

Turning Point: The Newsletter of



Citizens United for
Rehabilitation of Errants

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From the Chair

by Hedy Harden

Human Rights for Prisoners: History in the Making!

On August 19, the Millions for Prisoners Human Right March brought thousands to Washington DC. Solidarity events were held throughout the country. Missouri CURE hosted two events.

In St. Louis about 60 people met at noon across from the Old Courthouse where slaves were bought and sold on the steps, and where the Dred Scott decision came down. 160 years since Dred finally won his freedom, the exclusion clause in the 13th amendment still legalizes slavery for prisoners.

With all the insanity going on in this country these days, we saluted those present for their courage. *White supremacists had been out in force the night before outside nearby Busch Stadium when the Cardinals game let out. Apparently they were protesting the fact that for the first time a transgendered person threw out the first pitch.*

August 19 marked the first national event of this kind, so we were a part of

history in the making. Some Missouri prisoners fasted in solidarity.

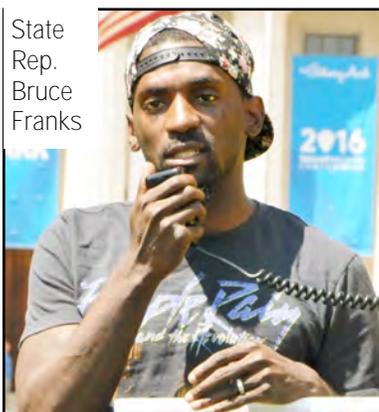
CURE members handed out flyers and brochures. We invited people to attend our annual conference next month at Greater St. Mark Family Church.

Tacuma (Donald Harden), a founding member of Missouri CURE, and I took turns on the bullhorn. State Rep. Bruce Franks was our special guest speaker, stating that his main focus is criminal justice.

Several of our endorsers also spoke. These included Attorney Mae Quinn of the MacArthur Justice Center; Don Fitz of the Gateway Green Alliance; Cori Bush, Candidate for Congress; Vicki Henry of Women Against Registry (WAR); and Allen Muhammad of Nation of Islam Muhammad Mosque 28. Margaret Phillips of Missourians for Alternatives to the Death Penalty-St. Louis announced the upcoming execution of Marcellus Williams, who may be innocent, on August 22, and asked people to contact Gov. Greitens (*See Update page 12*).

Other endorsers included St. Louis Community Re-entry, Decarcerate St. Louis, Organization for Black Struggle (OBS), Coalition Against Police Crimes & Repression (CAPCAR), Inside Dharma, Veterans for Peace Chapter 61, Second Chance Freedom Foundation, Let's Start (for women ex-prisoners), New Life Evangelistic Center, Criminal Justice Task Force of Empower Missouri, and Fresh Start (at Prince of Peace Church).

We talked about prison conditions in Missouri, the poor food, the inadequate medical treatment, the fact that prisoners pay taxes yet are not allowed to vote, and the deprivation suffered in administrative segregation. "Today we demand humane treatment for these prisoners! We demand abolition of prison slavery! We demand an end to racism in Missouri prisons!



State Rep. Bruce Franks

Summer 2017

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We demand an end to guard brutality! We demand adequate medical treatment for prisoners! And we demand an end to Mass Incarceration!"

People reported being inspired. Tourists stopped to watch and listen. Some took photos and asked for more information. We ended with a few chants: "Prisoner Lives Matter!" "What do we want? Human Rights! When do we want them? Now!" "Voting Rights for All!" and "Prison slavery must go!" ♦

Missouri CURE

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- Angelika Mueller-Rowry, Gateway Greens
- Margaret Phillips, MADP

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

Mission Statement

CURE believes that prisons should be only for those who MUST be incarcerated and that prisons should only exist for the purposes of education and rehabilitation. 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.

East St. Louis Massacre of 1917 *from Hedy Harden*

One hundred years ago this June, Black people in East St. Louis were attacked by a savage mob of whites, one of the most horrific and violent series of events in the history of the United States of America.

Hundreds of black people were brutally killed, many burned alive, their homes burned, women and children attacked, shot, etc. Thousands fled across the bridge to St. Louis. Some died while crossing the Mississippi in makeshift rafts.

Three days of events were held to memorialize this appalling period in history. Angie and I attended a commemoration that was deeply moving. Other events included a processional with bell ringing, drum call & response across the River from the Malcolm Martin Park in East St. Louis, and a walk to the middle of the Eads Bridge, where a ceremony was held with release of sky lanterns. ❖

Workhouse Protests See Results

The St. Louis Medium Security Institution, commonly known as the Workhouse, holds more than 760 prisoners, the vast majority of whom have not been convicted of any crime. The facility has been condemned for years but is still operated by the city. During a recent intense heat wave, hundreds of protestors gathered to call attention to the lack of A/C and demand closure of the jail. Some 200 people protested at the Workhouse on Friday, July 23.

Police used pepper spray, and three protestors were arrested. Some protestors crawled under the outer fence and entered the perimeter. The next night two more people were arrested.



But by Monday five temporary A/C units, ranging from 25 to 50 tons each, were delivered to the facility to be installed by the end of the week. The Workhouse has long been the subject of complaints and protests. Besides the lack of A/C, residents and outside organizations have raised concerns about abuse from guards and unsanitary conditions in the facility. ❖

Gracias!

Many thanks to the following people who donated to Missouri CURE: Shango Bey, Calvin Bloomer, Cathleen Burnett, Lemoine Carter, Thomas Cunningham, Christie Ewing, Genevieve Fahland, Adrian Houston, William Larson, Patricia Prewitt, Brian Smith, Randy True Smith, Zachary Smith, Sammy Vincent and Brad Weinert. Special thanks to Mae Quinn for her donation of \$200; to Deborah Burch for her donation of \$200, and to Carol Corey for her donation of \$125. Once again, we are deeply grateful to Action Mailing for donating the printing of our newsletter. Thank you all for your support!

A Need for Criminal Justice Reform

from Shango Bey

I'm sitting here in this prison cell, reflecting on how much has been written and how much has been said about life in prison by pundits. Most of them focus on the glaring incidents of violence that occur daily in prison life by those whom society incarcerates. I guess their objective is to show the supposed inhumanity of those that they incarcerate? That prisons are hotbeds of violence is undeniable, but overt expressions of violence rarely occur daily, and this is especially true throughout Missouri prisons.

The most profound horror of Missouri prisons lies in the day-to-day mundane occurrences of prison life. Prison is a second-by-second assault on the soul, a day-to-day degradation of the SELF, an oppressive steel and brick umbrella that transforms seconds into hours, hours into days, days into months, months into years, and years into decades. I speak from experience—nearly 35 years of experience as a captive trapped in this very dark netherworld.

While a person is locked away in these distant netherworlds across this country, time seems to stand still, but of course it doesn't. Children, whether locked on the inside or left on the outside, grow into physical adulthood. Once loving relationships among family members wither away into yesterday's dust, unwanted dust that any small wind can blow away. A prisoner gradually learns that blood has no thick-

ness at all. It must be cultivated and nurtured, which corrections refuses to permit. New generations are born and long-time friends leave you to stand alone. Relatives pass away, and their loss is mourned in silent loneliness. Times, temperaments, and traditions change, and the caged move to outdated rhythms of yesterday.



Encased within a psychic cocoon of negativity, the bad get worse and feed on evil's offal. Those who are harmed become further damaged, and the merely

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warped are forever twisted. Empty unproductive hours morph into years of unfulfilled

potential and dreams!

This is the ugly, unreported face of rehabilitative corrections in this age, where none are corrected, where none emerge better than when they came—UNLESS they're mature enough to take the self-initiative to be self-taught, because corrections has nothing meaningful

to offer but AUTHORITY, ABUSE and CONTROL. This is the face of corrections, which outlaws real education methods (HOW to think as opposed to WHAT to think) among those who have a 90% illiteracy rate.

The mind-numbing, soul-killing savage sameness that makes each day in prison an echo of the day before, with thought of neither HOPE, GROWTH nor RELEASE makes prison the abode of SPIRIT-DEATH. What societal benefits are there in ignorance? What societal benefits are there in a lack of hope? Who profits from such a policy other than the money-greedy prison establishment itself?

For these reasons I applaud the recent Executive Order by Missouri Governor Eric Greitens, creating a 22-member task force which, among other duties, is shouldered with the responsibility of making recommendations to reduce the prison population and lower costs for taxpayers. The Executive Order calls for recommendations to be issued by December 31 with the goal of enacting legislative changes in the 2018 session.

Of course, the jury is still out, but maybe Missouri is ready to take a more enlightened path towards corrections?

Director Precythe of the MoDOC is the chairwoman of the 22 member Task Force. We must seize this opportunity and forward our ideas relating to criminal justice reform to Director Precythe, Missouri Department of Corrections, 2729 Plaza Drive, Jefferson City MO 65102. The sooner begun, the sooner done. ❖



Some of the speakers at the August 19 rally at the Old Courthouse in St. Louis

Parole Board Scandal

by James Keown

During the run up to the last presidential election, there was a lot of talk about politics being a rigged system. If politicians want to see a truly rigged system, they should attend a meeting of the Missouri State Parole Board.

ers answered questions during hearings. Instead of evaluating whether women and men were prepared to successfully return to the free world, board member Donald Ruzicka could score extra points in his demented game if he could cajole nerv-

whose top goal is not public safety, but rather public relations.

Parole board lackeys seek to protect their cushy jobs and their elected benefactors by mitigating negative headlines. No politician wants to read in the local

Editor: A lot of people are under the impression that it was a Missouri DOC inspector general's report that unearthed the parole board scandal. In fact it was discovered by Attorney Mae Quinn and the MacArthur Justice Center of St. Louis following a FOIA request for information. The Inspector General had merely reported her findings to the parole board itself. Had it not been for MJC blowing the whistle, the egregious behavior would have gone on unchecked. Hedy Harden



Atty. Mae Quinn at June 8 press conference revealing the parole board scandal.

newspaper during an election year about some parolee committing a new crime. The easiest way to prevent such news stories is by preventing parolees in the first place. Therefore, many parole boards focus their work on finding ways to keep people in prison, instead of helping them prepare a proper path to freedom. Constituted around this goal, board members become mental predators who seek to beat down, diminish, and further dehumanize prisoners

Recently, juvenile lifers in Missouri sued the state because the board continues to hand out denials using a rubber stamp process rather than providing juveniles with meaningful parole hearings as demanded by the United States Supreme Court. To some members of the state parole board, hearings are nothing but a game.

A recently released Missouri Department of Corrections' inspector general's report revealed that at least one board member and a parole staffer had created a word game the pair would play as prison-

ous prisoners to parrot his ridiculous tomfoolery.

Fortunately for Missouri prisoners, Ruzicka was forced to resign. His termination, however, does not address the root culture of the Missouri State Parole Board—a culture that is shared by parole boards across the country. Rather than seating boards with professionals who have the education and training to effectively evaluate whether men and women have adequately addressed the issues that led to their incarceration, many boards are merely stuffed with political cronies

appearing before them. In some hearings parole boards endeavor to retry a prisoner's court case or a prisoner's entire past—especially if a plea deal is involved in the prisoners' sentence. Such boards like to point out how lucky the prisoner is to even be appearing before the parole board. Other boards will reprimand a prisoner for not participating in a particular rehabilitation program, even though the board knows such a program isn't offered at the prison where the man or woman is housed. It is no wonder that, in more and more states, fewer and fewer prisoners receive parole.

Missouri Prisoner Weighs In *by Roosevelt Price*

Since the Missouri Board of Probation & Parole (MBPP) changed its parole statute from mandatory language to discretionary language, MBPP has become one of the most secretive, abusive, failed entities in the United States. Many believe that appointed members of the Board do not adhere to Missouri's Code



of State Regulation governing the procedures and operations of the Board. Parole hearings have become a place of retaliation toward and victimization of prisoners and their families, both from parole board members and victim families who attend the hearings. Numerous complaints and lawsuits have been filed

against MBPP regarding eligibility, liberty interest and due process violations.

I agree with parole board Chair Kenny Jones that "Members of the board must be held to a higher standard." The problem is, who will really hold MBPP to that higher standard? If it weren't for the media reports concerning Mr. Ruzicka and his colleague, many of us prisoners, as well as people in society would not have known this was going on. In retrospect, Mr. Ruzicka and his colleague had been playing this game for quite some time, and his co-workers were aware of it.

So how do we make sure that MBPP is held to a higher standard?

While the Supreme Court has mandated meaningful parole hearings for juvenile lifers, every prisoner deserves a meaningful hearing. That cannot happen until states start creating well-meaning parole boards. Keeping people in prison after they have been rehabilitated to the best of the state's ability does not make the public safer. In fact, one recent study says that the longer a person stays in prison, the more likely they are, up to a certain age, to commit a new crime upon release.

Therefore, providing men and women a meaningful opportunity at parole benefits the general public by creating safer communities. Parole is serious business. Real lives are at stake. It is time for officials to stop treating it like a game.

James McKeown is a prisoner in Massachusetts originally from Missouri. ♦

See MBPP p. 7

Meeting with Director Anne Precythe

by Hedy Harden

Empower Missouri's Criminal Justice Task Force (CJTF) met in Jefferson City July 12 with DOC Director Anne Precythe and Alana Boyles, the new Director of Adult Institutions since May of this year. Among those present were CURE members Keith Brown El, Deborah Burch, Shirley Sutton, Jeff Humfeld and myself. Also present were other task force members plus people representing other organizations, perhaps 20 present in all.

Alana Boyles was warden of CCC for 2½ years, also spent time at WMCC and Maryville before going to CCC. She has been with DOC for 22 years. Her background before that is in education—she has both a bachelor's and a master's degree.

Anne (she likes first names) explained her vision. She is excited to be here in Missouri and has a passion for Corrections. In North Carolina she was head of Re-entry. She worked on evidence-based practices focused on changing behavior. Her Probation and Parole staff supervised based on risk level, with skill set development and motivational tools, based on forgiveness and the ability of people to change. She wants to shift the culture of both prisons and P&P staff.

Anne boasted that 24 Missouri prisoners are writing computer programs for the state. They taught themselves how to do it. They work in a room that looks like IBM.

She talked about other good things prisoners are doing, such as the 500+ daily living assistants. Anne takes complaints seriously. There are two sides to every story, but she will look at it.

The courts sentence people to prison, she said, but the time they spend there doesn't have to be a hopeless life of misery. She will do things to brighten up the surroundings. It is a community, and she wants prisoners to contribute to it and develop themselves in preparation to return to society, where they can be contributing members. She believes in holding people accountable, but also rewarding good behavior.

Jeanette Mott-Oxford, Empower Missouri Executive Director, mentioned the trauma that many prisoners have been exposed to during their lives.

Trauma, Anne responded, has always been around. What's important is

how well the average person understands the effects of it. Anne wants to educate people to understand trauma.

She believes everyone needs to be released on some type of supervision to ease the transition. She stresses a new philosophy on how Corrections should



work. People in prison should be treated the same, whether they are staff or prisoners. She has lots of work to do with staff. She is looking for staff with the needed skill sets, not necessarily those with longevity. Alana, Anne said, has the skill sets she's looking for.

Alana says she has been on the job for 71 days, is proactive. She has visited 8 prisons already. The way the DOC has been doing business is not working. She asked the staff to send suggestions to her via email. She wants to empower staff to be good role models and empower prisoners to make good decisions when released. Technology has been deficient and needs to improve for prisoners to be more prepared for society.

Anne said that staff has low tolerance for imperfections in prisoners, and management has low tolerance for imperfections in staff. She will start with supervisors. There are pockets of problem areas. She is looking for both staff and offenders who can take information they have learned and run with it.

Anne had a meeting with all leadership. It was the first time in the history of the DOC that this was done. She told them that this is a new day for Corrections in Missouri. She told them to do a good self-evaluation over the weekend, because the train leaves Monday morning. Feedback was phenomenal. She

believes that was a solid start. Now she will move on to middle management. There must be an investment in staff, she said, to get better outcomes for staff, inmates and society.

Mary Ann McGivern, chair of EM's CJTF, outlined the four problem areas that we see in the parole system:

1. Problem of the Parole Board composition, all state legislators and law enforcement
2. Problem of lack of oversight of individual board members
3. Problem that parole is so frequently denied in the past eight years that the prison population has risen in part because of the denials
4. Problem that inmates frequently don't know why they were denied or what to do to receive a parole date

Patty, a former prisoner with Let's Start, said there should be at least one (preferably two) former prisoners on the parole board. Nobody understands the system like they do.

Jeff, producer of Jaws of Justice radio program on KKFI Community Radio in KCMO, talked about parole officers not having been allowed to talk on the radio about what they do. Anne said Gov. Nixon had forbidden anyone to do that. Kenny Jones, now Chair of the Board, wants Probation and Parole members to speak out.

Health issues were presented by Rev. Ted Schroeder of EM. He complained that apparently prisoners over 50 were not getting colonoscopies and perhaps other vital testing, such as mammograms.

Alana responded that there are two sides to every story, but that she visited WERDCC and is working with them to provide such testing, although they might not get it as promptly as they would like.

Anne spoke about where DOC is headed. Missouri requested assistance from the Justice Reinvestment Initiative which is funded by the Pew Charitable Fund.

Ed: From their website: "The Justice Reinvestment Initiative is a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism."

See Director page 8

Moberly Starts First Veterans' PTSD Group

Shon Pernice of MCC reports that they have started the first Veterans' PTSD group in the Missouri DOC.

A pilot program, it was funded by

Corizon. Books were provided by the Federal BOP. The group was facilitated by Patricia Cahill, Mental Health Director of MCC. Eight veterans participated in the original group.

On May 18, the group celebrated a dual event, its first graduation and a Vietnam

Veterans award ceremony. The huge event included 17 VIPs from outside and the Assistant DOC Director, the Director

and Assistant Director of Corizon, Director of DORS, Director of Mental Health for Missouri, Director of the Columbia Veterans Administration, and others.



Including staff members, 100 people filled the chapel. Two Iraqi WAR veterans told traumatic stories about the war and their struggles with PTSD, making for an emotional experience.

The second part of the program featured a certificate

from President Obama, commemorating the 50th anniversary of the Vietnam War. The certificate was awarded to 23

Vietnam Era Veterans, including a few outside guests.

It appears the program met the approval of the higher ups. In July the men will know what DOC is going to do. Their goal is to implement PTSD programs for veterans in all Missouri prisons.

Said Shon, "The Columbia VA has been sending someone out here to monitor our group. It's just a start, but it looks like DOC is recognizing a need for specialized treatment for war veterans. Combat-related PTSD does not go away just because you are incarcerated."

From Angie: It should be noted that almost every prisoner suffers from PTSD in one form or another. ❖

How to Start a Lifer Group in Prison

There are many correctional facilities across the United States that do not have lifer groups and have large numbers of lifers who do not know how to start such a group. Lifer groups are very easy to start. Here are the steps you must take:

1. Survey the lifers—lifers with parole option and lifers without parole option—and find out what they think. If you can get positive feedback from at least 25 lifers, decide on the purpose or mission of your group. Write it down. If your facility has a prison newspaper or newsletter, publish your intent to start a lifer group or committee to address the concerns of lifers relative to parole and/or commutation of sentence. In some states, parole boards have legislative authority to grant paroles and commutations. In other states, the governor has constitutional authority to grant reprieves, pardons and commutations.
2. After you have written your mission statement or statement of purpose, notify both your prison warden or superintendent as well as your state's director of corrections.
3. Do not ever consider the lifers' group as a political leverage against the facility; if so, it will be disbanded and closed down.
4. Get to know your state lawmakers. Write to them and express your concerns. Write to your state's parole board members with your concerns. Invite both the lawmakers and parole board members to your lifers' meeting. Ask questions related to paroles and commutations. Ask for copies of the guidelines. Ask your legislators to review and update your state's life laws to facilitate release of both parolable lifers and lifers without parole option. Ask your legislators to mandate rehabilitation by state laws and provide financial assistance to corrections to implement programs.
5. Establish a line of communications with your state's governor and bring your concerns to his/her attention.
6. Establish a line of communication with area colleges and universities that have criminal justice courses/classes. Invite them to your meetings.
7. A lifers' group should consist of the best lifers who are articulate, educated, and not disciplinary problems. They should be examples of well-behaved prisoners. They should encourage all lifers to avail themselves of the facility's betterment programs and stay free of disciplinary reports.

For additional information on implementing and facilitating these suggestions, write to us at:

CURE LifeLong, 665 W. Willis St., Suite B-1, Detroit MI 48201-1641.

Ed: CURE LifeLong is a national issue chapter of CURE for those with life or long-term (virtual life) sentences. They also produce an excellent newsletter.

MJC Files another Class Action Lawsuit: Alleges VOP Practices Unlawful

On August 14, 2017 the MacArthur Justice Center at St. Louis (MJC-STL) filed a federal class action lawsuit in the Western District of Missouri, alleging the Missouri Department of Corrections (MDOC) and its Division of Probation and Parole (Parole Board) have been ignoring decades-old constitutional standards in conducting parole revocation (Violation Of Parole) proceedings. In doing so MDOC and the Parole Board have been unlawfully re-incarcerating thousands of people each year.

In a series of cases going back to the 1970's, the United States Supreme Court

mandated states to provide parolees with due process protections before depriving them of liberty based upon alleged parole violations. These protections generally include (1) a meaningful preliminary hearing to establish sufficient cause to proceed, (2) a final hearing where



evidence of the alleged violation is presented and can be challenged before a finding is made against a parolee, and in many instances (3) the right to appointed counsel.

Yet, data obtained by the MacArthur

Justice Center suggests that the Parole Board revokes parole release for somewhere between 3000 and 7000 individuals each year without ever offering anyone an attorney. And it conducts almost no hearings before revocation.

The case has been brought on behalf of several named plaintiffs who, hopefully, will be designated as representatives for an entire class of similarly situated parolees. The goal of the suit is to change current practices, not for monetary damages or to raise individual claims with the Parole Board. If class standing is granted, further word will be shared with inmates who may be part of the class. That process will take some time. ♦

Lawsuit Re Hep C Treatment in Missouri Prisons Granted Class Status; Appeal Followed

On July 26, Judge Laughrey in the Western District Court granted class action status to a lawsuit filed by the MacArthur Justice Center at St. Louis ("MJC-STL") and the ACLU of Missouri relating to lack of adequate medical treatment for Missouri prisoners suffering from chronic Hepatitis C. In the Court's 35-page order, it defined the class as follows: "All those individuals in the custody of MDOC, now or in the future, who have been, or will be, diagnosed with chronic HCV, as that term is defined medically, but who are not provided treatment with direct acting antiviral (DAA) drugs."

On August 9, the defendants filed a petition to appeal the order granting class certification. That remains pending with the Eighth Circuit Court of Appeals. Meanwhile, attorneys at MJC-STL and ACLU continue to press forward with discovery in the case, including reviewing documents produced by Corizon and MDOC related to the claims in the case.

At this time, incarcerated individuals who fit the above definition of a class member set forth above do not need to do anything to become a member of this class. Furthermore, since the lawsuit seeks only prospective, injunctive relief on behalf of class members (not damages), class members cannot opt out of the class. The goal of the lawsuit is to have MDOC provide treatment with DAAs to

the entire class. This suit is not seeking money damages on behalf of all class members. Individuals who would like to seek individual damages will have to do so on their own.



If you are a class member, the attorneys at MJC-STL and ACLU of Missouri are your attorneys for purposes of the class-wide relief sought in the lawsuit, and correspondence with MJC-STL or ACLU of Missouri regarding the lawsuit is protected by the attorney-client privilege.

If necessary, MJC-STL and/or ACLU may be in touch with class members in the days ahead, and may request any documentation necessary for the case. In the meantime, individuals are encouraged not to send confidential materials—including medical records—to MJC-STL or ACLU. Mail not infrequently gets lost or damaged, and the attorneys may be obligated to disclose to the defendants non-privileged documents that are shared with them, including medical records or grievances, through the course of discovery in the case.

Trial is currently scheduled in September 2018, but the parties have filed a joint motion asking the Court to continue trial by approximately four months to permit additional time to conduct discovery. If granted, trial would be held in January 2019. ♦

MBPP from p. 4

Well, for starters, we can have family, friends, and Representatives from our districts to create, submit and support bills to overhaul and reform the MBPP.

Missourians are fed up with the secrecy and lack of both accountability and transparency that MBPP has been allowed to operate under. Missourians don't trust what they can't see.

Secondly, the bills can consist of legislation to hold the MBPP accountable for its abusive and arbitrary tactics by publicly disclosing their findings regarding parole and pardon decisions, especially when related to serious crimes.

This legislation could also call for broadcasting some of its parole hearings on public access television or allow cameras at the hearings. It should also allow prisoners access to their parole files. New Hampshire and Georgia have passed similar legislation.

Third, eliminate or restrict discretionary parole or eliminate parole completely and have Missouri prisoners serve determinate sentences. Passing these provisions would eliminate the abuses and cruelty of the MBPP and save the state and Missouri taxpayers a tremendous amount of money. Prison overcrowding would ease as well. Legislation such as this has already passed into law in California, Washington, Minnesota and Kansas.

Armed Militia Invade Peaceful Protest in KCMO

by Keith Brown El

August 25, 2017

Mayor Sly James and
Members of City Council
City Hall, Kansas City MO 64106

RE: Ban Firearms in Public Parks

Greetings Mr. Mayor and City Council
Members:

On the evening of August 19th 2017, participants of the Millions for Prisoner's March gathered at Ilus W. Davis Park at 11th and Oak in downtown Kansas City MO. Our purpose was to engage in a nation-wide solidarity march and rally organized to inform the public and protest the serious human rights violations taking place in Missouri jails and penal institutions, and in prisons all across this country.

Upon our arrival, our gathering of approximately 200 people observed that a group of 30 white militia men, dressed in camouflage and armed with high-powered assault rifles, had surrounded the park. The excuse we were given by law enforcement, who were also present, was that the militia were there to protect the police. The militia told the media they were there "To make sure nobody gets ran over by a car," and that "No one goes home bloody." Others were told that the police had called them out.

We later learned that there were a substantial number of people who came

to participate in our march and rally had been frightened away by the sight of these white militia men with weapons. Yet the police told us there was nothing they could do because these militia men had a constitutional right to bear arms.

So my question to the members of this city council is this: What about the rights of unarmed law-abiding citizens here in Kansas City to have access to public parks, along with their children,



other family members and their pets and not to be frightened away by armed white supremacist groups?

Everyone there, without exception, found the sight of these white militia men armed with assault weapons in a public park at a peaceful protest to be highly infuriating.

A black person can't even go into a Walmart Store and pick up a toy gun without being shot to death by the police. I am certain that the KCPD would have had a very different response had they arrived and found Davis Park surrounded by a group of black people

dressed in camouflage and armed with high-powered assault weapons.

Public Parks are intended to be peaceful environments, and much consideration should be given to the fact that people often have small children in these places. There is no reason why anyone should bring that kind of firepower to a public park unless there is a riotous situation already in progress. In addition to this, there is nothing to hunt in public

parks but squirrels and rabbits, and hunting neither human beings nor animals should ever be allowed within the city limits.

If these white militia men are going to continue the practice of showing up at every peaceful protest in a public park in this fashion, it will only be a matter of time before this results in some kind of extremely

tragic, bloody confrontation which could result in needless loss of life or serious injury.

Therefore we are urging the members of the city council here in Kansas City to implement procedures to pass legislation banning the presence of all firearms in public parks.

Sincerely yours,

Keith Brown El
and Citizens of the Millions for Prisoners
Human Rights March, Kansas City MO

Copies to all Council Members ❖

Director from p. 5

JRI is sending \$2 million worth of expertise to Missouri. Anne is excited about the changes. Kenny Jones will have Parole Board members go to prisons and see what is going on with prisoner education and programming as well as prisoner organizations.

Alana said there will be more interaction.

Anne wants to decrease the prison population, saving the expensive prison beds for those who really need to be there and releasing low-level offenders.

We had planned to provide input for the Governor's new task force on prison reform, but Anne stated that the people had already been chosen. She did say that the monthly meetings will be open to

the public. There will be one in September and one in October, but she couldn't give us details as the members are in the process of gathering information.

Keith said that Missouri CURE for some time has been hoping to start focus groups to find out what helps and hinders parolees in avoiding recidivism. Anne said they do plan to have focus groups during the



next 6-9 month period with different stakeholders, and that we could possibly have some input in that area. Anne wants to know who we would like to be part of that discussion.

Anne noted that Missouri is #1 in the

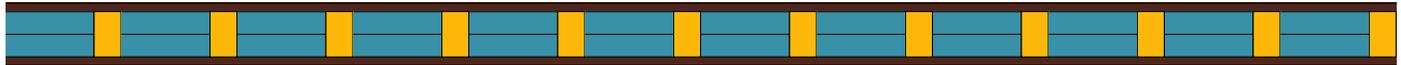
U.S. for incarcerating the most females.

Anne said that the Missouri prison population is now 34,000. I asked Anne about the prison population in North Carolina. NC prisons have many more staff (nearly 20K) than do Missouri prisons. NC has 56 state prisons, with 46K prisoners (website says 37,478) v. MO with 34K prisoners, 21 prisons and 11K staff.

From NC DOC website: "Since 2011 the NC prison population has declined by 3,000; from 2011 through 2014, recidivism dropped 14%."

Anne mentioned she is working with Deputy Director Matt Sturm.

She thanked us for the partnership we offered and said it is key to their success. ❖



Summer Activities

- June 7 Keith interviewed by Green Party in KCMO
- June 8 MacArthur Justice Center press conference reveals parole board scandal (Shirley Miner, Shirley Sutton, Tacuma, Evelyn Gates and Hedy attended)
- June 10 MADP STL Spotlight Dinner featuring Voices from the Edge (Angie & Hedy)
- June 19 KC CURE meeting
- June 23 CURE STL meets via Conference Call
- June 24 MADP Annual Meeting in Springfield MO (Hedy)
- July 1 East St. Louis commemoration of 1917 massacre (Hedy & Angie); “Millions for Prisoners March” meeting in KCMO (Keith, Jeff Humfeld, Brianna, Carl Greer)
- July 2 IWW Meeting in KCMO (Brianna, Carl Greer, Keith)
- July 5 Empower Missouri Criminal Justice Task Force Conference Call (Hedy, Keith)
- July 6 Hedy interviewed by “Forward Through Ferguson” group
- July 8 Keith speaks at NBUF meeting in KC; Keith speaks at campaign meeting for Shaheer Akhtab
- July 10 Court hearing in Cole County regarding Angie’s lawsuit
- July 12 EM CJTF Meeting with Director Anne Precythe in JCMO (Keith & Jeff from KCMO, Deb Burch, Shirley Sutton & Hedy from St. Louis)
- July 17 Keith, Hedy and Rev. Ted Schroeder speak on KKFI Jaws of Justice about meeting with Precythe; KC CURE Meeting
- July 18 OBS Meeting (Hedy)
- July 19 Wayne Bowers consults with Hedy about going online with CURE SORT (issue chapter of Sex Offenders Restored through Treatment) newsletter
- July 21-22 Heat protests at STL Workhouse; 5 arrested; city installs gigantic A/C units in response July 24
- July 22 STL CURE Meeting followed by Pot Luck at Hedy’s place
- July 23 Keith inspects conference site in Ferguson; Keith & Hedy speak at Prince of Peace Church (to Shirley Miner’s group Fresh Start)—Hedy receives award plaque.
- July 25 Hedy & Angie attend meeting of Decarcerate St. Louis; get endorsement for August 19 event
- July 29 1st National WAR (Women Against Registry) Conference in STL (Hedy)
- July 30 Atty. Mae Quinn of MacArthur Justice Center speaks on prison reform at First Presbyterian Church
- August 1 OBS Night Out for Safety & Liberation; Missouri prisoners fasting in solidarity with August 19 events
- August 6 National CURE phone conference on Lifers (Hedy)
- August 12 “Whose Streets?” documentary film about Ferguson at Tivoli Theatre sponsored by OBS (Hedy)
- August 19 Millions for Prisoners Human Rights March on Washington; solidarity march & rally in KCMO; solidarity rally in St. Louis at Old Courthouse
- August 20 Keith speaks at anti-racism event in KCMO
- August 21 KC CURE Meeting
- August 25 STL CURE Meeting



Prisoner Lives Matter!

When Innocent People Plead Guilty: The Flawed Plea Bargaining System

by Aryan Neal, CRCC

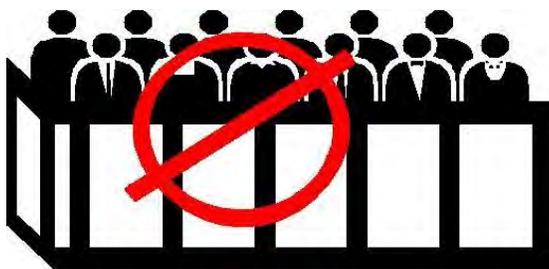
Imagine this: You're arrested and questioned about a crime you have no knowledge of. During the interrogation, you vehemently maintain your innocence and know without a shadow of doubt you'll soon be out of this predicament. But to your surprise and dismay the situation takes an abrupt turn for the worse—you get fingerprinted, booked and charged with a crime you know nothing about.

The prosecutor, whose obligation is to ensure that the guilty shall not escape nor the innocent suffer, does everything in his power to induce a guilty plea. You are charged with the most serious charge that can be levied. He exploits the information imbalance and doesn't hesitate to flaunt his distinct advantage by painting a very elaborate picture about what will happen if you elect to go to trial, and he uses the threat of the imposition of the most severe sentence possible, which is the most effective instrument in his arsenal to induce a guilty plea. He cares not that you maintain your **innocence**.

Your attorney, whether private or court appointed, being informationally deprived, is immediately outflanked by the overly eager prosecutor who makes it clear that, unless the case can be quickly resolved via plea bargaining, he intends to pursue the case relentlessly until you are found guilty of the most serious charge possible. To your attorney, a guilty plea represents a quick buck. Advising a guilty plea is always the safe, secure, cheap and most profitable course. Plea bargaining minimizes work, promotes cordial and comfortable relationships with the prosecutor and judge, and allows the case to be disposed of expeditiously. In his effort to induce you to plead guilty, your own at-

torney browbeats (bullies) you, exaggerates the strength of the prosecutor's evidence, emphasizes the sentence likely to follow conviction after trial, enlists your family to urge you to smell the coffee, lies, and threatens to withdraw from the case.

You, against all this pressure, being economically, socially and politically disenfranchised and a lay person in the ways of law, have virtually no avenue to check or challenge either the prosecutor's or the defense attorney's coercive actions. The



judge is excluded from participating in the plea negotiations, so there is no way you can appeal to a possibly neutral third party. This lack of interference by a possibly neutral judge allows the prosecution and defense to arbitrarily flex their muscles, so their coercive tactics go unchecked.

So what do you do? Do you risk conviction at trial and possibly incur a penalty that will imprison you for a very long time, or do you plead guilty to a lesser charge and secure your freedom one day—even though you are **innocent**? This is a dilemma that many Americans face in today's criminal justice system.

Over 40 years ago, the United States Supreme Court in *Santobello v. New York* concluded that plea bargaining was "an essential component of the administration of justice. If every criminal charge were subjected to a full scale trial, the states and Federal Government would need to multiply by many times the number of judges and court facilities." Once thought of as a "necessary evil," guilty pleas are now praised as an efficient means of final

disposition in criminal cases. The ability to dispose of the great majority of cases through guilty pleas rescues the criminal justice system from an inward collapse, conserving what the government has deemed valuable judicial resources.

Despite the critics who question such a system where fairness and integrity are sacrificed in order to make sure the system survives, this practice is not going away.

In *Missouri v. Frye*, The U.S. Supreme Court noted that "in today's criminal justice system...the negotiation of a plea bargain, rather than the unfolding of a trial, is almost always the critical point for a defendant."

It's evident that the criminal justice system must forego trials in order to sustain its vitality. A reasonable inference can be drawn that the mandatory language of "must" translates to "at all costs, including convicting the innocent."

In an ideal world, people would not be charged with crimes they did not commit. In that same world, innocent people who were wrongfully charged would never plead guilty, but would invoke their right to trial and be justly acquitted by a jury of their peers. Sadly, this is not the world we live in. Just ask Joseph Buffey, Rodney Roberts, James Ochoa, Brian Banks, and the other 332 persons exonerated even though they pleaded guilty. Or maybe you can ask the 40,000 to 160,000 people behind bars—the number which criminologists have estimated are innocent of the crimes to which they pleaded guilty.

Modern DNA testing has revealed that astonishing numbers of innocent people pleaded guilty to crimes they did not commit. The attention DNA testing has brought to the risk of wrongful convictions has, in turn, increased judicial scrutiny of "non-DNA" evidence used in criminal investigations and trials. Most wrongful convictions will not involve DNA, since over 80% of all criminal cases do not generate biological evidence containing DNA at all, or cannot be resolved through DNA testing. As the Innocence Project explains, "only a fraction of criminal cases involve biological evidence that can be subjected to DNA testing." In approximately 10% of the 350 DNA exonerations to date, one or more of the defendants pleaded guilty to crimes they did not commit. The same percentage is true

Federal Judge Alex Kozinski of the 9th Circuit Court Appeals Court, interviewed on "60 Minutes," says he's seen prosecutors distort evidence, coach witnesses, pile on charges to force guilty pleas, and fail to reveal facts that could help or be exculpatory to the defense, which they're legally required to do. Regarding how many of the 2.2 million prisoners are innocent, he says, "Even 1% would be 20,000 – 20,000 people. That's a lot of people. And I think one percent is probably a fair guess. We have this notion in this country we've got the best system in the world. It's infallible. If anybody gets convicted, they must be guilty. It's just not so."



Plea from p. 10

among the nearly fifteen hundred “non-DNA” exonerations documented since 1989.

On February 3, 2016, the National Registry of Exonerations issued its report for 2015, noting that 149 U.S. prisoners were exonerated that year. Nearly four in ten of those exonerated had been convicted of murder. More than 2/3 of the exonerees were minorities. Sixty-five of these exonerations (44%) involved innocent persons who pleaded guilty, a glaring indication that the current criminal justice system is flawed.

In light of these numbers, legal scholars are increasingly scrutinizing the systematic pressures on innocent people to plead guilty.

As Judge Jed S. Rakoff noted in his recent article, **Why Innocent People Plead Guilty**, “The prosecutor-dictated plea-bargain system creates such inordinate pressures to enter plea bargains (that it) appears to have led a significant number of defendants to plead

guilty to crimes they never actually committed.”

The Innocence Project has also noted that most of the 10% of DNA exonerees pled guilty to avoid either the death penalty or a life without parole sentence.

To further support this contention, a

ment that a guilty plea should preclude an innocent person from obtaining relief.

The court rejected the argument by noting that the “plea bargaining process is flawed and that **there are systematic pressures as well as specific pressures** in Mr. Tulley’s case **that could influence and coerce an innocent man to plead guilty**. Also, in a thoughtful analysis, a

Colorado Supreme Court noted “that defendants do choose to enter guilty pleas for reasons other than clear guilt.” The court further reasoned that, “In an era in which scientific techniques for analyzing evidence are advancing at a rapid pace, precluding the withdrawal of a plea on the basis of later discovered evidence could work a significant injustice.” (**People v. Schneider**, 25P.3d 755).

Together, these facts and statistics show that false guilty pleas by the innocent are

becoming disturbingly common in today’s criminal justice system, a system that once hinged its integrity on the principle that, **“It is better that ten guilty persons escape than one innocent suffer.”** ❖



“The most disturbing part about the widespread corruption of prosecutors is not only the lack of accountability—it is the resistance of the system to correct itself, to make their victims whole. Prosecutors and their offices regularly refuse to participate in any redress of victims. Of all the victims I worked with, the system never so much as gave them an apology for snatching their lives. Even in the face of proven deception, prosecutors will maintain they did no wrong, furthering erosion of the public trust. Even in the face of exonerations, prosecutors will often hold on to the original guilty verdict.”—from *Prosecutorial Crimes & Corruption: The (White) Elephant in the Courtroom*, by Jamala Rogers, *St. Louis University Law Journal*, Summer 2017.

Texas Appellate Court granted a prisoner relief based upon the recantation of the key witness against him, despite the fact that he had pleaded guilty (Ex Parte Tulley, 09 S.W. 3d 388). In **Tulley**, the court emphatically rejected the state’s argu-

Regarding Prisoner Health Concerns, It’s Time to Switch Gears

More than 200 prisoners’ medical/human rights concerns in the past three years! I got involved in many of them, hoping to help and test the waters. I have to step back for a while for a number of reasons, but be assured: none of what we did was meaningless or futile! Your detailed information gave us on the outside a better understanding of MDOC’s systemic problems—and necessary remedies.

Now: Let’s challenge the new leadership! Continue the grievance procedure, document any time you are hindered.

Relay all concerns directly to Director Precythe (certified, if possible), and/or to Gov. Greitens’ Task Force. Add names of who you “cc”.

Always send a copy to me, with more details, if necessary. I will continue documenting and sharing the information with State Rep. Bruce Franks Jr. (Corrections Committee). His position and role allows him to follow up on issues in different ways.

Keep us in the loop to reduce the likelihood of negative repercussions from

those who are not “good role models.” With our new approach we’ll either see progress or, if not, collect more evidence of the need for independent, community-based oversight.

Please understand: I cannot address your individual concerns at this time unless it’s an emergency, but continue writing. Let’s move things to the next level of effectiveness.

For Justice,
Angelika Mueller-Rowry, Missouri CURE Prisoner Health Committee Coordinator ❖

Reports from the KC March

Jeff Humfeld: Had a good rally and march here in KC. Keith Brown El led a march all around downtown to the buildings that housed Prosecutors, Public Defenders, The Hall of Records, County Courthouse, Court of Appeals, Police Station, County Jail and more. We stopped in front of each place, and he schooled the uninformed as to how each fit into the (In)justice System. Thank



you, Keith Brown El, for your wisdom and drive to educate.

We were joined by about 30 militia who called themselves the “3% United Patriots,” with assault rifles and camouflage gear who showed up to intimidate. This anti-government group lurked in the bushes while we conducted

our rally.

Maureen Flynn: We were imposed upon by gun-toting people standing

around the park intimidating those who came to raise concerns about family and friends incarcerated. Some people came, saw them, and left.

In fact, when part of the group marched to the Jackson County jail to show support for people who are incarcerated, the people carrying guns did not join them. They stayed around the perimeter of the park just north of City Hall. Their presence was purely meant to disrupt and intimidate.

This could be a signal for the future of any of our rallies. But, as always, repression breeds resistance!

Missouri CURE
P.O. Box 28931
St. Louis MO 63132



Fight Mass Incarceration—and CURE the Madness!

Disclaimer: The articles in this newsletter are for informational purposes only. Nothing in this newsletter is intended to “promote, incite or advocate disorder or the violation of state or federal law, nor to promote, incite, advocate, facilitate or otherwise present a risk of lawlessness, violence, anarchy or rebellion against a government authority”...or any of the other ridiculous excuses that the Department of Corrections frequently uses to reject Turning Point, the newsletter of Missouri CURE, simply because they don’t want prisoners to have access to the information we are trying to provide.

Missouri CURE Celebrates 27 years of Struggle!

On Saturday, September 23 from 10-4, we will hold our 14th Annual Statewide Conference in St. Louis at Greater St. Mark Family Church, 9950 Glen Owen. This church was the hub of the Ferguson protests following the murder of Michael Brown in 2014.



Mae Quinn

Our keynote speaker will be Attorney Mae Quinn of the MacArthur Justice Center, who exposed the parole board scandal in July. State Rep. Bruce Franks Jr., a member of Missouri’s Corrections Committee, will be a special guest speaker.

Workshops will be held on Legislation; Prisoner Health; Abuse & Long Term Segregation; and Re-Entry. Awards will be presented. Admission is free and lunch will be provided.

All are welcome! Prisoners, let your loved ones know about this special event!

Join Missouri CURE!

Date _____

Name/ID# _____

Facility _____

Address _____

City _____

State _____ Zip _____

Phone _____

E-mail _____

Please check the annual membership type:

Prisoner \$2.00 *

Individual \$10.00

Lifetime \$100.00

Donation \$ _____

* 5 stamps welcome if allowed.

New Member Renewal

Update: Just hours before his scheduled execution, Gov. Greitens issued a stay for Marcellus Williams and announced he will appoint a Board of Inquiry to review the case. Marcellus thanks all who interceded for him and says that his faith in Allah is firm and he knows that God is ultimately in control. We thank Gov. Greitens for taking this righteous action.

