

Turning Point: The Newsletter of



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From the Inside:

by John J. Knowledge

Taking on the New Jim Crow

Hello. My name is John J. Knowledge. I am your typical prisoner in America: African American, 25 years old, and I've completed 5 years of a 25 year sentence for a drug trafficking charge involving \$5,000.00 and a gun. This is my first offense—my only time behind bars. So I'm not perfect. I've made mistakes and I regret the bad decisions I've made. But everyone knows two wrongs don't make right. Terrible decisions are being made by the criminal justice system, things that we need to talk about. After seeing all the police killings of unarmed black men and boys lately, it has become pretty obvious that there is an ever-growing and deeply embedded problem of corruption in our criminal justice system. The police are getting off the hook for brutal, televised crimes against unarmed African American men and boys, while hundreds of thousands more African American men and boys are incarcerated under lengthy sentences, some for nonviolent offenses and others for acts similar to those committed by these officers. The news media speaks about the need for criminal justice reform, but what is that reform going to look like? The cry for criminal justice reform was first voiced by people like me, but it seems that the call for justice has been hi-jacked. I'm writing because no one knows the problems within this system better than the individuals who suffer its adverse effects. This is a real threat to society, and reasonable minds must prevail.

History of Racism in Criminal Justice

Often as Americans we want so badly to depict our nation as a bastion of freedom and equality that we speak loudly about constitutional guarantees such as freedom of speech and religion, while simultaneously we remain silent and appear unaware of some of the more ominous provisions of our Constitution. For instance, the 13th Amendment states:

"Neither slavery nor involuntary servitude, except as punishment for a crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."



A straightforward rendition of this amendment, which was supposed to have ended slavery, is this exception: "You may enslave those convicted in our courts." The truth is, it would be utterly naive to believe that, after a million Americans died in the Civil War, there would be no compromises. The Southern Confederates who fought and died to preserve slavery had the

federal government carve out an exception, so they could take advantage of this provision and thereafter maintain their superiority in a mixed race society. Here is how they proceeded, as explained by Judge Clyde S. Cahill in the case *United States v. Clary*, 846 F. sup. 768:

"Early in our nation's history, legislators were motivated by racial discrimination to differentiate between crimes committed by whites and crimes committed by blacks. For example, an Act against 'Stealing Hogs' provided a penalty of 25 lashes on a bare back or a 110-pound fine for white offenders, while nonwhites (slave and free) would receive 39 Lashes, with no chance of paying a fine to avoid the whipping. In 1697, Pennsylvania passed death sentence legislation for black men who raped white women and castrated them for attempted rape. White men who committed the same offense would be fined, whipped, or imprisoned for one year."

I break here only to point out that white men who raped black women had every right under the law to do so.

"During Reconstruction, Southern legislatures sought to maintain control of freed Slaves by passing criminal laws directed at blacks that treated petty crimes as serious offenses. A Georgia law passed in 1875

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Note our new email address above.

"The people elect the government. It is not the government's place to decide who votes."

--Canadian CURE member

made hog stealing a felony. A Missouri 'pig law' defined the theft of property worth more than \$10 as grand larceny and provided for punishment of up to five years of hard labor. As a result, Southern prisons swelled and became, for the first

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Missouri CURE

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Special Liaisons:

- Mary Hutchison, MASW CJTF

- Curtis Johnson, Kansas City CJTF

- Bev Livingston, Mothers of Incarcerated Sons and Daughters (MISD)

Mission Statement

CURE believes that prisons should be only for those who MUST be incarcerated and that prisoners should have all the resources needed to turn their lives around. We also believe that human rights documents provide a sound basis for ensuring that criminal justice systems meet these goals. CURE is a membership organization. We work hard to provide our members with the information and tools necessary to help them understand the criminal justice system and to advocate for positive change.

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 we cannot take on individual cases.

Proposal for 20-Year Maximum Prison Terms

In testimony before the Charles Colson Task Force on Federal Corrections, I called for reforms to federal sentencing structures to create an upper limit of no more than 20 years in prison, barring exceptional circumstances. *The New York Times* stated that “a compelling case” can be made for such a policy since “long sentences do little to prevent crime.” The *Pittsburgh Post-Gazette* argued that the proposal “should be debated without distracting labels or excessive partisanship. At issue is whether such a change would significantly affect public safety, while freeing up hundreds of millions of dollars for programs that could actually prevent crime.”

from Marc Mauer, the Sentencing Project, March 23, 2015

BOOKS

African American Disenfranchisement

In a recent book review of John E. Pinkard's *African American Felon Disenfranchisement: Case Studies in Modern Racism and Political Exclusion*, Tanya Whittle writes: "Pinkard illustrates the human costs of felon political disenfranchisement by showing how it reduces life chances and opportunities for African American ex-felons and their communities and weakens democracy in general." Pinkard concludes that felony disenfranchisement is unlawful as it contradicts U.S. democratic principles, and assures the debasement of specific segments of society, particularly African American communities. (Sentencing Project's Disenfranchisement News, March 9, 2015)

Women Prisoners

Betty May, Director of the Kennedy Center, has written a wonderful book about her work with female prisoners in Maryland. *FACES: Imprisoned Women and Their Struggle with the Criminal Justice System*, by Betty May is available from Amazon for \$9.99 or can be download to a Kindle or Nook for 99 cents. (from Patricia Prewitt, WERDCC, March 26, 2015. Patty has had 2 plays performed at the Kennedy Center)

Calling all MO NAACP Prison Branches:

Please send us your branch number, a roster of your officers, and a brief summary of projects in which you are engaged.

Interviews

Hedy Harden was interviewed by two national media reporters concerning Missouri CURE's 2015 lobbying efforts. Here are links to the articles:

The National Catholic Reporter:

<http://ncronline.org/news/peace-justice/missouri-activists-lobby-shorten-prison-time>

Maclean's (a Canadian news magazine similar to Newsweek):

<http://www.macleans.ca/politics/washington/criminal-justice-in-america-home-of-the-free/>

The Nature of Violence

Violence has been a part of our culture since the first white men came across the pond and began the process of stealing this land from its indigenous people. The “Great American West” glorified in movies and books was based on a violent fight for the land, the slaughter of the buffalo and the decimation of Native tribes. The violence of the American Revolutionary War resulted in “our” country’s independence from Britain. The invasion of Mexico known as the Mexican-American War, resulted in acquisition of a huge parcel of land from Mexico, now known as the states of California, Nevada, Arizona, New Mexico, Texas and parts of Colorado, Kansas and Wyoming. The United States is a country that was taken by violence, and the glorification of violence continues to this day. On TV, in movies and books and video games, violence sells, and it’s hard to avoid it. It seems that every other program on TV is cops and robbers, murder and mayhem, offering the “thrill” of violence. People who watch the boob tube are programmed to become shock-proof with one network after another competing to show the grizzliest portraits of blood and gore. Murder mysteries are advertised as “Delicious” and even combined with cooking. Local media love to focus on violence in reporting the news.

From its inception, this country’s South was populated

with black people violently stolen from their native Africa and sold into slavery. When official slavery was finally abolished after a bloody Civil War, the system of Jim Crow racism began filling jails and prisons with former slaves that were briefly “emancipated” only to be put in cages and exiled from society. Immigration laws keep millions of Latinos classified as “illegal” for trying to earn a decent life for their families. And all of this violence is now centralized in the system of Mass Incarceration.

Our country’s brutal history of war continues to this day. Now we go further afield for our conquests, wielding influence along with bombs and drones around the planet as we meddle in other sovereign nations’ affairs to gain power and resources. At the same time we train millions of young men and women how

to kill other human beings.

Just as the military justifies killing people in other countries by labeling them goons or gooks or some other dehumanizing label, the local police justify killing black people by labeling them criminals.

Back in the 90s I took a college course in Criminal Justice. It was taught by then-St. Louis Chief of Police Sheets, an elderly white man. One day after class he confided in me that he had been kicked out of high school for fighting. I wondered at the time how



many police officers had started out that way. “Boys will be boys,” of course, unless they are black. Then they are often seen as criminals.

You no longer can assume that someone convicted of a violent crime years ago is by definition a violent person.

In March author Leon Neyfakh wrote in “Slate” about how the criminal justice system defines and labels violent criminals in his article, “OK, So Who Gets to Go Free?”

While a growing number of politicians are finally having to come to terms with the enormous waste of taxpayer money and resources that our prisons represent, they are almost unanimously seeking to decarcerate only those termed nonviolent offenders. This is often based on a false assumption that most prisoners are in for nonviolent crimes. However, “Half the people in state prisons today have been convicted of a violent offense,” says Marc Mauer of the Sentencing Project. “There’s going to be an inherent limitation on how much of a reduction in incarceration we can achieve if we’re not even considering them.”

by Hedy Harden

But, he says, “It turns out the line between ‘violent offenders’ and ‘nonviolent offenders’ is a lot harder to draw than you might think.”

According to Joe Margulies, visiting law professor at Cornell University, “A significant number of people who have been convicted of violent offenses aren’t violent people. People who never hurt anyone, who never confronted a victim, can nevertheless be convicted of violent crimes.”

Illegal gun possession, for example, is legally defined as a “violent” crime in many states even though it doesn’t in itself involve any actual violence. Another huge example is “felony murder” where you can be charged with murder for being present during a murder committed by an associate, even if you never touched a weapon, let alone killed someone. In some cases the person convicted of felony murder had no idea that his/her associate was going to kill someone or even commit a crime. Statutory rape between consenting partners is typically considered a violent crime if one is of age and the other is younger.

Many prisoners serving time for so-called violent crimes have not committed violent acts. But the reverse is also true. Many labeled nonviolent actually did commit violent crimes, but bargained for a lesser charge by pleading guilty. Some of them even turned state’s evidence, putting the blame on their nonviolent associate, who ended up with the conviction—and the label.

Passing legislation based on current categories is very dangerous, because they often don’t reflect the nature of the person. What is needed is the use of **risk assessment tools**. Margulies says that when you use these tools and take seriously their ability to predict future behavior, you no longer can assume that someone convicted of a violent crime years ago is by definition a violent person. Many prisoners serving time for a violent crime are unlikely to be dangerous if released back into society. This is because “they were never violent in the first place, or because the recidivism rate for certain violent crimes is actually exceedingly low, or simply because the inmate has grown older—a significant factor because people are known to age

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time, predominantly black. The prison population in Georgia alone tripled within two years.”

Judge Cahill’s point here is that white Southern legislators were clearly aware that freed slaves had no money or *property*, and thus were more likely to commit crimes of *hunger*, and so penalty for those crimes was greatly increased.

In the case of *Regents v. Bakke*, 93 S.Ct. at 2799, **Supreme Court Justice**

Thurgood Marshall points to what may be considered the beginning of Jim Crow:

“The Southern states took the first step to re-enslave the Negroes. Immediately following the end of the Civil War, many of the provisional legislatures passed Black Codes, similar to the Slave Codes, which, among other things, limited the right of Negroes to own or rent property and permitted imprisonment for breach of employment contracts. Over the next several decades, the South managed to disenfranchise Negroes in spite of the Thirteenth Amendment by various techniques, including poll taxes, deliberately complicated balloting processes, property and literacy qualifications, and finally the white primary.”

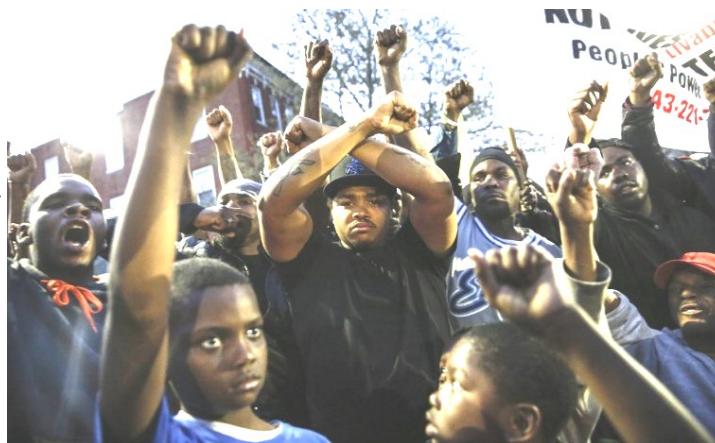
Many of these practices are ominously similar to tactics employed in the criminal justice system today: many former convicts cannot own or rent property in selected areas; parolees may be re-imprisoned for failure to find employment in a labor force that is set against hiring them, and some 6 million Americans are denied the right to vote due to a conviction or imprisonment.

Almost every major drug has been, at various times in America’s history, treated as a threat to the survival of America. Panic based on media reports which incited racial fears has been used historically in this country as the catalyst for generating racially biased legislation. The association of illicit drug use with minorities and the threat of it “spreading to the higher ranks” is disturbingly similar to the events which culminated in the “100 to 1” (ratio) sentence enhancement in the crack statute. When President Obama took office he signed an executive order to stop this racially biased

sentencing practice at the federal level. But this does not stop states from continuing to carry on this practice. We must take further action when and where action is needed.

Police Brutality

The Criminal Justice system has three parts: the police, the courts and the prison system. Therefore, in any discussion of corruption in this system it is necessary to address the behavior of the police toward



the African American community. This behavior is exemplified by the same mind-set that causes police in Cleveland to gun down a twelve-year-old boy within seconds after arriving at a park where he was playing with his toy; or allows police in New York to choke to death an unarmed man who is repeatedly heard gasping the words, “I can’t breathe.”

But there is a more elusive, invisible form of brutality in our criminal justice system that does not capture the headlines or the evening news.

A groundbreaking report, “The Essence of Innocence: Consequences of Dehumanizing Black Children,” was published earlier this year by UCLA researcher Phillip Atiba Goff and showed the overwhelming prejudice and unconscious dehumanization of black people by whites. Researchers conducted several experiments with mostly white police officers and white undergraduate students. The alarming results were that the white officers and even the students viewed black children as much older, less innocent, and more animalistic.

The evidence garnered from these experiments showed that the perceptions of the essential nature of children can be affected by race. For black children this can mean that they lose the protection afforded by assumed childhood innocence long before they become adults.

This dehumanization of black youth leads to the extreme disproportionality we see in the criminal justice system.

In “Black Lives Matter: It’s More than Police Killings,” **David Muhammad** urges protesters in cities around the country who have brought national attention to the great need for increased police accountability to maintain their vigilance. But he also suggests that they focus their attention on why Black lives must matter in the criminal justice system.

There is a strong need to focus some of that outrage and organize a unified voice to take the many billions of dollars spent on policing and incarceration and reinvest those resources directly into education in impoverished communities of color. Show the world that black lives really do matter!

Legal Representation of Prisoners

The same mind-set, set out above about black lives, permeates the court systems of our nation. In that venue, black men and boys, many of whom are unable to afford private attorneys, are appointed counsel from the Missouri State Public Defender (MSPD). In a report from October of 2009 entitled “Assessment of the Missouri State Public Defender,” the Spangenberg Group, an agency renowned for its investigations of public defender agencies around the U.S., reported that many public defenders admitted to carrying out the practice of “triage” in the representation of defendants in criminal trials. This simply means that MSPD is intentionally allowing defendants to be convicted of crimes without really putting up a defense because the State has refused to properly fund MSPD. The Spangenberg report ended with this telling conclusion:

“All three branches of government are on notice that Missouri has been running a constitutionally inadequate system for some time now...Yet the situation remains the same. And so each day in Missouri, the State places the lives of poor citizens into the hands of attorneys who are underpaid, overworked, and badly supervised. We are not the first to say that Missouri’s criminal justice system is heading for disaster, one which is both predictable and preventable.

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“Missouri’s public defender system stands at the bottom of its sister states in terms of resources, and the results are alarming. Missouri’s public defender system has reached a point where what it provides is often nothing more than the illusion of a lawyer. There is nothing *more dangerous* in the criminal justice system than the illusion of a lawyer.”

The report can be viewed at www.tsp.gmu.edu. The vast majority of those represented by MSPD are, of course, African American, many of whom are first-time offenders. So many of these people are saddled with monstrous, life-ending sentences. One example is the sentence of “death by imprisonment” which is more commonly known as life without parole or LWOP in the U.S. An alarming 56% of those serving LWOP are African American, while whites make up 33.5%. This is especially disturbing because the African American population represents less than 11.5% of the national population, while whites account for more than 70%.

African American men and boys have their entire lives destroyed due to one terrible wrong decision which they are never allowed to live down. But it shouldn’t be hard to see the brutality in a criminal justice system where so many unarmed black men are killed by police.

Financial Exploitation of Prisoners

Today more than 25% of the world’s prisoners are held in American prisons and jails. Black and Hispanic Americans account for about 70% of the nation’s prison population while we account for less than 30% of the national population. According to the Bureau of Justice Statistics (www.usdoj.gov/bjs) **one in every three African American men between the ages of 19 and 35 are in prison, on probation or on parole.** So it appears that the grand design to abolish slavery only transformed the barbarism by hiding it in the shadows behind the barbed wire fences of our nation’s massive network of prisons. And African Americans are *still* the primary targets.

The financial exploitation of people, under the guise of being tough on crime, is well documented. In Missouri, for

instance, prisons became a growth industry between 1988 and 2005 for communities such as Potosi, Licking, Bowling Green, Charleston, Cameron, St. Joseph and Jefferson City. Many of these communities vied for the “privilege” of having prisons built within their communities, because jobs had dried up and left many of their citizens unemployed. The hiring of 500 prison staff at an average annual pay of \$25,000 infused a gross of approximately \$12.5 million into these small, largely white towns. This infusion of capital drew in homebuilders, Wal-Marts, Super 8 Motels, car dealerships, etc., bringing with them more jobs, new residents, and greater

tax revenues—and the growth continues.

As a further gain, prisoners are counted in the census as residents of these prison communities—even though many of the prisoners are African Americans from areas located around St. Louis and Kansas City. This practice, known as prison gerrymandering, allows the small prison towns to claim extra tax revenues and political representation in the legislature, both of which rightfully belong to the communities from which the prisoners came. Don’t these urban communities, greatly affected by crime, need and deserve their tax revenues and political representation more than newly developed prison communities?

Next, I would be remiss to leave out a discussion of the vast network of prison sweatshops that exist across our great nation. We make so great a fuss about human rights and low wages in other countries, yet right here in Missouri most prisoners are paid only \$7.50 a month for the work they perform. Some prisoners are employed by the Missouri Vocational Enterprises making furniture for all governmental offices, hospitals, schools and state employers; license plates for all Missouri vehicles; road signs for the entire network of roads and highways in Missouri; and clothing, etc. The pay scale begins at 15 cents an hour and tops out at 71 cents. The Department of Social Services employs prisoners in a business which translates all manner of textbooks into Braille for the blind. For this highly technical job, prisoners are

paid up to \$1.36 per hour. Other prisoners are employed as computer code writers at IBM for what amounts to about 84 cents per hour. The prevailing wage in society for a job like this is \$70,000 annually and upward.

Pursuant to Missouri statute 14 CSR 10-5.020, prisoners who are employed on prison grounds by governmental, private or not-for-profit companies are entitled to the prevailing wage, not less than the federal minimum wage. It provides that deductions are to be made for room and board; state and federal income taxes; social security taxes; and for the support of the prisoners’ families. Yet, despite this law being in existence for decades, Missouri has not honored the law. This may not only indicate financial exploitation of prisoners, but also embezzlement and tax evasion.

This must be understood in light of the fact that prisoners with assets can be required to pay room and board, approximately \$19,000 annually, pursuant to RSMo. 217.825 et. seq. Prisoners also pay for the upkeep of the prison through mark-ups of 10% on prison canteen purchases. Prisoners are also required to pay the prevailing state and local sales tax. One prison canteen provider group, Keffe, was said by the St. Louis Post-Dispatch on February 15, 2014, to have generated \$375 million in sales to prisoners, even though prisoners are not being paid the prevailing norm.

Felon Disenfranchisement—History & Purpose

In 1985, the Supreme Court of the United States heard a case entitled *Hunter v. Underwood*, regarding the constitutionality of an Alabama Constitutional Amendment in 1901, which provides for the disenfranchisement of persons convicted of crime. The plaintiffs argued and the Court agreed that the disenfranchisement of blacks was a major purpose for the convention at which the Alabama Constitution of 1901 was adopted, and therefore the Court found the Alabama amendment unconstitutional.

The statement of John B. Knox, president of that convention, as well as other facts cited by the Supreme Court, are shocking and reveal the original purpose behind felony disenfranchisement. The Court stated:

“These showed that the Alabama Constitutional Convention of 1901 was

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part of a movement that swept the post-Reconstruction South to disenfranchise.

“The delegates to the all-white convention were not secretive about their purpose. John B. Knox, president of the convention, states in his opening address:

“And what it is that we want to do? Why, it is—within the limits imposed by the Federal Constitution—to establish white supremacy in this State.”

The transcript of the oral argument before the Supreme Court goes on to reveal that felony disenfranchisement would effectively disenfranchise poor whites as well as blacks. The Southern Democrats, in the Court’s view, sought in this way to stem the resurgence of Populism which threatened their power. Dr. J. Mills Thornton in the transcript of his cross-examination states, however, “Repeatedly through the debates, the delegates say that they are interested in disenfranchising blacks and not interested in disenfranchising whites.” (Id. at 230-31.)

Though some politicians have more recently attempted to repackage disenfranchisement as “race-neutral” and “tough on crime”, the original strategy behind it has had its intended effect. Today an estimated 5.85 million Americans have either temporarily or permanently lost their voting rights as a result of felon disenfranchisement. And 2.2 million African Americans, or 7.7%

of the black adult population, are disenfranchised, compared to only 1.8% of the nonblack American population. (From “**Brief History of Felony Disenfranchisement in the United States**,” Source: Felony Disenfranchisement: A Primer at sentencingproject.org.)

How many citizens have to be denied the right to vote before “YOUR” issue has no political support?

The Missouri Voter Disenfranchisement Reform Initiative

All of the above issues combine to form what is called “The New Jim Crow.” This refers to the systematic racism that permeates our criminal justice system. It seeks to give life to the ominous terms of the 13th Amendment. It takes advantage of the public’s fear of crime in order to itself commit insidious acts of exploitation, brutality and even homicide.

We as American citizens know that

unchecked governmental power is a recipe for tyranny. In our democratic system of government there is no more fundamental check on governmental power than the voting power of its citizens. As a citizen in prison, I have committed no act of voting or election fraud, nor have I committed treason. So why should I be denied the vote because some claim they are worried about how I would vote? In our system of voting by secret ballot, everyone has the right to privacy in the voting booth. It is no one’s business how a fellow citizen votes. Furthermore, the Supreme Court has stated in Carrington v. Rush, that “fencing out” from the franchise a sector of the population because of the way they may vote is constitutionally impermissible. “The exercise of rights so vital to the maintenance of democratic institutions cannot constitutionally be obliterated because of a fear of the political views of a particular group of bona fide residents.”

Should I be denied the vote because I am considered “bad”, and only so-called “good” people should be allowed to vote? No one should think more highly of themselves than they ought to, because we all fall short. No fundamental right should be based upon subjective standards of morality. Instead, voting is the inalienable right of every American citizen. Am I not a citizen?

Furthermore, the effects of felon disenfranchisement extend well beyond allowing unchecked tyranny within the criminal justice system. According to Sociology Professors Jeff Manta and Christopher Uggen, felon disenfranchisement “has provided a small but clear advantage to Republican candidates in every presidential and senatorial election from 1972 to 2000.” Most notably, the professors note, had this form of disenfranchisement not existed in 2000, Al Gore would have carried Florida by more than 80,000 votes. (See “Locked Out, Felon Disenfranchisement & American Democracy” by Jeff Manta and Christopher Uggen, pages 185-197.) Felony Disenfranchisement prevents our nation from being truly democratic. It is a national issue with national electoral implications; and like

gender, racial and all other disenfranchise-ment tactics, it must come to an end.

How can this be accomplished? On March 17, 2015, the Missouri Secretary of State approved the Missouri Voter Disenfranchisement Reform Initiative. This Initiative Petition seeks to restore the voting rights of all Missourians—including those in prison, on probation and on parole. We seek to join our sister States of Maine and Vermont in the practice of true universal democracy where everyone has a voice.

To succeed, we must collect approximately 170,000 signatures of registered Missouri voters by April 1, 2016. These signatures may only be collected on our petition forms, which can be downloaded along with instruc-tions at our website:

www.showmeverenfranchisement.com. A link to our petition can also be found

at www.missouricure.org. Signature collectors must be at least 18 years of age with no forgery-related convictions. All petitions must be notarized and returned by April 1, 2016 to: Taking Back Our Vote, P.O. Box 150299, St. Louis MO 63115.

Join us as we take that step in the Show Me State. If you would like to assist in getting signatures of registered voters on this petition, please contact me at John Knowledge, P.O. Box 150299, St. Louis MO 63115 or by email at Takeback-thevote2016@gmail.com.

No single act would help more in ending the epidemic of mass incarceration and The New Jim Crow than bringing an end to felon disenfranchisement. Real change nationwide begins with the first step. ♦



Not so blind justice

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out of crime.”

If the goal is to separate dangerous from not dangerous offenders, he says, risk assessment tools can help us do that much more accurately than simply looking at a person’s conviction. The re-sistance among politicians, particularly on the right, to consider release of vio-lent offenders presents a serious obstacle to the more ambitious reforms now being widely discussed, such as the goal of reducing America’s prison population by 50 percent within 10 to 15 years.

“If releasing violent offenders is politically impossible,” says Neyfakh, then “the best hope for successful reform might be redefining who we deem vio-lent in the first place.”

Licking or Bust

Last year CURE members were invited and approved to attend the SCCC Gavel Club's Woman's History event on March 28, but my son Rob and I got turned around after driving the 150 miles from St. Louis. Our authorization was somehow not communicated to staff on duty. My prepared speech was instead published in the following issue of Turning Point.

This year we were invited to speak on February 21 at a Black History event there hosted by the NAACP and the Gavel Club. The plan was for four of us to attend. Keith

Brown El and Kathy Franklin would drive from Kansas City, while Angelika Mueller-Rowry and I would drive from St. Louis. All approvals were in place when Old Man Winter intervened. The forecast was for freezing rain, ice and snow. Already that morning the walkways at the

prison were icy, and prisoners were shielding their heads from pelting sleet. I received several calls urging us to be safe and cancel the trip. IAC Tina Holland suggested we re-schedule, and we agreed. Eventually the event was re-scheduled for February 28, so as to still be during Black History month. Our approvals were still in place. Keith and Kathy, however, were unable to make it this time—the round trip from Kansas City is nearly 500 miles, with more winter weather predicted.

Angie and I, however, had been working on our presentations and were eager to make the trip. Still I received several calls about weather predictions calling for lots of snow. I jokingly asked one guy if he was trying to scare us away. Tina Holland called before we started out to report a 20-car pileup involving a semi and a bus on I-44 near Rolla, where we planned to exit the highway. Surely, Angie and I reckoned, it would be cleared up by the time we made it there. We left St. Louis at 3 PM, giving us an extra half hour for unforeseen delays, expecting to arrive by 6 PM.

Snow was falling heavily when we left St. Louis, and it stayed with us all the way. Interstate 44 was covered with the white stuff, and we trekked along slowly. As Angie drove, I read each of our speeches aloud, both to prepare us and to help pass the time. There were traffic



slow-downs and we inched along as we got closer to Rolla. I worried about being late, but still was thinking positive until a big MODOT truck blocked the highway about 4 miles before our exit. Troopers directed everyone off the highway and to the left, which fortunately was the direction we needed to go. Wondering how we would find our way to US-63, we decided to follow the other displaced traffic. Snow was thicker on these side roads. Finally we saw a gas station and pulled in to ask directions. We had made it to US-63 and went on about our way.

Most of the way there were no visible landmarks, no signs, just snow everywhere, and few other vehicles on the road. Angie was straining to see through the icy windshield. Finally we reached Highway 32, but our MapQuest directions had us turning the wrong way. Again we stopped for directions, and found we were almost there.

As we entered the grounds of SCCC the only sign of life was a snowplow busy in the parking area. We trudged through the snow to the visitor's entrance, but found the area deserted. Eventually I heard sounds of the radio, staff talking to each other, but they couldn't hear us call out. Finally Angie returned to the car and called. We were told they would send someone to get us.

Back inside, suddenly a door popped open and a distant voice told us to come up the long staircase. I remembered the stairs from last year and slowly made my ascent. Angie, more nimble, had no problem. But that was only the beginning. Upstairs we were directed by a CO through the metal detector and around to the bubble, where we checked in and received our visitors' paraphernalia. Tina Holland met us there to take us the rest of the way. Back down another long flight of stairs we went, and out the building into the wind-driven snow. I looked uneasily at the long walk ahead.

"This is like a wind tunnel," Tina said, and although I'd been warm in the car, my uncovered head was soon freezing, my hair blowing wildly in the wind. At last we entered a building and I rested on a bench to catch my breath. Then it

by Hedy Harden

was more walking, until finally we entered the gym where the program was being held. By then it was nearing 8 PM, the scheduled end of the event. Tina said the last movement of the night was at 8:20, so it couldn't last beyond that.

Across the wide expanse of the gym, the men were gathered. They looked up in shock as we appeared. Having heard about the pile-up on I-44 and convinced we wouldn't make it, they stood and cheered as we walked towards them.

Trying to condense a two-hour program into a few minutes left things a bit confused, but we made the most of the time. When the guys asked if I was ready to speak, I suggested Angie go first because I needed to sit awhile. I slashed my carefully written speech to the bare minimum. Angie's speech was excellent, but too long for the time allotted. When I got her attention and suggested we cut it short, she said she would talk faster, but even that didn't work. I finally had to cut her off and make my abbreviated presentation.

Luckily we had brought an extra copy of each of our complete speeches to leave with the men. During the last few minutes we were presented with award certificates and a "big check," representing generous donations from both the NAACP and the Gavel Club. Photos

were taken as one after another of the men approached us to say hello and thank us for coming. We were urged to stay in Licking at a hotel rather than try to drive back to St. Louis in the storm, and the men promised to reimburse us for our expenses.

After walking back through the wind tunnel, we were spared the stairs as the CO made an elevator available for the up and down trip back. Tina Holland was also leaving and led us down the road to the hotel, but the place was dark. We smelled wood burning and a few people in the lobby with flashlights informed us that the power was out, not only there but in the entire town of Licking. We had no choice but to drive on. Angie became energized, saying she loves a challenge, and though it snowed all the way along US-63, it didn't seem as rough going back. In fact, watching the snow swirling



Legislative Update

This has been a very strange legislative session so far. Missouri CURE worked with Ashley Parker of *The F.A.M.I.L.Y. Campaign* to arrange transportation for family members and loved ones of prisoners to attend Criminal Justice Advocacy Day on March 11. The event was sponsored by Empower Missouri, formerly MASW, which provided lunch. Groups arrived at the Capitol in Jefferson City from Kansas City, St. Louis and other areas and met in Hearing Room 1 at 10:00 AM.

It was hard not to recall last year's Lobby Day. Rep. Rory Ellinger had sponsored our bills to reduce the mandatory 85% sentence in 2013 and 2014, but he died of cancer last year on Lobby Day. The 85% bills at that time, HB 1318 and 1319, had been assigned to a committee but died there along with their sponsor.

The bills were first filed in 2013 as HB 753 and 754 but were not assigned to a committee until the last day of the session, effectively killing any chances of advancing.

This year Rep. Keith English (an Independent from Florissant, which borders Ferguson) filed **HB 491**, which we favored. Identical to HB 753 and HB 1318, HB 491 would reduce the 85% minimum to 50% for first time offenders with no prior incarceration. Republican State Rep. Don Phillips also filed HB 657, which would reduce the 85% minimum to 50% but only for those sentenced for arson, assault and robbery. Although HB 657 might appeal more to the super-majority of Republican lawmakers, we felt it betrayed the majority of those serving 85% and was divisive. The *End85* campaign led by Caroline McGinness and Justine Edwards actively promoted HB 657 and obtained support from some diverse forces.

As Lobby Day approached, our plan was to focus our support on all bills that targeted mandatory minimums. Then, the day before Lobby Day I received a call from a lobbyist in Jefferson City. I had met her in the past at NAACP banquets at JCCC, where she was considered a prisoner advocate. Now she asked me, as head of Missouri CURE, not to lobby for HB 657. She'd been working with the NAACP in St. Louis to promote 657, but said they were trying to

keep it under the radar so that Republican conservatives wouldn't kill it. She suggested that open lobbying for the bill would give it the kiss of death.

I knew that Caroline McGuinness had been meeting with NAACP leaders in St. Louis. I had invited her to speak at a CURE meeting last year in St. Louis and she had surprised us by espousing 85% legislation that would exclude those with second degree murder and sex offenses. Our Vice-Chairman, Keith Brown El, had openly opposed such exclusions.

was interviewed about our lobbying efforts by Maclean's, a Canadian news magazine similar to Newsweek, and by the National Catholic Reporter; resulting articles have since been published (see links on pg. 2).

We were delighted to hear later that HB491 was transferred to the Civil and Criminal Proceedings Committee on that very day and assigned a hearing date of March 30. It is the furthest we have gotten in the three years since the legislation was first introduced.

We began mobilizing people to fill up the hearing room in support. HB 657 was to be heard the same day, and it was reported that the two bills might be combined in some fashion.

Then, late in the week before the hearing, Kathy, our secretary, who'd been carefully following the status of the bills on the House website,

reported that the hearing date had been changed to Wednesday, April 1. Since some of the information had been buried in the House Journal reports, we wondered if someone were trying to divide our forces by making the change difficult to find. Still, since Monday was the first day back for legislators after their Spring break, perhaps they needed some time to regroup.

Once again we began contacting people about the change in hearing date and mobilizing support.

Then on Monday afternoon (March 30) I learned that the hearing had already taken place as originally scheduled. We had mobilized dozens of people to attend. Our numerous phone calls, emails and arranging transportation were all for naught, as none of us were there. I learned that approximately 30 people had been present to support the two bills, so obviously some people had been given the correct information.

Kathy spoke to Rep. Cornejo's Legislative Assistant who suggested the mix-up may have been a computer glitch. Since the hearing was still shown on the House

by Hedy Harden

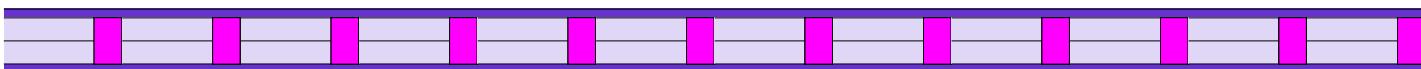


The lobbyist phone call left a nasty taste in my mouth. It seems the closer one gets to the legislative process the sleazier it appears. As a board member for Missourians for Alternatives to the Death Penalty (MADP) for several years, I've had a glimpse of what people have to go through to maneuver around the politics in the Capitol, but this was the first time it had come to me directly.

I'd already put out information for members and supporters about CURE's stance on the mandatory minimum and other criminal justice bills. I reluctantly decided to make no direct mention of HB 657 in my Lobby Day presentation and focus only on HB 419 and a few other bills. Empower Missouri folks did mention 657, though, so I had to comment briefly. My enthusiasm for the effort that day was dampened by the apparent need for evasiveness in what should have been a direct and honest approach.

With our Vice-Chairman and Secretary unavailable, our Lobby Day efforts were less organized than last year, but lots of good people were there for the first time and learned something about the legislative process, so that was encouraging. I

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Clergy Kept out of Capitol on Lobby Day

The Human Dignity & Economic Justice Coalition (HDEJC), based in Kansas City, had big plans for Lobby Day. Busloads of people planned to converge on the Capitol. A group of 23 mostly clergy had been arrested for disrupting the Senate last May while demanding expansion of Medicaid. The 23 were scheduled for another court hearing on March 11. The Capitol rotunda had been reserved by Rep. Brandon Ellington for a

HDEJC press conference and rally prior to the court appearance. Along with some 50 people already gathered for criminal justice lobbying, at least that many more would be joining us in the Rotunda from 12:45 to 1:15. While people moved around the Capitol visiting legislators, several of us gathered in the Rotunda to welcome the group. As we waited, photos were taken and we networked with CURE members from around the state. A group of fine arts



students was performing in the Rotunda, and as time passed it seemed they would never leave. It was reported that a large group of HDEJC folks was gathered on the steps outside the Capitol. It was a gorgeous day and many of us stepped outside for a little sun. We heard a rumor that the group outside had been threatened with arrest if they entered the Capitol. Indeed, four armed police stood ominously at the door.

Rev. Holzendorf, one of the 23, later told me that the Fine Arts group had gone overtime. Her group stood outside, being interviewed by the press and hearing the rumor of possible arrest, until 1:15, when they had to leave to appear in court.

Once again the case was continued. Last time the prosecutor had asked for more time for "Discovery." Yet when asked by the judge if he had any more to

by Hedy Harden

offer, he had none. Still the case was once again continued until May, obviously an attempt to keep them out of the Capitol until the session ends.

This scheme will not work, however. The Coalition began a 150 mile walk April 25 from Kansas City to the Capitol which will end on May 13. The Coalition marchers will be joined by pastors, churches, activists, handicapped persons and other organizations.



The journey of 150 miles will be done in 15 days of 10 mile daily hikes. Along the way there will be press conferences and meetings at local churches. Marchers will make it a point to talk with rural communities about the important legislative issues the coalition supports, which include expungement of criminal records, inmate employment, Medicaid expansion, offenders serving 15 years or Life Without Parole, voting and Criminal Justice Reform. ♦

Legislative Update—from page 8

website as being scheduled for April 1, we continued to email written testimony in support of HB 419.

When I spoke later to Rep. English, sponsor of HB 491, he told me that prior to the hearing he went to each member of the committee (chaired by Cornejo) to seek support for the bill, and not a single one would do so. Anxious to make the bill acceptable and salvage *something*, he put forth an amendment. One of his constituents had a son convicted of involuntary manslaughter for an auto accident, and the judge had imposed the 85% sentence, even though it was not considered a violent crime. Rep. English's amendment called for no more than a 50% mandatory minimum for involuntary manslaughter. The amendment was challenged on the grounds that it changed the nature of the bill itself, which referred to violent crimes, and the bill died.

HB 657, which had also appeared dead, was since amended, voted "Do Pass" by the committee, and referred to the House Select Committee on the Judiciary, from which it passed April 22.

It was amended to remove arson from the short list of crimes affected, leaving only assault and robbery and has been further amended to require that anyone released under this bill and later convicted of a felony would return to prison and serve out the full original term. It was debated by the full House but died there.

Other Bills:

HB 344 (Lair), which would allow the early release of prisoners 65 years of age or older was voted Do Pass in Executive Committee but went no further.

HB 561 (Rizzo) calling for a Moratorium on capital punishment was finally assigned to the Civil & Criminal Proceedings Committee but did not get a hearing.

SB 44 (Nasheed) to Ban the Box (would prohibit employers from inquiring about or considering criminal records of applicants before making a conditional offer of employment), was passed by a Senate committee and was debated by the full Senate but did not pass.

SB 189 sponsored by Sen. Kiki



Curls, which would allow parole hearings after 15 years in prison, has seen no action since it was referred to the Senate Judiciary Committee January 29.

SB 269 was heard April 14 before the Senate Judiciary Committee but died there. It would have prohibited the use of restraints on children under the age of 17 during court proceedings except in certain circumstances.

Bad Bills:

HB 129 (Brattin) would require prisoners receiving an on-site non-emergency medical examination or treatment from the correctional facility's medical staff to be assessed 50 cents per medical visit, with several exceptions. The bill was passed by the full House, perfected and sent to the Senate. It was referred to the Senate Veterans Affairs and Health Committee but died there.

SB 200 (Dixon) would require juveniles convicted of first-degree murder to serve a minimum of 50 years if age 16 or 17 and 35 years for children under 16. The bill was passed by the Senate and sent to the House but died there.

The last few days of the session were chaotic. House Speaker Diehl resigned under a cloud of controversy. ♦

Missouri CURE
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Help End Mass Incarceration—and CURE the Madness!

Licking or Bust—from page 7 towards us was kind of cool. Soon my eyelids were drooping and I was fighting to stay awake, but Angie was invincible. We arrived home shortly after midnight, safe and sound. Callers from the prison the next morning were astonished that we'd driven all the way home. Although full of men from St. Louis and Kansas City, SCCC at Licking felt like the furthest outpost in Missouri. But our warm welcome from the men there made all the difference. ♦

Our sincere thanks to the following for their generous donations: Paula Bryan, Jeffrey Butler, Carrie Coats, Julius Collins II, Brian Craig, Thomas Cunningham, Bryan Dyce, Phil Fielder, Demosthenes Hill, Larry Holland, Richard Holland, Curtis Johnson, John R. Jones, LeMable McKissick, Patty Prewitt, Roosevelt Price Jr., Michael Reynolds, Belvin Williams, and Debra K. Williams. Special thanks to Action Mailing for printing of this newsletter; to Carol Corey, Jon Marc Taylor, the SCCC Gavel Club and the SCCC NAACP for their donations of \$200.00 each; to the JCCC NAACP for its donation of \$250.00, and to the PCC 4-H LIFE Club for its donation of \$500.00. We appreciate you all!



RIP Andre Cole

Missouri has executed yet another African American from St. Louis County, another victim of an all-white jury in a county that is 24% black. Andre Cole was executed by the State of Missouri on April 15. Prosecutors struck all black potential jurors from the jury pool. An alternate juror's affidavit described repeated instances of juror misconduct as well as racist comments by jurors.

CURE members Evelyn Gates and Hedy Harden attended Andre's

funeral held April 20 at Clayton Missionary Baptist Church in St. Louis. The big beautiful old church was filled with family, friends and supporters. Finally free of the shackles that bound him for so many years, Andre's still young and handsome face appeared peaceful.



Andre's mother Lillie Cole, sister Mona Williams, and brother D'Angelo Cole greeted mourners, along with other members of his large family.

Andre left two sons, Marcus and Anthony, and five grandchildren. ♦

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