

Prison Art Newsletter

Working to Expand Artistic and Political Expression to All

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Judge Rules in Favor of SPR in Suit Against Arizona Department of Corrections

Prisoners who want to send material to be published on the website of Stop Prisoner Rape (SPR) or other organizations may not be stopped by the Arizona Department of Corrections, a federal judge has ruled.

A U.S. district court issued a preliminary injunction halting the enforcement of a law that sought to criminalize the publication of any information about Arizona inmates on the Internet. The law also banned communication between prisoners and organizations that publish information about them online.

The court ruled that the plaintiffs in the case – including SPR, the Canadian Coalition Against the Death Penalty, and Citizens United for Alternatives to the Death Penalty – “have shown a strong likelihood of demonstrating the prison regulations are not rationally related to legitimate penological objectives.”

Blocking enforcement of the Arizona law, the court cited fears of “irreparable harm” to the First Amendment. According to recent reports, corrections officials had demanded that prisoners have their names and case information removed from advocacy websites or face prison discipline and possible criminal prosecution.

Lara Stemple, executive director of SPR, said the ruling keeps open channels of communication that are essential to the work of SPR. “We’re committed to building public awareness about the problem of prisoner rape, and the Internet is one of our main tools for doing that,” Stemple said. “Nothing is more effective than publishing the personal story of someone who has been brutally raped behind bars.”

SPR and the other plaintiffs, represented by the ACLU of Arizona and the ACLU’s National Prison Project, sued the department in July. SPR, a human rights organization dedicated to ending sexual violence in detention, posts stories, comments, and letters from survivors of rape in prison on its website. Stemple insists, “SPR offers survivors a chance to connect with one another, and when you are isolated, ashamed, and traumatized, that connection can be a matter of life and death.”

The ruling marks the second time in recent months that SPR has been involved in a case protecting free speech online. In September, a U.S. district court judge in California ruled that prisoners have a First Amendment right to receive mail that contains material printed from the Internet. The ACLU of Northern California and the Prison Law Office brought that case, *Clement v. California Department of Corrections*, and SPR provided a declaration.



Analysis of Empire

By Mumia Abu-Jamal

"To sit in darkness here Hatching vain empires." -- John Milton (1608-1674)
Paradise Lost

There is something quite quaint, and faintly disturbing to hear Americans speak of their nation as a 'democracy'. America, given its richness, its diversity, and its complexity, is many things, but a democracy it ain't. This is especially so, if one considers the true imperial nature of the modern American nation-state. This is not a rabid call of the wild radical, baying at the pitted moon. For perhaps the first time in almost a century, leading voices of the elite, and the corporate press admit as much. In the pages of the business journal, *The Wall Street Journal*, one

finds scattered references to the imperial nature of the U.S. Empire, even if there is no overt recognition of it in the plat-forms of the political parties, or the alleged history taught in grade schools these days. But if history teaches us anything, it is that nations may describe themselves one way, and be another. When I hear nativist propagandists speak of the U.S. as the 'Birthplace of Freedom,' or some such, I feel compelled to ask, how can the 'birthplace of freedom' be built on slavery -- the very antithesis of freedom -- the heart of *un*freedom? (Why not call it 'the birthplace of White freedom' -- or is that too revealing of those who weren't free?)

Of such fictions histories are born.

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Empire....

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It is in this light that we must view the newly-announced 'Bush Doctrine', as recorded in the recently published "National Security Strategy of the United States of America" document. It calls for and justifies (or tries to) preemptive strikes all around the globe, against anybody, anywhere, who even thinks about posing either a threat or parity with the Empire. To make a long story short, the document calls for the canning of the cold war strategies of 'containment' and 'deterrence'. Using its supremacy of the technology of death, the U.S. reserves to its self the right to pre-emptively attack and even overthrow any nation-state in the world it deems threatening, attempting to acquire WMDs (you know, weapons like the U.S. already has), harbors terrorists, or doesn't sufficiently suck-up to the Big Dog on the street (U.S.A.).

The UN is but a minor annoyance (as has been shown in the Iraqi war example). Neither is the European Union much of a deterrent to U.S. hubris, for while they may possess an inordinate amount of wealth and economic strength, they are, at present, no match for the martial power of the American Empire -- and they know it.

As long ago as 1991, when the late French President Francois Mitterrand and former German Chancellor Helmut Kohl, announced their plans for a joint Franco-German "Euro-corps" -- an official military arm of the EU -- Bush, the Elder, issued a thinly-veiled message to his European 'allies': "Our premise is that the American role in the defense and the affairs of Europe will not be made superfluous by European union. If our premise is wrong, if my friends, your ultimate aim is to provide individually for your own defense, the time to tell us is today." The "Euro-corps" idea was quietly shelved, and the Cold War relic of NATO has been edged into its place -- under continued U.S. strategic and command dominance, of course. Indeed, even NATO has its limits, as scholar Michael Ignatieff noted in a recent "New York Review of Books" article:

"Britain's prime minister can shuttle usefully between Islamabad and New Delhi, but the influence that determines outcomes in the regime comes from Washington. This is a painful reality for Europeans, who like the Japanese believed the myth that economic power could be the equivalent of military might. Events since September 11 have rubbed in the lesson that global power is still measured by military capacity. Having rallied to the American Cause after September 11, the NATO liaison officers who arrived at CENTcom in Florida had to endure the humiliation of being denied all access to the Command Center where the war against Osama bin Laden was actually being run. The American's trust their allies so little -- the same was true during the Kosovo operation -- that they exclude everyone but the British from all but the most menial police work." [*Barbarians at the Gate?*, NYROB (2/28/02), pp.4-6]

An Empire has, nor needs, allies. It is sufficient to itself. It has subject powers. It has vassals. It does not have, nor tolerates equals. The Bush Doctrine is replete with threats for the rest of the world, to keep it that way. Forever.

Political Prisoners Have Prizes Put On Their Heads

By Vincenzo Gonzalez, Colombia Peace Association

On 31 March 2000, an agreement on "cooperation regarding prisons" was signed by the US ambassador to Colombia and the then Colombian Minister for Justice which was called "Programme for the Improvement of the Colombian Prison System". Using the pretext that it was to control the illegal activities inside prisons of people who were allegedly involved in drug trafficking the government of the United States would provide financial and technical aid for a new style of penitentiary establishment.

The new model imposed on Colombia's prisons by the Federal Prisons Bureau (FPB), supreme examples being the high-security units at Valledupar, Acacias and Girardot, in which more than 4.5 million dollars have been invested, has been designed to increase the repression and intimidation of those who are fighting for the rights of the people. With the new agreement, Colombian prisons have been turned into "theatres of military operation", where civil authority is subordinate to military and police authority and where universal and constitutional human rights are persistently violated.

Early in 2001, the former government of Andres Pastrana and the Revolutionary Armed Forces of Colombia (FARC) struck a deal to reignite the peace process in which both parties would release an agreed number of their prisoners of war. The FARC kept their side of the bargain of releasing an initial 50 prisoners and then, by their own decision, went beyond that as a gesture of goodwill towards the peace process, since unilaterally terminated by Andres Pastrana under pressure from the United States, and released a total of around 250 prisoners.

The government on the other hand only released 14 of the approximately 50 sick prisoners initially agreed. Many of those not released were immediately sent to the new US-designed high-security prisons. They had their heads shaved and their feet shackled and they were put in almost permanent solitary confinement with greatly restricted visiting. Many suffer serious health problems and receive no medical care. One such political prisoner who had been on the release list has lost the sight in one eye through glaucoma and is close to losing his sight in the other if he does not get an operation quickly.

It appears that political prisoners are invariably sent to those prisons with the highest concentrations of paramilitary inmates. Here, the National Police, military Rapid Response Forces and the US-trained Inpec Prison Guard frequently parade through the corridors and cells where political prisoners are being held, making intimidating references to their murderous paramilitary house guests.

There is complacency and at times open complicity by the prison authorities with the paramilitary groups inside prisons who not

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Political Prisoners.... **Continued from previous page**
only get preferential treatment, but are openly supplied with money and weapons which they then use to provoke, attack and kill political prisoners.

At Palmira prison in Valle; the Modelo in Bucaramanga; Bellavista prison in Medellin; and, just last year, in the National Modelo prison in Bogota, heavily armed paramilitary units inside the prisons in collusion with the prison guard and the national police orchestrated vicious attacks on the political prisoners being held there.

The open interference of the United States in matters of justice and the manipulation of Colombia's prison system by the Federal Prisons Bureau has led to new levels of intimidation, humiliation and the constant violation of human rights.

If you are a political prisoner in one of Colombia's prisons you have to fight for your life every single day of your detention. A substantial section of the prison guard, working with the police and the army openly supply paramilitary prisoners with the weapons and logistical support to intimidate and attack guerrilla prisoners of war or other political prisoners.

According to the Political Prisoners Collective "Adan Izquierdo", founded by FARC-EP prisoners in Valledupar high security prison, their members are severely tortured and grossly mistreated by the Inpec prison guard. Every time the FARC takes any action against paramilitaries on the outside, the prison guard punishes the prisoners inside with beatings and other forms of torture. It is their way of demonstrating their allegiance to the state paramilitary strategy.

The prisoners are denied the right to stay in touch with events outside the prison walls and are forbidden to receive newspapers or magazines. They are not allowed radio or television. Getting medical treatment requires extreme measures such as cutting the veins in their own wrists to attract attention. This is what one prisoner Enrique Horta Valle was forced to do when he desperately needed to see a doctor. They are frequently kept in their cells for 24 hours a day.

Visiting family and friends are warned by the paramilitaries patrolling the prisons that they will be killed if they ever come back. The Inpec guard goes to great lengths to point out which visitors are coming to see political prisoners.

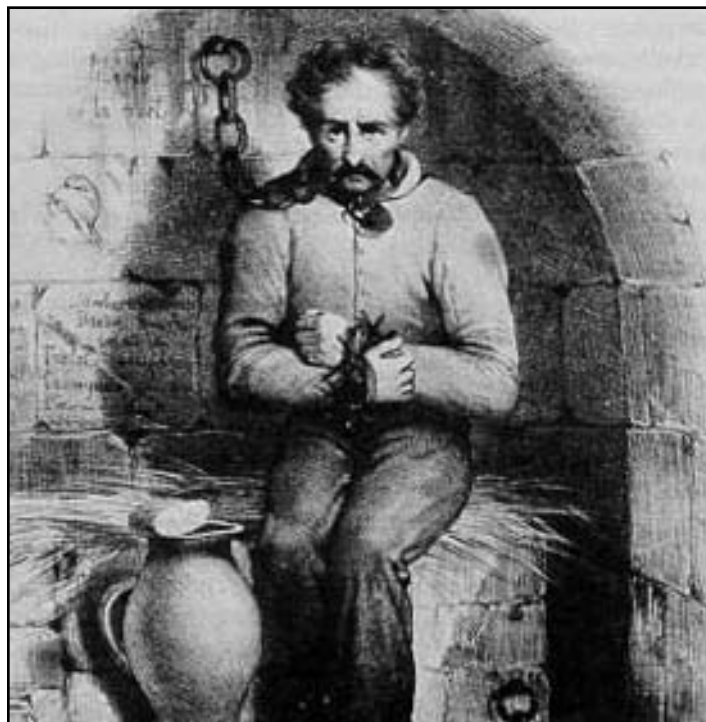
Life inside is a constant battle for survival both physically and mentally. When Inpec gave the order for FARC political prisoner Yesid Arteta to be transferred to Valledupar prison, which operates under such high security measures that it violates the constitutional rights of the inmates, his head was completely shaved, he was made to wear a prisoner's uniform and he was kept chained up in his cell almost all the time.

He is not able to go outside for even the short amount of time allowed by the penitentiary regime because the paramilitaries being detained in the same prison have orders to assassinate him and no one in authority is likely to stop them. Contact with his lawyer, Jose Absalon Achury, is difficult, if not impossible, because he has received death threats and for security reasons cannot travel to Valledupar.

Jorge Augusto Bernal is another FARC political prisoner with a price on his head. Paramilitaries are offering money to whoever kills him first. The Collective has written to the current government of Alvaro Uribe Velez about the conditions for political prisoners. Their pleas have gone unheeded by a regime set on (para)militarising prisons still further.

"We are certain that the prisoners being held by our organisation in the mountains of Colombia are in better conditions than us," they maintain. And add, "Our revolutionary fighting spirit will never be beaten out of us, but our health and life deteriorate a little more every day."

Few people are aware of the conditions in which political prisoners are kept, especially since the new high-security prison culture was foisted upon Colombia by the Federal Prisons Bureau (FPB) of the United States. Chained hands and feet, shaven heads, uniforms and solitary confinement, moving prisoners to locations far, far away from their families, friends and legal support, all techniques designed to break the spirit, have become standard practice. The prisons are run to the dictates of the FPB and are staffed by paramilitaries disguised as Inpec guards. Perhaps of most concern in Valledupar is the safety of those political prisoners kept in the cells of Tower One, 5th Floor, and Tower Five, Isolation and Special Treatment Wing. Humanitarian organisations never get to inspect these areas of the prison. The prison management and Inpec will not permit it.



Freed From Prison, But Still Paying a Penalty

By Fox Butterfield, New York Times

Maurice Stewart finally got out of prison last summer after serving 14 years for armed robbery and manslaughter. He needed a place to live, so he called his mother. Mr. Stewart, a husky 33-year-old, wanted to come home to Stateway Gardens, the decaying public housing project on Chicago's South Side where he had grown up.

It sounded simple enough. But his mother, Pamela Stewart, knew otherwise. Under a little-noticed provision of federal law, anyone convicted of a crime is barred from public housing, and if Mrs. Stewart took her son in, even for a visit, the Chicago Housing Authority could evict her. The ban on living in public housing is among the penalties for criminals that are not spelled out at sentencing and do not begin until the sentence runs out. Most of the sanctions were passed by Congress and state legislatures in the 1990's to get tough on crime. Now, as the record number of men and women who filled prisons in the last decade are finishing their terms, the consequences of the penalties are being felt.

The penalties also include a lifetime ban on receiving welfare or food stamps for those convicted of drug felonies, prohibitions against getting certain jobs in plumbing, education and other fields, and the loss of the right to vote, for life in some states. Felons with drug convictions are barred from receiving federal student loans, and women who serve more than 15 months in prison may be forced to give up their children to foster care. When the laws were passed, supporters called them extra deterrents to crime. They carried no cost and in some cases even saved money by reducing the number of people in public housing or on welfare.

Representative E. Clay Shaw Jr., a Florida Republican who was one of the main architects of the lifetime ban on welfare for women convicted of a drug felony, said: "We were mostly aiming at the drug trade. The thought was that if someone was buying drugs, we don't feel an obligation to support them." Similarly, Mr. Shaw said, the bar on public housing for people convicted of a crime "was to deter people so they wouldn't get involved in drugs." Public housing tenants themselves wanted it, Mr. Shaw said, "so they didn't have drug deals going down in front of them and their children."

Although the sanctions were often passed with broad bipartisan support, some judges, prosecutors and advocates for the poor are now criticizing the laws as counterproductive and urging that they be re-examined. "They make it even harder for newly released inmates to find jobs, housing and reunite with their families and therefore to lead productive lives," said Jeremy Travis, a senior fellow at the Urban Institute in Washington, who coined the phrase "invisible punishment" to describe such penalties. Mr. Stewart put it more starkly in a furtive visit to his mother at Stateway Gardens.

"Basically, this stuff is telling me I've served my time, I'm out, but I'm never going to be allowed to be part of society again," Mr. Stewart said. "So what do you want me to do? I'm going to end up doing something wrong again."

The criminal justice section of the American Bar Association adopted new guidelines recently suggesting that the laws need to be re-examined. Margaret Love, a former Justice Department official who headed the committee, said all the punishments should be codified in and made part of sentencing, so that defendants, their lawyers and judges understand what is happening.

Even some conservatives have asked whether these penalties have gone too far. Anne Piehl, an associate professor of public policy at the John F. Kennedy School of Government at Harvard, said, "These laws tend to get passed independently without considering all the consequences, so the cumulative effect is greater than what was intended."

The consequences affect millions of Americans. Thirteen million felons who are in prison or have done their time live in the United States, according to an estimate by Christopher Uggen, a sociologist at the University of Minnesota. That is almost 7 percent of the adult population. Robert Johnson, the prosecutor for Anoka County, in the suburbs of Minneapolis and St. Paul, says the new laws have begun to affect the way he does his job. "Now you have to factor in these additional sanctions, almost as if they are part of a mandatory sentencing concept," said Mr. Johnson, a former president of the National District Attorney's Association. He said he had seen judges reduce charges to misdemeanors from felonies or expunge convictions entirely to avoid the sanctions.

In one recent case, he said, a judge with a tough-on-crime reputation allowed an 18-year-old man from El Salvador, who had already pleaded guilty to burglary and nearly completed his prison term, to withdraw his guilty plea and ask for a new trial. The reason for the unusual request, Mr. Johnson said, was that the man faced being deported as a convicted felon. Mr. Johnson objected to the maneuver but decided not to try the man again, since he had already served his time.

James Kalven, a writer who advises the residents of the Stateway Gardens apartments in Chicago, said the public housing eviction law had created a "whole group of guys who are essentially nomadic because of their felony convictions, getting out of jail and having nowhere to go." It was Mr. Kalven who arranged for Mario Bailey, a 26-year-old at Stateway Gardens with several drug convictions, to be admitted to St. Andrew's Court, a residential center for men newly released from prison, so that he would not provoke the eviction of his grandmother and other relatives.

"They can't even go home for a visit; it is considered criminal trespass," Mr. Kalven said of men like Mr. Bailey, who has used a wheelchair since being shot and paralyzed by gang members. Amy Hirsch, a supervising attorney with Community Legal Services, which provides legal assistance to low-income families

in Philadelphia, said many female convicts are hurt by the lifetime ban on drug felons receiving welfare and food stamps, part of the 1996 welfare overhaul.

"The ban is counterproductive because it makes it so much harder for women to stay off drugs once they are released from jail," Ms. Hirsch said. "A lot of the women I see come out of jail after being in drug treatment and they want to continue in treatment and reconnect with their kids, but then they run into this brick wall. They need money." A spokesman for former Senator Phil Gramm of Texas, who was an architect of the lifetime ban on welfare, said Mr. Gramm still strongly supported the law. "Welfare shouldn't be used to support drug habits," Mr. Gramm said before resigning from the Senate in the fall to become a vice chairman of UBS Warburg, the investment bank.

In recent years the states have also passed legislation lengthening the list of jobs that bar people with a criminal conviction. In New York, there are more than 100 prohibited job categories, including plumbing, real estate, barbering, education, health care and private security. In Pennsylvania, the Legislature in 1997 passed a sweeping law that prohibits people convicted of a long list of crimes, including the theft of two library books, from working in nursing homes or home health care for the elderly.

The new law caught Earl Nixon by surprise. Mr. Nixon had spent 30 years working in health care, rising to be the administrator of an assisted living center in Pittsburgh. But in 1971, when he was 18, he pleaded guilty to possession of marijuana and received probation. So when he recently quit his administrator's post and tried to change jobs, he was shocked to discover he could not be rehired, despite a shortage of health care workers. Unable to find a new job, Mr. Nixon moved to Michigan.

Last December, a Pennsylvania appeals court ruled in a lawsuit brought on behalf of Mr. Nixon that the law had unconstitutionally deprived him of his right to earn a living. But Pennsylvania's attorney general, Mike Fisher, a Republican who was defeated last November in the governor's race, has appealed the decision to the state Supreme Court. "The General Assembly passed this law in an effort to protect some of our most vulnerable citizens from those who would prey upon them," Mr. Fisher said. The law should be upheld, he said, even if in some cases it may seem harsh. "The law makes no allowance for rehabilitation," Mr. Nixon said. "It just seems designed to go on punishing people forever." The disenfranchisement laws do that in 13 states, where a felony conviction can result in a lifetime ban on voting.

Since the 2000 election, several states, including New Mexico, Delaware and Maryland, have abandoned or modified disenfranchisement laws. Florida, which has not changed its laws, has the largest number of disenfranchised voters, estimated at more than 600,000 banned for life, according to a lawsuit by the Brennan Center for Justice at the New York University School of Law. The lawsuit maintains that the ban disproportionately affects Florida's African-American population, prohibiting about one quarter of the state's black men from voting.

Roger Clegg, of the Center for Equal Opportunity, a conservative research organization in Virginia, said there was no evidence that the disenfranchisement laws are racially discriminatory. "We don't let everyone vote," Mr. Clegg said. "We don't let children or non-citizens vote. There are basic requirements of loyalty and trustworthiness that we have for letting people vote. People who have committed serious crimes don't meet that minimum threshold."

Did you Know?

Some truths about the Palestinian-Israeli conflict

Did you know that Israel stands in defiance of 69 United Nations Security Council Resolutions? That non-Jewish Israelis cannot buy or lease land in Israel? That Israel allots 85% of the water resources for Jews and the remaining 15% is divided among all Palestinians in the territories? For example in Hebron, 85% of the water is given to about 400 settlers, while 15% must be divided among Hebron's 120,000 Palestinians? Did you know the United States awards Israel \$5 billion in aid each year --more than \$13 million a day -- more than US grants to the whole African continent? Did you know that Israel is the only country in the Middle East that refuses to sign the nuclear non-proliferation treaty and that it bars international inspections from its sites? That Israel currently occupies territories of two sovereign nations (Lebanon and Syria) in defiance of United Nations Security Council resolutions? That Israel has for decades routinely sent assassins into other countries to kill its political enemies? Did you know that high-ranking military officers in the Israeli Defense Forces have admitted publicly that unarmed prisoners of war were executed by the IDF? That Israel refuses to prosecute its soldiers who have acknowledged executing prisoners of war? Did you know that Israel routinely confiscates bank accounts, businesses, and land and refuses to pay compensation to those who suffer the confiscation? Did you know that Israel's current prime minister, Ariel Sharon, was found by an Israeli court to be "personally responsible" for the Sabra and Shatilla massacres in Lebanon? Did you know that the Israeli Foreign Ministry pays two American public relations firms to promote Israel to Americans?

On average, number of trees uprooted in the occupied territories, per day: 896. On average, number of homes demolished by the Israeli army in the occupied territories, per day: 15. Total number of homes demolished: 12,099. Area of land confiscated in the West Bank and East Jerusalem by the Israeli authorities since the beginning of the Intifada, in square miles: 63.05. Area of Manhattan, New York, in square miles: 22.7. On average, number of Palestinians injured by Israeli forces and settlers, per day: 27. Number of Israelis injured by Palestinians (including soldiers and settlers), per day: 6. Number of Palestinian teachers detained by the Israeli army: 75. Percentage of Palestinian children, age six month to five year old, who suffer from chronic malnutrition: 45%. [Sources: The above information was taken from a larger report published in *Between the Lines*, Vol. III, #19, December 2002.]

Spanish Judge Says Bush Ignoring Legal Rights

MADRID -- Spain's top anti-terrorism judge accused U.S. President George W. Bush of supporting international crime by rejecting the International Criminal Court and curtailing legal rights of people accused of terrorism.

"Bush says no to the International Criminal Court but says yes to international crime," Baltasar Garzon said in an interview published Sunday in the Madrid daily.

The Spanish judge complained that the Bush administration has curtailed the rights of detainees being held at the U.S. base at Guantanamo Bay in Cuba. About 600 men at Guantanamo have not been formally charged and have had no access to lawyers or courts.

The United States has renounced the newly-formed International Criminal Court over concerns of politically motivated prosecutions of U.S. military and citizens.

Garzon gained international fame in 1998 for trying to prosecute former Chilean dictator Augusto Pinochet on human rights charges.

Garzon also accused the Israeli government of committing terrorism against Palestinians. "When the Israeli government attacks the Palestinian population with missiles or destroys the houses of a village because a suicide terrorist is from there, it is also acting with terrorism methods," he said.

Finnish Prisons: No Gates or Armed Guards

By Warren Hoge

Kerva, Finland — Going by the numbers, Antti Syvajarvi is a loser. He is a prison inmate in Finland — the country that jails fewer of its citizens than any other in the European Union. Still, he counts himself fortunate. "If I have to be a prisoner," he said, "I'm happy I'm one in Finland because I trust the Finnish system."

So, evidently, do law-abiding Finns, even though their system is Europe's most lenient and would probably be the object of soft-on-criminals derision in many societies outside of the Nordic countries.

In polls measuring what national institutions they admire the most, Finns put their criminal-coddling police in the No. 1 position.

The force is the smallest in per capita terms in Europe, but it has a corruption-free reputation and it solves 90 percent of its serious crimes.

"I know this system sounds like a curiosity," said Markku Salminen, a former beat patrolman and homicide detective who is now the director general of the prison service in charge of punishments. "But if you visit our prisons and walk our streets, you will see that this very mild version of law enforcement works. I don't blame other countries for having harsher systems because they have different histories and politics, but this model works for us."

Finland, a relatively classless culture with a Scandinavian belief in the benevolence of the state and a trust in its civic institutions, is something of a laboratory for gentle justice. The kinds of economic and social disparities that can produce violence don't exist in Finland's welfare state society, street crime is low, and law enforcement officials can count on support from an uncynical public.

Look in on Finland's penal institutions, whether those the system categorizes as "open" or "closed," and it is hard to tell when you've entered the world of custody. "This is a closed prison," Esko Aaltonen, warden of the Hameenlinna penitentiary, said in welcoming a visitor. "But you may have noticed you just drove in, and there was no gate blocking you."

Walls and fences have been removed in favor of unobtrusive camera surveillance and electronic alert networks. Instead of clanging iron gates, metal passageways and grim cells, there are linoleum-floored hallways lined with living spaces for inmates that resemble dormitory rooms more than lockups in a slammer.

Guards are unarmed and wear either civilian clothes or uniforms free of emblems like chevrons and epaulettes. "There are 10 guns in this prison, and they are all in my safe," Mr. Aaltonen said. "The only time I take them out is for transfer of prisoners."

At the "open" prisons, inmates and guards address each other by first name. Prison superintendents go by nonmilitary titles like manager or governor, and prisoners are sometimes referred to as "clients" or, if they are youths, "pupils."

Finnish Prisons....

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Tom Manning - U.S. Political Prisoner

CD of Art Work, Poems, and Essays

Tom Manning is a Vietnam veteran and a revolutionary anti-imperialist. He is imprisoned for his armed political actions against the South African racist apartheid system and US sponsored death squads in Central America during the 1980s. Tom has always been on the frontline of the struggle to defend poor people everywhere.

Buy Tom's CD of art, poetry, and essays for a mere \$7.50. All proceeds go to Mumia Abu-Jamal. Order from:

**December 16th Committee
P.O. Box 67, Garwood, NHJ 07027**

Finnish Prisons.... **Continued from Previous page**

"We are parents, that's what we are," said Kirsti Njeminen, governor of the Kerava prison that specializes in rehabilitating young offenders like Mr. Syvajarvi.

Generous home leaves are available, particularly as the end of a sentence nears, and for midterm inmates, there are houses on the grounds, with privacy assured, where they can spend up to four days at a time with visiting spouses and children.

"We believe that the loss of freedom is the major punishment, so we try to make it as nice inside as possible," said Merja Toivonen, a supervisor at Hameenlinna.

Natalia Leppamaki, 39, a Russian immigrant convicted of drunken driving, switched off a sewing machine she was using to make prison clothing and picked up on Ms. Toivonen's point. "Here you have work, you can eat and you can do sports, but home is home, and I don't think you'll see me in here again," she said.

Thirty years ago, Finland had a rigid model, inherited from neighboring Russia, and one of the highest rates of imprisonment in Europe. But then academics provoked a thoroughgoing rethinking of penal policy, with their argument that it ought to reflect the region's liberal theories of social organization.

"Finnish criminal policy is exceptionally expert-oriented," said Tapio Lappi-Seppala, director of the National Research Institute of Legal Policy. "We believe in the moral-creating and value-shaping effect of punishment instead of punishment as retribution."

He asserted that over the last two decades, more than 40,000 Finns had been spared prison, \$20 million in costs had been saved, and the crime rate had gone down to relatively low Scandinavian levels.

Mr. Salminen, the prison service director, pulled out a piece of paper and drew three horizontal lines. "This first level is self-control, the second is social control and the third is officer control. In Finland," he explained, "we try to intervene at this first level so people won't get to the other two."

The men and women who work in the prisons also back the softer approach. "There are officers who were here 20 and 30 years ago, and they say it was much tougher to work then, with more people trying to escape and more prison violence," said Kaisa Tammi-Moilanen, 32, governor of the open ward at Hameenlinna.

She conceded that there were people who took advantage of the leniency. Risto Nikunen, 41, a grizzled drifter who has never held a job and has been in prison 11 times, was asked outside his drug rehabilitation unit if he might be one of them. "Well," he shrugged, "many people do come to prison to take a break and try to get better again."

Prison officials can give up to 20 days solitary confinement to inmates as punishment for infractions like fighting or possessing drugs, though the usual term is from three to five days. Mr. Aaltonen said he tried to avoid even that by first talking out the problem with the offending inmate.

Finnish courts mete out four general punishments — a fine, a conditional sentence, which amounts to probation, community service and an unconditional sentence. Even this last category is made less harsh by a practice of letting prisoners out after only half their term is served. Like the rest of the countries of the European Union, Finland has no death penalty.

According to the Ministry of Justice in Helsinki, there are a little more than 2,700 prisoners in Finland, a country of 5.2 million people, or 52 for every 100,000 inhabitants. Ministry figures show the comparable rate is 702 per 100,000 in the United States, 664 in Russia and 131 in Portugal, the highest in the European Union.

Finland's chief worry now is the rise in drug-related crimes that do result in prison sentences and the growing number of Russians and Estonians, who Mr. Lappi-Seppala said were introducing organized-crime activities into Finland.

Finnish Prisons....

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Call for Papers

Special Issue of Sexuality & Culture on Correctional Institutions and Sexuality

Sexuality and correctional institutions are not terms generally associated with each other. This special issue of *Sexuality & Culture* seeks to expand the scope of knowledge about sexuality in correctional settings beyond traditional concerns with non-consensual sex in these settings. Contributions are solicited for articles that range from cultural/literary analyses, policy and impacts, ethnographic/qualitative, to survey studies of sexual practice and attitudes towards such in correctional settings. We hope to publish a variety of perspectives on the topic in this special issue.

Please send requests for further information or submit manuscripts for review to R.H. Potter, Ph.D., 2192 Dering Circle, NE, Atlanta, GA (USA) 30345 or electronically to rhpotter@bellsouth.net <mailto:rhpotter@bellsouth.net>.

Initial submission of manuscripts must be March 1, 2003, decisions will be made by June, 2003, and final versions due by August 1, 2003 for publication in the Fall (Autumn) issue, 2003.

Author instructions and information about *Sexuality and Culture* are available at: <http://www.csulb.edu/~asc/journal.html>.

Finnish Prisons....

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Finnish credit their press and their politicians with keeping the law-and- order debate civil and not strident. "Our newspapers are not full of sex and crime," Mr. Salminen said. "And there is no pressure on me to get tough on criminals from populist-issue politicians like there would be in a lot of other countries."

One reason why the Finnish public may tolerate their policy of limited punishment is that victims receive compensation payments from the government. Mrs. Tammi-Moilanen was asked if this was enough to keep them from getting angry over the system of gentle justice.

"My feeling is that victims wouldn't feel that justice is better done by giving very severe punishment," she said. "We don't believe in an eye for an eye, we are a bit more civilized than that, I hope."

Mr. Syvajarvi, a muscular 21-year-old with close-cropped hair who became a heroin addict at age 14, received a six-year sentence for drug selling and assaults. As a young offender, he will serve only a third of that time, and he is expected to be out in a year.

He is now the appointed "big brother" peer counselor to other youths in the jail, must submit to random drug checks to make sure he remains off the habit and has undergone training with anger management specialists that he says has prepared him to rejoin society with a new outlook.

"Before, I wanted to be like those drug dealers in the States," he said, adding in English, "I was a gangster wannabe." He went into a boxer's crouch and popped punches in the air. "I used to think the most important thing was to stand up for yourself.

"Now I've learned that it takes more courage to run away."

Court Backs Muslim Inmates

Appellate panel says they can't be disciplined for attending prayer service and that beards grown for religious reasons can't be banned.

By Henry Weinstein, New York Times Staff Writer
California prison officials cannot discipline Muslim inmates for attending a Friday afternoon prayer service, a federal appeals court ruled Friday in a decision that also touches on the power of cities to restrict the location of places of worship.

The U.S. 9th Circuit Court of Appeals also let stand a lower court decision that allows inmates to grow beards for religious reasons.

The 3-0 ruling was the first by a federal appeals court on the constitutionality of a 2-year-old federal law that gives religious groups greater flexibility in dealing with zoning ordinances and also requires prison officials to make reasonable accommodations to inmates' religious practices.

Friday's ruling benefits a group of Muslim inmates at the California State Prison, Solano, in Vacaville who filed a class-action lawsuit six years ago, contending that prison officials were illegally burdening their religious practices.

The inmates challenged regulations that imposed discipline on them for leaving prison jobs for the Friday noontime Jum'ah religious service and that took away good-work credits for the entire day if an inmate attended the hourlong service.

Constitutional law professor Erwin Chemerinsky of the USC Law School said the ruling upholding the constitutionality of the law was significant, with ramifications outside of prisons.

For instance, he said, religious groups would now have a stronger argument if they were trying to erect a church or synagogue in an area zoned for homes only, because a court might rule that the zoning law represented an unwarranted "substantial burden" on the free exercise of religion.

In the ruling, Judge Dorothy W. Nelson wrote: "Protecting religious worship in institutions from substantial and illegitimate burdens does promote the general welfare.

"The 1st Amendment, by prohibiting laws that proscribe the free exercise of religion, demonstrates the great value placed on protecting religious worship from impermissible government intrusion. By ensuring that governments do not act to burden the exercise of religion in institutions," the federal law "is clearly in line with this positive constitutional value."

The 9th Circuit rebuffed arguments by the California attorney general's office that the federal law passed in 2000, called the Religious Land Use and Institutionalized Persons Act, violated the constitutional prohibition against establishment of religion and other clauses of the Constitution.

The judges cited a 1987 case in which the U.S. Supreme Court held that Congress could withhold 5% of a state's federal highway funds unless the state had a minimum drinking age of 21.

Constitutional law professor Jesse Choper of UC Berkeley's Boalt Hall said the ruling is "in accord with existing Supreme Court doctrine" on Congress' power to condition the distribution of federal funds to states on compliance with certain federal mandates.

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Family Resources

The following web links provide chat rooms and other forms of support for the friends and families of prisoners:

<http://groups.yahoo.com/group/prisonerlife/>
<http://www.prisonerlife.com/>
<http://www.prisonchat.net/chat/index.php/>

Muslims....

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In the opinion joined by Judges Mary M. Schroeder and Johnnie B. Rawlinson, Nelson wrote that "Congress has a strong interest in making certain that federal funds do not subsidize conduct that infringes individual liberties, such as the free practice of one's religion. The federal government also has a strong interest in monitoring the treatment of federal inmates housed in state prisons and in contributing to their rehabilitation."

The ruling upheld a series of injunctions issued on behalf of the inmates by U.S. District Judge Lawrence K. Karlton in Sacramento.

"This decision will make it easier for inmates to practice their religion," said Sacramento attorney Susan D. Christian. "I think the ruling is very important, because the prison now has to demonstrate that its regulation addresses a compelling state interest, and they have to show that the regulation is being implemented with the least restrictive means.

"Previously," she said, "all the prison officials had to do was say the regulation was needed for 'security' reasons, and courts said it was OK."

Margot Bach, a spokeswoman for the California Department of Corrections, said it was too soon to say whether the agency would appeal.

She said the department had adhered to the injunctions, which immediately affected about 300 to 350 Muslim inmates at the Solano County prison, which is between Sacramento and San Francisco.

Bach said there may be wide ramifications, because there are Muslims in most California prisons, and Islam "is the fastest-growing religion" among inmates in the state's prison system.

She said prison officials were concerned that if inmates got good-time work credit for the periods they spent in Muslim observances, other groups might ask for similar benefits.

In its ruling, the court also let stand a lower court decision barring enforcement of a California prison regulation banning beards worn for religious purposes.

Bach said that although the prison will honor that, the Department of Corrections remained concerned about it.

Prison administrators said the ban was designed to help readily identify inmates and help prevent escapes, find escapees and control movement within prisons.

Muslim inmates had argued that the beards were a requirement of their religion. Judge Karlton had said a half-inch beard posed no problem.



Editorial Comments

By Ed Mead

Howdy, Readers. A piece of artwork I sold this week was called Indian Maiden and it was a pencil drawing by a prisoner in the Pelican Bay SHU named Carl Robles. Carl scrapes the ink from advertisements in magazines to create the colors he needs for his artwork. Now that is dedication to craft!

In 1973 my friends and I formed the Washington State Prisoners Labor Union. At one point ninety-seven percent of the prisoners in Monroe were card-carrying Union members. A comrade and I once attended a meeting of the Monroe guard's union in an effort to talk them into joining with prisoners in a common struggle against the administration. Well, that notion did not get anywhere. But hey, we were nonetheless there and trying. A strike ensued and the administration was ultimately successful in using its little proxy inmate government to sell out the Prisoner's Union. The Union then died. We had tried organizing from the outside, and it did not work. Before too long I was on the inside trying the same thing. Luckily, thanks to the efforts of our glorious state, I am now rehabilitated out here in minimum custody again. But if I weren't, I would be on the union kick once more.

At one time the U.S. Supreme Court ruled, as it has in the past held for prisoners, that workers had no right to organize. It took many peaceful demonstrations by workers to gain the right to unionize. That is how rights are secured. Listen my social prisoner friends, please understand that the advances of the '70s did not come about as a result of the graciousness of your captors. It came about through difficult and risky struggle by us on the inside during those days. Can you spell George Jackson? No, too long? Then try Attica. Just to name a couple. Sam Melville, an anarcho/Marxist confined in Attica for trying to bomb the bourgeois state, helped to bring progressive politics into Attica through the medium of small political study groups. The rest is history.

Prisoners in the SHU (Special Housing Unit) at Pelican Bay in California are in the late stages of a hunger strike that is merely a part of an ongoing struggle to end their indefinite confinement in these hellholes. This same struggle is being played out in the IMU (Intensive Management Unit) at Clallam Bay in Washington State. While this scenario is not playing itself out in every state, it is a growing scenario. The alternative to this scenario, unfortunately, appears to be random acts of violence against correctional officers, or, most often, against their fellow prisoners. The choices offered by current realities are pretty simple, either conscious forward progress or a cannibalistic preying on each other.

Okay, boys and girls, enough of my babbling for this month. Hope you enjoy the newsletter. Be sure to forward material you think would be of interest to *PAN* readers. Also, I often publish articles I don't agree with, unless they are too long, so feel free to submit your own material for publication as well. What I don't need are more "How I Was Done An Injustice" articles. That story is way too common. Just look at the "detainees."

Selling Crafts and Artwork

What Can Be Sold: Any hobby, craft, painting, music, or other form of artwork produced by prisoners that is capable of being handled for sale may be sold on the prisonart.org web site.

What We Charge: Most prisoners are charged a ten percent fee to help pay for our communication lines, web server, postage charges, etc. Progressive political prisoners do not pay.

The Purchase Procedure: Once the buyer selects an item and enters his or her credit card information, the prisoner will then be instructed to ship the object to Prison Art, who will in turn forward it on to the purchaser. After the item has shipped the buyer's credit card will be charged for the purchase amount, plus applicable shipping and handling charges. Unless specifically instructed to do so by the purchaser, the prisoner will not know the name of, or any other information about, the person buying his or her artwork.

Refunds: In the event a purchase is not consummated, Prison Art will return the entire purchase price to the buyer. Ten days after a purchase has been consummated the sale will be considered final. Prison Art will ship all returned items back to the prisoner (or his or her designee) at the returnee's expense.

Caveat: Not all submissions of artwork to Prison Art will be posted to the website, and not all material posted will be sold.



This artwork is done with a ballpoint pen on a handkerchief. Scene is Aztec warrior slaying conquistador. Incredible detail went into the creation of this work. Motif is 11.5 by 11.5 inches. Handkerchief is 16 by 16 inches. This is a one and only original item. Prints should be made from this. \$150.00

The handkerchief was created by ex-death row prisoner Luis Valenzuela Rodriguez, a Chicano-Apache, who is now serving his 24th year of imprisonment in a California prison.

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First Class Mail

To: