

# Turning Point: The Newsletter of



Citizens United for  
Rehabilitation of Errants

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**From the Chair:**

**by Hedy Harden**

## CURE Attends Freedom Dinner at JCCC

On October 19, Debbie Herald and I attended the 7<sup>th</sup> Annual Freedom Fund Dinner sponsored by JCCC NAACP Prison Branch 4097. About 35 people were present.

Branch President Roosevelt Price welcomed us warmly on behalf of the men, and Political Action Committee Chair Kevin Hammer-schmidt gave an inspiring speech. Several other members played roles.

We were invited to attend one of the branch's regular meetings to talk more in depth about our common work. Branch 4097 has submitted a well thought out proposal seeking to revise the law requiring offenders to serve at least 85 percent of their sentences. We have since placed a petition on our website regarding this matter.

Other outside guests included VICs Glenn and Cheryl Bonner, Jefferson City NAACP's President and Vice President Nimrod Chapel Jr. and Nimrod Chapel Sr., Missouri NAACP Prison Coordinator Rev. Elston McCowan, recently retired DOC official Vicki Myers, and Kansas City Star columnist Lewis Diugud. A delicious dinner was served by our gracious hosts.

During the awards ceremony, the men presented Missouri CURE with a beautiful plaque in appreciation for our "work, dedication and tireless efforts to institute prison reform."

Having been asked to speak, I thanked the chapter for its generous donation of \$250.00, noting that printing and postage for the summer newsletter came to \$244.95, so that the men had actually paid for that issue of Turning Point. Ironically, prisoners at

JCCC had not received the newsletter.

We later contacted Rep. Linda Black and learned that it had been held up by the censorship committee. It was subsequently approved and released to the population.



The proposal to change the 85% law primarily seeks to amend Section 556.061 RSMo, which currently requires dangerous/violent offenders to serve a minimum of 85% of any sentence imposed by the court. A large number of Missouri prisoners fall under this law.

Instead of a blanket 85%, prisoners would serve a portion of their sentences depending on certain circumstances as follows (for purposes of calculating, "life" is defined as 30 years):

- ◆ A first time dangerous felony offender **without** previous prison time for a felony offense would serve at least 50% of his/her sentence (prisoners who have reached the age of 70 must have served at least 40%).
- ◆ A first time dangerous felony offender **with** any previous prison time for felony offense(s) would be evaluated by the parole board after no more than 60% of his/her sentence has been served and could be paroled after serving 66%.

The link to the petition is <http://www.thepetitionsite.com/204/support-the-reduction-of-mandatory-minimum-sentencing-in-the-state-of-missouri/> ❖

***No one is free when  
others are oppressed.***

### Autumn 2011

#### *Missouri CURE Officers:*

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## BLAST Away

by Patty Prewitt

**D**uring my 25 years of incarceration and close observation of the Missouri prison system, I've come to the conclusion that lack of viable job skills is the foremost obstacle preventing successful parole for women. Yes, most anyone can flip burgers, but can an ex-felon afford transportation, food, rent, all the other expenses that come with a family plus intervention fees while keeping her head above water as a single mother on minimum wage? You try it.

The Department of Corrections does a pretty poor job of training inmates for employment that is both lucrative and in demand, but I'm proud to report that we at the women's prison in Vandalia have stumbled on a grass-roots career coordination plan that is unique to this country. We train educate, and certify group fitness instructors

and personal trainers, and not one penny of your tax revenue goes to pay for this. (By the way, our program has cross-pollinated to our sister prison in Chillicothe, too!!)



To make a long story short, after we opened this prison in '98, a group of "gym rats" expressed an interest in fitness-based information, so a recreation officer with a degree in health and physical education took heed, enlisted the help of a certified fit-

ness instructor and personal trainer from a nearby town, and began the training program. We started off with just aerobics, weight training, and anatomy and kinesiology classes and ended up certified instructors by Aerobics and Fitness Association of America, a world-wide organization. Since that first group, we

have trained, AFAA-certified, and discharged many competent and seasoned instructors who quickly find excellent positions in the fitness industry.

To their credit, other parolees, who did not have the time in prison to gain certification, are out in the community pursuing a career in fitness because of what they learned inside and the confidence their exercise regimen has given them. When we grow stronger physically and meet our fitness goals, our self-confidence also grows and soars. For me, that's the best part of being a fitness instructor in prison. I get to watch girls, of all ages, sizes, and backgrounds, blossom and gain pride in their accomplishments.

**W**e named our group BLAST which stands for Better Living Awareness Support Team, and I'm very proud to be a 62-year-old BLAST "girl" who brings the bright possibilities of change, hope, and a secure future to my inmate sisters so they can successfully blast off into the free world! ❖

## Woman Wins Release After 26 Years on Death Row

**G**aile Owens, 58, came within two months of being executed in Tennessee last year before then-Governor Phil Bredesen commuted her sentence, making her eligible for parole.

At her first parole hearing September 7, Owens testified about the sexual assaults and physical abuse she had received at the hands of her husband, leading her to contract his killing in 1984.

She was granted parole and released October 7 from the Tennessee Prison for Women in Nashville.

Sidney Porterfield, who was con-

victed of actually killing Owens' husband, is now 68 and remains on death row.



Supporters had urged Owens' release as a battered wife who didn't use that defense because she didn't want her young son to know about the abuse.

She was greeted by well-wishers including her son Stephen Owens and his wife. She gave a long embrace to her son as well as to a former cellmate who is now free.

"I'm looking forward to leading a quiet, private, but productive life," Owens said. "But more than anything, I'm looking forward to being a mother and a grandmother. I can't wait to see my grandchildren, and to fulfill my dream of walking in the park with my family."

Owens said she feels a "responsibility to give back to those who have given so much to me." ❖



## Jamala Rogers Awarded National Fellowship

Jamala Rogers, a member of Missouri CURE's advisory board, has been named a 2011 Alston Bannerman Fellow by the Center for Social Inclusion (CSI).

"Jamala Rogers exemplifies the kind of leadership that the Alston Bannerman Fellowship was created to reward," said Madeleine Adamson, Coordinator of the program. "For over 40 years, through OBS and other organizations, Jamala has been in the forefront of organizing for human dignity, economic justice and political empowerment."

Jamala is one of six fellows selected this year and the first to be named from St. Louis.

"Most of the fellows who have been recognized in the program are organizers I know or have worked with over the years," stated Rogers. "It makes this a very special honor, very special."

The national award honors longtime community activists of color, giving them an opportunity to



take three-month paid sabbaticals.

The Alston Bannerman Fellowship appreciates the fact that community organizing is vital and demanding work, which gets too little recognition or reward. Without time to rest and re-energize, the pressures of the work can prove overwhelming and result in a

loss of creative and critical leadership. ❖

## Education Behind Bars: A Win-Win Strategy for Maximum Security Review of Book by Christopher Zoukis

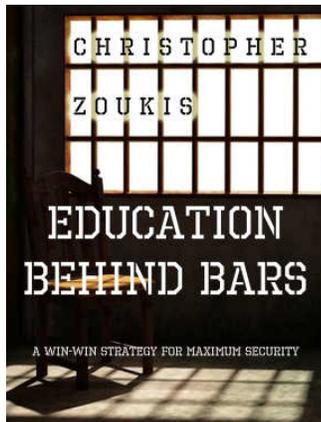
On the subjects of prison, education and rehabilitation, in his *Education Behind Bars: A Win-Win Strategy for Maximum Security*, author

Christopher Zoukis has much to say. And he says it very well.

In today's world, especially in the U.S., society appears more interested in simply building more prisons, filling them with prisoners, and then throwing away the key than in attempting to reduce crime and recidivism. That is, until recently. Now that many states

are staring down the long dark tunnel of financial ruin, they are seeking ways to save money rather than spend it. But the big question is this: if we're not going to spend billions on building more prisons, and even more billions housing the prisoners in the old prisons, what are we going to do?

Christopher Zoukis has an answer. His guidebook to reducing crime and recidivism grew out of Zoukis' preoccupation with answering a very simple question: "What is the best way for me to educate myself while I'm in prison?"



Christopher Zoukis researched all the available information on correspondence courses geared toward and available to inmates. The problem was there wasn't much information available. And what was available was outdated.

Not one to be dissuaded by mere obstacles, Zoukis began writing letters to trade schools, colleges, and universities - thousands of them. As the replies came in, he realized he had more information than anyone else on the subject. So he did what any enterprising person would do. He performed more intensive research, writing down what he learned. Before long he had a good start on the mother of all reference books regarding education behind bars.

Simply put, the best way to rehabilitate prisoners is to educate them. Not only does education restore dignity and self-esteem to prisoners, it makes them employable after release, and reduces recidivism, which is the revolving door back into prison. Some states - like California - have recidivism rates of 70% to 80%. In other words, taxpayers will be paying up to \$50,000 per year per prisoner forever and ever, unless something changes.

*Education Behind Bars* points out one thing that needs to change: society's attitude toward educating prisoners.

Christopher Zoukis has put it all there in black in white — documentation, statistics, studies, and conclusions. The data is cogent. The logic is irrefutable.

*Education Behind Bars* is a necessary book, one that needs to be read and discussed by every reasonable, tax-paying adult in the United States.

Sunbury Press, 400 pages. \$19.95  
Reviewed by Randall Radic

**Reviewer's note:** *Education Behind Bars* will be released in December 2011. It will be available at Amazon.com, PrisonEducation.com, Barnesandnoble.com, Sunburypress.com, and at your local bookstore. ❖

### EBB Newsletter

The second issue of the Education Behind Bars newsletter (Nov/Dec 2011) is now available. Edited by Christopher Zoukis, this excellent web publication can be accessed at [prisoneducation.com/ebbn/](http://prisoneducation.com/ebbn/). Readers can sign up a prisoner for a free subscription.

## Exonerations Multiply in US

### Chicago, Illinois

#### Dixmoor Five

**N**ovember 3: Chicago Judge Michele Simmons set aside the convictions of Robert Taylor, James Harden and Jonathan Barr, represented by the University of Chicago's Exoneration Project, the Center on Wrongful Convictions of Youth, private attorney Jennifer Blagg, and the Innocence Project. The State's Attorney's Office said that it would soon be filing papers to vacate the convictions of Robert Lee Veal and Shainne Sharp, also wrongfully convicted of the crime.

The "Dixmoor Five" from Cook County IL were young teens when falsely convicted of the rape and murder of a 14-year-old girl in 1991. DNA taken from the victim revealed a full male profile that excluded all the defendants and matched that of a serial violent offender who lived in the area and had just been released after 20 years in prison. This evidence was available to the state before the teens were tried, yet prosecutors ignored it and pushed through convictions based on coerced

confessions. A juvenile court judge, doubting the truthfulness of the confessions, refused to charge two of the youngsters in adult criminal court, but his decision was reversed by an appellate court. Two of the teens received 20-year sentences after agreeing to testify against the others. The other three received at least 80 years each.

"This is one of the most tragic miscarriages of justice that we've seen in this state and perhaps the nation," said Tara Thompson of the UChicago Law School Exoneration Project. "This destroyed the lives of these young men while the real perpetrator was allowed to go free, destroying even more lives during a 20-year crime spree."

Brothers Barr and Harden were just 14 and 16 when Matthews was mur-

dered. Neither Barr nor Harden confessed to the crime and have always maintained their innocence. Their father, James Harden, Sr., provided an alibi at each of their trials, testifying that he was home with the boys on the alleged day the victim was murdered. Barr and Harden's mother and father both passed away while they were incarcerated.

Taylor was also just 14 at the time of the murder. He plans to live with his father, Robert Taylor, Sr., who has stood by him throughout his two-decade fight to clear his name.

James Harden, now 36, has never had a driver's license, held a job or finished high school. He was uncertain just what he'll do in the days and weeks ahead. Although both parents died while he was in prison, he still has a grandfather in the Chicago area. Standing outside the walls of Menard Correctional Center in Chester, Harden said the taste of freedom was "like breathing new life in my body."



Innocence Project client  
Michael Saunders

#### Englewood Four

**N**ovember 16: A Chicago judge overturned the convictions of four men based on DNA evidence of their innocence. Michael Saunders and Harold Richardson have both served 17 years, more than half of their lives, in prison for a crime they did not commit. Also cleared were Terrill Swift, on parole, and Vincent Thames, released recently after completing his sentence.

The four were convicted of the strangulation and murder in 1994 of a sex worker in the Englewood neighborhood of Chicago. After long interrogations by police, they gave wildly inconsistent confessions. Testing of DNA prior to trial pointed to an unknown man and ruled out all the suspects, yet the men were convicted and sentenced to 30 years in prison. The previously unknown DNA has now been connected with that of a known rapist and murderer who died in 2008.

### A Call for Prosecutorial Accountability

**E**xoneree John Thompson spoke on October 27 in Washington, launching a national tour to seek policy reforms that address prosecutorial misconduct.

Co-sponsored by the Innocence Project, Veritas Initiative, Innocence Project New Orleans, and Voices of Innocence, the tour will host events in Arizona, California, Louisiana, New York, Pennsylvania and Texas.

Thompson served 18 years in Louisiana prisons, including 14 of them on death row in Angola, for two crimes that he didn't commit. He won a settlement based on prosecutorial misconduct, but was stripped of his

settlement earlier this year in a 5-4 decision by the U.S. Supreme Court. You can join the campaign by



visiting the website at [prosecutorialoversight.org](http://prosecutorialoversight.org), also on Facebook and Twitter.

**Exonerations—*from page 4*****Texas**

**O**ctober 4: Michael Morton was freed after serving nearly 25 years in prison for a crime he did not commit. Morton was convicted in 1987 in Williamson County, Texas, of the murder of his wife, based entirely



Morton with his mother and sister upon release

on circumstantial evidence. DNA test results on a bloody bandana now prove his innocence and point to the involvement of another man. Prosecutors joined with the Innocence Project today in requesting that Morton's conviction be overturned and he be released.

Prosecutors withheld evidence including testimony by Morton's 3-year-old son that another man committed the crime. Also withheld was reported use of a credit card and checks stolen from the Morton home. A bloody bandana found at the crime scene revealed the DNA profile of an unnamed male later linked to another murder in nearby Travis County. Had law enforcement continued its investigation instead of trying to build a case against Morton, this second murder might have been prevented.

Morton has proclaimed his innocence throughout his long ordeal. Upon his release he was embraced by family and friends and spoke briefly to media inside the Williamson County Courthouse.

**Virginia**

**D**ecember 6: Thomas Haynesworth was issued a Writ of Actual Innocence by the Virginia Court of Appeals. Haynesworth served nearly 27 years in prison and more than 8 months as a registered sex offender after being wrongly convicted of three crimes in the Richmond area in 1984. DNA evidence discovered post-conviction proved his innocence and pointed to the real perpetrator, a serial rapist who lived in Richmond when the crimes occurred.

Haynesworth had been released from prison earlier this year due to DNA testing and other evidence and at the urging of the Innocence Project and Gov. Bob McDonnell. Under state supervision, he has been unable to leave his mother's house except to go to work. He works as an office technician at the Virginia Attorney General's Office.

"Like so many of the wrongfully convicted," said Maddy DeLone of the Innocence Project, "Mr. Haynesworth was misidentified. Five victim witnesses misidentified him--although their descriptions of the perpetrator more closely resembled Leon Davis. Eye-witness misidentification is the leading cause of wrongful convictions later overturned through DNA testing."

The Innocence Project applauds Mr. Haynesworth's courage and determination over these many years



Thomas Haynesworth in 1984 (left) and in 2011 (right)

and plans to continue supporting him as he rebuilds his life.

**Louisiana**

**O**ctober 21: Henry James walked out of Angola a free man after 30 years of false imprisonment.

According to the Innocence Project, James was arrested in 1981 and charged with rape when the victim misidentified him as the assailant. Faulty evidence resulted in a



conviction. Although blood tests indicated his innocence, James' defense attorney failed to share these results with the jury. After a miraculous discovery of missing evidence, DNA tests proved his innocence and his conviction was overturned.

The Innocence Project took on James' case in 2005 but had been unable to find the needed evidence. Then in 2010 a lab worker searching for evidence in a different case stumbled upon a slide from James' case. Remembering James' case number from a previous search, the worker sent the evidence to a lab, where DNA testing proved James' innocence.

Finally, at age 50, Mr. James can begin to reconnect with family and build a new life. ❖

*In addition to the petition supporting JCCC NAACP Branch 4097's proposal as explained on page 1, another petition regarding the 85% law deserves support as well. It can be reached by the following link:*

<http://www.thepetitionsite.com/253/please-help-get-rid-the-85/>

## 2012 Missouri Pre-filed Bills



**HB 1057** Brattin – Requires all inmates receiving on-site medical examination or treatment from correctional center personnel to be charged \$1.50 per visit. **OPPOSE**

**SB 445** Goodman – Establishes the “Joint Committee on the Missouri Criminal Code” to be comprised of various government officials for the purpose of submitting a plan by December 31, 2012 to revamp Missouri’s criminal code. **SUPPORT**

**SB 474** Kraus – Requires the Department of Social Services to take steps to mandate the use of photo identification for the food stamp program. **OPPOSE**

**SB 518** Engler – This act allows the Department of Corrections to establish a three-year pilot program in which judges in participating counties may send a criminal offender, upon a motion by a prosecutor, to the department of corrections for 120 days for mental health assessment and treatment. **OPPOSE**

**SB 521** Curls – Requires a non-custodial parent to pay child support until the child reaches 22 years of age instead of 21 years of age. **OPPOSE**

**SB 522** Curls – Modifies the eligibility requirements for food stamp assistance, permitting ex-offenders with drug convictions to receive food stamps providing they meet certain requirements. **SUPPORT**

## Missouri Sex Offender Registry

According to Missouri News Horizon, major changes could be on the way for the Missouri sex offender registry.

Rep. Rodney Schad, R-Versailles, is leading a committee that is looking into ways to cut down the size of the state’s sex offender registry. Missouri is one of the states said to be in compliance with federal sex offender guidelines. But Schad said on October 20 that it may make sense for the state to detach itself from federal registry rules, which are more stringent than state laws.



Hundreds, or even thousands of people are on the list unnecessarily, according to Schad. Those on the list for lesser crimes cannot find jobs and end up costing the state money by having to use public assistance.

“We have some people that are absolutely no risk to society, to children, or to anyone else,” Schad said, “that are burdened with this label of ‘sex

offender’.”

During hearings Highway Patrol Captain Tim McGrail, who oversees the state’s sex offender registry, said the state would stand to lose \$500,000 a year in federal money if the laws are changed the way Schad is proposing.

But Schad thinks the state could recoup that money in savings to state programs for offenders who could be removed from the list.

Due to increasingly stricter federal guidelines, the Missouri sex offender list has increased dramatically in the last four years by about 4,000 to the

current 12,000. “That’s just unacceptable,” said Schad. “We may have ruined another 4,000 lives.”

Schad’s committee is preparing to draft legislation for the 2012 session. He sponsored a bill last year to make changes to state rules on who must register for the sex offender list and for how long. Though the bill received overwhelming support in the House of Rep-

resentatives, it died in the State Senate without a committee hearing.

Meanwhile former DOC Director Gary Kempker, now a national consultant with the Center for Effective Public Policy, testified before the Missouri House Interim Committee on Criminal Justice. He said that incarceration, while appropriate, does not reduce the recidivism rate for sex offenders. What does, he said, is supervision, good interaction among corrections, parole, law enforcement and treatment providers, plus ensuring that ex-offenders have stable employment and housing. ❖

### Nixon Appoints Supreme Court Justice

On October 18 Gov. Nixon appointed Judge George W. Draper III to the Missouri Supreme Court, filling a vacancy left by the retirement of the Honorable Judge Michael Wolff in August. Since 2000, Judge Draper has served on the bench of the Missouri Court of Appeals Eastern District.

## Prisoner Achievements

by Hedy Harden

**C**ongratulations to all those prisoners who are making a difference on the inside, whether through restorative justice projects, assisting others through facilitating of classes, or in other ways. We would like to hear about ways in which prisoners are helping others. The DOC newsletter always includes praise for staff members who have donated their time and efforts or made achievements. We would like to

offer thanks and encouragement to prisoners who have done good things. Although you are restricted in many ways, I'm sure that acts of human kindness and progress are made every day behind those walls, yet society seldom hears about it. Please send us any and all information about such things, so we can recognize your efforts.

The DOC website lists numerous restorative justice projects taking place

in Missouri's prisons. We'd like to hear more about these from prisoners' points of view. Prisoners who achieve their GEDs, men and women donating their time and efforts to community projects, and charitable acts by groups such as NAACP prison chapters all deserve acknowledgment as well.

Let us know what positive things you and other prisoners are doing while you do your time. ❖

## End Life Without Parole for Children!

**A** recent study by the Annie E. Casey Foundation states that imprisoning juveniles is ineffective, harmful and costly. Amnesty International (AI) says the US must halt life without parole (LWOP) sentences for children. "This is where I'm going to be when I die," is a 34-page report by AI detailing the stories of three young offenders from Louisiana, Illinois and North Carolina.

International Law prohibits this sentence, and the U.S. was a party to this treaty. Yet this country has 99.7 percent of the cases worldwide. Only seven juveniles are serving LWOP in the entire rest of the world.

"In the United States, people under 18 cannot vote, buy alcohol or lottery tickets or consent to most forms of medical treatment, but they can be sentenced to die in prison for their actions. This needs to change," said Natacha Mension of AI.

On November 30, AI called for an end to the practice of imprisoning children for life and for a review of the more than 2500 prisoners serving this sentence, including those as young as 11 at the time of the crime. Juvenile LWOP can be imposed without consideration of mitigating factors like a history of abuse or trauma, degree of involvement in the crime, mental health status or amenity to rehabilitation. Such sentences ignore children's special potential for rehabili-

tation and change.

The unfairness of imposing an adult punishment on children is increased by the racism prevalent in such sentencing. Minority youth are more likely to be arrested, detained, committed to residen-



tial placement and certified as adults than white youth. The number of African-American youth serving LWOP is greatly disproportionate to their numbers in society.

**I**n Missouri 116 prisoners are serving LWOP sentences for crimes committed as juveniles – that is, under age 18. Throughout the country, the total is 2,570. Only four states have more children serving mandatory LWOP than Missouri – Pennsylvania with 444, Michigan with 346, Louisiana with 332 and Florida with 266. Nine US jurisdictions prohibit juvenile LWOP – Alaska, Colorado, Kansas, Kentucky, Maine, New Mexico, New York, West Virginia and Washington DC. Ten other states

have some reform efforts underway.

The U.S. Supreme Court said last year that life without parole is "an especially harsh punishment for a juvenile," as the young offender will serve, on average, more years and a greater percentage of his life in prison than an older offender. "A 16-year-old and a 75-year-old each sentenced to life without parole receive the same punishment in name only," the Court said. The Court prohibited the sentence for non-homicide cases for children under 18. On November 8, 2011 the Supreme Court said it will consider this issue for crimes involving murder as well. A decision will not be rendered before at least the second quarter of 2012.

**T**he United Nations Convention on the Rights of the Child, enacted more than 20 years ago, explicitly prohibits imposing a life without parole sentence for any crime, no matter how serious, committed by those under 18 years of age. Every country has ratified this Convention except the U.S. and Somalia.

"It is long past time for the United States to ratify the Convention without reservations or other limiting conditions and to fully implement its prohibition on the use of life imprisonment without release against children, including in relation to the cases of those already sentenced," said Mension. ❖

## Task Force Recommendations

The Missouri Working Group on Sentencing and Corrections reported to the House Committee on Corrections December 15 regarding probation and parole. The recommendations could save \$7.7 million to \$16.6 million over five years while reducing the prison population by 245 to 677 inmates. Policy recommendations included:

- Allow people who are on probation or parole to have their supervision period reduced by 30 days for every 30 days that they comply with their requirements.
- Permit probation and parole officers to levy brief jail stays for violations - limited to no more than 48 hours the first time and capped at a total of 15 days. The state would reimburse counties \$30 per day for holding people in their jails.
- Establish a 120-day "shock" incarceration when probation is revoked for people convicted of nonviolent felonies, who commit technical violations that do not involve a new arrest or conviction. It would not be used when probation is revoked for absconding, violating stay-away orders, or weapons violations.
- Create a new oversight committee that includes officials from throughout state government.
- Approve legislation emphasizing the right of restitution for crime victims.
- Revise the state's criminal code. ❖

### Join Missouri CURE!

Date \_\_\_\_\_

Name/ID# \_\_\_\_\_

Facility \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

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Please check the annual membership type:

Prisoner \$2.00 \*

Individual \$10.00

Lifetime \$100.00

Donation \$ \_\_\_\_\_

\* Stamps from prisoners are welcome

***CURE is NOT a service organization. We are an all-volunteer non-profit criminal justice advocacy organization. CURE has NO legal services. We advocate for criminal justice reform, but cannot take on individual cases.***

**Missouri CURE**  
P.O. Box 1245  
Cape Girardeau MO 63702-1245

**Note New Website on front!**

MEMBERSHIP EXPIRES



***Together We Stand — Together We CURE!***