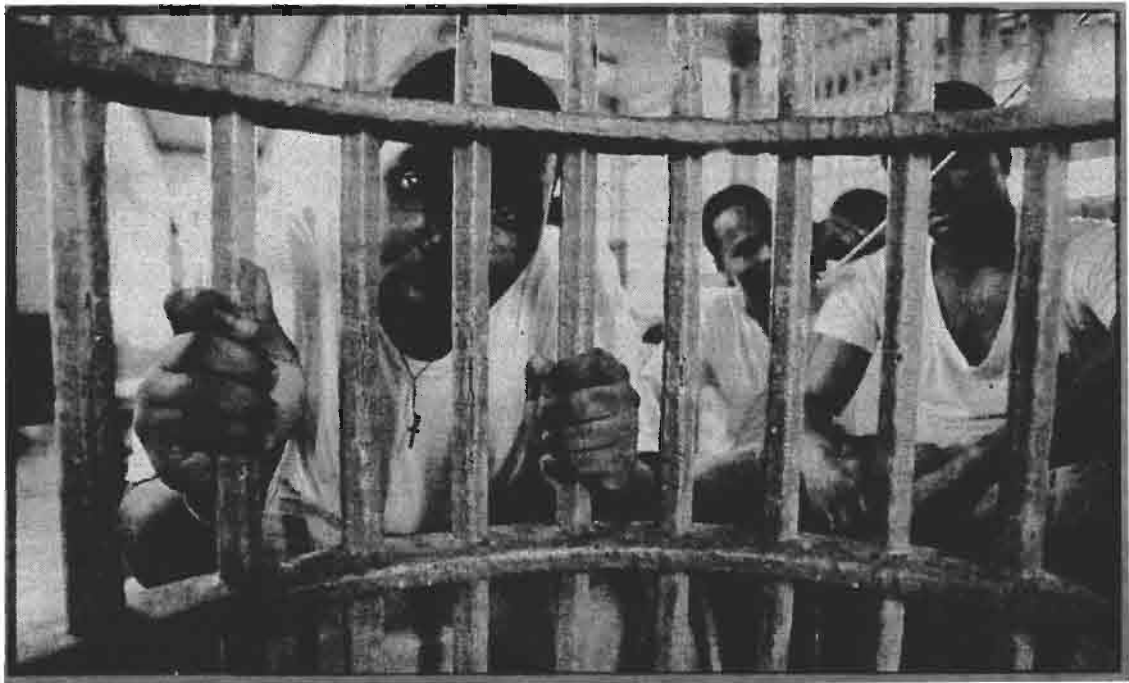


U.S. : INCARCERNATION

Walkin' Steel

A Production of the Committee to End the Marion Lockdown
P.O. Box 578172; Chicago, IL 60657-8172; (312) 235-0070



THE CRIME & IMPRISONMENT QUIZ

- During the past 25 years (1970-95), violent crime in the U.S. has:
a. increased by 15% c. more than doubled
b. increased by almost half d. remained approximately the same.
- During the past 25 years, the rate at which people have been incarcerated in the U.S. has:
a. slightly increased d. almost quadrupled
b. slightly decreased e. remained approximately the same
c. almost doubled
- Studies have shown that higher imprisonment rates will lower the crime rate.
a. true b. false
- The incarceration rate for Black people in the U.S. is approximately ____ that of White people.
a. the same as c. 2 times
b. 8 times d. 5 times
- Black people are 4 times as likely to be arrested on drug charges as white people, even though the two groups use drugs at almost the same rate.
a. true b. false
- Although the incarceration rate for Black people in the U.S. is high, it is significantly less than the incarceration rate for Black people in South Africa.
a. true b. false
- There are more Black men in prison and jails today than are attending college.
a. true b. false
- It costs more to send a person to prison than to Harvard.
a. true b. false
- U.S. inmates serve shorter prison terms today than in the past.
a. true b. false
- Approximately _____ percent of inmates entering prison today have been convicted of a violent crime.
a. 50% c. 25%
b. 72% d. 36%
- Politicians have proposed tough crime legislation because the public almost uniformly favors "lock-em-up" solutions to crime.
a. true b. false
- Amnesty International and Human Rights Watch have criticized and condemned U.S. prisons for violations of the United Nations' Standard Minimum Rules for the treatment of prisoners.
a. true b. false
- By the late 1980's, the U.S. far and away led the world in the rate of incarceration of its own citizens.
a. true b. false

Answers on page 3

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RACISM TIMES 100

One of the most blatant ways in which the 'war on drugs' is a war on people of color involves the 100 fold disparity in federal mandatory minimum (MM) sentences for powder and crack cocaine. For example, under the MM's passed by Congress in 1986, five years without parole is mandated for offenses involving five grams of crack, while it takes 500 grams of powder cocaine to draw that sentence. Three out of five powder offenders are white, while 93% of crack convicts, in 1992, were Black. Increasing their sin, Congress in 1988 made crack the only drug for which mere possession (of more than five grams), on first offense, carries a MM - five years without parole. In bucking the guidelines in a '94 case in Omaha, U.S. Judge Strom noted that "the evidence is clear that the cocaine molecule is the same whether the drug being used is powder form or in crack form, and is not inherently more dangerous in crack form."

In April, 1995 the U.S. Sentencing Commission voted 4-3 to equalize crack/powder weight ratio, a decision which will automatically become law Nov. 1 unless Congress counters it.

FLORENCE, COLORADO: THE PROPOSED NIGHTMARE BECOMES A REALITY FIRST ALCATRAZ, THEN MARION...

The United States Penitentiary at Marion, located in southern Illinois, opened in 1963 to replace Alcatraz which closed that same year. Until recently, Marion was the highest maximum security prison in the country, and the only one with a "level 6" security rating. Marion has been condemned by Amnesty International for violating the United Nations' Standard Minimum Rules for the Treatment of Prisoners. Despite this international condemnation, Marion became an experimental laboratory and trend setter for the entire federal prison system.

Since 1983, Marion Prison has been in a state of permanent "lockdown". Prisoners are locked in their cells 22.5 hours a day, and all standard vocational, educational and recreational activities are virtually nonexistent. The cells are 8 feet by 10 feet and contain a tv, bed, toilet and sink. Prisoners are forced to sleep, eat and defecate in their cells. They are also forbidden to socialize with each other or to participate in group religious services. Those who misbehave in their cells (an arbitrary determination made by the guard on duty) may be tied, spread-eagle and naked, on their concrete slab beds. At other prisons a typical lockdown may last several days to a week. At Marion, however, the lockdown is permanent, and the entire prison has been transformed into a "Control Unit." The objective is absolute physical and psychological control over the prisoners.

...NOW FLORENCE, COLORADO

In November of 1994 the Bureau of Prisons (BOP) opened a new maximum security prison in Florence, Colorado. Modeled after Marion, the Administrative Maximum Unit Prison (ADX) in Florence intensifies the repressive techniques of isolation and sensory deprivation. As at Marion, prisoners are forced to eat, sleep, and defecate in their cells and are allowed out of their cells for an extremely limited amount of time. In D, F, and G units (considered general population), out-of-cell time is a total of nine hours a week — three times a week for three hours with one other person. The lighting is designed to prohibit sunlight: a slit 3 inches wide and 3 feet long facing a wall or rec yard and a fluorescent light strip provide the only illumination. The furniture is gray concrete built into white walls with drab green trim. The cells are sealed off with two steel doors, one barred, and the other solid steel. This steel and cement cage prohibits any communication between prisoners. Even contact with prison officials is limited. ADX Florence is designed so that one guard can control the movements of numerous prisoners in several cell blocks by way of electronic doors, cameras and audio equipment. "These guys will never be out of their cells, much less in the yard or anywhere around here," says Russ Martin, the project manager for the Florence prison. Puerto Rican Prisoner of War Oscar Lopez Rivera states that "isolation is perfected here, both in the structure of the cell and in the very limited communication. People don't realize the value of human intercourse until it's denied."

The psychological effects of isolation are extremely

detrimental. As early as 1890, the U.S. Supreme Court ruled that extended solitary confinement was "infamous punishment" and causes severe mental impairment. The American Journal of Psychiatry reported that hallucinations, anxiety attacks, problems with impulse control, and self-mutilation can result from solitary confinement. Even the U.S. Congress admitted in 1985 and 1990 they were concerned about the amount of time prisoners were spending in their cells. Prisoners at Marion have reported that isolation encourages more anger and rage, resulting in less self-control and more violence. Prison officials may choose to ignore the harmful effects of isolation and sensory deprivation. However, 90% of these prisoners will ultimately be released from prison. Political prisoner Ray Levasseur says, "If I lock you up in your bathroom for 22 hours a day," you're not going to get into too much trouble. But when they



Yu Kikumura noted that Marion was largely controlled by the brutality of the guards, and that here that isn't necessary because the design is so controlling in and of itself.

let you out, you're going to get into trouble you would never have seen before. I have never met anyone who's been exposed to isolation and abuse whose attitude didn't harden."

ADX Florence has technologically perfected the Marion tradition of behavior modification: Strip searches, metal detectors and constant video surveillance are common practice at Florence. Excessive and humiliating, these control methods serve only as intimidation techniques. Oscar Lopez Rivera reports that initially strip searches, accompanied by painful probes, were almost a daily, routine part of the program, as was sleep deprivation. "In three weeks I hadn't slept one single night without being awakened every hour on the hour" wrote Oscar. (This has changed, at least for now, as the result of a successful political campaign.)

WHY MARION AND FLORENCE EXIST

The BOP claims that Marion and Florence are needed to contain "problem" prisoners with "high security ratings". Creating control units, claims the government, will create safer conditions in other prisons. However, those at Marion have never been "the highest security inmates." Some have been, and some have not, just as in all maximum security prisons. Many have been sent to Marion because they wrote "too many" law suits, participated in work stoppages, or pursued their religious and political beliefs. Ray Levasseur and Yu Kikumura were sent to Marion straight

from court and are now in Florence ADX. BOP papers document that Mutulu Shakur was moved to Marion because he was effectively organizing young Black prisoners. The warden of Lewisburg, in recommending his transfer, wrote the following: "I firmly believe Shakur needs the controls of Marion, as he appears to manipulate the entire system. This shrewd behavior coupled with his outside contacts and influence over the younger Black element will have adverse affects on the mission." Another prisoner was told he was sent to ADX "to build the population" but that his placement was justified because of a fight he'd been in at one of the USPs a few years ago.

Former U.S. Representative, Robert Kastenmeier, the past head of the committee that oversees prisons, has acknowledged the existence of political prisoners at Marion and said, "[they] do not need the degree of maximum security, in my view, that they're subjected to." Despite his statements, the BOP has already transferred many of the prisoners at Marion to Florence and increased the "security" conditions there by way of more advanced and high-tech equipment. The terror that Marion and Florence represent hangs over the rest of the prison system like a giant club.

THE SURROUNDING ENVIRONMENT

In a move reminiscent of the toxic water used to poison prisoners at Marion, the BOP picked an area of Florence that may be equally detrimental for the prisoners' health. Just five miles from the prison, in Lincoln Park, there is the notorious Cotter Corporation, a uranium milling company owned and run by Commonwealth Edison of Chicago, Illinois. A class action lawsuit was filed in the U.S. District Court, in Denver, by over 340 people against Cotter, Santa Fe railroad and others claiming diminution of land value due to radioactive contamination. Cotter was sued by the state of Colorado in 1983 for the extensive contamination and they settled for \$15 million and a promise to clean up the mill site, but not other sites.

The presence and risks of uranium in the water,



"If I lock you up in your bathroom for 22 hours a day," says Levasseur, "you're not going to get into too much trouble. But when they let you out, you're going to get into trouble you would never have seen before. I have never met anyone who's been exposed to isolation and abuse whose attitude didn't harden."

soil and air is of imminent concern. Due to the water contamination alone, the Lincoln Park area has been on the Environmental Protection Agency's national Priorities List since 1984 and has been designated a Superfund site for contamination clean-up.

FLORENCE AREA'S POLITICAL CLIMATE

Residents in the Canon City and Florence area were overwhelmingly in favor of this new prison complex. They managed to raise \$160,000 to purchase the 600 acres for the prison site; 400 locals gathered for the ground breaking; t-shirts bearing a map of the site were "sold out" at \$7.99. Although the enthusiastic attitude of many of the locals is reprehensible, it's hardly a surprise. Ten years ago, when the U.S. proposed a new prison, the general climate was to run prison authorities out of town. Now, due to increasing economic hardships, prisons are welcomed with open arms.

BOP papers document that Mutulu Shakur was moved to Marion and then Florence because he was effectively organizing young Black prisoners. The warden of Lewisburg, in recommending his transfer wrote the following to the regional director: "I firmly believe Shakur needs the controls of Marion, as he appears to manipulate the entire system. This shrewd behavior coupled with his outside contacts and influence over the younger Black element will have adverse affects on the mission."



It is estimated that the prison will generate about 1000 temporary jobs for the poverty stricken area and about 750 to 900 permanent jobs. Pueblo Community College has capitalized on this opportunity by "customizing" its "criminal justice" courses to suit the needs of the federal prison. The college is trying to work out a deal where students of these customized classes would be guaranteed an interview with the prison. Canon City is currently the home of at least six state prisons. Already the \$168.5 million prison has helped Florence put in a new water supply, restore their Realto Theatre and build a new golf course.

THE PROLIFERATION OF
CONTROL UNIT PRISONS

Control unit prisons are proliferating. In addition to the many state run prisons such as Pelican Bay, California, Shawangunk, New York, and Ionia, Michigan, the BOP is planning an entire new federal prison in Massachusetts. The estimated cost per prisoner is \$800,000 for construction alone. Sam Calbone, deputy regional director for the BOP, said prisoncrats nation-wide will look to Florence because "this will be a model for other correctional complexes."

The Environmental Impact Statement (EIS) prepared on Florence indicates the BOP has examined 60 more sites and plans to draft EIS's (a serious step) for 20 new project sites. In fact, a map in the EIS shows that a new facility is currently being developed in Puerto Rico. Newspaper accounts relate that Florence is only the first of seven federal prisons to be built across the U.S. in the next six years!

Marion is a violent attack on human rights. Florence is even worse — an outrage! As Oscar Lopez Rivera states, "The fundamental issue is not whether Florence ADX is better than Marion, whether the jailers are nicer or the food is better. It's the concept — it's designed to destroy. The demonization of the prisoner is the basis used by the jailers to justify this place. Both the physical environment and the mind set of the jailers have been created to treat the prisoner not as a human being but as a beast. Once the prisoner is stripped of his humanity any measure to incapacitate him is acceptable and justifiable." People of good will, people who want a society based on true human values, must work to end the lockdown at Marion and, now, Florence.

RESISTANCE BUILDS AGAINST CONTROL UNIT PRISONS

And this is just what has happened. In 1991 when the Florence AD-MAX was just a twinkle in the eye of the BOP, Colorado activists began to organize in resistance. That year members of CEML made several trips to Colorado to speak to activists and communities about BOP plans to build the high-tech replacement for Marion in Florence, Colorado. Those initial visits helped get the resistance work started here in Colorado. The vital, on-going, grassroots work against USP Marion was and remains the inspiration and context for the work in Colorado against the Florence AD-MAX and the state control-unit prison, Colorado State Penitentiary (CSP).

In 1992 people from across the state formed a coalition called ACUT, Abolish Control-Unit Torture. This group has focused on educating the people of Colorado to the issue of control-unit prisons and (because they are inextricably linked) political imprisonment and racism in US prisons. ACUT has held five demonstrations at the gates of Florence and CSP, involving hundreds of people calling for justice, getting pictures and statements in the local press and getting that critical, opposition voice in the media. The last demonstration protested the opening of the Florence AD-MAX on December 10, 1994, International Human Rights Day.

For the past year, ACUT has sponsored a prisoner art exhibit, "The Art of Struggle," showing art by political prisoners and others in control-units. The exhibit has been at the University of Colorado in Boulder, Southern Colorado State University in Pueblo and Colorado College in Colorado Springs. Each showing has lasted for several months and has been the backdrop for many organizing events including a speaking tour by Alberto Mares who gives a powerful first-hand account of the time he spent in the first control-unit and behavior modification program at Marion in 1972. A reading of prisoner poetry and video showings also helped to educate hundreds of people who have attended these events. The art show will continue its tour this fall beginning at Metro State College in Denver.

Members of the Prisoner Rights Project (PRP) at the Rocky Mountain Peace Center in Boulder meet weekly to coordinate many of the projects and events in the state. PRP has given over 40 presentations on control-units to schools, churches, community groups and the media. Since the opening of the Florence AD-MAX, the group has been contacted by local, national and international media always offering a voice of opposition, encouraging the media to question BOP rhetoric and ultimately helping them go to the most important source of information, the men inside Florence. In fact all the work against Florence is informed step by step by the courageous, articulate voices of those inside.

For many in Colorado it is a surprise to hear that anyone is opposed to the new high-tech wonders of the control-unit or that anyone cares what happens to those whom the media loudly portray as "the worst of the worst." Every time we talk about Florence, the human rights abuses, the political oppression and the racism, we also talk about the cancerous spread of this social control mechanism. We tell people about Colorado State Penitentiary, where 507 people are kept in solitary tombs for the living. Then we tell of the 35 other states where the same high-tech torture is going on. People cannot leave without knowing that Florence and CSP are not aberrations. Always the education involves putting control-units into a political context of social control. Always there are the few who hear the message and cannot ignore it. So, one-by-one, the movement to shut down Florence, AD-MAX and stop all control-units grows here in Colorado.

For more information contact:

The Rocky Mountain Peace Center
PO Box 1156, Boulder, CO 80306
303-444-6981.

ANSWERS TO QUIZ ON PAGE 1

- 1. d. remained approximately the same.
Although we have witnessed some new phenomena, such as drive by shootings, for example, there has been no significant change between the rate of violent crime in 1970 and that in 1994.
- 2. d. almost quadrupled.
Despite little or no change in the crime rate we are putting people in prison at an altogether unprecedented rate.
- 3. b. false.
Studies have shown that crime stems from societal causes and that higher imprisonment rates do not affect the crime rate. Similarly, it has been repeatedly shown that the death penalty does not deter murder.
- 4. b. 8 times.
In addition, the rate for Latinos is approximately 4 times that of Whites. In Illinois, the rate for Black people is 14 times that of Whites.
- 5. a. true
It is also true that the penalties are much higher for use of crack cocaine, a drug often used in poorer communities, than for powder cocaine, a drug preferred in wealthier communities.
- 6. b. false
In 1992, the incarceration rate for Black people in the U.S. was 4.5 times as great as that for Black people in South Africa.
- 7. a. true
In 1992 there were 583,000 Black men in prison and jails compared to 537,000 in college. Since that date the margin has widened.
- 8. a. true
The extremely high cost of keeping a person in prison, it should be noted, is almost entirely due to the physical plant and to the security measures involved, not for the needs of prisoners.

- 9. b. false
Since 1923, the average length of stay for prisoners has always been about 2 years. However, because of harsher sentencing policies implemented in the 1980's and 90's, the average length of stay is increasing.
- 10. c. 25 percent.
Most prisoners have committed crimes that involve no violence and little financial loss to the victim.
- 11. b. false
While there has been a lot of rhetoric about the need for prisons and tougher crime legislation, most people, when asked, do not favor incarceration for a majority of the current prison population. In a recent national poll, four out of five Americans favored community corrections programs for offenders who are not dangerous.
- 12. a. true
Many of the new control unit prisons in the U.S. have been cited by groups such as Amnesty International and Human Rights Watch for practising psychological torture. These prisons, ostensibly, were created to hold violent and disruptive inmates but have also been used to hold political prisoners and to curb dissent.
- 13. a. true
By the late 80's, the U.S. had a much higher incarceration rate than any other country in the world. Since the break-up of the Soviet Union, Russia's incarceration rate has increased and, at times, surpassed even that of the U.S. Today, the U.S. and Russia continue to, far and away, lead the world in imprisoning their own citizens.

You may find the answers to these questions surprising and troubling. Why are we putting so many people in prison in the U.S.? Why are we putting an extraordinary number of black people and other people of color there? Why are we willing to spend so much money for prisons, when it would cost less to fund programs like education, job training, drug counseling, etc.? Why have some U.S. prisons taken a turn, so mean as to use methods of sensory deprivation and torture? Why aren't politicians acknowledging and discussing these facts?

THE CRIMINALIZATION OF YOUTH OF COLOR

Myths and Facts about "Juvenile Crime" and "Juvenile Justice"

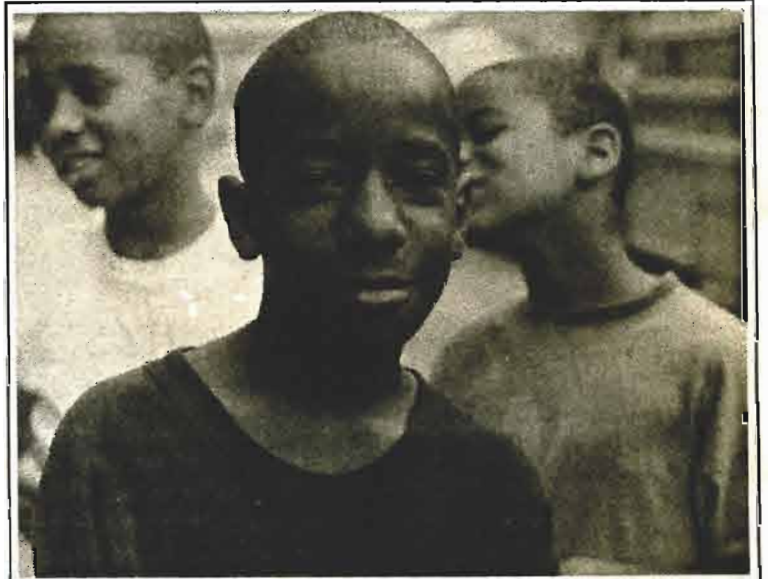
(This text came from a leaflet that was passed out anonymously. Small changes have been made for this publication.)

MYTH: Increases in the numbers of youth detained and incarcerated by the Juvenile Justice system generally occur as a response to juvenile crime waves.

FACT: There is little or no relationship between the rates of serious juvenile crime and rates of youth incarceration. In fact, in 1980, Richard Daley, then Cook County State's Attorney, announced a plan to crack down on serious juvenile "crime". Soon the number of juveniles committed to the Illinois Department of Corrections in Cook County increased by 119 percent. Between 1975 and 1980, however, felony arrests for juveniles had actually dropped 8.5 percent. The only variable that has been connected to the rates of incarceration is the availability of cells.

MYTH: The reason that youth of color are overrepresented in juvenile detention and incarceration systems is because youth of color account for a disproportionate number of delinquent and criminal offenses.

FACT: African-American, Latino and other youth of color account for a much greater percentage of youth arrested, detained and incarcerated for delinquent offenses than do white youth. However, the National Youth Survey indicates that youth of color, particularly African-Americans, do not account for a disproportionate amount of serious juvenile crime. The fact is that youth of color are more likely to be arrested by police officers, more likely to be detained and more likely to be incarcerated. Racism is systematically entrenched in juvenile "justice" and law enforcement institutions. In 1989, on the national level, youth of color were grossly overrepresented in public juvenile facilities which were comprised of 40 percent White youth, 42 percent African-American youth, 15 percent Latino youth, and 3 percent Other. This is especially shocking given that Black people only constitute 12% of the population. The overrepresentation of youth of color, namely African-Americans, is likewise overwhelming at the Juvenile Temporary Detention Center (JTDC) in Cook County. The JTDC, which includes all of Cook County, is used to detain youth before trial or transfer to adult court. Of the typical daily population, which is 600 youth (200 over capacity), 80 percent are African-American, 10 percent are Latino, 5 percent are Asian-American, and 5 percent are White — whereas the overall demographic of Cook County, for individuals under 18 are 44 percent White, 32 percent African-American, 20 percent Latino, and 4 percent other.



MYTH: The main purpose of juvenile incarceration is to protect society from juvenile crime and deter youth from committing delinquent acts.

FACT: There is virtually no connection between the incarceration of youth and juvenile crime rates. Incarceration perpetuates criminalization, and youth that are committed to secure facilities have high rates of recidivism. In one institution in Maryland, 85 percent of committed youth were re-referred to the juvenile system; in 1984, Florida had a recidivism rate of 60 percent for youth committed to its "training schools" (juvenile incarceration facilities); and a ten-year study of the California Youth Authority showed that 80 percent of youth released from institutions were rearrested. Presently, at the Cook County Juvenile Temporary Detention Center in Chicago, 50 percent of first-time detainees are back within 6 months. On the other hand, in Massachusetts, after the state's juvenile training schools were closed down in the 1980's, the rates of serious juvenile crime actually declined. The greatest factor involved in keeping juvenile prison facilities open is economic: communities and individuals that benefit from the infusion of state monies spent on child incarceration lobby hard with politically-expedient politicians.

(Sources: R. Hess, ed., Facing Violence: Chicago Matters, tape 1: WBEZ-FM, 1994; I.M. Schwartz, Injustice for Juveniles, Toronto: Lexington Books, 1989; Senate Subcommittee on Juvenile Justice, Minority Overrepresentations in the Juvenile Justice System, Washington, D.C.: USGPO, 1991; K. Maguire, et al., eds., Sourcebook of Criminal Justice Statistics, 1992, U.S. Dept. of Justice, Bureau of Justice Statistics, Washington, D.C.: USGPO, 1993; H.N. Snyder, et al., eds., Juvenile Court Statistics, 1987, Pittsburgh: National Center for Juvenile Justice 1990.)

JOIN THE CONTROL UNIT EMERGENCY RESPONSE NETWORK

The Control Unit Emergency Response Network consists of a group of people willing to respond to emergency situations inside control unit prisons by phoning or faxing prison administrators, political figures, or media depending on the circumstances. It is an attempt to break the isolation that surrounds these institutions. This isolation allows prisonrats to basically do whatever they like to the prisoners without regard to their human rights. The Network is an attempt to let them know that we are indeed watching and that their actions do not go unchallenged.

The Control Unit Emergency Response Network grew out of and is a part of the work of the December 1994 Philadelphia meeting about Control Unit prisons. We hope that the ERN will be built by that network of people and beyond. Generally speaking it will deal with issues related to the conditions of incarceration within Control Unit prisons, although there may be occasions for activating it that do not deal precisely or exclusively with that. However, control unit conditions will be the general focus.

The CONTROL UNIT ERN will consist of an e-mail network as well as a telephone tree. People can choose to be contacted by e-mail or telephone. However, if you rarely pick up your mail, think twice about choosing that mode. We hope that people will provide us with feedback when participating in the CONTROL UNIT ERN. If on e-mail, drop us a line. If on telephone, let your contact person know when you've made your protest. In that way, this will be a live network, with interaction back and forth.

To join the CONTROL UNIT ERN, send the below coupon to: Nancy Kurshan, CEML, PO BOX 578172, Chicago, IL 60657-8172.

I would like to be part of a telephone tree:

Name _____

Telephone number, including area code _____

I would like to be part of an e-mail emergency response network:

Name _____

e-mail address _____

NATIONAL CONTROL UNIT MEETING

Anti-prison activists from far-flung places in the U.S. and Canada came together in Philadelphia on December 3-4, 1994 for the first meeting of the National Campaign to Stop Control Unit Prisons. About 40 people traveled at their own expense from Ohio, New Jersey, Pennsylvania, Colorado, New York, California, Illinois, Missouri, Maryland, Toronto, Texas, Georgia, and Washington, D.C. There were ex-prisoners and family members, human rights and prisoner rights advocates, clergy and lawyers, students and community activists. Representatives were in attendance from Abolish Control Unit Torture (Colorado), American Friends Service Committee, Anarchist Black Cross, CEML, CURE, National Committee to Free Puerto Rican POWs, National Council of Churches, National Lawyers Guild, Prisoners of Conscience Project, Prison News Service and Pelican Bay Information Project. This was the first such gathering and the introductions themselves were extraordinary, reflecting a wonderful breadth and depth of experience. The meeting itself spanned the weekend, with many hours of discussion of strategy and possible joint activities.

After twelve hours of discussion and analysis, two areas of concentration emerged. One area involves the creation of a Control Unit Monitoring Committee. This would involve the collection of basic information about control units nationwide, on a state by state basis. The second area is a Political Action Committee. There was a preliminary discussion of a possible national demonstration against control units. In addition, an Emergency Response Network has emerged from this committee as well. (See article at left.)

The American Friends Service Committee generously hosted the conference. Many of the attendees were people we have been corresponding with or speaking with via telephone for years now. It was exciting to have the opportunity to meet face-to-face, to share information and begin a dialogue about possible common activity.

Control units have proliferated remarkably since the Marion control unit was established in 1983. Various groups have been doing excellent work in a number of localities. Now a national network is developing. This is a logical response and an extremely welcome development in light of these torturous institutions.

For more information contact: Bonnie Kerness, American Friends Service Committee, 972 Broad Street, 6th FL, Newark, NJ 07102 (201) 643-3192

THE CONTINUING CRIME OF BLACK IMPRISONMENT

BY THE
COMMITTEE TO END THE MARION LOCKDOWN

The least controversial observation that one can make about American criminal justice today is that it is remarkably ineffective, absurdly expensive, grossly inhumane, and riddled with discrimination. The beating of Rodney King was a reminder of the ruthlessness and racism that characterize many big city police departments. But the other aspects of the justice system, especially sentencing practices and prison conditions, are every bit as harsh and unfair.¹



The Committee to End the Marion Lockdown (CEML) was founded in 1985 to fight against the brutality of the United States Penitentiary at Marion. In 1987, we wrote that by the year 2000 the U.S. might have 1,000,000 people in prison. At that time U.S. prisons held 561,000 people, and most of our friends thought the notion of 1,000,000 prisoners was foolish.

In the Fall of 1994, the U.S. announced that it sent its millionth human being to prison in June,² more than five years sooner than the projection that was considered foolish just a few years ago. What we would like to do in this paper is examine the growth of imprisonment in the U.S. We will then analyze the nature of crime, and then the relationship between crime and imprisonment. Since crime and imprisonment are in fact not closely related, we will conclude the article by discussing why the U.S. is sending so many people to prison.

IMPRISONMENT

In addition to a million people in prison there are those in jails (about 500,000), those on parole (about 600,000), those on probation (about 3,000,000) and those in juvenile facilities (about 100,000).³ It is difficult to grasp the enormity of these numbers. For example, the number of people in prison would comprise the 9th largest city in the U.S. The number of people who are incarcerated in jails and prisons is greater than the number of people who live in 13 states.⁴ The number of people under the control of the "criminal" "justice" system is almost two times larger than the number of people who live in Nicaragua or Chicago. The number of people in the U.S. who were arrested last year (14,000,000) is much larger than the population of Cuba.

Placing a million human beings in prison is an extraordinary landmark, the number of prisoners today being about five times larger than it was 20 years ago. This growth has more than kept up with the population. Between 1925 (when official imprisonment statistics were first organized) and 1971, the imprisonment rate remained on the order of about 100 per 100,000. Then, in 1972, the imprisonment rate began to soar and is still soaring. Graph 1 on the next page shows this trend. Today the imprisonment rate is 373 (per 100,000 population), almost four times higher than it was in 1972.⁵

International Comparisons

In 1991 the Sentencing Project, an independent organization based in Washington D.C., issued a

report authored by Marc Mauer, its assistant director, entitled "Americans Behind Bars: A Comparison of International Rates of Incarceration."⁶ The report, which used data from 1989 and 1990, found that the U.S. had the highest incarceration rate in the world (426) compared to a distant second South Africa (333) and third, the Soviet Union (268).⁷

Incredibly, when the report was revised using data from one year later, the gap had widened,⁸ and was wider still one year later.⁹ In 1992 the U.S. had an incarceration rate of 519 compared to South Africa's rate of 368. Furthermore, in 1990 the incarceration rate for Black men in the U.S. was 3,109 compared to 729 for Black men in South Africa. In 1992 this differential had increased: the rates were, respectively, 3,822 and 851. Thus, in 1990 the incarceration rate for Black men in the U.S. was 4.3 times greater than the rate for Black men in South Africa. Two years later that ratio had increased to 4.5.

Table 1 provides some of the incarceration rates assembled by Mauer. Among other observations, it is interesting to note that the competition between Washington, D.C. and Moscow continues as the newly formed country of Russia has just overtaken the U.S. as the country with the highest imprisonment rate in the world.

Table 1. Incarceration Rates
(Number of People in Prisons and
Jails, per 100,000 Population) for
Selected Countries, 1992-1993.¹⁰

Country	Rate of Incarceration
Russia	558
United States	519
South Africa	368
Thailand	159
Canada	116
Mexico	97
England/Wales	93
Portugal	93
Australia	91
Switzerland	85
France	84
Brazil	84
Germany	80
Italy	80
Belgium	71
Sweden	69
Denmark	66
Netherlands	49

The Roadside Chain Gangs are returning to Alabama! The men will wear striped uniforms, as they did in in this 1937 photo. They will be shackled together with leg irons and will work from "can't see in the morning to can't see in the evening," just like the slaves did. The purpose is to humiliate and degrade the the prisoners. The New York Times quotes Alabama's Prison Commissioner, Ron Jones, on his decision to revive chain gangs: "People say it's not humane, but I don't get much flack in Alabama."

U.S. Prisons — in Black and White

Consider the racial nature of imprisonment in the U.S. Using U.S. Census and estimates derived from the Bureau of Justice Statistics, we have calculated imprisonment rates (we are now using only people in prison for these calculations) as of June 1994. These are shown in Table 2.

Table 2. Imprisonment Rates in
the United States, 1994

Group	Rate	Compared to White Rate
Total	373	2.1
White	176	1.0
Hispanic	686	3.9
Black	1489	8.5

We can see from the table that Black people are 8.5 times more likely and that Hispanic people are 3.9 times more likely to go to prison than are White people.

Further examination of these statistics reveals the depth of their meaning. For example, if instead of the usual per 100,000 people, we employ percentages (per 100 people), we see that 1.489% of all Black people (and 0.176% of all White people) will be in prison at any given moment. Using census data we can calculate related figures: 3.0% of all Black males will be in prison on a given day in 1994 as will 6.0% of all Black men aged 18-44 and 7.6% of all Black men aged 25-29.

We can also consider some other research findings:

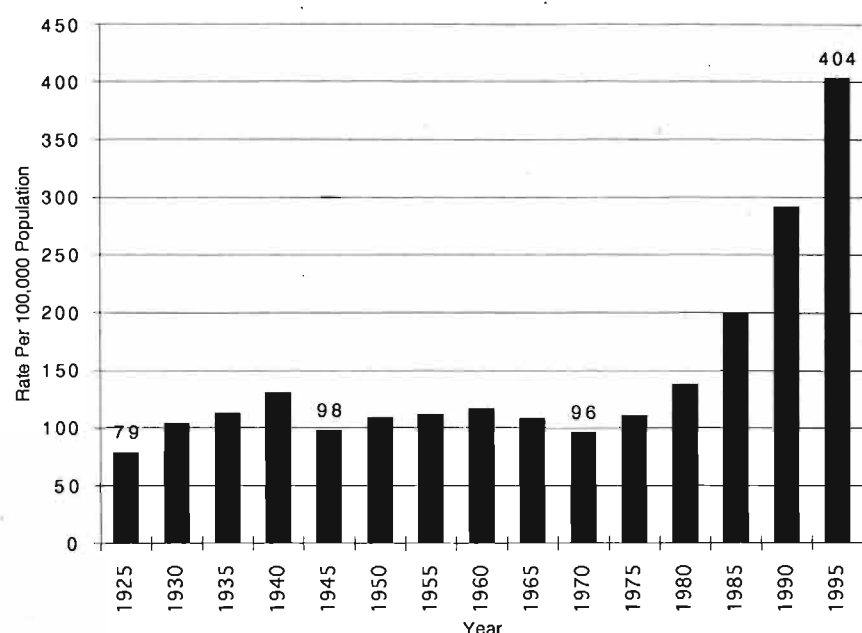
- * In 1992 there were more Black men in prison (583,000) than in college (537,000)¹¹
- * One out of every four Black men will go to prison in his lifetime¹²
- * 30% of Black men aged 20-29 in Chicago were arrested in 1993¹³
- * 42% of Black men aged 18-35 in Washington, D.C. were under some form of criminal justice control in 1992¹⁴
- * 56% of Black men aged 18-35 in Baltimore were under some form of criminal justice control in 1992¹⁵

The New Crime Bill

A new "crime" bill has just been passed by Congress. This bill will render the horrific numbers discussed above small by comparison. In addition

(cont. on next page)

Fig 1. Imprisonment Rate



to adding scores of new crimes punishable by the death penalty, the goals of this new "crime initiative" involve: placing 100,000 more police on the streets; increasing conviction rates; increasing the proportion of convictions resulting in imprisonment; requiring those imprisoned to serve at least 85% of their sentences ("truth in sentencing"); and incarcerating "three-time losers" for the rest of their lives.

Political scientists and criminologists have started to estimate the impact that this bill will have on imprisonment. John Irwin and James Austin, two criminologists who often prepare publications for the prestigious National Council on Crime and Delinquency, have estimated in their new book entitled *It's About Time*¹⁶ that a package of laws such as those included in the new crime bill would result in over 9 times as many people being imprisoned. Thus, if we multiply by 9 the 6.0% noted above, we see that well over half of all Black men aged 18-44 would be in prison on any given day if all projected aspects of the new "crime initiative" are implemented. Irwin and Austin note similarly: "[The Crime Bill] would mean that most of the nation's 5.5 million black males aged 18-39 would be incarcerated."¹⁷ Other estimates of the potential impact of the crime bill have suggested a smaller but still devastating impact.¹⁸

There is much that is speculative about this estimate, and that must remain so given the unfolding details of the new crime bill. Other specifics would have to be taken into consideration to refine the estimates above, such as estimating the impact of an aging prison population, determining how much of the "crime" bill will actually be funded, etc. Whatever these refinements, the numbers will remain staggering. Never before has any society at any time used imprisonment in this fashion. The impact that this will have on the Black community is difficult even to fathom.

Finances

Much has been written about the financing of the "criminal" "justice" system (CJS). Just a few figures here will suffice. Funding for the CJS has increased seven-fold over the past 20 years, from \$10 billion to \$74 billion a year, with \$25 billion spent for incarceration.¹⁹ This, however, is all spare change compared to what may follow, depending upon which aspects of the new crime bill are implemented. For example, it has been estimated that the "three-time loser" provision itself will cost \$5.7 billion annually and require an additional \$21 billion in prison construction costs.²⁰ It has also been estimated that the crime bill could cost as much as an extra \$351 billion over the next ten years.²¹

Since not many of us have this much money in our pockets, or even in our bank accounts, let's try to understand just how much it really is. It costs much more to send a person to prison for a year than it does to send that person to Harvard. In fact, it costs

ing to a report from the American Bar Association,²³ all the state taxes of 18 average taxpayers in Delaware are required to keep one person in prison for a year; and the money spent to build a prison in Wisconsin would pay for 11,000 children to attend Head Start.

more to send a person to prison than it would to support a family of four. Interestingly, about 300,000 families of four or 1.2 million people could live for what it will cost just to implement the new three-time loser laws. Noting the surging hunger in the U.S., the Bread for the World Institute has just determined that \$10 billion would be enough to expand the Women, Infants and Children (WIC) food program to assure that there were no longer any hungry people in this category.²² This is less than two years of payments for the three-time loser law. Or, consider this. Accord-

crime. For example, the UCR only contains crimes that are reported to the police, by some estimates only 40% of the total. (In 1992 there were about 34,000,000 crimes reported to the NCVS and 13,000,000 to the UCR.)²⁵ On the other hand, the NCVS does not include the crime murder (since its victim can't report it) nor crimes for which there is no reporting victim, like most drug-related crimes. Also not included are all white collar crimes, like the savings and loan frauds, and much more.

Let's look at each. But first let's look at murder since this is the easiest to measure and thus is the crime we know most about. About 25,000 people were murdered in the U.S. last year. As Graph 2 shows, the murder rate in the U.S. was about 10 (per 100,000 population) in 1930 and about 10 in 1990 — almost no change at all in 60 years.²⁶ Similarly, the murder rate in 1993 (9.3) was just about what it was in 1973 (9.4).²⁷

Has Crime Been Increasing?

Graphs 3 and 4 on the next page show crime that is measured by the NCVS. As you can see, since 1973, when the NCVS was initiated,²⁸ the index of all NCVS crimes has decreased rather steadily while the violent crime index has stayed constant. Graphs 5 and 6 show crime that is measured by the UCR, also since 1973. Here an uneven pattern of increases and decreases is present for all crimes while violent crimes increased steadily and dramatically.^{29 30}

CRIME

What is Crime?

This is not as simple a question as it appears. For example, there is the street crime that breaks the law and that sometimes results in imprisonment. But most crime does not result in imprisonment, nor is it even considered crime. For example, domestic violence, or the battering of women, is almost never seen as a crime — even though it is estimated that 3 - 4,000,000 women a year in the U.S. are battered by their mates.²⁴ Waging war is not considered criminal even though the war against Iraq murdered about 500,000 Iraqis. Denying people health care, food or housing also isn't a crime. And it is not a crime to manufacture and sell cigarettes, which each year kill 20 times as many people as guns. We make these points to emphasize that whatever the relationship between crime and imprisonment, it doesn't involve any of these issues.

How is Crime Measured?

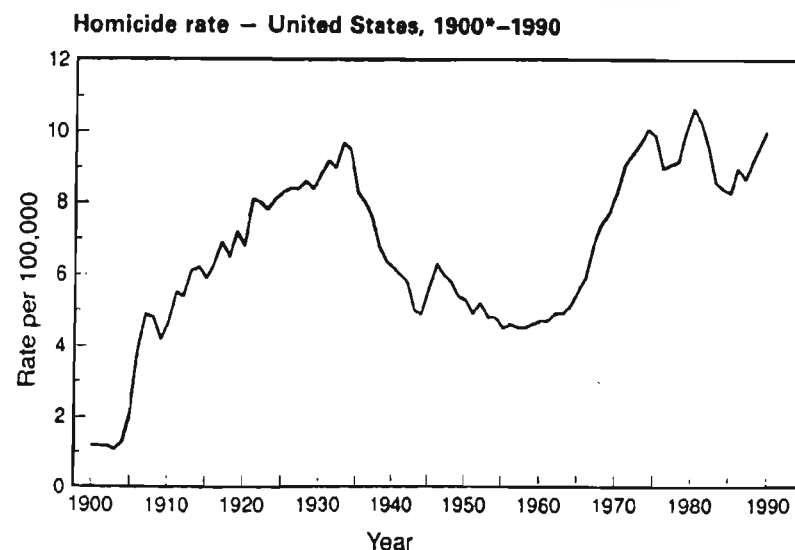
There are two main ways that street crime is measured in the U.S. The first is with the Uniform Crime Report (UCR). This is computed by adding together the major crimes that are reported to the police who in turn report to the F.B.I. who in turn publish the findings. The other measure of crime comes from the National Crime Victimization Survey (NCVS). About 20 years ago it became clear that only a proportion of crimes are actually reported to the police and that if we wanted a more accurate count, we would have to conduct scientific surveys of the population and ask people if they had been victims of crime. This is what the NCVS does.

Since the UCR and the NCVS measure crime in different ways, they present different views of

THE RELATIONSHIP BETWEEN CRIME AND IMPRISONMENT

Few matters are as clear as the answer to the question: Is there a relationship between crime and imprisonment?" Virtually everyone, from criminologists to wardens to social scientists to specially

Fig 2.



*1933 is the first year all states reported.
Data source: National Center for Health Statistics Mortality Tapes.

appointed task forces, answers the question the same way: "No." We would like to sketch just some of the arguments which illustrate this lack of relationship.

1) Let us consider the data presented above. We can see that over the past 20 years one measure of crime (the NCVS) has decreased by 26% and the other measure (the UCR) has increased about 47%, and the imprisonment rate has increased by 200%. In addition, consider the fact that the UCR (Graph 5) increased from 1973 to 1980, decreased from 1980 to 1985, and then increased about the same amount between 1985 and 1990. These changes took place while imprisonment rates spiraled equally upward during both of these intervals (Graph 1). When all of this is added together, it is clear that putting enormous numbers of people into prison has not reduced the crime rate. A recent report from the National Council on Crime and Delinquency³¹ presents these data in a summary form that is

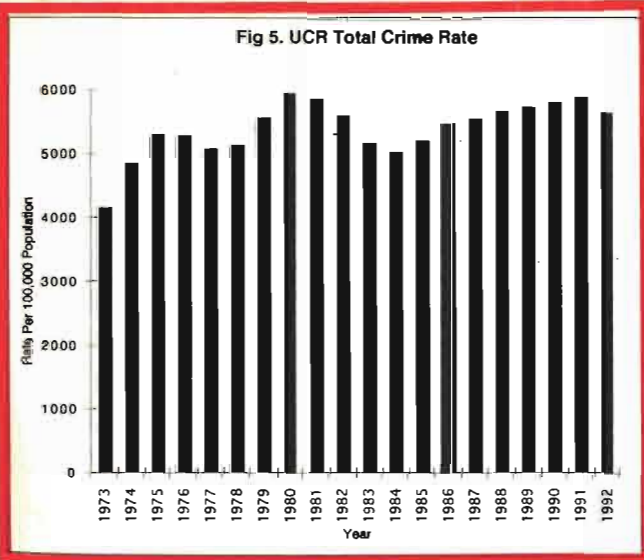
reproduced here in Table 3.

Table 3. Changes in Correctional Populations Between 1980 and 1990.

Population	1980	1990	% Change
Probation	1,118,097	2,670,234	139
Jails	163,994	403,019	146
Prisons	329,821	771,243	134
Parole	220,438	531,403	141
Total	1,832,350	4,375,903	139
UCR Index Crimes	13,400,000	14,500,000	8

2) Consider the funnel effect, which demonstrates why most crimes don't even come into contact with the criminal justice system. Joan Petersilia, former president of the American Society of Criminology, and an employee of the conservative Rand Corporation, in an article entitled "Building More Prison Cells Won't Make a Safer Society," notes: "Of the approximately 34 million serious felonies in 1990, 31 million never entered the criminal justice system because they were either unreported or unsolved." Thus, she continues, only 10% of all crime ever entered the courts, about half of these resulted in convictions, and about a third of these resulted in imprisonment — less than 2% of the total amount of crime.³²

3) Over half of all murders are committed by people known to the victim. In addition, virtually all murder is committed in fits of passion that are immune to rational consideration of consequences. We are not saying that murderers should not be incarcerated. We are saying that incarceration will not prevent murders. Similarly, it has been demonstrated again and again that the death penalty does not deter murder. These latter observations are illustrated by the data in Graph 2, which shows that the murder rate has remained more-or-less constant



over the past 60 years, through periods of little imprisonment and through periods of massive imprisonment; through periods of the use of the death penalty and through periods when the death penalty was not used.

4) Consider the question of supply. There is a virtually unlimited supply of people who will commit crimes associated with drugs. As soon as one person is removed from the labor market, another replaces him or her. Prisons will never be able to dent this supply.

5) Virtually all experts agree that prisons cause people to become even more deeply embedded in a life of crime. Recidivism rates are over 50% within three years in most states.^{33 34}

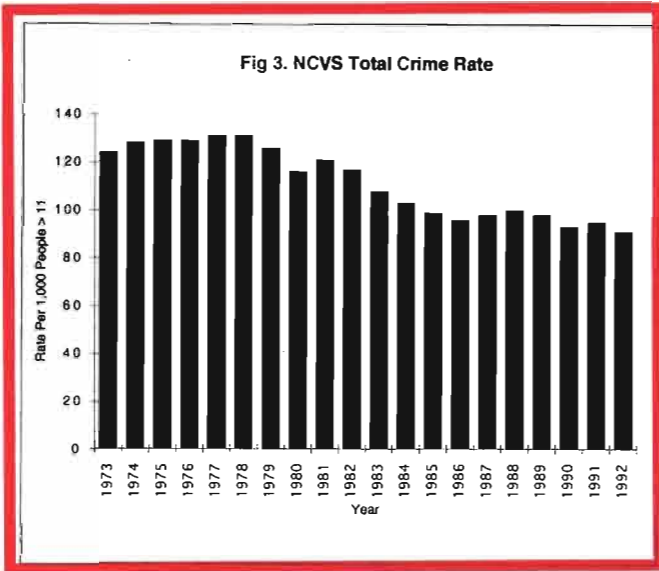
6) The following comments are by people in the field who one would expect to be supportive of imprisonment. Thus their denials of the impact of imprisonment on crime merit attention:

* By a criminologist: "Incapacitation appears to have been only slightly more effective in

averting crimes in the early 1980s than in the 1970s, despite a near doubling of the U.S. prison populations in less than ten years."³⁵

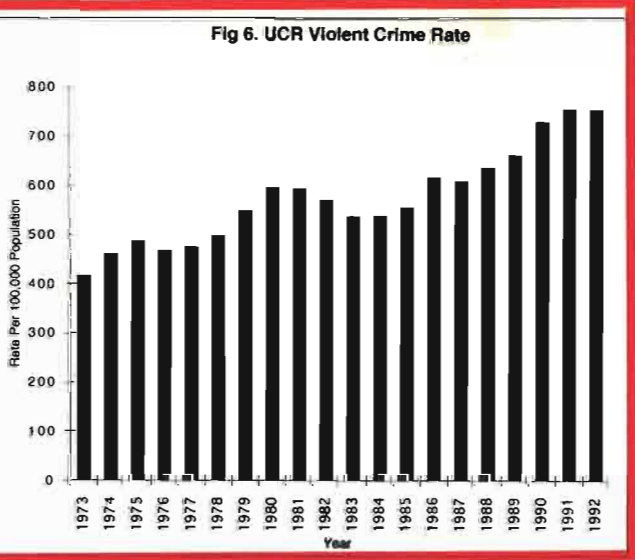
* From the Correctional Association of New York: "The state's new policies have been staggeringly expensive, have threatened a crisis of safety and manageability in the prison system, and have failed to reduce the rate of crime or even stop its increase. After almost ten years of getting tough the citizens of New York are more likely to be victims of crime today than in 1971. Moreover, the largest rise in crime came at the end of the decade, during 1980-81, well after the introduction of more

severe sentencing practices."³⁶
* Even the Director of Corrections of Alabama understands this situation: "We're on a train that has to be turned around. It doesn't make



any sense to pump millions and millions into corrections and have no effect on the crime rate."³⁷

* Finally, from Robert Gangi, current Director



of the Correction Association of New York: "Building more prisons to address crime is like building more graveyards to address a fatal disease."³⁸

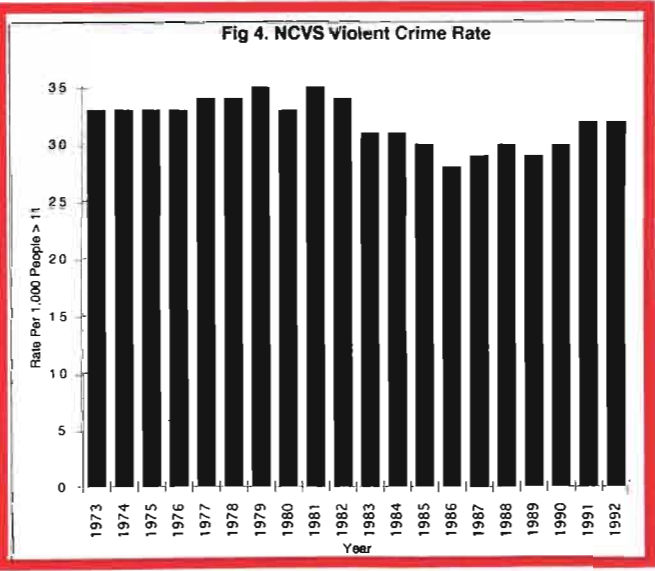
One last study on this topic must be noted before moving ahead. Justice Fellowship, the organization founded by Chuck Colson (of Watergate infamy), commissioned a special report to determine how much prisons deterred crime. Their findings were so non-supportive of prisons that they were reduced to this sarcastic attack:

Incarceration rates are such a poor predictor of crime rates that researchers would find proximity [of states] to Canada more reliable. Eight of the 12 states that border on Canada rank in the bottom 20 in overall crime rates. Even alphabetical order is more reliable [than incarceration rates] when predicting crime rates: Three states among the first 15 alphabetically rank in the bottom two-fifths of crime rates.³⁹

WHAT DOES IT ALL MEAN?

We have examined imprisonment, crime, and the relationship between the two. What can a reasonable person conclude?

Elliott Currie has written an insightful book on crime and imprisonment.⁴⁰ In this book, Currie poses the question why the U.S. keeps pumping billions of dollars into the CJS, which everyone, he acknowledges, knows doesn't work: "If we know as much about crime as I think we do, why haven't we already acted on that knowledge more consistently and constructively."⁴¹ In other words, Currie is asking why the U.S. continues to pursue imprisonment strategies that don't work. The only answer that Currie can find for his question is that the U.S. doesn't understand what the research is showing. This is an extraordinary answer which shows where liberals must wind up on such a question. Here is a system that is spending \$74 billion a year and Currie thinks it acts the way it does because it



cannot find someone to explain what the research is saying. Let us try another possible answer.

Currie and many others get stuck and can move no further because they assume that the purpose of the criminal justice system is to prevent crime. Consider a quote from another leading liberal in "criminal" "justice" reform, Norval Morris, a professor of law at the University of Chicago who has written excellent articles and books critiquing the CJS: "The whole law-and-order movement that we've heard so much about is, in operation, anti-black and anti-underclass. Not in plan, not in design, not in intent, but in operation."⁴² Thus, also according to Morris, the direction of the CJS is an accident.

If liberal critics of the CJS would just turn the problem around and not ask why the CJS fails at its stated purpose but rather ask what purposes a system like this could have, then they could find an answer. Let us examine Table 4 which presents the characteristics of the CJS that have been established above:

Table 4. Characteristics of the "Criminal" "Justice" System

1. The process of mass incarceration started in 1972.
2. The CJS spends many billions of dollars every year caging millions of people.
3. The cages are filled with people of color, most of them Black.
4. The system does not prevent crime.
5. The system does not rehabilitate people.
6. We know of many other measures that would prevent crime.

We would suggest that a system with these characteristics might be seen, not as a crime prevention system, but as a system whose foremost purpose is to control of people of color. Remember what events preceded the growth in imprisonment that started in 1972. That year followed in the midst of the

(cont. on next page)

F.B.I.'s COINTELPRO program; the assassination of dozens of leaders of the Black Liberation Movement and the imprisoning of hundreds more; the assassination of George Jackson on August 21, 1971; and the rebellion at Attica on September 9 - 13, 1971. Then just a few months later, the imprisonment rate started to spiral upwards, and has not yet stopped doing so. Furthermore, 1972 was also the year that the first Control Unit was opened — as one wing of the U.S. Penitentiary at Marion.

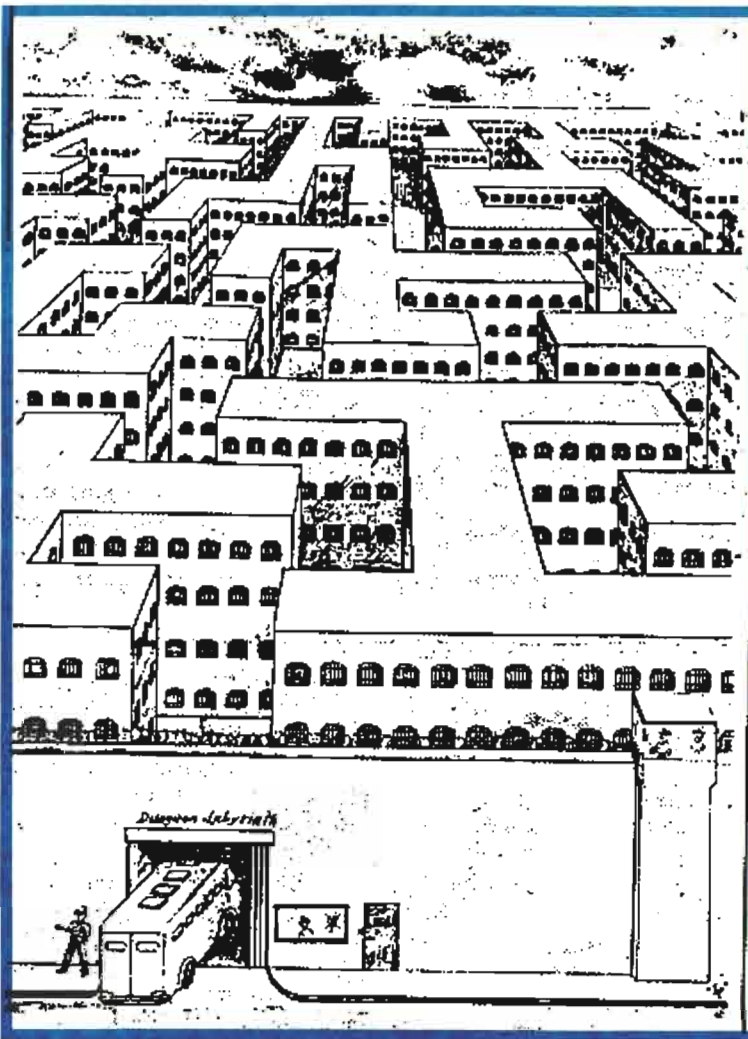
When this historical context is added to the statistics about crime and imprisonment and the rampant racism of U.S. society, it seems clear that the hypothesis that prisons are institutions for control of people of color is a far more viable one than the notion that prisons are an effort to prevent crime. In fact, the only support for the latter hypothesis would appear to be the assertions of some of those who run the prison system and politicians.

It seems worthwhile to elaborate on this point. There is no viable evidence that prisons prevent crime. There is an abundance of evidence, a small proportion of it presented above, that prisons don't and can't prevent crime. In addition, every serious analysis of the history of incarceration reveals the same historical thrust: prisons and other systems of punishment are for social control, not crime control. For example, in 1939 Rusche and Kirchheimer wrote a very important book showing that the systems of imprisonment throughout history were simply reflections of the economic systems that existed at given times. These systems were not about crime prevention; they were about the relations of production.⁴³ Foucault, in his seminal book, *Discipline & Punish*, has shown that the evolution of state punishment had little to do with crime and everything to do with the exertion of the state to maintain its power: "... one would be forced to suppose that the prison, and no doubt punishment in general, is not intended to eliminate offenses, but rather to distinguish them, to distribute them, to use them"⁴⁴ or: "We are aware of all the inconveniences of prison, and that it is dangerous when it is not useless. And yet one cannot 'see' how to replace it. It is the detestable solution, which one seems unable to do without."⁴⁵

CEML believes that one of the main functions of progressive struggle is to counter the prevailing ideology. If this is correct, then fighting to establish the real purpose of the "criminal" "justice" system is meaningful work. At the same time, it is not easy work, to say the least. Many progressive publications show no understanding of or interest in these issues. We in CEML have often posed the slogan "Not One More Cell," only to be opposed by other progressive people. When we have asked why they disagree, they note that crime is a serious problem and we have to offer some solutions. We couldn't agree more that crime is a serious problem, and that solutions are needed. But prisons have nothing to do with preventing crime. They haven't; they don't; and they can't — ever. Until we all understand this and have the courage to put forward the notion that we need real solutions, not diversions which are nothing more than racist attacks on people of color, we will not be able to move our pursuits for a human society any further.

This gives us still one more reason to fight against law and order hysteria and the racist use of imprisonment in our society. Rather than devoting our resources and energies to proven failed strategies like the use of massive imprisonment, we should instead pursue those strategies which will build a truly human society and thus prevent crime. These strategies include struggling to eliminate white supremacy and poverty while building an economy that meets human needs rather than the desires of profiteers. Rather than creating a nation of prisons we should be allowing the emergence of a nation of human beings.

April 1995



- 1 David J. Rothman. "The Crime of Punishment." *New York Review of Books*, February 17, 1994, p 34-38.
- 2 *New York Times*, October 28, 1994, p 1.
- 3 Projections based upon the *Sourcebook of Criminal Justice Statistics*, 1993, Washington, D.C.: Bureau of Justice Statistics, Section 6, 1994.
- 4 *Statistical Abstract of the United States*, 1992, Washington, D.C.: Bureau of the Census, 1993.
- 5 *New York Times*, op. cit.; *Sourcebook*, op. cit. p 600.
- 6 Marc Mauer, *Americans Behind Bars: A Comparison of International Rates of Incarceration*, The Sentencing Project, Washington, D.C. 1991.
- 7 In order to allow for international comparability Mauer used rates which included people in jails plus those in prison, since many countries do not make distinctions between these two groups. We call this the *incarceration rate*. In the U.S., where there are important distinctions between jails and prisons, it is more common to use only the number of people in prison when calculating rates. We follow this convention in this paper and call this the *imprisonment rate*.
- 8 Marc Mauer, *Americans Behind Bars: One Year Later*, The Sentencing Project, Washington, D.C. 1992.
- 9 Marc Mauer, *Americans Behind Bars: The International Use of Incarceration, 1992-93*, The Sentencing Project, Washington, D.C. 1994.
- 10 Ibid.
- 11 Mauer, 1994.
- 12 Patrick Langan and Lawrence Greenfield. *Prevalence of Imprisonment*. Washington D.C.: US Department of Justice, 1985.
- 13 *Chicago Tribune*, September 23, 1990, p 1.
- 14 Jerome G. Miller, *Search and Destroy: The Plight of African American Males in the Criminal Justice System*, Alexandria, VA: National Center on Institutions and Alternatives, 1992.
- 15 Jerome G. Miller, *Hobbling a Generation*, Alexan-

- dria, VA: National Center on Institutions and Alternatives, 1992.
- 16 Belmont, CA: Wadsworth Publishing Company, 1993.
- 17 Ibid, p 161.
- 18 James Austin and Barry Krisberg, Press Release, NCCD, San Francisco, CA, 1994.
- 19 *Sourcebook*, p 2-3.
- 20 Mauer, 1994.
- 21 Austin and Krisberg, 1994. Interestingly, all of these costs are notable underestimates as the plagues of the U.S. in the 20th century, AIDS and TB, enter and spread in the prisons. Even the U.S. prison system will be forced to deal with some allocation of funds for medications and hospitalizations for these epidemics, as well as for the increasingly aging population of people who will never be let out.
- 22 *Chicago Tribune*, October 14, 1994, p 7.
- 23 Lynn S. Branham, *The Use of Incarceration in the United States*, American Bar Association, 1992, p 21-22.
- 24 Heather Bruce. "Clinton disburses domestic violence grants." *The Boston Globe*, March 22, 1995, page 21.
- 25 *Sourcebook*, p 247, 352.
- 26 *Morbidity and Mortality Weekly Reports*, Vol. 41, May 1992.
- 27 James Austin and Marc Mauer, "'Crime Explosion' is a Myth." *USA Today*, January 27, 1994.

- 28 *Sourcebook*, p 247.
- 29 *Sourcebook*, p 352.
- 30 The UCR is measured by the number of crimes per 100,000 population. The NCVS is measured by the number of crimes per 1,000 people age 12 and older. Thus, although the patterns between these two measures may be compared, their magnitudes are not comparable.
- 31 James Austin and John Irwin. *Does Imprisonment Reduce Crime?* San Francisco: National Council on Crime and Delinquency, 1993, p 5.
- 32 Petersilia Joan. "Building More Prison Cells Won't Make a Safer Society." *Corrections Today*, 1992, p 170-171.
- 33 Edna McConnell Clark Foundation. *Americans Behind Bars*, New York, 1992.
- 34 Elliott Currie. *Confronting Crime*. New York: Pantheon Press, 1985, p 76-81.
- 35 Cristy Visher. "Incapacitation and Crime Control: Does a Lock 'Em Up Strategy Reduce Crime?" *Justice Quarterly*, 4, 513-543, 1987, p 519.
- 36 Currie, *Confronting Crime*, p 349-350.
- 37 Morris Thigpen. *The Atlanta Constitution*, June 26, 1989.
- 38 Jill Smolow. "Lock 'Em Up and Throw Away the Key." *Time*, February, 7, 1984, p 55.
- 39 *The 1993 Criminal Justice Crisis Index*, Washington, D.C., Justice Fellowship, 1993, p 10.
- 40 Currie, *Confronting Crime*.
- 41 Ibid, p 18.
- 42 *Los Angeles Times*, April 22, 1990.
- 43 G. Rusche and Otto Kirchheimer. *Punishment and Social Structures*. New York: Columbia University Press, 1939.
- 44 Michel Foucault. *Discipline & Punish*. New York: Vintage Books, 1979, p 272.
- 45 Ibid, p 232.



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THE PELICAN BAY DECISION

After nearly a year of deliberating on a class action lawsuit filed by prisoners at California's Pelican Bay State Prison Security Housing Unit (SHU), Federal Judge Thelton E. Henderson came down with a 344 page decision in January, 1995. The decision titled 'Madrid vs. Gomez' strongly condemns the prison administration, describing the staff as "criminally reckless", and ruled that the California Department of Corrections (CDC) had violated the 8th Amendment of the US Constitution which prohibits cruel and unusual punishment. This article will summarize the decision's strengths and weaknesses.

"Grossly Excessive" Force

Judge Henderson found that the Pelican Bay staff participated in a deliberate use of "grossly excessive force" while punishing prisoners and that this was condoned by the prison administration. He stated that this included lethal force and that the guards practiced "gratuitous violence". During the trial the judge heard numerous descriptions of prisoners being hog tied, assaulted while restrained in chains, and beaten in back rooms. He condemned the prison's use of lethal force as a first resort and ordered a halt to "the pattern of needless and officially sanctioned brutality".

Insufficient Medical and Psychiatric Care

Judge Henderson also blasted the Pelican Bay Administration's failure to provide adequate physical and mental health care to the prisoners in the SHU. In the decision he often quoted the prisoners' medical expert who testified during the trial, "The entire system is grossly inadequate and unsatisfactory in meeting the health care needs of the inmate population. It is deplorably inadequate." Those on the medical and psychiatric staff are poorly trained, disorganized and cynical about their patients. Prisoners with serious conditions are often accused of faking their illness. In his decision the Judge quoted the prisoners' psychiatric expert who found "an almost obsessive preoccupation by (the medical) staff with the possibility that an inmate might be manipulating."

Henderson was very concerned about prisoners who could be "driven insane" while inside the SHU. The decision states that the CDC "created a

prison which would necessarily and inevitably result in an extensive demand for mental health services, yet they scarcely bothered to furnish mental health services at all." Indeed the CDC has transferred hundreds of psychologically disturbed prisoners (labeled as violence prone) from other prisons to the SHU. The judge ordered that prisoners with mental illnesses be screened out and removed from the SHU.

"Special Master" Appointed

Regrettably, Judge Henderson did not order the closing of the SHU, but he did demand significant changes in the policies and practices of the prison administration and staff. To initiate these changes the Judge appointed a "Special Master" to negotiate with both the prisoners' lawyers and the CDC to develop a plan to comply with the court's findings and orders within 120 days. In May, Henderson granted a 120 day extension to September 10th. If a plan cannot be agreed upon, it will be up to the Special Master to recommend a plan to the court. Unfortunately, the CDC is infamous for successfully ignoring and obstructing past court orders for improving prison conditions.

Control Unit Conditions Not Condemned

One great weakness of Judge Henderson's ruling is his refusal to declare the Pelican Bay SHU itself unconstitutional. Ignoring international law and particularly the U.N. Standard Minimum Rules for the Treatment of Prisoners, he let stand the practice of long term solitary confinement and sensory deprivation. In a very contradictory statement the judge writes that although the SHU "will likely inflict some degree of psychological trauma upon most inmates confined there for more than brief periods... we are not persuaded... that the risk of developing an injury to mental health of sufficiently serious magnitude due to current conditions in the SHU is high enough for the SHU population as a whole." Taking this position even further, the Judge states that there is "nothing improper about lengthy or indefinite segregation for discipline or security reasons."

Unfortunately, Judge Henderson does not see basic control unit conditions as psychological torture. Therefore, he let stand the most serious human rights violation in his decision. Indeed, CDC Director James H. Gomez, the named defendant in the prisoners' lawsuit, called the Judge's ruling "a significant victory" because the SHU was not ordered closed.

Placement at SHU

Equally unfortunate, the Judge's opinion does not address the racist way in which prisoners are selected for placement in the SHU. Prisoners are sent to Pelican Bay without any real due process. Prison "kangaroo courts" allow hearsay evidence and coerced confessions. Often, being accused of gang affiliation is reason enough to be sent to the SHU.

Conclusion

Even though the Pelican Bay SHU was not shut down the decision was a significant moral victory for the prisoners. Not only did they bring serious scrutiny down upon the CDC, but their suit helped raise public awareness around the issue of control unit prisons and human rights violations in U.S. prisons. The brutality of Pelican Bay was featured on many different radio and television shows including 60 Minutes, 20/20, etc. We must continue with our efforts on the outside to help support them in any way we can.

To get more information on the Pelican Bay SHU and Judge Henderson's decision contact:

The Pelican Bay Information Project
2489 Mission St. #28
San Francisco, CA 94110
(415) 821-6545

WOMEN IN PRISON

Women represent the fastest growing population in prison. Between 1980 and 1993, the growth rate for the female prison population increased approximately 313%, compared to 182% for men in the same period. At the end of 1993 women accounted for 5.8% of the total prison population and 9.3% of the jail population nationwide.

Women prisoners are disproportionately women of color, with African American women comprising 46% of the population nationwide, White women comprising 36% and Hispanic Women comprising 14%.

Incarcerated women are overwhelmingly poor. The majority of women in prison (53%) and women in jail (74%) were unemployed prior to incarceration.

When women go to prison, it takes a devastating toll on the family. Sixty seven per cent of women incarcerated in state prisons are mothers of children under 18. Seventy percent of these women compared to 50% of men had custody of their dependent children prior to incarceration.

Six per cent of women are pregnant when they enter prison. In almost all cases, the woman is abruptly separated from her child after giving birth.

Women prisoners report significant histories of domestic violence. Thirty-two percent of women in prison (approximately 4,000 women) serving sentences for murder were convicted of killing a husband, ex-husband or boyfriend.

Because there are fewer prison facilities for women, an incarcerated woman is ordinarily much farther away from her home and family than the average male prisoner. This increased distance causes substantial transportation problems for children of prisoners and as a result deprives women prisoners of contact with their children.

While medical care for all prisoners is poor, the situation is far worse for women prisoners. Because prison health care systems were created for men, routine gynecological care, such as pap smears, breast exams and mammograms, is extremely rare in prisons. Care is frequently only administered once the situation becomes an emergency.

Sources: National Women's Law Center, Washington, D.C., and Chicago Legal Aid to Incarcerated Mothers.

SAVAGE INEQUALITIES book review

"Anyone who visits in the schools of East St. Louis, even for a short time, comes away profoundly shaken. These are innocent children, after all. They have done nothing wrong. They have committed no crime. They are too young to have offended us in any way at all. One searches for some way to understand why a society as rich and, frequently, as generous as ours would leave these children in their penury and squalor for so long — and with so little public indignation. Is this just a strange mistake of history? Is it unusual? Is it an American anomaly?"

For two years, Jonathan Kozol visited America's public schools, especially those in its large cities. He spoke with teachers, students, and school officials, as well as with newspaper reporters and community leaders. The result of his work is the book *Savage Inequalities*, a searing expose of the extremes of wealth and poverty in America's public school system and the blighting effect it has on poor children.

What startled Kozol most was the remarkable degree of segregation he found nearly everywhere he went, and the fact that no public official, in any school district, questioned this. During Black History Month, dutiful references were sometimes made to "The Dream," Martin Luther King's vision of a nation in which Black and White children went to school together, but the contents of the dream was "treated as a closed box that could not be opened without spoiling the celebration." Only the students, themselves, seemed to recognize this.

"We have a school...named for Dr. King," said one 14 year-old

girl, "The school is full of sewer water and the doors are locked with chains. Every student in that school is black. It's like a terrible joke on history."

In fact, Kozol found that the debate over today's schools was framed far more in terms of the nearly 100 year old "separate but equal" mandate of Plessy vs. Ferguson than of the 1954 Brown vs. Board of Education Supreme Court decision outlawing segregated education as "inherently unequal." If the degree of segregation is what surprised him the most, however, he is equally outraged by the gross inequality, in public education, between rich and poor. Poor children, and especially poor children of color, he finds, are being

Life for the children in East St. Louis can be bleak, indeed. In addition to the poverty, racism and environmental hazards already mentioned, they must contend with serious health care deficiencies. The city ranks first in Illinois in fetal death, first in premature birth, and third in infant death. The average daily food expenditure for a child is \$2.40.

Burdened with this environment, it's a wonder that any of the school children of East St. Louis are able to succeed. Yet, additional obstacles exist in the schools themselves. The infrastructure of many of the schools is crumbling,



the high school's heating system doesn't work, and sewage backs up into its bathrooms, at times flooding other areas of the school. Shortages of funds cause the city to lay off teachers, increasing class size. The system is using more than 70 "permanent substitute teachers," who are paid only \$10,000 yearly, as a way of saving money. There are shortages of textbooks, as well as books in the library. The science labs are 30 to 50 years outdated. Some of the vocational shops cannot be used because of a lack of staff and equipment. Teachers in need of materials often have to purchase them themselves.

Trapped within such parameters, many children gradually lose hope. Their learning potential slowly erodes. Their aspirations slip away. Fewer and fewer opportunities remain open to them.

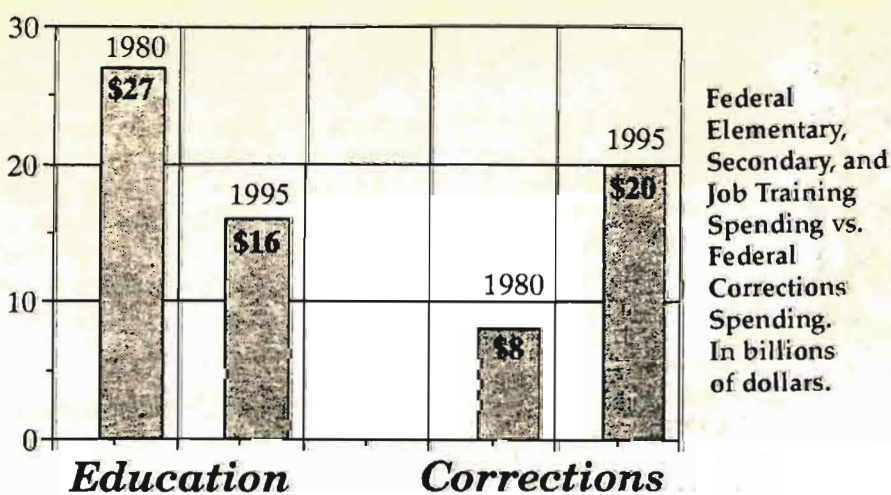
"Gifted children," says Dr. Lillian Parks, the superintendent of the city's schools, "are everywhere in East St. Louis, but their gifts are lost to poverty and turmoil and the damage done by knowing they are written off by their society. Many of these children have no sense of something they belong to. They have no feeling of belonging to America..."

As he journeys to school systems in other cities in the U.S., Kozol finds that East St. Louis is not an anomaly, that many of the same problems exist in predominantly Black or Latino inner-city schools across the country. The implications of this are profound. Is the nation so grounded in racism and class discrimination that it is willing to write off an entire segment of its youth? Are we, in effect, insuring their failure? Are we making the path to unemployment, drug addiction and prison nearly inevitable? The connection between the failure to provide poor children a good education and the number of poor, young adults in prison becomes all too clear. In a later chapter, Kozol mentions that in New York City, 90% of the male jail prisoners are former public school drop-outs. Incarceration of each inmate, he notes, costs the city nearly \$60,000 every year, far more than it would cost to provide a decent education.

Footnote:

In his chapter on East St. Louis, Kozol mentions that the Catholic high school in town was recently shut down and notes that "there's talk of turning it into a prison." Since the book's completion, this high school has, indeed, been converted into a prison by the State of Illinois, perhaps as telling a commentary, as any, on the racist nature of government spending.

Education vs. Prisons



increasingly written off as expendable, and any attempts to educate them are being seen as doomed to failure.

He begins his study in East St. Louis, Illinois, a city so poor and devastated that it has had to lay off 84% of its city work force and cannot afford regular garbage pick-up. It is a city where raw sewage regularly backs up into the homes of its residents and into yards where children play; and where nearby chemical plants pollute the air and soil with lead, arsenic and mercury. It is a city so rundown that burned-out buildings are a common sight and that some of its major thoroughfares resemble ghost towns. There is something else about East St. Louis, however, that officials rarely openly address. It is a city that is 98% Black and which has been virtually isolated from its neighbors. It has been described as America's Soweto.

East St. Louis lies along the Mississippi River opposite St. Louis. To the east of the city lie the Illinois Bluffs. Towns on the Bluffs are predominantly white and do not welcome visitors from East St. Louis. People from St. Louis and its suburbs also generally try to avoid East St. Louis. City officials even attempted to close one of three bridges that connect the two cities, and the only one open to pedestrian traffic.

"The ultimate terror for white people," says a local newspaper reporter, "is to leave the highway by mistake and find themselves in East St. Louis. People speak of getting lost in East St. Louis as a nightmare. The nightmare to me is that they never leave that highway, so they never know what life is like for all the children here."

WHY PUNISH THE CHILDREN?

That's the title of a 1993 report on the children of incarcerated mothers in the U.S., by the National Council on Crime and Delinquency.

The patriarchal "get tough" authorities are neglecting the children. We've heard their big lie about protecting the public, which they consider to be the first priority of government. That's how they sometimes justify the closing of schools and the opening of prisons. Children are also neglected - thrown into crisis - by the imprisonment of their parents. On any day, 1.5 million children are abandoned due to imprisonment, 167,000 of them children of imprisoned women. Largely due to mandatory minimum drug sentences, the rate of imprisonment of women has increased even more than that of men, tripling since 1980 while men's doubled.

In the first national grassroots campaign around this issue, activists held events in many cities around Mother's Day, 1995.

Black Health in the United States

We are currently being bombarded with the nonsensical, racist argument that White people are being denied access to resources because of the demands of Black people, because of "reverse discrimination." Nothing so profoundly gives lie to this argument than the basic facts of life and death. There are many measures of the health and well-being of a people, but those that measure life and death are obviously the most important.

Racial Differentials in Death

Infant mortality compares the number of babies who die before their first birthday to the number of infants born in a year. In 1992 the infant mortality rate in the U.S. was 8.5 infant deaths per 1000 live births. The rate for White infants was 6.8 while the rate for Black infants was 16.7. Although both rates have been declining over time, the differential has been expanding. Historically the Black rate has been twice the White rate. However, now it is 2.7 times as high and the Centers for Disease Control (CDC) estimates that it will be 3 times as high by the turn of the century. The Black infant mortality rate is higher than the rate of every industrialized country and even some Third World countries. Maternal mortality, a related measure, reveals an even worse differential: Black women die during childbirth four times more often than White women.

Consider life expectancy. In 1992, the life expectancy of a person born in the U.S. was 76 years. It was 74 for Black women, 65 for Black men, 80 for white women, and 73 for white men. Thus, White people will live, on the average, 7 years longer than Black people. Startlingly, in 1990 two researchers found that the life expectancy for a Black man in Harlem was lower than for a man in Bangladesh.

Today's Epidemics

Much terror lies in the day-to-day sickness that eventually generates death. For example, the major epidemics of the day are tuberculosis and AIDS and Black people are disproportionately attacked by both. The AIDS case rate is six times higher for Black people than White people while the TB case rate is eight times higher. Jonathan Mann, former director of the World Health Organization's AIDS program, points out that "in parts of the Bronx, the

AIDS rates are similar to some of the hard hit areas of Africa."

Access to Care

Still, this is not all there is to the physical brutality. Under recent cutbacks many inner city hospitals have been closed. In Chicago, alone, 10 hospitals have been closed, all in Third World communities. Even when hospitals are able to remain open, access to care is denied. Cook County Hospital, which has a clientele that is over 90% people of color, reports a waiting period for a clinic appointment that may be up to six months. A couple of years ago, researchers revealed the common practice of "patient dumping", whereby private hospitals transferred large numbers of patients, overwhelmingly Black and Latin, to Cook County Hospital, because they had no insurance. The researchers determined that 24% of these were transferred while medically unstable, and thus at risk to their lives. Managed care, the new cost cutting wonder, will only further worsen access to care for people of color as health "care" empires search for ways to increase profits still further.

Drugs

While the media focus on the devastating impact that illegal drugs are having on the Black community, little is said about the impact of alcohol and cigarettes. For example, cigarettes now kill about 400,000 people a year, about 20 times as many as guns. It is common in virtually every inner city community to find the vast majority of billboards and store signs devoted to selling liquor and cigarettes — all the while promising the life of luxury for those who use the advertised products.

Conclusion

The impact of racism on health care can be seen everywhere. While "oppressed White men" are feeling bad about how little they have and how much Black people have taken from them, virtually every measure of Black health reveals tremendous devastation. Wherever one looks to find "reverse discrimination", one continues only to find discrimination. Discrimination which kills. This is the enemy. This is the poison which must be rooted out.

WHO WE ARE

Walkin' Steel is a production of the Committee to End the Marion Lockdown (CEML). The United States Penitentiary at Marion was opened in 1963 to replace the infamous Alcatraz prison which was closed that same year. Since then, Marion has become an increasingly inhumane institution. In 1972, a few months after the great rebellion at Attica prison, one wing of Marion was turned into a control unit. In 1983, the entire prison was locked down and turned into one huge control unit. CEML was founded in 1985, with three main purposes:

- ** to fight against the brutality of the prison;
- ** to work against the spread of control units throughout the United States; and
- ** to expose the white supremacist nature of the prison system.

In early 1990 the Bureau of Prisons (BOP) announced that the "mission of Marion" would be moved to a new prison to be constructed in Florence, Colorado. CEML decided that, despite our small size, we must try also to fight against the opening of this "administrative maximum" prison. Fortunately, we are but one small part of a movement across the country that is fighting against the brutality of this newest U.S. technological nightmare.

Control units have existed for more than 20 years. Many organizations and individuals have done massive amounts of good work to oppose these torture chambers, but clearly much more needs to be done. If you are not yet involved in this struggle, and would like to become involved, please contact us.



THE STAY

Column #252 — Written 11 August 1995 by Mumia Abu-Jamal

"Justice is just an emotional feeling. . . " — Judge Albert F. Sabo, PCRA Hearing, Com. V. Abu-Jamal

In the late morning of August 7, 1995, Senior Judge Sabo surprised many in the courtroom by issuing an extended stay of execution, citing "pending appeals" in the case.

The decision seemed expected by the prosecutors, but stunned members of the defense team, whose client had 10 days 'til death, and who expected nothing from the crusty, acerbic jurist. Observers believe this was the first stay issued in the judge's career.

Questions abound — among them, "What does it mean?"

To simplify, a stay is a judicial stop sign, and in this case, a stopped death warrant.

It should be clear, however, that the writer remains on death row, under a death sentence — only the date has been changed.

The state of Pennsylvania still has every

intention of killing me — just not right now.

Thus, the stay is a limited victory, not just for the Jamals and the Africas, but for thousands and tens of thousands of people from every corner of the globe — to these many, our most profound and heartfelt thanks for your militant and spirited protests. LONG LIVE JOHN AFRICA!

Although many radicals and progressives expressed joy at news of the stay, other political analysts saw it as a clever move by a clever judge, who did what higher courts would've done and, in so doing, attempted to blunt the edge off of a growing and militant anti-death penalty movement, in Philadelphia and beyond, thereby stymieing a series of planned demonstrations.

Whatever the reason, let us utilize this precious time to build a stronger and broader movement, to not "stay" one execution, but to halt them all! DOWN WITH THE RACIST U.S. DEATH PENALTY!

In an age when South Africa, once the

pariah of the international community, has abolished ALL executions as an affront to the inherent right to life, our task can not be to merely stay (or slow down) one man's execution. No! It must be to echo the world — the European Community, Australia, South Africa, ET AL. — in total abolition of this racist vestige of the lynching tree, all forms of state murder.

It will take the power of the people — you — us all — to bring it about.

We can do it.

If you are truly committed, we WILL do it.

I know I am doing my part — will you help me?

This stay is but the first step, although in the right direction, in our long walk to freedom.

No matter where you live there is a support group near you; contact Concerned Family and Friends (International) (215) 476-8812.

We are growing — thanx to you!

A LOT OF PEOPLE IN THE UNITED STATES WILL TELL YOU THAT CRIME RATES ARE SOARING, THAT MORE PRISONS AND LONGER SENTENCES ARE THE SOLUTION, AND THAT YOUNG BLACK MEN ARE ALL DANGEROUS CRIMINALS . . .

DON'T BELIEVE THE HYPE!

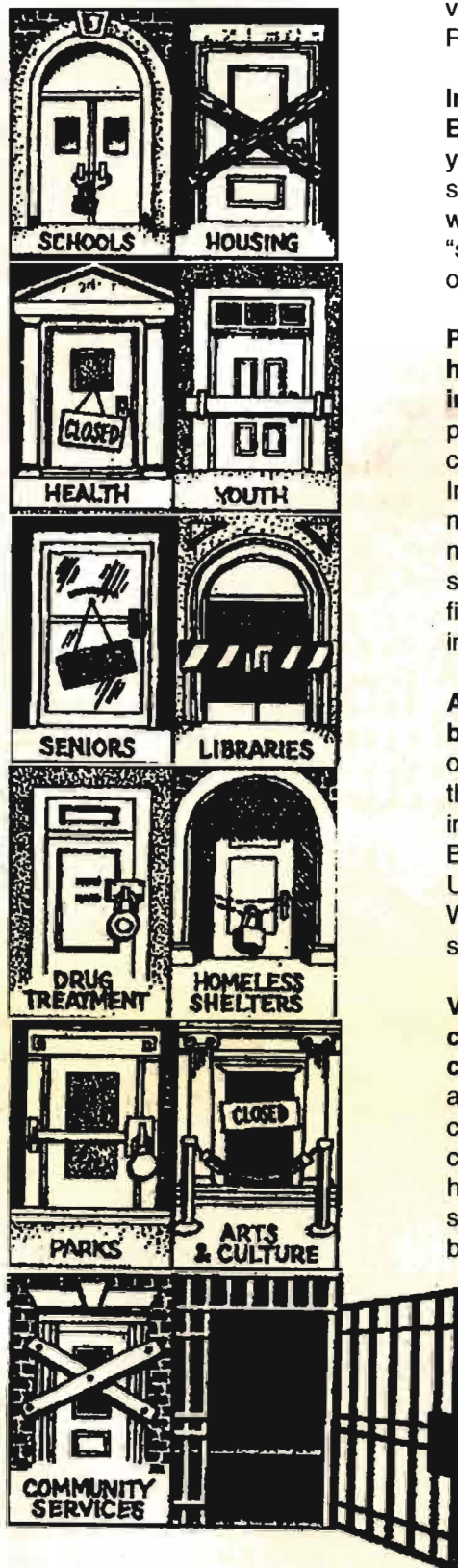
Dostoevsky once wrote that if you want to know about a society, you should look into its prisons. Today, U.S. prisons incarcerate more than one million people. This results in a higher imprisonment rate than has ever existed in any country in the world at any time in history. That's the equivalent of the ninth largest city in the United States. If you add to that the number of people being held in jails in the U.S., it's greater than the population of 13 states.

While these numbers are shocking in themselves, closer examination reveals how we have been duped by politicians and the media. Consider the fact that murders in this country comprise less than one percent of crime. Indeed, over half of the people currently being sent to prison are being sent for petty crimes which involve no violence whatsoever. The most frequent crime resulting in a prison sentence is drug possession, and 53% of all drug offenders are sentenced to prison for possession of one gram or less of an illegal substance. Is this consistent with what you've been hearing from the mainstream media and public officials?

Analyzed in terms of race, the statistics shock the conscience. One in four Black men between the ages of 20-29 is either in prison or jail or on parole or probation on any given day. One out of four Black men will go to prison in his lifetime. One out of two Black men will be arrested in his lifetime. Black people are four times as likely as white people to be arrested on a drug charge, even though the two groups use drugs at the same rate. A Black woman is eight times more likely to go to prison than a white woman.

Criminologists have recently predicted that under the new federal crime bill, 55.8% of all Black men between the ages of 18 and 44 will be in prison on any given day in this country. What does it say about our society that we are willing to imprison over half of the adult Black male population?

Not only are more and more prisons being constructed, but they are becoming more and more brutal and repressive. Thirty-six states now have control unit, "maxi-maxi," or "supermax" prisons. These institutions hold prisoners in strict and permanent isolation conditions, employ extreme behavior modification and control techniques, and are frequently located near toxic waste sites. Both Amnesty International and Human Rights Watch have consistently criticized and condemned these prisons for



violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

In Chicago, the public schools, which are 80% Black and Hispanic, could not open on time last year due to lack of funding, yet in the same legislative session, the Illinois General Assembly voted overwhelmingly to spend 100 million dollars to build a "supermax" prison in Illinois. Why wasn't the public outraged at such a massive expenditure?

Prisons, the warehousing of young people of color, has quickly become one of the fastest growing industries in this country. Local governments, and private business, desperate for local jobs and long term contracts, clamor for the chance to build prisons. Indeed, National Public Radio recently revealed that much of the organized support for harsher sentences, mandatory minimum sentences, and "three time loser" statutes is coming from the ranks of those who are financially and economically invested in the prison industry.

At the same time that we are spending literally billions of dollars to imprison people of color, one out of every two Black children and one out of every three Hispanic children is living in poverty. The Black infant mortality rate is twice the white rate. 80% of Black, Latino, and Native American children in the United States have not been adequately vaccinated. What do these facts say about our priorities as a society?

Virtually everyone who has ever studied the subject concedes that prisons do not deter crime or reduce crime rates. Yet prison construction continues unabated across the country. Anyone with an ounce of common sense knows that the only way to reduce crime is to invest the money up front, in education, jobs, housing, drug treatment, and healthcare. Why would a society refuse to spend a couple of thousand dollars to better educate our children, and then turn around and spend \$30,000 per year to imprison a person, more than it would cost to send that person to Harvard?

What's going on in this country in the name of law and order is unprecedented in history. The effect that the imprisonment binge and the cuts in social spending are having on people of color in the United States is genocidal. We must confront this new face of racism. **You're on notice now.** Do you really want to say someday that you didn't do anything about it?

**IT'S NOT ENOUGH TO JUST THINK IT'S WRONG.
DEMAND REAL SOLUTIONS - FIGHT FOR RACIAL JUSTICE.**

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