

## **EX-Prisoners Organizing (EXPO) is Leading Efforts to Transform Wisconsin's Unjust Penal System by Mark Rice**

EX-Prisoners Organizing (EXPO) is a group of formerly incarcerated people who drive WISDOM's ROC Wisconsin campaign to end mass incarceration. Other organizations in Wisconsin provide direct services to previously imprisoned people, but EXPO is the only group of previously imprisoned people in the state who organize to change the system.

My experience with Wisconsin's corrections system inspired me to join EXPO and help lead WISDOM's campaign. Public officials in Wisconsin forced me to spend 20 months of my life in Wisconsin prisons for a non-violent crime and six months of my life in the Milwaukee Secure Detention Facility for violating a rule of supervision that did not involve a new crime. When I was in prison, I witnessed the racial injustice of Wisconsin's penal system. The majority of people I was incarcerated with were African American men and Latino men. Many of these men were serving very long sentences for non-violent crimes.

I know how difficult the reentry process can be. When I got out of prison in 2000, I learned that the box on job applications which inquires about conviction history can be a significant barrier to employment for people with records. After I got released, I applied for many jobs that required me to check the box, and I did not get interviewed for any of these jobs. Later on, I experienced discrimination in housing. In 2009, I moved to Chicago to attend a graduate school there. Even though I had not been convicted of any new crimes in nearly a decade, many companies would not let me live in their apartments because of my conviction history.

I completely turned my life around over the last 16 years. During this time period, I earned two master's degrees and worked for several nonprofit organizations. I currently chair WISDOM's Post-Release Issues Workgroup. I am also a PhD candidate at the University of Wisconsin-Milwaukee and a board member of Project RETURN, a nonprofit organization in Milwaukee that helps men and women leaving prison make a positive and permanent return to our community.

EXPO aims to influence conversations about penal policy and people who have experienced incarceration. We also aim to restore people with records to full participation in the life of our communities. EXPO wants everyone to view people with arrest and conviction histories as human beings, members of families, and assets to communities. We fight to end all forms of structural discrimination against formerly incarcerated people. All EXPO members have the opportunity to attend one-day, two-day, and weeklong leadership development programs conducted by WISDOM and the Gamaliel Foundation. Over 100 people have already participated in our training programs.

EXPO is needed in Wisconsin for several reasons. Wisconsin incarcerates African American men and Native American men at rates higher than any other state. Wisconsin spends more on corrections than on the University of Wisconsin system. Although Wisconsin and Minnesota have similar crime rates and similar populations, Wisconsin imprisons people at twice the rate of Minnesota and spends more than twice as much on corrections. The opportunity costs of mass incarceration in Wisconsin are huge. The huge amount of money we waste on unnecessarily incarcerating people should instead be spent on public education, public transportation, health care, and other needed services.

The stories of many EXPO leaders show that people with records cannot only change, but can become key leaders of social movements and organizations. EXPO members have led organizing efforts around issues like ban the box, sentencing reform, crimeless revocations, treatment alternatives to incarceration, solitary confinement, and transitional jobs. We work to transform Wisconsin's unjust penal system and raise awareness of problems facing formerly incarcerated people by

- participating in WISDOM's public actions and policy workgroups,
- doing presentations at community organizations,
- writing opinion pieces,
- meeting with legislators,
- testifying at public hearings, and
- appearing on radio and television shows.

The efforts of EXPO leaders have already had an impact on state and federal policies. Our work prompted policymakers in Wisconsin to reduce the use of solitary confinement in Wisconsin prisons, expand the state's Treatment Alternatives and Diversion (TAD) program, and expand a transitional jobs program that helps people with barriers to employment find jobs.

During our weeklong training program in the summer of 2015, we decided to join a national campaign that aimed to get President Obama to issue an Executive Order to ban the box for federal jobs and federal contractors. We initially reached out to state and local elected officials throughout Wisconsin and asked them to call on President Obama to ban the box. Dozens of politicians supported our campaign. In July, EXPO leaders joined formerly incarcerated leaders from across the nation to participate in a ban the box rally in front of the White House. After the rally, we met with some of President Obama's policy advisors. In addition, we educated, organized, and mobilized communities across Wisconsin.

In November, President Obama banned the box for federal jobs.

(2)

The idea of starting EXPO originated at Project RETURN. One member of Project RETURN's alumni group told me that "now, we would always say that if everybody in the state who is incarcerated or has a relative who is incarcerated started to vote you could control every political position in the state of Wisconsin and probably the country. Well, guess what, it's starting to happen because it's completely unfair, and all kinds of people are seeing how unfair the system is."

People with records have the potential to become one of the most politically powerful groups in the United States, but we have often been excluded from the policymaking process and professional conversations on mass incarceration. Nearly one out of three adults in the nation has a conviction or arrest history. In the coming years, EXPO will continue to build the power of people with records.

Please like EXPO's Facebook page at <https://www.facebook.com/expowisconsin/>.

You can contact EXPO at [expogroupwi@gmail.com](mailto:expogroupwi@gmail.com). You can also contact us at the WISDOM office:

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## JUVENILE JUSTICE

Submitted by JEVON JACKSON #299078 NLCI

In January 2016, two new court decisions came out that make it a little easier, for those who were convicted and sentenced as adults for crimes allegedly committed when they were juveniles, to get a potential sentence modification.

In *Montgomery v. Louisiana*, 2016 U.S. LEXIS 862, the U.S. Supreme Court ruled that inmates who are serving mandatory life sentences without parole for homicides they committed as juveniles should have a chance at release through a resentencing hearing or be considered for parole. This decision also made the sentencing provisions established in *Miller v. Alabama*, 132 S.Ct. 2455 (2012), that the judge must take into account that "children are different", retroactive and applicable to anyone convicted and sentenced prior to the *Miller* ruling.

Although the decision in *Montgomery v. Louisiana* may not directly help anyone serving time in Wisconsin, because Wisconsin has never had mandatory life-without-parole *sentencing* law, the decision in *McKinley v. Butler*, 809 F.3d 908 (7th Cir. 2016) applies directly to Wisconsin inmates.

In *McKinley*, a 16-year old Chicago teen shot and killed a 23-year old in 2001 • The 16-year old was convicted of First-Degree Murder and sentenced to 100 years (two consecutive 50-year sentences). Upon habeas corpus review, the 7th Circuit determined that, in light of *Miller v. Alabama*, the sentencing judge failed to take into account how "children are different", and how those differences counsel against irrevocably sentencing them to a lifetime in prison. The 7th Circuit noted that the "children are different" analysis applies to discretionary life sentences as well as de facto life sentences (such as 100 years). The Court determined that *McKinley* had to be resentenced in compliance with the provisions established in the *Miller* ruling.

This *McKinley* decision swings the door wide open for guys, who *were sentenced to a lengthy* term for a crime allegedly committed as a juvenile, to lobby for sentence modifications.

## LAWSUIT SETTLEMENTS

\* In December 2015, the prisoner plaintiff in *Sheppard v. Walker, et al.*, Case No. 12-cv-703 (W.D. Wis.) settled his lawsuit for \$10,000. The lawsuit raised claims of a Sergeant and Lieutenant at the Columbia Corr. Inst. making fun of a prisoner's legitimate expressions of feeling suicidal. The staff treated the prisoner's suicidal disposition as a rule violation -and they initiated- disciplinary actions against him, instead of contacting the Psychologist on-call. The prisoner ultimately attempted to hang himself with a bed sheet. Fortunately, the attempt was unsuccessful, but afterwards, when the prisoner wrote a letter to the Warden complaining about how staff ignored his pleas for help when he was feeling Suicidal, the prisoner was then given a second Conduct Report for allegedly "lying about staff" in his letter. Part of the non-monetary conditions of the settlement also included an expungement of the bogus Conduct Reports from his record.

\$ In the Summer of 2015, the prisoner plaintiff in *McGhee v. Suliene, et al.*, Case No. 13-cv-00067 (W.D. Wis.) settled his lawsuit for \$20,000. The lawsuit raised claims of a doctor at the Columbia Corr. Inst. being negligent and indifferent towards a prisoner's ongoing shoulder pain and injury.

## "How Do I Appeal my Revocation?"

Appealing your revocation may seem complicated, but here are a few tips. If you are in prison, go to the law library and ask to see the L.A.I.P. Desk Book. Read the section titled "Prisoner's Guide to Challenging Revocation by Certiorari." (If you're in a jail or otherwise not incarcerated, request a copy by writing L.A.I.P.; 975 Bascom Mall; Madison, WI 53706.) You have 10 days to appeal the AL's decision. If not satisfied with the DHA Administrator's appeal decision, you have 45 days to file a petition for writ of certiorari (see the Guide for details). If you've passed the 45 days, you may file a petition for writ of habeas corpus (see pages 2-43, 2-44 of the 2011 L.A.I.P Desk Book). L.A.I.P. does not currently offer a state habeas template but you may use the federal 2244 habeas petition and follow that format; obtain a copy from your prison law library or write L.A.I.P. and request a blank 2254 federal habeas petition.

### Has Your Parole Been Denied for "Protection of the Community" or Because of "Insufficient Time Served"?

In *Johnson v. U.S.*, 135 S. Ct. 2551 (2015), the U.S. Supreme Court found the phrase "serious potential risk" "far from clear" and thus unconstitutionally vague.

If your parole was denied for "protection of the community" or "insufficient time served" without further explanation, consider challenging the decision. You may file a petition for writ of certiorari in your county of conviction within 45 days of the parole decision. Wis. Stat. sec. 801.50(5). If 45 days have already passed, you may file a habeas corpus petition in your county of conviction or county of current prison. Wis. Stat. sec. 801.50(4). L.A.I.P. does not currently offer a state habeas template but you may use the federal 2254 habeas petition as a format. Obtain a copy from your prison law library or request a copy from L.A.I.P. or the Wisconsin Eastern or Western District federal courts.

You won't be challenging your parole decision because of the Johnson decision (it contains different subject matter); instead, you'll be challenging the decision using the rationale within the case. It's believed "protection of the community" and "insufficient time served" - without further explanation - are unconstitutionally vague.

### FFUP update:

First an announcement: I spend so much time answering letters explaining why I am slow and what I will do that I have troubling getting to the doing. In the next few months I will be concentrating on the bigger picture and less individual letter answering. I will follow through on commitments I have made—slowly per usual—but will not be answering new writers unless there is an emergency I can help with. Know that I am reading your mail and will answer when I have something to say. I am always gathering information and sending on to allies. The trouble is there is no movement on most of the issues and this is a time for action and less verbiage.

A good example is the boxes of parole documents waiting to be scanned and blogged. What a web we could have if I focused on it for awhile. Also our solitary confinement campaign needs a stronger web presence and both need hours committed to reaching out, gathering viewers. With open records requests we have names and some details of Administrative confinement prisoners in two prisons and are working on the other two maxes. (OR records is not an easy chore as many of you know.) This will be valuable as we move ahead. The other big works are class actions. FFUP is acting as connector for a few and is the prime mover in two- PREA violations and getting mental health treatment centers as they have in TCI/ changing as much as is legal possible with solitary. More details will be coming in future newsletters.

Next Parole : No, it is not dead, the campaign goes forward in transition stage - "head down in the wind" is my metaphor of where we are at with all our prison work. The powers that be are perfectly comfortable with the status quo and the DOC seems to be capable of going to any length to keep real change at bay.. The other factor is public pressure-it is not there for parole and until it is, it looks like there will only be a trickle of OL releases.. Many families have petitions online for their loved ones and they are presenting them for parole hearings. We never did, however, rise to our hoped for energy level of having all support all, each family sign all others and together send all petitions to all legislators. What I was expecting was simply too much and I found enormous good will but not the "wherewithall." I put in enormous effort and learned that this cannot have only one engine and must be simpler to do. But nothing is lost and we learn. Next stage was suggested by a prisoner activist and faithful friend- a petition and letters targeting Walker and his Commission on

“Government Reform Efficiency and Performance.” This “pet commission” needs to know about the Parole (4) Commission’s lack of performance “but if they don’t receive the documented complaints to begin with they don’t have to endure any heat for failing to act.” The petition will also go to legislators with letters. Rough draft petition and (3) template letter are done and need lots of eyes for tweaking/changing. We need a small committee to pilot a new phase of our campaign. I will be gathering when the time is right but also invite you prisoners to think of people you know who can and will spend an hour a week helping us make the old law parole problem common knowledge. As said before, one of the things I will be working on is getting the web site improved so it truly serves. Once the campaign is okayed by a group, we will put out a mini newsletter-200 to the parole eligible.

**FINALLY: the free stamp project:** the number of requests for stamps and paper continues to outstrip financial resources. Here are a few requests.

- 1) I am at the limit of my resources DO NOT spread the word about this program. Unless the need is unusual and dire, new people will be put at end of line as I try to honor the commitments I have already made.
- 2) There is a requirement that requesters send an account statement. I do note the receipt of this statement now but in the beginning did not. If you are requesting for the first time and I do not get the statement I generally send the stamps only once.
- 3) IF you need monthly free stamps and are not getting them, AND have asked, I probably do not have an account statement for you. Send one if you can or explain why you can’t- I understand some prisons are charging for copies of statements.
- 4) I am working out a system where everyone requesting monthly stamps who is indigent do get them at least every other month. DO not write me every month with statement- if you do not get the stamps one month but do most months, assume that it is because funds are low. I have all listed and I am working on a reliable list and fair system where stamps are not wasted asking for stamps-we want system where you only have to ask once.
- 5) Prisoner litigators and I are trying to help more prisoners do their own legal work. Part of this is volunteers writing a few paragraphs giving directions, while my part is copying and sending legal material, which sometimes includes enormous postage , and furnishing stamps where needed.

### **CIP/ERP/SAP Eligibility**

by Gerald Lynch Jr (#237475 OCI)

The present statutory scheme inhibits a person's understanding of the eligibility procedures pertaining to CIP/ERP/SAP eligibility. A person's eligibility has been expressed in terms that contain an element of truth while ignoring critical facts which fail to give ordinary people fair notice of the benefit of pleading to, and becoming “a person convicted of a crime other than a crime specified in ch.930.” See Wis. Stat.973.01(3g) and (3m).

First, a person’s plea once accepted by the court determines whether the person is eligible or NOT eligible. **A person convicted of a crime other than a crime specified in ch. 940 is eligible. However, a person convicted of a crime specified in ch 940 is NOT eligible.**

Second, the person preparing the PSI is supposed to make sure the person qualifies for the CIP/ERP/SAP eligibility determination made by the sentencing court. See Wis. Stat.972.15 (2b) and (2c).

Third, during the sentencing hearing the court's discretion is limited to determining eligibility when imposing a bifurcated sentence on “a person convicted of a crime other than a crime specified in ch 940.”The court's decision is also limited to “whether the person being sentenced is eligible or ineligible..” see Wis. Stat. 973.01(3g) and (3m)

Although the obligation of judges to correctly apply the law is general and implicit in the entire structure of our legal system, the courts options of eligible or ineligible have been replaced with eligible and NOT eligible. See CR-212, (CCAP),08/2011 Judgment of conviction.

People have been unknowingly pleading to non-qualifying charges and judges have been unknowingly determining, finding or declaring people eligible. If you were not advised of the consequence of your plea you may want to withdraw your plea. As of today, no one has succeeded by filing a sentence modification.

IN conclusion, the DOC's decision to allow and inmate to participate in these programs is a collateral consequence. The sentencing court's lack of statutory authority pursuant to Wis Statute 973.01(3g) and (3m) to determine a person's eligibility is a direct consequence emanating from a person's plea/conviction to a non-qualifying charge.

## How to win the war on drugs

LEGALIZE IT ALL

By Dan Baum

In, 1994, John Ehrlichman, the Watergate conspirator, unlocked for me one of the great mysteries of modern American history: **How did the United States entangle itself in a policy of drug prohibition that has yielded so much misery and so few good results?** Americans have been criminalizing psychoactive substances since San Francisco's anti-opium law of 1875, but it was Ehrlichman's boss, Richard Nixon, who declared the first "war on drugs" and set the country on the wildly punitive and counterproductive path it still pursues. I'd tracked Ehrlichman, who had been Nixon's domestic-policy adviser, to an engineering firm in Atlanta, where he was working on minority recruitment. I barely recognized him. He was much heavier than he'd been at the time of the Watergate scandal two decades earlier, and he wore a mountain-man beard that extended to the middle of his chest.

At the time, I was writing a book about the politics of drug prohibition. I started to ask Ehrlichman a series of earnest, wonky questions that he impatiently waved away. "You want to know what this was really all about?" he asked with the bluntness of a man who, after public disgrace and a stretch in federal prison, had little left to protect.

**"The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or protestor or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did,"**

I must have looked shocked. Ehrlichman just shrugged. Then he looked at his watch, handed me a signed copy of his steamy spy novel, *The Company*, and led me to the door.

Nixon's invention of the war on drugs as a political tool was cynical, but every president since—Democrat and Republican alike—has found it equally useful for one reason or another. Meanwhile, the growing cost of the drug war is now impossible to ignore: billions of dollars wasted, bloodshed in Latin America and on the streets of our own cities, and millions of lives destroyed by draconian punishment that doesn't end at the prison gate; one of every eight black men has been disenfranchised because of a felony conviction....

Now, for the first time, we have an opportunity to change course. Experiments in alternatives to harsh prohibition are already underway both in this country and abroad. Twenty-three states, as well as the District of Columbia, allow medical marijuana and four—Colorado, Washington, Oregon, and Alaska—along with D.C., have

legalized pot altogether. Several more states, including Arizona, California, Maine, Massachusetts, and Nevada, will likely vote in November whether to follow suit.

Portugal has decriminalized not only marijuana but cocaine and heroin, as well as all other drugs. In Vermont, heroin addicts can avoid jail by committing to state-funded treatment. Canada began a pilot program in Vancouver in 2014 to allow doctors to prescribe pharmaceutical-quality heroin to addicts, Switzerland has a similar program, and the Home Affairs Committee of Britain's House of Commons has recommended that the United Kingdom do likewise. Last July, Chile began a legislative process to legalize both medicinal and recreational marijuana use and allow households to grow as many as six plants. **After telling the BBC in December that "if you fight a war for forty years and don't win, you have to sit down and think about other things to do that might be more effective," Colombian president Juan Manuel Santos legalized medical marijuana by decree.** In November, the Mexican Supreme Court elevated the debate to a new plane by ruling that the prohibition of marijuana consumption violated the Mexican Constitution by interfering with "the personal sphere," the "right to dignity," and the right to "personal autonomy." The Supreme Court of Brazil is considering a similar argument.

**This month, the General Assembly of the United Nations will be gathering for its first drug conference since 1998.** The motto of the 1998 meeting was "A Drug-Free World—We Can Do. It!" With all due respect, U.N., how'd that work out for you? Today the U.N. confronts a world in which those who have suffered the most have lost faith in the old strong-arm ideology. That the tide was beginning to turn was evident at the 2012 Summit of the Americas in Cartagena, Colombia, when Latin American leaders for the first time openly discussed—much to the public discomfort of President Obama—whether legalizing and regulating drugs should be the hemisphere's new approach.

**As the once-unimaginable step of ending the war on drugs shimmers into view, it's time to shift the conversation from why to how.** To realize benefits from ending drug prohibition will take more than simply declaring that drugs are legal. The risks are tremendous. Deaths from heroin overdose in the United States rose 500 percent from 2001 to 2014, a staggering increase, and deaths from prescription drugs—which are already legal and regulated—shot up almost 300 percent, proving that where opioids are concerned, we seem to be inept not only when we prohibit but also when we regulate. A sharp increase in drug dependence or overdoses that followed the legalization of drugs would be a public-health disaster, and it could very well knock the world back into the same counterproductive prohibitionist mind-set from which we

appear finally to be emerging. **To minimize harm and maximize order, we'll have to design better systems than we have now for licensing, standardizing, inspecting, distributing, and taxing dangerous drugs.** And we do have experience on which to draw—from the end of Prohibition, in the 1930s, and from our recent history. Ending drug prohibition is a matter of imagination and management, two things on which Americans justifiably pride themselves. We can do this.

Let's start with a question that is too seldom asked **What exactly is our drug problem?** It isn't simply drug use. Lots of Americans drink, but relatively few become alcoholics.

It's hard to imagine people enjoying a little heroin now and then, or a hit of methamphetamine, without going off the deep end, but they do it all the time. The government's own data shatters the myth of "instantly addictive" drugs. Although about half of all Americans older than twelve have tried an illegal drug, only 20 percent of those have used one in the past month and for most the drug was cannabis. Only tiny percentages of people who have sampled one of the Big Four—heroin, cocaine, crack, and methamphetamine have used that drug in the past month. **For every dollar spent on drug treatment, seven are saved—treatment and prevention get only 45 percent of the federal drug budget while enforcement and interdiction get 55 percent, and that's not including the stupendous cost of incarcerating drug offenders. Treatment may become more available now that the Affordable Care Act requires many insurers to pay for mental-health services, including drug addiction, at parity with physical illnesses. Training effective treatment providers is time-consuming and expensive, but the billions freed up by the end of enforcement and mass incarceration could be used to help address that need.**

Consider Portugal, which in 2001 took the radical step of decriminalizing not only pot but cocaine, heroin, and the rest of the drug spectrum. Decriminalization in Portugal means that the drugs remain technically prohibited—selling them is a major crime—but the purchase, use, and possession of up to ten days' supply are administrative offenses. No other country has gone so far, and the results have been astounding. The expected wave of drug tourists never materialized. Teenage use went up shortly before and after decriminalization, but then it settled down, perhaps as the novelty wore off. (Teenagers—particularly eighth graders—are considered harbingers of future societal drug use)

**The lifetime prevalence of adult drug use in Portugal rose slightly, but problem drug use—that is, habitual use of hard drugs—declined after Portugal decriminalized, from 7.6 to 6.8 per 1,000 people.** Compare that with nearby Italy, which didn't decriminalize, - where the rates rose from 6.0 to 8.6 per (6) 1,000 people over the same span. Because addicts can now

legally sterile syringes in Portugal, decriminalization seems (6) to have cut radically the number of infected with H.I.V., from 907 in 2000 to 267 in 2008, while cases of full-blown AIDS among addicts fell from 506 to 108 during the same period.

Common sense and decency dictate that any plan for legalizing drugs ought to make provisions for a rise in dependence. Millions of addicts already go untreated in the United States. Although treatment is a bargain—the government estimates that for every dollar spent on drug treatment, seven are saved—treatment and prevention get only 45 percent of the federal drug budget while enforcement and interdiction get 55 percent, and that's not including the stupendous cost of incarcerating drug offenders. Treatment may become more available now that the Affordable Care Act requires many insurers to pay for mental-health services, including drug addiction, at parity with physical illnesses. Training effective treatment providers is time-consuming and expensive, but the billions freed up by the end of enforcement and mass incarceration could be used to help address that need.

The new Portuguese law has also had a striking effect on the size of the country's population. The number of inmates serving time for drug offenses fell by more than half, a day they make up only 21 percent of the incarcerated. A similar reduction in the United States would free 260,000 people—the equivalent of letting the entire population of Buffalo out of jail.

When applying the lessons of Portugal United States, it's important to note that Portuguese didn't just throw open access to dangerous drugs without planning for people who couldn't handle them. Portugal poured: into drug treatment, expanding the number of addicts served by more than 50 percent. It established Commissions for the Dissuasion of Addiction, each of which is composed three people—often a doctor, a social worker, attorney—who are authorized to refer a drug user to treatment and in some cases impose relatively small fine. Nor did Portugal's decriminalization experiment happen in a vacuum. The country has been increasing its spending on services since the 1970s, and even instituted a guaranteed minimum income in the late 1990's. The rapid expansion of the welfare state may have contributed to Portugal's well-publicized economic troubles, but it can probably share credit for the drop in problem drug use.

Decriminalization has been a success Portugal. Nobody there argues seriously for abandoning the policy, and being identified the law is good politics: during his successful 2009 reelection campaign, former prime minister Jose' Socrates boasted of his role in establishing it.

*The rest of this fine article details the downside of Portugal's program and why it would not work in US but would need additions. Lisbon has no control over drug purity or dosage and does not make a dime of tax revenue from Drug sales. Organized crime still controls Portugal's supply and distribution and this muddies the evaluation as violence and corruption continue. He give a detailed explanation of a solution: Government monopoly of distribution.*

If we can summon the political will, the opportunity to establish a state monopoly on drug distribution, just as Rockefeller urged for alcohol in 1933, is now—before the genie is out of the bottle. Switzerland, Germany, and the Netherlands have successfully made heroin legally available to addicts through networks of government-run dispensaries that are

divorced from the profit motive. The advantages of a state monopoly over a free market—even a regulated one—are vast.

**His final paragraph, after lengthy explanation:** Finally, of course, when the government holds a monopoly, the public, private shareholders, enjoys the profit. The states that retain control over alcohol distribution collect 82 to 90 percent more in revenue than states that license private alcohol sales collect in taxes, depending on whether they control both wholesale and retail. That the government should

profit from a product it wants to discourage could be (7) seen as hypocritical, but that's the way things stand now with tobacco, alcohol, and gambling. States generally reduce the moral sting of those profits by earmarking them for education or other popular causes. In the case of drugs, the profits could go toward treating addicts. The great thing about trying a state monopoly first is that if it doesn't work, it's politically much easier to liberalize to a regulated free market than to go the other way.

### **Mastery**

A revolution of the mind, an evolution through life,  
an imagination without limits re-inventing the landscape one lives in...  
growing the soul into something beyond the confines of convention  
where dastardly deeds are overshadowed by a mastery of humanity, with  
thoughts like fire burning to be released and no way out within  
inches of the furthest layers of our inner secrets...  
shaping the universe one verse at a time manifesting destiny  
as the rest of these tests seem to pale in the light cast by reality's gaze,  
chasing the night into the days embrace time leaks into this living dream and  
it moves me...it moves me to use these ideas and mold them,  
reshape the old putting a new voice to penned page  
touching the world with the timbre of each thought  
as the tremble of every word spoken is felt,  
a masterful dance unfolds in the form of pure poetry  
or that which resides within the best of me,  
my masterpiece will be the verse that touches every soul,  
voice that transcends each pre-conceived notion...  
voice that's music to the late-night lovers of freedom  
who are lost in the outer fringe, stranded in the land of the abandoned  
looking beyond the boundaries... looking for the mastery within them,  
and brave enough to set it free!

Written by Donnie Gilchrist; W.S.P.F. P.O. Box 9900; Boscobel, WI 53805

### **A Couple Success Stories / Talib Akbar and Larry Spenser**

Talib Akbar is a hero for a lot of people. In his 60s, Talib still intends to prove himself of the crime for which he served 20 years. He served until he "maxed out" and landed in Madison with no support and no parole time to do.

He spent the first weeks sleeping in homeless shelters, waiting for his SSI to come through. Mary Delaney of the DOES Project (Disabled offenders Economic Security) was making sure he received his stipend as soon as possible. Talib started supporting himself soon by getting a license and selling small bottles of oil, soon had a bicycle and would travel the city. He connected with WISDOM and helped to build their model of a solitary cell. He is also a member of EXPO and with Robert David, another EXPO member and a few others is responsible for transporting and setting up the cell and it has gone all around the state and a few places beyond. It is a very effective education tool.



Edwards, of Wisdom, and Talib took boat ride after a long day setting up the seg cell.



But where Talib becomes a hero for this writer, is his befriending of Larry Spenser. Larry was (8) released by court order under compassionate release. He qualified under the narrowly defined rules the prison uses- 2 doctors had diagnosed him as having less than 6 months to live. It took a lot of effort of many people to make that happen but in the end we did have some cooperation between Larry's parole agent, social worker and outside activists. It all looked like a disaster the day of release however. Mostly due to communication problems, Larry refused the setup. Talib to the rescue. He worked with Larry to get him connected with services and people and the DOC supplied a hotel room. Larry has also connected with members of his former church. His way is still very rocky and difficult but he is strong willed and independent minded and with help, will find his path.

**There are many others deserving Compassionate Release** who, however, do not meet the 6 month requirement. FFUP obtained Executive Director #32, which delineates requirements and is what used to be used. Here is what this directive says about who qualifies:

"Extraordinary circumstances" means advanced age, infirmity or disability of the Inmate, need for treatment or services not available within the correctional institution, a sentence to a term of imprisonment that is substantially disparate from the sentence usually imposed for a particular offense, or other circumstances warranting an early release which are made known to the sentencing court pursuant to section PAC 1.05 (1) (a), Wis. Adm. Code."

So it appears to be an unwritten rule that requires a 6 months prognosis. We need to find data on releases when these standards were followed. Now, FFUP is working with one candidate with leukemia whose Doctor attests that an accurate prediction of death is impossible with this type of leukemia. There are also many eligible for release due to age and/ or infirmity :not being adequately treated because "need for treatment or services(are) not available within the correctional institution", some wheel chair bound, some elderly desperately needing to be home with their ailing parents and/or sick children. The "disparate Sentence clause would qualify many prisoners. WISDOM and FFUP are both working on unblocking compassionate release and with it will help change attitudes about parole.

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*Below is an excellent essay placed here to give you an idea of what we need to rev up this parole campaign. Write essays a page or less and families and FFUP will post on facebook, on our web, emails, in newspapers etc. We have tons of data you can use to craft this. Send your essays to FFUP, 29631 Wild Rose Drive, Blue River WI 53518*

**The objective of this missive is to have attention** brought to a segment of the prison population that continues being focused on "non violent" inmates and ways to have them cut loose ASAP. Obama passed a law that has had federal non-violent drug cases released or afforded time cuts. Also, In Wisconsin there's a push to have non-violent offender release, which is well and good on the surface. Let's go into this and see what we find:

In relation to violent offenders, especially those who've been in prison since their teenage years into their 30's and 40's, they have a low recidivism rate, especially those convicted of 1st degree homicide or who have a large number sentence. When a human being is kept in an inhuman environment commencing at 16, 17 18 year young, until they're in their 30, something happens to that person's constitution that no one can relate to except one who has experienced it: we lose a portion of our humanity. Living in cages, boxes and rooms for decades remove from most inmates their desire to commit crimes upon their release, this has long been established statistically.

Lifers have the lowest recidivism rate amongst all felons, yet the Wisconsin DOC DAI refuses to release this data as that will clearly establish the fact that they're unjustified in the lengths of time they're forcing us to do. I am a lifer with 24 years served. Lifers get out and continue to be productive and become assets in the community. Yet very little attention is afforded to the class of felons that have 1% recidivism rate. Why?

Understand clearly as I am speaking from experience: We lifers are not attempting to minimize the reality that someone's live/lives were taken, This is a haunting truth that impacts us daily. Many of us must be involved in some form of therapy, not by court order but by own volition. As such, most of us seek ways to give back. Just as living in these cages does something to a person's essence, so does taking a life. Lifers come to respect and appreciate life more than any other felon, I assure you of that.

With this in mind, it must be noted that lifers are long timers, are the ones who've helped and/or



have created and ran or helped run these prison programs, Classes, groups, trades, jobs, etc. The (9) vast majority of us do not have violent prison records, which speaks volumes. Neither do we live within these prisons with the mentality of "I'm a lifer and have nothing to lose". We are the ones working to improve the conditions within these evil places, yet no consideration is provided to us. Why?

I, just like many others, recognize that a "tough on crime" stance with violent offenders is political gold; However little consideration is given to the fact that Wisconsin can't afford to maintain this diabolical political stance

With regards to non-violent inmates, by no means do I believe that someone who breaks into a home should get 20-30 years in time. However, those with the highest recidivism rate are the non-violent, the ones who cost businesses and private citizens millions each year because of their crimes and based on how much it costs to warehouse them in prison. A non-violent felon, within a ten year period, will serve two-three BIDS, whereas a violent felon, with a homicide in particular, will do a minimum of tens of years of getting himself together **within**. The law-makers do not witness the prison environments "live" and in "Real time", which prevents them from "seeing and hearing" the major difference in the two mindsets. They don't hear inmates plotting their next crime upon release and their anticipated return to prison for another brief stay.

The politicians prey on the lay person's ignorance and fears of violent crime. The convicted murderers with 1st degree murders have the lowest recidivism rate, while non violent felons have the highest recidivism rate. They don't tell the tax-payers that those who've done years or more return to society as "assets not threats" They refuse to tell the public how much of their tax dollars are literally wasted on housing, then warehousing a "lifer" once he has been rehabilitated.

Let's do a little math. Let's say it costs 21 thousand to house/then warehouse an inmate with life-he's 18 when he comes in and has done 25 years. That's a minimum which doesn't include medical expenses associated with aging and injuries. The politicians will say, that's nothing due to the fact that a life was taken and a message needs to be sent to the public etc etc etc.

They don't tell you that a life sentence is in no way a crime deterrent and it does not repay any form of a debt to society, on the contrary, it's contributing to society's debt by the millions and makes us much less safe because of the waste-of money that needs to be spent on programs and treatment. It is becoming clearer that over-incarceration has devastated poor communities and actually creates environments where crime flourishes.

Law-makers are well abreast of the fact that "crime pays in a major way— hence the need to keep these evil institutions packed and stacked. Yes, they are ready to release the non violent offenders. They know they'll be back within three years of their release.

The public must demand from law makers the records of business with contracts with the DOC /DAI. It is natural to make money on prisons in services needed etc- but another thing when profit from prisons overshadows the public need and the public are fed falsehoods in order to keep the money flowing. The flip side of this is the impact these places are having on families and neighborhoods. The DOC has abandoned its mission to rehabilitate and is set on keeping the parole ready inmate locked up for as long as possible. There are approximately 2500 hundred inmates, Called OLD LAW inmates cause they were sentenced and are ruled by the laws that were in place before truth in sentencing in 2000. Over 1000 of them are over 55 and were in prison when there were rehabilitative programs. Many got degrees when there were Pell Grants available to prisoners. These men and women are truly missed and needed in what is left of their homes, neighborhoods and society. They want nothing more than to contribute to the redevelopment, growth, prosperity of his community. I have a son, he was 11 months when I came to prison- he came to prison at 18 with a 15 year bid for 1<sup>st</sup> degree reckless homicide. Quite naturally I blame myself for not being there to help him. We old law prisoners are needing to be home, where we can be good role models and help to bring our wounded community back from the brink. Wisconsin leads the nation in the incarceration rate of Black Americans. Milwaukee has also leads the nation in poor school test scores and now we spend more on prisons than we do on our whole University system. There are some glimmers of a shift away from this wrongheadedness, with Governor Walkers' main backers, the Koch Brothers, backing off from the "lock em up forever policies." This is a time when your input is needed to say loud and clear - we believe people Change, we believe in Second Chances.

Brother Malik Shabazz

## Mandela and Me

In this day and age of mass incarceration and overnight slogans of "Black Lives Matter," plaguing African-American communities, I look to Nelson Mandela for inspiration. As much as I would like to gallivant in my own Utopian musings of racial equality, I need only to look around, me at any given time, in any given place, even prison, to see the realities of "White Privilege" screaming silently at me to, "stay in my place!" Mandela spent over two and-a-half decades enduring endless forms of mental, emotional, and physical torture at the hands of some tried-and-true, card-carrying racists, and some days I am challenged to go two-and-a-half minutes listening to yet another race opportunist.

How did you do it, Nelson?

Did you ever break down? Did you ever lash out? Did you ever give up? How many days did you go hungry? How many days did you go with only your own sweat to drink? How many times did they call you 'nigger'? How many times were you beaten and kicked? How did you not drown in an ocean of your own crocodile tears for your own "rightness?" When so much as one seeming slight can set a lad off into a febrile quest of vengeance, how was it that you could demonstrate such Herculean humility? Day after day, year after year.

How did you do it, Nelson?

Perhaps, one of the most inspiring things about Nelson Mandela was the ironic fact that many of his former apartheid-loving jailers, who hated him, learned to love and respect him.

How did you do it, Nelson?

You kept smiling. You kept hoping. You kept believing. You kept breathing. You kept going. From an abysmal tomb shrouded in triple-black darkness, you shined forth with such an intense inner light that will inspire me for as long as I am blessed to live, and for that, I am eternally grateful. Anger did not consume you. You could have easily succumbed to hate, Nelson, but you showed restraint and compassion;

so will I.

You could have compromised your integrity and honor, but you chose to be resolute;

so will I.

You could have wallowed in bitterness and self-pity upon your release, yet you forgave your tormentors;

so will I.

You changed the world without even trying. Whether Black or White, your example will go on to inspire future generations until the day comes when some of their Utopian musings come to full fruition. How many dreams came true because of you, Nelson? Ask Barack Obama. On February 11, 1980.

Nelson Mandela was released from prison and humanity was freed to take the next step towards true equality.

by Ramiah Whiteside

FFUP , Forum for Understanding Prisons is a 501c3 non profit. Donations are appreciated and well used.  
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