half the time Wade got.

"Too Short" was given a life sentence for distribution and trafficking in cocaine when he was 18 years old—that was 22 years ago. He has now lived longer in prison than he has as a free man. Mark Sanders has only been in one year but the judge gave him life, too.

"They gave me a life sentence for an 8-ball of cocaine," says Sanders. "You dig? *One 8-ball.* This isn't the answer. I deserve to be in prison but I don't deserve a life sentence."

If crack cocaine is the bane of African-Americans, then "crank" is the scourge of Oklahoma's low-

income whites. In the Midwest, crank is referred to as "poor man's cocaine." It is easy to make and sell.

Thirty-seven-year-old Donald McCalev was busted for possession of meth and received 120 years; Keith Brooks got 43 calendars for conspiracy to manufacture. Denlea Morrow received 105 years for his involvement in manufacturing crank.

"This is not what I had planned for my future," says Morrow, known throughout the Midwest as the "Grand Master of Meth." "But what do you expect? The citizens of this country are obviously pretty damn stupid. If you give a man a life sentence for drugs, what's to prevent him from killing to keep him from getting that sentence? By putting people away for life for the same thing you do with someone taking a gun and killing someone, you're sending the wrong message to society. You're equating murder with taking drugs. We've been on this drug kick, but it ain't got nothing stopped. It's a futile effort."

Morrow's answer to the war on drugs is simple: legalize everything.

"If you just detach the drugs and make them legal," he says, "you just let 'em run their course. This is fucking America where you can have the pursuit of happiness. If the pursuit of happiness is two good-looking blondes, a motherfucking pack of syringes and a pound of K cream, I say fuckit."

"The war on drugs is a failure and a success. It's a failure because it has not stopped drug use in this country. It's a great success because it's the best economic boom we've ever seen."

—Jack Cowley, former warden at OSR.

people feel the effect, nothing's going to change."

To Oklahoma prisonrats, Cowley was a dangerous man to be representing the department of corrections. It was no surprise, then, when they transferred him out of Granite in September after two prisoners escaped. Two weeks before the escape, Cowley received word that there was some digging going on in the condemned cellhouse. He sent his officers to investigate, he said, but they told him there were no signs of tunnelling. So when two cons escaped through a good-sized hole and took a local woman and her baby hostage, Cowley was taken off guard.

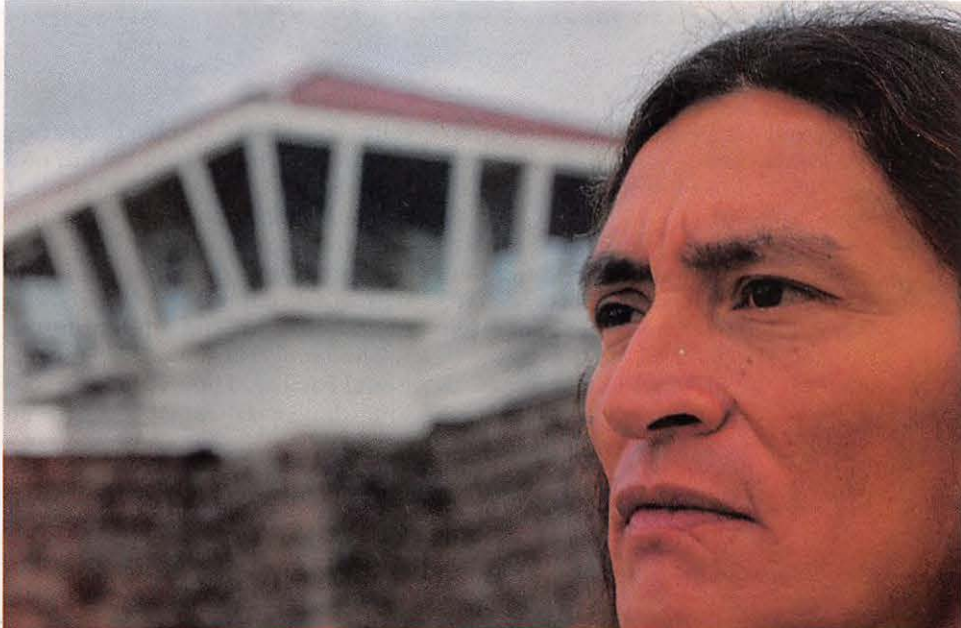
After a high-speed chase, the men were apprehended. They had raped and killed the woman. Another well-known escape occurred last year when a prisoner took off with the associate warden's wife who went with him either willingly or as a hostage, depending upon whom you talk to.

Cowley says the escapes gave people the excuse they needed to get rid of him. "Primarily," he says, "I got a new boss and he wanted somebody else here. He and I are fairly different philosophically when it comes to management."

That man was Gary Maynard, now the Southwest regional director for the Oklahoma DOC

"He was the warden at Joe Harp Correctional Facility before I was," says Cowley, "and he had it when there were only 400 prisoners. He had a riot there, too. In fact, they've had a riot at both of his prisons."

Cowley took over the prison several years later when the population had doubled. "It was becoming a



"There's just one drug treatment program in the whole state and it takes an act of Congress to get you there."

—Jerry Pelley, an addict doing 175 years for drug-related robberies.

model facility," he says. "We still had some work to do, but he [Maynard] didn't want to see another *soft* institution. Over here, they didn't like the way the institution was headed. They still like that plantation mentality. So I got nailed. On the last escape, I told some staff to look for tunnels because I had gotten word that some tunnelling was going on. And they didn't go look."

The prisoners will tell you that Cowley was framed. They also report that staff was antagonistic toward him because he would often give the prisoners responsibility.

"They felt threatened by that," one prisoner said.

Cowley's temporary successor was Assistant Regional Director Justin Jones. For a month and a half before the new warden was chosen, Jones ran things at OSR.

Despite the administration's attack on Cowley, Jones' perspective on corrections and the war on drugs is surprisingly similar.

"I think it's time for everything to be rethought," he says. "We're filling the prisons, not winning the war on

drugs. If we continue on the same path, we'll bankrupt ourselves. Right now, everything's a Band-Aid effect: build more prisons, add more beds. I don't know if this is really a war, but the victim is the public. You're creating a whole generation of people who'll be unemployed when they get out, who will have the stigma of being a convicted felon. You're doing nothing on the prevention end. You house them, they come back, you house them some more, they come back."

Both Cowley and Jones agree that as many as 90 percent of OSR prisoners are incarcerated for drug-related crimes.

"Whether it's burglary, a property crime or a violent offense," says Jones, "they were either under the influence or they were doing a crime to support a habit."

Tim Waldrup got five years for escaping from a county jail while he was in for possession of meth, a case he later beat; Shaun Miller is doing 15 years for assault and battery that had to do with drugs; Maxwell Kagen got 40 years for attempted burglary to support his habit.

Danny Clark was also an addict when he was popped for a variety of charges: kidnapping, armed robbery, burglary, forgery, larceny, assault and battery on a police officer, abscond-



ing and escape. He was sentenced to 25 years.

"Everything I did," he says, "I did for drugs."

Jerry Pelley was a drugstore cowboy when they busted him in Loughton, OK. He now has 175 years to serve, five different charges that span three states.

"All the money I got," he says, "I used it all for drugs. That's all I basi-

cally did. When I'd rob a drugstore, I'd go check into a Holiday Inn or a Howard Johnson's and I'd do it. I mean, I wasn't out there selling to a hundred umpteen people."

There is only one program in the state of Oklahoma for prisoners who need help for drug addiction: the Lifeline program at Joe Harp Correctional Facility. The waiting list is so long that years can pass before an

addict is approved and admitted.

Robert Todd Clark has already been approved to enter the drug treatment program, but he has no idea how long it will take him to get there.

"I believe I'm being denied admittance because of overcrowding," he says. "It's a mess."

According to Warden Justin Jones, more programs like Lifeline are critical. "If the state allocated more money to treatment programs, it would do more to prevent crime in the long run. What we need is more prevention. If the average drug offender serves three to seven years, even at the lowest security level, it's gonna run you \$24,000 a year to house him. Now multiply that by the number of years he's incarcerated. If you look at the economy of scale, if you want someone punished for doing drugs or committing crimes to support a habit, at some point you have to look at the law of diminishing returns.

"I don't think prison deters people from any chemical addiction they have. Most parole officers will tell you that their worst cases are drug offenders because the recidivism rate is so high with this group."

"Every day it's a struggle," says Danny Clark. "I'm always on edge. I tried to tell them when I was getting sentenced that I needed drug treatment, but I've received none in the two years I've been here. They keep turning me down. Do you know how hard it is to be drug-free in the pen?"

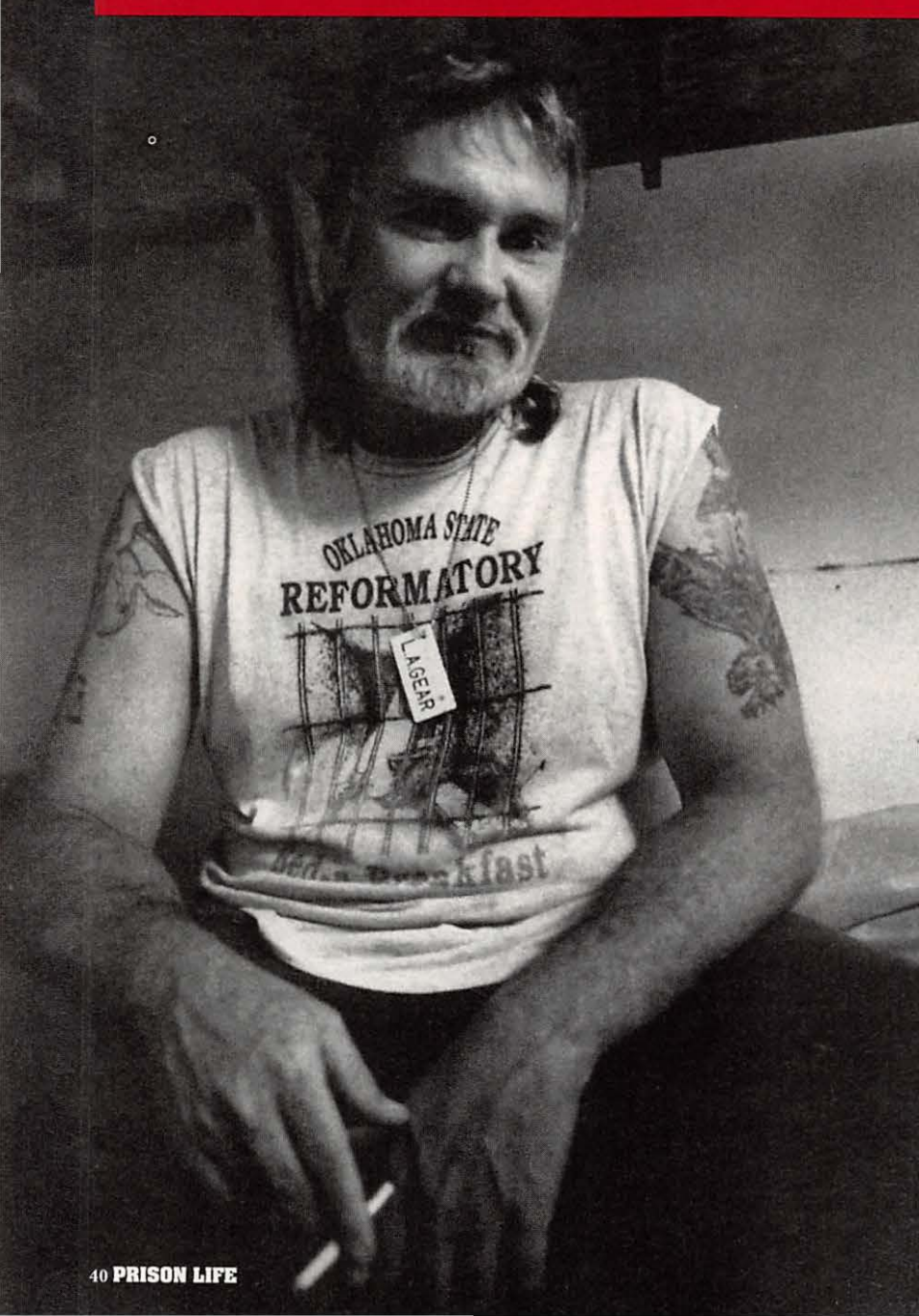
Vincent Paul Candelaria has the perspective of an old-time convict. He was at the Santa Fe prison during the riot in 1980, which claimed the lives of 34 convicts. Candelaria was one of the prison negotiators who put an early end to the riot and saved the lives of guards the prisoners took hostage. He was granted clemency for his role during the riot, but two years later was convicted for the death of a police officer, for which he received 414 years. He is currently appealing the conviction.

At Granite, Candelaria kicked the heroin habit that had been the motivating force behind his criminal activity. He has been clean for two-and-a-half years.

"I didn't go through a drug treatment facility," he says. "I did it myself. I did it because of the oppor-

"The drug war is a bullshit deal, man. If the front line of defense can't work, change the fucking battle plan."

—Denlea Morrow, doing 105 years for manufacturing meth.



In Memory of Yogi

A person I cared about and understood more than anyone is dead now.

Randy "Yogi" Gwinn was a man of honor and dignity; a man who could not be bent by force or circumstance. He cared for others and had a heart as big as the problem which ended his life.

Yogi died from a drug overdose. It is hard to accept how he died, and that he is gone. It's even harder to lose one of the few friends I have left to a damn drug problem. If someone would have done this to him, he would have tasted his own blood.

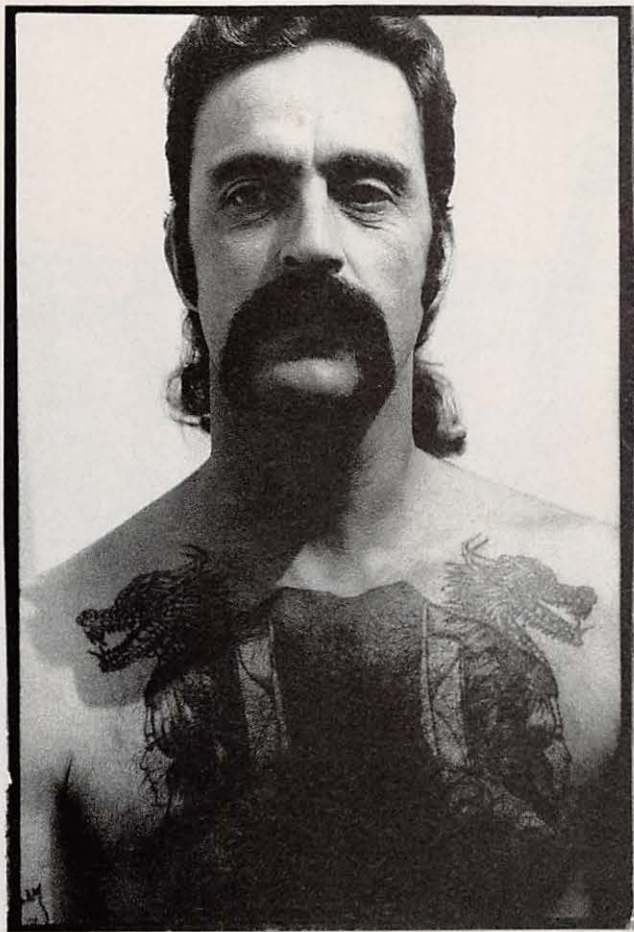
My friend had a problem. Eighteen years of incarceration and the problem was still there, even inside this "controlled" environment. His biggest problem was not drugs, but rather the indifference from a vindictive system and the malicious way that the present governor took all his hope away.

Many times we talked about his freedom, and how he was going to marry his girlfriend and have children. His face would light up, and for just a second he'd be convinced that all of his dreams would be reality. But a few months before he died, he found he was going to have to spend a lot more time in prison.

Yogi didn't talk much anymore. He fell into a pit of depression and despair.

My friend is dead now. Drugs will kill a person. That is a bitter lesson to learn. In a matter of seconds you will leave this world and meet your Creator to account for your deeds.

But how about those who kill our hopes and bury us alive in this hell-hole called prison? Which death is worse and who is responsible for those souls who cannot afford to give a damn anymore? The administrators of this state



have a lot to learn. Before they can raise a finger to point out the deeds of a convict, they should all look at the mirror and see who the real criminals are.

Some people may accuse him for his weakness and think he got what he deserved. I have a few words inside my chest for those who falsely point fingers at the trouble, and maliciously prolong the pain of those who are enslaved by this force. Standing tall in their own chapel of glass, they throw rocks at others not realizing that some day they will miss and hit their own walls.

Live long, my brother.
Vincent P. Candelaria



Oklahoma State Reformatory

To the left of the entrance is the East Cellhouse, which although condemned, has been reopened to house prisoners. The larger West Cellhouse, to the right of the entrance, remains closed. The pod units scattered throughout the yard hold most of OSR's prisoners. *Photo by John Thomas.*



On November 1st, a riot broke out at OSR . . . It started as a confrontation, but soon 200 prisoners were involved and guards in the corner towers were shooting down into the yard . . .

tunities. Because the warden who was here—Cowley—gave me a chance. And since I've been here, I haven't hurt anybody or done drugs. But a friend of mine died here six months ago. Heroin, you know. If you're on it, you're gonna get it no matter what."

According to the prisoners, drugs are easy to score.

"It's anything you want," says Roderrick Kanedy, serving time for a drug-related robbery, "any time you want. If you got the money, it's here."

"As much as they'd like to cover up drug use in prison," says Jerry Pelley,

"and think they're doing something, they're not. Drugs are everywhere. Out there. In here. And they're not gonna change that. Not by locking people up anyways."

According to one of the guards at OSR, marijuana is the most widely used drug, followed by crank, heroin and crack. "We try to keep it down," he says, "but it gets in here. Usually visitors bring it in, sometimes it gets thrown over the wall."

"Visitors?" says one prisoner. "They may bring in small amounts, but shit, we got hypodermic needles in here, man. You tellin' me people put that shit up their ass?"

For five bucks, you can get a cap of weed: enough for a slim joint. Fifty bucks will get you a shot of heroin, about ten c.c.s. Typically, prison value is two to three times street value. Because of the high unemployment rate at OSR, many prisoners without money resort to hustling or violence.

The prisoners at OSR worry that the violence will only get worse. They know the DOC will not give them another Cowley or Jones—someone who's going to give them a chance or do anything about treatment. They know they're going to get a hard-ass.

"This isn't gonna be about them taking away our HBO," says one prisoner. "They've already done that. No, we're in for some deep shit when this new warden—whoever he is—comes in."

Vincent Paul Candelaria will be gone by the time the new warden arrives. He is being transferred back to the pen in Santa Fe. "This prison is Disneyland compared to some of the joints I've been in," says Candelaria. "But I'm getting out because I know what's coming. It's the best time for me to leave. The overcrowding here—they got a big problem. It won't take much to kick it off. The prisoners are frustrated and pissed off. They got rid of Cowley because of politics. When the new hard-ass warden comes in, the prisoners are gonna have a lot of shit taken away from them.

"I don't want to see another riot. Santa Fe is still vivid in my mind, something I'll always remember.

"When the riot hits here, there will be a lot of killing. The officers who are working the yard will suffer. The

ones up there in the guard towers, they'll just start firing at people. A lot of these officers ask me if it's time to quit. I tell them they should consider finding a new job because a riot is a real possibility."

On October 9, 1995, OSR was given a new warden, the philosophical opposite of a Cowley or Jones. After 12 years with the Oklahoma DOC, Ken Klinger has his own opinion of the war on drugs.

"I work for the Oklahoma Department of Corrections," says Klinger, "and I support what the laws are. If the drug sentencing is 100 years, then I support that. I don't think they're fair or unfair. I think we have a process in the system and whatever the convictions are in the state of Oklahoma, I support."

Klinger has plans for OSR:

"This institution will *not* be run the same. This institution will become a secure facility. The mission of this agency will be put first—that means, to protect the public, then employees, then the offender, always in that order. How you protect the public is you make sure nobody escapes. You protect the staff in making sure it's a

safe and secure environment. You protect the offender by making sure they don't walk around killing each other. How you do that is you have a lot of control mechanisms put in place. I'm not gonna destroy any programs that have been started, but they're gonna be modified, and control mechanisms are gonna be put in place to make sure that staff controls the facility. That's what's *supposed* to happen. You'll see K-9 units used more, you'll see more random searching, you'll see more things like that.

"Warden Cowley was the right man at the right time for this facility but right now, *I'm* the right man."

It didn't take long for the violence to erupt at the Oklahoma State Reformatory.

On November 1, 1995, a riot broke out at OSR. It started as a confrontation among several black and Native-American prisoners, but soon 200 prisoners were involved and guards in the corner towers were firing shots down into the yard. Nobody was killed, although six or seven prisoners required medical treatment.

When it was over, the entire facility

was locked down for eight days. There was talk of a permanent lockdown and changing the prison's high-medium security status to maximum. But at press time, the facility was returning to normal, with limited yard movement.

The officials labeled it a mere "disturbance," but prisoners who took part in it said it was more than that. They also said the incident was only the beginning.

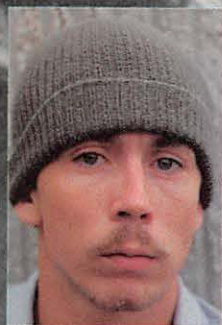
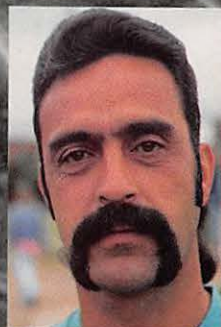
The guard tower overlooking the junkyard quarry stands desolate and stark against the big Oklahoma sky. Decades ago, guards stationed in the tower observed convicts toiling away at the mountain, making big rocks into smaller rocks and hauling their cargo to the site where the walls of Granite would be built.

Soon, the old tower and quarry may have to re-open. As OSR becomes more bloated with prisoners of the war on drugs, another prison may need to be built.

They may even have to rebuild OSR, once its walls are broken down from within. ■■■



PRISONERS OF THE WAR ON DRUGS





Junk in the **JOINT**

The real dope
on the prison
drug scene

Story by Jennifer Wynn

**Additional Reporting by
Chris Cozzone, George Gray, Al Levin,
Marc Levin, Daphne Pinkerson**

Photos by Chris Cozzone





Jerry Pelley has a habit. He stole to feed his habit. He went to prison and found the same drugs he did on the streets in the joint. Think he'll ever come out clean and sober, fully rehabilitated?

If the American government were really serious about winning the war on drugs, wouldn't prisons be the most drug-free places of all? Think about it: What other environment offers more opportunity for control? With cops and cameras galore, solitary confinement, lockdown, stun guns, searches and high security, prisons should be squeaky clean.

Yet the drug scene rages in prison. The drug business in the joint is as profitable and as structured as it is on the streets. Dealers get rich, prisoners die of overdoses, guards are on the take and junkies walk out after years of confinement, ready to do whatever it takes for another fix.

“Nobody can convince me that there’s a county jail, a prison or any other place where people are locked up that there aren’t drugs,” says the former warden of East Jersey State Prison, Patrick Arvonio, 20 years on the job.

“I think there’s a drug problem in every prison,” says Justin Jones, assistant regional director of the Oklahoma Department of Corrections. “Just recently, one of our prisoners on death row took an overdose of drugs the night before he was going to be executed. They had to revive him so they could kill him. The point is, somebody got the drugs in, even in maximum security, on death row. Nobody in their right mind would say their prison is drug-free.”

Between 1986 and 1991, the number of adults in state and federal prisons on drug-related charges has more than tripled.

“Prison is a microcosm of the streets,” says Jack Cowley, formerly the warden of Oklahoma State Reformatory in Granite. “Whatever’s out there is gonna be in here . . . the drugs, the violence, generally all the bad characteristics of what’s on the streets.”

Visit just about any state institution and you’ll find a thriving drug trade. Neither prisoners nor authorities hesitate to talk about drugs openly. When we visited the state prison in Granite, we spoke with Jerry Pelley, sentenced to 175 years for five drug-related robberies.

Are you drug-free?

“No. No. No.”

You’re not afraid for us to print that?

“No.”

What’s your drug of choice?

“Cocaine, speed, heroin. Whatever comes in. There’s no way they can keep drugs out. They’ve been trying for as long as they’ve had prisons, but they haven’t done it. And now, with the drug war raging in here and out there, I don’t see any difference.”

Ralph Sowell, a crack dealer doing 21 years at East Jersey State Prison, boasts about dealing. “I’ve been selling drugs ever since I came to prison, and I’ve never been caught,” he says. “You can make approximately \$3,500 to \$4,000 a week here selling drugs. Anything they sell on the street is triple in here. A \$10 bag of dope on the streets goes for as much as \$40 in here. And everybody wants a piece of the pie.”

East Jersey’s Lieutenant Connell is well apprised of Ralph’s drug dealing: “The rumor we get is that he’ll do 5 to 10 bundles a visit. You’re talking about 50 to 100 bags per visit, three times a week. On the street a bundle goes for about \$70. In here, you can sell it for about \$300. So he can make about a \$230 profit per bundle, and if he’s doing 10 bundles like is rumored from some of the information we get, you’re talking \$2,300 a visit two or three times a

week. That’s a lot of money.”

It’s more than a C.O. makes.

Authorities seem resigned to the fact that shutting down operations like Ralph Sowell’s wouldn’t make much of a difference in the prison drug business.

“We’d be very naive to think that if we put Ralph Sowell out of business that would change the drug trade in this institution,” says Lt. Connell. “When he falls, five different dealers will come to the forefront to take his place. So it doesn’t matter if we frisk Ralph’s cell or Joe Jones’s cell. You have so many inmates incarcerated for drug-related crimes, who are involved in narcotics on the street and want to perpetuate that addiction while they’re in jail, and if the demand is here, someone will find the supply.”

Naturally, corrections officials blame visitors for bringing in the drugs. “Women carry drugs in their vagina,” says Lt. Frank Pascucci, a 20-year veteran of East Jersey State Prison, **“and then pass them on to inmates who bring it back in their mouth or in their anus. And there’s no frisk known to man that’s gonna find it there,”** he laughs.

Sometimes a snitch tips officials to the name of a dealer expecting a package through a visit. Officials get the names of the people on the dealer’s visiting list and try to apprehend them before they get to the joint. But clever cons can thwart even well-planned efforts.

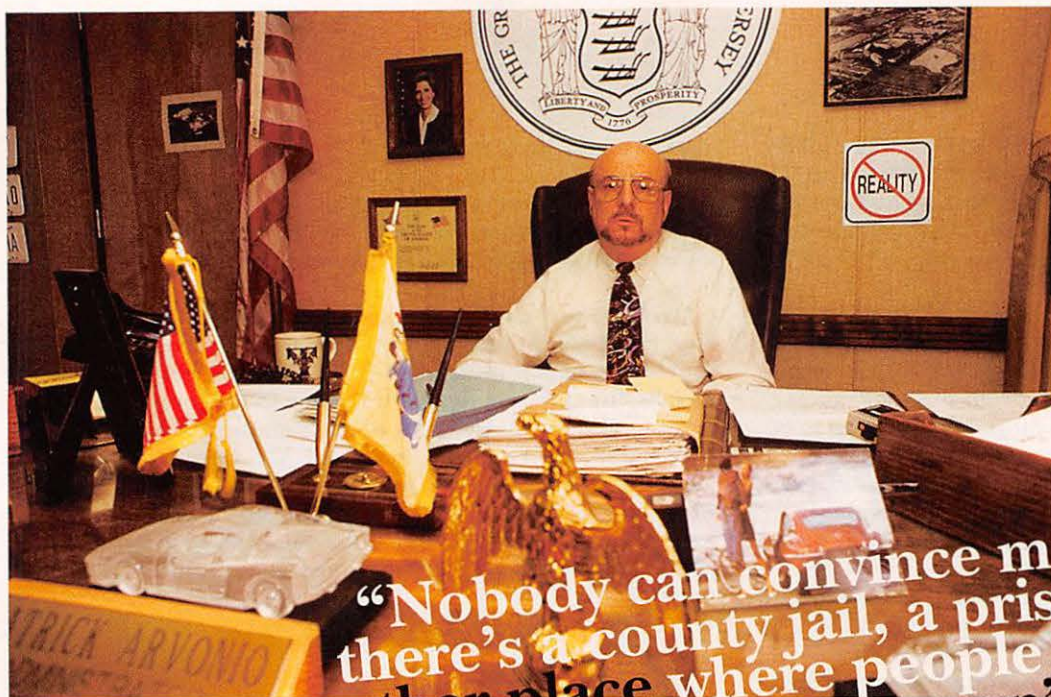
“The dealer has an unrelated inmate’s girlfriend bring it in and give it to her boyfriend, who in turn will pass it to someone, who in turn will pass it to Ralph Sowell or somebody like Ralphy,” reports another East Jersey official. “His girlfriend’s clean, he’s clean. We can squat on him as often as we want, frisk him as often as we want, try to bust his visitor coming in and she won’t have it. But the stuff will still be coming in and it will be his.”

East Jersey official Tim Dill believes there’s no end in sight to the drug trade in prison. “There are just too many ways to get drugs in,” he concedes. “We’ve had some ingenious attempts.”

Like the time someone sent green olives in a food package. The pimentos had been removed and replaced with small red balloons filled with heroin.

“We once found drugs in a jar of peanut butter,” says Lt. Connell. “Dug down deep and found narcotics.” The jar had been heated in a microwave to smooth out the peanut butter, and then resealed to give the appearance of being unopened.

“Once someone dropped off a pizza for a relative and underneath the cheese were decks of heroine,” continues Lt. Connell. “It’s limited only by the imagination.”



“Nobody can convince me that there’s a county jail, a prison or any other place where people are locked up that there aren’t drugs.”

—Patrick Arvonio, former warden of East Jersey State Prison.

The guards may complain about visits, but many say it is guards who do most of the drug smuggling. “Less than 10% of drugs come in through visits,” says an experienced dealer who served a decade in federal institutions. “Just as on the streets, where you have drug cartels supported by corrupt government officials, the major drug operations in prison rely on collusion with authorities; on corrupt guards who abuse their power for profit. The major drug operation in one federal joint where I did time involved two guards who picked up drugs at a P.O. Box, brought them in a week later, and got paid on the street from the dealers’ freeworld associates,” he says.

“The drug business here is very lucrative,” adds “Ringo,” a Sing Sing convict with a decade down. “A lot of guards use dealing as a way to supplement their income, and they’re always getting busted. I knew a prisoner who was awarded work release for getting a cop to bring in cocaine. He wouldn’t have made it home that easy because he was in on his second murder charge.

“Just recently,” he continues, “a recreation civilian got caught up in a sting. A rat bastard inmate set him up. The department of corrections gave him a microphone and marked money. The civilian got busted on the outside with the money he was supposed to buy drugs with.”

On October 27, 1995, four corrections officers at a federal prison in Atlanta were indicted on charges of trying to smuggle marijuana, cocaine and heroin into the prison.

Since 1989, 13 staff members at the crowded, maximum-security state prison in Graterford, Pennsylvania have been arrested on charges of trying to

smuggle drugs. Eleven prisoners have died of drug overdoses at Graterford and about 20 percent of the urine tests done on prisoners each month show signs of drug use. In March 1995, three prisoners were found in a cell, all with hypodermic needles and all unconscious from drug overdoses.

When 650 state troopers recently descended on Graterford in a surprise nighttime raid intended to curb the drug trade there, over 60 caches of drugs were seized. As a result, nine ranking officers at the prison retired or were transferred, and 21 prisoners suspected of drug trafficking were moved to other prisons, according to Martin F. Horn, Pennsylvania’s Corrections Commissioner.

Heroin is the most popular prison drug because it puts you in a “fuck-it-all” type of mood. “You nod out and chill,” says one con. Pot is a dangerous drug to use because it stays in your system too long, although users can sometimes succeed in “flushing” the drug from their system by drinking a lot of water.

“Cocaine doesn’t seem to be as prevalent in prison because it’s so expensive and, from what I’ve been told,” says an East Jersey prison official, “it’s a great high, but it’s a short one. Whereas with heroin, you can buy one \$30 bag and be high for nine or ten hours. Thirty dollars of cocaine might only last you 45 minutes.”

As on the streets, drugs are cut with other substances to increase profits. In the joint, aspirin and flour are most commonly used. “I once heard of a guy who used his AZT medicine,” says Ringo.

“Ten bucks will get you two caps of reefer—enough for two slim joints.”

—A “buyer” at an anonymous prison.



“But a lot of guys sell beat shit when they get bad packages from the street,” he adds. “Instead of not selling it, they do, causing big problems. It happens all the time. In fact, most of the stabbings and fights here are drug-related.”

Anthony Goombi was in the disciplinary unit at Granite when we spoke with him. “I’m in here for battery. They’re saying it was over drugs. They say we robbed this guy for his dope. This other guy confronted us about stealing drugs from a guy. He says we robbed him for some marijuana and valiums.”

With plenty of cash to buy goods from the commissary, privileges from guards and sex from other prisoners, dealers in the joint live well. “A drug dealer is looked upon highly here,” says Ringo. “He’s a big man. Usually he’ll have bodyguards—flunky kids who like to get high—who will do everything for him.”

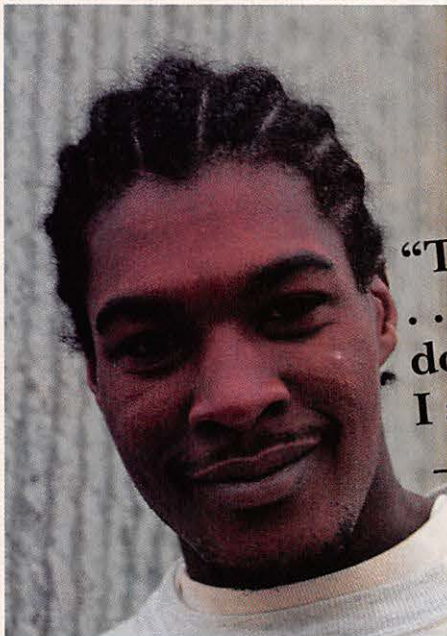
Michael Jones, a.k.a. “Snowball,” is doing life at East Jersey State Prison for first degree murder.

Openly homosexual, he has been down for 20 years and knows the system inside and out. Although he doesn’t do drugs, he has made himself into a kind of drug pimp, negotiating deals on behalf of junkies who only have their bodies to sell.

“Most of the time, if a guy’s got a drug habit,” he says, “he will have sex with another inmate for drugs. No matter what type of high he’s on he will have sex with another guy in prison so he can get his drugs.”

“A new guy who wants drugs will go to a homosexual first, because they know that fags know mostly everybody,” he says. “Now—if a guy just come in and he got a habit, and I know he got a habit, I’m going to make some money off of him. It’s easy. I would take him to another prisoner and say ‘Hey, you see this fine thing right here? You want a blow job? He’s yours. You can get him and do him anyway you want to do him, just give him a little bit of that dope and give me a box of cigarettes for myself.”

(Continued on page 54)



“There ain’t nothin’ you can’t get in here . . . I’ll just smoke that weed and go lay down in my cell, look at the TV. Fuckit, I ain’t gonna hurt nobody.”

—Snake Hill, a prisoner at Oklahoma State Reformatory.



RIKERS HIGHLAND

By Anthony Wareham

Rikers Island, six miles from Manhattan, is the world's largest penal colony. With 12 jails and more being built, the complex holds nearly 20,000 prisoners serving a year or less of city time or awaiting transfer to an upstate facility. Once used as a dumping ground for the city's garbage and subway excavation refuse, the island was converted into a prison complex in 1957. Planned as a model penitentiary, the jails today are dirty, antiquated and overcrowded.

Anthony Wareham, an ex-con, ex-heroin addict, questions the logic of methadone maintenance as the primary form of drug treatment at Rikers.

At Rikers Island, at least in the two jails (C95 and C76) I've spent time, if you've got the commissary, the cash or the cigarettes, you can always find some drugs to help pass the time. For me, this was a mixed blessing, because it was my drug addiction that kept catapulting me back to the island.

Heroin was my drug of choice. Before my most recent bout, I had been straight for several years, which had rewarded me with a good job, a long-term relationship and a Manhattan apartment with all the trimmings. My downfall began when I visited a buddy in London. The plan was to indulge for a couple of days and then resume my sober life when I returned to New York.

Problem was, after I got back, I coned myself into thinking I could continue shooting heroin recre-

ationally. To make a long story short, within six months I'd lost my job, my apartment, my girlfriend and most everything I owned. Then I started getting arrested. My habit had me so strung out I couldn't do anything in the morning before feeding the monkey. This included attending community service and making it to court. So one by one my arrests turned into warrants, until eventually jail time was the only alternative the judge could consider. I blew every chance the court gave me, and I had gotten so used to kicking dope on the floor of Manhattan Central Booking that the nurses knew me on a first name basis. I got used to arriving at Rikers like the walking dead with one goal in mind—METHADONE!

Dope fiends like myself were always amazed to find that the city's liberal attitudes toward criminology

extend to the detoxification of heroin addicts via methadone, a synthetic form of heroin. Most amazing, methadone maintenance is offered for *entire* sentences (at Rikers, that means up to a year). Any *misdemeanor* offender admitted to the New York City Department of Corrections with a habit can receive 40 milligrams of methadone each day of his or her incarceration. Methadone is so powerful it keeps addicts "straight" for over 24 hours, whereas heroin lasts only 4 to 6 hours. To describe the program as popular with prisoners would be an understatement at best.

There are, however, some serious problems with methadone treatment. One is that an addict can leave jail with a worse habit than he came in with. For me, I could have used jail time to kick the habit and get a sober perspective on life, but I never got to the point where I was able to say no to dope. It's far more difficult to make the decision to be drug-free if you haven't had a drug-free day in years. Historically, jail provided that period of sobriety from which countless alcoholics and addicts have been able to see there is another way to live, and then choose that way.

But while methadone is neither a substitute for sobriety nor true treatment for drug addiction, it may still be preferable to no intervention at all. It is virtually free when compared with the cost of true drug treatment, which makes methadone particularly seductive to bureaucrats under pressure to do something about the drug problem. We can teach our youth that drug use is for losers, but we must acknowledge that until an addict is ready to quit, he will continue to suffer, and suffer even more while *addiction to illegal drugs demands criminality*. Methadone addicts are free from the need to commit crimes and from the health dangers of injecting street drugs. In this way, methadone can be part of a rational response to addiction. But it is no panacea.

Prisoners, like all of society, cannot afford to be confused about the ultimate effects of methadone. At best, those on methadone settle down to a life of quiet addiction. But many do not. They inject cocaine instead of heroin and continue their criminal activity. So substantial is the problem of heroin and methadone addicts getting arrested that New York City has an entire jail with some

3,000 beds for detainees needing methadone.

For new detainees like myself going through withdrawals on the bullpen floor, methadone was the light at the end of the tunnel. *If I can just hold on until I see the doctor, everything will be all right.* And sure enough, my time would come: The doctor would take one look at me and within a few hours the pain would be gone. Once you're on the monkey juice, Rikers isn't such a bad place. You can sleep 16 hours a day, you can eat (or not eat) the prison food. Even if the days drag on a bit, you're half in the bag anyway.

If you're not in the methadone program and want to catch a buzz, you can always find someone looking to sell his supply for a few packs of cigarettes. Although a guard watches everyone drink his dose, the clever consumer will hold the liquid in his mouth then "spitback" into a bag or cup and sell it later. Doesn't sound too savory, but a little methadone goes a long way in beating the jail-house blues.

Predictably, the trade of prescription drugs at Rikers extends to other medications: Klonopin, Elavil, Dalmane, Zantac and even Dimetapp are all popular and available nightly if you have the cash. Of course, you can get them for free if you can convince the doctor you need them.

Street drugs, too, are widely available at Rikers. I discovered this my first day there. It was 2:30 p.m. when I awoke, having slept like a log thanks to my first dose of methadone. I was still high when I staggered into the bathroom to take a shower. Before I reached the stalls, an officer peered in to advise me that the showers were closed until after the count. As the C.O. approached, I noticed a prisoner who had shielded himself from the officer's view. When he saw us, he stood abruptly and walked out.

As I spoke with the C.O., I noticed the guy had left a fully loaded syringe on the bench behind him—in plain view. He'd been hiding in there, trying to find a vein when I blew up his spot. If the shit had hit the fan, his plan was that I would take the rap.

You can imagine that for an addict spending his first day in jail, the sight of a loaded syringe did a number on my head. I even entertained the idea of taking his dope myself after the C.O. left. Once I knew my way around, I found I could score two or

three times a week if I had the cash. One jail bag (about half a street bag), goes for \$20, or a carton of cigarettes. If I wanted reefer, the most prevalent drug at Rikers, I'd trade a pack or two of cigarettes for one jail joint.

Eventually, however, I decided to stop. I came to the conclusion that something *had* to change if something *was* to change. The Rikers Island thing was getting old fast. I realized that if I kept coming to Rikers, signing up for methadone and getting high every chance I got, I would keep walking out the door an addict and starting the whole cycle again. If you are ready to quit, jail can be as good a place as any to begin to make changes.

Narcotics Anonymous was where I began to put things into proper perspective on my last visit to Rikers. It helped me find the strength to get myself off the methadone, and to become totally drug-free for the last four months of my incarceration.

Of course, in-patient drug treatment is what a great many prisoners want, and even more desperately need. Prison is not where someone with a drug problem belongs, but it is where a justice system strapped for cash and compassion has dropped them. But even if your facility doesn't offer drug counseling, you can work on your problem anyway. Just admitting you have a problem is a big part of the solution.

A counselor once told me that the most important thing long-term treatment provides is not the lectures, the meetings or the 12 steps. It's clean time away from the drug.

Time away from drugs is worth fighting for. If you can say no in jail, where there is nothing to do and you've got plenty of excuses to get high, then you have a good chance at staying clean once you're out. You'll probably find some others like yourself to talk to, maybe start your own meetings. Groups like AA and NA will send you free literature.

So while jail will never be the Betty Ford Clinic, it can be used as a therapeutic community. It's the best place to start getting sober, if that's what you want to do. As an ex-con with 18 years off dope told me, "If you want to change your ways on the outside, you better start while you're on the inside. It's not going to happen in the receiving room." ■■■

Can I get anything I want here?
"Sure. But it depends on when you want it."

Prices?

"What are you looking for?"

Heroin.

"Fifty bucks will get you a shot of heroin.
About ten c.c.'s."

— Interview with Anthony Goombi,
a prisoner in the Hole at Oklahoma State Reformatory
commenting on the drug trade there

(Continued from page 51)

At Sing Sing, says one convict, some strung-out guys who won't sell sexual services will sell things their family gives them, like sneakers, shirts and shampoo, for drugs. These are the "cold dope fiends, the guys who fuck up sooner or later when they run up a bill. They end up checking into protective custody."

Take Duane Hammary, for example. He's in protective custody at East Jersey State Prison because of an unpaid drug bill. "I did some heroin and I couldn't pay, so I came here. I was in fear for my life. I owed \$100, and you can get hurt for that amount of money. In here, heroin is like gold."

But even in ad seg, an addict can still get a fix. "When you have an addiction to something," says another East Jersey State prisoner in ad seg, "it's a sickness. It's not something you can just stop, especially when you see other guys getting high. There's drugs in ad seg. There's drugs all over. There's more drugs in there than anywhere."

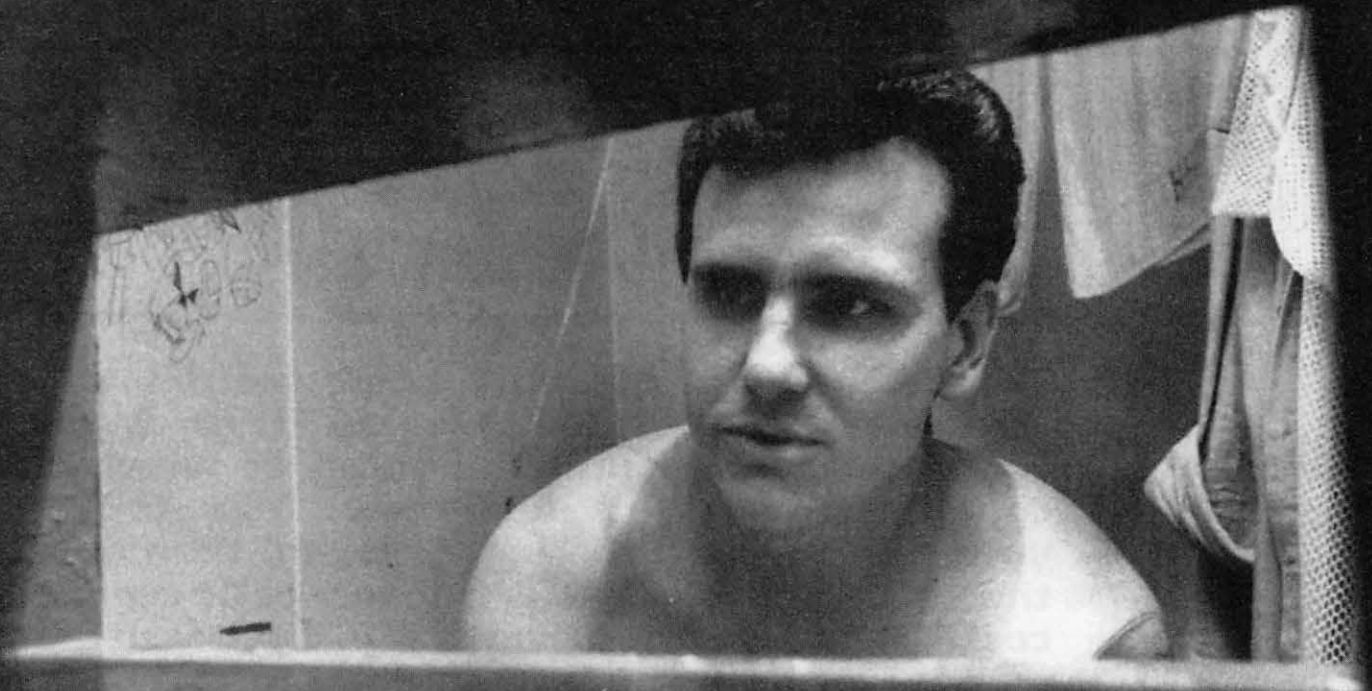
Because drugs have become so available in prison, and sentences for drug crimes span two or three decades, many people who don't come in as dope fiends pick up habits once they're in.

"There are so many guys who catch habits in here it's not funny," says Ringo. "Being locked up in a cage for 20 years sucks. It takes your heart away. You become an animal. You want to escape the reality, forget you've become part of the system, so you turn to drugs. You get high to forget all that you've lost."

Clearly, most people who buy junk in the joint are addicts, not recreational users. Those who want to quit say they don't have the support they need.

"Anybody who has done drugs all his life doesn't like them," says Jerry Pelley at Granite. "I was talking to a friend of mine last night, and I said, 'Dan, don't you wish we could quit?' And he said, 'Yeah, man. But it's just not that easy.'"

"And it's *not* that easy. Especially when you don't have any support and you're doing so much time. They have one drug unit in this whole prison and it takes an act of Con-



gress to get in . . . If you're doing a long time, like I am, you can't get in because they don't give a shit about you."

Prisoners and authorities alike say that drug programs for prisoners are either nonexistent or are so poorly run as to be virtually ineffective. "The drug programs here are a joke," says a Sing Sing prisoner. "Guys who participate just do it to look good at the board. It's mandatory to get drug treatment if you have a drug crime. But the place where they give drug treatment is full of drug users and pushers."

Several studies sponsored by the National Institute on Drug Abuse have shown that professionally run drug treatment programs, on the whole, are successful in reducing drug abuse and crime among participants and in increasing their ability to hold a job. Treating drug addiction medically rather than criminally is also more cost-effective.

Case in point: In New York State, a one-year residential drug treatment program costs less than \$20,000 per participant, whereas incarceration costs the state nearly \$30,000 per prisoner, according to the Correctional Association of New York.

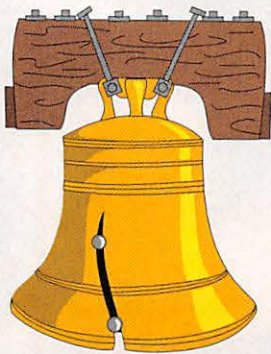
Research and rationale aside, allocating money for the rehabilitation of convict drug addicts isn't high on the public's priority list. Former Warden Arvonio paints a grim picture of the combined results of America's failed war on drugs, mandatory minimums and the lack of funding for drug treatment:

"The mandatory minimum sentence in New Jersey started with a new penal code in 1979. Since then, many more people have been locked up, so obviously the mandatory minimum is not a deterrent. All it did was make us more crowded.

"Meanwhile, I am not getting any more resources to run the kind of treatment programs these drug addicts need. Even though a guy may commit an assault or armed robbery, the fact remains that when he goes back out on the street he's going to continue to use drugs, he's going to continue to be involved in that culture. There's a feeling in the general public that once you've been in prison, some miracle's going to happen so that when you go back out there, you aren't going to commit crimes anymore. Well, there is no miracle. We're basically warehousing people." ■■■

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WOMEN CASUALTIES OF THE DRUG WAR

by Susan Rosenberg

The war on drugs has become a war on women in the drug trade: the wives and girlfriends of drug dealers, the runners, mules and drug users. In the long-termers unit at Danbury FCI for women, many prisoners are serving lengthy sentences with no hope of parole. For the most part, these lifers are first-time, non-violent offenders whose convictions are related to drug conspiracies. The majority are Black or Latino. They leave their children and families on the outside in ruin.

Though some women are fortunate enough to have family members who remain unscathed by the criminal prosecution—a loved one who can hold some semblance of family life together—many have no one to care for their children. Without family at home, these women lose their children to the state. Gone. In a matter of minutes, everything the woman has known in the making of her life is over and done with. Only prison time lies ahead, often more prison time than there are years left to live.

The lengthy sentences, and the often great distances family members or friends must travel to visit prisoners, make it nearly impossible for a woman to maintain ties with the outside world. When there is little hope of release, women prisoners quickly lose touch with those they leave behind. If you are 35 years old and you get a 45-year sentence under the new sentencing laws, you must do at least 40 years, which means you can walk out free and clear at age 75. If you have a natural life sentence, you never walk out; you die in the women's prison hospital center at Carswell AFB, Texas.

Many women do the time. They struggle through every day and find a way to cope. Some don't know how to survive in prison; they end up on psychotropic medication. Increasingly, women who have information to trade will use it to get a time cut; others, with no information to trade, end up doing lengthy sentences. The severity of the punishment, the very length of the sentence, is intended to be coercive.

As a result, more and more women are targeted by drug agents and pressured into becoming snitches.

The convict code of silence has been dismantled piece by piece by the state. When a woman is a walking "contents under pressure" about to explode, and she finally does, it means she has been broken. She has been bought by the government and can and will be used again and again. Once a defendant gives information in exchange for sentence leniency, the government owns her.

To justify this to themselves, these women end up seeing their captors as all-powerful. It is the government that holds their fate in its hands; it is the government that must be obeyed. Other prisoners are seen as a threat. Building unity among women prisoners becomes close to impossible. Eventually, a more petty form of snitching takes over. The trade of information in prison may not rise to the level of informant trial testimony or "cooperation," as prosecutors euphemistically call it, but it can and does prevent

Ramona DiFazio

- Arrested with 8 1/2 grams of cocaine and a gun
- Sentenced to 145 years in prison

Don't ask Ramona DiFazio to explain her charges. Like most, she can't make heads nor tails of the legal morass of mandatory minimums and federal sentencing guidelines. All she knows is that she was arrested in 1992 for 8 1/2 grams of cocaine powder, and a gun. For that she received a sentence of 145 years, with 75 to do. Her only prior convictions were a D.U.I. and possession of half-a-gram of cocaine, for which she received probation.

"I can't for the life of me figure out where all these years came from," says DiFazio from the Federal Correctional Institution for Women in Danbury, CT. "There was no violence. I smoked cocaine for two years, bought and sold small amounts to pay for my habit, and now I'm here for the rest of my life." Sentenced at age 32, DiFazio will have to live to 107 to complete her time.

Ramona DiFazio grew up in Newport News, VA. She finished high school and worked as a bartender at a local tavern, "Ellie's," a job she held for 14 years before her arrest. She volunteered at a home for the elderly and on weekends could be found cleaning the garages of senior citizens. A pot smoker since her teens, DiFazio started smoking cocaine in her early 30s. "Some friends from school and I would pool our money, then I'd get the coke and sometimes cook it up. I'd get my share for free, sometimes make a little money," she says. "But this was no Noriega drug ring. I wasn't the mastermind cocaine queen they painted me to be."

When DiFazio got to court, her public defense attorney, who had met her only an hour before the trial, mispronounced her name. After it was over, she was charged with conspiracy to possess and distribute 3,000 pounds of cocaine. "They used hearsay evidence from a local dealer who turned out to be an informant. They said I cooked and smoked half an ounce a day, and then they added to that charge information from somebody that my boyfriend made trips to get 2 kilos at a time, once a week, which is a ridiculous lie, and they multiplied that by weeks and months over a certain amount of time and came up with the 3,000-pound figure."

Like many small-time drug users and dealers the government wants to put away for life, DiFazio was turned over to the Feds and given a new dose of charges. "They said we (DiFazio's boyfriend, his brother and his girlfriend—also first-time offenders now doing life sentences) were too big for the local police. So they switched us over to the DEA and called in the Feds. Under the conspiracy charges, I got



everything they were charged with...20 years for each conspiracy: conspiracy to possess, conspiracy to sell and conspiracy with intent to possess and sell. And another 20 years on each of the substantive counts (actual sales)."

Possession of an unlicensed gun, which DiFazio said she and her boyfriend used for sport at a local shooting range, got her another five years. The gun was in DiFazio's car when she was arrested.

"I was in a dark parking lot, and all of a sudden a group of men came rushing at me. I was scared and pulled out the gun. Then I saw their badges and said, 'Oh shit.' I put the gun in my pocket. I told them I had a gun on me, and they pulled me out of the car and beat my face into the trunk, over and over. I never resisted. I just spread 'em and laid over the car. They had me by the hair and kept beating me, saying I'd better cooperate because my boyfriend told them I did all these things, which was just a ploy to get me to spit something out."

With the recent denial of her federal habeas corpus appeal, DiFazio plans to bring her case before the Supreme Court. In the meantime, she's taking paralegal courses to help her understand the technicalities of her case. "I'm doing the best I can. I'm going to college and trying to better myself. I just hope I don't leave here in a wheel chair."

Angela Farris

- **Charge: Conspiracy to Distribute LSD**
- **Sentenced to 6 1/2 years**

women prisoners from exercising collective power over the actual and difficult conditions of their lives.

The Bureau of Prisons plays an active role in this coercion. Although the Bureau claims it is only involved in custody, not in the terms of punishment, and that it is neutral and only carries out the directives of the courts, this is not so. No longer is prison itself sufficient punishment. No longer is the loss of freedom enough. Now the purpose of imprisonment is also to ensure total "cooperation," total subservience to the all-powerful government. While there may be different government agencies—FBI, DEA, IRS, BOP and so on—there is only one system.

Most people who get busted don't think they will wind up giving information to the government. But threats of lengthy sentences begin before the indictment and continue into the first several years after conviction. Before the implementation of mandatory sentences, prisoners had a right to request a sentence reduction. The motion was called a Rule 35. There were various grounds on which one could bring this motion, including family hardship. If a prisoner could demonstrate to a judge that her imprisonment was causing her family undue suffering, the judge could reduce the sentence. Though not common, sentence reductions under Rule 35 gave prisoners hope, a chance for a break in the unrelenting prison time.

Now a Rule 35 motion can only be brought by the prosecution. Rule 35 has been transformed into a government tool whereby compliance, or snitching, is the only grounds for sentence reduction. The motion has been reduced to a single-page list of categories with a box for a check mark next to each. Under the first category, "Debriefing," are four sub-categories: debriefing on own role; debriefing on other principals; debriefing on general activities of the conspiracy; debriefing on criminal acts. The sentence reduction depends on how many boxes contain check marks.

In the years I was locked up at the maximum-security women's unit in Marianna, Florida, I witnessed many times the process of women prisoners being broken. The unit, called Shawnee, is unique in the federal prison system. It is the only super maximum-security unit for women. Many prisoners are sent there directly from sentencing proceedings. This is not because they are a security threat and need more supervision; few women require maximum-security

"I was a Dead Head," says Angela Farris, 27. "A casual drug user, more of a pot smoker and a beer drinker." Farris was travelling with some Grateful Dead fans through Tennessee when the group was pulled over.

"I had nothing in my possession," she recalls. "But because my codefendant had half a gram of LSD on him, and ended up being charged with over an ounce, and I was physically present, I was charged with conspiracy to distribute. The whole thing just kept getting bigger and bigger. It snowballed. I still don't understand how I wound up with federal charges."

Farris, now at FCI Danbury, is nearing the end of a six-and-a-half-year sentence. What has been most painful is being away from her son, whom her parents have been taking care of since she was sentenced.

Farris says she knows many women at Danbury whose husbands, boyfriends or lovers got caught up in something and because the women lived with them, they got charged with conspiracy. "The conspiracy laws are so broadsweeping. They're almost impossible to disprove. It's something out of an Orwellian nightmare," she says. "It's pretty frightening."



conditions. Rather, the purpose of Shawnee unit is to subject the women who are sent there to the worst of conditions—maximum isolation—to give them a taste of the way the rest of their lives will be unless they give in to the government. For many, it is unbearable.

The coercive threat is explicit. I saw women with life sentences, 100-year sentences, 40-year sentences, pass through Shawnee's five electronically controlled doors. While they lay in

their cells, the impact of their new lives hit them. They walked out, transferred to easier prisons, with ten, seven or four years left to go. They had called the special agents or prosecutors, or responded when law enforcement officials contacted them; Rule 35 motions were offered, prosecutorial powers exercised, accompanied by promises of protection and even money.

Belle is a 40-year-old African American woman who has a life sentence for her involvement in a drug conspiracy.

She is the mother of teenagers and youngsters. Before her arrest, Belle was the backbone of her family. She is a large, smiling, expansive woman whose eyes crinkle at the corners when she tells a story. The full life she once knew as a mother is gone; though she tries to stay involved in the lives of her children, the family ties unravel with each passing month.

Along with 12 co-conspirators, Belle sold about a kilo of cocaine a week. The Colombian cartel they were not. They didn't make millions of dollars, there were no murders in the case nor any bribes or threats to public officials. They were local people involved in a small-time operation labeled "big time" by self-serving DEA agents. Several of the people who were convicted and sentenced to decades in prison had no knowledge of the overall conspiracy. They were selling coke on the side to make ends meet.

When DEA busted Belle, they told her they were going to put her away forever. They told her that her best friend had already rolled over on her. They said several others were ready to roll. They brought Belle's teenage daughter in and told her that if her mother failed to rat on others, she would be wheeling her mother's body out in a cheap pine box after she died in prison. "Debrief!" they all screamed at Belle over and over for months. Her options, they explained, were life in prison or cooperation—which meant at most five years in prison, three years with good conduct.

Belle is the first to admit that selling coke was wrong. Like many other mothers who get caught up in the drug trade, Belle told herself she was selling cocaine to give her children a better life. Because of the difficulties she faced in providing for her family, she opted for existence in the underground economy. "It was an easy way out of a bad situation," she says. It was later that her addiction took hold. "I know that crack addiction destroys people, and I'm glad it's over." She says this not to justify her actions, but to place them in context.

As of the present, Belle refuses to get past that first check mark on the Rule 35 motion. Her position is that she did the crime, so she must take the weight for her actions. She refuses to debrief on anyone other than herself. She is four years into a life sentence. She did go back to the authorities and debrief on her own role in the conspiracy, but that wasn't enough for the U.S. Attorney to recommend a sentence reduction. Again,



Patricia Young

- **First-time Offender**
- **Charged with Conspiracy to Distribute Marijuana**
- **Sentenced to 24 years**

"I'm a woman and a mother. When I got in the system I was stripped of all pride. You are stripped of every piece of clothing. You squat, you cough, you spread; you are told when to get up, when to eat, what to wear. You quit thinking for yourself, and unless you can build a friendship, find some warmth and a sense of family, you just keep dying every day. A little more of you keeps going inside yourself..."

Patricia Young and her husband of 30 years, Clyde, were living on a farm in Alabama when the DEA raided their property and arrested them. "We had about 500 hogs at the time," Young says. "We also owned a dairy with about 250 milking cows, which the government has now. They just came and took them all."

Patricia and Clyde believe they were set up by a neighbor who wanted their land. When the Young's refused to sell it, they say he used government contacts to fabricate a case against them.

Sandra Ospina

• Arrested for Transporting Cocaine

• Sentenced to Eight years to Life

Sandra Ospina is your typical mule: foreign born, female, first offender. Before she was sent to Bedford Hills Correctional Institution in New York, she lived in New York City, working in a factory.

"I'm here because I was transporting drugs from Columbia. I was very young, 20 years old. I got married to my boyfriend and we were living a very difficult life. I never learned English until I came to jail. He didn't know English either."

When Ospina was pregnant with her second child, she stopped working. "We started owing money to our families. Then we couldn't afford to buy food so we decided to buy only formula for the kids.

"Things started going very bad for us and in that time I was visiting a friend and she introduced me to a guy and we started talking and became friends. He came to our house and saw we were living a hard life. He asked me if I wanted to go to Columbia. He never told me exactly for what, but in the back of my mind I knew for what.

"So I went to Columbia, to his family's house. His brother set everything up. He got the cocaine, three kilos, and then put me on a plane. I was arrested at the airport when I got here."

Instead of the \$5,000 Ospina was desperately counting on, she received an eight-year-to-life prison sentence. Her children are living in Columbia with her family.

"Being away from my children breaks my heart apart," she says, crying. "One day I spoke with my son. It was his birthday, and he had a party. He said he invited this person and that person. 'Who else?' I asked, and he said, 'My mother.' And I said, 'Oh yeah? Who is your mother?' And he said, 'Nobody.'"



Photo by Tony Hardmon

they told her, "Give us what we want and you can walk out in 18 months."

It is difficult to imagine how one might face such a choice: 18 months versus life in prison. Belle didn't go for it; and she struggles with this decision every day. I can see it in her face when she thinks no one is looking. When she went back to be debriefed on her own role, and she saw her children in the visiting room, they had grown beyond recognition. At that moment, her beliefs were more deeply challenged than at any previous point in her life. It is the foulest of bribes—your beliefs or your life—an unconscionable action by an all-powerful state.

Soon, Belle will no longer be of any use to law enforcement. If she holds out and resists the pressure to inform on others, her options will close. Her punishment, the forfeiture of her life, so exceeds the crime that it is difficult

to comprehend unless you consider the government's agenda to target the most vulnerable defendants and coerce them into snitching. What they are saying is that the crime itself is not so bad; they seek to punish excessively only those who refuse to tell on others.

Belle, like most women casualties of the drug war, was a low-level player. The white men who run the international drug cartels have the power and money to buy and bargain their way out of prison, often by snitching. American society is dominated by white supremacy in its institutions, particularly in the criminal justice system. The government has targeted the African American community with its so-called war on drugs and crime. With the help of a complaisant mass media, we are barraged with images and pronouncements that demonize and criminalize the African American. This disregard for the value of life,

and particularly non-white life, is part of the fabric of American social relations. The nation was founded upon the destruction of Native American life and the importation of African slave labor. Now the means of dealing with people of color has been relegated to the prison system where it has become a rule that one must either snitch or rot behind bars.

When the most callous and cynical manipulations of sentence length are the main device the government employs in its war on drugs, a total corruption of the system prevails. That the government, through its law enforcement agents, can say to a woman, a mother, a person with a past and a present and hopes for a future, "Your life means shit to us, and your freedom nothing at all," is a betrayal by the state of all basic human rights, and a degradation to the humanity of us all. ■■■

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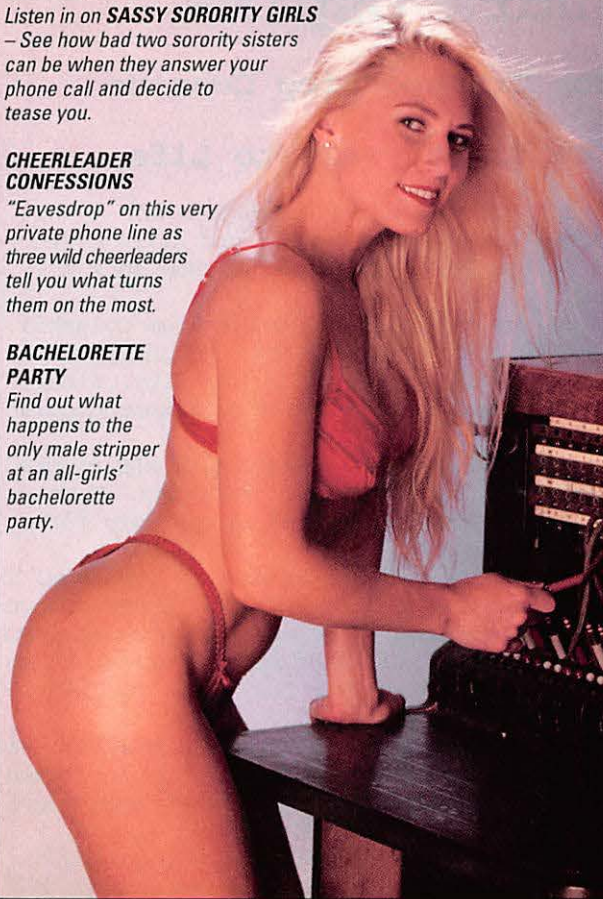
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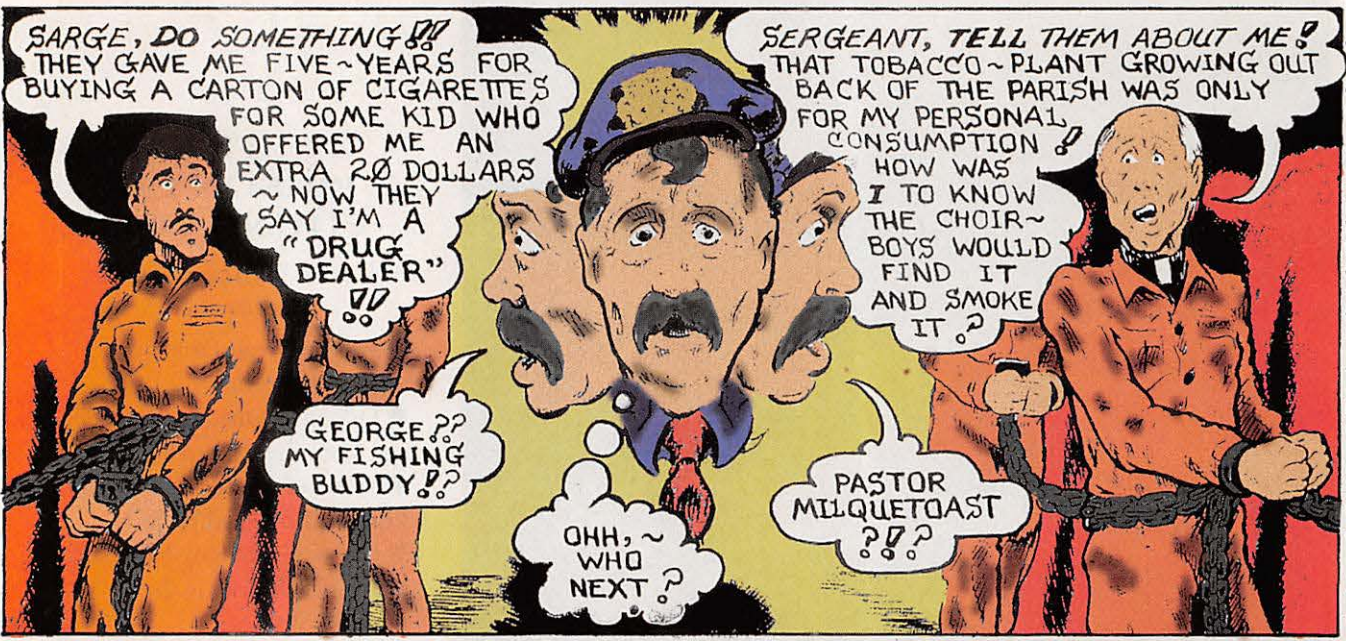
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FRED?? MY DAILY NEWS VENDOR??

SARGE?? YOU GOTTA HELP ME!

PLEASE TELL'EM I'M NO CRIMINAL! I DIDN'T

KNOW THE "HIGH-SCHOOL GIRL" THAT I SOLD "LOOSIES" TO WAS AN UNDER-COVER NARC! I JUST DIDN'T KNOW!!



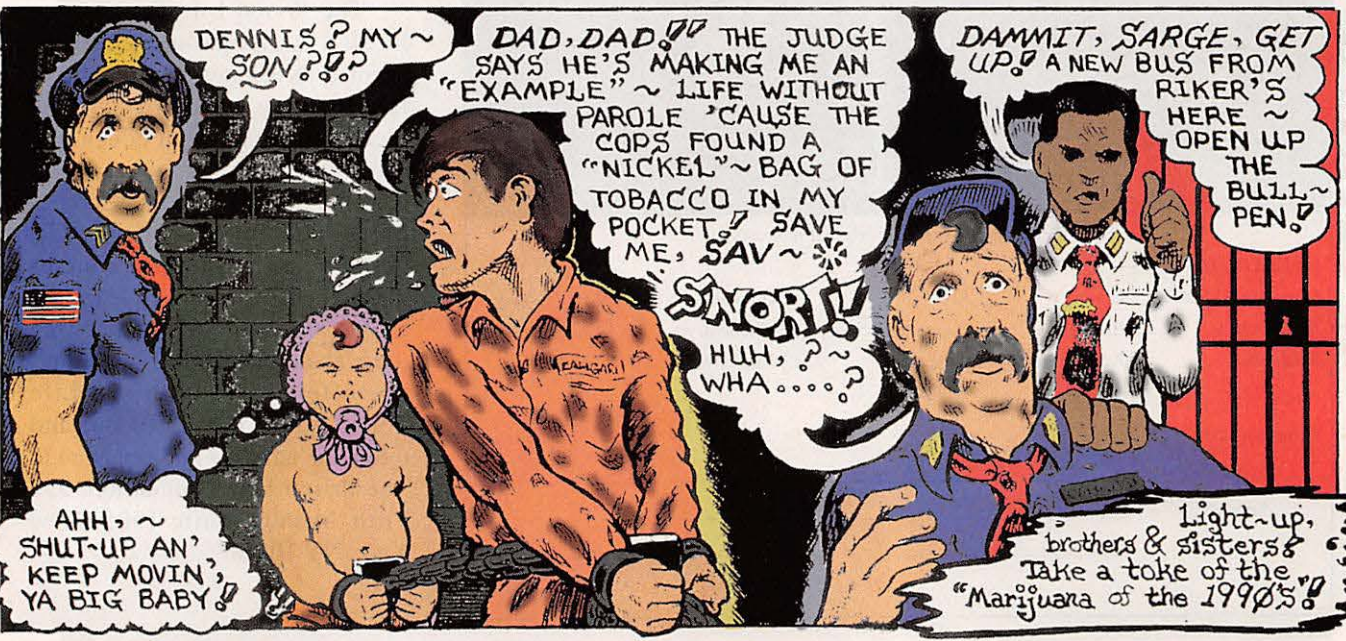
SARGE, DO SOMETHING!! THEY GAVE ME FIVE-YEARS FOR BUYING A CARTON OF CIGARETTES FOR SOME KID WHO OFFERED ME AN EXTRA 20 DOLLARS ~ NOW THEY SAY I'M A "DRUG DEALER"!!

SERGEANT, TELL THEM ABOUT ME! THAT TOBACCO-PLANT GROWING OUT BACK OF THE PARISH WAS ONLY FOR MY PERSONAL CONSUMPTION! HOW WAS I TO KNOW THE CHOIR-BOYS WOULD FIND IT AND SMOKE IT??

GEORGE?? MY FISHING BUDDY!!

PASTOR MILQUETOAST???

OHH, ~ WHO NEXT??



DENNIS?? MY SON???

DAD, DAD!! THE JUDGE SAYS HE'S MAKING ME AN "EXAMPLE" ~ LIFE WITHOUT PAROLE 'CAUSE THE COPS FOUND A "NICKEL" ~ BAG OF TOBACCO IN MY POCKET. SAVE ME, SAV~

DAMMIT, SARGE, GET UP! A NEW BUS FROM RIKER'S HERE ~ OPEN UP THE BULL-PEN!

SNORT! HUH, ~? WHA....?

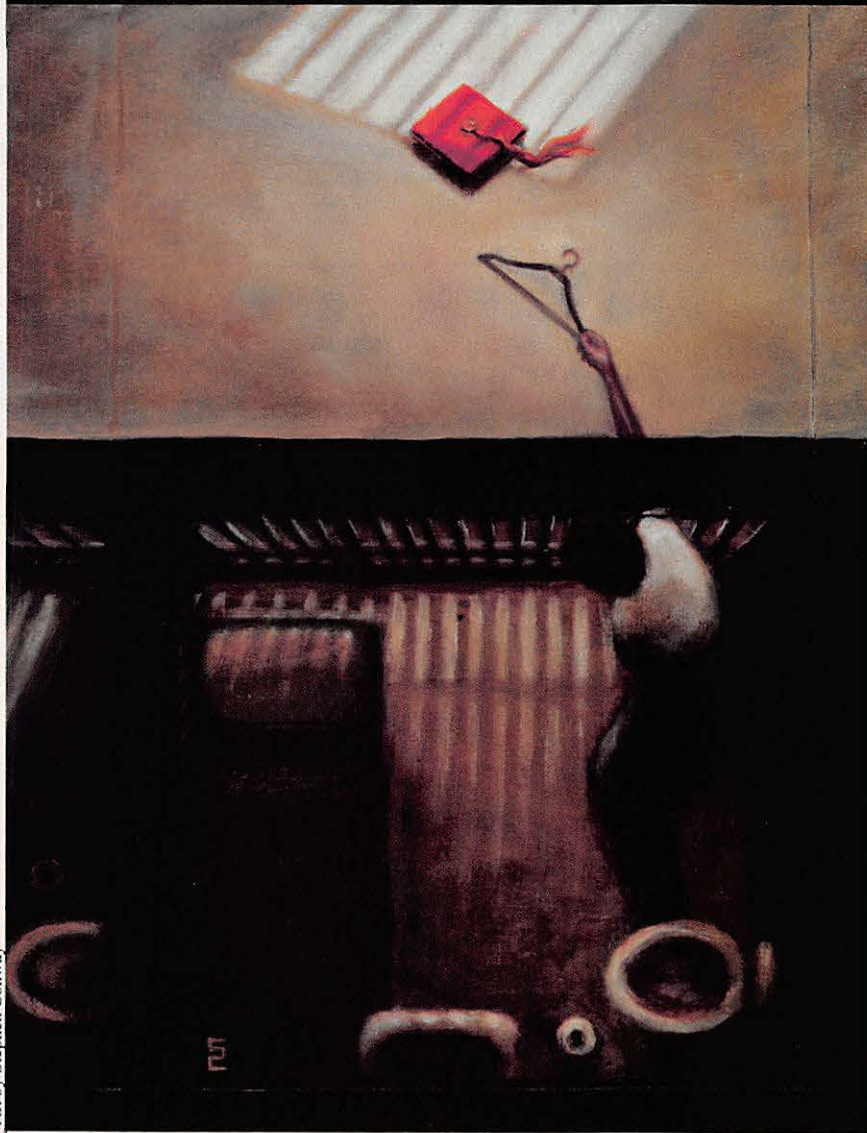
AHH, ~ SHUT-UP AN' KEEP MOVIN' YA BIG BABY!

Light-up, brothers & sisters! Take a toke of the "Marijuana of the 1990's"!

ILLUSTRATED BY E. MEARES, SING SING C.F. / COLORED BY BOBO BAGGINS

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*Don't
serve the
time,
let the
time serve
you*



Art by Stephen Conway

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FIRST DEGREE HORTICULTURE WITH AGGRAVATED BOTANY

By Jeff Stewart

On February 25, 1990 I was sitting alone in my A-frame cabin 30 miles north of Spokane, Washington, when there was a knock at the door. My cabin was off the beaten track so I figured it must be hunters whose car had broken down or maybe someone in need of directions. Instead, it was three agents from the Drug Enforcement Agency. "Federal agents!" they shouted. "We have a warrant for your arrest."

They threatened that if I didn't let them in, they would be back with a search warrant and tear my house apart. I figured that the quarter ounce of pot on the coffee table wasn't worth having the house wrecked, so I consented to the search.

"Any weapons inside?" they asked. "Any guns?"

"We'll have to walk through the kitchen," I said, "which has a few knives in it."

Once inside, they handcuffed me and started firing questions. "All right, where is it?" they kept asking. Then they sat me down in the living room and made me watch while they snooped around. "This place is pretty tidy," Agent Eric Levy remarked. I guess he figured anyone who smoked pot must also have filthy personal habits.

After satisfying themselves that their search would produce nothing, two agents put me in the rear seat of a Ford Bronco. They made a point of mentioning that the Bronco had been seized from some other unlucky citizen. A third agent followed in my car, the latest addition to their fleet of confiscated vehicles.

Two hours earlier, I had been reading the Sunday paper with my cat curled in my lap and watching NCAA basketball on TV. Now I was on my way to the Federal Building to be fingerprinted and hassled by public servants. Once inside, they wouldn't let me take a leak until I signed a document stating that I had consented to the search and been read my Miranda rights. I insisted I needed a lawyer but they wouldn't let me call one.

Four days later I was arraigned in Federal Court on charges of manufacturing more than 100 marijuana plants. When they told me I was facing five to 40 years in prison with a possible fine of \$2 million, the room began to spin. Had I not had the lectern to steady me, I probably would have hit the floor.



It all began in late 1989 when three guys and I decided to grow some pot. I had known two of the three, Terry and Ken, since high school. The third guy, Chuck, came in later on Ken's recommendation. Chuck was our "tender." His job was to stay on the property, water the plants and make sure no one came poking around.

Chuck had done seven years at Soledad prison in California and told us he was dying of lung cancer. He had been out for five years and was living on Social Security in a primitive cabin 30 miles from the growing operation. I felt badly for the guy and offered him a warm, spacious mobile home, plenty of fire wood, weed to smoke and a fridge full of venison in exchange for taking care of the

plants. Ken, who knew him best, offered him a portion of his share of any eventual harvest.

A few weeks after Chuck started tending the plants, he invited a neighbor, Fred, over to smoke a joint. A week later, Fred returned and they smoked again. At some point, Chuck showed Fred the pot we were growing. Fred, who was on some kind of parole or probation from the state of Idaho, went straight to the Washington State Patrol in Spokane.

Through the discovery motion my attorney filed, I learned that both Chuck and Ken had told the prosecutor everything they could think of

I COULD HAVE RATTED MY WAY OUT BUT I WOULD'VE HAD TO LIVE WITH MYSELF THE REST OF MY LIFE.

about me—including things that were completely false. We also learned that Chuck was not suffering from lung cancer but from AIDS, which he had contracted in prison. He died about a year later.

Ken also had a record. He had done a year at California State Prison ten years earlier on a marijuana offense. In exchange for their willingness to testify against me, Chuck and Ken received two years' probation.

The prosecutor called me the "leader," the "organizer," because I had supplied the seeds for the operation. Ken and Chuck also agreed to testify against Terry, our electrician. Terry's lawyer was clever enough to ask me to testify for the defense. He wanted me to explain that after wiring the shop, Terry had been excluded from the operation, making it impossible for him to know the number of plants we were growing. This argument convinced the prosecutor to drop the five-year mandatory sentence against Terry and to settle for "minor participant" conspiracy charges. Like myself, Terry pleaded guilty. He received 21 months.

My father was present at my arraignment and told the judge he had a job for me on his wheat farm. The judge felt I posed no threat to the community and I was released on my own recognizance. The terms of my release required attendance at a substance abuse treatment program and ran-

dom urinalyses. I was expected to be home by ten o'clock each night and to stay there until six the next morning, a high schooler's hours at the age of 35. But I'm grateful to have spent the summer with Dad. Shortly after I was sent to prison, he died of cancer.

Dad and his wife Jan did a lot for me that summer. Spokane is about 90 miles north of my home town in Pullman, Washington. We had to make many trips to Spokane for meetings with my lawyer and to take care of my property. My belongings had to be packed and stored. All the while, my father was patient and understanding. I only wish he'd lived to see me walk

out of prison.

What was hardest for my family to accept was why I hadn't been willing to "help myself," as the prosecutor phrased it. It was clear that if I were not willing to provide

the government with "substantial assistance" I would receive the full five-year sentence without possibility of parole.

Years later, at the institution in Spokane, a guy told me, "You don't choose to hold your mud because other people are worth protecting (even though they might be). You choose to do the time because of who you are." I could have ratted my way out, but I would have had to live with myself the rest of my life.

When I was formally sentenced in September of 1990 to the mandatory five years without possibility of parole, my judge, federal District Court Judge Robert McNichols stated that "it was not what [he] would do." He criticized the fact that he was forced to give me more time than he felt was appropriate. He personally wrote to my sister, Julie, and my mother and me in the weeks that followed. Shortly after my case, he refused to hear drug cases, as senior judges are permitted to do. Judge McNichols also died of cancer while I was in prison.

Judge McNichols asked me in open court when would be convenient for me to self-surrender. I couldn't believe my ears. A stenographer flipped through a desk calendar and whispered to the judge that Novem-

ber 1st was a Monday. The judge asked me if that would be a good day. November 1st was seven weeks away.

Self-surrendering is no cakewalk. On the appointed day, my mother and I drove to the Federal Prison Camp in Sheridan, Oregon. It was hard on me but doubly tough on my mom. Like most parents, she blamed herself for my troubles. And at that point, none of us knew when, or if, I'd be able to see my family again. Add to this the fact that I had a valid passport and enough money for a plane ticket to a faraway destination. I began to wonder why anyone would self-surrender.

Sheridan Federal Prison Camp is about an hour southwest of Portland. When I arrived in late 1990, it was about a year old. Much to my amazement, the doors never locked and the windows opened. There is no fence around the facility, and while I was there four or five guys walked away. After the usual new-guy questions and mistakes, my overriding emotion was elation. After months of anticipating shanks, stabbings and brutal homosexual rape, I was tremendously relieved to find that Sheridan was different and I would live to tell about it.

The initial elation borne of the release of months of mounting anxiety wore off quickly.

I was assigned the job of unit orderly, cleaning the dorm and the adjacent bathroom, for which I was paid around five dollars a month. At that time, Sheridan offered a few junior college courses through a nearby college. It was while in prison that I began my secondary education in earnest. It was something of a revelation to suddenly like school after hating it years earlier when I was in college.

In time, I learned about another prison closer to my home called Geiger. Geiger is a contract facility run by Spokane County that leases bunk space to the Feds. It is also co-ed: about 150 women and the same number of men. Still more surprising to me was that the BOP actually allowed prisoners to request transfers from one institution to another. I put in a request to be moved and sure enough, six months later, I was approved.

At Geiger, I found my stand-up co-defendant Terry. He explained the ropes to me, but soon after my arrival I learned that Geiger is considered a snitch camp. It was tough to be civil to people who had given up their grandmothers for a few months off their sentences. Geiger is quick to transfer out anyone who rocks their little boat. You can do your time with women and

wear your street clothes, but you can't call a rat a rat. Some of the inmates made a full-time job of running to the staff with every little tidbit. Eventually, though, I found that, as in most places, a few good people could be found, and that makes all the difference.

I ended up being assigned to work at nearby Fairchild Air Force Base as an orderly for the military police station. Hardly my first choice of jobs. Still, it paid about \$40 a month, the Air Force people treated me well and they were definitely more friendly than the guards at Geiger.

I took a few college courses and contacted the College Board in Princeton, NJ. They agreed to let me take College Level Equivalency Program (CLEP) exams and the Scholastic Aptitude Test (SAT). CLEP tests are a great way to obtain college credits quickly and cheaply. I took the SATs and scored a 1400, throwing cold water on the "use drugs, destroy your mind" theory. I also contacted Ohio University in Athens, Ohio, which offers over 100 courses for prisoners. It is by far the best correspondence program I've encountered. Basically, I discovered that if you're really determined to learn, there are ways. You just have to work at finding them.

I joined the Toastmasters Club to bone up on public speaking and played on a co-ed softball team. I realize that my time at Geiger was nothing like most people's prison time. My sis-

ter, Julie, started Families Against Mandatory Minimums in the spring of 1991. Having a direct line to FAMM's excellent information and Julie's tremendous moral support made my time much easier. Still, having my Dad die of cancer only an hour's drive away was not easy. Being informed of his death with a guard sitting beside me is a memory that will never leave me.

Since my release, I've learned not to downplay re-entry. Adjustment to the free world doesn't happen with a snap of the fingers. Even after a relatively short imprisonment, it can be damned trying at times. I was fortunate, however, that FAMM needed a bookkeeper. And I'm still in school, maintaining a 4.0 grade point average.

Every now and then, someone asks Julie and me to speak about criminal justice issues. But when I talk about the prison system, I know that in many ways I'm hardly qualified to comment. Yeah, I was in the war, but I never saw the fox holes or the rice paddies. My experience was more like being on a hospital ship moored in a safe harbor.

My sister, Julie, has taken the fight to our nation's Capital, and to the lawmakers who make the decisions that send our young men and women to prison for lengthy mandatory terms for growing or using a plant. Knowing my case was the catalyst for Julie's work with FAMM makes the war years I spent seem worthwhile. ■■■

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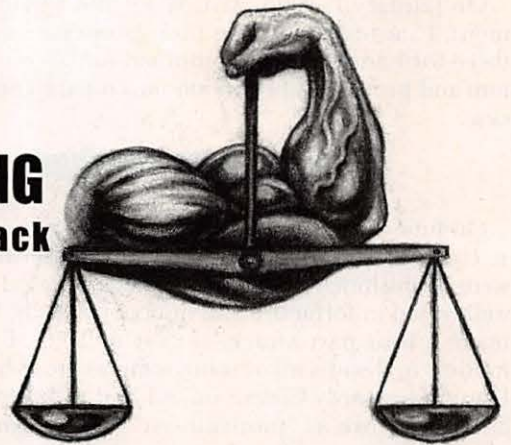
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U.S. v. \$405,089: THE NEW DOUBLE JEOPARDY RULING How it Can Set You Free or Get Your Assets Back

by Michael Montalvo
Jailhouse Lawyer



On December 5, 1994, the front page headline of a San Francisco legal newspaper proclaimed: "Who Needs Lawyers?" and "With a case no defense attorney would touch, federal inmates have dealt a huge setback to the war on drugs." The four-page story went on to tell how I won a landmark victory for my fellow convicts Chuck Arlt and Jim Wren, in *U.S. v. \$405,089.23*, 33 F.3rd 1210 (9th Cir. 1994). The ruling held that a civil forfeiture of property is prohibited by the Double Jeopardy Clause when the forfeiture is based on the same offense already prosecuted in an earlier proceeding.

I have to admit that it felt pretty good to read that this ruling was like tossing "a grenade into every U.S. Attorney's office from Arizona to Alaska," and that "[t]he decision was so alarming to the government that West Coast U.S. Attorneys and their forfeiture experts hastily arranged an October summit in Seattle hoping to find a way to neutralize the opinion." It was especially satisfying since these same U.S. Attorneys had ridiculed my double jeopardy claims every year since 1989, when I sought injunctions to prevent the government from forfeiting my properties after I was illegally convicted. My 1989 jury trial was based on false testimony of rewarded snitches concerning activity from 1982 to 1986. My case was an old-law "Pre-Sentencing Guidelines" case.

How I Found the Key to the Double Jeopardy Door

I had written the double jeopardy issue in the \$405 opening briefs in 1993 while locked up in the U.S. Penitentiary at Lompoc, California, without the assistance of an attorney. In fact, no attorney I knew would touch the issue until months after I had won the appeal decision on September 6, 1994. After they saw the significance of the ruling, many attorneys offered to help, but I didn't entirely trust lawyers after my experiences at trial.

I have been a prisoner of the unconstitutional drug war since 1987. That's more than eight years of being held as a political prisoner. From the day I was arrested, I started learning the law, but I couldn't learn it fast enough to beat three successive prosecutions of one scheme—split up to disadvantage me—by an overzealous ATF agent who, like the rest of the ATF, was a psycho with a badge. I over-

turned my old-law life sentence in *pro se* on direct appeal, got remanded, and then received a new-law life sentence without the possibility of parole for the old-law indictment. Now I am back on direct appeal again, hoping to win on double jeopardy grounds. My post-conviction civil forfeitures became the first place punishment for the same offense as the criminal conviction. I got the first criminal sentence vacated on appeal, but the civil forfeiture for the same offense and conviction was affirmed.

While awaiting a third trial in 1989, my outside legal runner gathered history and legal research on "splitting the cause of action," which is prohibited in litigation. My research led me through lengthy legal treatises and case authorities from the 1800s on related legal concepts of claim preclusion, issue preclusion, the doctrines of merger and bar, multiple prosecutions and multiple punishments. Each of these legal concepts was related to the Double Jeopardy Clause in some way and each concept was routinely violated in my case—and in many other defendants' cases.

The appellate court vacated my sentence on August 4, 1992, and remanded my case for a discovery violation and *de novo* sentencing. Thus I sat in Lompoc penitentiary on August 4, 1992 as an unsentenced prisoner.

In October 1992, I enrolled in a four-year law school, hoping to earn a Juris Doctor Degree in order to take the State Bar. In November 1992, the Ninth Circuit Court of Appeals affirmed the civil forfeiture judgment in a separate appeal and denied my double jeopardy claims. I was still unsentenced, but now the civil forfeiture became the first valid, final and fully satisfied judgment of punishment (even though the court had denied that forfeiture of assets was "punishment" at that time.)

In December 1992, two fellow convicts, Chuck Arlt and Jim Wren, approached me and asked me to save their properties from forfeiture. They had federal, State of Nevada and State of California civil forfeiture actions on stay and pending since their criminal trials. I looked at the government's complaints, thought about it for a while, and then decided to do it because I saw a double jeopardy issue identical to my case. The problem was that every court decision in every Circuit, including my own, had denied double jeopardy defenses to forfeiture actions based on prior criminal proceedings for the same offense. But after

studying double jeopardy and forfeiture intensely since 1989, I knew I could win the issue if the judges would follow the Constitution.

On January 7, 1993, Arlt, Wren and I made an agreement. I started defending their property interests in all three forfeitures while I continued my law school curriculum and prepared my own motions for the remands in my case.

Opportunity Knocked

On June 29, 1993, the U.S. Supreme Court issued *Austin v. U.S.*, and held that civil forfeitures under drug statutes were "punishment." This was perfect timing. I was already well-versed in forfeiture and double jeopardy. I decided to make a four-part attack. In July of 1993, I prepared a motion to dismiss my resentencing as moot based on the Double Jeopardy Clause since I had suffered a separate civil forfeiture as "punishment" for the same indicted offense. In September, I prepared the appeal briefs for \$405 on the double jeopardy issue for my clients Arlt and Wren. In October I filed a petition for a writ of Habeas Corpus relief for myself in the local federal district court since I was now unsentenced (vacated) and had already received full "punishment" by forfeiture. Also, I had the same double jeopardy issue as my long-time friend and fellow prisoner, Perry McCullough, to insert in his direct appeal brief, (*U.S. v. One 1978 Piper Cherokee Aircraft*). I figured the four double jeopardy attacks on asset forfeitures and convictions would be the best way to get before a good judge. The resentencing motion I filed in my case went before a hostile judge, whom I was stuck with.

Sure enough, in January 1994, I went for resentencing and told the judge in clear language that he had no power to resentence me for the criminal case since I had suffered and satisfied an intervening civil forfeiture of my property for the same offense in a separate proceeding. He told me I was wrong because he'd been a judge for twenty years. Nine months later, I won the \$405 case on the same issue.

I was very apprehensive when newspaper reporters and an ABC news crew came to USP Lompoc to interview the convict who wounded the Fed's cash cow—asset forfeiture. I knew firsthand that convicts always get screwed in interviews with the press. The public doesn't want to hear that the government's snitches are perjurers. The public wants to believe law enforcement is not corrupt.

This time the reporters seemed to have a different attitude. The ABC reporter asked me why this simple concept, that forfeiture of property for a drug crime is a punishment implicating Double Jeopardy, had not been exposed sooner. Why hadn't any lawyers figured it out earlier? Why did it take a convict to win this major legal issue? I told her the obvious answer, that generally very few lawyers care about us, and that most criminal defense lawyers, until now, didn't know anything about the arcane areas this law involved.

For a month after \$405 was published, the defense lawyers were still asleep. I knew the prosecutors would get crazy on \$405. So I wrote dozens of letters to prominent criminal defense attorneys to inform them that my case could revitalize their business (a sure-fire way to interest attorneys) and could either get their drug case clients out of jail or recover their forfeited assets when there were two separate proceedings based on the same offense. Well, that mailing lit the \$405 fire. Many attorneys wrote back, saying they wanted to "take over" the case now that I had already won it. There was no way I would trust a street lawyer with

so huge a victory for convicts. Besides, I knew that no lawyer could possibly duplicate the many years of research and pleading experience I had with double jeopardy and forfeiture laws since 1989. This was a convict victory against the government, and no lawyers were needed after the fact to screw it up. I envisioned the government pressing up on any lawyer who could get control of \$405, and threatening him with an IRS audit unless he worded his further pleadings to look good but lose. Maybe I was paranoid, but I remembered all the lawyers rolling their clients into pre-trial guilty pleas when I was in the county jail awaiting my trial. I've seen lawyers sabotage their clients in trial and on appeal to help prosecutors win.

After \$405 was published, the prosecutors attempted to control the damage by launching a media campaign to manipulate the press to create fear and hysteria. I read predictions that "courts will be flooded with attempts by defendants to reverse convictions or dismiss pending indictments" (which is actually true), and "other inmates would likely try to recover untold millions in dirty money, as well as cars and houses paid for with drug profits" (which is hostile and irrelevant). The prosecutors who were quoted in the press never once admitted that they had been intentionally violating defendants' constitutional rights and stealing billions in property or incarcerating citizens in complete disregard of the Double Jeopardy Clause for years. One prosecutor claimed that "all kinds of bad guys are on the verge of being let out of jail. The public is going to love it when half these guys get out of jail and the other half gets a check cut for them from the government."

The prosecutors cried, whined and bellowed that they weren't given the opportunity to make oral arguments on so important a case. A San Francisco prosecutor said that "the result in this case is offensive. We're not dealing with innocent people or sympathetic people..." Another said, "They did not need a lawyer. They had an advocate in [the judge who wrote the opinion]." I saw the handwriting on the wall. The power-drunk prosecutors got their dirty hands caught in the constitutional cookie jar and didn't have the honesty or the courage to admit it. Amazingly, instead of admitting the error, they blamed the convicts for being double punished: it was their own fault; the judge was soft on crime and hampering the noble crusaders of law and order.

In short, prosecutors were going to fight \$405 and deny accountability for the billions of dollars seized, which have disappeared into agency use. The government was going to protect its perks program for law enforcement officials who like those Mercedes, new trucks, Rolaxes, homes for penies and anything else they wanted from a defendant.

On September 30, 1994, my friend and fellow political prisoner, Perry McCullough, won the same double jeopardy issue in *U.S. v. One 1978 Piper Cherokee Aircraft*, 37 F.3rd 489 (9th Cir. 1994) based on the \$405 argument wording that I had provided to Perry when he was preparing his appeal here at Lompoc. Now convicts had two major double jeopardy victories.

On October 14, 1994, nine prosecutors filed a joint petition for rehearing, and suggested rehearing *en banc* in the Ninth Circuit. They petulantly demanded the withdrawal of \$405 from publication, claiming it would cause immense damage to their asset forfeiture program. The prosecutors asked the Court of Appeals to appoint counsel for my clients. I read the government's petition for rehearing and thought it was a terrible waste of ink and wood pulp fibers, an unjustified, hysterical overreaction. Nonetheless, I decided to implement a back-up strategy since the govern-

ment was obviously trying to make the *en banc* court think that the opinion panel had lost their minds and were soft on convicts. I knew my legal analysis of the facts and law in §405 were solidly based on constitutional law and Supreme Court decisions. I wasn't worried about the poor legal analysis of the government's petition.

Just in case the panel requested it, I wrote a response expressing my intention to represent my clients Arlt and Wren as a law student, pursuant to the Circuit Rule. I didn't want the court to take up the prosecutor's amazing suggestion to appoint counsel for my clients—a sure way for the government to undermine this convict victory in the drug war. I wrote an opposition for Arlt and Wren to decline the government's unusual concern to have counsel appointed. It sure was swell of the government to want to help my clients, but we just didn't trust them.

Meanwhile, many outside attorneys were expressing great interest in being involved in §405. A representative from the National Association of Criminal Defense Lawyers Asset Forfeiture Task Force came to visit my clients and me and offered support in the way of a Brief of Amicus Curiae.

On January 23, 1995, the Appeals Court ordered the claimants to respond to the government's petition. I decided that a show of support from the legal community was necessary window dressing to counter the prosecutorial attacks on the panel. I sought *amicus curiae* briefs from organizations and carefully selected some attorneys to participate in one of my client's response briefs (Jim Wren) with me, while I retained responsibility for claimant Chuck Arlt's response brief. I then circulated my §405 response brief to the NACDL Task Force attorneys for their *amicus* brief preparation, and sent copies to defense attorney Jeff Steinborn, who won a district court double jeopardy issue

in *U.S. v. McCastlin*, and his associate, Jeff Finer, who won the issue *U.S. v. Oakes*, for them to prepare Wren's response brief. The defense was now a team, and we submitted three response briefs to the government's petition, supported by respectable members of the legal community.

On May 31, 1995, the Ninth Circuit panel denied the prosecutor's petition for rehearing and rejected the suggestion for rehearing *en banc*. Since then, hundreds, maybe thousands of motions have been filed, but few, maybe half a dozen, have been granted.

20/20 recently contacted me to discuss what they called the "§405 Fallout" and how my legal work has caused "convicts and drug dealers to be released because they were tried twice." Unfortunately, and despite all the hysteria, no one I know has been released from prison or has received his property back. However, the prosecutors, while screaming that the §405 ruling destroyed asset forfeiture, have quietly and quickly changed their policies from "multiple proceedings" for assets and criminal prosecutions to a "single" proceeding by indictment for jury trial, and they lost nothing but an unconstitutional practice to enrich themselves without accountability.

In September 1995, *California Lawyer* magazine wrote an article about my legal work as a convict. Entitled "Take my Porsche—please," it shows how prosecutors are now going after the crime and the assets in one proceeding.

"Do You Have a §405 Claim?," the article asks. "If so, is it a claim sufficient to get out of prison, or get your property back? Don't make the wrong motion."

This important question will be the subject of Part Two, to be published in the March/April issue of *Prison Life*.



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角月夜

Michael Gordy of the Oklahoma State Reformatory spent an entire year getting tattooed. "It started off with gang-related tattoos," he says, "but evolved into something more meaningful—art."
Photo by Chris Cozzone



Tattoo of the Month

KING RAT

(continued from page 31)

Angel claimed he had a partner in the deal, a guy named Ray he'd met on an unemployment line a few days earlier.

"The guy tol' me he knew a sucker who'd pay sixty bucks for an old shotgun he could get for ten in the pawn shop. Alls we got to do is cut the barrel. He say if I cut it and make the delivery, he puts up the ten for the gun and we split the profit. He was right there when I cut it. He even marked it."

What Angel had described, without realizing it, was that his crime never would have happened if it hadn't been provoked by a paid government rat—entrapment. In those years the rule was that simple: if the crime wouldn't have happened without a CI or an undercover agent planting the idea, there was no crime. The Justice Department wouldn't prosecute it. In fact, an agent could get himself into serious trouble by bringing an entrapment case to the U.S. Attorney's office.

How things have changed.

It took me two days to corroborate Angel's version of events and get all charges dropped against him. The federal prosecutor thanked me and told me I had just learned the most important lesson I would ever learn as a Fed: "Never trust a criminal informant, Mike." Over the next twenty-five years I would hear those words repeated thousands of times by agents, cops, training instructors and prosecutors, yet I never heard a prosecutor say them to a jury.

Everyone who has ever carried a federal badge knows how easy it is to convict someone who's been entrapped on little more than an informant's testimony, as long as the informant was clever enough to hide his tracks, the victim gullible enough to fall for the trap, and the agents and prosecutors ambitious and immoral enough to go for headlines, statistics and winning at all cost.

Until a few years ago, I had believed that most of us in federal law enforcement were people whose pride and consciences would not allow that to happen.

I was no longer so sure.

After the Ray-Angel case, I continued on with BATF for three more years before transferring into narcotic enforcement. During those years I never saw another sawed-off shotgun case involving a CI accepted for prosecution by the two federal courts in New York City. There was just too much possibility of informant entrapment.

Yet in the Randy Weaver case, the question of how the hell a CI entrapment/sawed-off shotgun case was ever allowed to become a military invasion of an American citizen's home was not even being asked—either by our political leaders or by the media. The question in my mind was, What happened to the people of conscience in the Weaver case? You can't just blame it on the rat—a professional rat can't entrap anyone unless a government agent with more ambition than conscience is willing to look the other way.

The other thing going on in my life that would affect my decision was that as a result of my books, I'd been

A PROFESSIONAL RAT CAN'T ENTRAP ANYONE UNLESS A GOVERNMENT AGENT WITH MORE AMBITION THAN CONSCIENCE IS WILLING TO LOOK THE THE OTHER WAY.

receiving letters from federal prisoners who claimed they had been set up by lying criminal informants working for the various competing federal agencies enforcing the drug and money laundering statutes. Guys like Lon Lundy, a once successful businessman, husband and father from Mobile, Alabama, a man with no criminal record who was set up by a CI in a no-dope conspiracy case and received a life-with-no-parole sentence; or Harry Kauffman from Cleveland, a once successful used car dealer, husband and father, who was conned by a CI into accepting cash, alleged to be drug money, for some cars and charged with money laundering. And many, many others.

They were men of every race, religion and national origin in the federal prison system. Most had no previous criminal records, most had had their homes, businesses and financial assets seized by the federal

government, leaving their families destitute. Each had received a prison sentence of more than twenty years. These were men whose lives and families had been destroyed. Their letters to me were desperate cries that affected me deeply. In many cases the rats ended up with a percentage of the assets seized as a reward for their work.

My 25 years in the justice system had taught me that there were plenty of bureaucrats and politicians who, if they didn't like the way you exercised your rights as a citizen, or if they thought they could make headlines, political hay or a promotion by your arrest and prosecution, would not think twice about using the government's legions of paid belly-crawlers to target you. Few people have the money of a John DeLorean to adequately defend themselves against a slick rat.

The only thing, in my experience, that stopped these rats with badges and rats in public office, were people of conscience in positions of authority and a knowledgeable and watchful media. For several years I had been seeing no evidence of either. And as publicly outspoken as I had been about the phony drug war bureaucrats and politicians, I found this all personally threatening.

Finally, the most painful issue of all was the murder of my son Keith by a man who had two prior murder convictions in New York State; a man who was on the street—according to our political leaders—because there is just not enough money to put everyone in jail who belongs there. Yet I had in front of me a file that spoke of federal law enforcement spending many hundreds of thousands of dollars to arrest and convict a parking lot attendant as a Class One drug dealer.

"I'll do it," I heard myself say the next morning. "I went over all your stuff. You've got a better entrapment defense here than John DeLorean had."

There was a long silence on the phone. "I didn't claim entrapment as my defense theory," said the attorney.

I started to ask him why and stopped myself. It no longer mattered. The attorney's opening statement claimed Miguel was innocent of all charges—not that he had been

entrapped into committing the crime by a government rat working on commission. Miguel, on camera, had done his best to play the role of Chama King of Cocaine; he had accepted money and promised to deliver drugs, which was all the government needed to prove conspiracy. If a judge didn't explain to a jury what entrapment was, not even Johnnie Cochran could get him off. And once the trial had begun, no judge would allow a change in the defense theory—it was a simple matter of law.

But Miguel's guilt or innocence no longer mattered to me. I had somehow committed myself mentally and emotionally to go to war. I wanted to try and make the issue of the growing power of rats—those with and without badges—as public as I could. They weren't only hurting people who had failed an honesty test, they were spending billions in taxpayer dollars for nothing but phony show trials, and they were filling the jails with people who were, at worst, non-violent dupes, while our nation's streets ran with the blood of innocents.

My testimony for the defense lasted all day Monday and into Tuesday morning. A couple of guys I used to work with sat with the prosecution, watching me in disbelief. During a break one of them came up to me, stared at me for a long moment and said: "It's a shame you had to go that way."

I said nothing. There was nothing I could say. I had known the guy for more than 25 years. We had served together in two federal agencies. I was sure he was not capable of bringing a mess like Miguel Car-parker into federal court, but he would never violate the blue wall of silence; he felt the need to protect people I thought didn't deserve it. When you become a Fed you take two oaths, one to protect the bureaucracy and the people who pay your salary, and the other to protect the Constitution. No federal agent can live up to both.

We would never speak again.

During my testimony I pointed out dozens of places in the tapes where Tony and Miguel's actions indicated that neither of them knew what a real drug deal was like, and stated that in my opinion the crime never would have happened had it not been for the CI's actions and the agents' failure to control him and properly investigate his allegations. I managed to get in that "if the Federal government is going to use suitcases full of taxpayer dollars to test the honesty of Ameri-

can citizens, instead of working the parking lots of America, they ought to be running their tests in the halls of Congress where it might do us some good."

As soon as I got off the witness stand I headed back to New York. The whole thing had been a traumatic, shitty experience for me. The attorney said he'd call to let me know the verdict. The judge had refused to instruct the jury that they could find the defendant innocent by reason of entrapment, but the attorney was still hopeful.

In New York a message was waiting for me from another California attorney that would quickly take my mind off what I had begun calling "The Beavis and Butthead case."

The attorney represented Donald Carlson, a forty-five year old executive for a Fortune 500 computer company. A federal task force comprised of Customs, DEA, BATF and Border Patrol agents who had just graduated from a paramilitary assault school the week before, wearing black ninja outfits, helmets and flack vests, using flash-bang grenades and automatic weapons, had invaded Mr. Carlson's upscale, suburban San Diego home. One of the invading Feds did a Rambo-roll, firing fifteen rounds from his submachine gun, hitting everything in Mr. Carlson's foyer but Mr. Carlson. Other agents hit their mark: Carlson was shot three times and arrived at the hospital in critical condition. The team had executed a search warrant based on the uncorroborated, uninvestigated word of a professional rat.

Miraculously, despite the best efforts of the this newly formed suburban assault squad, Mr. Carlson had survived. He wanted to sue the government.

"We'd like to retain you as our consultant," said the attorney, a soft-spoken, thoughtful man with an impeccable reputation for integrity.

"How did this happen?" I said.

"That's what we'd like you to tell us. It seems that this task force had a search warrant seeking 5,000 pounds of cocaine and four armed-and-dangerous Colombians in Mr. Carlson's garage. The warrant was apparently based on the word of a criminal informant."

I immediately started poring over the reports and statements. Dawn had begun to light the sky before I realized I had read the whole night through. It was one of the most frightening examples of out-of-control,

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almost comically inept federal law enforcement I had ever seen or heard of in my career.

In short, a low-level professional rat/petty thief/druggie who'd been selling street-level dope cases to a local south Florida police department convinced a team of agents representing four federal agencies that he had become a trusted member of a major South American drug cartel.

They overlooked the fact that the rat spoke no Spanish and seemed to have a hard time putting together an intelligible sentence in English; that most of the people he was implicating as members of this Colombian drug ring weren't even Spanish speakers; that the rat's credit was so bad that the phone company refused to furnish him with a telephone (the agents had to give him a cellular phone, which they took back when he started making unauthorized phone calls); that a local cop had called the rat a liar. The rat's story—that he had been doing pushups in a California park when he was first approached by a stranger and asked to join one of the notoriously paranoid Colombian cartels—would have been dissed at a UFO abduction convention.

None of this bothered the Feds.

They put the CI on payroll for three months, accepted everything he said as fact, implicated dozens of innocent people in government files and computers as drug traffickers belonging to a trafficking organization that didn't even exist, and obtained four search warrants—including the Carlson warrant—based on nothing more than the rat's uncorroborated words. And then, ignoring the words of a San Diego cop who called the rat a liar, they Ramboed the suburban home of a computer company executive in the manner of Desert Storm and almost killed an innocent citizen.

"Holy shit!" I thought. "What is going on here?"

The federal grapevine must have been buzzing. I was contacted by cops and agents who wanted to see some of these guys go to jail. A San Diego cop who had taken part in the investigation—but not the raid—was quoted as saying that the agents involved shouldn't be carrying guns and badges. A lot of Feds felt the same way, but they weren't going to break the blue wall of silence. One did, however, send me

a copy of a Congressional Report he thought might be helpful, of hearings chaired by Congressman John Conyers Jr.

The title of the report tells its story: *Serious Mismanagement and Misconduct in the Treasury Department, Customs Service and Other Federal Agencies and the Adequacy of Efforts to Hold Agency Officials Accountable.*

The hearings not only found evidence of all of the above, they also found there was "a perception of cover-up" in these federal agencies for all their misdeeds. In spite of this report being issued within months of the Carlson shooting, the killings at Ruby Ridge and the massacre at Waco, Texas, it went virtually ignored by the media.

I had served part of my career as an

THEY RAMBOED THE SUBURBAN HOME OF A COMPUTER COMPANY EXECUTIVE IN THE MANNER OF DESERT STORM AND ALMOST KILLED AN INNOCENT CITIZEN.

Operations Inspector and began doing what I used to do for the government—documenting violations of rules, regulations and Federal law on the part of agents. I began what would become two reports noting hundreds of instances where the Feds violated their own rules, dozens of indications of federal felonies—false statements, perjury, tampering with evidence and coercion of witnesses—and violations of the U.S. Constitution. I also found and noted in my reports—just as Congressman Conyer's report noted—powerful indications of cover-up going right to top level management of DEA, Customs and the Justice Department. Powerful people wanted the Carlson incident to disappear. I was not going to let that happen.

Or so I thought.

A couple of days into my work on the Carlson case I got a call from Miguel's attorney. The jury had found him guilty of attempted possession of cocaine. The charge carried a mandatory minimum sentence of twenty years in prison.

"The jury said they weren't very impressed with either your testimony or the government's," he said. "They voted on what they thought was the law. Miguel promised he'd deliver the coke for the money, so he's guilty."

The attorney said he was appealing the conviction. The CI, in the meantime, was paid whatever he'd been promised and was probably off selling more cases. Even I had to admit, it was a good living. I hung up feeling like shit.

Weeks later, after I had submitted the Carlson shooting report, recommending that the agents and prosecutors involved in the case be fired and prosecuted, I was full of hope. A rat cannot be king unless the people who are supposed to control him become as immoral and corrupt as he is, and I was going for their throats. The Carlson case would be the example that all Americans should see of what was going wrong all across this country.

I looked forward to the civil trial and testifying publicly to my reports.

It wouldn't be a congressional hearing, where the facts testified to are usually only the ones the politicians want to hear so that they can comfortably reach the conclusion they agreed upon long before the hearings began. I was even

going to call Court TV.

I was at war.

Miguel's attorney called me again. "The judge reversed himself. He's granted a new trial on the basis that Miguel should have had an entrapment defense. Will you be available to testify?"

"Sure," I said. "I'd love to."

It would be months before I learned that the attorney and the Federal prosecutor had worked out a plea bargaining deal. I'm not sure what Miguel pled guilty to, but he ended up with a ten-year prison sentence. I suppose it could have been a lot worse.

It would be more than a year before I would learn that the U.S. government in the person of San Diego U.S. Attorney Allan Bersin, had decided to settle with Mr. Carlson, avoiding a trial and the public revelations of my reports. Mr. Carlson's attorney made a public statement that because they were settling without a trial, the misdeeds of the government were being covered up. The government paid Mr. Carlson 2.75 million. Part of the final agreement was that the government's reports of its own actions be classified.

The U.S. Attorney of San Diego made a public statement exonerating the agents and prosecutors of all

wrongdoing. He said that "the system" failed Mr. Carlson, but that the agents and prosecutors were to be commended for having done their jobs.

Within weeks the government would also settle with Randy Weaver, paying him \$3.1 million. Once again the legality and morality of the government's actions in entrapping Weaver in the first place were never even questioned.

This was also the year that Quibillah Shabazz, Malcolm X's daughter, would be charged with conspiracy to murder Louis Farrakhan. The young woman, according to the press, had been set up by her fiancé, who also happened to be a long-time professional rat for the FBI and who was reportedly paid \$25,000 for his services.

It seems, though, that once the prosecutor and the FBI got their headlines, they lost all stomach for their case against Ms. Shabazz and agreed to a plea bargain that freed her. I didn't think the prosecutors were freeing her out of pity. They had spent an enormous number of taxpayer dollars to charge her with conspiracy to murder. They were protecting their own butts and covering up perhaps one of the ugliest cases of rat entrapment on record.

I flashed on another professional

rat I knew in the DEA who had turned every friend and relative he'd ever had into government cash as if they were deposit bottles. One day he came crying to me, actually bawling big wet tears, that he'd met a woman and for the first time in his life was in love. She lived in California and he was broke. He needed enough money to get there. "I'm a piece of shit," he said. "Please don't deny me a chance to turn my life around, Levine." I bought him a one-way ticket. He was there a week when I got a call from a Los Angeles DEA agent checking on the guy's record. The rat was trying to broker a deal on his fiancée.

I watched the Senate hearings into the federal government's actions in both Waco and Ruby Ridge and heard, for the first time in my life, liberal Democrats and the liberal press, who for decades had criticized the tactics used in federal law enforcement suddenly refer to them as "our federal agents" and defend their actions. It was clear that their real interest was to protect the President and Attorney General for their actions in two of the worst screw-ups in law enforcement history. At the same time, the conservatives and Republicans, who for decades had defended federal law enforcement no matter what they did,

were now attacking the Feds as racists and "jack-booted stormtroopers."

And somewhere in the middle of this political shit-storm the truth was lost and, as usual, all the rats—those with badges, those in appointed and political office—came out smelling like roses, while the walking-around, tax-paying, hard-working Americans and their Constitution took it up the ass.

The other day I read an interview with Sammy "the Bull" Gravano, who, in payment for turning rat against his lifelong partners in crime, was forgiven for the murders of nineteen human beings (that we know about) and an uncountable number of felonies. He was allowed to keep the millions he had earned as a murdering thug, plus a pile of taxpayer dollars for expenses, and received a taxpayer-paid ride in the Federal Witness Protection program for life. Gravano, speaking from what he described as a "nice little apartment complex," said he was enjoying his new life as a bachelor millionaire.

"There's a pool, racquetball courts, gym, tennis courts and a lot of single women who don't have the slightest idea who I am," he said. "It's nice. I sit down and relax under some trees."

God bless America, I thought. The land where the rat is king. **III**

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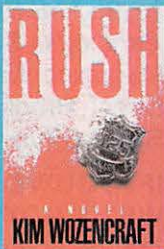
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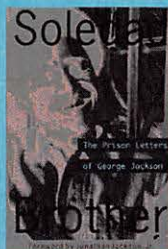
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EDUCATED IN PRISON? Comments sought for book about NYS inmates who attended college programs: Why did you take courses? What was best and worst about the experience? How did it change you? Why do you think funding was cancelled? What will you do now? All references will be anonymous. M/R Dissertation, P.O. Box 891, Hartsdale, NY 10530-0891.

WRITER DOING RESEARCH FOR BOOK. Looking for people convicted of non-violent crimes. Especially interested in fraud, embezzlement, con games, scams, etc. Would like to hear your story; compensation for all stories published. For more information please write to: B. Philbrick, 853 Vanderbilt Beach Rd., Suite 212, Naples, FL 33963.

Former Inmate seeks short stories for possible inclusion in book. Stories do not have to reflect prison experience. Compensation if selected. Send to: T.M.D., Suite 223, 235 Promenade Street, Providence, RI 02908.

Filmmaker and photographer seek love stories: relationships that have started during incarceration (between inmates and partners or spouses on the outside). Write to: Gladsjo/Adams, P.O. Box 411144, San Francisco, CA 94141.

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OTHER STUFF

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Mail Call

(continued from page 11)

to death after an eight-and-a-half-month trial. I had never in my life seen Eddie Bunker for more than a few minutes, and we had never had a conversation, but I felt I was failing him at a very important moment.

Once it was established I didn't know what Eddie was wearing and didn't recall anything about the day other than that it had been gray and probably colder than normal, there was no apparent purpose for my presence. The few succeeding questions and some information after the fact led me to understand what the public defender had not told me, and I went away believing that Eddie's lawyer was not giving him an honest defense. The FBI agents were alleging that the Holiday Inn bust was initiated by an observation of fresh needle tracks on Eddie's arms, but it was not. Eddie had been wearing a long sleeved shirt.

I don't know why the FBI lied or what the exposure of that lie might've meant to his defense, but at the time I wanted to apologize to Eddie for my not being of any help. I don't feel that way now, so I thought I'd just tell him the story.

On another note, I'd like to continue the discussion you started about the business of double-dealing known as snitching. Not long ago, a woman waiting out the last week of her sentence told me a snitch had just reported to the officer that she had brought food from the dining room. I said yes, that's the level that snitching has gone to. She said most of the women in our unit are nothing but snitches. I learned later that her time had been cut after she'd testified against her own sister.

You talk about the old convict code. You know it is but a memory and laughed at by most of today's little two-headed snakes, amoral rodents and predators. Rats rule, of course, because no one checks them. It would be a very big and continuous job. Since they play both sides, they not only violate outside laws under police protection but finger others inside and out as both lawbreakers and snitches. I heard 25 years ago that there were hits made on the word of a rat trying to cover his own shit. I'm sure those days were bad, but at least there were guidelines for

behavior between officers and inmates, at least there were guidelines for behavior between officers and inmates, at least there was some order and some honor. Guys like Max Dembo didn't snitch or hurt kids because that was the law in penitentiary society. As it turns out, it was fear that kept that law in place, a little bit of pride, some leftover principle, but mainly fear. In the last ten years, I've heard about old, formerly solid guys who, in the absence of fear and down at the dregs of respect for their peers, apparently felt no reason not to snitch.

I realize that men's prisons are different than women's. That's one of many reasons I so respect Manson: He has kept his word and the old convict law for a lifetime under the most treacherous conditions.

When I came to prison in 1975, I thought that people still held to order and honor, and that guards respected it as well. In the women's prison in West Virginia, the staff was made up almost entirely of locals who had farms, families and no interest in moving up or out. In general they disliked invasions of privacy and had a natural aversion to rats. Later, the Bureau began transferring new officers in and out to keep from having such a satisfied, morally confident bunch.

After moving to another prison, I saw what had always been present but not apparent to me. In California, the officer on his way to promotions actively sought out information with hits of rewards for anyone who might have heard what someone might have said or done. The tension this caused was chaotic. I ended up hitting someone over the head with a hammer, getting shipped and spending two-and-a-half years in detention for it.

Nowadays in the women's federal prisons, there is always somebody to tell everything—the minor, the infinitesimal, the imaginary—some boldly, with provocative arrogance. Their sycophancy and manipulation creates REALITY and puts the rest of us at a disadvantage because there are so many unprincipled cops willing to reward, to even feel rewarded by, this despicable duplicity. The declinations between us and them are set in concrete. Any officers who let those lines blur are either officially scamming or in for a fall.

The society on the inside reflects the one outside, and an almost total lack of character values is evident.

APPEALS

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But it is one thing to know intellectually that people's strongest bond is in material things, and another to experience the stark emptiness of having parents, siblings, spouses or friends who would sell you and themselves so cheaply.

Lynette Fromme

DAMN FINE

Dear Prison Life:

Congratulations on last month's damn fine issue! Stratton's editorial, "American Owned," told the truth about the growing prison-as-business industry. The articles by convicts Karl Johnson and Michael Chavaux were straight-up, too. We don't need to scream or curse or print profanity to let society know that we're men. *Prison Life* continues to show the world that many prisoners are articulate and intelligent people with voices that need to be heard.

Alex Friedmann

BUBBA ON DRUGS

Dear Bubba:

I'm an ex-con, ex-junkie, ex-alcoholic, ex-armed robber, ex-parolee holding down a legit job into my 15th straight year in the free world without a beef. I'm married, got three rug rats and a dog. I live near a major city and I read Prison Life magazine. I just happened to see a copy on the magazine rack at a bookstore, picked it up, and couldn't put it down. Now I'm a subscriber. I also bought copies of all the back issues. Whenever I get a new issue, the first thing I do is open to your column.

Reading you reminds me how fucked up prison is and how fucked up most of the dudes locked up in those joints are. What a sorry bunch of broken down suitcases you got for readers. How do you keep your sanity and sense of humor and deal with all the crap you have to put up with not only from the Man but from other convicts? I feel for you, Bub. You've got a pretty good head on your shoulders even if you haven't figured out yet that prison is for losers.

I felt bad for you when I read the kite you sent from the hole. What upset me was a comment that chick Sylvia made. She said she hoped they keep Bubba locked up "for his own good." That tells me a lot about you, road doggie. I worry about you, man. I hope you can find the strength to turn your life around.

Doug Reston

Dear Dougie Do Good:

How do I do it? *Drugs!* Good weed, that's how I cope. Where there's dope, there's hope. And if there's one thing I hate it's some self-righteous reformed wino or junkie telling me it's time I cleaned up my act. Do your own time, pal. I'm real happy for you and the family, but I enjoy prison as an alternative lifestyle. I just burned a bone of some kickass ganja and I'm so high right now I don't know if I'll ever come down.

I was at this federal joint in California one time when a hippie guy I knew got in a load of blotter acid. I ate 750 mics, my cellie ate 1000 mics. About half an hour later, both ripped to the tits, we went out to the yard to play tennis. (This was back in the good old days when you could play tennis in prison.)

You should have seen me playing tennis on acid. I looked like Nuryev



dancing *Swan Lake* except I was wearing steel-tipped work boots. Guys were in awe. No one had ever seen anything like it: a 260 lb. muscle-bound Bubba hitting backhands with all the grace of Chrissy Everet. My friend was a wiseguy who had never done acid before. He met God on the tennis court and has been a practicing Buddhist ever since. The trip lasted days. They locked us up, pissed us and ran all sorts of tests, but none that detected LSD.

It's always intensely weird trying to navigate the prison experience from inside an acid head. It's all in the mind. You can't lock up a loony. Sure you can limit his physical freedom but if you can't make him suffer the psychological pain of prison, then he's not getting the full punishment. I figure every fucked up hour I spend in here is one more hour I'm getting over on the Man.

Here I am still in the hole. Day 45 in seg on this bullshit charge. I smell some righteous smoke wafting along

the tier. Guy calls, "Hey Bub, wanna burn some herb?" He's this white rasta Coptic dude from Miami. Locked up 15 years now for importing weed from Jamaica. I've run into him and his brother Coptics in joints all around the country. Their defense was that the boatloads of pot they were bringing in were for religious use so the First Amendment protected them from prosecution. You can imagine how that went over.

As a bro I know who's doing life for pot once said, "I never pass up the divine opportunity to smoke a joint." My rasta pal, Brother Luv, is all the way at the opposite end of the range. We're all locked down. I can't figure how he's going to get the shit to me. "Don't worry about it," he says. "I'll mule it."

I hear him saying, "Here, boy. That's a good boy," like he's talking to a dog. I figure he's lost it, done too much time in the hole—he's been locked up 17 months straight this time for dirty urine. Every 60 days

they come in and piss him; he's still coming up dirty. Nobody can figure out how he gets the herb. Guy hasn't had a visit in four years. If you ask him he says, "Manna from heaven. Jah provides."

"Hum," he tells me. "Do you know Yankee Doodle?"

"Sure I know Yankee Doodle."

"Hum it, bro, so they'll know which cell you're in."

So I hum. You've got to humor these stir crazy old fuckers or they'll twist off and stick a fork in your kidney when you're not looking.

"Forward, march!" I hear Brother Luv command. "Left, right. Left, right."

Jesus, I'm thinking, this poor motherfucker has smoked too much of that shit. I'm sitting on the edge of my bunk humming, feeling foolish, but then I've been locked up long enough to know that things never are as they seem. I hear this scratching sound—a sound anyone who's ever lived in a New York apartment knows only too well.

"Keep humming," Brother Luv calls. "Don't lose the tune."

I'm about halfway through the third rendition of Yankee Doodle when I look down and see three cockroaches marching single file into my cell. The first one was the scout or something. He comes right up and halts at my feet with the others close behind. The second roach looks like a mini packhorse with a joint strapped to his back. And the one bringing up the rear looks like a flatbed truck with a book of matches riding on his carapace. It was a cockroach mule train. Brother Luv had trained the vermin to run drugs.

"They get there yet?" Brother Luv asked when I stopped humming.

"Yeah, man. They're here."

"You got to take care of 'em. They don't do this shit for nothing."

"What do they get for a job like this?"

"Crumbs!" Brother Luv hoots. "They work for fucking crumbs!"

It's amazing what you can get over when the situation demands. No one wants to be here, not even the goddamn roaches. But we do what we gotta do. Sylvia might be right. There are those of us—too bold, too idealistic to live within the confines of a meek and conformist society—who need to be locked up. The way I see it, you guys are the suckers. Here I am, high as an astronaut orbiting the planet from a jail cell, and doing business with a crew of crooked cockroaches. You, meanwhile, can't get beyond your petty problems and appreciate life for the moment-to-moment joy of not knowing what the fuck is going to happen next. Instead of feeling sorry for me, ask yourself, Have I managed to escape my paltry point of view and see life through the cosmic third eye? If the answer to that question is no, bro, you're in a lot more trouble than I am.



In Cell Cooking

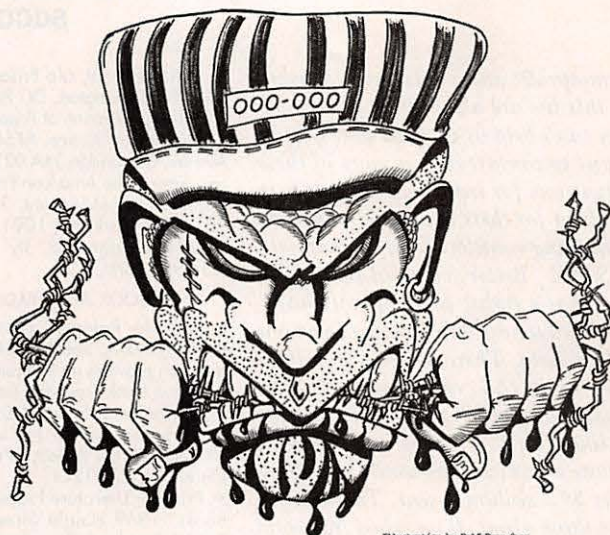


Illustration by Half Dan One

Chef's Special of the Month: Penitentiary Pizza

- 1 can spaghetti sauce
- 1 block Velveeta cheese, sliced
- 1 can mushrooms, drained
- 1 pack flour tortillas
- 1 pepperoni stick, sliced
- 1 pie tin, with holes

Spread spaghetti sauce over tortillas. Top with mushrooms, pepperoni and cheese. Put tortillas on pie tin, cover with a bowl, place over boiling water and cook until cheese is melted. Serve.

Makes eight pizzas.

*William Joe Casey
Sheridan, IL*

Fruit-Chocolate Crunchies

- 1 bag rice cakes (or any crunchy bread product)
- 1 Cadbury plain milk chocolate bar
- 1 jar of jam (raspberry is best)
- 1 hair dryer

Break off two to four squares of chocolate for each rice cake. Melt chocolate using hair dryer until it's the consistency of peanut butter (about 45 seconds on high). Spread with a knife. Squirt a dollop of jam on the chocolate and spread. Eat it hot and gooey.

This recipe is good enough to pay for and is good for people with no access to microwaves or hotplates.

*Jessica du Mas
WA Corrections Center for Women*

Resources

by Alex Friedmann, Resource Editor,
SCCC, TN

The nonprofit and volunteer-run agencies in this list are all working to help us, but they can't help us without your help. If you want to contact one or more of these organizations for information, self-help materials or for their newsletters, then do the right thing—enclose some loose stamps or an SASE. Better yet, send them some money (that's right, some of your hard-earned, hard-time prison money.) Even one dollar can help. There are over a million prisoners in the U.S., and if every one of us sent just a buck each month to a worthy cause like CURE, FAMM or the AFSC, then those organizations would be collecting over \$12 million a year. That's something to think about. If we expect free-world organizations to help us, then we have to help them. The bottom line: What goes around comes around.

SOCIAL SUPPORT AGENCIES

- American Friends Service Committee, 1501 Cherry Street, Philadelphia, PA 19102 (215/241-7130): A Quaker organization that works for peace and equality. Their criminal justice branch can provide literature on a variety of prison issues. There are six regional AFSC offices in the U.S.: CA, MI, NJ, MA, OH and NY.
- John Howard Association, 67 E. Madison #1416, Chicago, IL 60603 (312/263-1901): This organization is mostly involved with prison reform and criminal justice issues in Illinois, but they can provide materials of interest to all prisoners. There is a separate JHA branch in Canada.
- National Association for the Advancement of Colored People (NAACP), Criminal Justice Prison Program, 4805 Mount Hope Drive, Baltimore, MD 21215-3297 (410/358-8900): Offers referrals and advisory services for prisoners who want to break the cycle of recidivism—especially among minorities. These projects operate through regional offices and are not available in every area. Write for local contact addresses.
- Offender Aid and Restoration (OAR), 301 Park Drive, Severna Park, MD 21146 (410/647-3806): Provides post-release assistance for prisoners in IA, MD, NJ, PA and VA, through 12 local offices.
- Woodbourne Long Termers Committee, Pouch #1, Woodbourne, NY 12788: A prisoner support and advocacy group. Send for free brochure and newsletter.

ADVOCACY ORGANIZATIONS

- CURE, P.O. Box 2310, National Capitol Station, Washington, DC 20013-2310 (202/789-2126): Organization for prison reform, with state chapters and special groups for veterans, lifers, sex offenders and federal prisoners.
- Campaign for an Effective Crime Policy, 918 F St. NW #505, Washington, DC 20004 (202/628-1903): This agency works for effective criminal justice reform. Ask your warden to join.
- Families Against Mandatory Minimums (FAMM), 1001 Pennsylvania Avenue NW, #200, Washington, DC 20004 (202/457-5790): Works for the repeal of federal mandatory minimum sentencing laws.
- Justice Watch, 932 Dayton Street, Cincinnati, OH 45214 (513/241-0490): Works to eliminate classism and racism from prisons.

PUBLICATIONS & MAGAZINES

- Fortune News, ATTN: Inmate Subscriptions, 39 West 19th Street, New York, NY 10011 (212/206-7070): A publication of Fortune Society.

- Inside Journal, c/o Prison Fellowship, P.O. Box 16429, Washington, DC 20041-6429 (703/478-0100): A publication of Prison Fellowship.
- Outlook on Justice, AFSC, 2161 Massachusetts Avenue, Cambridge, MA 02140 (617/661-6130): A newsletter of the American Friends Service Committee.
- Prison Life Magazine, 200 Varick Street, Suite 901, New York, NY 10014 (800/207-2659): A national magazine by and for prisoners (\$19.95/year).

BOOK AND READING PROJECTS

- Books for Prisoners, c/o Left Bank Bookstore, 92 Pike St., Box A, Seattle, WA 98101: This volunteer program provides up to three books at a time.
- Prison Book Program, Redbook Store, 92 Green Street, Jamaica Plain, MA 02130: No books can be sent to prisoners in KS, NE, IA, MI, OR or CA.
- Prison Library Project, 976 W. Foothill Blvd #128, Claremont, CA 91711.
- Prisoner Literature Project, c/o Bound Together Books, 1369 Haight Street, San Francisco, CA 94117: Free books for prisoners.
- Prison Reading Project, Paz Press, P.O. Box 3146, Fayetteville, AR 72702: Free books for women prisoners.

PAROLE & PRE-RELEASE INFORMATION

- American Correctional Association, Publications Dept, 8025 Laurel Lakes Court, Laurel, MD 20707-5075 (301/206-5059 or 800/825-2665): Publishes a parole planning guide, "As Free as an Eagle," and sells other self-help books.
- Interstate Publishers, 510 North Vermillion Street, P.O. Box 50, Danville, IL 61834-0050 (217/446-0500 or 800/843-4774): Sells a parole planning manual, "From the Inside Out."
- OPEN, Inc. (Offender Preparation and Education Network), P.O. Box 566025, Dallas, TX 75356-6025 (214/271-1971): Sells "99 Days & a Get-up," "Man, I need a Job!" and other great pre-release guides—for \$4.95 each.
- Manatee Publishing, 4835 North O'Conner St. #134435, Irving, TX 75062: Sells "Getting Out and Staying Out," a parole-planning manual, for \$22.45.
- CEGA Services, Offender Referrals, P.O. Box 81826, Lincoln, NE 68501-1826 (402/464-0602): CEGA offers pre-release referrals for prisoners for the area they will be paroled to (such as housing, employment and substance abuse treatment programs.) \$15 fee for each city. CEGA also sells the "Survival Sourcebook" and "The Job Hunter's Workbook."

PRISON AIDS RESOURCES

- American Civil Liberties Union, 1616 P Street NW, Washington, DC 20036 (202/234-4830): Operates an "AIDS in Prison" information project.
- Correctional Association AIDS in Prison Project, 135 E. 15th Street, New York, NY 10003 (212/674-0800): Offers resource information concerning AIDS in prison, especially for inmates in New York.
- HIV Prison Project, NYC Commission on Human Rights, 40 Rector St., New York, NY 10006 (212/233-5560).
- National Prison Hospice Association, P.O. Box 58, Boulder, CO 80306-0058: Helps develop hospice programs for terminally ill prisoners.
- National ACLU Prison Project, AIDS Education Project, 1875 Connecticut Avenue NW 410, Washington, DC 20009 (202/234-4830).
- "One Day at a Time," c/o Richard H. Rhodes #05353-018, U.S.P. Leavenworth, P.O. Box 1000, Leavenworth, KS 66048: An AIDS newsletter for prisoners.
- Prison AIDS Project, Gay Community News, 62 Berkeley Street, Boston, MA 02116 (National AIDS Gay Task Force: 800/221-7044).
- Prison AIDS Resource Center, P.O. Box 2155, Vacaville, CA 95696-2155; or 926 J. Street, #801, Sacramento, CA 95814.
- Prisoners with AIDS/Rights Advocacy Group, P.O. Box 2161, Jonesboro, GA 30237 (404/946-9346): Offers support, educational materials, referrals and political lobbying for prisoners with AIDS/HIV.

MISCELLANEOUS RESOURCES

- A Society of Concern (ASOC), Delaware Correctional Center, Smyrna, DE 19977: Provides legal research, educational programs and workshops for prisoners at the Delaware Correctional Center.
- Infinity Lifers Group, c/o Julie Travers, Chairperson, P.O. Box 772, Station B, Ottawa, Ontario K2P 5P9: A volunteers prisoners rights and political advocacy group.
- League for Lesbian and Gay Prisoners, 1202 East Pike St., #1044, Seattle, WA 98122: A project of Gay Community Social Services.
- James Markunas Society, 245 Harriet Street, San Francisco, CA 94103 (415/775-5445): A resource for lesbian, gay and bisexual prisoners.
- Mothers Opposed to Maltreatment of Service Members (MOMS), 8285 Black Haw Court, Frederick, MD 21701: Advocates for prisoners in military prisons and disciplinary barracks. Can provide a pre-release booklet entitled "New Beginnings."
- The Prison Chess Program, P.O. Box 44419, Washington, DC 20026 (301/530-4841.)
- Native American Inmate Support Project, 8 Dallas Dr., Grantville, PA 17028: A Native American group that supports the introduction of Indian religious ceremonies and programs in prisons.
- Native American Prisoners' Rehabilitation Research Project, 2848 Paddock Lane, Villa Hills, KY 41017: Offers many services for Native American prisoners, including legal and spiritual support, tribal and cultural programs and direct contact with prison administrators.
- Packages from Home, P.O. Box 905, Forestville, CA 95436: Sells mail-order food packages for prisoners, at around \$20/pkg.
- PEN, Writing Program for Prisoners, 568 Broadway, New York, NY 10012 (212/334-1660): Offers a great resource booklet for prison writers.
- Prisoners of Conscience Project, 2120 Lincoln St., Evanston, IL 60201 (708/328-1543): A religious-based agency that works for the release of prisoners of conscience/political prisoners in the United States.
- Prisoner Visitation and Support, 1501 Cherry Street, Philadelphia, PA 19102 (215/241-7117): Provides institutional visits to prisoners in federal and military prisons nationwide.
- Project for Older Prisoners (POPS), c/o Jonathan Turley, Director, The National Law Center, 2000 H Street NW, Washington, DC 20052.
- The Safer Society, Shoreham Depot Road, RR 1, Box 24-B, Orwell, VT 05760-9756 (802/897-7541): Self-help materials for sex offenders.
- Stop Prisoner Rape, Inc., PO Box 2713, Manhattanville Station, New York, NY 10027 (212/663-5562); e-mail: sprdon@ix.netcom.com; Web: <http://www.igc.apc.org/spr/>. Information and advocacy on sexual abuse and exploitation of prisoners; support and advice for victims and targets of both sexes including info on psychological and health consequences, legal action and survivors' options.
- The Poetry Wall, Cathedral of St. John, 1047 Amsterdam Avenue, New York, NY 10025: Displays poetry written by prisoners.

CHILD & FAMILY RESOURCES

There are many organizations that help prisoners who have children. These agencies provide literature, information, advice and support on how to cope with family problems while in prison. Direct assistance is usually available only in the local areas that these programs serve.

- Aid to Imprisoned Mothers (AIM), 599 Mitchell St., SW, Atlanta, GA 30314 (404/221-0092): An advocacy group for incarcerated mothers. Although social services are only provided in the Atlanta area, AIM can provide helpful information for all women in prison who have children.
- Center for the Children of Incarcerated Parents, Pacific Oaks College, 714 W. California Blvd, Pasadena, CA 91105 (818/397-1300): Provides free educational material for incarcerated parents and their children.

- Family and Corrections Network, Jane Adams Center M/C 309, 1040 West Harrison St. #4010, Chicago, IL 60607-7134 (312/996-3219): Provides information about programs serving families of prisoners.
- Fathers Behind Bars, P.O. Box 86, Niles, MI 49120 (616/684-5715): A by-prisoners, for-prisoners agency that helps to set up institutional parent groups for incarcerated fathers. Only the serious need apply!
- Legal Services for Prisoners with Children, 474 Valencia St., #230, San Francisco, CA 94103 (415/255-7036): Legal services are provided in California only, but some general information is available.
- National Institute of Corrections, Information Center, 1860 Industrial Circle, Suite A, Longmont, CO 80501 (303/682-0213): Provides the "Directory of Programs Serving Families of Adult Offenders."
- National Resource Center for Family Support Programs, Family Resource Coalition, 200 S. Michigan Ave., #1520, Chicago, IL 60604 (312/341-0900): Provides information about family programs, including prison projects.
- Parent Resource Association, 213 Fernbrook Avenue, Wyncote, PA 19095 (215/576-7961): Support for child/parenting programs in prison; offers referrals and information to incarcerated parents.
- Prison Family Foundation, P.O. Box 1150, Auburn, AL 36831 (205/821-1150): Works to support family education programs in prison. Sells pre- and post-release books and other publications; works with prison administrations to form institutional family support groups.

LEGAL RESOURCES—FEDERAL/NATIONAL

There are many agencies that provide legal services for prisoners; most of these organizations dispense information or offer reference material. Note that these agencies do not usually handle personal legal services such as filing appeals, post-convictions or lawsuits—with the exception of for-profit companies (not listed here) that charge large fees.

Federal

- U.S. Department of Justice, Civil Rights Division, Special Litigation Section, Washington, DC 20530 (202/514-6255): Enforces the "Civil Rights of Institutionalized Persons Act" through lawsuits against state or local prison officials who deprive prisoners of their constitutional rights or who practice racial discrimination.
- U.S. Supreme Court, Public Information Office, Washington, DC 20543-0001 (202/479-3211): Can provide up to five Supreme Court decisions per term. Supreme Court slip opinions are available through the Government Printing Office. Contact: The Superintendent of Documents, U.S. Printing Office, Washington, DC 20402 (202/783-3238).

National

- ACLU National Prison Project, 1875 Connecticut Ave., NW #410, Washington, DC 20009 (202/234-4830): A branch of the national ACLU that works on prison legal issues. Sells resource directories, criminal justice statistic books and legal aid manuals; also offers a prison newsletter for \$2 per year and sells the "Rights of Prisoners" handbook for \$5. Doesn't handle individual cases; they only litigate large-scale state or national prison reform legal actions.
- Americans for Effective Law Enforcement, 5519 N. Cumberland Ave #1008, Chicago, IL 60656-1498 (312/763-2800): Sells monthly legal update publications, including the "Jail and Prisoner Law Bulletin." Although this bulletin is meant for corrections officials, it includes excellent resource material on the latest prison-related court cases nationwide. Annual costs are \$168; perhaps your law library can subscribe. Other bulletins include the "Liability Reporter" and "Security Legal Update."
- Columbia Human Rights Law Review, 435 West 116th Street, Box B-25, New York, NY 10027 (212/663-8701): Sells the "Jailhouse Lawyer Manual" (JLM) for \$30 a copy (\$13 for prisoners).
- Georgetown University Law Center, Criminal Procedure Project, 600 New Jersey Ave. NW, Washington, DC 20001. (202/662-9468): Publishes the Georgetown Law Journal, the annual "Criminal Procedure" issue costs \$30.
- Freedom Press, P.O. Box 4458, Leesburg, VA 22075 (703/391-8604) or: (800/370-7052): A prison project run by volunteer paralegals. They offer legal services at reduced rates, sometimes on monthly payment plans; they also offer ministry and counseling services.

- Inside/Out Press, P.O. Box 188131, Sacramento, CA 95818: Publishes self-help legal guides. Inside/Out is the mail-order business for the Prisoners' Rights Union, which focuses on California prison issues.
- Lewisburg Prison Project, P.O. Box 128, Lewisburg, PA 17837-0128 (717/523-1104): Sells low-cost literature regarding constitutional rights, due process and other legal issues of interest to prisoners.
- National Lawyers Guild, Prison Law Project, 558 Cap Street, San Francisco, CA 94110: A national legal agency with an interest in helping jailhouse lawyers.
- Oceana Press, 75 Main Street, Dobbs Ferry, NY 10522 (914/693-8100): Sells prison-related legal books, including "The Prisoner's Self-Help Litigation Manual" (\$20) and "Post-Conviction Remedies" (\$20).
- Prisoner Legal News, P.O. Box 1684, Lake Worth, FL 33460: A magazine published by prisoners in Washington that covers nationwide prison legal issues. Subscription rates are around \$12 per year/12 issues.
- Southern Illinois University Press, P.O. Box 3697, Carbondale, IL 62902-3697: Can provide "The Rights of Prisoners" brochure at no cost.
- Starlite, P.O. Box 20004, St. Petersburg, FL 33742 (813/392-2929 or 800/577-2929): Sells the CITEBOOK, which is a collection of positive federal and state case law, both criminal and civil. The CITEBOOK is updated quarterly and costs \$28 (\$112 annually). Although this is fairly expensive, perhaps your law library can subscribe; this company also sells other books regarding business, consumer and legal issues.
- West Publishing Company, 610 Opperman Drive, Saint Paul, MN 55123-1340 (800/328-9352): Publishes "Corrections and Prisoners Rights in a Nutshell" and "Criminal Procedures in a Nutshell," at \$17 each.

PARALEGAL PROGRAMS

- Blackstone School of Law, P.O. Box 701449, Dallas, TX 75370 (800/826-9228): Offers a well-known correspondence program.
- Southern Career Institute, 164 West Royal Palm Rd, Boca Raton, FL 33432 (800/669-2555 or 407/368-2522): Offers a complete paralegal course that costs \$1595 to \$1977; monthly payment plans available. This school is accredited by the D.E.T.C.
- The Paralegal Institute, 3602 West Thomas Road #9, Drawer 11408, Phoenix, AZ 85061-1408 (602/272-1855): Offers paralegal courses for fees ranging between \$1290 and \$2750. Monthly payment plans and an Associate degree program available. Accredited by the D.E.T.C.

MINISTRIES & BIBLE STUDIES

- Emmaus Bible Correspondence School, 2570 Asbury Rd, Dubuque, IA 52001 (319/588-8000): Offers free Bible courses for prisoners.
- The National Convocation of Jail and Prison Ministry, 1357 East Capital St. SE, Washington, DC 20003: A national agency for prison chaplains.
- Good News Mission, 1036 Highland Street, Arlington, VA 22204 (703/979-2200): A Christian organization that provides support, witnessing and spiritual counseling to inmates in 110 prisons across 14 states.
- Guideposts, 39 Seminary Hill Road, Carmel, NY 10512 (914/225-3681): A Christian organization that publishes *Guidepost* magazine. Also sponsors the FIND information network, which provides information referrals: FIND Network, P.O. Box 855, Carmel, NY 10512.
- Hope Aglow Prison Ministries, P.O. Box 3057, Lynchburg, VA 24503: A nationwide religious organization that offers Bible study courses.
- International Prison Ministry, P.O. Box 63, Dallas, TX 75221.
- Liberty Prison Ministries, P.O. Box 8998, Waukegan, IL 60079: This Christian ministry publishes the *Liberator* newsletter.
- Liberty Prison Outreach, 701 Thomas Road, Lynchburg, VA 24514 (804/239-9281): Provides religious assistance to prisoners, mostly in central Virginia; Bible correspondence courses available.
- Prison Fellowship, P.O. Box 17500, Washington, DC 20041 (703/478-0100): A nationwide ministry that sponsors spiritual activities in prison.

- Prison Ministry of Yokefellows International, The Yokefellow Center, P.O. Box 482, Rising Sun, MD 21911 (410/658-2661): a religious organization that offers information and literature to prisoners.
- Set Free Prison Ministries, P.O. Box 5440, Riverside, CA 92517-9961 (909/787-9907): Provides an extensive Bible study course.
- Southern Prison Ministry, 910 Ponce de Leon Ave. NE, Atlanta, GA 30306.
- U.S. Mennonite Central Committee, Office of Criminal Justice, P.O. Box 500, Akron, PA 17501-0500 (717/859-3889): Offers many publications concerning crime and religion—most are free to prisoners.

ISLAMIC ORGANIZATIONS

- Islamic Prison Foundation, 1212 New York Avenue NW #400, Washington, DC 20005: Mostly works with Muslims in federal prisons.
- The National Incarcerated Muslim Network, c/o Maurice Taylor, #476837, Route 3, Box 59, Rosharon, TX 77583: A prison-based organization that networks with incarcerated Muslims for support and educational purposes.

JUDAISM ORGANIZATIONS

- Aleph Institute, P.O. Box 546564, Surfside, FL 33154 (305/864-5553): A full-service Jewish advocacy agency with regional offices.
- International Coalition for Jewish Prisoners Services, 1640 Rhode Island Avenue NW, Washington, DC 20036-3278 (202/857-6582): Offers support, referrals, guidance, educational and religious programs, and pen pals.

BUDDHIST/MEDITATION GROUPS

- Human Kindness Foundation, Prison Ashram Project, Route 1, Box 201-N, Durham, NC 27705: Provides reading material for spiritual living.
- Iskon Prison Ministries, 2936 Esplanade Ave., New Orleans, LA 70119.
- Prison Dharma Network, P.O. Box 912, Astor Station, Boston, MA 02123-0912: Offers Buddhist meditation literature.

DEATH PENALTY RESOURCES

- American Civil Liberties Union, Capital Punishment Project, 122 Maryland Avenue NE, Washington, DC 20002 (202/675-2319): A branch of the ACLU that deals with death penalty issues.
- American Friends Service Committee, 1501 Cherry Street, Philadelphia, PA 19102 (215/241-7130): a Quaker peace organization that works to ban the death penalty as one of their Criminal Justice projects.
- Amnesty International, Project to Abolish the Death Penalty, 322 8th Ave., New York, NY 10001-4808 (212/807-8400): Works to abolish the death penalty through public letter-writing campaigns.
- Capital Punishment Research Project, P.O. Box 277, Headland, AL 36345 (205/693-5225).
- Catholics Against Capital Punishment, P.O. Box 3125, Arlington, VA 22203 (703/522-5014): A religious organization against the death penalty.
- Death Penalty Information Center, 1606 20th Street NW, Washington, DC 20009 (202/347-2531).
- Death Row Support Project, P.O. Box 600, Liberty Mills, IN 46946 (219/982-7480): Offers pen-pal services to death row inmates.
- Endeavor Project, P.O. Box 23511, Houston, TX 77228-3511: A magazine produced by and for prisoners on death row.
- Friends Committee to Abolish the Death Penalty, c/o Charles Obler, 802 West 3rd Street, Farmville, VA 23901: Publishes the *Quaker Abolitionist*; subscriptions \$6/yr for prisoners.
- NAACP Legal Defense Fund, 99 Hudson Street, 16th Floor, New York, NY 10013 (212/219-1900): A legal branch of the NAACP that supports minority rights; also has an anti-death penalty project.
- National Coalition to Abolish the Death Penalty, 918 F St. NW #601, Washington, DC 20004 (202/347-2411): Works to abolish the death penalty. Also provides a booklet listing anti-death penalty resources in each state ("The Abolitionist's Directory," \$2).

Changes, additions and new information should be sent to: Prison Life Magazine, Resources Department, 200 Varick St, Suite 901, New York, NY 10014.

Pen Pals

White/Mexican, 5'11", 165#, 37-yr-old California boy downed in Oklahoma. Seeking correspondence with freeworld people (female) but will answer all. Looks, age or race does not matter. Some of my interests are: low riders (cars), oldies music, rock 'n' roll, outdoor activities, writing and quiet times. Pic for pic. No Polaroids allowed. No convict to convict allowed either. James Hamilton, #105642, OK State Pen, P.O. Box 97, McAlester, OK 74502-0097.

1x1=1 (Handsome x Romantic = Me). 1-1 = 0 (Me - Freedom = Loneliness). 1 + 1 = 2 (You + Me = Friendship). Equation: It may seem elementary, but it's mathematically impossible for genuine friendship and true happiness to prevail unless you: a) Write me b) Befriend me c) Share your feelings d) All of the above. ANSWER: d) All of the above. Write Steve Tetro #079831, Florida State Prison, P.O. Box 747, Starke, FL 32091-0747.

SWM, 30, 6'1", 185#, brn hair, hzl eyes. Attractive, well-built man. Enjoy body building, bikes, reading, chess, moonlight, travel and learning for others. Interest in international issues. Value & respect, honesty & intimacy. Seeking assistance from anyone with background in English or law. In need of someone willing to correct my mistakes in syntax to improve my writing skills. It's very important that I be able to communicate well when writing. In struggle, Anthony Lucero, #76324, P.O. Box 10000, Limon, CO 80826.

Green-eyed Alaskan Fisherman and writer down in Oregon seeks soulmate. I'm 33, educated, and as strong as an ox. Into politics, adventure, rock and folk music, weight lifting and reading. Going overseas and leaving Amerika for good in '98. Need a good, honest, strong woman to come with. Write to: James D Anderson, #6952487, 3405 Deer Park Dr SE, Salem, OR 97301.

SWM, 38. I'm caged here in Texas. I am starved for amusement. I want mail. Whatever you send will be appreciated. Send me poignant commentaries on our current state of political quagmire. Send me interesting poems. If nothing else, send me newspaper clippings, puzzles, chess by mail or anything that strikes your fancy. I will answer all letters. Blistering tales of romantic nature will be especially appreciated from female readers. Steve Kadis 669720, P.O. Box 1170-2E108, Lockhart, TX 78644.

30 year old, tattooed, Aryan warrior. 5'10", 155#, brown hair, blue eyes. Doing a 15 year sentence. Expect to be released by the year 2000. Looking for Aryan (white) females to correspond with. Who knows? Maybe even a lasting relationship will develop. Frank E. Hammons, TDCJ-ID #604542-12002, F.M. 350 So, Livingston, TX 77351.

Hombre, Thirtysomething, Latino & blanco, college-educated, Published writer. Finishing prison journey. Seeks female comrades of all nationalities. Understands women prisoners' situations and cares about "sisters of the struggle." Amor con todo mi corazon, por vida. George dejesus Fields N- 52384, P.O. Box 711, Menard, IL or Georgia dejesus. 1337 W. Winnamac, Chicago, IL 60640.

25 yr old, WM, Aquarius, 5'7", 170#. Dishwater blonde hair, mustache & Go T. Native of Hollywood, CA. Temporarily incarcerated entrepreneur in search of an intelligent, highly-motivated, caring, loving, mature, sensitive woman with a high self-esteem level for good correspondence, possible serious relationship. Only females between 18-55, who are real about their own identity. Weight or race irrelevant. Good personality and sense of humor is mandatory! Photo gets mine, will answer all. Jeffrey M. Caylor #39585, P.O. Box 311, El Dorado, KS 67042-0311.

Tired of getting hurt? I am. "Prison Life" is full of heartbreaks and headaches. Lets change that. 23 year old black male looking for a relationship with female. No incarcerated woman, no gays or men please. B. Holmes #89B1812, Box 2000, Pine city NY 14871.

Lonely, often misunderstood cartoonist seeks intellectually stimulating correspondence with mature female. Any or all exotic photos gladly expected. Send letters (& photos) to Henry Herz, P.O. Box 6000, Nesa - A/39135-198, Florence, CO 81226.

SBM, seeking open minded person to correspond with who has a good sense of humor. Believes in giving second chances. Appearance not important, will respond to all. I'm 6'1", 245#. So pick up the pen and paper and get busy. Robert L. Bell Jr #U-29-B 76438, Parchman, MS 38738.

I'm 24 Yrs old, 4'6", half-French, Indian and black. I have long hair to my shoulders, very pretty with light brown eyes. Looking for honesty, trust, caring and support. I like any race. I'm in prison doing a 30 yr sentence. I have one son whom I love and I have never been married. So I'm very single. Write: Gidget Lewis 652467, 1401 State school Rd, Gatesville TX 76599.

Act! Staring out of the window, wondering will they do me like Malcom? African-American man of 22 yrs, earnestly striving to transgress all odds in this ungodly system. Seeking the prerequisite of my completion, sincere woman who's down for the cause. "The struggle continues, together we will win!" Artis Swafford #57225, P.O. Box 1568, Hutchinson, KS 67504.

Blk male, 30 yrs, 6'4", 220#, blk hair, brn eyes. Just here for a minute. Seeking letters from all you lovely ladies (inside and out). Send photos. Will probably have to write to a third party, but that's no problem; I'll hook you up. Write: Shan Gansterer # 04532-030, P.O. Box 3007, San Pedro, CA 90731-0207.

Free Spirit. 6'0", 175#, long brown hair, green-eyed artist. Would like to hear from an intelligent woman with good sense of humor. Tom Connolly #B38619, Box 99, Pontiac, IL 61764.

Down but not out in Michigan. Long brown hair, bright blue eyes, 6'2", 85#, lots of tattoos. Looking for white or Spanish females who are real and also have a good heart and are very open-minded. For correspondence and maybe more. I would love to trade photos and will answer all. Mike Cybulskis 202229, Saginaw Correctional Facility, 9625 Pierce Rd, Freeland, MI 48623.

SWM, 27, 6'1", 205#, muscular, brn hair, gr eyes. Seeking honest and sincere person for serious relationship. I enjoy weightlifting, reading, traveling, outdoors and sports. Getting out soon! Kevin Porth 40656, P.O. Box 1989, Ely NV 89301.

SWM, 25, 5'7", 152#, blond hair, blue eyes. Wanted: One good-hearted woman looking to correspond with any Aryan ladies, either locked down or in the free world. Will answer all. Pic for Pic. Tim Plate, #653473, Rt 2, Box 4400, Gatesville, Tx 76597.

WM, 34, 6'0", 185#, big brown bedroom eyes, muscular build, looking to fill lonely nights writing to you, either erotic adventures or honest to communication. I do it all! Glenn Reyes #657553, Rt 4, Box 1500, Beaumont, TX 77705.

Down and out, doing time for being a tad bit too enterprising. I'm a 30 year old WM with a heart as big as Texas. Looking to correspond with females or anyone willing to be a friend. I'm 5'11", 190#, brwn hair, hazel eyes that change colors with my moods. I've been told that I have good looks and a million dollar smile, although I see myself as just average (not egotistical). I encourage only open minded to write. No games! James H. Wallace, Connally Unit #663496, H.C. 67, Box 115, Kennedy, TX 78119. This thorn is still seeking his wild rose. 40 yrs, young, mature half-breed Cherokee who's still alive and well. Seeking free-spirited counterpart. Age/race not important. Manifestation of the heart/soul is. Presently hindered by imprisonment; though my spirit soars free. Patiently awaiting you, my wild flower. P. Silverthorne, #137394, P.O. Box 1000, Craigsville, VA 24430-1000.

Single Hispanic Male, 24 years young but extremely wise and experienced. Seeking an easy going woman who enjoys the many wonders and pleasures that life has to offer. Age, race, unimportant. Give us the opportunity to combine our souls and become one. Ya never know. Send info to: Ramon Aviles, #93A8835, P.O. Box 2001 Main, LH 2-24, Clinton C.F., Dannemora, NY 12929-2001.

SWM, 27 yrs old, long brown hair, hazel eyes. Tattooed and muscular. Looking for a friend. Dirk Harris, #172053, Waupun C.I., Box 351, Waupun, WI 53963.

SBM, light skin, 5'7", 32 yrs old, looking for a serious open-minded, open-hearted down to earth woman of any age or race. Herbert Burgess, #93A3237, Attica C.F., Box 149, Attica, NY 14011-0149.

Aryan Christian looking for a friend to write. I'm 30, 6'1", 190#, brown hair, blue eyes. Been in 10 years, getting out soon. In need of a good Christian female. Not into gangs or drugs or crime. Into bettering myself. Want to meet a special woman. Prince Himmler, #225480, 1153 East Street South, Suffield, CT 06078.

Down but not out 42-year-old WM. I'm an outlaw in chains searching for a loving angel to set me free through her letters and photos. Lenny Kurz, #03809-424, PMB 4000, Rochester, MN 55903.

SWM, 31, 5'11", 175#. Into art, rock 'n' roll, tattoos, the outdoors and cool people. Would like to correspond with open-minded, understanding people. Thomas Weathers, #688192, Coffield Unit, Rt. 1, Box 150, Tennessee Colony, TX 75884.

SWM, deaf, 38 yrs old, 5'10", 200#, in good health and very open-minded. Seeks white female only, age 22-40. Will be free in '97. All interesting people welcome to write. Steven Christman, #946709, Indiana State Farm, 1500 West U.S. 40, Greencastle, IN 46135-9275.

SWM, 26 yrs old, br. hair, blue eyes, 6'1", 200#, college-educated weightlifter. Looking for pen pal to share thoughts and feelings with. Females only. Age not important. Joseph Richards, P.O.Box A, Thomaston, Maine 04861.

SWM, 28, 6'3", brown hair & eyes. Looking for some people to pass the rest of this time with. If you're real, regardless of age, looks and weight, just write to: J. Scott Mesecher, #61453, P.O. Box 777, C.S.P., Canon City, CO 81215-0777.

SWM, 28, 5'10", 190#, long dark hair & beard, brown eyes. Looking for a lady to write to. Will answer all who respond. Jason K. Matthews, #81226, P.O. Box 777, C.S.P., Canon City, CO 81215-0777.

SWM, 44, 6'1", 185#, green eyes, brown hair, Danish-German college grad, extremely computer literate, serious artist. Seeking letters & long-term relationship with sincere, serious, intelligent and fun-loving lady. Will answer all. Raymond S. Larsen, #C-10475, Pontiac C.C., Box 99, Pontiac, IL 61764.

SWM, 40, 5'11", 200#, brn hair, haz eyes, tattooed and muscular. 3 yrs left. Seeking Latin or white lady to share rest of life with. Into bikes, music, health. Age unimportant. Ken Fenton, #02658-112, FCI Florence, Unit N/A, P.O. Box 6000, Florence, CO 81226.

Hi, this is Ron and I'd like some pen-pals, M or F, but F would be nice, however. I'll write back to anyone who responds. I'm a Christian bi-sexual who's in recovery & enjoys Bible study, music & just plain kickin' it. Write to: Ron Ryan, #289-916, P.O. Box 209, Orient, OH 43146.

Struck out in Cali. M, 39, 5'9", 180#, brn hair, brn eyes, honest, respectful & understanding. Looking for that woman out there who'd like to correspond. Will answer all letters. Lorenzo Antonio, #J-69410, 4B1R-15, P.O. Box 3481, Corcoran, CA 93212.

Is today a good day for you to write a SBM? I'm positive-minded, 38 yrs young man. Would like to hear from strong-minded black woman. Lend me your ear and I'll receive what you have to say for friendship or amore. No inmates please. Al York, E-70970, P.O. Box 5000, A4-140, North Kern State Prison, Delano, CA 93216-5000.

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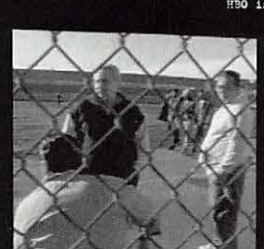
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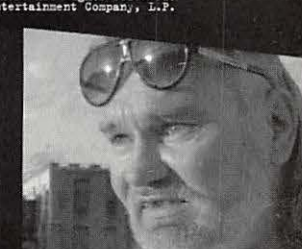
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