Journal of Prisoners on Prisons

August 10th
Never Forget

$13.95
In a narrow 5 to 4 decision, the United States Supreme Court (USSC) held in 1972 that the imposition of the death penalty was conducted in an arbitrary and capricious way and, therefore, constituted cruel and unusual punishment (Furman v. Georgia, 1972). While this action effectively cleared the nation’s prisons of their death row population, public sentiment for capital punishment, much of it fostered by the political turbulence and social anomie of the 1960s and 1970s led to a renewed interest in the death penalty. Thus, in 1976 the USSC again sanctioned the death penalty. Now the trial process involves two stages: (1) the regular petite (adversarial) trial process, and (2) a second hearing to review possible factors which may have influenced the condemned individual’s behaviour relevant to the commission of a capital crime. With this new ‘objective’ method of adjudication in place, the wheels of the execution process began to creep forward following a ten-year moratorium on legal executions between 1966 and 1976. The first execution involved a volunteer — Gary Gilmore — who was executed on January 17, 1977 by a Utah firing squad. John Spenkelink, the first unwilling prisoner to be executed, met his death atop “Old Sparky”, the Florida electric chair, on May 25, 1979. Robert A. ‘Sully’ Sullivan followed Spenkelink to the electric chair on November 30, 1983, making Florida the first state to host consecutive executions since the reinstatement of capital punishment in the United States. Sullivan was the eighth execution overall. He also held the dubious distinction of having served on death row longer than anyone. Even a rare personal plea for clemency from Pope John Paul II was denied by then Governor — and now U.S. Senator — Graham.
The Sullivan case illustrates the most glaring flaws in the capital punishment process, and how abuses can be manipulated by agents of the criminal justice apparatus. A review of the case clearly indicates that Bob Sullivan did not receive a fair trial. More significant is the fact that the judicial system was manipulated from a number of sides to falsely implicate him. Why? After all, Bob Sullivan was from a Caucasian, upper middle-class family. Most studies of judicial discrimination within the United States suggest that working class and racial minorities such as Blacks, Hispanics and Indians are more likely to receive unfair treatment and harsher sentences. Why then was Mr. Sullivan considered fair 'bait' for exploitation? How was he expendable? That is, why was he considered to be beyond redemption? The reason is that he was homosexual — a fact skirted in the testimony, yet quite obvious. It was this prejudice, we contend, that allowed justice to be abused in this case.

**A CASE STUDY IN THE POLITICS OF DEATH**

On April 11, 1973, the body of Donald Schmidt was found in a swamp near the Howard Johnson restaurant where he was employed as the shift manager. He was shot twice in the head with a shotgun. Apparently, his death occurred on the night of April 8 after the restaurant closed. The last person to see Schmidt alive was his supervisor, Frank Barden. Neither Schmidt nor Barden had ever met Bob Sullivan; nonetheless, Barden led police to Sullivan, a former manager of the restaurant, who was dismissed in June, 1972.

Interestingly, Frank Barden, the one who implicated Sullivan, was the police's prime suspect since he was the last to see the victim alive. Barden was a state witness before the Grand Jury that indicted Sullivan. He then disappeared with six days worth of cash receipts from the restaurant. Found by the FBI in Las Vegas, Barden was returned to Florida and was offered probation if he continued to implicate Sullivan during his petite trial. Convinced that Barden was the mastermind behind her husband's murder, Mrs. Schmidt filed a Federal Civil Suit against him. He remains free today.

One of Sullivan's room mates, Reid McLaughlin, turned
state’s evidence for a reduced non-capital charge, and was released prior to Sullivan’s execution in 1983. Another roommate and suspected accomplice with McLaughlin and Barden, Gilbert Jackson, was found executed in Boston in 1978. He had been killed in the same manner as Donald Schmidt, and died just as he was being sought as a witness by Sullivan’s defence league in the attempt to obtain a new trial for Sullivan. Since Sullivan was on death row at the time, he could not have committed this crime and the similarity of the two murders casts doubt upon Sullivan’s guilt of the first murder.

Equally disturbing was the role that criminal justice agents played in the obstruction of justice in the case. Among the primary actors is Warren Rudman, a politically motivated New Hampshire Attorney General, who provided a bogus New Hampshire warrant which allowed the Florida police to arrest Sullivan for theft.

Another actor, police investigator Sergeant Felton, denied Sullivan his basic rights and used questionable interrogation tactics to secure an error-ridden confession. Ira Dubitsky, prosecutor in the case, allowed McLaughlin and Barden to provide dubious testimony as part of a plea bargain while trial judge, Edward Cowart, showed extreme prejudice in the case by failing to allow the testimony of at least five witnesses who placed Sullivan at a homosexual bar some thirty miles away at the time of Schmidt’s murder. In his letter of March 21, 1981, Sullivan notes that Judge Cowart influenced the proceedings by threatening the Clemency Board in a letter stating that he would resign his position in protest if any consideration were given to Sullivan.

Sergeant Felton was promoted to chief of the Dade County Homicide Division and prosecutor Dubitsky was appointed as Dade County Circuit Court Judge. And while Sullivan was executed, Judge Cowart became the Chief Judge of Dade County who amazingly was willing to allow Ted Bundy, serial murderer, to plea bargain for a life sentence. While Judge Cowart threatened to resign if a homosexual such as Sullivan were given consideration, his words to Bundy in court after
sentencing to death included:

"Take care of yourself. I say that to you sincerely. It's a tragedy to this court to see such a total waste of humanity. You're a bright young man. You'd have made a good lawyer. I'd have loved to have you practice in front of me" (Larsen, 1980:321).

Clearly, Cowart's sentiments towards Sullivan were far less considerate, a curious distinction given the differences in the crimes for which Bundy and Sullivan were convicted.

Adding insult to injury, Sullivan's court-appointed defence lawyer, Denis Dean, was incompetent. He failed to bring forward important evidence in mitigation, a point which formed the strongest basis of Sullivan's unsuccessful appeals, and he failed to call relevant material witnesses. It was later disclosed that he was pro capital punishment. In Sullivan's attempt to secure a retrial, it was stated that Denis Dean became the State's star witness and did his best to sabotage any chance of Sullivan winning his case. Given the actions of all of these individuals, and especially Judge Cowart's influence and the Governor's political motivations, it can be strongly argued that Bob Sullivan never received a fair trial.

A WINDOW TO DEATH ROW: LETTERS TO A CHILDHOOD FRIEND

Robert A. Sullivan was the adopted only child of an affluent family which resided in Belmont Massachusetts, a small Boston suburb where the faculties of Harvard University and MIT raise their families. Nancy Picthall and Bob Sullivan attended Belmont schools in grades one through twelve. Once Bob was on death row, they began to correspond.

The correspondence consists mostly of letters. Occasionally, printed 'Updates' and 'RAS Memos' were sent to 'catch up' or pass on the same information to supporters. In this correspondence, we are given a unique opportunity to indirectly observe the horror of death row and one man's attempt to maintain his struggle for life despite a host of setbacks which ultimately result in his death. As we observe Bob Sullivan
through this window of correspondence, we sense the urgency of the conditions he must endure. Clearly, his personal relationships figure prominently in his resolve to maintain that struggle, in the face of the personal and legal crises which arise during his ten years on death row. The correspondence speaks for itself.

INSTITUTION _______ FSP
CELL NUMBER R-1-N-8
NAME __________ Robert A. Sullivan
NUMBER _______ 039870
JOB ASSIGNMENT ______ Death Row
DATE _______ 5/13/79

Dear Nancy,

Thank you very much for your latest letter. On a very hot (90's) Sunday afternoon, my spirits are quite good. I have spent an exceptionally busy weekend writing and working on various projects for my defense fund and for Mr. Black's use at my Clemency Hearing which is scheduled for this Friday, 5/17/79. After a long period of procrastination, we finally decided to send a statement about my situation via a direct mailing to my former high school classmates. In addition, after getting input from my key defense fund advisors, I combined these drafts into a statement that we can use to distribute to interested parties, the media, etc. I think that it reads very well and it should be effective.

On Thursday, 5/3/79, Mr. Black and his law clerk were here to confer with me for 5 1/2 hours about my case in general and to make out our final plans for our clemency presentation. On 5/9/73, another lawyer, Debbie Sims of the LDF was here to see several death row inmates. From Mr. Black I learned that my 3.850 motion had been assigned to Judge Ellen Morphonias-Rowe, that she only was willing to hear the ineffective counsel point in an evidentiary hearing, and that she ruled against us on all points. I really expected a loss on this state court level, but I had hoped for a better hearing. But there should be a silver-lining here because Black feels the Judge screwed up badly especially since she refused to let me testify about my ineffective assistance
of counsel and I surely was the defense’s key witness. My previous appointed attorney, Denis Dean, was a state witness which was very disappointing. Black wrote of the Hearing thusly; “Dean did his best to sabotage any chance that Bob would have for success.” Black also wrote that, “I really found it quite depressing that Dean found it more important to save his little face rather than Bob’s life.”

What disturbed me the most about Dean’s actions was the fact that he saw fit to lie and misrepresent facts to try to protect his image. Justice and fair play have been non-existent in this case which really bothers me. I am getting tired of State witnesses lying repeatedly, and as a result, to combat Dean’s lies, we should have a few tricks. I realize all too well, that my attitude must sound like sour grapes, but I must say that I am 100% in the right. Black was as disgusted with Dean as I was myself which helped me to feel somewhat better.

Black remains optimistic that my appeals will be successful, and our argument against Dean is a strong one. If need be, we may see if a court would look favorably upon a polygraph test, which I’d gladly agree to take. My case will be fully appealed to the Florida Supreme Court. Rather than rule on my case, Mr. Black feels that this court will instead remand my case back to the Circuit Court and order that I have a full evidentiary hearing where I am called as a defense witness.

Besides the appeal movements and clemency preparations, we covered my case in full. As a result of our conversation, Thomas Murphy was located at long last. I learned on Friday, his is a lawyer and one of my best alibi witnesses. For clemency, after we heard feedback from earlier hearings, we revised our original game plan to stress the favorable parts of my life rather than only the legal issues as the best means to successfully impress the Governor. I feel quite comfortable with our final plans and I hope for the best.
Black left me with a lot to think about in two areas. He really stressed the importance of being able to afford a much fuller investigation would contribute to winning my case. Naturally, a lawyer is more effective to raise the $10,000 — that is estimated we need, an amount that almost made me choke. Also, Black asked me what I could do to cover a bond when (not if) I get a new trial. He remarked how much help I could be to the defense if I was out of jail, which makes a lot of sense, but I have no idea how I could cover a bond? In any event, he left me with much to think about, didn’t he?

I enjoyed your letter very much and thanks for including the stamp which does help me. Yes, I do try to make the best of it in this pressure cooker of unique circumstances. Your office group sounds like a nice group to work with. I always tried to surround me with people I liked since it would be no fun to work 40 hours per week or more around people one cannot get along better than normal. I will get a flyer sent to you as soon as the newest one is prepared. Please remind me the next time that you write.

Hoping this finds you well.

As ever,

Bob
August 23, 1979
Thursday

Dear Nancy,

Thanks for your letter! On a 96 degree day, I am well and in fine spirits. It won’t be long until we are complaining about the cold weather instead of hot. I am pulling hard for the Red Sox to catch Baltimore; with 39 games to play, the Sox are 4 1/2 “tough” games behind. I am excited about the soon to commence pro football season. As usual on Labor Day, I plan to view most of the Jerry Lewis Telethon. Annually, the Telethon is a healthy emotional release for me since I usually suppress my outward emotions.

Even though I am fully caught up with the “death watch” work accumulation, I have much that keeps me occupied. For the most part this week, I have been thoroughly reviewing all my legal files and notes which fill 3 full boxes, for the purpose of advance preparation for Ray’s visit here which ought to be within the next 2 weeks. Since this will mark only my second face to face meeting with Ray it is important to me to make the most of every minute while he is here.

I also have been rereading and reorganizing the notes and manuscripts which I’ll use to finish writing my book. Over this weekend, I intend to make a outline on a chapter by chapter basis. My intention is to jump into the book writing heavily in the coming months, aiming to complete the manuscript for a publisher’s consideration by 1/1/80. Acquiring a publisher’s attention may not be quite so easy. I have 80+ new pages covering the Spenkelink execution and my experiences while on the death watch, which will form a solid core for my book.

Rolling Stone remains keenly interested in publishing part of my manuscript about the death watch. I am anxiously awaiting a further update from the person who is editing it for me. In addition to the regular Boston papers there has been reasonable publicity elsewhere. The Boston Phoenix did a lengthy piece about my struggle as it’s cover story in early July. The next known article will appear in September’s Fortune Society,
Fortune News, written by it's director David Rothenberg which also will request contributions. Rothenberg hopes to write another article for publication consideration. The ball has started to roll with greater media exposure which we hope will continue.

Based upon what I've been told, The Douglas case will be the lead Florida case. This determination stems from the fact that his case will probably be the first case to advance beyond the Federal District Court. Although Ray is back from his vacation, he has not reported anything significant to me on my case. We will get everything discussed when Ray comes to see me before flying to Boston to meet with my supporters.

Politics is slowly increasing in tempo now that the primaries are inching closer. I know that Carter is vulnerable from within his own Party. I am both puzzled and disappointed that my top choice, Jerry Brown, has not yet mounted a real challenge. If Brown is unable to beat Carter, I then hope Ted Kennedy enters the campaign in earnest. I prefer a liberal social-issue President, one who also is a fiscal conservative. Brown parallels both positions, leadership wise, Carter has been much less than I anticipated, but he serves during rough times. If Brown hopes to emerge on top, now is the time to mount his charge. Meanwhile, no Republican has emerged out of the pack to take a lead. Both Party races ought to be interesting; who do you expect/want to win in 1980?

I will include a BHS flyer — if you wish additional information, please write to Barry Weaver. I am glad that you wrote again. Since your father sent you clippings, I guess you know about my week of pure hell.

I hope this finds you well — please write again soon.

As ever,

Bob
Dear Nancy,

Thank you for your long letter. All continues fine with me. I am catching up on my correspondence having been lazy over the weekend viewing all the football games. I was scheduled to have had a visitor on Friday on a social basis, Middlesex County's (Mass) Sheriff John Buckley. The prison neglected to send Mr. Buckley a confirmation that he could see me so he altered his plans. I really hope that he can reschedule the visit, since Buckley could be a strong ally for us due to his position in the organization, Law Enforcement Against the Death Penalty.

Having heard from Ray Black, I am anxious to see his efforts with the merit of certiorari to the USSC which he is drafting now. It is important to realize that the USSC rarely accepts for full review an appeal of a State habeas corpus proceeding. As is the court's option, it carefully chooses certain issues to review on this level. Non-acceptance at this stage by the USSC definitely does not mean the issues lack merit? For example, on most issues, if the law is already clear, the USSC prefers instead for the lower Federal Courts to tackle the appeal. It appears that we are on secure ground with Judge Gonzalez. I am pleased that we'll have the opportunity to try to tie up more loose ends in my case such as locating Thomas Murphy before we appear in front of Judge Gonzalez. Due to his busy schedule, Ray has not yet been able to set aside the time necessary for a dual visit, first to see me and thereafter to Boston.

Steve Gettinger did a marvellous job editing my "death watch" manuscript. The present form consists of 25 double-spaced typed pages. It reads smoothly and packs quite a punch. In addition, Steve will write a companion article about me which will make quite a comprehensive package. Let's hope Rolling Stone accepts it fully.

There is some good news to share. The raffle conducted by the Belmont chapter of my defense fund was a huge success. The final tabulation greatly exceeded my expectations. The proceeds
were $1169. Isn't that super? I am a lucky man indeed to have such wonderful, loyal friends who give so much of themselves for me. Earlier, I set a goal of $10,000 by 1/1/80, and now I believe we'll make it. The raffle proceeds put us over $8000, a figure which reflects every dollar raised since the creation of the defense fund in 1977. Based upon the very solid case advances during the last 18 months, we've certainly invested our funds wisely, I'm sure you'll agree? But the/our fight has only just begun.

I received an interesting mailogram from Jim Mitchell, who is affiliated with the authorities in the Mass. investigation. He states that Barden's name came up in their investigation with links to the same Boston lounge where McLaughlin was employed! You can bet that I'll try to get this matter followed up, a issue that most of us knew previously. Also, he asserts categorically that he does not feel the Jackson murder case was satisfactorily handled, plus he acknowledges that Jackson could have been murdered to silence him. Mitchell's closing sentence merits quoting for you; "We firmly believe in your innocence in the Schmidt case."

Please don't feel that typing is offensive to me! It is not. I'd type my letters if these people would allow me to have one. Your visit to England sounds as if it was great.

I hope all is well with you —

As ever,

Bob
Dear Nancy,

Thank you for your letter. I remain well and in good spirits. We finally have received some delightfully cool weather, much to my delight after the long, hot summer. Like any real sports fan, I am in sports heaven now with activity on 4 fronts including the World Series. There is little important legal news to share. We still plan to file in the USSC next, prior to any hearings occurring in front of Judge Gonzalez.

Ray Black's schedule has been so crammed that he still has been unable to get up to see me and continue on to Boston to meet with my defense fund supporters. Generally speaking, the USSC has rejected 6 more Florida cases. However, the USSC has accepted 1 case apiece from Georgia and Alabama respectively which challenges portions of those states' capital punishment laws. In addition, the Governors Office announced that 3 more cases would have their Clemency Hearings on 11/5/79, which no doubt will be the forerunner to the signing of more death warrants in the near future. As far as the case investigation is concerned, I have learned that Ray is currently pursuing a strong "prize lead" here in Florida attempting to relocate another of our potential alibi witnesses. You can believe that my anxieties are intensified while waiting on more information. Waiting is damn rough! Life on death row while zealously trying to prove one's innocence surely is like a roller coaster ride on a man's nerves and emotions.

My case has received some additional publicity. Dave Rothenberg of the Fortune Society wrote a column in the Fortune News dealing with capital punishment. Therein, Dave touched onto my plight. He stressed the guilt vs. innocence issue in my case both forcefully and favorably as well as indicating that inquiries should be directed to my defense fund. We hope for a reasonable response since the circulation exceeds 31,000. Dave is highly respected within segments of the Criminal Justice system...He intends to draft another article soon for placement elsewhere, probably in the Advocate. As you can see, we continue to forge ahead slowly securing additional favorable media exposure.
Resulting from a lawsuit settlement, I/we have reacquired our "contact" visiting privilege. I am trying to have my cousin Debbie, who resides in Jacksonville, placed on my approved visiting list. Incredibly, the Classification Department denied my initial request, nevertheless, I hope to find some way to work around it. Speaking of visits, the on-again off-again visit with Sheriff John Buckley of my home county in Massachusetts is back on again. Even though he has permission to see me, before he finalizes his plans, he is awaiting an answer to his request attempting to secure an appointment with Governor Graham. I am naturally wondering if and how the meeting with Graham might concern my case! Much more realistically, I suspect that the meeting probably has more to do with the position of the organization, Law Enforcement Against the Death Penalty, in which Buckley is actively involved.

I have not heard directly from Stephen Gettinger since early in September. I am still hopeful that my death watch manuscript will be accepted by Rolling Stone. However, last week I received Steve's new book, "Sentenced to Die" indirectly via Susan Cary Esq. I immediately read the book from cover to cover. It was engrossing reading! On the inside cover, Steve wrote a touching note to me, "To Bob — You're fighting for our souls too. Best regards, Steve G.". One day, I too hope to have a book published dealing with my years on Death Row, thus joining Caryl Chessman and Edgar Smith as published death row authors.

How is the new girl working out at the office? As a manager, whenever I was trying to fill a position, if I was unsatisfied, I'd continue to make changes until I was satisfied. I'd prefer to train than be frustrated by incompetence provided the individual had a fair chance to adjust to the job description.

I am allowed 1 pre-approved package of allowable items each month. My next 2 packages are the Xmas food packages. By January, I may be very much in need of certain items. If you'd care to consider filling a package, please let me know and we can start to agree on the items — we can get up to 4 items approved per package.
I am indeed an avid football fan. Although I much prefer Pro football, I do follow the major college teams. Nebraska surely falls into that category. The Cornhuskers could and in fact should go into the Oklahoma game undefeated. We'll see.

Among other members of the BHS Class of 1965 who are active with my defense fund are Linda Radin and Janis Forde. Jack Golden has been a help but to a lesser degree. I guess when compared to other school systems, we all had a rare opportunity at better education. I am surprised that some of our classmates haven't become better known positively. Ironically, and surely in a negative sense, I have probably gained more notoriety than anyone else. It is a very, very dubious distinction and it is most definitely unwanted. The next class reunion (1980) will mark 15 years since we graduated. It will be interesting to see who shows up and what they have achieved in life. If I am still in this lousy position, we'll probably try to get some sort of organized plea connected with the class reunion.

I do hope this finds you well.

As ever,
Bob
December 10, 1979

Wednesday

Dear Nancy,

Thank you for your letter. I am well and my spirits are very high. The fast pace of recent events has really perked me up. I do not expect the pace to relax until after the FDC hearing. Even though no date has been set, the hearing should take place within the next 30 to 60 days. There is a massive amount of preparation required for both Ray and myself before the hearing. Ray and our new investigator, Virginia Snyder (she seems quite sharp), spent all day on Friday with me. We had a comprehensive discussion about the upcoming hearing as well as the areas to be investigated. This discussion was both positive and productive. It appears that we have a very good chance to be granted a new trial on the ineffective counsel point, among others Ray feels confident of being able to prove my innocence at a new trial.

It strongly appears that my defense is moving closer to a collaboration with Mass. whereby they assist us to demonstrate that their suspect in Mass. was responsible for planning the set up to frame me which was implemented by Mr. Laughlin, Borden, and Jackson. We have 3 new, detailed affidavits to support this conclusion. In addition, most signs point toward the suspect engineering both the Jackson murder and the Brill death. (See enclosed Memo). Mass. was here to see me on Tuesday and they are supportive of our speculation. Brills contact with the suspect and his keen interest in the Jackson murder adds fuel to the fire. It appears that a connection exists linking everything together, all pointing to the suspect.

Our investigation will be working on the Mass. connections. Also, she will follow up the new lead to Thomas Murphy (it appears a Boston Globe reporter found him for us), try to locate all the other potentially helpful witnesses, and attempt to uncover additional favorable evidence such as the unmatched footprints at the murder scene. We have been told that Murphy is uncooperative, fearing getting involved. Contrary to what Murphy had led me to believe, he is mad at lawyer. Oddly enough, he was employed by the Massachusetts Department of
Corrections. However, his brother is a lawyer. Somehow, we must effectively reach that man on some level, he is clearly by potential, our most important alibi witness.

Overall, I'd say that things are certainly looking better. If we can convince Murphy, assuming he is the right one, to step out into the open we'll be in much better shape at every future legal proceeding. This may be where the investigator can repay large dividends. Furthermore, I am positive that much favorable data exists merely waiting to be discovered.

I am elated that, Rolling Stone accepted my manuscript titled, "Death Watch." I received the contract agreement on Friday I am having the entire fee sent to my defense fund. I think that you will find it excellent reading. Steve Gettinger, who did the editing, also will write the introduction. The death watch in June was an experience that I will never forget, coming so close to being executed. This manuscript is by far the best material that I have ever written. I understand that Rolling Stone's editors were very impressed with the manuscript. I am hopeful that the article will stimulate additional interest in me and my plight. The Cincinnati concert tragedy has postponed my piece for at least 1 issue since mine will be a feature article, I understand. I will try to keep you informed as more information becomes known about the article as well as other developments.

It was good to hear from you once again. Has there been any word on a 15 year BHS class reunion 65-80? Did you attend the one in 1975? I very much appreciate your willingness to send me a package. I am limited to 4 items per permit and I must submit in advance (January) a permit form to get the items approved. Therefore we should discuss them. I'd like a pair of rubber thong slippers (shower slides) size 12, 4 long yellow legal pads, envelopes 100 business size and 10 each of medium and 9 x 15' approx. size large Manila envelopes. The 4th item is more expensive and if it is too much then we can switch to (two XXL grey sweatshirts) but my preference (by need) is a new headphone set. If there is a Radio Shack there, please get a NOVA-PRO Stereo headphone (catalog #33-1014A) in the Realistic line. Headphones are my escape from all the noise and my pair is on its last legs. Please let
me know on this so that I can let you know when, etc. I can't submit the permit til January 1 anyway. Thank you.

I hope you holidays are enjoyable.

As ever,
Bob

December 26, 1979
Wednesday

Dear Nancy,

How were your holidays; pleasurable I hope? I am well and in good spirits, but busy as usual. I am devoting much of my time to the preparation of myself to testify at my Federal District Court (FDC) hearing which is just over the horizon. My goal is to be the best possible defense witness. Judge Kyle, the Federal Magistrate, will issue a lengthy pre-hearing order on my case soon. The actual hearing should be held within the next 60 days. Kyle will monitor the case, conduct the fact finding evidentiary hearing, and thereafter make a recommendation to Judge Gonzalez, the latter of whom will render the final decision. It appeared to Ray that Judge Kyle has taken a very active interest in my case and is aware of all the facts and circumstances. Ray feels that we will finally have a "fair hearing" at long last.

Ray has impressed upon me that I will be on the witness stand for at least 1/2 day. My testimony is vital and I remain confident that I can handle the associated pressure. Much of my testimony will surround the ineffective counsel issues. In addition to myself, we will call several other witnesses including our alibi witnesses. I will only be gone to court for the duration of the hearing, after which I will be returned to the prison. Please continue to send all mail here to the prison, however, while I have gone to court I will no doubt be too busy to write many letters. Naturally, I will keep you informed when I write of happenings leading up to the hearing as well as a full report afterward. We are optimistic of securing a new trial.
Had I told you previously that Rolling Stone accepted my “Death Watch” manuscript? A late January publication is probable. It really gives me much satisfaction to finally be able to directly help the defense fund drive, plus the exposure should be favorable. Including the thousand dollar fee for the manuscript, defense fund contributions have exceeded $11,300 since its inception. Additional fund raising efforts are of paramount importance at this stage since Ray has hired both a private investigator and a criminologist to assist him. This vital backup support must be maintained since their contribution can significantly improve the defense effectiveness.

The new investigator, Virginia Snyder, is already at work checking aspects of the case. Besides trying to locate additional witnesses and approach Thomas Murphy seeking his cooperation, Virginia met a Mass. official on 12/18/79. This official will meet with Ray and Virginia later this week in South Florida. These meetings will exchange evidence as well as determine the extent of Mass. helping me. Some focusing will naturally be on the Jackson murder and the Brill death. Although they believe I was framed, we still need hard facts to demonstrate it to others. The criminologist will examine all the evidence and prepare a report detailing everything favorable. This activity will parallel what Paul Kirk did for Dr. Sam Shepard, which substantially contributed to Shepard’s acquittal. As you may recall from the defense fund literature, every piece of the hard physical evidence from the crime scene is in conflict with the State’s case; the evidence supports my innocence rather than my guilt.

Thank you for the Xmas card. Yes, we do have heat in the building but it is not a great system. I don’t mind the cold so it really doesn’t bother me. Please let me know of any changes on the package. I will proceed accordingly seeking the permit from my end after the 1st.

Best wishes for the New Year.

As always

Bob
January 14, 1980

Dear Nancy,

Thank you for your latest correspondence. To accompany the permit (comments [sic] later) I wanted to bring you up to date with happenings. Having devoted much time to pre-hearing preparations reviewing my case documents, I am feeling more confident all the time about my knowledge retention level. There is so much to the entire case, that my testimony alone will be quite lengthy. I’d much prefer to be over-prepared than the opposite due to the high stakes.

I remain well and in good spirits even though I am already missing the barrage of televised football games. Before the basketball season can completely take over, the Super Bowl still remains. I look forward to the game even though I strongly favor the Pittsburgh Steelers both winning and covering the (-10 pt) spread.

On Thursday, I had a picture taking session with a photographer dispatched by Rolling Stone. It appears that my article is moving closer to publication. Even if you should miss it, we’ll have copies available. Accompanying my 7000 plus word article will be an introduction which I hope is both meaningful and favorable.

I have not received any more news about Judge Kyle’s pre-hearing order. The wait has me a shade anxious. Thankfully, Virginia Snyder, our investigator, is keeping me updated on her activities. She has had frequent phone conversations with Mass. investigators. One is coming to Florida to meet with Ray and Virginia soon. I was told that he has some exciting news to relate to us; afterward he will come to tell me in person as well. I believe that this news could be some hard facts to support my long-standing suspicion that Jackson’s 8/28/78 murder motive was to prevent my lawyer from confronting him about my case. We already possess a growing file of sworn affidavits to support this conclusion. Besides the “exciting news”, I plan to raise many other subjects.
Among Virginia's other primary objectives is to coax one of our recently found alibi-type witnesses, Thomas Murphy, into being a "willing" defense witness. We have located his S. Florida winter residence. However, he refused to talk with Virginia when she went to his home. Apparently, he fears getting involved which I can relate to somewhat. Attempting to dispel these fears may not be easy, nevertheless, we aren't about to give up after struggling for 6 3/4 years simply to find him. A carefully worded letter has been sent to him requesting a meeting at his convenience. I pray that he'll meet with Ray and Virginia. We will do our collective best to find the way to convince the witness to cooperate.

Let me switch subjects to politics. I was keenly interested in the Republican debate in Iowa despite Reagan's absence. Except for Dole, all the candidates impressed me for various reasons. I say this even though my position is miles apart from the traditional Republican platform on social issues. I was disappointed that the Democratic debate was cancelled. Because Kennedy has made some verbal blunders and slipped behind Carter in the polls, I really wanted to see these 2 men square off debating the issues. I strongly suspect that Iran and Afghanistan backlash will be a large negative blot on Carter's foreign policy report card. Parts of our world are in turmoil and I do not feel that Carter is the right person to lead our nation into the 80s! I hope that Kennedy and Bush have strong showings in the Iowa caucus upsetting Carter and Reagan respectively.

Two more Florida death warrants have been signed, both to blacks under the new, longer grace period, the scheduled executions are not set until 2/13/80. I am confident that both will receive stays. I am alarmed by the bad attitude by my peers. Most men seem to sweep it out of their minds, rationalizing that it can't or won't happen to them. For anyone on Death Row, that is unrealistic! It appears that Governor Graham will sign at least a dozen new death warrants in 1980, however, I don't foresee any more Florida executions until 1981, when several cases could run out of appeal options.
As you can see, I have included an approved package permit. Please note that it must be included inside the package and it is only good for 30 days. Let me go over each item once again with some minor revisions.

1) Shower slides — (rubber thongs) — my size is 12ish. I'd prefer the thicker sole style.

2) Headphones — Catalog # 33-1014A is the model that I have which served me well. Nova-Pro-Stereo from Radio Shack. (Or similar model)

3) Paper — please send 6-8 yellow legal pads (prefer long style)

4) Envelopes — 100 reg. Business size envelopes
   20 assorted large manila envelopes
   12 large size file folders.

I very much appreciate your help with the package.

Take care and,

As always,

Bob
Dear Nancy,

Please excuse the brevity and tone of this letter, however, I am confident that you’ll comprehend the reason(s) once you finish reading? For the next 3 to 4 weeks, my correspondence will be tardy. Most of my time must be devoted to legal matters and FDC hearing preparations.

On Friday, I received two important, long awaited pieces of mail. Jay Merritt of Rolling Stone sent me copies of issue #312 which contains my manuscript among the feature articles. Also, Ray Black wrote me about and included a copy of Judge Kyle’s pre-hearing order. Interestingly, the issue’s cover date and the hearing date both are March 6, 1980. I hope this is a good omen? Both Ray and I will be working hard to prepare for this hearing.

The time has come; it is now! I/we have been awaiting this critical hearing for a long time. My future should be clearer as a direct result of this ruling. Among our dozen appeal points, Judge Kyle has concluded that additional testimony will be necessary on 3 points. Our other points apparently are already sufficiently clear from the trial record on which to make rulings based upon the law. The points on which Judge Kyle will accept additional testimony are; (1) a due process challenge to determine whether or not the State Circuit Judge erred by refusing to let me be present and testify at the State hearing; (2) & (3) will determine if Windsor’s and/or Dean’s respective representation was ineffective? These three issues as well as several of our other points are sound appeal points. Besides ineffective counsel, our strongest legal issue is an erroneous trial reference by McLaughlin inferring that he passed a polygraph test. In reality, McLaughlin failed the test!

On Tuesday, I spoke briefly with Ray by phone. He filled me in on some details, however, we deferred making any final decisions until after we confer together prior to the hearing. Ray felt that the article turned out very well. Ray will ask Kyle to order that my transfer south occur no later than one week prior to the hearing. Once the hearing concludes, I will be returned to Death Row. Then the hard part starts while awaiting Kyle’s
recommendation to Judge Gonzalez. The final disposition rests with Gonzalez. This procedure could consume several months until after the hearing, everything including social correspondence will have to take second fiddle. Legal preparations must be my exclusive priority which I hope you can understand. Please continue to send your welcome letters to this address.

The Rolling Stone article commenced sale on 2/19/80. When you locate a copy, I'd welcome your candid impressions of the material? Except for one unfortunate mistake, one that could have a silver lining effect, I felt the entire package turned out superbly. Due to an exhausted defense fund account, I hope and pray that our plea for contributions generates a solid response.

Earlier today, the property room officer safely delivered the package. I want to sincerely thank you so very much for your time, trouble, and expense to send these items to me. The headphones are perfect and very much needed. It will be a welcome relief again, thru the use of the headphones, to obtain quiet from my peers. Noise can distract me from my work. Their arrival now is especially timely to enable me to study my case files in preparation for my testimony at the Federal hearing. The stationary items are very helpful as well.

When time permits, I will keep you updated. In the meantime, please keep your letters coming to this address.

Thanks again, and,

As always,

Bob
March 29, 1980

Saturday

Dear Nancy,

After attending my Federal hearing, I have been returned to the prison. I will attempt to discuss the hearing’s highlights for you, although you should know that I am so close to the case that objectivity is difficult. Moreover, my own testimony consumed many hours time so it would be almost impossible to weigh the impact. Susan Cary reported to Richard Greene, another attorney, that I did well on the stand. Several other friends who attended the hearing all informed me that I came across well despite a very intense, lengthy cross-examination.

Transportation each way was via private plane. Most county jails, including Broward’s, are lousy facilities. Even so, the change of scenery away from Death Row was quite welcome. Surprisingly, I was placed in a regular bullpen cell. It was difficult to be around so many people again. This was my first “vacation” since my arrival at Starke in November, 1973.

I was away for over two weeks. I am slowly getting caught up on the accumulated backlog. Due to the longer than expected time away from the prison, I ended up losing the cell that I had occupied ever since 1976. The prospects of a speedy return to R-1-N tier are dim; one of the quietest at the prison. Considering the setting, it is a damn good tier. Currently, I am assigned to S-1-N: 2, however, I aim to make my stay on S-wing as temporary as possible. I am striving to get back onto R-wing ASAP.

The hearing, commencing on 3/6/80, lasted three days, ending on 3/10/80. There was in excess of a week’s delay while awaiting transportation back to the prison. Normally, Death Row prisoners are moved on a priority basis due to the so-called security risk.

Regrettably (sic), portions of the Dean ineffectiveness issue did not turn out as well as we had hoped. On the other hand, we seemingly strengthened the Windsor ineffectiveness. In addition, there are many variables which are unknown quantities that further complicate interpretation of where we stand, including;
(A) Judge Kyle's viewpoint with regard to the presented testimony nor the weight she'll attach to it, and (B) where Kyle stands on the other nine points for which no additional testimony was necessary. Judge Kyle's attitude seemed very fair to both sides throughout the hearing. I hope her posture of fairness carries over into her decision-making. It is a rather frightening (sic) realization to acknowledge the extent that the State is trying so hard to execute me. This fact is vividly demonstrated by the active participation of five State Prosecutors at the hearing. Each member of their team had a specialised role in the presentation. Except in the Spenkelink case, this high intensity level by the State attempting to execute someone has NOT been present in the other cases. Regardless of the reason, to be candid, this intensity scares the hell out of me.

Because parts of the Dean ineffectiveness did not go well. Ray shared my suggestion that we ought to regroup. We will attempt to improve our legal status on other points so as not to put all our eggs in one basket. Besides the improved Windsor ineffectiveness issue, there are several other solid points among those matters on which no additional testimony was necessary. On paper, the grossly misleading and erroneous McLaughlin polygraph reference is most likely our strongest legal point. Even Denis Dean testified that Windsor was ineffective and that my arrest was improper. Nevertheless, Dean's lies left me very depressed.

Let me detail for you what legal steps lie ahead of us. Many months, perhaps even a year or more, will pass before we can expect a final FDC ruling. We are now awaiting the transcribed hearing transcript which is due on 4/4/80. Both sides must file by 5/2/80 their respective memorandum of Law — the legal term meaning to apply the facts and testimony presented to the law. Both sides also will file a response—brief to the other's legal argument to be filed by 5/16/80. Once these stages have been completed, Judge Kyle can make her recommendation to Judge Gonzalez. The recommendation will be revealed to both sides so that response briefs can be directed to Judge Gonzalez. Afterward, it will be totally up to the latter's discretion when and how to make the final FDC disposition. Waiting surely will not be easy!! Thereafter, whichever side loses will appeal that ruling
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to the 5th Circuit Federal Court of Appeals (FCA), located in New Orleans.

I thought you might be interested in learning about what transpired at my hearing. Once again, I'd like to sincerely thank you for sending me the package which arrived just prior to my leaving for the hearing. The headphones really are coming in extra-helpful here on S-wing because it is so noisy.

Keep in touch.

As always,

Bob

April 8, 1980

Dear Nancy,

Thank you for your letter which arrived last night. As always, it is good hearing from you. Even though there isn't a whole lot of legally related news of substance to share with you, I wanted to write you before I received my hearing transcript. Our weather is getting much warmer hereabouts; the period from May thru September is very hot and uncomfortable in these small cells. As for myself, I am well and in good spirits. I spent a unwanted exile on S-wing until last Friday when I was moved to R-1-S-9. However, I ended up on R-1-S, the noisiest R-wing tier. I am still pressing as hard as possible to get back on R-1-N tier.

In order to be ready to give my undivided attention to our brief drafting, I am caught up on all backlogged work. Anxiously, I am awaiting my copy of the hearing transcript so that I can carefully review it. My aim is to give Ray all the input possible to aid him in the preparation of my Memorandum of Law to Judge Kyle.

You may be amused to know that Denis Dean had the boldness to send Ray a bill for his court appearance at which time he clearly was not for me. Both Ray and I are still highly depressed.
by the actions of my former lawyers and their active collusion with the prosecution. I can accept defending one's actions (or lack of same) in a truthful manner as a reasonable reaction, however, when State witnesses calculatedly and frequently lie, it becomes very depressing & discouraging. Presently, Ray is engaged in legal research into a number of areas of my appeal in order to try to bolster our legal argument on various appeal points.

Tony Amsterdam wrote me that a U.S. Magistrate ordinarily will take from 3 to 6 weeks after briefing, which is scheduled to be completed by May 16th, to issue the recommendation. However, there is no specific rule of thumb. Wide variations are commonplace. For example, you may recall that Willie Darden's death warrant was signed on the same date as John Spenkelink's. Anyway, Darden had a Federal evidentiary hearing in October, 1979, before a U.S. Magistrate in Tampa. He is still awaiting a recommendation? At his hearing, the State was represented by a single prosecutor. Like me, Darden also raised ineffective counsel claims too. I am still disturbed by the State ganging up on me by sending 2 judges and 5 prosecutors to my hearing. I am naturally wondering why so many? The State may simply want me as its sacrificial lamb, something I've felt for a long time. Or they may have sensed that we're moving closer to being able to prove my innocence. The egos/reputations/etc. of the persons responsible may prefer that I am executed, rather than the State acknowledge that I was wrongly convicted.

I hope Judge Kyle issues her recommendation sooner as opposed to later. In all likelihood, Judge Gonzalez will follow Kyle's recommendation. Naturally, we want/hope to win at this stage, nevertheless, there always is the possibility that we could lose, which must be considered also. Thinking positively, I will defer further comment on future legal proceedings pursuing either these same appeal issues and/or other new points until a time that such speculation is more appropriate. By the way, there are many legal options that are left open to us. As I mentioned in my last letter, let me reassure you that we are still very much in the ballgame, seeking a new trial. Like in baseball, we must play this
legal game for at least 9 full innings or stages and we're only in the 7th inning.

Effective as of 4/1, our package permit policy has been revised from one per month to four annually — two at Xmas and two for the entire remainder of the year. As a result, I may have problems getting in sufficient stationary supplies for correspondence, general writing, and legal work. If the need arises to supplement either paper and/or envelopes, I hope that I can call upon you for assistance? Your package, which is much appreciated, will tide me over for awhile, although not indefinitely.

I am glad that you and Larry had the opportunity to read the Rolling Stone article and found it to be so good! I feel that it packed quite a message for the reader. The vast majority of reaction has been very favorable. I hope that I never have to go through that again!!

What does pre-registering entail? It sounds good in theory. I recall all the hassles while attempting to register myself, especially coming later in line when classes start to get closed out.

Even though it appears it will boil down to Carter vs Reagan, I hope it doesn't. Kennedy appears to have the only chance to unseat either one, and he must start with a strong win in Pennsylvania or he's through too. If John Anderson who I like, runs as a 3rd party choice it will make it easier for Reagan to win, I feel. Although baseball will start tomorrow, I am not optimistic of a strike-free season. I remain a die-hard Red Sox fan and feel they will be in the thick of the A.L. East race, baseball's best division.

Keep well, and,

As always,

Bob
June 10, 1980

Dear Nancy,

Your card reached me safely; it was good to hear from you once again. On a hot muggy afternoon, I am well and in good spirits except for re-aggravating an old back problem. It has been in the high 90s for the past several days. This lower back strain flares up from time to time. This is a mild pull compared to the severe strain that I experienced last June. My major problem was getting to the clinic for some attention. I finally made it there earlier today after several days of attempts. I would surely hate to develop a serious injury or illness while confined to prison due to the lousy treatment available. The majority of the doctors are unlicensed foreigners too.

After several unsuccessful attempts, I finally reached Ray Black at home last Tuesday night. Having not heard from him in over a month had left me climbing the walls wondering about my Federal brief, etc. Ray is recovering from eye surgery which explains why I had not heard from him. As a result my appeal briefs have been further delayed until Ray's sight sufficiently improves whereby he can read. Previously, at the State's request we accepted the first filing date extension. Ray hopes to have the brief completed within 7 to 10 days. The long silence had left me unsettled. I truly wish that I could relax while accepting that no news is good news, but I cannot because I am too much of a worrier.

There was considerable media news involving capital punishment matters when the Potts execution drew nearer last week. Both Potts in Georgia as well as another inmate in Virginia each relented by deciding to permit their respective lawyers to appeal their cases to the Federal Courts. Yesterday, however, I heard that Potts has reversed himself again and now he wants to be executed! Anytime a death row prisoner demands to be executed, a state can legally accommodate the individual by pursuing Federal appeals, it enables the individual to live for at least 2 to 3 more years instead of facing a horrid death by electrocution. Positively, Potts managed to generate considerable media attention to focus onto the terrible living conditions and
inadequate medical treatment available to those on Georgia's
death row. I was interviewed by ABC's Nightline Show
regarding the carry over effect onto other capital case appeals
had the execution taken place. The segment was aired on 6/4/80.

Otherwise not a whole lot is happening which makes daily life
rather boring and dull. I am working on a new defense fund
organizational chart necessitated by Barry Weaver's forced
reduction of his defense fund responsibilities due to severe time
limitations. Ralph Jacobs will assume Barry's role. Also, we are
drafting a new updated defense fund statement and preparing our
annual report for distribution to those persons who are interested
in defense fund activities. Lastly, we are in the process of
mapping out some fresh defense fund objectives. In part we must
try to promote greater media exposure, particularly with a
emphasis toward acquiring some support from Catholic
publications.

Presidential races always arouse my interest. Things will
simmer down until after the conventions. In an informal poll the
majority of my friends have indicated that they probably will vote
for Anderson instead of either of the two party nominees. I
would vote for Anderson myself unless Kennedy can somehow
wrestle the Democratic nomination from Carter, which seems
doubtful at best. When you decide on who you prefer, I'd be
interested in learning of it and why? Based upon the early polls,
Reagan should carry Nebraska.

I hope that your visit to North Carolina was a pleasant one.
Let me thank you again for your package — it was greatly
appreciated.

Write when you can.

As always,
Bob
June 30, 1980

Dear Nancy,

Thank you for your latest letter. On Saturday, my hometown defense team held a benefit dance. I am hopeful that it succeeded financially, but most of all, I hope that everyone had a good time. It is reassuring knowing that friends care about me sufficiently to put on something of this kind in my behalf.

I seem to be feeling more spirited and as a result, I am emerging from my slump. Earlier in the month on 6/25, it marked the first anniversary date of my Stay Order issuance by Judge Gonzalez. Other than the Federal Hearing, not a whole lot additional has transpired during this 12 month stretch. Actually, I must admit that I am very tired — tired of prison, tired of the same routine, tired of the same frustrations, and plain tired of waiting. But I'll get myself regrouped and somehow hang tough because there is no other choice.

Already, I am counting the days until the cooler weather returns in the fall. This hot weather is ideal for our yard periods, but it is oppressive to have to live with it all day sweating since we only get to shower every other night for five minutes. Of late while in the yard, several of us have begun playing and enjoying badminton. My partner and I are the best doubles team having lost only 8 out of the last 41 games played. Not bad for a person who'll be 33 next month.

As you know, a recurring lower back problem has plagued me for sometime. I have concluded that much of the problem’s source has been caused by sitting in a poor posture for so much of the day while writing etc. I would sit on a blanket on the floor in a semi-yoga position while using my bunk as a desk top for upwards of 10 to 12 hours each day. This position would put excessive amount of strain on my lower back area particularly since there was no back support. No doubt, this posture has weakened by back muscles over the years, I suspect. I have arranged a new setup whereby I now sit on my bunk using a box positioned to my right as a writing surface. Also, I have a bound stack of newspapers and a blanket behind me which gives my back solid support, and two boxes sitting on top of each other which provide
sufficient space on which I place my writing supplies. I commenced using this method on 6/22, and I can feel the improvement both in my lower back and my legs. I really hope that this method continues to work out well because this is one problem that I'd like to overcome.

There is no further word from Ray Black about the status of my appeal brief filing. He is still recovering from eye surgery which will delay the filing of the brief until he can resume work. Virginia Snyder (our PI) is currently working on a few angles including persuading McLaughlin to talk to her, and seeking a third alibi-type witness. Keep your fingers crossed. The USSC is winding down its current term with some encouraging capital punishment rulings news, the best of which found Alabama's capital punishment law unconstitutional. Even though the USSC is making it harder to execute anyone involuntarily, the court has done nothing to benefit Florida capital cases. Another good omen was the FSC Stay Order issued to Potts on Saturday.

I read where Carter's popularity rating has slipped to a mere 30% and if the election were held today, Reagan would be our President, God forbid! There still is much time until November for Carter to stage a recovery. I also read where political analysts prayed that John Anderson will either be a total flop or be a definite success capturing at least ten states, I'd prefer the latter. Believe it or not, the Republicans stand a fair chance to gain control of the U.S. Senate which would be quite a switch.

Please keep me posted on any address changes as they occur. Glad to hear your vacation to North Carolina was so good.

Keep in touch,

As always,

Bob
Dear Nancy,

How are you? It was good to hear from you once again. I am including a form-style memo for your perusal which fully describes the current status of my case/appeal and the anticipated delays reported in some detail. Other than a normal amount of discouragement associated with the realization that it could take as much as another year or more before we receiving a ruling on my case from Judge Gonzalez. I am well and in good spirits. I guess that I should be used to the legal delays encountered after all these years, and yet.....! I am confident that I will come around after I adjust to this delay. I suspect too that it is mentally unwise to build up my hopes for a new trial, but that expectation is something that I cannot seem to control.

Tomorrow, the Democrats will commence their battle on rules and platform issues. Even though it appears certain that Mr. Peanut will secede the nomination no matter what evolves on the rules issues. I would surely prefer to see an open-convention. If the latter becomes a reality, it would definitely add some flavor to the convention dramatics. During the days ahead, the matter will unfold.

This hopefully will reach you at your new address? Please advise if I have it accurately? I hope that you enjoy your return to NE. Keep well, and,

As Always,
Bob
SUBJECT: Case Update

On this the eve of the Democratic Convention, I am simply striving to send this case update to you thru the quickest means available. Between a strained back and working hard on some legally related requests from both Ray and Virginia, I have fallen behind on keeping you updated which is why I am resorting to memo form while the news remains current.

The majority of the information which follows resulted from my phone call to Ray Black on 8/1/80. We conversed at length for over 45 minutes. Having not heard from Ray since early June, this was a much needed discussion from my standpoint in order to calm my nerves. In case I had not informed you, Ray underwent major eye surgery in May which placed the filing and preparation of my appeal brief in a holding pattern. Ray is feeling much improved both in spirits and physically, even though his eye won’t be fully healed for two (2) more months. He’s been through the wringer himself during the past 18 months confronted with a series of personal and health problems.

The appeal brief which has been delayed due to Ray’s eye surgery is the post-hearing memorandum of Law that presents our legal argument for Judge Kyle’s consideration. Nevertheless, Ray hoped to be able to meet the current filing extension deadline which was 8/8/80. The unavoidable postponements will not have any bearing on the outcome of the proceedings. In fact, Ray remarked that Judge Kyle has been both understanding and cooperative. Once the memorandum of Law has been filed, Ray suspects that Judge Kyle will take a few months before she submits the recommended ruling to Judge Gonzalez.

There probably will be another delay that you should know. Judge Gonzalez, according to Ray, has only recently commenced a trial which estimated to last 9 months duration. Therefore, Ray feels it is unlikely that Gonzalez will begin work on my case until after the trial concludes. Whether I like it or not, I have no choice but to accept it and try to be patient during the long waiting period. Once Kyle reveals her recommended ruling, we will have a strong indication of Gonzalez’s eventual disposition.
So far, three Florida capital cases have already received some action from the federal courts. The cases of Henry, Proffitt, and Raulerson, all either have received or been recommended for new sentence hearings. The issues raised in my behalf certainly appear to be of greater substance than any of the above listed cases. Therefore, some type of relief seems justified. As you know, my goal is a new trial as opposed to any lesser relief.

Positively, Ray continued to express optimism that relief is warranted on this appeal level. Along this track, Ray requested that I send him a detailed memo outlining all of the key areas which I feel are in need of additional investigation by Virginia as our fund raising permits. Primarily, of course, the main application of all favorable investigative results would be used at a new trial. The other possible use would provide me/us with an ace in the hole furnishing the vehicle for a second federal habeas evidentiary proceeding should the current round of appeals end in failure. Naturally, I will keep you posted of future case developments.

INSTITUTION FSP CELL NUMBER R-1-N-17
NAME Robert A. Sullivan NUMBER 039870
JOB ASSIGNMENT Death Row DATE 11/17/80

Dear Nancy,

It was good to hear from you once again? I sincerely hope that this finds you well. I have been rather depressed lately, but my spirits are on the rise. You will better understand why my spirits have gone on a roller coaster ride once you read the enclosed updates #5 and 6. This is one prison experience that I surely would have preferred doing without, however, now that it is here, I must deal with it and try to recover from it. I am naturally still disgusted over the losses particularly the legal materials, some of which are irreplaceable. The results of the lawsuit should be interesting, most especially the outcome of the portion of the lawsuit which focuses upon the destruction of legal
Laurence French and Nancy Picthall-French

materials vital to individuals' cases. My ability to effectively assist Ray has been diminished considerably.

Well, it is now President-elect Reagan. I hope that the nation can survive the next four years. I also hope that Reagan's policies are more moderate than most of his conservative political rhetoric. Although I do not radically oppose Reagan's positions for a stronger foreign policy, reduced inflation and unemployment, a balanced budget and better defense, nevertheless, I am gravely concerned by his stand on social issues. For example, Reagan is an ardent supporter of capital punishment. Moreover, Reagan's Presidency could directly affect me thru his appointments to federal judgeships including to the U.S. Supreme Court. I really do not believe that there is any simple solution to the nation's economic and foreign problems that a change in power would remedy. Therefore, it will be interesting to compare the achievements of the Reagan administration to his campaign promises.

How do you analyze Carter's huge loss as well as the defeat of so many liberal U.S. Senators? Obviously, there is a shift toward the right, nonetheless, I do not believe that the shift is as great as the election tabulations suggest. I suspect that the voters were frustrated by the combined economic, energy, and hostage woes, and took their disgust out on the party/people in power. When the pendulum starts to swing back toward the left, it is my hope that Ted Kennedy seizes the opportunity to become the leader within the Democratic party. In addition, the Democrats need to get back to basics through the concentrated strengthening of the party groups commencing at the grass roots level. What is your feeling about those who term themselves the moral majority and their dabbling into negative politics?

Yes, you had sent me your change of address and I had sent you a letter thereto shortly after your estimated arrival date as I recall. Perhaps the letter went astray. Anyway it is good to be able to resume contact with you once again? I can well understand your enjoyment over having returned to New England. I can assure you that I'd love to return there and I may never leave.
Enjoy your temporary retirement so to speak and good luck getting a job. I hope that your holidays are enjoyable.

As always,

Bob

RAS UPDATE #5

This update will exclusively be devoted to describing a disheartening prison experience. I doubt if most people (like I use to feel myself) have any idea what goes on behind prison walls. Other than what I’ll relate below, the only worse prison experience was my warrant signing. Let me retrace what occurred, something I feel was unnecessary.

It all started on 10/12 when an officer was stabbed and killed on R-2-S tier of death row. Several restrictions were inaugurated almost immediately. Yard and canteen were suspended. Having to be handcuffed behind one’s back anytime that someone in lockup leaves their cell generated the greatest resistance due to obvious safety reasons. This administration grossly over-reacted to a single isolated incident which was caused when the inmate had been refused to be allowed to visit with his mother, their first reunion since 1975.

Various protests erupted on several wings, but not on my tier. Riot squads using tear gas were called upon to quell any disturbances. On 10/12, two more officers were stabbed and scalded respectively by inmates on S-wing. I do not condone such violence, nevertheless, I surely can relate to the frustration that caused it. A repressive administration is the root problem source, and their over-reacting compounded the situation.

Interestingly, no changes were implemented while ten convicts were murdered during a 18 month period. Officers from other nearby prisons were called in to conduct a prison-wide shakedown. But this was not like any previous shakedown. It was more like grand theft. Over a 7 year period, I had accumulated 12 boxes of possessions which I stored neatly under my bunk. The vast majority of my losses were legal items. All were allowable items consisting of canteen, packages, and
Laurence French and Nancy Picthall-French

legal materials. Totally, at least 20% of my personal property was thrown out!

It will not be easy to replace my property nor conveniences due to tightened security. Moreover, packages have been reduced from 12 to 4 annually. But I’ll make it. Please try to include extra stationary and stamps with your letters to me. Thank you.

Those who shook down my cell left it in a shambles, I have been exploring avenues available to me in order to recover damages for every item taken from me. This unjustified reprisal was shakingly calculated. Normally, a shakedown involves officers thoroughly inspecting one’s cell and property for contraband. Never before did the staff so totally disrespect our possessions by throwing out whatever they desired. Every item taken from my cell was an allowable item consisting of legal materials, items that I had purchased thru the canteen, or received via approved package permits. These actions violated the prison rules as well as my rights. I feel that the nature of the shakedown was designed for revenge.

This harassment certainly was depressing. We were not even extended the option (prison policy) of being allowed to send items home. Nor were customary receipts given out (policy again) listing all items removed from a man’s cell. Tier mates informed me that officers were laughing as they pitched my belongings into trash cans. I surely hope to have the last laugh. While my cell was being looted and ransacked, I had been removed in handcuffs to the quarterdeck for a haircut. Technically, the state ought to be responsible to pay for damages, a point echoed by Ray Black. This is another example of what causes tensions to explode in prisons. Most people blame the convicts but usually it all relates back to the keepers.
RAS UPDATE #6

In update #5, I was definitely upset by being robbed (for all intents and purposes) by prison guards during a so-called contraband shakedown. What they did, not only to myself, but also to the majority of my peers, was totally unjustified. But I kept my cool deciding instead that the best means to get back at them would be thru a lawsuit. The primary objective would be, of course, to recover damages for all losses.

The items taken which disturbed both Ray Black and myself the most, was the destruction of over 2000 pages of personal legal documents as well as the confiscation of over 15 personal law books. Countless court rulings prohibit (in theory) the guards from taking any of our legal papers or resource materials. Nothing at all that was removed from my cell falls into the category of contraband. I will be able to replace most but not all of the confiscated legal materials. We intend to try to require the state to assume the responsibility for replacing every item taken, including legal.

Getting to the point, on 10/31, a class action suit was filed in the Jacksonville division of the Federal Courts regarding the shakedown. I am among the ten named plaintiffs in the lawsuit. The charged defendants include the Governor, the Head of the Department of Corrections, and all prison staff who ordered or participated in the shakedown.

The suit seeks monetary damages for ourselves as well as injunctive and declaratory relief for the petitioners and all others similarly situated. Our suit charges violations of several amendments to the U.S. Constitution. Lawyers seem to project that we are on solid legal footing because it violates the law. In addition, the officers during the shakedown violated prison policy pertaining to possession of legal material, personal property, and of cell inspections clearly and deliberately. Plainly, they didn’t give a damn.

Our lawsuit requests a jury trial, and seeks punitive damages in excess of $100,000 bucks. Ray is not directly involved with the suit itself, however, he is fully appraised of the content. Indigent prisoners whose civil rights are violated can be assisted
by the state funded Florida Institutional Legal Services. Their lawyers prepared and filed the lawsuit and will pursue it vigorously whenever the court agrees to hold a hearing on the case.

Probably, there will be a preliminary hearing within a few weeks time, however, final disposition may not come swiftly. An out-of-court settlement also is quite possible. It pleases me that prompt legal action is now underway, and that I am part of it. The local T.V. news even aired the announcement of the filing. I know that the prison administration may dislike any person associated with the suit filing, nevertheless, it is a matter of principle now. The expression, what goes around, comes around, is fitting. I don’t expect any reprisals, but the possibility surely exists. This is simply one of those things that I had to do. The prison staff needs to be shown that we will not tolerate them to steal/destroy our property. It is my turn to have the last laugh. My total losses, including replacement estimates of all legal matter, could exceed $1500. That is a lot of money to me, but transcripts and law books are very costly.

Things at the prison are calmer, however, it is a tense situation still. All of the new security changes as well as the increased staffing per wing remains in effect. I can make adjustments to those revisions all right. The canteen has been running, but not on schedule whereas the yard curtailment is much more extreme, I’ve only been allowed outside twice within 3 1/2 weeks. I doubt if things will ever return to normal again.
March 22, 1981

Dear Nancy,

How are you? I received your card around Xmas. I have been swamped lately with assorted time consuming matters and desiring to keep up pace with my correspondence, I concluded that resorting to the enclosed form-style general update to report on repetitive subjects was the only effective means to get ahead of the game at this time.

I trust that you can sense and imagine my excitement regarding the prospect of really establishing contact with my birth mother. This subject really has kept my mind churning as it is certainly dominating my mind. Nevertheless, I am moving ahead with very mixed emotions, experiencing both excitement and fear. I am troubled also by anxieties fearing rejection for a second time.

Because my previous family life left so much to be desired, this reunion has become even more important to me. My parents separation occurred when I was only six, and followed by the traumatism of being shuttled between two parents who thoroughly hated one another, made it a rough, mental period. Therefore, it is my sincerest hope that my mother and I will succeed to work things out whereby our friendship can grow and develop greater meaning as time passes. Wish me luck.

Please keep in touch, and,

As always,

Bob

ATTACHED

Let me try to bring you up to date with recent happenings. I had intended to write prior to the postal rate increase, but I didn’t make it. I continue to be well and in good spirits, despite some past extraction discomfort having had an abscessed wisdom tooth extracted on 3/16/81. Beforehand, the pain had literally knocked me to my knees so the extraction brought me much relief.

Legally, my case remains resting in Judge Kyle’s lap. At some future point, she will issue a non-binding recommended
ruling for Judge Gonzalez’s consideration. Neither judge is bound by a deadline. Therefore, I suspect this two-step ruling procedure to consume most of 1981, if not longer. We remain optimistic that legal relief can be achieved on this level, however, nothing is guaranteed. Neither is there any advancement on either of the two federal-class action lawsuits in which I am a plaintiff. No hearing date has been set on the shakedown. The only matter resolved on the suit seeking more outdoor exercise opportunity, was a ruling in which the judge rejected the state’s motion to dismiss. The name of this legal game is ……waiting!

I have heard, interestingly, that Edward Cowart has resigned as a judge to move to Nevada. Because of his deep prejudice toward me, I consider it good news that Coward is leaving the State. In 1977, Cowart amazingly wrote to the Clemency Board threatening to resign as a judge unless my death warrant was signed. I surely hope that his resignation will be a positive omen regarding my appeal? Another incredibly unjust development is the fact that McLaughlin was scheduled to have been released on parole on 3/14/81.

A promising appeal issue came to my attention, ironically, while attempting to re-write my case notes that were taken during the shakedown. It appears that we might have a solid “conflict of interest” claim. Briefly, while Denis Dean represented me, he simultaneously was the permanent retained counsel for the Dade County Police Benevolent Association, members of which were prosecution witnesses. Lawyers are compelled to disengage from any legal activity in which divided loyalties potentially could exist.

March has been an event-filled month for me during both 1980 and 1981. Last year, I had my federal evidentiary hearing before Judge Kyle, and I became a published author thru my Rolling Stone article. March 1981, has been eventful for me as well, despite the abscessed tooth and worry about Steven Judy’s execution.

This month started out well for me with a rare social visit on 3/1/81, followed by an attorney visit on 3/3/81 from Deborah Lins of the LDF. The new appeal issue also surfaced during this
month. And it certainly never hurts to try to develop a stronger defense argument. There is one other achievement of a personal nature. On 3/13/81, I received explicit confirmation that I have located my birth mother. This was affirmed after a lengthy, frustrating search.

Coincidentally, but for different reasons, both my mother Eleanor, and I have interjected a liaison person. Realizing that I have finally located her is quite satisfying, however, these next steps could be more difficult. Naturally, I desire a reunion, There are many mountains yet to climb. My liaison person, Father Boyle, a trusted friend, will do his best to represent my interests. I am, of course, very apprehensive wondering how she’ll react to me especially after she learns that I am on death row. I do not envy Father Boyle’s difficult role nor the decisions that Eleanor faces. I shall try to wait patiently, hoping and praying for success and much happiness for everyone involved.

During the months ahead, my hometown defense fund group intends to conduct its second raffle. They hope to appeal to the entire defense fund network, resultingly you should hear from them prior to the summer. I’d welcome any suggestions that you might have to aid us to more successfully implement this venture via the mails. Please feel free to give me/us any input on our project that might help. Many thanks!
Dear Nancy,

Greetings and how are you? All in all, I am well and in good spirits. The oppressive heat has abated a little bit whereby it is slightly more tolerable. I continue to keep myself busy trying to remain patient while waiting for a ruling on my appeal or on either of the two federal lawsuits.

There is some good non-legal news. On 7/20, coincidentally on my 34th birthday, I received a combined birthday card and letter from Eleanor. Therein, she indicated that she was starting to put her life back into some degree of order, and that she is overcoming the initial double-shock of being contacted out of the blue by the child she gave up for adoption in 1947, and that the son is now sentenced to die. Eleanor advised me that we shall have a reunion in the not too distant future. Soon, she’ll commence making the necessary arrangements in order to be approved to visit me. Finally, I know that I can look forward to meeting my birth mother. I recognize that it probably will be an emotional visit for us both, however, I am wondering if you have any advice on the topic?

I have received Virginia’s report describing her 7/9 meeting with Michael Carmack. There is no doubt whatsoever that Mike was NEVER contacted by anyone before 1981 about my case. Because this is in direct conflict with Dean’s testimony, it certainly should raise some question(s) regarding Dean’s credibility. Mike is fully willing to testify thereto.

We also are working hard on the alibi with Mike. He could not positively identify my photo, but it did ring a bell. Our problem could have been only possessing photos from 1970 and 1979. Nevertheless, he does recall the night the crime occurred, including Billy Harlow’s 18th birthday party. Now we must concentrate on linking me to the facts Mike recalls. There is a certain discussion(s), etc. recalled by Mike which took place on this same night. His recollections are exactly similar to what I wrote in 1973 that occurred between he and I. As the means to seek positive identification, I have suggested to Virginia that she bring Mike here to the prison. If Mike can identify me as the
same person who he's described, we've then got our third alibi witness. Nonetheless, based upon past experiences, I shall not count my chickens before they're hatched. I must add that it seems like an impossible coincidence for Mike to have traced our discussions and my movements parallel to the facts which I've stated ever since 1973, without it being true, I dare to ask? Let's pray for complete success.

There have been several strikes and/or strike threats of direct concern lately. I am very distressed by the prolonged baseball strike. If it has not been resolved by mid-August, I fear that the entire baseball season will be lost. I am already gearing up to enjoy the football season, my favorite sport. Ralph Jacob's first report indicates that the initial response to the raffle has been encouraging. I pray that we reach our $3000 goal so that we can carry on our investigation. Now that more has become known about Sandra O' Connor, I am more skeptical of her philosophical views, nevertheless, I won't pre-judge her. An appointment of a woman to the USSC is long overdue. As an Arizona legislator Mrs. O'Connor voted for and assisted in the drafting of Arizona's death penalty statute. Not a good sign, is it?

It was good to hear from you again after a long time lapse. I wrote you a letter on 3/22/ 81 but apparently you didn't receive it based upon your letter. I log every piece of correspondence in or out. I didn't write more having not heard from you? I am glad the ice is broken. Did you recently receive word from my defense fund? I am glad that you've managed to get a new cat. I can relate to how you felt, having become attached to cats and dogs (latter mostly) myself. Your gardens sound quite nice too.

Hoping you are well and please don't stay a stranger for so long.

As ever,
Bob
December 25, 1981

Dear Nancy,

Merry Christmas! I wanted to spend a little time with you on this Christmas morning. This is my ninth Xmas spent on death row. At least I have a good meal for which to look forward later today at dinnertime. I really get depressed around this time of year which I suppose is quite natural considering these grim surroundings. I don’t even have any planned visit(s) to which I can look forward. Since my dad’s last visit before his death on 2/1/79, visits for me have been few and far between, which definitely can be discouraging.

I keep hoping and praying that Eleanor, my birth mother, will soon pull herself together sufficiently to enable her to visit me. I honestly, had expected that she and I would have had our first reunion by this time, but we have not! I am not sure what to think anymore? Nor have I heard from Eleanor since 10/16, not even a Xmas card as yet. I do write to her regularly too. Interestingly, I recently noticed a photo in the Boston Globe which I believe to be her. This prolonged silence has not helped my spirits one iota either. Hopefully, there will be a major breakthrough SOON. Any ideas?

While I am thinking of it, I am critically low on both stamps and envelopes. Could you please possibly send me some of either, it would be greatly appreciated. Up to 20 can be sent without a permit. Thanks.

As you may recall, Virginia Snyder is the private investigator who works on my case as our funding permits. Besides working with our alibi witnesses, Tige and Harlow, they also found Michael Carmack earlier in 1981 at long last. Carmack might turn out to be our most effective witness. Of course, Virginia is working on other projects in addition to the alibi. Anyway, what I’ve been leading up to is that Virginia’s agency is tentatively scheduled to be featured on the NBC Today Show, on the morning of Thursday, January 7, 1982, between 7:45 and 8:00 AM. You might care to view it? I just hope that Virginia will strike paydirt on some current projects, the foremost being our efforts attempting to secure the cooperation of Thomas Murphy.
Now that our brief appealing Gonzalez's negative decision has been filed, our correspondence level between myself and Ray Black has increased in tempo. This appeal now is pending before the 11th Circuit Federal Court of Appeals in Atlanta. I am reassured that Ray feels quite optimistic there, however, based upon my years of experience, I am forcing myself to guard my emotions carefully. Lawyers always find some reason to be optimistic. A great deal will depend upon the luck of the draw in the 11th Circuit. A very important factor will be the actual feelings of the three jurists who will comprise the panel of judges who will be assigned to hear my case. I don't think that we'll know the names on the panel until the actual oral argument presentation. Apparently, Ray believes that some new case law issued subsequent to Gonzalez's decision, made by this same 11th Circuit could place two of my appeal issues into a more favorable light. Please pray for our success.

Thank you for the card and letter. It was good to hear from you once again. Was glad to learn that you were able to locate a job which you enjoy. Your self-built home sounds very ambitious and yet self-satisfying. How long do you anticipate it will take before you can move in? Was sorry to learn of the passing of your grandmother.

Best wishes for a Happy New Year.

As always,

Bob
Dear Nancy,

Thank you for your Xmas greeting and note. Thought I'd drop you a line to update all the legal news. We've been having our coolest weather of the winter, which I enjoy. My spirits remain positive. I've really been enjoying all the TV football games, plus last week I got to view one of my all-time favorite movies, "El Cid."

Moving along to the legal matters, there is NO important news to report on my case. However, elsewhere on 1/7/83, the entire U.S. 11th Circuit FCA, ruled 6 to 5 to uphold Alvin Ford's conviction and sentence on all but one issue, the latter of which was returned to a federal district judge for further review. Ford's main issue had asserted his rights had been violated when the FSC (Florida Supreme Court) used SECRET prison psychiatric reports in its reviewing process of capital appeals. This was a far-reaching decision due to the fact that it could have affected up to 123 cases, one of which was mine. We had always viewed the odds of relief for me on that issue were very slim. None of the other points on which Ford lost should adversely affect any of my appeal's main points. I do expect the 11th Circuit may soon move on to other pending appeals (my appeal could be one).

The issue on which the 11th Circuit sent Ford back to the federal district judge is legally similar to one of my points of appeal. Our facts appear stronger than Ford's tho. Ray Black examined the legal aspects of that issue in Tom Wiker's column (see back page of current newsletter that was mailed to you last month). I'll be keeping an eye on Ford's remanded issue. Even though that appeal point would be limited to a new sentence hearing, any form of relief at this point would provide some welcome and needed breathing room. No matter what, a new trial is our primary objective. Meanwhile, more investigation can be undertaken whenever affordable. We are very much in this contest. And if a second round of appeals is needed, unlike most other cases, we've located considerable new material to present to the courts. Even so, in order to succeed on appeal, I believe we
must gather more exculpatory data, therefore our search for additional evidence must continue.

With every ruling involving a capital issue that it renders, the 11th Circuit creates the legal standards it will apply when reviewing all subsequent capital appeals. To see where one stands on an issue of law, one needs to study the parallel case law and apply it to the facts in a given case. As more rulings are rendered, the court's charted course in the application of death sentences should become clearer. Ford's appeal of LAST resort, appealing those issues which lost in the 11th circuit must go to the USSC (U.S. Supreme Court). I am not optimistic that the minimum requirement of 4 USSC Justices that is mandatory for a case to be accepted for full review, will consent to such a review of Ford. The issue in Ford sent back to the federal district court should take no less than one year to fully litigate. Therefore, the odds of a 1983 Florida execution are reduced. Nevertheless, on a national level, I foresee nothing that could prevent a slow but steady rise in the rate of executions as more cases exhaust their appeals, thereby slipping thru the system's cracks.

It was good to hear from you once again. Sounds as if the work building your house keeps you busy. Will it be finished in 1983? I am sure it is a lot of work, but the end result should be very worthwhile.

Keep in touch, and

Best regards,
Bob
EMERGENCY MEMO 9/22/83

FROM: BOB SULLIVAN
TO: ALL MY FRIENDS

Because time is at a premium, it is impossible for me to write to each of you personally at this time. Therefore, I had no choice but to resort to a form style memo. This memo will be a request that I sincerely hope you will consider and follow up quickly. As you know from the last RASLDF my case has moved to the appeal step of LAST resort, to the USSC (U.S. Supreme Court). It is very frightening to realize that I could be legally murdered as soon as November. In case the USSC rejects my appeal in October, we are racing against time in order to be prepared for every possibility in advance. The USSC’s term starts on October 3rd.

As you may recall, we are re-organizing at this time. I do have new lawyers who have volunteered to represent me. Today, I met with one of my new lawyers, Steve Gey, for nearly five hours. We are trying to develop new issues to use in a second round of appeals if Governor Graham should sign another death warrant against me.

Among the new appeal points that we plan to raise will be charging that I was ineffectively represented at the sentencing phase of my trial in 1973. We feel there was a wealth of very powerful mitigating material that was available to my counsel in 1973, but was never presented on my behalf for my jury and judge to consider about me as a person, my character, and the like. Based upon case law that has evolved over the years, we could have presented all of this material in mitigation of my sentence. In order to have any chance to win on appeal, it is essential that we be able to proffer in advance what was available but never even explored at that time by counsel.

Therefore, I desperately need your help at this time. We need affidavits from YOU, one that would clearly say whatever you might of felt was appropriate to tell a jury why I should NOT have been sentenced to die. Unlike our request for letters in 1979 to be used for clemency, this time it is mandatory that we have notarized affidavits. Due to the time factor, we need them
very fast. We must get everything organized by early October.

Please consider sending my lawyer an affidavit. Although you should put it into your own words, let me try to guide you as to what would be the most help. As an introduction, be sure to clearly identify who you are, discuss your background, and say how you knew me. In the affidavit’s main body, you should fully explain as many specific points that you can recall about me, that you feel could have provided information that might have helped my judge and jury to conclude that I deserved a sentence less than death.

Some areas that you may like to include, but please do not feel limited by them are as follows: (A) what you knew of and felt of me as a person; (B) your impressions of my future prospects to contribute to society; (C) good deeds; (D) my character; (E) if to your knowledge if I was a non-violent person; (F) discuss the emotional difficulties that I experienced due to being adopted, growing up in a broken home, and caught between two parents who hated each other and (G) anything else of a mitigating nature that YOU know about me that could possibly be helpful.

In your affidavit it is very important that you clearly state a few other points as well. Please be sure to clearly indicate that you would have been willing to testify to the above at the sentencing phase of my trial in 1973, however, NO ONE representing me bothered to contact you.

I deeply appreciate your consideration and hoped for participation in this effort. Believe me, we NEED your affidavit as it could help us to earn a stay and to gain a sentence less than death. I am sorry to rush you, nevertheless, we need these affidavits just as soon as possible. Be sure to have it notarized before you mail it. All affidavits should be mailed to my new lawyer whose name and address are listed below. Thank you very much for your cooperation with this urgent request. Also please share this with anyone else who knew me as of 1973.

As always,

Bob
MAIL TO
STEVE GEF, ESQUIRE
c/o LAW OFFICES
PAUL, WEISS, RIFKIND, WHARTTON & GARRISON
345 PARK AVENUES
NEW YORK, N.Y. 10154
phone (212-644-8666)

September 24, 1983
Saturday

Dear Nancy,

I sincerely hope this letter finds you well? I need to discuss a matter of grave importance to me with you. The latest newsletter accurately reflects the seriousness of my position. This letter’s purpose is to compliment a memo which will be sent to you very soon under separate cover for your consideration. Although the memo is self-explanatory, I definitely wanted to send this personal plea to you as well.

Even though my status appears grim, we are NOT quitting, and in fact, we are re-grouping legally. Since my present appeal, now in it’s final step, could be rejected as early as October 3rd, we’ve added some new lawyers who are rushing to piece together a second round appeal composed of NEW issues and/or material. But we are literally in a race against time.

Among the new appeal points, we are hastily trying to assemble, we want to re-open ineffective assistance of counsel at the sentencing phase of my trial in 1973. Any lawyer in a capital case should seek out and present every useful shred of positive mitigating material that can be found to put forth for the consideration of the judge and jury. Quite frankly, my appointed attorney’s efforts at sentencing were extremely weak even though there was a wealth of relevant material readily available.
Persons like yourself, we feel, could have been very creditable attesting to my good qualities, character, etc. For me to have ANY chance of winning on this issue or getting a stay, we MUST proffer in advance to the courts what my lawyer should have, but did NOT present in my behalf.

My new lawyers have asked me VERY quickly to try to secure as many affidavits as possible by persons who should have testified for me in 1973. I sincerely hope that you will help me at this time. My very life hangs in the balance. To help, simply follow the directions outlined in the memo that's coming to you under separate cover. In order to prevent the state's plans to execute me your/these affidavit(s) will be helpful. Also, if you know anyone else who knew me then who'd help us now, would you PLEASE share this plea with them?

In closing, let me thank you for your consideration of this plea, which for me is one of life or death! Also, in the event this is my final good-bye letter, I want to express my thanks to you for our friendship and all the memories associated with it.

Very sincerely,
Bob

P.S.

Some new literature enclosed FYI

On November 30, 1983, Robert A. Sullivan was executed.
REFERENCES

Information used in the preparation of this material was secured from the following sources:


Death Row:
An Existence of Non-Existence

János Szabó

The subject of the death penalty is a hot issue at this time. The reasons are many, and not one of them makes any sense in the way our society has been brought up over the years. I have been on death row since 1979 waiting for the state to make up its collective mind as to whether it is going to execute me or not. Not that I am fearful of death, because I am not, since with the birth of each person into this world, s/he is ultimately born dying. There are many reasons why I am mad, though, about society, and their so-called understanding, and, also, about what is called our judicial system.

Is it right for one man to request that the state take his life, knowing that his actions are going to affect each and every man on death row throughout the state of Illinois? Is it right, such as in my case, for the state to grant another person immunity from all self-incrimination, as long as the person being granted immunity takes the stand against the defendant? Neither of the above questions is right no matter how one may choose to look at it, since a life is hanging in the balance.

I have been sitting on death row, as I said earlier, since 1979. I could just sit here and waste my time by doing nothing, but I chose not to do so. While in society going to school I couldn’t care less about learning any of what they wanted to teach. Since being on death row, I must say that my mind has changed quite a bit in many ways. In society I didn’t read books because nothing interested me. I have over the years of being in prison, more than likely read over two hundred books on European history. I have become a self-taught man in many ways.

Reprinted with kind permission from The Critical Criminologist, Volume 2, Number 3, Autumn, 1990:15-16.
Sure, death row is not vacation. But being on death row has given me the opportunity I needed to get back in touch with myself. It has given me the time I needed to look into my soul and find why I had such a volatile temper, when I knew for myself that I had a heart that would reach out to help anybody.

I won't make any excuses for myself, but I will say that I feel that if it were not for the fact that I was a heavy user of narcotics since the age of nine, until the day I was arrested, that I more than likely would not be in prison on death row at this time, or, for that matter, at any time during my life.

Being a resident of death row for over eleven years has been one hell of an eye-opener in many respects. It has shown me just how easy it is for our very own government to brain-wash people into voting this way or that, and into believing what they choose to release to society. What is all this rhetoric about a kinder/gentler nation, when in the same breath this very same government of the U.S. is pushing the issue of the death penalty?

I know that I am not a perfect human being, but neither are any of you that may happen to be reading this article. Not one of you can go through life and say you never did anything wrong. A person that does wrong ultimately has to turn his life around in order to learn. In other words, life to me is nothing but a learning process. And if no person had ever done anything wrong, or ever made a mistake, nobody would ever grow in life or make progress to move into the next stage of development.

Prison has taught me that I can change, that I can make it through life without the use or need of drugs. It has taught me that I am a strong-willed man that will not give up the fight until my last dying breath. But I have also learned that prisons are no longer the buildings where one can be rehabilitated and returned to society a better person for the time done. What prisons have now become are nothing short of P.O.W. camps. We, the men of death row and prison in general, are fighting for our lives and the right to return to society and become useful to our country. But how can this be accomplished when a man in prison is either going to be put to death, or he is going to have to do his time without the opportunity of bettering himself enough to fit back
into your so-called society where skills are in the greatest demand as never before?

Doing time in prison is bad enough, but doing time in prison where you are not required to take courses to better yourself is even more outlandish. And to have to sit on death row waiting to have your life taken from you by a so-called government of a kinder/gentler nation is just out and out ignorant. And think of this if you will: what type of society will America have when more and more people start getting out of prison without the skills to match the rest of society? There are already over one million people that belong to the homeless class, and about the same amount or more that do not carry the skills to make it in society in this day and age. Without prisons being used to rehabilitate as they were intended to do, society is doing nothing but taking part in what may soon become another Third World. The difference is that this Third World will be right here in America.

Yes, prison has given me much time to think about the problem of America and the world. And what I see as the main cause is a government that cares more for itself than the people in society. If the American government did care about society, or even about the people in prison, they would not allow district attorneys to play political games with the lives of people, one of whom may be any of you in the near future.

The game the American government is playing with the lives and minds of the American society is a very diabolical one that you are all falling into in one form or another. America says in one breath to the USSR not to use the death penalty, and in the next breath it is pushing to have the death penalty used more widely here in the U.S. It sends money to other countries to help them, yet right here in this country help is needed for the homeless. What kind of games is it playing with U.S. society?

I'm not telling you that there are no screw-ups in society. What I am saying is that people need to be given a second chance at life and freedom. You can't just warehouse them away or kill them because you say you are embarrassed. People must help people; that is what makes us human.
Being in prison has not been the hell one would think it to be. For me it has been a means by which to learn and grow. Although I will say to you that it was not always this way. For the first year or so death row was a living hell, an existence of non-existence. I grew old as society made progress and took a part in bringing peace to Europe. Yet, at the same time I made my mind up to make progress within my own mind and life.

I don’t wish to give you the false impression that one does not suffer while being on death row, because one does. With each new day comes a new test of one’s will and faith. One has to make up his/her mind whether or not s/he is going to accept that s/he may be put to death. I myself have found peace within, even though people like you in society may look down on me. This is supposed to be a nation of forgiving people. Boy, that is one bottom of the barrel lie. What I am trying to come to terms with is that I may never get the chance to visit with my folks again in the wide open air of society. That I may never get the chance to see my nephew and niece, young people that I’ve yet to set eyes upon. But what bothers me the most is that I may never get the chance to prove to a society as you that I not only can be but have already been rehabilitated.

Instead, I get to sit back and read to help my mind grow, even though we no longer have access to an outside library as we once did. I get to watch as another day passes by without my presence in society. I get to watch as the guards pass by the cells, knowing what is on their minds, that they would like to be the ones to stick the needles in our arms and watch as life is drained from our body. I have been dead already for over eleven years!

Being in prison has brought out the seriousness in me. What time calls more for being serious than right now, the time when my life is on the line? There is nothing like sitting in a cell not knowing when your time will be up. Whether it will be today or tomorrow. Not knowing whether you will be put to death or given an amount of time to do what even Methuselah could not dream of doing. Sure, I’m more serious about life now. I’m more serious about everything pertaining to life. And in obtaining
this seriousness, I have also obtained a better perspective on life. But what I have not yet been able to obtain is the open-hearted forgiveness from a society that has done as much wrong in its daily living as any person you pick from a prison.

Tell me what is fair, the government punishing a person by putting them in prison or maybe to death, or society punishing a person by not giving her/him a chance to prove s/he can be rehabilitated? Is it fair for a judge to give out a sentence of a six hundred million dollar fine and three years to a person that has affected the lives of maybe one million or more people? Or, is it fair for a judge to sentence a person to ninety-nine years in prison for stealing a pack of cigarettes? Neither is fair when you have a judicial system that is as arbitrary as ours is.

Thinking and learning is what I do with my time here on death row. Other than this, I sit and wait for the day that may just come around tomorrow and end a life that I have turned around myself. A life that I am proud of. A life that I want to better with each coming day. A life that may end tomorrow in this existence of non-existence.
A Blast Into Dark Immortality

Mumia Abu-Jamal

To kill someone for committing murder is a punishment incomparably worse than the crime itself. Murder by legal sentence is immeasurably more terrible than murder by brigands.

Fyodor Dostoyevski
The Idiot (1868)

Late summer and fall 1990 will be marked in the American mind by more than the saber rattling that preceded the blitzkrieg in the Arabian gulf. Many Americans will also recall the gripping terror that covered the southern city of Gainesville, Florida, a community of more than 80,000 souls, where a spree of midnight murders splashed crimson over the nation’s psyche.

According to published reports, a person (or persons) unknown, assaulted, murdered and mutilated four young people with a degree of precision and organization that seemed to negate the presence of compassion. Reports told of a perverse penchant for posing the victims’ bodies as lifeless mannequins, apparently to create maximum shock effect on whoever found them. Wire service reports revealed every lurid detail, and before long the name Gainesville evoked a label that is utterly American in origin: the ‘serial killer’.

More remarkable, however, was the invocation of a single name by University of Florida students interviewed by the media. That name, one tinged with a dark, fascinating power, was Ted Bundy! Out of the cryptic collective unconscious sprang the visage and persona of a man surely put to death in Florida’s steaming electric chair, but apparently also as alive as human memory itself.

This instant leap of Bundy’s image to Floridian and national consciousness speaks volumes on the inherent failure of the American
death penalty. Had he been left to serve a term of years in prison like thousands of his criminal contemporaries, America’s dark fascination with Bundy would have paled. By searing his flesh, the state has made him bigger than life! Bigger than death! And in doing so it may have encouraged others to follow his lead.

There is something very American about violence. “Violence,” quoth the former Black militant H. Rap Brown, “is as American as apple pie.” Now Muslim Imam Jamil Abdullah, his words stirred Black passions and stoked white anger, but few would dispute the fact that extraordinary levels of retail social violence (e.g. murder) and wholesale official violence (e.g. the death penalty) dominate the American landscape and flavour its post-Columbian history. A wealth of statistical data suggests America is the unrivalled leader in murders, rapes and other crimes of violence against persons. Today, when millions strain against the boundaries of the Earth’s frontiers, Americans seem to redirect their energies inward, producing more than 20,000 murders annually, more in number and *per capita* than any other place on this fragile planet (U.S. Department of Justice, 1989: 49).1

The phenomenon of the ‘serial killer’ (with the notable exception of the British legend ‘Jack the Ripper’) seems peculiarly American and male. Until quite recently, the typical ‘serial killer’ was best described as an intelligent, white male apparently acting out fantasies of dominance against younger and physically weaker females, culminating in mutilating violence featuring the forbidden *frisson* of the psycho-sexual. 2 Ted Bundy, a former law school student described as ‘brilliant’ by those who knew him, fit this description perfectly.

Many countries with economic and political systems quite similar to the United States are moving away from the use of the death penalty. Nonetheless, America increasingly stands apart from these ‘civilized’ nations and alongside countries such as Iraq, South Africa, China, and the U.S.S.R. which have retained and aggressively employ capital punishment. Meanwhile, the use of the death sentence in the U.S. has had no measurable effect on national, or regional, murder rates (“Murder in the City”,
August 6, 1990: 3A). These elements of American violence — high murder rates, the ‘serial killer’ and the death sentence — converged in Gainesville in the invocation of Ted Bundy’s name. What does this mean?

Perhaps the violence is an expression of American myths about this country’s origins: a portrayal of the great, white, male civilizer, tamer and lawgiver who largely eradicated native peoples. Or is it a manifestation of the genetic material which forms the background of thousands of Americans whose ancestors were transported to Britain’s colonies to relieve overcrowding in English jails. America, the world’s policeman, was once perceived as world criminal. The English poet Samuel Johnson, commenting on this country during the revolutionary era, noted:

They [Americans] are a race of convicts, and ought to be thankful for anything we allow them, short of hanging (Johnson, May 27, 1775).

To be sure, much of Johnson’s antipathy can be traced to his loyalty to the British Crown and his anger at the upstarts who murmured rebellion, but there is a grain of truth in the claim that convicts exiled from England were sent to America for punishment. Indeed, what is now the sovereign state of Georgia was initially a British penal colony (Ehle, 1988: 255). However, if America’s contemporary social violence is ‘inbred’ how does one explain the differences between this country and Australia — a land settled by massive immigration of convict populations followed by the eradication of its aboriginal population (Hughes, 1986)? The violent past is similar but Australia shares few of America’s more violent characteristics. For example, Australia has neither the death penalty, a murder rate which approximates America’s, nor serial killers.

Is it race? Although race of victim and perpetrator are demonstrably predictive factors in determining whether or not a death sentence is returned, it has not been a significant factor in the incidence of ‘serial killings’. As previously noted, the overwhelming majority of ’serial killers’ are white. Genetics and race will not do. We must look further.
For a relatively short period of Bundy’s life, America’s ambivalent fascination with this man and his crime put his grinning visage in every major periodical and on every television tube. Who can remember the name of his trial judge, his appellate judge, his prosecutor, or even his victims? They pale beside the spectacle of Bundy, a celluloid spectre, a Mephistophelian memory, a symbol of silent infamy that survives the crypt. The state murder of Ted Bundy certainly ended his corporeal existence but hardly his spirit. In a perverse sense, Bundy lives. And thanks to his loud legion of detractors, the beer-swilling mob that cheered while he charred, and a flurry of Florida politicians scrambling for the coveted ‘Bubba’ vote, Bundy’s state execution made headlines and careers. During the 1990 gubernatorial election, the Republican incumbent featured a cardboard cutout of Bundy in thirty-second television spots to show how he was ‘tough on crime’ ("Murder in the City", August 6, 1990: 3A).4

Since Florida boasts the nation’s sixth highest murder rate, the street impact of the death penalty in general, and Bundy’s execution in particular, should best be termed dubious. In fact, despite official denials, there may lurk in America’s shadow a dark force, an almost palpable personality bent on emulating (or worse, outdoing!) Bundy. Is this yet unknown person being drawn like a gnat to a fatal, flickering flame: that odd American enterprise of instant celebrity, the addiction to be ‘somebody’, anybody but a nobody? In the monstrous entity of modernity that America has now become, many long to burst the bonds of their anonymity. If premeditated murder is the last act of social alienation, then ‘serial killing’ is its arch, elevated expression. To the anonymous, the alienated, the invisible, violence acts as a doorway to some measure of (albeit twisted) fulfillment, identity, visibility.

If this is the motive force, there is a sad irony in it. Whoever this poor soul is, in that creature called the public mind s/he will only be a ‘copycat killer’, Ted Bundy’s dark acolyte, a pale horrid reflection of Bundy’s greater genius, unless, of course, when s/he is found Florida’s quick-thinking politicians elect to burn her/him in ‘Big Bertha’s Livid Griddle’. Then, perhaps we will hear of
another who was too afraid to live in quiet desperation and decided to outdo Bundy: to earn a space in the electric sun, a moment on the evening news.
That’ll show ’em!
Won’t it?

ENDNOTES.


2. The author notes a recent case, also from Florida, which turns this generalization on its head. The accused is charged with robbing, murdering and mutilating males. Moreover, the accused is female.

3. See McCleskey v. Kemp, 481 U.S. 279, at 321 (Brennan, J., dissenting) (1987). Retired U.S. Supreme Court Justice Brennan’s dissent noted that the proffered Baldus study showed defendants charged with killing whites are 4.3 times more likely to be sentenced to die as defendants charged with killing Blacks; six of every 11 defendants convicted of killing a white would not have received a death sentence had their victims been Black.

4. Interestingly, the resurrection of Bundy merited the incumbent little, for he was trounced by his populist opponent who won handily despite ignoring the issue of capital punishment (See “Murder in the City” August 6, 1990: 3A).

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Society's Rejection of The Incarcerated

Felix X. Stringfellow

Those of us who have been incarcerated before know what it means to be rejected; however, never before has the intensity of this rejection reached the levels we are currently experiencing. This rejection takes many forms — stiffer sentencing laws, stricter parole requirements, less emphasis on rehabilitation, the list goes on and on. Though we all experience and interpret it in different ways, its effect is to increase recidivism which eventually leads to overcrowding.

Everyone seems to ignore the problems that we encounter behind these walls. It does not matter that someone is sexually assaulted, nor does it matter that all our living conditions are poor. It is as if society refuses to acknowledge our existence or at best to minimize it. There seems to be an unspoken rule which denies us our claim to exist as legitimate members of society, albeit restricted at this present time.

An example of this is clearly displayed in the educational system. A prisoner applies for financial aid in order that s/he may be able to enroll in correspondence courses. The typical answer will be that when one is incarcerated qualification for aid is justified because the prisoner has no income; however, you are disqualified because when one is incarcerated you do not have living expenses. Meanwhile, it is proclaimed through the media that every member of society is guaranteed the right to pursue an education.

To emphasize this point more clearly, consider the following. If you read the daily tabloid or watch the evening news, you are constantly exposed to stories about how this or that community does not want prisoners living or working in their immediate area, even though they may be 'the best inmates' confined in the state. Why does this attitude prevail? The most logical answer would be because of fear. What these people fear has yet to be defined. Of course, they fear that their security is threatened or that their businesses will be adversely affected as a result of the negative impact our presence will, debatably, have. When these fears become distorted, are they still valid? Should they be allowed to influence decisions about where we
work and live? I say no for reasons that should be apparent, but I shall nevertheless explain.

First of all is the fact — which society so readily seems to forget — that we are the same sons and daughters, mothers and fathers, friends and neighbours who lived within these same communities as free people before we wound up in prison through a series of faulty decisions. While we were free people society didn’t consider us to be dangerous or a detriment to local commerce. Where during the transition from being free to being incarcerated did this transformation into being barbaric take place? Does this analogy seem too extreme? If it does, then that is good because our situation is extreme.

Does the single fact of being incarcerated warrant this fear aka rejection? I had not thought so, but apparently my thinking does not reflect that of society, or rather the society of the media — which brings me to my second point. One should bring to light the culprit guilty of spreading this contamination.

Since its beginnings the newspaper has had the power to enhance or destroy the image of a person, group, or organisation by presenting and promoting either an objective or biased version of a set of facts. This power of persuasion was further heightened with the advent of television, which furnished the media with access to a wider audience; thus, supplying it with yet more power to influence society. For example, in the United States the press and television exploited the facts surrounding the crime committed by Willie Horton while on furlough. The long term effects of this incident have yet to be realized.2

The image of the incarcerated person has been so twisted and distorted by the media that when the word ‘convict’ or ‘inmate’ is mentioned people automatically exhibit fear, never once stopping to think about what it is they really fear. People have reached the stage where they rely solely on the media’s portrayal of the incarcerated individual. When we judge a class of people by the behaviour of one, or when we accept without question the opinions of others, we are engaging in stereotyping. This has proven to be faulty thinking at its worst, as the stereotyping of all blacks as lazy, shiftless and illiterate illustrates.
The media has conditioned people to believe that once a person becomes incarcerated, s/he undergoes a change which makes her/him become some type of degenerate and this just is not so. We are classified from one end of the security spectrum to the other, all the while being relegated to the station of subhuman. Whereas, if the truth be known, we are simply people who have exercised bad judgment (as all humans are prone to do) concerning what we have done in life, and now we are being held responsible for these decisions in the manner that society deems appropriate. As an added thought, it is ironic that society erected these institutions for those of us who break its norms, yet it fears what these institutions do to the people they confine.

Another aspect of this rejection is the effect it has on how we interact with each other. To define a group of people into a category is to place limits around them. We are hindered in almost every avenue we pursue because there is always the spectre of the media staring us in the face, saying this is what you are supposed to represent, this is what you will represent; stay within these boundaries. When we seek to venture outside these arbitrary boundaries, the fact that we are unwanted is rudely brought home to us by the media’s portrayal of society’s reactions. This has the effect of inhibiting all ideas and actions aimed to break down these arbitrary barriers. The end result is apathy: we lose all interest in conforming to society’s norms because society is saying to us that no matter what we do we will always be perceived as something less than human.

Surely a basic need of all humans is acceptance. An individual will only allow her/himself to be rejected for so long before s/he ceases all efforts to gain acceptance. This serves to build-up resentment and hostility towards society in general. Since society is an abstract concept rather than an actual entity which one can confront, these resentments have no conduits for release. Consequently, we have violence directed toward prisoners and often times toward those in the free world.

Perhaps most ironic of all is the fact that the thrust of this rejection — which encompasses prejudice and discrimination — is aimed at us only when we are incarcerated. Once we are
released, these acts of stupidity against us decrease at an astounding rate. It is as if society is saying in effect that we only reject and fear you while you are incarcerated; the moment after your release you are of no concern. What fundamental change takes place upon release? We have again become anonymous!

**CONCLUSION**

The law states that we are to pay our debt to society through incarceration, that we are entitled to make mistakes, and once the debt has been relieved we can resume a normal life-style. If all this is to be realized, then people must recognize that their fear and subsequent reactions, which are guided and reinforced by the media, are based on faulty information. They must also realize that generalizations cannot be made about people without those who are the objects of these generalizations suffering adverse effects. And finally, in order to give substance to the principles espoused here, people must destroy the stereotyped images they have of the incarcerated person. Granted such changes will not come over night, but unless we all come together for the purpose of revising this image, a valuable segment of society is forever...Doomed!

**ENDNOTES**

1. The response is typical for prisoners incarcerated by the Arkansas Department of Correction. Other jurisdictions may have other arrangements (See Taylor, 1989: 61).

2. Willie Horton was serving a natural life sentence in Massachusetts for murder. In exchange for information, he received furloughs to the community for a considerable period of time before he left the state and committed notorious crimes in the southern United States. The case was exploited in the 1988 presidential election by George Bush to accuse the Governor of Massachusetts, the Democratic Party’s presidential candidate, of being soft on crime. The governor’s response was to cancel the furlough system and categorically return prisoners serving life sentences in minimum security prisons to medium and maximum institutions. The canceled furloughs and forced transfers continue to cause considerable hardships for the vast majority of prisoners with life sentences who used furloughs and minimum security classifications without incidents [Ed. note.].

**REFERENCES**

It's a Form of Warfare: 
A Description of Pelican Bay State Prison

John H. Morris, III

The bus ride from Folsom State Prison to Pelican Bay State Prison is breathtakingly beautiful. You pass through Clear Lake with its raised boat houses, wander up Highway 101 through towering redwoods and alongside the Eel River until you reach Eureka and the Pacific Ocean. You stare, mesmerized, at crashing waves on glorious California beaches and at pretty women in shorts and miniskirts enjoying this warm May day. You cannot get enough of the sights, sounds, and smells; then you reach Smith River and the prison.

At first glance, there is nothing remarkable. It is just like all the other new California prisons (Ione, Corcoran, Tehachapi, etc.) built in the mid 1980s. That perception changes as you are escorted off your bus by two baton-wielding correctional officers, down a long enclosed hallway to your new home.

California’s newest prison, Pelican Bay, is also touted as its most secure and innovative, technologically speaking. It is home to the supposedly strongest ‘hole’ in the United States. The Security Housing Unit (or S.H.U.) is literally and figuratively a world unto itself.

There are two facilities, called C and O. Each facility is divided into ten units. The units are subdivided into six pods. These pods contain eight two-man cells. Not all the pods are double-celled, although they will be shortly as the S.H.U. fills. Each pod has a ‘yard’ with approximately 200 square feet of space, with twenty-foot walls. There is no exercise equipment. Nothing but you and a camera mounted behind thick steel mesh that covers the ‘open sky’ portion of the yard. Each prisoner is allowed an hour and a half of yard each day. There is one shower per tier. You are given ten minutes to shower and shave (without a mirror) and return to your cell.

The doors, run pneumatically, are opened and closed by a guard in
a centrally located booth in each unit. Since the guard controls the doors and all traffic s/he is called ‘control.’ This guard has a rifle, usually a 9mm semi-automatic assault type. All prisoners are strip searched and handcuffed before a door is opened to allow you to go to or from the yard, the law library, the doctor or dentist, and elsewhere. Each prisoner is escorted by two guards carrying their nightclubs at all times.

Visiting is via phone and behind a thick plexiglass partition only. There are no contact visits or conjugal visits (‘family visits’) for S.H.U. prisoners, as the rest of the state’s prisoners enjoy. Even the law library is caged. Working behind glass are the free-person-law-librarian and his/her guard. You knock on the window and your order is filled. Books cannot be checked out. The library, which is only a law library, is understaffed and the collection is not up to even the simplified standards for a S.H.U.

Personal clothing that belongs to the prisoner is limited to the basics: running shoes, t-shirts, socks, shorts and thermal underwear (all white). All other clothing is ‘state issue’ and consists of a mustard yellow jumpsuit which ties instead of zips or snaps (for metal control), white socks, t-shirts, shorts and so forth. Items such as deodorant, shampoo and soap are either what you brought from your sending institution or what you purchased here at the canteen. The toiletries are placed in bags or paper container after being removed from their original wrappings. Deodorant is taken out of its plastic housing. Things evaporate or dry up quickly, or go stale in the case of cookies or chips. Coffee, tea and Koolaid are sold, but no tobacco items. There is no smoking in S.H.U., no ‘dip’ or ‘chew’ either, no matches. Staff routinely smokes or ‘dips’ in front of you, but I haven’t been able to smoke since I arrived, nor will I.

You are forced to send any other personal property home. If you are unlucky enough to be alone, you can either donate your property or destroy it. You cannot have your property set aside for you when (hopefully) you reach a ‘mainline’ prison after your S.H.U. stay is up. There are no rules which allow this practice and it only applies to S.H.U. prisoners. So you send all your
personal belongings home; stuff it has taken you years to accumulate: your photos (you can only keep fifteen), books, tapes, headphones, levis, sweatshirts, pants, all the stuff which over the last ten years has made doing twenty-one to life bearable.

Mail comes every day except Sunday. It often takes nine days or more to reach you even from close by. It is either the Post Office's routing or the delay is here; you cannot find out which.

The former Governor of California, George Duekmejian, and the Director of the California Department of Corrections, James Rowland, both claimed that this new S.H.U. is only for California's worst prisoners, but you know that this is patently untrue. It is home to whomever a warden or program administrator wishes to send here. Although the majority of prisoners are here for either violent acts inside prison or for gang membership, gang association or both, there are many prisoners who are not here for these reasons. Some are drug users/dealers inside the prison, some are merely the unfortunate ones who have run afoul of some officer or staff member and were shipped up here.

The criteria for being housed here are specific, but not always followed. Like all prisons, there are prisoners who simply 'fall through the cracks' in the rules, and there are ones who get shipped 'just because.' Either way, the prisoners here are placed in S.H.U. for either a set term (e.g. fifteen months) or 'indeterminate.' Indeterminate is supposedly designed to control the gangs, gang associates, and anyone the Department of Corrections deems dangerous. It is to keep anyone named 'indeterminate' from ever going to a mainline prison until he breaks and 'debriefs.' Debriefing is a euphemism for 'snitching.' Until the prisoner debriefs and tells on himself and his comrades, he is here for 'life' or until he is deemed 'okay' by a judgment which is entirely arbitrary.

The whole set-up is designed to cause mental, physical and emotional stress. First off, the prison is located in a remote corner of the state near the Oregon border. Most of the
prisoners are from the southern section of California, like Los Angeles and San Diego. This means that visitors must travel more than a thousand miles to get to the prison. Most prisoners and their families are poor. Travel costs present a hardship for these families. That is why visitors are rare.

The isolation goes on even inside the prison. Contact with staff is kept to a minimum and what occurs is formal. You cannot see out from your cell as in other prisons. The ‘sky’ in the yard is your one source of ‘outside.’ Even your senses are kept dulled. Colours when used are muted, mostly just white, off-white and grey. Although the food is outstanding in taste and warmth, the menu is unaltered and soon becomes predictable. These things taken separately mean little or nothing, but when placed together they take on an altogether sinister form.

Television is an example. To those few who are lucky enough to own a personal television, the situation is bizarre. The speaker wires are cut to facilitate the use of earphones because headphones are prohibited. Even though the region surrounding the prison uses local cable television or satellite broadcast, this prison points its dish at (of all places) Denver, Colorado. Satellite dishes are not taxed according to where they are pointed; therefore, there is no fiscal advantage to the prison for tuning-in Denver. Denver is at least 1500 miles and a couple of time zones away. Even the guards cannot explain it. I suggest that the reason is to isolate us from local events. Again, by itself this is nothing, but along with the grey walls, the limited personal property and similar restrictions (e.g. you are given one book a week to read) the intent seems quite clear. Most people simply ‘zone out’ on Denver television or become exercise freaks, or both.

Even the cells are eerie. There are no mirrors. The only time you can see yourself is on the little knob in the shower. You shave on your knees looking at the 1 inch reflection. There is very little for you to control in your cell. The light switch is a silver bump and no one seems to knows how it works. You have, of course, the usual sink/toilet combination to play in. Since showers are every other day ‘bird baths’ are the order of
the day. There is a weird, overly cemented table/desk/seat arrangement which is uncomfortable at best, and a couple of cement bunks. The lower bunk has a couple of ‘lockers’ or shelves which are very poorly designed. They are so deep that anything pushed back is almost beyond salvage and requires a pole or whatever to drag, push or pull it out. Though the cells are more than eighty square feet, with or without a ‘cellie’ (cell mate) they quickly shrink when you are inside them for twenty-two hours a day.

It is a physical and psychological form of warfare being carried out against you. No one could honestly say it is by accident that all these things ‘just happened’ at once. This is done to break you, to punish you, to ruin you. After spending years in here, what comes out will not be quite ‘right.’ But, of course, the California Department of Corrections has that solved. When or if you are released from S.H.U. you are sent to Pelican Bay’s mainline. They have a semi-lockdown type of ‘step’ program there. If you screw up (an entirely arbitrary decision by some staff member who may have taken a disliking to you) you return to S.H.U.; if not, you are sent to another equally strict prison.

I lay there in my bunk thinking. Fairly soon, with all of California’s prison building, this state will surpass all of the country’s prison systems for sheer volume and will pass Russia’s also.\(^2\) This is the thought that passes through your head as you lie thinking in your Pelican Bay Security Housing Unit bunk; this and a few stray ones of beautiful redwoods, pretty women in shorts and miniskirts, and northern California beaches with big Pacific waves rolling in.
1. James McConnell writing in *Psychology Today* notes, "I believe the day has come when we can combine sensory deprivation with drugs, hypnosis and astute manipulation of reward and punishment to gain absolute control over an individual's behavior. It should then be possible to achieve a very rapid and highly effective type of positive brainwashing that would allow us to make dramatic changes in a person's behavior and personality" (McConnell, April 1970: 14).

2. The American Civil Liberties Union reports that the incarceration rate in the United States is the highest in the world. For "every 100,000 Americans 426 live behind bars. In South Africa, 333 of every 100,000 are in prison; in the Soviet Union, 268; Great Britain 97; Spain, 76; the Netherlands, 40. Perhaps even more shocking is the finding that Black males in the United States are imprisoned at a rate of four times that of Black males in South Africa: 3,109 per 100,000 compared to 729 per 100,000" (Ed. Note. Elvin, 1991: 1).

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Some Policies Can Not Wait

Zoltan Lugosi

The role of prisoner is not an easy one and there is no school that teaches people how to do time. Neither does the system of corrections provide adequate programs to help prisoners develop more positive attitudes and lifestyles in order for them to adapt to society. Therefore, it is left to prisoners to learn, and misconceptions and misinterpretations are maintained. These ill-informed beliefs include the widely misunderstood illness of HIV/AIDS. While there is a need to re-evaluate the concepts of rehabilitation, a more urgent need is the education of prisoners and prison staff regarding the facts, prevention and treatment of HIV/AIDS.

People fail to realize the scope of the crisis. AIDS kills, and it kills slowly and painfully. To date, there is no cure but there are means of prevention and there are treatments to improve and prolong life once a person has an HIV infection. Without education and the means of prevention, HIV infection will become an epidemic in prisons as it already is in some communities. Without education about treatment and access to proper medical care, AIDS will result in enormous suffering in prisons, much of it avoidable and unnecessary.

Although there are more ways to get this illusive virus, unprotected sexual intercourse and the sharing of unclean needles are the two most common. No matter what one’s moral point of view, no matter what laws are proclaimed, people will continue to have sex and shoot up. And Canadian prisons are merely a statistical microcosm of society.

HIV/AIDS is not confined to the IV drug user or gay communities. A recent University of Toronto study of newborns “revealed that the rate of the virus is three times higher than expected” (“test finds three times more HIV babies than expected,” Oct. 26, 1990: A1). The study suggests that the HIV virus is “spreading dangerously among women of child bearing age” (ibid.). As of September, 1990 “fifty-six
children in Canada" (ibid) have contracted HIV/AIDS. Furthermore, there are an estimated 4500 AIDS cases and 30,000 to 50,000 cases of HIV infection among Canadians. Without specific testing, the real figures will never be known.

Finally recognizing that HIV/AIDS will not simply go away and will remain a growing concern, Parliament commissioned the Parliamentary ad hoc Committee on AIDS in 1989 (PCA). In June of 1990, PCA made fifty recommendations on HIV/AIDS treatment, prevention, and education, including five very specific recommendations that targeted the captive populations of prisons. These recommendations include “that the Solicitor General begin as soon as possible to implement the recommendations of NAC-AIDS [National Action Committee - AIDS] ... for the prevention of HIV transmission in prisons” (PCA, 1990:52), and, in particular, to make available bleach and condoms to prisoners, to make a pilot study to assess the level of infection in federal prisons, to provide funding for community groups to mount AIDS education and awareness programs in prisons, and to undertake a study of the advantages of prison health care services being provided by outside agencies (Ibid.:52-54). The committee’s report noted U.S. prison statistics which “show that 18 to 28% of populations engage in unprotected sexual activity and 50% of inmates may be involved in drug use and that sharing of needles is common (ibid:47)

Federal Health and Welfare Minister Perrin Beatty and his department quickly responded to the various Parliamentary committee recommendations with a national AIDS strategy presented as a two-part plan: HIV and AIDS: Canada's Blueprint and Building an Effective Partnership: The Federal Government’s Commitment to Fighting AIDS. This plan calls for the development of policies, programs and activities for AIDS education, treatment and prevention. The strategy’s “Guiding Principles” claim that “everyone must be involved [and] no substantial achievement can be realized unless full cooperation exists between Canadians, governments at all levels as well as AIDS service organizations, persons living with AIDS, non-governmental organizations, professional associations, community groups, researchers, healthcare and social service
providers, the private sector and labour organizations" (Health and Welfare Canada, 1990:39). Nonetheless, the plan completely ignores the PCA recommendations concerning prisons, prisoners and prison staff. And this in spite of the fact that Mr. Beatty himself made a point of touring Canadian prisons in 1985 as Solicitor-General and is well aware of conditions.

Confronted by the Canadian AIDS Society about the omission of prisons as a special target area in his AIDS strategy, Beatty responded “that direct action to fight the spread of AIDS in prison requires the cooperation of the Solicitor-General, who apparently is not convinced there is a problem” (RLGL, 1990). Officials believe that because sex and drugs are proscribed in prison, the problems of HIV/AIDS do not exist.

Canadians are certainly not unfamiliar with Parliamentary Commissions. They are set up to address specific crises and normally seek the guidance and advice of the public and private sectors. As a result, many professional recommendations are made and, over the years, many reports containing worthwhile solutions and conclusions and results have been compiled. Several of these commissions addressed specific concerns within the Correctional System of Canada (CSC). For example, the recent Daubney Commission reported its findings and recommendations in an extensive paper, Taking Responsibility, regarding parole and other aspects of the justice system, including the myths and realities of prisons. Millions of tax dollars pay for these reports, papers continue to pile up, but the reports made by experts from various fields fall on deaf ears. Having studied the Schwackhammer Inquiry, the report of the Daubney Commission and the Pepino Inquiry and having experienced the conditions of various Canadian penitentiaries, I can assure you that the recommendations made concerning very real crisis situations have not been put into effect.

The primary mandate of the CSC is to protect society. That does not necessarily mean that public safety is ensured simply because offenders are locked away in prisons. Whether or not people believe it, prisoners are eventually released and prisoners
in institutions do have basic rights. To deny prisoners their rights, or to deny offenders the opportunity to lead positive and healthy lifestyles within prison or community settings, does nothing to protect society. The high rate of recidivism in Canada reflects this. And it is fact that, with the exception of the United States, Canada has the highest rate of incarceration in the western world. (Elvin, 1991). Because prisoners will be released at one time or another, they must be educated about HIV/AIDS and given the means to protect themselves from it or there is a very real threat of HIV/AIDS transmission into the community at large. To deny prisoners explicit education, the opportunity to protect themselves, and the specialized medical care they require are direct contradictions of the mandate of CSC, as defined in its “Mission Statement.” Based upon CSC’s response to HIV/AIDS, this federally released statement on the goals and objectives of prisons, is not worth the paper it is printed on.

However, governments are beginning to feel pressure from those who no longer want reports or “Mission Statements”. They want to see the necessary action to enact and realize needed policies. And no matter how much people claim that policy and legislation are Cabinet matters, it is and always will be public pressure that initiates action. Nevertheless, it seems that every issue, whether social, economic or whatever, gets bogged down in political and bureaucratic processes and people continue to suffer because of rhetoric and inaction.

But some things can not just wait. HIV/AIDS can not/will not wait for the politicians to make up their minds. People must act now.

Some Canadians, besides the prisoners, have recognized the urgent need to deal with the HIV/AIDS epidemic in prisons. A coalition of AIDS activists, ACT UP MONTREAL recently formed a Prisoners Rights Committee. Recognizing that Canada’s National AIDS Strategy included nothing for prisoners, they have unleashed their power through direct action. This has taken the form of a demonstration and an outreach program. On Prisons’ Justice Day in 1990, they demonstrated outside the Federal Health and Welfare Department’s offices in Montréal
and were granted an audience with Health and Welfare Canada representatives who explained that prisons are the responsibility of the Solicitor-General, not Health and Welfare. ACT UP MONTREAL remains determined to bring attention to the AIDS crisis in prisons through government enactment of policies that will address HIV/AIDS — education, prevention, and treatment.

PREVENTION

After hearing volumes of expert testimony, PCA stated: "There is thus undoubtedly a high incidence of high risk behavior [in Canadian prisons]" (PCA, 1990: 47). It is obvious that the distribution of condoms and bleach (to disinfect needles) will only make what is already happening safer. Corrections officials are adamant that this practice will only encourage sex and drugs, but that is another myth and a simple denial of what goes on in their institutions. As punishment has never been a deterrent for crime, neither is the threat of contracting HIV/AIDS a deterrent for drugs and sexual activity. And prison policy, mostly based on security measures, includes nothing to address the wide-spread panic, cell-block disturbances and the erosion of correctional budgets that are or will be, a result of the lack of HIV/AIDS education. By denying that there is an HIV/AIDS problem in Canadian prisons, prison administrators are only frustrating the efforts of community groups who express their concern and desire to be involved in prison programs.

TREATMENT

Prisoners with HIV/AIDS need alternatives to segregation. We have learned that this deadly infection is not as readily communicable as once believed, so there is no need to isolate prisoners with HIV/AIDS or treat them substantially different from the general prison population. There is, however, an urgent need for sensitivity to these prisoners' feelings and health requirements — they are facing certain death and need help to cope with grief and other emotional problems. They know that, without the specialized medical attention which they will not receive in a Canadian prison, they are facing terrible physical suffering. Strangely enough, there is more fear among prison
staff than prisoners. Dying of AIDS is painful enough. To have to endure death in isolation among people who are afraid of, and therefore hostile towards, persons with AIDS is a violation of basic human rights.

**EDUCATION**

While there is a need for films to educate prison workers, general populations of all prisons need explicit HIV/AIDS education presented by recognized community educators. Meanwhile, Narcotics Anonymous and substance abuse coordinators must be encouraged to include the facts on HIV/AIDS in their counseling. Because the real obstacle for prisoner involvement in HIV/AIDS programs is often homophobia, there is a need for proper presentation of these programs, if only to convince prisoners that the most exposed are those who use, or have used, needles. And because prisoners distrust prison authorities and are unlikely to discuss proscribed activities, peer groups and programs are the best approach. Prisoner ingenuity ought to spread knowledge, not AIDS.

American prison rights activist David Gilbert, with the help of community support groups and AIDS professionals, launched a prisoners' education project on HIV/AIDS at the Auburn Correctional Facility in New York. This eventually led to his involuntary transfer to the highest security institution in the state. But before Gilbert was shipped, he was able to draw some conclusions about his experiences with constant hassles and delays:

"thorough, consistent and ongoing peer education can make a big difference in the attitudes and practices of prisoners; there must be strong public pressure for such programs; there must be a powerful movement about AIDS to push the professionals to be true to their professed ideals and put the fight against AIDS above careerism. To be effective against AIDS, the movement must consciously oppose race, class, gender and sexual-orientation biases" (Gilbert, 1989:143-44).

There is enough known about HIV/AIDS to dispel the myths. We know how to prevent it and, if not yet how to cure it, to make it a manageable chronic illness. And there is no doubt that
we can teach others what we know. However, prison authorities and politicians refuse to recognize the crisis when confronted on their inaction. Their Commissions and recommendations and studies are only a continuation of their rhetoric. The studies have been done, the recommendations have been made, we need direct action now.

REFERENCES


Kevin and I met while incarcerated within the confines of Drumheller Penitentiary. We worked in the same shop and lived in the same unit so it was natural that we became friends. This friendship was not instrumental or shallow in substance, but rather one of closeness like brothers share. The biggest fear we had in common was that of dying inside.

After our release, Kevin called me at the half-way house to tell me that he was in the Calgary lock-up and would I come to see him. Without hesitation, I went.

I arrived at the police station and met his mother and sister. After introductions and a few moments of idle conversation, I left, promising to return later. It was then that Kevin and I spoke to each other in that silent, universal language that only those who have suffered greatly can speak. His look told of the terror to come, our common fear of dying inside, and the degradation he must suffer. His eyes pleaded with me not to leave, but I did. I live with that look to this day, almost ten years later.

I returned to visit Kevin that same day, only to discover he had been transferred back to the penitentiary at Drumheller. From further inquiries, I learned that the authorities either could not or did want to deal with him so he was transferred again to Edmonton Maximum Institution. I heard later that Kevin was placed in solitary confinement — for reasons unknown — and he ‘committed suicide’, all this
because of a parole violation on a couple of years sentence for a crime against property. He was not charged with an offence when his parole was suspended. He was incarcerated for a technical violation of his parole condition. What an ungodly form of justice he received.

Thoughts of Kevin and others who met the same form of justice give rise to reflections on Prison Justice Day, August 10: what it meant to me then and what it means now.

At first, August 10 was nothing more than a day of protest for me. It was a day to shut down the prison for twenty-four hours and stay in the cell and fast. Each of us who remained in his cell was not credited with three days remission, which meant already ‘overworked’ classification officers had even more paperwork to do. I could also vent pent-up anger and frustration on those who did not join the protest. For me Prison Justice Day was nothing more than that.

On August 10, 1988, I was at a minimum security prison camp just outside Stony Mountain Penitentiary in Manitoba. We planned our usual fast and work stoppage, and included a memorial service for the evening at the prison gravesite.

As we gathered for the half-mile walk, I looked in the direction of the gravesite. The adage, 'out of sight, out of mind' certainly applied. The gravesite was tucked away in a far corner of the prison property. Unless you knew it was there, you would not know about it.

As I began to walk, there was a gentle rain. I became engulfed with unfamiliar emotions as my capacity to feel returned, overtaking strong defense mechanisms ingrained over years of incarceration. I began to feel sorrow, the pain of prisoners lost, the loss of Kevin. Names, faces all came into focus as did the deprivation of simple basic aspects of life I no longer knew. Most important, for me, the true meaning of Prison Justice Day became clear. It did not matter what others did or did not do. This was my day to grieve the way I wanted to, remembering those who died naturally or unnaturally while inside. The tears came, the rain increased; in the words of a dear friend, "God knows our suffering, and is crying with us."
I was appalled upon reaching the gravesite. It was littered with small identification plaques (about eight by ten inches) placed on the grass. These plaques had numbers on them identifying the persons beneath. As in life, so in death, the prisoner is denied even the most basic dignity. These plaques signify always that a person who dies inside will remain nothing more than a number on a small plaque on the ground. I became angry. Prison Justice Day now had spiritual meaning.

I was released to Ottawa the following year. As August 10 approached, I was contacted by Jocelyn, the wife of a prisoner serving a twenty-five year minimum life sentence. Together we organised a memorial service on Parliament Hill. People from all over the country were invited. A group from Montréal, people from Kingston, and as far away as Saskatchewan were there. Some of the men and staff from the local John Howard Society half-way house were there, too. And there was the mother of a prisoner from British Columbia who had died while inside.

Alice, this prisoner’s mother, and I introduced ourselves. It was with great surprise, then total anguish when she said to me, “You were my son Kevin’s only friend.” As these words sunk in, it all came back to me; the lost look I saw in Kevin’s eyes, his unspoken fear, the indignities, the inhumanity, the deprivation, the hatred.

I conducted the service on that day amid bursts of tears and sobbing. Somehow I managed to get through it although I do not know how. Throughout the next two days, tears filled my eyes, the anguish was that deep. Even as I write these words, tears come, for I think of the hardships we all suffer on the inside, but equally important, the hardships and suffering we go through once released to the outside.

Alice and I talked after the service. We cried together and even managed a small bit of laughter. We both needed that service to lay Kevin to rest in our minds. But we laid to rest more than Kevin. Many of the ghosts have now disappeared. I left a lot of crap on Parliament Hill that day.

Shortly after August 10, 1989, I set down a goal for myself. A goal of continued freedom. Only by remaining in the community
can I become a stronger individual and in some small way give meaning to the deaths that occur inside. Without doing this, I would most certainly be sucked into the hungry jowls of the justice system, digested and passed through it into a shallow grave like so many others. I would end up in a gravesite on some prison property with a numbered plaque on my grave, viewing the walls of an archaic penal institution that symbolizes a system which literally thrives on pain.
Organizing Inside:
Prison Justice Day
(August 10th) A Non-Violent Response to Penal Repression

Robert Gaucher

In the summer of 1991, Prison Justice Day was observed for the sixteenth consecutive year in Canada. Originating in the cauldron of violence and repression that characterized Millhaven Penitentiary in the mid-1970s, National Prison Justice Day is the product of prisoners’ organized political action. It is a day of remembrance, a memorial day for those who have died in prison. It is also a day on which prisoners stand together in a show of solidarity and present their concerns and demands.

In this essay, I will provide a history of the Odyssey Group and their initiative, National Prison Justice Day. In doing so, I will also address the political struggles of prisoners and their significance. The political consciousness and struggles of Canadian prisoners has been either denied or ignored by Canadian criminologists and social scientists. The slow, grinding struggles characteristic of the process of advancing prisoners’ rights have also led some prisoners to devalue their political struggles as pointless or unproductive. However, in the tradition of the penal press, prisoners continue to reach outside the walls to educate and radicalize the public vis-à-vis the nature of criminal justice and penal oppression. Contemporary groups such as “Infinity Lifers” (1986-1991) at Collins Bay Penitentiary and “The Justice Group” (1987-1991) at Stony Mountain Penitentiary, represent this tradition. The success of the Odyssey Group’s Prison Justice Day initiative exemplifies the outside directed nature of prisoner politics and the ability of prisoners to effect change. It should give strength to prisoners and their outside supporters and encouragement
in their struggles for rights and against penal oppression. In addition, I will illustrate how the penal press provides an entry into the discourse and analysis of Canadian prisoners. A major lacuna in Canadian social science and historiography is the perspective and position of the criminalized underclass and carceral population. The penal press is the only comprehensive body of writing which allows us to access this "history from below." If those in control seriously started to take into account the discourse of prisoners, instead of being driven by entrepreneurial desire or the spirit of managerial manipulation and panic, prison life might be less a matter of survival, and we as a society might discover reasons to reduce our reliance on criminal justice and criminalization to address social conflict and inequality.

THE ODYSSEY GROUP 1976-82

To understand this prison group it is necessary first to examine the context of violent repression which gave it birth. The reform urge of the 1950s — with its emphasis on bringing prisoners' initiatives in line with the provision of vocational training and education — gave way to the new individual and individualizing treatment ideology of the 1960s. Though Canada's federal prisoners had initially supported the post war reforms, by the late 1950s they were rejecting them as superficial window dressing created for public consumption. The new treatment programs of the 1960s (e.g., group therapy) were actively opposed by both prisoners and custodial staff. Internal strife and competition over the control of institutions mounted: senior management, custodial staff and treatment staff; custodial staff and prisoners; and treatment staff and prisoners all squared off. Of major significance was the unionization of penitentiary staff within the Public Service Alliance of Canada in 1968, and the subsequent surge of power and control of frontline custodial officers. The events of the 1960s lay the ground for a decade (i.e., 1970s) of penal repression and prison disturbances unparalleled in Canadian history. The decade opened with one of the worst prison riots on record. The Kingston penitentiary riot (1971) set the stage for the Noir nightmare regime of the new
Millhaven prison, opened in its aftermath. It is no small, nor laudable achievement but Millhaven became legendary for the overt brutality of its regime in the first five years of operation. It is in this context that we must situate the creation of the Odyssey Group.

The Odyssey Group was formed in 1976, and was modelled upon one of the first prisoner groups in that institution, The Quarter Century Group, also created by long-term prisoners (Odyssey Newsletter, 1979 [1:6]: 23-25). A constitution was drawn up by the first executive committee, consisting of Howie Brown (chairperson), Leonard Olbey (vice-chairperson), and Chip Tracy (secretary-treasurer), and ratified by its membership on September 21, 1976. The group’s constitution was formally recognized by Millhaven’s administration on August 30, 1977 (Ibid.) The constitution presents a clear frame of reference as to the:

**PURPOSE AND CONCEPT OF ODYSSEY**

1. We shall aid in the preparation of proposals and presentations concerning all facets of prison programs and rehabilitation.

2. We shall [make] constructive suggestions on all types of reform, and establish a liaison with the Law Reform Commission of Canada.

3. We shall ask professional advice, by invitation, as an aid to the group. The group may consider and implement any program it deems beneficial to its development and well being.

4. Odyssey shall contact interested citizens, (professional, student, laymen etc., etc.) in the society to establish dialogue and programs of rehabilitative value (Ibid.).

Despite the rhetoric directed at the prison’s administration via the stated goals of its constitution, Odyssey was clearly a prisoners’ rights group. In light of the history of overt repression and violence at Millhaven and the political consciousness of Odyssey’s members, the group was opposed to violence and dedicated to using non-violent means to effect change. They wanted
...to bring to the attention of the public what we, the members of the Odyssey Group and other contributing authors believe to be gross injustices perpetrated by the Canadian Correctional Service, Canada's Justice System and all other services related to the corrections field....

The Odyssey Group is a group of long-time prisoners who feel that the justice system in Canada can be changed by non-violent means. It is our purpose to do all in our power to bring about those changes (Odyssey Newsletter, 1980 [1:9]: 1).

Their strategy was to prepare briefs and analytical statements on prison conditions and justice issues, and to publicize them through group meetings with outsiders and through widespread distribution of their newsletter.5

The group consisted of fifteen inside members; prisoners were accepted into the group by application and ballot (i.e., membership approval). This total matched the number of outside guests allowed to attend a meeting. The executive was elected bi-annually. After the leadership period of the initial executive (approximately two years), the executive committee constantly changed within a six-month to one-year period. In part, this was a strategy to protect members from harassment, and in part, the result of the transfer of members to other prisons. Odyssey met weekly from September 1976 to October 1982. It attracted a wide variety of guests and was in contact with numerous outside organizations, individuals and members of the mass media. Two groups' involvement and support stand out. The Ottawa Civil Liberties Association provided up to ten outside members and regularly attended meetings from February, 1978 until mid-1980. Ray Sunstrum and Liz Elliott were prominent in co-ordinating this support.6 Later, in 1980, sociology students from Queen's University under the co-ordination of Professor Laureen Snider provided strong support.

The groups' success in involving and influencing outside groups and individuals was considerable. For example, their brief on Special Handling Units (SHUs) and the use of segregation was used by The Church Council on Justice and Corrections in
their lobbying efforts to stop this practice. A feature article on Odyssey in *Centerfold* August/September 1979 issue states:

Talking in terms the Government can understand, The Odyssey Group acts within due processes of law. Briefs, hearings and management efficiency studies are prepared and circulated.... If the Odyssey Group’s work is measured in terms of response from officials, they could indeed be said to be effective. The chairman of the group, Howard Brown and the editor of *Odyssey Magazine*, George Watson have both been shipped out (“Millhaven Prisoners Write for Active Reform” [Aug./Sept., 1979]; see also *Tarpaper*, 1979:18-30).

Noted guests who became strong supporters of Odyssey initiatives included prison rights activist Claire Culhane, who visited the group for the first time on October 23, 1979 (*Odyssey Newsletter*, 1979:56).

**ODYSSEY NEWSLETTER**

The principal vehicle for their public education activities was their newsletter whose expressed purpose was “that the Millhaven Prisoners’ voice will be heard” (*Odyssey Newsletter*, 1978:2). Its aim was to “inform the prison population and the people in the society of our thoughts, goals and accomplishments” (*Odyssey Newsletter*, 1979:24):

> Public apathy can only be combatted through education. Hopefully this newsletter will serve that purpose (*Odyssey Newsletter*, 1980: 1).

The first issue of this bi-monthly was published in August 1978. Over the next four years thirteen additional issues were published. The first six were published on schedule, but typically, administrative censorship and obstruction subsequently lead to a more sporadic output and smaller publications. Through its newsletter we can trace the development of Odyssey and its extension outside the walls, as well as the group’s eventual demise. It reached its peak audience of 500 plus subscribers with the June/July 1979 issue which focused on two of the group’s primary concerns, Special Handling Unit’s
(SHUs)/administrative segregation and Prison Justice Day (Odyssey Newsletter, 1979, [1:6]:4)

The Odyssey Newsletter was initially edited by the groups’ original chairperson, Howie Brown and George Watson. Brown was transferred from Millhaven after the first issue and George Watson remained editor for the first year before he was transferred. Watson exemplifies the type of politicized prisoner whose writing appears in the Canadian penal press through the latter part of the 1970s and the 1980s. In all there were eight editors and fifty-five contributors, including men and women from other penitentiaries. Much of the writing and analysis in this publication is highly politicized, going beyond the liberal consensus version of prison critique and penal reform, locating the ‘prison problem’ within the exploitative and oppressive context of the dominant capitalist order. Major issues addressed included: SHUs; the concept of ‘dangerousness’ and administrative segregation; prison violence, suicide and death; the power and control of custodial staff and their union; involuntary transfers; mandatory supervision and parole; the double standard of ‘social justice’ in Canada; the absurdity of ‘rehabilitation’ in prison, especially maximum security prisons like Millhaven; and most prominently, prisoners’ rights.

A constant theme in the first eight issues is Prison Justice Day, an Odyssey Group initiative that has become a national tradition inside and outside Canada’s penitentiaries.

PRISON JUSTICE DAY - AUGUST 10TH

Prison Justice Day (PJD) originated in Millhaven penitentiary on August 10, 1975 when the prisoners of that institution commemorated the first anniversary of the death of Eddie Nalon, who had committed suicide while in solitary confinement in Millhaven’s SHU. This first observance took the form of a hunger strike and day of mourning. Another fast by six prisoners in Millhaven’s SHU also began that day and lasted for eighteen days (Rye, 1979:4-6). By the following summer (1976) it had become an established memorial day; a day in which “prisoners pay tribute to the prisoners who have died in this country’s prisons” (Odyssey Newsletter, 1979:8). It also came to
represent the demand for prisoners' rights, and was soon observed inside and outside Canada's penitentiaries. In the Odyssey Newsletter's (1978-79:16) farewell to Howie Brown, the initiation of PJD is largely attributed to him, although in a conversation with Rick Rye of Tarpaper, (Rye, 1979: 2-6), Brown credited Jack McNeil as co-founder. Brown's involvement stemmed in part from the fact that he was in the SHU at the time of Nalon's death. In 1978, after spending eight years in maximum security prisons in central Canada, much of it at Millhaven and in solitary confinement, Brown was transferred across the country to a maximum security prison in British Columbia. This and the numerous other involuntary transfers used by the Canadian Penitentiary Service to breakup Odyssey and prisoner solidarity at Millhaven inadvertently led to the expansion of this and other prisoner rights activities at that time.

Solidarity with the Millhaven prisoners' initiative was immediately forthcoming. The first formally defined PJD, August 10, 1976 generated support both inside and outside Canada's federal penitentiaries.

The prisoners of Millhaven from here on in will be known as the 100% ers' for that is what we gave on August 10th to the remembrance of our brothers... 100% support and respect. We congratulate our brothers and sisters in other prisons who supported our "one-day hunger fast" by their show of UNITY and compassion. Our support is growing and it can only continue to grow as long as we continue to struggle without faltering.... To the citizens who supported us and did so much to organize Prison Justice Day, our sincere and heartfelt thanks (The Millhaven Momentum, August, 1976:22).

Tightwire (May/June 1977: 28) reported 98% support for 1976 at Kingston Prison for Women, and the penal press throughout the country reported observances in their areas. While trying to play down the day, penal authorities provided testimony to the widespread support:

A spokesperson for the Canadian Penitentiary Service made it known that the hunger strike of those lodging in federal penitentiaries had no effect in the Maritimes and Western provinces, while prisoners in Quebec, Ontario and B.C.
Robert Gaucher

seemed to have followed the strike in 95% of cases (*Le Devoir*, August 11, 1976 quoted in Brisson, 1983:2).

In Quebec, the Prisoners’ Rights Committee of Montréal and the Human Rights League publicized the prisoners’ appeals and its members also observed a day of fasting. In B.C., a coalition of prisoners’ rights and feminist groups organized 24-hour vigils outside Okalla prison and British Columbia Penitentiary.

By August 10, 1977, inside support for PJD had spread to penitentiaries across the country, particularly in the large maximum security institutions. A spokesperson for the Canadian Penitentiary Service revealed that over 3000 members (1/3 of the federal prison population) had taken part (*Ibid.*), although the penal press reported greater support, including the maritime and prairie regions. However, not all federal prison populations yet supported the initiative, in part, because of the learned caution of survival, and in part, because of institutional penalties. Through the exhortations of prisoner activists and penal press writers this soon changed (e.g. see Smith, 1977:1). By 1979, virtually all federal maximum security prisons were solidly represented and the proportion of federal prisoners taking part continued to grow through 1981. This was paralleled by growing national recognition and support outside the prison walls. Claire Culhane’s Prisoners’ Rights Group of Vancouver, Marrianne Rox, the Prisoners’ Rights Group of Montréal and the Civil Liberties Association of Ottawa continued to provide publicity and organize major events in their areas, while smaller demonstrations of support sprang up in other cities. The Law Union organized Toronto’s first public demonstration of support in 1978, and laid the basis for the tradition in that city. Increasingly, outside support took the form of vigils and demonstrations outside prisons, including press conferences and the presentation of briefs outlining prisoners’ concerns and demands.

**THE MEANING OF PRISON JUSTICE DAY**

Together with Eddie Nalon, the Landers brothers came to symbolize the political nature and particular focus of PJD. In “A Comrade is Dead” (*Millhaven Momentum*, 1976: 8-9), Howie
Brown eulogized Bobby Landers as a leader of prisoners' struggles against oppression and for their rights. As a prisoner who had survived numerous attempts to 'break' him by using physical and psychological violence, Landers' death from a heart attack in Millhaven's SHU (resulting from a lack of medical attention) came to epitomize the focus of PJD. In reporting the inquest into Landers' death in *The Toronto Star*, N. Van Rijn states:

He entered Millhaven May 1, and on the morning of May 21, he was found on the floor of his cell, dead. He was in a segregation cell, designed to keep troublesome prisoners away from other inmates, because the prison director suspected him of pressing for prisoners' rights (Van Rijn, Sept. 28, 1976, quoted in *The Communicator* 1976:26-28).9

Van Rijn notes that in the previous year a coroner's inquest into the death of another prisoner had recommended the installation of an emergency call alarm system in the SHU. Such a system could have saved Bobby Landers' life. His death and subsequent PJD agitation forced CPS to install such a system.

Prison deaths continued unabated, and proper medical attention and diagnosis continued to be a focal point of prisoners' concerns. The January/February 1978 issue of *Tightwire* (46) printed a poem by a nineteen year old prisoner Isabella Fay Ogima, followed by the reprint of a newspaper report of her death. According to an editorial in the March/April, 1978 issue of *Tightwire*, Ogima died of acute hepatic failure and the editor charged that lack of proper medical diagnosis and treatment was the determining factor in her death. For prisoners, prison deaths symbolize their tenuous hold on life and their vulnerability to the vagaries of institutional control. Throughout its history, prison deaths have remained the central focus of this memorial day. The list of casualties continues to grow reflecting the poor quality of medical attention; the desperation of prisoners, especially in solitary confinement, who take their own lives; and the brutal repressive consequences of fulfilling custodial goals. In 1977, Glen Landers was shot to death trying to scale Millhaven's fences in an escape attempt, and ten years later, Sandy
Alexander Fitzpatrick was shot and killed by a tower guard at that institution. Peter Collins writes that:

Many men and women have died under what's known to be suspicious circumstances.... There have been many deaths, before and after Eddie Nalon's. More recent is the sad circumstances surrounding Alexander (Sandy) Fitzpatrick. Sandy was shot to death on October 14th, 1987 by a Correctional Officer at Millhaven Penitentiary.

Sandy was shot to death by a prison guard armed with an AR-15 assault rifle. A rifle that has a top firing rate of 650 rounds per minute. The Correctional Service of Canada equip these "high velocity" .223 caliber rifles with a "dum-dum" projectile, a form of ammunition that is designed to expand at a rapid rate upon entry. When this death dealing bullet entered Sandy's body, it tore his chest cavity to shreds, ensuring [sic] death.

It is more than a passing point of interest that this type of ammunition is outlawed by the U.N. for use in war. It is also illegal for hunting animals in Canada.

Every year on August 10th, we remember Eddie, and now Sandy, among the many men and women that have died while in (and at) the hands of the Correctional Services of Canada and for all the men and women that have died in or at the hands of other countries' prison services (The Partisan, July/August, 1988).

As Howie Brown writes on the occasion of PJD:

We do not intend to ever forget his [Eddie Nalon] dying, just like we do not intend to forget all of the other deaths that have taken place. That is what August 10th is all about. Remembering our friends, our comrades, our brothers and sisters who have died in prison...(Odyssey Newsletter, 1978:3).

The focus and demands of PJD have gone beyond memorials to those who have died and address the conditions that produce prison deaths, especially SHUs and solitary confinement. The Odyssey Newsletter (1979: 1) provides a list of demands that is indicative of this extension today:
PRISON JUSTICE DAY, AUGUST 10TH, 1979 FOR THE END TO SENSELESS DEATHS IN PRISONS. IN SUPPORT OF HUMAN RIGHTS FOR PRISONERS.

TO ATTAIN:

THE RIGHT TO MEANINGFUL WORK WITH FAIR WAGES,
THE RIGHT TO USEFUL EDUCATION AND TRAINING,
THE RIGHT TO PROPER MEDICAL ATTENTION,
THE RIGHT TO FREEDOM OF SPEECH AND RELIGION,
THE RIGHT TO FREE AND ADEQUATE LEGAL SERVICES,
THE RIGHT TO INDEPENDENT REVIEW OF ALL PRISON DECISION MAKING AND CONDITIONS,
THE RIGHT TO VOTE,¹⁰
THE RIGHT TO FORM A UNION,
THE RIGHT TO ADEQUATE WORK AND FIRE SAFETY STANDARDS,
THE RIGHT TO OPEN VISITS AND CORRESPONDENCE,
THE RIGHT TO NATURAL JUSTICE AND DUE PROCESS

These demands have not changed substantially over the years (e.g. see Cemetery Road, August, 1983). In his column "Imaginary or Real," Myles Sartor captures the underlying meaning of PJD for many prisoners:

When trying to find the meaning of Prisoner’s Justice Day we must seek beyond the symbol and find out what it represents. Prisoner’s Justice Day presents on one level an act of solidarity, on another level it represents a period of remembrance in which past injustices within prisons become the focus of attention for a single day. On a higher level the most important aspect of Prisoner’s Justice Day is that it symbolizes a way of life.

This means that within our caged existence we must continually be aware of the constant struggle for survival... (Sartor, 1983:3).

Above all, the original Odyssey Group initiative has transcended itself.
An idea had been born. An idea can't be put in solitary, tear gas doesn't faze it, a rubber truncheon swings right through an idea — missing everything. Besides, this particular idea had already broken out of prison and was running around the countryside knocking on doors, waking folks up. Lights were coming on all over the place. Wardens whispered worriedly, the prisoners were on to something. They refused all enticements, ignored all threats. They had seized their freedom simply by not participating in their imprisonment ("A Lesson in Freedom," 1986:2).

NATIONAL PRISON JUSTICE DAY

As with most long-term political struggles, support for PJD has at times faltered. However, continuing deaths and incidents of overt repression have served to re-energize both inside and outside support. For example, the post-hostage taking brutality at Archambault penitentiary in 1982, (see Gosselin, 1982; Amnesty International, 1983), the waves of Native prisoners' suicides at Saskatchewan Penitentiary, the shooting death of Sandy Fitzpatrick at Millhaven (1987), and the continuing high suicide rates at Kingston Prison for Women (P4W) have served to bolster prisoner support in those institutions and regions. When prisoner support has waned, the urgings of politicized prisoners such as Gayle Horii (see Horii, 1988) and outside prison activists, like Claire Culhane in Vancouver and Jean-Claude Bernheim in Montréal, have stiffened the resolve and carried the day. In her letter to the editor of The Partisan, Claire Culhane writes:

Out this way, we didn't rate media coverage but we did our thing. A Rock Against Prisons concert on the Saturday at a people's park in downtown Vancouver and on the Sunday, a Cavalcade... to nine prisons to parade our variety of placards, such as REMEMBER OUR DEAD... END SOLITARY CONFINEMENT NOW... NO MORE CAGES... and so on.

While some prisoners are writing to deplore the lack of support shown N.P.J.D. in their particular joint, what really matters is that IT HAS BEEN HAPPENING FOR THIRTEEN YEARS AND IT IS STILL HAPPENING — as it will continue to happen somewhere if not everywhere for the next thirteen times 13 years... and THAT's WHAT COUNTS (The Partisan, Nov/Dec., 1988).
And the support continues. For example, Eugene Turnbull in “The Editor’s Desk” (*The Partisan*, Sept/Oct. 1988:1) notes massive support in the Ontario region in 1988; 100% in Millhaven, Collins Bay and Joyceville, and 80% in P4W and Warkworth.

Outside support has also been maintained, with the Prisoners’ Rights Groups of Vancouver and Montréal leading the way. By 1981, the Prisoners’ Rights Office of Montréal had garnered the support of twenty popular, union and political groups in Quebec (Bisson, 1983:5). In 1983 they reported that they had extended PJD internationally, receiving support and publicity from the Paris radio station *Frequence Libre*.

Various demonstrations were to take place in France to mark August 10. In Paris on August 9, *Frequence Libre* broadcast an evening devoted to the commemoration day with the participation of Jean-Claude Bernheim of the PRO, the secretary for prison affairs of the International Human Rights Federation. Outside Lille prison the Committee For Action in Support of Prisoners’ Demands laid a wreath and observed a minute of silence in memory of all prisoners who had died in prison. (*Ibid.*:7)

At the tenth anniversary memorial in Vancouver (1986), the developing international attention was evident with messages of solidarity arriving from the U.S.A., Australia, Holland, England and Scotland (*Kent Times*, 1986:3).

**CONCLUSION**

In examining PJD as the most outstanding of the numerous accomplishments of the Odyssey Group, I am struck by the impossibility of what they achieved. Even CSC has finally capitulated. After years of harassment of those prisoners who took part in PJD, including the loss of privileges and ‘good’ time for the general prison participants, and segregation and kidnapping (*i.e.*, involuntary transfers) for the leadership, in 1988 the senior management committee of CSC decided to eliminate the practice of issuing ‘performance notices’, although those who refused to work were still docked a day’s pay (*Tightwire*, 1988:15). Some members of Odyssey are on the street and
doing well, some are still doing time. Prison violence and prisoners’ deaths continue. Last month (March, 1991), ten women in the segregation unit of Kingston Prison for Women engaged in a hunger strike in response to the suicides of six Native prisoners in the past eighteen months and the institution’s repression of the prison population’s grief and anger.

Aboriginal women inside the prison have endured not only the violence and oppression a patriarchal society forces on women, but also the genocidal campaigns of our white supremacist state in its attempts to conquer the Indigenous peoples of Turtle Island. The resistance of Feb. 6 (1991) was a response among the Native women and their sisters inside the walls to the death just days before of their sister and the racist and vile attempts of the prison crats to blame the death on Native women and on the Native services which elders provide (Through The Walls, “Press Release”, March 6, 1991).

Last week (March, 1991) two men at Saskatchewan Penitentiary were shot to death by guards during a hostage taking standoff. The C.B.C. national news coverage of this ‘event’ showed the ‘triumphant’ prison guards responsible for the deaths sharing high-fives in the prison yard in the immediate aftermath of the killings. Certainly George Jackson’s view of prison employees remains valid for Canada’s gulags as attested to by the shooting death of Sandy Fitzpatrick in 1989, and the recent killings at Saskatchewan penitentiary.

Anyone who can pass the civil service examination today can kill me tomorrow. Anyone who passed the civil service examination yesterday can kill me today with complete immunity (Jackson, 1971:6).

Although prison disturbances and violent reactions to overt and life threatening repression still occur, Odyssey provided a new model for politicized non-violent responses to the degradation and destruction of prison life. National Prison Justice Day epitomizes this new politicized way of thinking. By commemorating PJD, the struggles and sacrifices of those who came before are recognized. The Odyssey Group’s success in creating this national forum for public education on criminal justice and corrections issues also provides encouragement and
strength to those who engage in prison-focused struggles both inside and outside the walls. In an interview for *Kent Times* with Jack McCann and Bobby Paul on PJD, Steve Reid provides a sense of the meaning of those past struggles and their accomplishments.

KT: As a survivor of long years in solitary — as chronicled in *Prisoners of Isolation* — how do you look back on those times of heavy prison-prisoner confrontations?

JM: Guys don’t realize the fury, the anger, the bitterness. The pain that a lot of guys put out to achieve some change. I mean we were hurt. We were hurt.

KT: So August 10th symbolizes the cost of achieving change?

JM: Exactly. I remember the cost.

BP: The hole. There’s a good example right there. Now you can smoke. You get your meals. Look how many years were spent on bread and water. Not too long ago neither. That’s something that came about because of the guys who were sacrificed. The guys who died, the other guys who spent years in solitary being labelled ringleaders. The younger guys don’t realize it, they [the Canadian Penitentiary Service] or nobody didn’t just come along and say “hey, we better change this.” It was changed because it was brought to people’s attention with blood, literally with blood. Then they changed it (*Kent Times*, 1986:17).

The types of political activities in which the Odyssey Group, PJD, and prisoners’ public education have engaged remain major means of effecting such changes.

*Dedicated to the memory of Billy Asham who died in The Hole in Saskatchewan Penitentiary in 1971.*
ENDNOTES


2. See for example The Telescope (1955-59) or Transition (1955-59) for prisoners’ critiques of the faulty promises of the new post-war prison reform movement.

3. In the aftermath of The Kingston Penitentiary riot (1971), prisoners transferred to the newly opened Millhaven Penitentiary were forced to run a gauntlet upon entering the institution, and were then subjected to years of violent repression. See J.W. Swackhammer (1973); MacGuigan (1976); G. McNeil and S. Vance (1978).


5. For a clear statement of this, see R. Van Bree 1979: 7-9.


7. A penal press convention dating from this time is the creation of magazines that commence or recommence publication with an August issue commemorating Prison Justice Day. See for example Cemetery Road (1983); Kent Times (1986) 1:1; The Partisan (1988).


9. Also see R.K. Yellowbird, “Death!! Suicide or Public Execution” in Millhaven Momentum (1976:34-38), which extends this political connection in a discussion of a series of deaths at Saskatchewan Penitentiary.

10. A recent decision (January, 1991) of the Canadian Federal Court recognized prisoners’ right to vote in federal elections. This decision has been appealed by the Justice Department.

REFERENCES


Centerfold (August-September 1979) “Millhaven Prisoners Write for Active Reform.”


PENAL PRESS PUBLICATIONS:

Cemetery Road, Kent Institution, 1983: 2, (1982?, 1985?)
Kent Times, Kent Institution, British Columbia, 1986: 1:1
Off the Wall, Saskatchewan Penitentiary, 1977, August.
Robert Gaucher


Transition, British Columbia Penitentiary, 1951-63.

Through the Walls, “Press Release — March 6”, 1991
Master Status, Stigma, Termination and Beyond

Brian D. MacLean

There is a good deal of truth in the adage “once a con, always a con.” The validity of this observation lies not in its reference to the personality and behavioural traits of the ‘convict’. Prisoners and former prisoners are accustomed to being catapulted, with amazing adaptability, out of one social milieu into another which is culturally and politically different and which is characterized by a completely different set of social rules and practices. Rather, accuracy of the maxim refers to other social actors — that is society in general — who stubbornly respond to the ‘label’ or ‘jacket’ of ‘ex-convict’. It is how people interpret the fact that someone has been in prison that serves to reproduce and perpetuate the perception that the former prisoner will always be a ‘con’.

In the verbiage of social science, the term used to denote such a concept is ‘master status’. Once a master status has been established in the minds of the audience, every act in which that person engages is only understood within the confines of the traits associated with the master status. Sometimes, a master status can be positive in nature. For example, when a priest acts, it is often understood as having something, positive, humanitarian and beneficial associated with it. If a priest visits a prisoner, it is understood as being motivated by his desire to help people in a constructive way, that is, an association is made with the master status of priest. If someone with a dubious past visits a prisoner, then suspicions are aroused and the act of visiting is understood as being something dubious or negative, perhaps to smuggle in contraband. In this example, it may well be the priest who is smuggling contraband and the other individual who is acting upon humanitarian motivations; however, due to the dynamics of a master status and the way in which these specific behaviours are perceived, the conceptions of the audience are erroneous.

When a master status invokes negative connotations, the set of negative perceptions it inspires are called ‘stigma’. Every act in
which the stigmatized individual engages is interpreted within an 
establishing series of negative terms. For the former prisoner, the 
stigma of ‘ex-convict’ moves from suspicion and fear, to 
contempt and disgust, to hatred and finally to what I call 
‘termination’. By termination I mean the definitive attempt to 
destroy that individual with whatever means are available at the 
time. For some, termination means a return to prison, for others 
it means transfer to maximum security or to a SHU. For some it 
means being fired from a job, and for others it means the ultimate 
in termination — execution. The major difficulty with this 
process and the logic by which it unfolds is that the more a 
person attempts to resist it, the more their behaviour is seen as a 
confirmation of their master status. Thus, if one passively 
accepts this status, s/he is stigmatized; if one resists it, s/he is 
stigmatized. If one changes one’s behaviour in a positive way, it 
is seen as a ‘con’; if one changes one’s behaviour in a negative 
way, it serves as an affirmation that the master status is correct. 
Anyone experiencing the stigma of a prison sentence will be 
more than familiar with this ‘double jeopardy’ kind of paradox.

A little more than ten years ago I was released from prison 
for the last time on mandatory supervision after serving 5 1/2 
years for armed robbery. I say ‘last time’ not because I believe I 
shall not return. Rather, it is because after spending the majority 
of my adult life in prison, mostly maximum security, I had been 
released from prison on many occasions, but always to return 
with another sentence. When I began my last bit at Sask. Pen. in 
1976, I took advantage of a University program operating there, 
and while I had not achieved entry requirements, I was admitted 
as a ‘mature student’. By 1978, I had completed a little more 
than first year with straight “A’s” and was granted full parole to 
carry on my studies at the University of Saskatchewan (U of S). 
Within six weeks, I was back in prison, my parole revoked for a 
$4.95 attempted fraud associated with a false prescription. The 
choice was a simple one: give up the names of others involved or 
return to prison. Not to be destroyed by bad luck and stigma, I 
continued studies after being returned, and three years later was 
released on mandatory supervision. With three years of acade-
mic credits, immediately I pursued the completion of my degree.
When I graduated in 1981 with an overall average of 88.5% for 4 years of university credits, I was awarded the gold medal for the most distinguished graduate of the university. Such success prompted me to continue my studies, and I completed a masters degree in 1983. I became a commonwealth scholar and was awarded a doctoral fellowship to travel to England in 1983 to commence doctoral study at the London School of Economics (LSE). Here I successfully undertook a large-scale research project which received international attention, and I returned to U of S in 1986 with a faculty appointment at the rank of assistant professor. In 1988, I was offered a position at the same rank at the University of British Columbia (UBC).

During this past ten years, I have been rather busy and productive. I completed an Honours degree with high honours in sociology, a Masters degree with a specialty in criminology and a Doctorate in sociology with a specialization in criminology. I have published 5 books with another 2 currently in press and a third in preparation. I have published numerous articles in academic journals, textbooks and other media. I have been involved in the production of two films, undertaken many funded research projects, written several technical reports and delivered over 40 conference papers, and public lectures. In addition, I am the founding editor of a progressive justice journal, the production editor of this journal and the founding co-editor of a critical criminology international quarterly bulletin.

In a ten year period, such accomplishments would add up to impressive success for anyone, but for an 'ex-convict', this is almost unheard of. One might suspect that, if anyone has been successful in resisting the master status of 'ex-convict', it is me. Such a suspicion would be incorrect, however. UBC recently denied my reappointment, and after over $30,000 of legal bills to fight this decision in an internal appeal, I have been 'terminated'. The circumstances of this process will ring familiar to anyone having been through the 'justice system' and prison. I believe that my termination is the result of the process described above: the result of my master status. It seems that few people want an ex-con for a colleague. There are some truly progressive types in the academy. Many academics, however, maintain the
impression that they are leftists; but, when the opportunity arises to demonstrate their self-proclaimed critical consciousness, they behave not unlike the most reactionary prison guard.

While my termination was framed as supposedly not meeting superior teaching standards, the real reason was the stigma of my master status. Let me provide the reader with a few examples of the way in which this was confirmed by the appeal at the UBC 'Warden's Court.' 1.) A student testifies that he was advised against taking my classes by another professor because I was a 'fucking jailbird'. This evidence is ignored. 2.) I was nominated by my students two years in a row for the master teaching award, but this evidence was ruled inadmissible. 3.) Over 50 letters from criminologists around the world testified to my scholarly achievements and their import and impact on critical criminology internationally, but this evidence was ruled inadmissible. 4.) When evaluating my teaching, two colleagues attended my class in my absence to 'interrogate students' about me. They posed the following question: "Dr. MacLean is a big muscular guy who is always wearing a lot of black. Many people find him intimidating. Do you find Dr. MacLean intimidating?" Despite the fact that such a question denigrates the canons of social science and that no self-respecting social science researcher would pose such a leading question, the panel ruled it to be acceptable. 5.) A student in my graduate seminar in criminology works in a prison. To me, this student appears to be more concerned with getting a credential and making that big jump in the prison hierarchy than actually learning anything. This student approaches his/her supervisor in the prison about me. The latter refers to my prison record and tells the student that s/he has reason to fear for her/his life. After receiving a grade of 'B', which s/he deserved, instead of 'A', which s/he desired, the student complains to UBC that s/he fears for his/her life due to my 'violent' past. A subsequent external grade appeal strongly upheld my assigned grade; however, the impugning of my character was not rectified in my own appeal. There is much more I could reiterate, but space does not permit.

The above is sufficient to indicate that the stigma associated with the master status of ex-con is definitely at work. It would
seem to be the faculty, not the students who are afraid of me, and this is the result of the process of stigma, not the result of my behaviour which has remained professional throughout. Even after 10 years of hard work and accomplishment, suspicion turns to fear, which turns to contempt and disgust and finally to hatred and ‘termination’. The department was always treating me in a punitive way while continually raising unwarranted suspicions about my honesty and integrity. These responses are not to my behaviour but to my master status. There are many colleagues who, because of my master status, refuse to accept the fact that my scholarly successes have only come as a result of a high level of motivation coupled with an untiring diligence. For these supposedly professional academics, my successes are viewed not as positive ‘accomplishments’, but as the negative fruits of my ability to ‘con’. However unlikely it may be that someone could possibly con their way from a prison cell, to a gold medalist, to a commonwealth scholar, to a doctorate at the LSE, this is how my successes are understood. It is this perception that doubly motivates people in powerful positions to mobilize their resources to terminate me. If I am that successful at conning my way, I am seen as doubly dangerous and the need to terminate is of double importance. Thus by acting in a way which negates the attributes of the master status, even some professional academics interpret those acts in a way which supports the status. This ‘deviancy amplification process’ leads to an even greater commitment on their part to terminate.

I have purposely, although reluctantly, provided these personal details because I believe they demonstrate the more general process of master status leading to termination. The articles in this double edition of the *Journal of Prisoners on Prisons* provide us with more specific variants of this process and how they have impacted negatively upon the lives of the authors.

Robert Sullivan enjoyed the dubious distinction of not only having the master status of ‘ex-con’, but also the implications of being gay gave him a master status of ‘deviant homosexual’. His letters from death row are to be read not as the letters of a condemned man but as the painful attempts of a stigmatized person to resist the confines of a master status. Sully’s letters
are vivid. For anyone who has had to spend time in solitary confinement, the images constructed by these letters are realistic and depressing. We know in reading them that his attempts to obtain justice are futile, and while he is probably cognizant of this fact himself in writing these letters, his optimism continues. We follow him through the triumphs of becoming ‘a published author’ and of finally contacting his natural mother. The agony of defeat in having every appeal turned down, having his attempts at obtaining justice sabotaged and never really meeting his natural mother is also conveyed. As a plot develops, there is never any resolution, and while the reader may be left wondering “what happened,” Sully was terminated with these details remaining undone. His master status ensured that a different set of rules would be applied in his case, justified by the negative perceptions of him as a dangerous man, and he was terminated accordingly. His letters show us that while he met his termination with dignity, his resistance to the process contributed to its reinforcement.

János Szabó continues with a different slant on the death row experience. Rather than resisting the master status of ‘murderer’ which he readily accepts, he attempts to resist the stigma associated with it. He pleads with us to accept the fact that despite his sentence, he is still a person with humanitarian qualities, hopes, dreams, and a driving passion to do well while trying to rectify his previous wrong-doing. Despite these pleas, his master status will lead to termination.

Mumia Abu-Jamal is a truly remarkable individual. With the master status of ‘political revolutionary’, Abu-Jamal’s legal audience has neglected the fact that, as journalist, his weapon was a deadly ball-point pen, his ammunition eloquent words. Instead, they associate his political ideology with violent behavioural actions, and while Abu-Jamal’s writings and actions show the contrary, his master status has again ensured that a different set of rules are to be applied in his case. The rules of proper evidence and appeal of judicial decisions are relaxed in his case. These are justified by the fear inspired by his master status and the insatiable appetite for his termination. Yet, Abu-Jamal faces this stigma with the dignity of a progressive intellectual. He does not write of his situation while asking for a
helping audience. Rather, he inspires us to consider the negative logic of the process of master status leading to termination in the hope that we will recognize that the violent actor is a product of this process. Socially constructed by this process are the few Ted Bundy’s who, by statistical properties alone, are driven to achieve a negative master status. The humanitarian concerns of Abu-Jamal are not only painfully evident in his article, but they defy the unfair perceptions of him, a product of his master status.

John Morris continues with the social constructionist argument advanced by Abu-Jamal. Indeed, termination in this article means the removal from society and assignment to the maximum Pelican Bay State Prison. Here we are sensitized to the fact that prisons are not only a violent and volatile society, but they serve to violate the humanity of the individuals sent there. Anyone who has had the opportunity to spend time in such an institution knows intuitively that their own humanity is violated while their violent reaction to this development is encouraged. For those who have not spent time in these institutions, however, their limited understanding leads them to fear anyone who has served time in one. Stringfellow articulates this idea in his article. When he speaks of “society’s rejection of the incarcerated” he refers to the stigma associated with the master status of ‘ex-con’. Stringfellow not only points out that it is unfair for one to continue paying for their transgressions long after their sentence is up, but he also alludes to the fact that, once the master status of ex-con has successfully been applied, the audience interpreting this label follow a logic which leads them to demand to terminate or ‘reject’ persons so labelled.

If the reader has been sensitized this far to the ‘doom and gloom’ of the incarcerated and the pessimism in the analysis of a negative master status and the process of stigmatization, it is because it is pessimistic. Realistically speaking, prisoners and former prisoners have no hope of casting aside their ‘jacket’ and transcending their master status. My own case amply illustrates the futility of trying to overcome the negative depths to which society has relegated us. The more we resist, the more we encourage termination. The more we passively accept, the more we will be dumped upon. This pessimistic perception is further
enhanced by the recognition that it is not our own behaviour, but the behaviour of the audience that is in need of drastic change. It is the collective audience which needs to be rehabilitated.

There is a second message within the pages of this volume, however, one which is not so pessimistic. And this is the sub-theme of prison justice day. Robert Bryden provides us with an eloquent experiential account of the meaning of National Prison Justice Day in Canada. He reminds us that there are atrocities carried out in prison under the banner of justice to which we can respond by remembering the good in our fellow comrades.

Bob Gaucher provides us with a more historical account of the emergence of National Prison Justice Day as a product of the struggles of some dedicated prisoners to resist repressive forms of carceral power and its abuse in this country. He also reminds us that this form of resistance contributed to the construction of another master status for the individuals involved, 'rebel', which in turn contributed to their own termination — whether in the form of involuntary transfers or worse in some instances.

If there is an optimistic quality to this sub-theme, it lies in the recognition that Prison Justice Day is more than commemorating those who have died in prison, and more than resistance to penal oppression inside the walls. Prison Justice Day is also a symbolic consciousness-raising event which sensitizes all of us to the fact that penal oppression reaches far beyond the confines of the prison. It follows each and every one of us through the remainder of our lives, both in terms of memories which we cannot simply carve out of our consciousness in order to proceed with our lives, and in terms of the process of master status, stigma and termination — the once a con always a con syndrome. Prison Justice Day reminds us that we must not only resist the practices of penal regimes, but also the perceptions of prisoners and former prisoners inspired by the master status these practices construct. We probably cannot change such a pervasive process as stigma — it is too general a phenomenon. However, we can change the material circumstances in which the master status of ex-con gets constructed. Prison Justice Day functions to remind us that there will be no justice until every prison in this country is turned into a parking lot.
Impelled by continuous and frequent violations of religious freedom and other serious practices directed toward Native American prisoners, the National Indian Prisoner Support Network was founded at a meeting convened by the American Indian Movement in Minneapolis (August 1990).


The National Indian Prisoner Support Network’s first project is for affiliates to collect descriptions of situations encountered by prisoners, visitors and others and copies of any grievances filed in prisons. This material will be held locally with duplicates sent to the national project for further analysis.

Anyone with information useful to the project or who wishes to receive additional information should contact:

Carol Jones
Red Hawk Society
P.O. Box 2184
Indianapolis, IN 46206
Laura Whitehorn, Susan Rosenberg, Linda Evans, Marilyn Buck, Tim Blunk, and Alan Berkman are the six activists named in the Resistance Conspiracy Case. The indictment charges them with conspiring together and with unnamed others "to influence, change and protest policies and practices of the United States government concerning various international and domestic matters through the use of violent and illegal means."

The indictment alleges that the six were associated with a network of underground groups that claimed responsibility for a series of bombings of government and military buildings in 1983-85. The bombing of the U.S. Capitol following the invasion of Grenada is one of the acts specifically charged. According to statements issued by their support committee, each bombing was preceded by a warning call and no one was injured. If convicted, each of the six defendants could receive 40-45 years in prison.

Because the prosecution does not know who actually did the bombings, they want to convict the Resistance Conspiracy six by showing they shared a 'common purpose'. When 'common purpose' was used by the South African government against anti-apartheid activists, it was condemned by the world community, including the U.S. government. It should be condemned here as well.

For more information write to:

Amnesty International
International Secretariat
Emergency Committee to Defend the Human and Legal Rights of Political Prisoners
**POLITICAL PRISONER NEEDS URGENT MEDICAL ATTENTION**

Alan Berkman, one of six defendants in the Resistance Conspiracy Case (see previous notice) is struggling to get proper medical treatment which has been denied by his captors. Berkman, a doctor himself, is experiencing a return of Hodgkins Disease (a form of cancer) which he developed after his arrest. At the time he was being held in preventive detention at a facility unequipped to treat his condition. It was only after outside pressure and a court decision that he was transferred to a cancer treatment centre where he underwent abdominal surgery. After many problems and setbacks the cancer went into remission.

Since then Alan has fought to get proper medical follow-ups and testing. On March 19, 1990 he received tests which indicate that the cancer might be re-occurring. Despite this no efforts have been made for him to receive proper treatment.

Alan Berkman's support committee asks you to write a letter to the following addresses demanding that Alan be sent to either the Mayo Clinic in Rochester, MN. or the Lombardi Cancer Center in Georgetown, MD.

David Road, Administrator  
D.C. Central Detention Facility  
1901 D. St. SE  
Washington, D.C. 2000  

Federal Bureau of Prisons  
320 1st St. NW  
Washington, D.C. 20534
**WHAT IS U.S.P. MARION?**

Located in Southern Illinois, Marion Prison was opened in 1963 to replace Alcatraz. Marion is the highest maximum security prison in the country and the only U.S. prison ever to be condemned by Amnesty International for “violating the UN’s Standard Minimum Rules for the Treatment of Prisoners.” Despite this international condemnation, Marion has become an experimental laboratory and trendsetter for the entire Federal Bureau of Prisons (BPO).

Since 1983, Marion Prison has been in a state of permanent “lockdown.” A typical lockdown may last several days to a week. However, at Marion the lockdown has been made permanent, and the entire prison has been transformed into a ‘Control Unit’. The objective is to maintain absolute physical and psychological control over their prisoners. For example, prisoners are locked in their cells for 22 1/2 hours a day. All programs are virtually non-existent. Prisoners are forbidden to socialize with each other or to participate in group religious services. Those who ‘misbehave’ are tied spread-eagle and naked on their concrete slab beds.

Despite Bureau of Prisons’ claims to the contrary, the purpose of Marion is to control dissidents. Many are sent to Marion because they have written ‘too many’ law suits, participated in work stoppages, or pursued their religious beliefs.

Marion is an outrage. People must assure that the government cannot maintain this brutal institution which dehumanizes those it incarcerates.

For further information about Marion and the inhumane Marion lockdown contact:

**Committee to End the Marion Lockdown**
343 South Dearborn, Rm 1607
Chicago, Ill. 60604
(312) 663-5046
**Support These On-going Prison Struggles**

The *Journal of Prisoners on Prisons* receives announcements about many prisoners struggles. Space does not allow us to describe them all. We encourage you to write to the organising committees for more information.

### Justice Group

Contact: Stony Mountain Penitentiary  
P.O. Box 4500  
Winnipeg, Manitoba  
R3C 3W8.

### Leonard Peltier Defense Committee

Contact: P.O. Box 583  
Lawrence, Kansas  
66044, U.S.A.  

or  
43 Chandler Drive  
Scarborough, Ontario  
M1G 1Z1

### Mark Curtis Defence Committee

Contact: P.O. Box 1048  
Des Moines, Iowa  
50311, U.S.A.

### Matsqui Prisoners' Justice Initiative

Contact: Erle MacCauley  
Matsqui Federal Prison  
Abbotsford, B.C.  
V2S 4P3
### Native American Prisoners Rehabilitation Research Project.

**Contact:** The Iron House  
1242 First Avenue  
Cincinnati, Ohio  
45205, U.S.A.

### Sauve — Comeau Defence Committee.

**Contact:** Carol Crosby  
33 Hexham Drive  
Scarborough, Ontario  
M1R 1J5

### Save Mumia Abu-Jamal: Death Row Political Prisoner.

**Contact:** Partisan Defence Committee  
P.O. Box 99  
Canal Street Station  
New York, NY  
10013, U.S.A.
The next issue of the *Journal of Prisoners on Prisons* (Volume 4:1) will be a special issue on prison education. The volume should make an important contribution to the field since to our knowledge a collection of students' writing on prison education does not exist.

Be sure that your subscription is up-to-date.

**ADOPT JPP FOR YOUR CLASSES**

The *Journal of Prisoners on Prisons* makes an excellent pedagogical tool for those teaching criminology from a critical perspective. Students who have used *JPP* have reacted favourably. Their chief commendation is that they appreciate the opportunity to read non-esoteric, non-academic literature which not only gets to the heart of the issues, but does so realistically in the voices of those who must live the reality of penal oppression. *JPP* is moderately priced to fit the student budget, and can form the basis for excellent classroom discussion. Some instructors have students review the journal as a written coursework assignment. If you have not already done so, consider the *Journal of Prisoners on Prisons* for your courses. Simply have your university bookstore order from:

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