When I think back about the booze and dope, maybe in a strange way prison saved me. It preserved my body by putting me on the shelf for ten years or so. Many of my friends from the old days are now pushing up daisies or are “out to lunch” from the booze and dope. It could have been me.

Donald Marshall

Donald Marshall’s soft-spoken and easy-going demeanor, combined with his boyish sense of humour and an uncomplicated view of the world, make one instantly at ease talking with him. Not often does he complain or criticize. He is from the old school. He calls it the way he sees it and without hesitation. He has slugged it out a time or two along the way. Sometimes he won, sometimes not. He rarely looks back into his past except when asked, which is far more frequent than he prefers. He generally accepts his “celebra-con” status, at times jokes about it, yet has a disdain for the media who created it.

“The media will eat you up and leave nothing. They can be brutal. They can turn you around so fast they will give you a hernia,” states Marshall.

He is very committed to his family, his Native Micmac community, and friends. He warmly and frequently discusses his recently deceased father, former Micmac Grand Chief Donald Marshall Sr., as well as his work with native young offenders. Donald likes to laugh and enjoy life. His passion is fishing which he does regularly on the lake at the end of his road. Donald considers himself a “people-person.”

“My place is busier than the local welfare office!” jokes Marshall.

He is the kind of guy who would give you “the shirt off his back,” but on the other hand you would not want to be the target of his wrath. There is no doubt he handles problems head-on and with no mystery. He is no stranger to trouble, a fighter, and that is how he endured eleven years in prison for a murder he did not commit.
On May 22, 1971, a friend of Donald's, 17 year old Alexander (Sandy) Seale was stabbed to death in Sydney, Nova Scotia's Wentworth Park. Within a week, Donald Marshall Jr. was charged with first-degree murder and held pending trial. Six months later, Donald was quickly convicted and sentenced to life imprisonment based on the questionable testimony of three teenage witnesses. On June 20, 1972, at 17 years of age Donald Marshall, federal prisoner number 1997, entered Dorchester maximum security Penitentiary, one of Canada's five toughest prisons.

In recent years his name has been associated with “The Three M’s” of Wrongful Conviction": Marshall, Morin, and Milgaard. They were all falsely charged, convicted, and incarcerated for murder and are symbols of failure of the Canadian criminal justice system. They were all falsely convicted, yet they coped with their individual circumstances very differently.

Guy Paul Morin spent over a decade in courtrooms, battling first-degree murder charges surrounding the death of his neighbour Christine Jessop. After three trials, he was ultimately incarcerated in the gothic Kingston Penitentiary, which houses the most despised of Canada's federal prisoners. Sex offenders like Clifford Olsen and Paul Bernardo, as well as prisoners needing protective custody, have occupied this facility. Prisoners in other institutions refer to it as “The House of Shame.”

The “Guy Paul Morin Inquiry” has put police and prosecution methods, tactics, and ethics under fire to the point of possible criminal prosecution. We have come to know through the media that the soft-spoken and articulate Guy Paul is a person of strong principles, faith and character. He has often stated, “I knew it was going to work out; it was just a matter of time.” While incarcerated he busied himself with tailoring, tutoring, reading and his music. This past fall, Guy Paul received 1.5 million dollars as compensation for his wrongful conviction.

In 1997, David Milgaard captured headlines when he was fully exonerated by DNA evidence for the 1969 rape-murder of Saskatchewan nurse Gail Miller. Larry Fisher, who has served 23 years for a string of knife-point rapes, has now been charged with the murder. David spent 22 years in various federal institutions across Canada. In the harsh and
insane prison environment there often is victimization. David was totally out of place in prison and this left him vulnerable. He was stabbed twice, had his leg broken, and was bludgeoned with a pipe during his incarceration. It has taken a heavy toll on David both physically and mentally, resulting in considerable enduring pain and anguish.

“I did ‘time’ with David in Dorchester Pen. He’s been through a lot and is taking some pretty big steps. I hope he keeps it together and doesn’t lose it. It’s got to be hard, hard, hard after all those years,” comments Marshall.

Guy Paul Morin, through his simple, yet deep faith, found his way through his strife and it looks as if he is well on his way to a relatively normal life. David Milgaard has many mental and physical scars to heal. He chose to face prison straight on and it overwhelmed him, but he survived and has another chance. Donald Marshall fought his way through prison using his wits and often his fists. He refused to be beaten and within the Maritime prison population, in the jargon, is a “respected con.” Release meant freedom, but also many more court challenges for Donald, as well as the need to deal with some personal turmoil.

“It was wild getting out after many years. ‘Inside’ you get a routine going and once outside it’s hard to undo. I’ve been out sixteen years now, and it’s only been in the past six or seven I’ve gotten my life together. For years it was booze and dope every day.”

Things were also hard for Donald growing up on the Membertou Reserve outside of Sydney, Nova Scotia. He was raised in a close, but very poor, family of thirteen children and became a hard-drinker at a young age. “When I was young we didn’t have much, but I didn’t want anything too special. All I needed to be happy was to hang out with my friends, a couple bottles of wine, some smokes, and my long, greasy-hair.”

Donald is a proud native Micmac and scorns the prejudice he has experienced most of his life. “If I wasn’t a Micmac probably they wouldn’t have even charged me with the murder. The courts didn’t want to give me a chance, and the cop who set me up hates Indians,” Marshall recalls passionately. “Racism has improved considerably over the past ten years, but there still is extreme prejudice in our criminal justice system
for natives, blacks and the poor. Courts aren’t supposed to rule because of the colour of someone’s skin. They assume you are guilty always before the courts if you’re not white. Ten years ago you didn’t have a chance at all. At least we can face the courts now.”

The positive side to dealing with prejudice and the harsh streets as a youth is that it gave Donald the street sense to deal with the insane prison environment. Faced with life imprisonment he knew he had to endure and make things work for himself the best he could. It could not have been easy for a teenage youth.

“It’s crazy in there. You see the hunger strikes, then the riots, then some stabbings. Eventually your life becomes a blur and much of what you used to think was crazy about prison you don’t notice anymore. It’s a whole different world. You relive your life. You go in young, stupid, naive, and come of age. Learn the rules and how things work. You get your routine and live your life. You’ve got to be strong and not allow anyone to push you around, but normally your just doing your time. Maybe then, if you’re lucky, you get out. It’s never the same for you, though. You never completely unchange.”

After a couple of years Donald knew he had to get out of the brutal maximum security Dorchester “Pen,” and work his way down to lower security level institutions. This would be necessary if he was ever to see an eventual release to a halfway house, or ultimately parole into the community. The difficulty was that he had to take full accountability for his crime and show remorse in order to be considered for a lower security facility. This would mean admitting guilt for a crime he did not commit: an action that could prove to be detrimental if his case were to be re-opened.

Donald gambled and told correctional staff what they wanted to hear. Soon afterwards he was transferred to Springhill medium security, yet it was not all he planned. Many fights ensued and when the opportunity arose he escaped on a pass in October 1979. Two days later he was caught and returned to Dorchester. Now there was little chance of a release for a long, long time.
“What kept me going was my family. They’d scrape up whatever money they could and come up and see me two or three times a month. They couldn’t stay in hotels, so they’d camp in their van. It made me strong knowing they were doing my time with me. I wasn’t alone,” reflects Marshall.

During a visit in August of 1981 with his girlfriend Shelly Saranson and her brother Mitchell, Donald was asked if he knew Roy Ebsary. He did not recall the name, but apparently the elderly, former psychiatric patient had been boasting he was the actual killer in Marshall’s case. This discussion set the stage for “Junior’s” eventual release and the truth becoming known, but it was not simple. Nothing happened quickly or easily. He was released on parole, on March 29, 1982, retried then acquitted in May of 1983. Then came the battle for compensation which ultimately paid Donald $270,000.00, plus a monthly stipend in September of 1984.

Further court appearances involved the trial and conviction of Roy Ebsary for “Sandy” Seale’s murder in 1985. Next was a Royal Commission, presided over by Newfoundland Supreme Court Judge Alexander Hickman, and mandated, “to make recommendations that will ensure that the unfortunate events surrounding Mr. Marshall will not be repeated.” Finally, years of lengthy civil cases ensued in which Donald sought damages from the investigating police. He dropped all his suits, in the early nineties, in sheer frustration and exhaustion.

“I’d spent over twenty years in court and prison. After nine years in civil court and preparation to call over 130 witnesses, and the RCMP say I have no evidence, no case. Then my lawyer gets appointed to be a judge and I have to start all over with new counsel. Most of my witnesses were to discuss the wrongdoing of the police. They didn’t want to give me a chance,” recalls Marshall. “I knew at that point it was time to go on with life. Enough was enough. At least with Guy Paul Morin’s and David Milgaard’s cases, the police are admitting their wrong-doings. Still today, the Sydney Police maintain they did nothing inappropriate. Partially, they don’t like me personally; as well, they just don’t like natives, period.

“Occasionally I said to myself, jail was better for me than this crazy world. Life can be such a bitch out here at times. People on the street
kick your dog, then steal your car, then mock you because they can hide behind the law for protection. Often the law itself is questionable, not to mention lawyers. There just is so little respect. Prison can be harsh and I certainly don’t recommend it to anyone, but in many circumstances there is more fairness to prison justice. Cons, for the most part, treat each other fairly and protect and defend their values. Out here, often it’s just nuts.

“I gave up on all my civil suits, but the Supreme Court of Canada recently accepted my appeal in a case questioning the fishing rights of Native Canadians. This is a native issue more so than a Donald Marshall issue. Somebody has to support the poor lawyers,” adds Marshall with a chuckle.

After so many years in courtrooms and prison, one might suspect Marshall would want nothing to do with criminal issues. “If I was a preacher I’d read the bible. If you’re an architect, you like to read blueprints. I’m an ex-con and I like to read, study, and be involved with prisons and prisoners.” Concerns and interest with the justice system, as well as deep and strong native pride, has encouraged him to reach out to native young offenders. During the past three summers he has organized a summer camp. Donald is very dedicated to this project and the non-profit foundation is named after his father.

“We take native kids out of the two Nova Scotia young offenders institutions,” Mr. Marshall describes proudly. “Kids aged 10-17, who have all had problems with the law. Most are pretty good kids but come from broken homes and have trouble with dope and booze. We teach them to get along with each other and to feel some pride for themselves, to hold their heads high. The National Film Board made a movie about it last year that is being played on reserves throughout the country for crime prevention.

“The downside is money. We could have more kids involved if we had more funding. I’m going to the federal government for support this year. Another big disappointment are the parents. I invite the parents to come on the last day when we give out awards to the kids. We have trophies and plaques and some cash prizes to recognize positive participation. Many of the parents promise they’ll come and then don’t show up on this special day. How can they expect their kids to have
personal pride, if they’ve never seen their own parents proud of them? It makes me furious. Next year I’m not asking the parents, I’m telling them to be there!

“Kids live in such a different world today. Nikes and Adidas, television and video-games, yet for many, no parents. So many wants and pressures, but no direction. Many don’t have any life skills and discipline because they’ve never seen any at home. I try to tell judges to give the kids a break or two. If they’ve never had much of a life since day one, how can we expect them to get along outside of the home? If they get in trouble, send them to my camp or a Native Healing Circle. If they keep getting into mischief, then there’s not much anyone can do. Maybe then they have to go down ‘the hard-road.’ Let’s at least try other options first.”

After most of Donald’s late teens and twenties were lost in prison, his thirties in courtrooms and a haze of drugs and alcohol, one would expect some regrets. Also, with the notable financial settlement received by Guy Paul Morin, and a large compensation package being mentioned for David Milgaard, one would not be surprised if Donald Marshall would be somewhat bitter after his smaller financial contract with Nova Scotia.

When asked, he replied with a chuckle, “I’m out, I’m free, and I’m happy. I’m a fighter and I won. You can’t be mad forever. I’m happy the boys are getting some money because they deserve it. Money for me is nothing. I’m not a money guy. Now I give it to Native charities, instead of bartenders!”
As the prison comes into view I tell myself it’s good to be seeing prisoners again. I haven’t done any visitation for a while. It’s too hard to get parking near town, so I walk the two-mile round trip. Besides, cars parked near prison are liable to be broken into. My ailing 69 Ford Escort has nothing worth stealing, but that won’t stop someone trying.

The old Victorian-era building is close to the inner city, a big catchment area for prisoners. Today I go by the waterway running parallel to the prison. For a while I simply watch as ducks and swans move easily on the calm, steel-blue water of the Royal Canal. It’s a chance to gather my thoughts before going inside. From here the prison seems bedded in foliage. A solitary grey hulk stranded amid a golden brown layer of reeds and rushes. I slowly make my way across the narrow lock footbridge spanning the canal and go in.

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I’m sitting in a small waiting room that feels like an icebox. The heating system is broken again. Because it’s the St. Patrick’s Day holiday weekend the room is packed with visitors. I close my eyes and listen to hushed voices amid stamping feet. The cold seeps into my feet from the bare concrete floor. I served six months here in 1973. Ten years on, it’s more noisy and very overcrowded. The room is littered with candy wrappers and cigarette ends. The stale odour of beer hangs in the air. I sigh with relief when a guard opens that thick steel door and leads me to the Control Room to be routinely signed in. I empty the contents of my pockets into a metal box in case my bunch of keys sets off alarms.

“Hey, what’s this?” I ask, as I get frisked.

“Sorry, Patsy,” the guard says. “New orders from upstairs.” He does a half-hearted body search, all the while apologizing for the intrusion.

I should not be surprised. The newspapers have been screaming again about the amount of heroin and other hard drugs getting in here. Several prisoners have died recently from overdoses. Prison staff argue that it’s either allow drugs in or face an explosion of violence by prisoners. Heroin helps to keep a lid on things. Guards know it’s coming in, but
usually choose to ignore it. This new crackdown, like past efforts, will surely fizzle out in a week.

I say hello to three counsellors, also visiting prisoners. The prison chaplain, a young Catholic priest, enters the Control Room and smiles at them. He nods curtly to me. We don’t see eye to eye on some things. I figure prisoners have enough problems with low self-esteem without being fed his unremitting theology of sin and guilt.

“We have five prisoners seeking some spiritual counselling tonight.” He says this in the tone of a bishop instructing new curates. After all these years I still can’t get used to being called a spiritual counsellor. I never set out to be one, but seem to have drifted into that role. I started coming back shortly after my own release to visit friends here. I seldom talk about God or religion, mainly because few raise the subject. All I know about God is that I don’t know. Prisoners are generally more concerned with family and personal problems, and getting out of this place.

“There’s one newcomer in the isolation wing of the Women’s Section, a young lady named Frances Brannigan.” Father Burke sighs. “I should add she’s HIV positive and hasn’t, ah, adjusted to life here.” He shrugs. “Any of you care to talk to her?” He looks us over, stroking his chin. “I won’t mind if you don’t want to do it. Frankly, this worries me. A year ago we had no prisoners with this virus. Now ...” He lets the words hang.

“Sorry, Father.” One man shakes his head. “I need to see a couple of fellas from last week.” The chaplain glances at me. He really doesn’t want me here. The other counsellors are Roman Catholic. Most prisoners are too, in name if not in practice.

“How about you, friend?” The chaplain smiles thinly. “Will you go talk to her?”

“Sure, I’ll be happy to see her.” I smile back.

“You’re from Portside, I gather?”

“Correct, Father,” I say, wondering why he asks. “I’m Portside born and bred.”

“So is the Brannigan woman. I hear Portsiders can be a clannish lot.” He holds up a hand. “No offence meant. Just something I heard.”
“Don't believe all you hear, Father. They also say God made the world in seven days.”
“Faith leads us to believe in all sorts of things,” he says smugly.

Suddenly I feel like slapping his face. Not a very friendly sentiment, but he has a way of getting under my skin. He knows it too. Maybe he’s got something against Quakers. Or that he just doesn’t like women. I take a deep breath, telling myself he’s fairly new to this job and needs time. I run the name Frances Brannigan through my memory. It doesn’t ring a bell.

“I’ll go and see the woman now, if it’s okay.” I want out of this room. “Follow Mister Duggan.” Burke nods to a warder.

Duggan leads me down the corridor to the Visiting Area. He’s wearing rubber gloves. Something I haven’t seen before.

“Why the gloves?” I ask. “Is it prison hygiene day?” He’s one of the few male warders I can joke with. “A new dress code in operation?”
“Governor’s orders, Patsy.” Duggan grins. “This new AIDS shit has everyone worried here.”
“It does?”
“Yeah.” He shrugs. “We’re due to get some danger money. Some of these addicts are mad fuckers, Patsy. Here, take this.” He hands me a red Bic lighter.
“What’s this for?”
“We’ve restricted her smoking privileges.” He shrugs. “She set fire to her mattress a couple of nights ago. She’s only allowed to smoke with someone present.” He smiles. “Could be she’s seeing you because she gets to smoke freely during visits.”
“Could be,” I shove the lighter into my shirt pocket.
“Be careful, Patsy, she’s a handful.” He lowers his voice. “She hasn’t had visitors that I know of. That’s understandable.”
“Oh? Why so?”
“This AIDS thing . . .”
“I thought she’s only HIV.”
“The same fucking thing, isn’t it?” He flexes a gloved hand. “If she gets upset she could try to bite or scratch you. Want some gloves? Better safe than sorry.”
"No thanks, Mister Duggan. Them things only make me break out in
a rash."

"Suit yourself. If she’s any bother just shout and we’ll come a
running like the fucking clappers." From somewhere along the main
corridor I hear singing. It’s a female voice crooning an old island song in
Gaelic. The voice is both melancholy and beautiful. I feel sad listening
to the only Irish language song I ever learned. A schoolteacher made me
sing it over and over until I knew it by heart. He used a bamboo cane on
me again and again until I knew the song to my very bones, and hated it
with all my heart. Something in her voice tells me the singer is far from
home. Some prisoners are from distant places and have few visitors.
They sometimes welcome a chance to talk. I’m amazed at how much
they’ll tell me about themselves. Funny how ordinary things in life
become so important on being deprived of them. Like being able to open
a door and walk anywhere I want, anytime I like.

*****

Frances Brannigan leans against the bare concrete wall, thin white
hands folded across her chest. Her fingers dig deep into her arms, leaving
pale marks. She seems deep in thought, her face lowered and turned
slightly away from me. She looks up as I walk into the room set aside for
such visits.

"Hello, Patsy," she says softly. "I was hopin’ you’d be the visitor
they mentioned." I stand in silence for a moment, gawking at my
godmother’s youngest daughter.

"Fran?" I say, finding my voice. "Jeez, it’s been years. I didn’t know
your name."

"It’s me, okay." She laughs easily. "I married Des Brannigan."

"Thah explains it. How are yeh doin’, Fran?" She looks jaded, tired,
with dark-ringed eyes.

"I’ve lost weight, Patsy. Probably overdid things at Weight Watchers
is all." She laughs. "I mus’ look like death warmed up. Swear the fuck
if I turn sideways I’m almos’ invisible."

"Whah are yeh doin’ in here, Fran?"

"Thah’s a nice way to say hello to a cousin." She comes toward me,
arms held out.
“It’s lovely to see yeh, Fran.” I wrap my arms around her. “It’s been too long.” I hug her hard, then ease up, feeling bones through the thin blouse.

“Sit yerself down an’ talk to me,” she says. “One of the girls here tol’ me yeh still visit this shithouse. Yeh mus’ be fuckin’ mad?”

I see the twinkle in her eyes and smile. “I mus’ be, Fran.”

She picks up a metal fold-up chair lying against the wall and sits it facing the light coming through the barred window. Tilting it back on its rear legs, she turns her face sideways, as if absorbing whatever heat is given off by a pale, watery sun. The slanting light casts a yellow glow on one side of her face. I feel my feet going numb from the concrete floor and stamp them a couple of times. I, too, place my chair to catch the sunlight.

“Smoke, Patsy?” She offers me a cigarette.

“No thanks, love.” I feel a sudden, intense desire for one quick puff.

“I’m trying to quit. Been off them six weeks now.”

“Yeah? Six whole weeks?” She smiles knowingly. “Well, best of luck to yeh.” I hand her the lighter. I’ll ask about the mattress burning, but not yet. Her HIV worries me more.

“Wish I could give ‘em up.” She stares at curling smoke, shaking her head. “But not here. This place jus’ gives me the creeps.” She points to a wall poster beside her. “What does thah thing say, Patsy?”

“It’s the twelve steps of Alcoholics Anonymous. They sometimes hold AA meetings in here.”

“Holy Christ.” She hisses. “How did I end up in this bleedin’ place?”

“You tell me, love,” I say. “Last time I saw yeh things were goin’ great.”

“Thah was five years ago, Patsy.” She smiles at me and I feel awful for not keeping in touch. “Things change, yeh know?”

“I know. I heard yeh were livin’ in Liverpool.” I add, “Did’ know yeh got married.”

“Yeah, it was great too . . . at first.” She drags hard on her cigarette. “But Des was still usin’ smack. He swore he’d get off it when Tara was born.”

“He didn’, eh?”

“He tried, Patsy. He got on methadone but missed the buzz from smack. After a while he jus’ gave up tryin’ to give up. One day I was
feelin’ real low with cramps an he gave me a hit. Said it would cheer me up no end.” She looks up, her gaze steady. “Yeh know the funny thing? Des was right. Heroin made me feel really good. Only when the social workers took Tara into foster care did I come down hard.” She sighs. “I’m sure yeh hear such things all the time in here.”

“I know heroin, Fran. When it takes over all else falls by the way.”
“I remember somethin’ yeh said years ago.”
“Whah’s thah, Fran?”
“Thah the only time yeh felt really alive was while usin’ smack. Cloud nine, yeh called it.”
“Cloud nine. Did I say thah?” I know I did. Suddenly nine years of being clean seem like nothing. “I was dead wrong, Fran.”
“Were yeh?” She looks at me, unblinking. I turn to gaze out the window. “Heroin is somethin’ else, yeh know?”
“I was wrong,” I say more forcefully. “Believe me, love, it only ends in shit.”
“So they say.” She shrugs. “Maybe whah’s wrong now was right then?” I have no answer. She’s right, of course. Nothing comes close to a heroin high. This is stupid thinking. I’m not that person any more. “I’m glad yeh were able to kick it all those years ago.” She leans over to pat my hand.
“I was lucky is all.”
“Yeh did it on yer own, Patsy,” she says admiringly. “Stone cold turkey.” We both fall silent as a nearby church bell tolls the hours.
“Four o’clock an’ all’s well.” Fran smiles. “Is it, Fran? I hear tell yeh have the HIV?”
“True.” She licks cracked lips, looking hard at me. “But I won’t die here, Patsy.”
“Who said anythin’ about dyin’ . . . ?”
“Me.” She holds up a hand. “I seen Des Brannigan die with this. He jus’ took to his bed an’ gave up. I know whah I know. All I want is to see Tara before I kick the bucket.”
“How will she feel if she sees yeh?” I ask doubtfully.
“She’ll never see me, Patsy. I swear on Ma’s grave. I’ll go see her play in the schoolyard. I’ve done it a few times before. I don’ let her know I’m there cos she’d get upset if she saw me.”
“I can check on her while yer in here.” I offer. “It’ll be no bother.”
“Thanks, but I need to satisfy my own two eyes.” She glances at the door. “I won’ die here.”

“Yeh don’ have to,” I say. “I’ll try to arrange a transfer to Appleyard Hospital. They’ve opened up a new section for HIV . . . .”

“I heard of it,” she cuts in. “Sadie Gilbert from Dock Lane visits her brother there. She says it’s all high security. More a prison than a hospital. She says they who work there are scared shitless of catchin’ the thing.” We both fall silent as Mister Duggan briefly glances in at us.

“Whah are yeh in for, Fran?”

“Attempted robbery from a post office.” She shrugs. “An off-duty cop arrested me. They gave me three years.” She says softly, “Thah’s two years an’ three months with good behaviour.”

“It’s too much for attempted robbery.”

“Well . . . She gazes down at chewed fingernails. “I threatened the post office clerk with a blood-filled syringe. Thah may explain it.”

“Yeah, thah surely explains it.”

“It was only cow’s blood I got from a butcher’s shop,” she says in a rush. “I swear to God.”

“I didn’ say anythin’, Fran.”

“Yeh don’ have to. I see it in yer two eyes. I know it was a crazy fuckin’ thing to do, but I was desperate for money.” She stabs out her cigarette. “Real desperate.”

“I know, Fran.”

“Did yeh miss yer girl?” She’s suddenly changing the subject. “Like, after her adoption?”

“I knew she’d have a better life out of Portside.” I say after a moment, “I was only fifteen, Fran. I did the best thing.”

“Yeh did, Patsy,” Fran says fervently. “But yeh still think about her from time to time?”

“Every day. I’m still her mother, in name if nothin’ else.”

“Then yeh mus’ know how I feel?” she insists.

“Yeah, I know.”

“Know what I think?” She leans forward, eyes narrowed. “A dead mother is better than a bad one. I’ve been a brutal one for Tara.” I say nothing, taken aback by her self-hatred. She, too, falls silent, just watching smoke curl from the end of her cigarette. “I fucked up instead of raisin’ her good.” She absently flicks ash onto a piece of tinfoil in her hand, frowning. “But I will see her one more time. No one will stop me.” Fran says it like night following day, a forgone conclusion. She reaches
for another cigarette but the pack is empty. She crushes it, squeezing it again and again, then tosses a paper ball against the door.

"Fran, I don see how . . ."

"I know how." She whispers, glancing at the door. "When they take me to hospital for tests on Monday mornin’. Yeh know the Radiology block facin’ the prison?"

"Sure, but . . ."

"Thah’s where I’ll come out,” she says excitedly. “It’s an entrance for medical supplies.”

“Surely they’ll be watchin’ yer every move?”

“Until I go into Oncology.” She nods. “Then the guard relaxes an’ has a smoke an’ a read of the newspaper. I know how they work.” Fran smiles. “I make my way from Oncology through Renal then out the rear corridor to Radiology.” She laughs. “Christ, I mus’ sound like a medical book. But I know the place like the back of my . . .”

"Fran . . ."

“Once outside I’ll pass as ordinary. We wear our own clothes to the hospital cos other patients get nervous at the sight of prison gear.” She smiles and I know she’s determined to do it. I wait for the shoe to drop.

“I need to ask yeh a big favor, Pa . . .”

“No, Fran . . ."

“Jus’ hear me out,” she pleads, gripping my hands. “Please, for old times sake.”

“Yer on yer own, woman,” I say. “It’s a crazy idea.”

“Then I’m fuckin’ crazy.” She whispers, letting go of my hands, “Anyway, I’m leavin’ here.”

* * * * *

We walk back along the corridor and Mr. Duggan unlocks her cell door. As she enters, Fran grips my hands again. “Maybe I’ll get to see yeh again?” she says, kissing my cheek. “Yeh know where I am.”

“See yeh, Fran.”

I’m collecting my things from the Control room when Father Burke enters. “I hear from Mister Duggan that you and Frances Brannigan got on well,” he says with a thin smile. “You know each other?” Burke asks.

“Yeah, Fran and me go back a long way.”
"Seems you Portsiders had lots to talk about. Hope you got through to her. She's got to accept being in here." He sighs. "Burning her mattress makes no sense."

"A lot of things make no sense," I say, walking to the door.

* * * * *

The few people moving through the hospital grounds have their heads bent against the gusting, icy rain. None even gives me a look. At least nature is doing me a big favour. I slowly massage the knots in my neck and shoulders, peering through a window that resembles a waterfall. Then I see Fran running towards me. I push the door open and start the engine.

"Hurry!" I shout, already moving as she jumps in. "How long before they raise the alarm?"

"Ease up, Patsy. Yeh been watchin' too many cop shows." She laughs. "No one will follow us. It'll be a while before they get restless."

"I hope yer right." I figure I can be at the ferry in six minutes. Even so, I resist the urge to shoot through the red light at Portland Street. "God, I don' know why I'm doin' this."

"I knew yeh wouldn' let me down, Patsy."

"Then yeh knew more than I did," I snap. "I was jus' about to drive off when yeh showed."

"Yeh didn' do a runner." She kisses me on the cheek. "I'll never forget this."

"Christ, me neither." I point to a rucksack at her feet. "There's a one-way ticket an' some clothes. Takin' a ferry with no luggage would look suspicious." She opens her mouth to say something. "Head down!" I hiss. "Police car ahead . . ." But even as I speak the car turns a corner and is gone.

"It's okay," Fran says in a soothing voice. "We're almos' there." I pull in close to the ferry pier. "Patsy, I'll always . . ."

"Go, for fucksake!" I yell, almost pushing her out of the car. "Ferry leaves in a few minutes." She shakes her head and jumps out. I see her wave at me though my rear mirror. I wave back and speed off.

* * * * *
Dear Patsy,

I bet you’re surprised to hear from me. A woman I met in a church here is helping me write this. First, I saw Tara. I didn’t talk to her, just watched as she played with pals in her schoolyard. She looks very happy. I hope that favor you did for me didn’t cause you big trouble? I want you to know that I’m happy now. I’ll take a walk down by the docks soon. It’s Easter Monday and very warm for April. I’m thinking how nice a long swim in cool water would feel today. I’ve always loved swimming ever since you taught me all those years ago. Thanks again for all you did. Take good care of yourself.

Love, Fran.

It’s been over a year since I got that letter. Not one word, good or bad, since. I fold the note and put it inside an old book, Selected Readings, by the American Quaker Rufus Jones. Tonight I’m reading my favourite chapter, “The Challenge of the Closed Door:”

Some things are finished and final. You cannot change atoms . . . nor perhaps the moral structure of the universe, nor the emergence of mutations. There is no open door to our new world order. We must face the challenge of the closed door.

I looked up “mutation” in a dictionary the first time I read that. It gave me two words, both nouns: change and deviation. I prefer change. Deviation is too much like a word Father Burke uses a lot: “deviant.” The priest is being ever so nice to me lately. He drops in to visit occasionally. He seems more at ease around me, as if he’s finally found a peg to hang me on. Sometimes he rambles about how temptation can overcome the best of us. Still, he sees that I get extra things such as books and cigarettes.

It’ll be lights out soon. I’ll look out my cell window for a while before darkness closes in. I grip the steel bars located two feet above my head and pull myself up. I see ducks and mallards dart in and out of the rushes. My arms ache until I have to let go. I tell myself it won’t be long now until my time is served. First thing I’ll do is walk home by way of the canal. I’ll cut down by Croke Park and soon be home in Portside. Only 36 more days to go until the door opens. Make that 35 days come midnight.
“Laws grind the poor, and rich men rule the law.”
( Oliver Goldsmith, The Vicar of Wakefield, 1766)

For many jailhouse lawyers, especially those new to the craft, there is a sort of “awe” that governs their study, contemplation and utility of the law. Like new converts to a religion they ascribe all power, all rationality and the penultimate of wisdom to this area of human endeavour. Luckily, like those new converts, they come down to earth and may even come to the realization that their earlier impressions were either naive or overblown.

What may prove most enlightening to those who remain naive about the field of prisoners’ rights law is a study of legal history, as shown by rulings of America’s Court of Last Resort. In this history of the Court’s written opinions, one finds the true face of America with a clarity that is lost (or ignored) in the study of U.S. history. Here is history unadorned, naked and yes, ugly.

If you were to speak in purely neutral legal principles, you might be able to say things like: 1) someone held in unlawful detention need only apply for judicial relief; 2) people have an inherent right to reproduction; 3) the right to practice one’s faith is inviolate, and the like.

An honest examination of U.S. law, as articulated by justices of its Supreme Court, betrays a history that is replete with repression, and a line of reasoning that has historically upheld the strong, while overruling the weak. It has stood with slaveowners against slaves, the rich against the poor, the empowered against the powerless, and the established against those crushed beneath the establishment

Consider these historical precedents:

1. *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857): When an African-American man, who lived briefly in a “free” state, claimed the Constitution protected his new status and that of his wife, Harriet and his two daughters, Eliza and Lizzie, the nation’s highest Court made it abundantly clear that freedom was not the concern of this tribunal. Chief
Justice Roger Brooke Taney (a former slaveowner) and six other justices held that the U.S. Constitution did not, and would never, apply to persons of the “negro African race” who were, in the words of Taney, “regarded as beings . . . so far inferior, that they had no rights which the white man was bound to respect.”

2. *Plessy v. Ferguson* 163 U.S. 537 (1896): Here, the U.S. Supreme Court upheld the practice of American apartheid, under the “separate but equal” doctrine that legitimized the second-class citizenship of Blacks. For over half a century Plessy justified this state of repression.


4. *Minersville School District v. Gobitis*, 310 U.S. 589 (1940): When a group of Jehovah’s Witnesses refused to salute the flag, a rural Pennsylvania school district excluded them, and expelled them from school. One family, the Gobitas family (the Court would later misspell their name, “Gobitis”) sued the Board and won, hands down, in every court they appeared, until the U.S. Supreme Court, through an 8-1 decision, held for the school district, reasoning that the state could punish refusal to salute the flag, as it promoted the sense of patriotism. In a lone dissent, Justice Stone wrote that the mandatory flag salute “does more than suppress freedom of speech and more than prohibit the free exercise of religion. . . . For by this law the state seeks to coerce these children to express a sentiment which, as they interpret it, they do not entertain, and which violates their deepest religious convictions.”

5. *Korematsu v. United States*, 323 U.S. 214 (1944): In spring 1942, shortly after Pearl Harbor’s bombing by Japan, the U.S. government evacuated and interned over 100,000 Japanese-Americans, many of whom were nisei (second generation) born, raised and educated in the U.S. It would be over 40 years before the U.S. District Court held that the internment of its so-called “citizens” was unconstitutional and absent of due process. Tens of thousands of people were placed in concentration camps for being Japanese, okayed by the Supremes.
What do these cases mean? Don’t they come from “the old days?”

They demonstrate, over an 87-year period, how real people, a slave and his family, a mulatto businessman, a “slow” white woman, a family holding a (then) unpopular faith, and a second-generation Japanese-“American” came to their nation’s highest court, claimed fundamental rights under the U.S. Constitution, and had those claims shattered on the anvil of political expediency and by the preconceived notions of small-minded men. What was popular prevailed over what was right.

Nor were these cases legal “aberrations,” as some would suggest, as reflected by the considerable expanse of time. Professor A. Leon Higginbotham’s exhaustive research into colonial and post-Revolutionary War law (as in his classic, In the Matter of Color) proves these cases are firmly embedded in the bedrock of American law.

Dred Scott pushed the nation to civil war; Plessy lasted over half a century. Buck’s plaintiff, Carrie Buck, was sterilized for all eternity, and as late as 1966 some 26 states had sterilization laws on the books, after some 70,000 people had been sterilized. The Gobitas (Gobitis) children, and many other Witnesses’ children had to be privately schooled, at great cost to their families, even though Minersville was overturned three years later in West Virginia State Bd. of Ed. v. Barnette (1943) by a 6-3 decision. Korematsu suffered over 40 years as no government agency or corporation would hire him, as a result of his criminal conviction for failing to report to a concentration camp (called “Relocation Centers”). His conviction was overturned on a writ of Coram Nobis in Korematsu v. U.S., 584 F. Suppl. 1406 (N.D. Cal. 1984) some 40 years later, when he was then a man in his 60’s. (Interestingly, this remedy would be unavailable to Korematsu under the new “Anti-Terrorism” laws, which time-bars appeals).

You will notice none of the cases discussed were prisoner-related. They reflect the alleged rights and privileges accorded to all Americans, yet denied when they went to court and attempted to exercise these rights.

The human right to freedom, the right to be free from repression, the right to be free from sterilization, the right to practice one’s faith, and the right to be free from race-based internment, met bitter and decisive
defeats in the nation’s highest court, damning millions to broken lives and shattered dreams. It was the Civil Rights movement, the Black Liberation and successive movements that transformed social and political policy in America. The Civil Rights movement brought *Brown v. Bd. of Education*, and the NAACP influenced Japanese-Americans Citizens League (JACL) was an important force in winning Korematsu II and the Coram Nobis cases. The women’s movement, through *Roe v. Wade* and similar cases, have discredited the *Buck v. Bell* line of cases.

The point is, no freedom came from the court, but from social movements that created the struggle for freedoms, of all causes and kinds. The same must be said of the prisoners’ rights movement, which grew in the 1970s in the periphery of the Black Liberation movement of the period. When movements falter, the inherent, repressive and restrictive nature of ruling class law finds its expression.

The “law” does not arise from a vacuum, but exists in a social context which elects a status quo, the existing social order, and protects the interests of the propertied and established against the interests of the impoverished and the disinherited. That is the nature of American law, as expressed over the bulk of its history, and jailhouse lawyers would do well to remember it.
Japanese Justice
(Excerpts From a Prison Journal)

Ian B. Miller

[Editor's note: Ian Miller was arrested in Tokyo in March, 1993, and was paroled and deported back to Canada 28 months later. After this experience, he noted: "You might think that after spending some time in a Japanese prison, a person would never want to return, and would do everything possible to stay out of trouble with the law. In spite of this harsh treatment, however, many of the Japanese prisoners have been in prison a number of times before. In fact, at Fuchu Prison all of the Japanese are repeat offenders. One wonders, therefore, how effective this austere form of confinement really is . . . ."]

May 12: Well, I finally got a pen and a notebook so I can keep a record of all this. It's been 65 days now since I was arrested at Narita airport with 96.5 grams of heroin. (Actually, it was 96.49 grams - the Japanese are very precise). The worst part of it is that I wasn't even coming to Japan. I was returning to Canada from Thailand and I had a 12-hour transit stop, which included a free hotel room just outside the airport. I was arrested as I tried to pass through customs.

Since my arrest I haven't been allowed to make any phone calls at all; however, the police did notify the Canadian embassy - as well as my parents, who thought I was on Vancouver Island planting trees. At the airport jail the detectives interrogated me nearly every day for the first two weeks. I was handcuffed to a chair in a small office, a detective seated across from me and a translator on my right. They wanted to know everything, from the history of my drug use since I was a teenager to the age of my siblings and what they did for a living. The first few days, during the worst stages of heroin withdrawal, I would sit hunched over, shivering and sneezing, while they questioned me. At one point, a customs officer brought in the bag of heroin so I could confirm that it was mine. I would have admitted to mass murder if they would've just given me a little snort to make me feel better. In spite of my withdrawal symptoms, with the accompanying sweats and chills, I was only allowed to bathe once a week.
I shared a cell with two other guys (there were four cells, three people in each one) and we would sit in our cell and listen to the jets coming and going all day long, dreaming of the one that would finally take us home.

I spent five weeks there at the airport police station, where most of the other prisoners had also been arrested for smuggling, including:

- A Brit who arrived from Hong Kong with 2.4 kilos of hashish taped to his waist.
- A young Japanese guy who returned from a holiday in LA with 17 grams of cocaine in a tube of toothpaste.
- An Iranian with 700 grams of opium.
- A 53-year-old Vietnamese sushi chef with 3.8 kilos of marijuana.
- An Australian with 500 grams of hashish.
- A 63-year-old Japanese man with 29 handguns and silencers. (Guns are illegal in Japan: a $200 handgun can fetch two or three thousand dollars).
- A Thai man who had 174 baby turtles, and a Singaporean who had a Johnnie Walker carton filled with 35 arrowanas, an expensive tropical fish.
- Another Thai man with 4,000 sleeping pills.
- A mentally challenged Malaysian guy who apparently was caught trying to steal a taxi from the airport.

I was transferred to the Chiba Detention House, a few weeks ago. I stay here until I get sentenced some time next month. I’m hoping I’ll get a suspended sentence and be deported back to Canada, since I was only in transit and not bringing the drugs into Japan. I live in a solitary cell, about 5 feet by 12 feet, with a sink, a toilet and a small table. I sit on the floor on a tatami mat and read or write or stare at the wall. My bed is a cotton futon mattress on the floor, which I can unfold and lie on only after 6 p.m.

Prisoners are not allowed to talk with each other; there’s no yelling back and forth down the hallways. The Brit who was in my cell with me at the airport jail is just down the hall. I wrote a letter to him a couple of weeks ago. The prison officials had to translate and censor it before posting it in the regular mail. A few days later it arrived back here at the
prison, was opened and read again, and then finally delivered to his cell, three doors away. I got his reply a week later.

I stay in my cell all day, every day, except for three days a week when we get a half-hour outdoor exercise, and the other two days when we get 15-minute showers. Even during exercise and shower we are still segregated and unable to communicate with each other.

June 3: Boy, am I depressed. I guess I can forget about a suspended sentence. I just got sentenced to three and a half years “hard labour.” The trial was a joke: I was in the middle of the courtroom facing the three judges, with the prosecutor on one side and my Japanese “lawyer” - I use the term loosely - on the other side. I wasn’t even allowed to talk with my lawyer at all during the entire trial.

I’ve had my head shaved and now I’m waiting to be transferred to another prison, where I will serve my sentence.

July 17: I am now at Fuchu Prison, on the other side of Tokyo. There are over 2,000 Japanese convicts here, as well as over 400 foreigners from around the world, mostly Southeast Asia, South America and Iran. Lots of them are in for drugs. Every Colombian I’ve met was busted for coke. The Japanese are pretty strict when it comes to drugs. I met one Australian who was convicted because the police found traces of speed in his blood. Even though no drugs actually were found, he got 14 months in prison merely for using. But I guess I’m lucky I didn’t get caught before I left Bangkok - I probably would be doing at least ten years in a Thai jail.

When I arrived here I had to strip and leave all my possessions in storage. I couldn’t even keep my old toothbrush - I had to buy a new one. After changing into the gray prison uniform, I was told to hold out my hands so the guards could see if any of my fingers were missing. Many of the prisoners here are members of the yakuza - the Japanese mafia - and they’ve had one or more of their fingers amputated in rituals to show loyalty to their gang or to atone for some mistake they’d made. The information concerning missing fingers is duly noted in each prisoner’s personal file.
After a week in a solitary cell for "observation" and another week in the "training factory," where I learned how to march properly and obey the Japanese commands, I was assigned to a factory where I have to work, making widgets, from 8 to 5, five days a week. Prisons are a microcosm of the society. Japanese prisons are centered around work. Fuchu Prison contains nearly 30 different factories producing a variety of goods, with 50 to 100 prisoners working in each one.

When we arrive at the factory in the morning, we have to strip naked in a changing room and hang up our clothes; then we line up and pass through to an adjoining room while a guard gives us the once-over. In the next room is another set of clothing for work. At the end of the day we repeat the process in reverse. Such policies ensure that nobody has anything that can be used as a weapon. Consequently, Japanese prisons are probably the safest in the world. Even in the shower room we are accompanied by three or four guards, complete with rain jackets and rubber boots.

The whole prison system here is run like the military. We have to march everywhere, and if you so much as look around while you're marching, they haul you off to a punishment cell for a few days of staring at the wall - a form of solitary confinement called chobatsu.

August 22: We spend all evenings and weekends locked in the cell. All the foreigners are kept in solitary cells here. Most of the Japanese are in larger cells, three to six prisoners each. In the cell, we're supposed to sit on the floor all day; we're not allowed to walk around, look out the window for any length of time, or anything like that. We can exercise in our rooms only on weekends and only at a specified time. A Canadian I know got three days in chobatsu for doing pushups in his room at the wrong time. And we're not allowed to lie down until after dinner. On Saturday I was just sitting reading, and after a couple of hours I guess I kind of started to slouch against the wall. A guard came by and yelled at me and told me to sit up straight. "Hai! Sumimasen! Gomen nasai!" (One of the first things we learned to say here: "Yes! I'm sorry! Excuse me!")

It is so damn hot and humid, I can't stand it. In the factory, my heavy cotton shirt is soaked through with sweat by lunch time. And in the cell,
no matter how hot it is, we’re not allowed to wash our bodies at all. If you
get caught wiping your arms or back with a wet cloth, you’ll get put in
chobatsu.

**September 5:** I got caught talking to this Dutch guy in the factory toilet
today. The “No Talking” rule is strictly enforced here. The only times we
are allowed to talk are during our morning and afternoon tea breaks, a few
minutes after lunch, and during our exercise periods - about four to five
hours a week in total. That’s not a lot of talking, when you think about
how much people usually talk on the outside. Now I’m “under
investigation” for breaking the prison regulation. It’s being treated like
a major criminal case.

**September 7:** Today I was interrogated by an officer who took detailed
notes concerning my offense. He wanted to know what time it happened
(9:55 a.m.), where it happened (standing at the urinal), was the Dutch guy
on my right or my left? (left), what was said, exactly? (the usual bullshit) -
in other words, just about everything except how many times I shook my
“dick” after I peed. Tomorrow I have to appear at a “hearing” in front of
some officers who will decide my fate.

**September 13:** I just finished five days in chobatsu. Wake up in the
morning, fold up the futon, and then sit on this wooden box in the middle
of the cell for the whole day. You have to sit with your legs together, back
erect, hands on thighs, and stare at the wall all day, from 7:00 a.m. until
6:00 p.m. No slouching, no looking around. At six you can lie down and
stare at the ceiling. If you need to use the toilet, you have to get the
guard’s permission first. They bring you your three meals, and you can
get off the box and sit on the floor to eat, but then you have to get right
back on the box. After the first couple of hours, I didn’t think I’d be able
to handle the rest of the day, let alone five days of this torture. But
somehow I did; the minutes turn into hours and, eventually, into days.

**November 12:** Today we had our monthly “dick check.” Many of the
Japanese prisoners have had some little beads, ball-bearings or pearls - or
something - implanted in the skin around the head of their penis. I don’t
know the reason for this, exactly - I imagine it’s some kind of sexual aid,
though I’m not quite sure if it’s supposed to be for the man’s benefit or
the woman's. In any case, when you first arrive here, they check to see if you have any of these things in your cock and, if so, how many. Then, every month they want to make sure you haven't added or removed any. I'm not sure how anyone would go about this bit of personal surgery here in prison, since we're so closely watched and there's no way to smuggle any tools out of the factory; I don't know why they would bother. And I certainly can't figure out why it should concern the prison officials.

I'll be sitting at my desk, diligently making widgets, and when the guard calls my name, I have to stand up and jog over to where he is sitting at the back of the factory. Slapping my hands down to my sides, I stand at attention, bow, yell out my name and prison number, and then whip out my cock so he can check it out. He has a quick look, then makes a little note in his list and I bow again and return to work. Sometimes I think I must be on another planet.

December 6: Last night I had a dream about Sister Jean, the Canadian nun in her fifties who comes out here once a month to visit the foreign prisoners and give a one-hour Japanese class. I dreamed we were in the class and she had her shirt off and I was fondling her breasts. I must be getting horny. Even this cute Filipino guy in my factory is starting to look good. He's a seaman and he got busted when 20 kilos of pot were found on his ship. Put a wig and a miniskirt on him and he'd be pretty hot stuff. Unfortunately, regulation number 24 clearly states: "You are not allowed to creep into your fellow inmate's bed." Of course, that applies only to the Japanese, since all foreigners are in solitary cells, anyhow.

There are so many stupid rules here. We have to keep our top shirt button done up at all times, even in our rooms - except during the summer, when we are allowed to undo one button. The list of regulations can make for some entertaining reading. Rule Number One reads: "Running away from the prison or any attempt of such is strictly forbidden." Other rules include:

- You are not allowed to talk loudly, make a big noise or sing a song at the places where conversation is prohibited.
- You should not make any rumours in order to put other inmates' or prison officials' minds into confusion.
- You must not say anything abusive, slanderous, or insulting to others.
- You are not allowed to paste on any paper crips [sic] at any place.
- Tatooing [sic] or changing your hair style or eyebrows in peculiar forms is forbidden.

January 15: Damn, it’s cold. It’s one o’clock on a Saturday afternoon and I can see my breath here in my room. All the buildings here are unheated, although the officers have portable kerosene heaters in their offices. We have a thermometer in our factory and when we get to work in the morning it’s usually about 5 or 6 degrees Celsius and gets up to 9 or 10 by noon. I’ve become pretty good at guessing the temperature, and I estimate it to be about 7 or 8 degrees Celsius in my room right now, though it’s colder in the morning.

We’re allowed to cover our legs with a blanket when we’re in our rooms, but we can’t get into bed to keep warm until after dinner. I’ve had mild frostbite on my fingers for the last few weeks: they’re sore and red. Some guys have it a lot worse. A guy in my factory has purple hands and feet: he limps when he walks and he has to go to see the doctor every day. But they still make him work.

January 23: Today one of the officers didn’t like the way we were marching on the way to the factory, so we had to march in place for about five minutes, swinging our arms up to shoulder height and yelling, “Ich, ni, san, shi” (one, two, three, four). This is a common discipline here.

March 6: Well, it’s finally starting to get a bit warmer. It’s a real drag to be stuck in a cold room all weekend (I’m on the shady side of the building) and to look out and see the sun shining but not be able to go out in it.

Yesterday a couple guys in my factory got in trouble for the stupidest thing. We had just sat down to have our tea break in the little lunch room that adjoins the factory. We have to march in and take our assigned seats, and then wait quietly with our eyes closed until everyone is sitting down and the guard gives the command to open our eyes and pour the tea. Only then are we allowed to talk.
Anyhow, there’s this Indonesian guy named Lodi, who sits across from me at the table. He’s a devout Muslim, and I always see him praying in his cell in the evening, since his room is right across from mine. So I ask him what he thinks about while he prays, and he replies, “I think about my God.” Well, that’s fair enough. But then Obi, a Nigerian and a professed Christian (he got busted with a kilo of heroin in his Tokyo apartment) who sits beside me, says, “I think about pussy.” Well, I can relate to that. But Lodi is offended by this and gets all upset, waving his finger at Obi and yelling, “Pussy! Pussy!” I tell him to shut up because he’s going to get in trouble, but he keeps getting more and more upset, and soon the factory guard comes over and takes both of them away for investigation.

I get called as a witness, which is pretty funny. I’m sitting in a little room with an officer and one of the two official prison translators, describing the situation while the officer takes detailed notes concerning this horrendous crime. He draws a little diagram of the lunch room and the table, with little circles and arrows indicating who was sitting where. The translator, a young Japanese man in a suit, is a real prude. He can’t even bring himself to say the word, “pussy.” He says, “So, after Obi said, ‘I think about . . . ’, uh, about, ah, you know, that word . . .”

Meanwhile, the officer is writing down the conversation but then he gets stuck on the word “pussy” (after the translator explained, red-faced, what it meant). The officer wants to make sure he’s got the right pronunciation so he can write it in Japanese characters. He’s looking at me, very serious, saying, “Boosy? Pooshy? Poozy?” I’m having a hard time keeping from cracking up - I don’t want to get into any trouble myself.

March 20: I ran into Lodi at the doctor’s office today. We’re not allowed to talk, of course, but he managed to tell me what happened: he and Obi both got a week in chobatsu and then were transferred to separate factories.

May 9: We’re not allowed to grow a beard here but the only time we can shave is during our shower time, twice a week. Until now, they’ve been changing my razor blade every three months; I put in a request a few
weeks ago and now they change it every seven weeks. Still, trying to hack off a four-day-old beard with a month-old blade isn’t much fun.

**June 2:** I just got a letter from my family that was mailed from Canada over five weeks ago. Mail only takes about a week to get here but officers have to translate and read everything, so sometimes they get backed up and it will sit here for weeks before they get around to translating it. And when I write a reply it will sit here for up to a month before it gets mailed. We can write two letters a month, no longer than seven pages each. We have to use the lined writing paper which we buy from the prison and we have to write only on the lines - we’re not allowed to squeeze in extra sentences between the lines or at the bottom or top of the page. Sometimes I’ve been given back a letter and told to rewrite it simply because I put a couple of extra sentences at the bottom of the page.

The censors also read the newspapers every day before they are delivered to the factories for us to read on our breaks. There are a couple of Japanese papers as well as the English language *Japan Times*. Once in a while we get a paper with a story all blacked-out with ink. It’s usually possible to make out the headlines and so we get an idea of what it is the officials don’t want us to know. Stuff like fights between rival yakuza gangs, or reports of prison breakouts anywhere in the world.

**June 14:** I was busted today for talking to this Australian guy in the shower room. I knew him from the airport jail; he’s in another factory, but sometimes we have showers at the same time. He didn’t get caught. When they asked me later who I was talking to, I gave them some bullshit story about some unknown Iranian. Turns out they knew all along who it was. Now I’m “under investigation,” with my “trial” later this week.

**June 25:** I just finished seven days in chobatsu, staring at the wall and dreaming of freedom. After a week of that, working in the factory feels like a holiday.

**August 12:** There are no drugs in Japanese prisons. We’re not even allowed to smoke. I was trying to get a little buzz on over the weekend by hyperventilating in my cell, but I got dizzy and fell over, spazzing out and hitting my foot against the wall in the process. Apparently, I dislocated a
toe. The doctors couldn’t fix it here so they handcuffed me and took me out to a hospital. What a thrill that was: riding in a van on city streets, seeing normal people going about their business. In our day-to-day life we forget how precious freedom is. Like Joni Mitchell sings: “You don’t know what you got till it’s gone.”

**August 29:** My Australian friend just got transferred to our factory after 10 days in chobatsu. He told me what happened to him: he had only four days left to work in his factory before he was to be paroled and sent home. After lunch, everybody is supposed to sit quietly with their eyes closed until the guards order you back to work. The guards in that factory are really strict, and they check everyone to make sure their eyes are closed. He was daydreaming about going home and he forgot to close his eyes. One of the guards started screaming at him and when an immediate apology was not forthcoming, the guard accused him of having a “defiant attitude.” This resulted not only in 10 days punishment but now his parole has been revoked as well, and he’ll have to stay another four and a half months to complete his sentence.

**October 18:** Every month we have to hand our notebooks in to be checked by the officers in the Foreign Inmates Section. We are not allowed to write the names or addresses of anyone except family members. A couple of weeks ago I received a newspaper from home that had a special feature on All-You-Can-Eat restaurants in Vancouver. Since I dream about food all day long here, I made a note of these places so I can check them out when I get home. An officer came into the factory today with my notebook and talked with the factory boss, who then called me up and asked me what all these addresses were. I explained it to him and pointed out that the names of the restaurants were clearly written there. He made me cross all the addresses out and gave me a warning.

**December 10:** When we’re working, we’re supposed to pay attention to our work and not look around. My friend, Kevin, an American who’s in here after trying to bring 12 kilos of marijuana from the Philippines through Narita airport, came back to the factory today. He just finished three days in chobatsu after he was caught looking up from his work.
December 14: A couple of weeks ago I was so pissed off at the prospect of another winter in unheated buildings, I wrote, “FUCK THE JAP BASTARDS” and other obscenities in this notebook. I didn’t think they actually read every page, but I guess they do because when I got it back from the monthly check, there were all these little stamps all over the page. They haven’t said anything to me about it; I guess they just wanted to let me know that they had seen it. Of course, I was just upset, and that doesn’t reflect my true feelings for the Japanese people, whom I love, admire and respect. I really do. Especially the officers who read the notebooks. What a wonderful bunch of guys. First rate.

January 2: To celebrate the New Year, we get a few days off work and a little bento box of food, including some candied fish and mandarin oranges. We get to sit in our cells, freezing our butts off and read all day. What a treat.

February 24: It’s been nearly two years since my arrest. We’re never told if and when we’ll get parole, but I think this may be my last winter here. Most foreigners seem to get out after serving about 60 to 65 percent of their sentences, if they haven’t had too much chobatsu time. If I’m lucky, I should be going home some time this summer.

This is an interesting experience but not one I’d like to repeat. I want to be free. Like my Dutch friend said, “When you get out, man, you’ll be happy just to stand on a damn street corner.”
PRISON WRITING JOURNAL
PO Box 478, Sheffield, S3 8YX, England

Patron: The Earl of Longford, KG, PC  Editor: Julian Broadhead

PRISON WRITING JOURNAL is published twice-yearly, in Spring and Autumn. Founded in 1991, its prime aim is to encourage prisoners’ creativity through the written word and to get their writing 'over the wall', as to wide a readership as possible. The Journal is not overtly political or polemical. It is a criminological journal with a sharp literary edge and has the support of noted ex-prisoners John McVicar and Jimmy Boyle, prison reformers and academics.

The Journal is non-profit-making and survives on its subscriptions. It is printed and bound to a high standard. All funds received go into the production of the journal and on postage to subscribers, contributors and interested prisoners in Britain, Ireland, USA, Canada, Australia and New Zealand.

Some well-known British names have been published in the first 12 issues of PRISON WRITING: John McVicar, as well as being on the editorial board is a regular contributor; Valerio Viccei has told of the trials and tribulations of writing and publishing a book about his case (the Knightsbridge £60 million Safe Deposit Co robbery) from a maximum security prison. In issue No. 4, published Spring 1994, 'Mad' Frankie Fraser, contemporary to the Kray twins, tells of his experience in British prisons and hospitals for the criminally insane over the past 50 years; many others, not so well-known, have been published for the first time and gone on to bigger things, their work appearing on BBC radio, in national newspapers and magazines etc.

PRISON WRITING has already printed the work of some US and Canadian prisoners, notably from Washington State Pen. and San Quentin, California. However...the journal has yet to come to the notice of the majority of prisons, prisoners, librarians and other interested parties in the USA/Canada. Thus we write to you to ask you to spread the word, and, hopefully, to ask your institution to subscribe.

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RESPONSE

Some Post-Mortem Reflections on the Cancellation of University Programs in Canada's Prisons

P.J. Murphy

I taught university prison education programs ("PEP") in British Columbia throughout the 1980's: for three years in the University of Victoria Program at Matsqui Medium Security in Abbotsford and then for six years at Kent Maximum Security in Agassiz as the Coordinator of the Simon Fraser University Prison Education Program. In retrospect, it might appear ironically fitting that after completing a dissertation on Samuel Beckett at the University of Reading I should spend the next decade learning how to read and write gaol. At the time, however, it was simply a disorienting immersion in a strange, new world with its own particular languages and distinct dialects. Teaching at Matsqui in the early 1980's was much more a case of ivory bunker than tower. First off was the Matsqui Riot of summer 1981. The institution was heavily damaged in its living unit areas and the Academic Centre was for a period occupied by the prisoner population before it was moved out to the sports fields and the infamous Tent City. The university library was left intact, protected by students in the Program, thereby transgressing that venerable prison tradition of torching the last buildings occupied during a riot. The university students led the return from Tent City to the institution proper and played an important role in getting things back to normal (so to speak). We returned to academic time with its semester rituals of various course offerings, time-tables et al., only to be faced in 1983 with Ottawa's cancellation of the University Program. After many months of political manoeuvring, intense lobbying, and strong vocal support from Adult Education groups across the country, the Program was reinstated.

The Riot and the Cancellation dramatize the ways in which the University Program was always threatened by various forces within and without the institutions in which it operated. And that very strange hybrid - a university prison education program - did manage to function, often very successfully, by establishing its own identity as an alternative community in which student and teacher could engage in a critical dialogue with a liberal arts curriculum and its commitment to the humanities. The University of Victoria Prison Education Program had started out as a pilot project at the B. C. Penitentiary in 1972 and, after its
closure in 1980, the Program was established in the new cluster of high-tech prisons throughout the Fraser Valley - Kent, Matsqui, Mountain, as well as at William Head on Vancouver Island (thus giving us more or less comprehensive coverage of the system, since upon sentencing a prisoner would typically begin his time at Maximum Security before proceeding to "cascade" to lower security institutions and then to parole). It was at this point that I entered the prison scene; I left in 1990 to take up another appointment for by that time the writing was clearly on the wall: a series of budget cut-backs and the movement towards a therapeutic model that stressed quick-fix courses in "cognitive skills" marked the beginning of the end. The Program was cancelled in 1993 and this time the cries for its reinstatement fell on deaf ears. So ended a remarkable 20 year venture: an internationally acclaimed prison education program which had served as the model for similar programs in the United States and Great Britain was terminated.

Several years later (and a couple of books on Beckett later) and I still could not get prison out of my head. The cancellation of the Program supplied the impetus for the completion of Life-25: Interviews with Prisoners Serving Life Sentences, which is reviewed in this issue of Journal of Prisoners on Prisons ("JPP") and Sentences and Paroles: A Prison Reader, an anthology which documents the development of prison writing in B.C., projects which I had started working on while teaching in prison. All prison literature is, in a way, a form of testimony, bearing witness to an experience of having been there which is individual yet also part of a collective experience. During the years I taught in prison, I had become increasingly interested in prison literature, that is, writing which employed the carceral image, as well as the writings generated by prisoners themselves, and I developed courses on prison literature which I taught in the prisons and also at the Simon Fraser University ("SFU") campus in Burnaby. The Program also published Prison Journal whose central aims were to provide a forum for the voices of those who are imprisoned and for all those concerned with carrying out a serious examination of the phenomenon of the prison. As an editor of Prison Journal, I was necessarily involved with the production of prison writing, collecting various materials, commissioning work on various topics (from in-house as well as outside contributors), and working with prisoner-students on their own writing. With the cancellation of the Program,
Prison Journal ceased publication and an important organ for the voices of prisoners was silenced.

I still wanted to be more directly involved with prisoners’ writing and this led me to take time out from a Research at Small Universities Conference I was attending in Hull in May 1997 in order to meet in Ottawa with Robert Gaucher, the editor of the JPP, and to volunteer my services. There were a number of links between the Program I had taught, the journal I had edited, and the JPP. In his editorial for the very first issue of the JPP, Howard Davidson states how he met with Henry Hoekema, the Coordinator of the SFU Program, who agreed to encourage our students to submit papers on prison abolition (Davidson, 1988, p. 1). Also, Liz Elliott, who had taught criminology courses in SFU-PEP, was on the editorial board of the JPP, as was Steve Reid, who had been a student in SFU-PEP at Kent Maximum Security when he was revising his novel Jackrabbit Parole (1986) and when I was Coordinator of the Program there.

When I was asked to write a response, there was really only one issue which I had no choice but to address: the termination of university programming in Canada’s prisons. This is an issue which still rankles me and one of which I had to try to make some sense. The issue has not yet been discussed in the JPP, although the very thorough and in-depth discussion in the preceding issue (1997) by J. M. Taylor, “Pell Grants for Prisoners Part Deux: It’s Déjà Vu All Over Again,” does touch on a number of related issues concerning the attack on university-level programming within the American context. Taylor points out that when President Clinton signed the Crime Bill in September 1994, prisoners became ineligible for Pell Grant Disbursements. Taylor’s detailed analyses of the tortuous rhetoric of right wing ideologues whose “misinformation campaign” led to this unfortunate consequence emphasize how prisoners were convenient “scapegoats” in this political campaign: “The elimination of prisoner Pell Grant eligibility affects the closure of post-secondary correctional education opportunities in the United States” (Taylor, 1997, p. 62). (In this regard, note the recently released documentary The Last Graduation: The Rise and Fall of College Programs in Prison which eloquently advocates reinstatement of college programs by letting the educators and prisoners tell their own stories; it also listens in as “show-'em-no-mercy” legislators make their
case in the halls of Congress). Whilst this is indeed a crippling blow to university programs in prison, it pales somewhat in contrast to the outright cancellation of such programs in Canada. Moreover, the rationale given by the Correctional Service of Canada ("CSC") for the cancellation of university programming represents a much more insidious and fundamental attack on post-secondary prison education than the Pell Grant fiasco, and is one which promises to have further repercussions within the U.S. (déjà déja vu?) since many American prison programs have been so heavily indebted to the theoretical premises of the SFU Program.

The Canadian Government’s justification for its actions is clearly stated in the cancellation letter sent to Dr. Evan Alderson, the Dean of Arts at SFU, by M.J. Duggan, Deputy Commissioner, Pacific, March 24, 1993:

I am writing to advise you that we have decided not to retender the post-secondary program following expiration of our contract with you on June 30, 1993.

It is with considerable regret that we make this decision, given the excellent service provided by Simon Fraser University and the dedication of your staff to our Service.

However, as we identify and prioritize the needs of our offender population, we conclude that we must reallocate our scarce resources to priority needs such as programming for violent offenders and substance abusers which more directly targets the criminogenic factors facing offenders.

I very much appreciate your ongoing support over the past contract period and look forward to your support in achieving a smooth transition in programming.

Here is laid out the corpse of university programming in Canadian prisons, awaiting autopsy or critical dissection. The always handy excuse of budget shortfalls hardly bears scrutiny since the monies allocated for university programming were minuscule to say the least in terms of CSC budgeting. What is really central here is the underlying assumption that
university programming is not "core" to the CSC mandate whose primary responsibility is protection of the public; that it is merely a frill or needless luxury which can be easily dispensed with; that Adult Basic Education ("ABE") is the educational priority of the Service since over 80 percent of all prisoners test lower than a grade ten level. Such is the gist of the response to Claire Culhane, who had challenged on behalf of the Prisoners' Rights Group the fiscal argument and proposed instead a more "equitable allocation of funds," by John Rama, Assistant Commissioner, Executive Services in a letter dated May 7, 1993.

However, just as J.M. Taylor pointed out with reference to "piercing the fog" of the Pell Grant fiasco, the economic argument is really only a cover for a number of ideological determinants. And in Duggan's letter to Alderson they are transparent: namely, a power play whereby the CSC would re-take control of its programming (a control which it had willingly relinquished during the aftermath of the "nothing works" period of the 1970's); armed now with a new sense of confidence in its mandate, the CSC would "more directly target the criminogenic factors facing offenders." That is to say, they could do a better job at doing what prison university programs had always claimed to do with a success rate that correctional programming could only envy from afar: to reduce dramatically the rates of recidivism and to enhance the prospects of rehabilitation. Most disturbing of all is Duggan's last phrase in which he says he is "look[ing] forward to your support in achieving a smooth transition in programming," as if this were nothing more than a "friendly" corporate take over! The implication is that the CSC is now fully equipped with its own theoretical precepts and has thereby superseded the role of the university programs since it is much more "direct" and efficient about achieving those goals. What this means in practice is that CSC staff will now deliver their own short courses on "cognitive skills" which will address the aforementioned "criminogenic factors." In short, here is, for the lack of a better word, a massive "deprofessionalization" of programming in prisons. Instead of Michel Foucault's (1979) image of the modern prison "swarming" with technicians and professionals vying for their own discipline's hegemony, we now have the spectacle of inadequately trained CSC personnel delivering short courses designed to deal with "targeted" cognitive deficits. In the virtual reality of prison programming, it would seem that even pseudo-knowledge is power.
The next and most difficult dissection in this post-mortem is to determine to just what degree prison university programs might be deemed to have been complicit, however inadvertently, in their own demise, how they might be said to have conspired in their own downfall by means of the very theoretical premises whereby they sold their programming to the CSC in the first place. These very questions were broached in Vol. 4, No. 10 of the JPP (1992) in articles by Ray Jones and Brian D. MacLean which focus upon the theoretical premises of university programming as set out by Stephen Duguid, the Director of the SFU Program, whose work builds on and extends the pioneering work of Douglas Ayers and T.A. Parlett when they established the University of Victoria Program that was later taken over by SFU.

Noting that “post-secondary education is flourishing in the prisons of Massachusetts,” Jones goes on to determine that this situation is “more the product of an often contradictory and haphazard evolutionary process than a carefully implemented plan for meeting educational needs” (Jones, 1992, p. 4). He then proceeds to offer a critique of the theory offered by Duguid (and adopted by prison educators such as Elizabeth Barker at Boston University) that “most prisoners are simply deficient in certain analytic problem-solving skills, interpersonal and social skills and ethical/moral development” (ibid, p. 13) and that prison education should deal with appropriate rehabilitative development in these areas. Jones’ conclusion is that such programming has “essentially reformative aims” and thereby confronts its “principal dilemma,” namely “its unintended collusion with the penal apparatus, which arises from the coincidence of interests it shares with the Massachusetts Department of Corrections” (ibid, p. 17). Brian D. MacLean’s critique goes one step further. He regards the cognitive-moral premises of the SFU Program as virtually working hand-in-glove with the aims of the prison administration, concluding that the post-secondary educational programs should be regarded “as a strategy of control by prison administrators under the guise of liberal, rehabilitative ideology. ... In short, prisoner education posited as moral education is first and foremost an effective form of social control masked as a form of rehabilitation and evaluated not on its pedagogical merit, but on its efficacy of reducing recidivism” (MacLean, 1992, p. 27).

This would indeed be a devastating indictment of such university prison education programs if it were in any way an accurate and just
depiction of how these programs actually operated. In practice, the situation was much more complex and for that reason much more interesting in a theoretical sense as well. MacLean poses what he regards as merely a rhetorical question: "it should be asked that with all this emphasis on the efficacy of the UVic program to improve the level of moral development and thereby reduce the rate of recidivism, is anyone concerned with the value of education itself?" (ibid, p. 26). I, for one, and several of my colleagues were "concerned with the value of education itself." Both contingents were well represented in the program - there were those who advocated the cognitive-moral development strategy and those like myself who worked on the principle that the critical thinking dimensions of what I taught, whether it be Shakespeare and Wordsworth, or Victor Serge and Jean Genet, more than justified themselves. Hence there was a dynamic and stimulating tension between these different views which enriched and vitalized the program. In the classroom, in that refuge within the enclosing dystopia of the prison, I taught what I wanted, the way I wanted, in conformity with the standards of the university, not the dictates of the penal institutions. Granted, the university programs in these penal institutions did serve the interests of the administrations in so far as they did offer some means of "social control." But only if one adopted a dogmatically "purist" approach such as MacLean's could this be seen as somehow morally reprehensible. Let's be realistic: anyone who has been involved in programming initiatives in prison knows, and, after all, it is brutally self-evident that they are there by the grace (or bureaucratic whim, call it what you will) of the prison authorities. The cognitive-moral deficit argument was, in its time, a very useful rhetorical ploy whereby an ostensible "coincidence of interests" effected a modus vivendi which allowed for a creative tension between the prison's mandate of social control and the prison's program's essentially subversive questioning of those very tenets. In endless conversations with hundreds of students, I and my colleagues talked directly about these issues: there was no "masking" of some kind of hidden agenda; on the contrary, there was a conscious effort made at its deconstruction so that issues of larger import could be raised, such as education as an 'agent of social control' in the world at large outside the prison walls.

In Cognitive Dissidents Bite the Dust - The Demise of University Education in Canada's Prisons (1993), Stephen Duguid focuses on the historical background to the CSC's new programming initiatives and
concludes with a consideration of the moral and pedagogical dilemmas such “targeted” programming presented for university prison educators. The Sawatsky Report (1985) had declared that the university program, while it might benefit long term and/or maximum security inmates, was “not essential, not core, and could be reduced if necessary.”

The Sawatsky Report did not spring forth in isolation. It was, however, the first powerful indication from the correctional bureaucracy that a change was coming and that ‘nothing works’ was over. Ironically, the origins of these initiatives came in part at least from the university program they were eventually to bury. In 1979, at the instigation of local CSC staff, a research study was undertaken which showed that students from the then UVic Program had a significantly lower rate of recidivism than those of a comparison group of non-students. At the same time, Robert Ross at the University of Ottawa and his colleagues Paul Gendreau and Elizabeth Fabiano were engaged in an exhaustive study of the effectiveness of prison programs in general. In reference to the university program in British Columbia, Ross stated in 1985 that: “Nowhere else in the literature can one find such impressive results with recidivistic adult offenders.”

Having conducted an autopsy of the death of the behaviourist model in corrections in a 1978 article, Ross and his colleagues subsequently used the university program and several others as the cornerstones for their argument that something works with some people and that the basic element of success is the attention paid to thinking - or cognitive factors. By 1985 this research had been codified in the seminal text *Time to Think: A Cognitive Model of Delinquency Prevention and Offender Rehabilitation* and Ross and Fabiano had begun the process of actually creating model programs that utilized the cognitive approach. Observers outside Canada were already talking about the new Canadian paradigm of correctional education, linking research connected with the UVic/SFU program with the contributions from Ross, Fabiano, Gendreau and others (Ross and Fabiano, 1985, p. 58).

While Ross et al. certainly did not intend for their programming to displace wholesale the university programs to which their own theories were so obviously indebted, it was clear that their work did prepare the way for the CSC to declare the university programs redundant. At this
point Ray Jones and Brian D. MacLean would probably say that this “demise” could have hardly come as a surprise: after all, if you sleep with the enemy, what can you expect; in this view, university prison programming in Canada was fittingly “hoisted by its own petard,” namely, a highly problematical theory of cognitive-moral development.

The twists and turns in Duguid’s remarkable closing paragraph warrant a closer examination for in it he draws a number of conclusions which, ironically enough, would seem to have some features in common with the critiques of Jones and MacLean, foremost of which is a commitment to a “purity” of theory that can claim the moral high road:

Suddenly, it seemed, an era was at an end. The university, representing education as perceived in the community, was now being asked to adopt correctional goals and to identify the criminogenic factors that it thought its courses addressed. The tension that had existed within the program between those who stressed the pure educational goals of the program and those who were interested in its habilitative or developmental objectives was now irrelevant. The task, should the educators have chosen to accept it, was to embrace overtly correctional goals and in doing so transform the curriculum in ways that would address behaviours such as violence, sexual deviancy, and drug addiction. Abandoned along with this embrace would be the idea of an alternative community within the prison and most of the theoretical constructs that had given the program its rationale and explained its effectiveness. Mercifully, the decision or the confrontation was aborted by the CSC’s arbitrary decision to terminate the program by the convenient excuse of fiscal shortages (Duguid, 1993, p. 63).

A number of competing and contradictory metaphors are evident here. The title phrase “cognitive dissidents bite the dust” telescopes images of political resistance (perhaps with particular echoes of the Soviet Gulag and its “correction” of deviance) with those of a good old-fashioned ideological shoot-out at the O.K. Corral. This title phrase is, however, displaced by a number of metaphors of quite a different nature. The word “embrace” (used twice), employed in reference to the university program being asked to adopt “overtly correctional goals,” punningly suggests
(intended or not) that such an overture (proposition?) could lead to a fate worse than death. That is, the supposed purity of the program’s theory would thus be defiled by the unwanted advances of CSC programming thrusts and initiatives. The very last sentence of this ‘Rest-In-Peace’ paragraph changes yet again the metaphors which underlie discussion of various theoretical options open to the university program with reference to its continued existence within Canadian prisons: “Mercifully, the decision or the confrontation was aborted by the CSC’s arbitrary decision to terminate the program by the convenient excuse of fiscal shortages” (Italics mine). The death imagery that runs throughout, from “bite the dust” to “an era was at an end,” here goes through a final series of transformations: the university program’s demise is depicted as a “mercy killing” (a sort of euthanasia) and as the termination of an unwanted offspring. What conclusions can be drawn from this? The demise of university education in Canada’s prisons resulted, in part, by its too doctrinaire adherence to its own theory. This was always problematic even as it was a convenient rationale whereby it could sell itself to prison administrations. Mercifully? Hardly. The university program in Canadian prisons (as, indeed, anywhere else) was already compromised by the very contexts within which it worked (Jones and MacLean are correct in this regard); but this need not have prevented it from adapting to and subverting such constraints. Contrary to Duguid’s conclusion, I would maintain that the university program could have “embraced” the development of its own programming, its own curriculum to deal with behaviours such as violence, sexual deviancy, and drug addiction.

Missing in all these discussions are the views of the prisoner-students themselves. As Howard Davidson stressed in his Editorial Note for Vol. 4, No. 1, 1992 of the JPP, “with rare exceptions those who write about prison education are not prisoners or former prisoners. For the most part, it is educators who dominate the discourse” (Davidson, 1992, p. 2). Davidson then goes on to state that the issue on prison education he is editing is “an attempt to overcome the one-sidedness of the discussion on prison education” (ibid, p. 2). I would like to conclude these reflections upon the reasons behind the cancellation of university prison programming in Canada by letting the prisoners give their own views, letting them act as their own ethnographers, as Robert Gaucher put it in the key note article of the very first issue of the JPP (1988). In many ways, the student-prisoners, who obviously had the most to lose if
university programming was terminated, also had the most pragmatic view and insightful understanding of the "theory" of the university program. A very sensible view, one which would be echoed by many prisoners I talked to over the years, was put forward by Bob MacDonald, a prisoner at William Head Institution, in a letter to the editor of the *Victoria Times-Colonist*, Wednesday May 12, 1993, the last three paragraphs of which read:

Many people have tried to squeeze theories out of the success of the university program. Some say it reduces cognitive and moral deficits, others say it opens the mind and broadens the horizons. No doubt there is a degree of truth in all of these proposed theories.

We must not, however, think of "prison education" as though it were a corrective thing designed to fix broken people. We should instead think of "education in prison" and accept the fact that a liberal arts education has an intrinsic value of its own and just happens to have a rehabilitative aspect. Let us stand on the record of success.

Canadian taxpayers recently spent $8.2 million for new living units at William Head. The design emphasized integrated living, where prisoners do for themselves rather than have things done for them. With this concept Canada leads the world in penology. Time alone will gauge its success. The CSC has now decided to cancel this international model for prison education, at the same time it is retaining and increasing funding for programs that are demonstrated failures. Sadly, on July 1, this forward-looking institution will take a giant leap ahead into the past.

Perhaps the most penetrating piece of writing I came across in the archival dossier supplied to me by my former colleague Wayne Knights was a letter signed R.M., Vice-President, External Relations, Mountain SFU Student Council, and published in the SFU student newspaper *The Peak*, December 3, 1992. As it deals in-depth from a prisoner's perspective with many of the issues previously discussed in this response, I have reproduced it in its entirety.
I have written this letter to The Peak in order to draw attention to the recent decision made by the Correctional Service of Canada to delete the post-secondary Prison Education Program offered by Simon Fraser University. I am a concerned citizen who feels that new policy to displace education as an optional component of a prisoner's rehabilitation "plan," to replace it with unilaterally administered treatment programs, is seriously flawed in theory and will prove to be ineffective in practice. My contention relies on the premise that for "rehabilitation" to occur a person must be allowed to learn what type of changes are required and how to take part in the process so that the outcome is mutually satisfactory to both the individual and society. The Prison Education Program which has existed for the past 20 years - of which this writer has been a participant for the last six - has effectively provided such an interactive medium as it has enabled prisoners the power to learn on their own behalf and to offer arguments and assertions that are respectively evaluated and measured according to scholastic merits as opposed to administrative objectives. The current drive to displace university education with treatment programs cuts the tenuous linkage between convicts and society and undermines the development of individual skills and abilities and replaces these with positivist prescriptions for proper thinking, proper feeling, and proper living. This in turn produces either a compliant non-entity unable to think for him or herself or provides a catalyst for the instruction of under socialized offenders who simply memorize norms as opposed to actually "learning" them.

The introduction of Bill C36 and its program of streamlining has ushered in a type of prison programming which reverts back to the medical model that was used in the 1960's - albeit with a new "cognitive" emphasis. Under this model, criminals are deemed sick and in need of a cure; however, the medicine is merely the unilateral administration of treatment programs which attempt to teach the offender through role playing, the memorization of acronyms for "proper" cognitive processes, and timely participation in the various programs deemed necessary by correctional staff. There are many problems with this type of programming. First, when an offender is incarcerated, a needs
analysis is done by psychologists and correctional staff who have a vested interest in establishing a long lasting and costly treatment plan. Second, once this needs analysis is done its prognosis must, by definition, perpetuate itself as further treatment invariably finds further character flaws and necessity for more programs. Third, this type of administrative system exacerbates the already monumental problem of patronage that exists within Canadian Corrections. It is just too easy for some underqualified staff member to gain access into the veritable cornucopia of needs that an offender has and a position to administer the programs that will fulfill these needs. In addition, cons will be required by a new institutional pay system to participate in these programs, thereby solidifying and legitimating the process. The ultimate consequence is that prisoners will become dependent on others for their own social, moral, and psychological definitions: they will actually create through a process of reification in which national policies, correctional programs, and positivist morality are legitimated. I am not suggesting that programs designed to assist the offender should not be applied but rather I am saying that their unilateral administration by a closed system which answers to itself is downright dangerous.

In contrast, it is this writer’s opinion that prisoners must be taught a means to assess and define themselves through both individual education and correctional programs. This approach can fulfill needs of the individual and those of society by providing both individual education and correctional programs. This approach can fulfill needs of the individual and those of society by providing both these components as opposed to merely one or the other. It must be emphasized that prison university programs provide a cognitive basis for effective therapies and correctional programs in that they enable prisoners to decipher the underlying meaning and objectives of such programming. The knowledge gained through university courses allow “cons” to take part in programs as confident, understanding, and interactive participants rather than as merely recipients of an unclear set of operating principles internalized in rote form. The chief point is that convicts need to learn the principles that
govern social processes rather than to memorize what a good, adaptive person does and what a bad, maladaptive person does in a given situation.

The central point that I have stressed in this letter is that university and correctional programming do not have to be antagonistic but must work together in an interactive synthesis. I have received both institutional programming and a comprehensive university education which together have opened innumerable doors and have given me instruments with which I can understand the contradictions within society and within myself. My education has been one of defining self through both individual and social processes and educational and correctional programming. It has made me an individual proud of the successes and understanding of the failures, it has broached the barrier of fear and pain to release the prisoner that has dwelled inside and that perhaps dwells inside all of us.

For me there is also a personal note associated with R.M.’s letter. R.M. was one of the first students I had in my English classes at Kent Maximum Security in Agassiz. I can still remember vividly those classes and his first efforts to apply critical thinking skills and rhetorical strategies in his first year composition course. Unfortunately, the university program at Kent was cancelled in 1991 (the CSC strategy seemed to be picking off programs one by one, and not the more dramatic across the board cancellation of 1993). I had already by this time left the Program, but Liz Elliott, who was teaching criminology there at the time, has described the last graduation ceremony to me. Students and teaching staff were waiting around for the SFU Program Coordinator, Henry Hoekema, who was bringing in book prizes and pizza for a meal following the ceremony. It was at this point, most unceremoniously, that a lockdown was declared (there had been several of these over the semester - unannounced and unexplained). The CSC Educational Officer ordered all students to return to their cells immediately. At this point Henry arrived, weighted down by pizza boxes and books. Students each grabbed a box and were ushered to their cells. This sorry spectacle makes T.S. Eliot’s “not with a bang but a whimper” sound like a positively festive occasion.
The termination of university prison programming in Canada's prisons was a great loss for all concerned, above all for the prisoners who are now denied this important option, one which has undeniably been of invaluable assistance to others. You do not need statistical analyses of recidivism rates to know this. Perhaps some of my comments here will contribute to further discussion and reassessment of the means whereby we can protect prison university programs and indeed lobby for their reinstatement. In that regard, it is vital that in this post-mortem period in Canada we clarify the theory, goals, and practice of such programming. The quixotic tilting at prisons must continue. I am pleased to be able to offer my services to the JPP and look forward to working with prisoners on their own writings.

ENDNOTES

1 Recently the CSC announced it was hiring over 1,000 new correctional officers. Not one new hiring was made for either social workers or educators.

REFERENCES


Duggan, M.J., Deputy Commissioner, Pacific. Letter dated March 24, 1993 to Dr. Evan Alderson, Dean of Arts, Simon Fraser University.


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Pen Prison Writing Education Program

Information about correspondence courses available to prisoners is published by the PEN Prison Writing Program. It is a list of 59 institutions providing courses that can lead to high school or college diploma, degree programs or paralegal certificate. Many prisoners have shown an interest in continuing their education, but the opportunities to do so are limited. The list will be sent free on request.

PEN Prison Writing Program also publishes an Information Bulletin for prison writers. It is available free on request. It contains information about the annual contest with prizes for poetry, fiction, non-fiction and drama, as well as basic English, manuscript preparation, a directory of small magazines that consider new voices for publication and a list of pen pal organizations.

The above booklets may be ordered by writing to: PEN American Center, Prison Writing Program, 568 Broadway, New York, NY 10012. Please ask for: 1. List of Correspondence Courses, 2. Information Bulletin, or 3. Correspondence course list and Information Bulletin.

[Prison Writing Program - Jackson Taylor, Coordinator]
On April 29, 1998, the New Mexico chapter of the National Lawyers Guild ("NLG") issued a press release in which it proclaimed that Little Rock Reed is "America's truly most wanted fugitive." Officials from all 50 states, the Virgin Islands, Puerto Rico and the District of Columbia (including the attorneys general of forty states) have joined New Mexico Attorney General Tom Udall in petitioning the United States Supreme Court to overturn a New Mexico Supreme Court decision in which the court refused to honor Ohio's demand for Reed's extradition back to Ohio. Never before have all the states taken such an aggressive role in the extradition matters of one individual. The NLG's press release declares that the states' efforts against Reed are "jeopardizing the constitutional rights of all Americans. [They are] asking the high court to declare it illegal for American people to present evidence of government wrongdoing in extradition proceedings even when the misconduct amounts to a conspiracy to commit murder."

The states are appealing the September 9, 1997 decision of the NM Supreme Court in which Chief Justice Gene Franchini, writing for the court, said that "extradition laws are not intended to be - nor can we suffer them to be - vehicles for the suppression of constitutional rights." The court said that Reed's case is unlike any other extradition case because of
“a unique fact pattern that is supported by compelling evidence.” The court affirmed New Mexico district Judge Peggy Nelson’s 1995 decision in which she ruled that Reed proved beyond a reasonable doubt, through persuasive and undisputed evidence, that Ohio’s pursuit of Reed’s extradition “is premised on the desire to silence Reed, in violation of his constitutional rights.” Judge Nelson found that Reed had fled Ohio under a reasonable fear for his safety and his life.

The New Mexico Supreme Court was sceptical. The court examined all of the evidence that Judge Nelson relied on to draw such a severe conclusion. After careful examination, as well as additional briefs and oral arguments from Udall’s office, Reed’s state appellate attorney, and the NLG (who contended that Reed’s extradition would violate international human rights standards), the court issued a landmark decision that rocked the legal community across the nation. The court said that Reed not only fled under a reasonable fear for his safety and his life, but that Ohio officials have actually expressed an intention to cause him death or great bodily harm in retaliation for asserting his constitutionally guaranteed right to nonviolent free speech. The court wrote that Reed was incited to flee Ohio, and would never otherwise have left Ohio, but for the apparently conspiratorial, illegal actions of the Ohio prison and parole officials. “A state cannot now exploit its own unlawful conduct,” the court wrote. “Normally we trust the state to control those who threaten to deprive a person of life without due process. But when the state itself is the one posing the threat and when, as in this case, federal remedies have been refused the only one who can protect the individual is a sister state.”

The court considered the importance of this case to all Americans:

When a person’s life is jeopardized by the state without due process, no constitutional interest is of greater consequence. . . .

The transgression is not only against a single human being, but is also against the most basic principles upon which our system of government was founded.

The court wrote that the facts of this case conclusively prove that Ohio’s actions against Reed were not just, and that he was therefore not a fugitive from justice. The court said Reed is a “refugee from injustice” because Ohio’s request for Reed’s extradition “is the direct result of a concerted
effort by the agents of Ohio to deprive Reed of his most basic rights without due process.” Interestingly, Udall’s office, which now serves as Ohio’s agent in the matter, admitted to the New Mexico Supreme Court that Judge Nelson’s findings were supported by “considerable” evidence. However, Udall and his supporting state officials from around the country contend that any evidence of government wrongdoing is irrelevant and inadmissible in the context of interstate extradition proceedings. As the NLG proclaims, “If this were an international extradition case, Reed would receive refuge status with America’s blessing. International extradition law and other human rights treaties forbid a country from extraditing someone to another country under these circumstances.” Even the states admit this in their pleadings to the U.S. Supreme Court: “While a person resisting deportation may rely on potential mistreatment in a foreign country, persons resisting extradition to another State [may not].” As Reed himself frames the question, “If they can forbid us from presenting evidence of government misconduct in the context of extradition court hearings, how long will it be before their warped legal reasoning justifies forbidding evidence of government misconduct in the context of any criminal trial or hearing in this country? It is only through the courts that citizens may truly demand government accountability - short of a revolution.” Indeed, even the New Mexico Supreme Court suggested that government misconduct such as that involved in Reed’s case, if gone unchecked, would “invite anarchy.” Meanwhile, according to George Shepherd, professor emeritus and former director of the Center for Human Rights Development at the University of Denver, this appeal itself is deemed by international human rights circles as a glaring example of the United States’ continued refusal to live up to international human rights standards.

“Irrelevant” Facts

The American public should consider these well-substantiated facts:

1. Ohio governor George Voinovich has said that his request for Reed’s extradition was based on the fact that Reed had criminal charges pending in a neighbouring state and because he left Ohio without permission from the parole officials. In fact, Reed did not have any criminal charges pending anywhere (nor does he now) and he would not have left Ohio if
not forced to choose between that or death at the hands of those who wish to silence him, as the New Mexico courts ruled.

- Jill Goldhart, acting chief of the Ohio Adult Parole Authority ("APA") swore under oath that the reason Reed was wanted by Ohio is because he "failed to report arrest while on parole" and because he had "involved himself in further criminal activity." These allegations proved to be entirely fabricated. APA head John Kinkela admitted to the Columbus Dispatch that these allegations were not true. Moreover, in Goldhart’s sworn statement, she admits that Reed will be returned to prison before he is allowed any kind of hearing in Ohio.

- Jim Hathaway, another APA spokesman, wrote a letter to the Taos, New Mexico district attorney in which he stated that Reed’s extradition was sought primarily because he had outstanding warrants in Cincinnati and Covington, “verified as active on this day.” In fact, the evidence conclusively proved that no such warrants existed as alleged. Moreover, the court clerk in Covington remembered being contacted by Hathaway when he inquired about an outstanding warrant, and she assured Hathaway that no such warrant existed. Meanwhile, Kinkela has admitted to the Columbus Dispatch that Hathaway’s allegations against Reed were not true.

- Christopher Davey, a spokesman for Ohio Attorney General Betty Montgomery, has said that the Ohio attorney general has no intentions of ever investigating Reed’s claims of misconduct by the parole and prison officials, notwithstanding the APA’S admissions and the New Mexico courts’ decisions.

- Ohio Governor Voinovich refuses to investigate the evidence of prison and parole officials’ misconduct in this case. When several attorneys and professors asked Voinovich to investigate, he simply forwarded their petition to the head of the APA for resolution, refusing to examine the documentation they supplied to him supporting Reed’s claims.

The various state officials who now seek the United States Supreme Court’s intervention contend that these facts are “irrelevant.” However, the facts of this case are no less relevant than each of the laws the Ohio
officials have violated in their capacity as "public servants" in pursuit of Reed. Moreover, if Reed’s life is relevant, then so must the facts of this case be. Particularly since, as the NLG pointed out in its press release, Reed “has no outstanding criminal charges anywhere. He is wanted for absolutely no crime.”

In fact, Reed was convicted in 1982 on two counts of aggravated robbery (both apparently with unloaded guns; however, robbery is robbery). He was sentenced to 7 to 25 years in the Ohio state prison system, and he served ten years - significantly more time than others convicted and sentenced under the same laws. In February 1991, then-APA chairman Raymond Capots unwittingly admitted that Reed’s continued imprisonment was the result of Reed’s free speech activities. Reed asserts that under American jurisprudence, this in itself nullified the state of Ohio’s lawful claim of jurisdiction over him.

Reed’s Free Speech Activities

While in prison, Reed’s speech activities included advocating for the religious rights of Native American prisoners in Ohio and throughout the United States, and litigating and writing articles (as well as an award-winning book) on human rights abuses against prisoners in general. When he was released from prison in 1992, he continued his work on Native American religious rights, and he continued to speak and write about other highly sensitive prison issues which the Ohio officials have good cause for wanting to suppress from the public. His statements about the 1993 uprising at the Southern Ohio Correctional Facility in Lucasville, for example, are quite revealing. Here is one such statement:

In 1990, the warden of the state prison in Chillicothe, Ohio, Arthur Tate, was transferred to Lucasville. The Ohio officials felt that he was the man most capable of overseeing what they officially termed “Operation Shakedown.”

Operation Shakedown was the extreme and unjustified result of a horrible incident in which a mentally unstable prisoner killed a young, beautiful school teacher who worked at the prison assisting prisoners to achieve their high school diplomas. Although the prisoner had a documented history of mental
instability including violence against women, the administration carelessly assigned him to work as the teacher's aide, where he would be in a room with her at times alone, with no supervision. The prisoner took her hostage and ultimately cut her throat with a coffee can lid, nearly ripping her head from her shoulders. Many prisoners thought highly of the young teacher, and were outraged at her senseless and brutal death. In fact, if the prisoners could have gotten their hands on the guilty prisoner, he would have found himself in serious trouble.

Nevertheless, immediately following the incident, the prison was placed on lockdown. The guards came into each cell block, armed in full riot gear, and systematically ransacked every prison cell while the prisoners could only stand helplessly and watch. If we attempted to interfere with the guards' intentional destruction of our personal property, such as our family photographs, it was clear that we would be beaten or killed by a gang of angry guards who were looking for any reason to 'get even' with the prisoners for the brutal killing of their friend and community member (it wasn't enough that they had dropped her killer on his head from two stories up after getting him placed in handcuffs). Meanwhile, local citizens banded together in front of the prison demanding that the prisoners be stripped of all privileges, holding placards with such proclamations as "Kill the killers," and telling the hungry media that every prisoner in Lucasville should be put to death (little did they know that many prisoners were sincerely mourning the terrible death of the teacher). As far as the locals, the prison guards and Arthur Tate were concerned, every prisoner in Lucasville was devoid of human value.

When Arthur Tate brought Operation Shakedown to Lucasville, life inside was changed forever. All educational programs were terminated indefinitely, and recreational, religious and rehabilitation programs were severely restricted or eliminated altogether. The prison was placed under lockdown, and policies and practices were implemented which made living conditions at Lucasville intolerable from a human rights standpoint. For example, when the prisoners were hustled to the chow hall to eat, we were taken in lock step fashion, surrounded by guards who
would brutalize anyone who dared to step out of line or talk to anyone. Moreover, we were given literally only a couple of minutes to eat each meal, and were threatened with violence if we dared take another bite off our unfinished plate once informed that our meal was "terminated."

To make matters worse, there were unnecessary body searches intended merely to harass and impress upon the prisoners that Tate had absolute control over every aspect of our lives. The body searches involved anal intrusions by prison guards, the most demeaning and dehumanizing aspect of everyday prison life. When the prisoners attempted to communicate with Tate regarding these unnecessary policies and practices, he ignored us or cautioned us not to complain or things would get worse. He instructed us in memoranda distributed into every cell that his "program" was for our own good, and that it was intended to make the prison "safer" for us, and that we should be grateful to him.

Structurally, the Lucasville prison cells were built to accommodate one man per cell. To force more than one man to live in such a cell constitutes a violation of international human rights standards. However, due to overcrowding, most of the cells had two men in them the entire time I was at Lucasville (from 1984 through 1992). In order to reduce the potential violence resulting from forced double-celling, Arthur Tate’s predecessors at Lucasville had always maintained the practice of allowing prisoners to cell with each other if they requested to do so. Common sense indicates that forcing two enemies into the same cage is going to result in violence quicker than allowing two friends to live in the same cage. In fact, if Tate didn’t have any common sense, he had some experience to rely on. For example, two cell mates who did not want to cell with each other made it known to Tate and his administration that they did not want to live in the same cell with each other. They repeatedly requested to be separated from each other and one of them, Charlie, expressly told his unit manager that if they could not be separated, there would be violence. The unit manager, as per Tate’s policy, responded that nothing less than violence would
result in their being separated. Charlie was informed that the only other alternative was to be placed in administrative segregation (solitary confinement) for one or two years, which is equivalent to what would happen if he killed another prisoner.

Charlie was doing life and he refused to do it in a cage with someone he could not tolerate. Since his repeated requests for a separation were denied, he stabbed his cell mate 42 times, cutting him so badly that the officials found one of his eye balls on the floor under his bunk the day after they carried his shredded body out to the morgue. I remember being woken by the screams for help. Everyone in my cell block remembers. And those of us who weren’t absolutely insane remember how we all lived in fear that Tate would force us all into such a situation.

Tate refused to comply with common sense or experience. The entire time I was in Lucasville prior to Tate’s administration, at least 33 percent of the prison cells were racially integrated on a volunteer basis.

When Tate took over, he expected to maintain the 33 percent quota that he thought was a constitutional requirement (his “interpretation” of federal case law prohibiting racial segregation). However, with “Operation Shakedown” came a policy of prohibiting prisoners from celling with each other if they requested it. Tate intended to fill his quota with blacks and whites who hated each other. His oppressive policies and practices were bound to cause an explosion sooner or later, and he wanted the explosion to be between the whites and blacks, rather than the prisoners and his administration.

The forced-integrated celling policy was creating violence. Those of us in my cell block got word of various “isolated incidents” in other cell blocks in which prisoners were being assaulted by other prisoners when they were forced into the same cells. And then, one day an incident occurred in my cell block that would provide me with the opportunity to file a federal civil rights lawsuit on behalf of the Lucasville prison population in an effort to force Tate to put an end to some of his insane policies.
In accordance with Tate’s policy, an 18-year-old black kid, William, who weighed no more than 125 pounds, just arrived at Lucasville. He was ordered into the cell of a confirmed member of the Aryan Brotherhood who had expressed to Tate’s administration that if they dared place a “nigger” in his cell, he would kill him. The little black guy, William, was terrified. He was brand new to the prison system and didn’t know what to do when the white man stepped out of the cell and loudly proclaimed: “If you step into my cell, nigger, you’re gonna die!”

William stopped in his tracks, turned to face the guards who were escorting him, and pleaded for help. The white guards made it very clear to William, and to the several dozen witnesses including me, that William was going to have to fight for his life on that day. If he didn’t step into the white man’s cell, he would have to deal with them. And even newcomers know: you can’t beat the guards. They’ll handcuff, shackle and beat you with their sticks, half a dozen at a time, if they want to, and there’s not a damned thing you can do about it. William hesitatingly walked into the white man’s cell when it was clear he had no choice.

Before William got his second leg into the cell, he was hammered in the face with a padlock that the white man concealed inside a sock. William instantly turned running down the cell block calling out for help. He was ultimately placed in the hole and charged with the offense of failure to obey a direct order because he ran from the cell.

When he returned to the cell block a couple of days later, I met with him in the day room and he agreed to let me file a federal civil rights lawsuit on his behalf, as it would benefit all the prisoners and perhaps put an end to Tate’s insane policy.

My lawsuit included affidavits from dozens of prisoners asking for a restraining order or injunction forbidding the forced integrated celling policy as it was creating violence and would result in a riot if we didn’t obtain the injunction. I also included a survey of the general prison population which indicated that every prisoner was living in a state of fear due to Tate’s insane
policy, and that we all knew there would be a riot if the court refused to intervene. I also included the affidavits of two criminologists whose opinions were that Tate’s policy was insane and that the only logical result would be a bunch of “isolated incidents” or a riot.

Unfortunately, the court ignored our pleas for intervention, as did the governor, the prison director, the chief inspector of the prison system, and everyone else with the authority to intervene. The prisoners had exhausted every possible non-violent remedy available to us, and the only alternative remaining was a riot.

When I was released from prison, I assured my comrades inside Lucasville that I would do my very best to make the public aware of Tate’s insane policies and the impending riot. I kept my promise, and was even ordered by my parole officer to stop speaking and writing about the prison system in Ohio or my parole would be revoked. However, no one would listen to what I had to say about the riot. The result? On Easter Sunday 1993, the longest prison uprising in the history of the United States was initiated at Lucasville. Fortunately, only 11 people were killed, but 43 were seriously injured, and Tate’s administration saw to it that prisoners like me - those who are outspoken and articulate - were convicted as “ring leaders” and now sit on death row, awaiting their execution.

In my opinion, Arthur Tate and his administration were principally responsible for the riot and should be held accountable. Under Ohio law, Tate should rightfully be tried on no less than 11 counts of involuntary manslaughter, 43 counts of assault, conspiracy to commit murder in the case of William and others who were forced into cells with people Tate believed would kill or assault them, and inciting the riot. But Tate has never been held accountable, and neither have the other couple of hundred prison wardens around the country who have implemented policies and procedures modelled on Operation Shakedown.
The average citizen should ask himself or herself: what motive could Tate have for inciting the riot and orchestrating violence at Lucasville? If we exclude criminal insanity as a possibility, there is only one logical explanation in my mind. The administration wanted more funds from the legislature for prison operations. In fact, prior to the riot, Tate had suggested in a letter to the Ohio prison director that the Ohio legislature denied the Department of Corrections’ request for a new maximum-security prison because Lucasville was sufficient for the state’s needs. From Tate’s perspective, the riot proved that Lucasville did not serve the state’s needs. The legislature agreed. Not long after the riot, it appropriated $86,000,000 for the construction of a new maximum security prison in Ohio.

Prisons are big business, for sure. In fact, prisons in the United States are the largest growth industry on the planet, and if it is to grow in accordance with the desires of the Arthur Tates of this country, violence is a necessity. I think the citizens of this country should really consider that.

In my opinion, the Lucasville prisoners should be commended for maintaining non-violence for as long as they did under such intolerable circumstances. Contrary to Hollywood’s and the mainstream media’s portrayal of prisoners, prisoners do not want violence. I think the actions of the Lucasville prisoner population for the three years of brutality preceding the riot confirm this point. They made every effort to resolve their legitimate grievances nonviolently, but received nothing but brutality in response. They resorted to violence only after the governor, the courts, the prison warden, the prison director, and the grievance inspector made it absolutely clear that there was no alternative but violence. And when the prisoners finally took over the prison, what was their simple demand? “Let us see the media” That’s all they were asking for, because nobody else would listen to them. When I got on ABC during the uprising, I told the world that the prisoners would carry out their threat to kill the first hostage by noon the following day if they were still denied access to the media. The world wouldn’t listen (perhaps
it craved another killing). Meanwhile, Tate and his cohorts knew the prisoners would kill a guard at noon if they were not given access to the media. Tate and his cohorts intended for the guard hostage to be killed so that they could say to the public, “See? We told you the Lucasville prisoners are a bunch of animals and we need more money!” If Tate were held accountable under the same laws as other citizens, he would be on death row today for the premeditated murder of that prison guard. He is the one responsible. He was given the choice of letting the prisoners talk to the media, or killing the guard. It is Tate, the director and the governor who made the choice to let the guard die. They are each responsible. They are state-sanctioned murderers and nothing more.

It is apparent that some Ohio officials would stand to benefit by having Reed’s criticisms silenced. In fact, it does not surprise me that Ohio has utilized more resources in its pursuit of Reed than it has utilized in the apprehension and extradition of anyone in U.S. history. However, many state, county, city, and federal officials throughout the country would benefit if Reed could be silenced. For example, in one of the most well-orchestrated prisoners’ rights projects ever, in his capacity as vice-president of the Center for Advocacy of Human Rights, Reed organized dozens of jailhouse lawyers and outside supporters from 43 states to conduct a major investigation of the American Correctional Association ("ACA"). In the final report, which was published in a previous issue of the JPP, the ACA was condemned as a fraud. The largest accrediting agency of prisons, jails and juvenile facilities in North America, it is apparently comprised of officials who merely accredit themselves at taxpayers’ expense, and is held accountable to no one, as the report cogently demonstrates.

In addition to his First Amendment activities regarding the rights of prisoners in general, Reed continued his advocacy for the religious rights of Native American prisoners. Ohio’s efforts to silence him have not deterred him in the least. For example, in March 1998, he was responsible for organizing some panels and the “Major Address” for the annual conference of the national Academy of Criminal Justice Sciences ("ACJS"). According to Indian Country Today, there was a strong Native
American presence at the convention. Reed was there in his capacity as the president of the National Center for American Indian Prisoners’ Rights.

The “Major Address” began with a warm welcome by Milton Blue House, Vice President of the Navajo Nation. Mr. Blue House thanked the ACJS members for their interest in hearing from the Native American community on concerns regarding the criminal justice system. He urged those in attendance to give some consideration to the struggle for religious freedom that many American Indians are faced with in the prisons of North America. Mr. Blue House pointed out that the specific issues many prison officials must deal with have already been addressed by many prison officials including those in the New Mexico Department of Corrections.

He then introduced Little Rock Reed, pointing out that Reed has been instrumental in the struggle for American Indian religious freedom in the prisons of this country for many years. Reed began by calling on Selo Black Crow, a traditional elder, to offer a prayer. Mr. Black Crow asked God, in his Lakota language, to bless all the educators with understanding of what the Native people were here to achieve.

Following the invocation, Reed made a compelling presentation urging the ACJS to adopt a Resolution Regarding the Practice of Native American Spiritual and Cultural Freedom within the Context of America’s Prisons and Jails. The resolution encourages all legislatures and prison administrators to adopt legislation and policies modelled on those which exist in the State of New Mexico regarding the practice of American Indian religious freedom within the correctional context. It also encourages prison officials who are in dispute about certain matters relating to the subject to consult with Native spiritual leaders and prison officials from some of the states that have already dealt with these issues, such as New Mexico, South Dakota and Nebraska.

Reed pointed out that in all the cases that have been litigated regarding the practice of American Indian religious freedom in the prisons throughout the country, the prison officials have asserted that Native practices will pose a threat to security. The courts have generally agreed
with these speculative assertions. However, none of those officials have ever substantiated their claims with any documented evidence. Meanwhile, Reed asserts that states such as New Mexico have allowed full-blown programs for the Native American prisoners with no problems whatsoever. In fact, Native spiritual and cultural programming has resulted in a reduction of recidivism and misconduct rates which speak to the rehabilitative value of Native American practices, Reed said.

Reed then introduced Jerry Mondragon (Taos/Laguna), the administrator of Native American Affairs for the New Mexico Department of Corrections. Mr. Mondragon discussed the history of the Native American programming in the New Mexico Department of Corrections, going back to the mid-1970s when the first sweat lodge was built in the maximum security Santa Fe Penitentiary. The spiritual practices of the Native Americans incarcerated in New Mexico have been protected for many years by the Native American Counseling Act, a law which encourages the development of culturally relevant educational programs, and which protects the free exercise of Native American religion. There are many pueblos and tribes represented in New Mexico, thus a wide variety of religious practices are accommodated. The wearing of long hair by all Native American prisoners is permitted because the state recognizes the spiritual significance of tribal hairstyles. Each prison has a sweat lodge, and the prisoners are allowed access to certain herbs and items deemed to be sacred, including ceremonial drums, the sweat lodge, cedar, sage, sweet grass, corn pollen, corn husks, tobacco, kinnikinnick, eagle feathers, headbands, and more. Moreover, Native American spiritual leaders are treated with the same dignity and respect afforded Christian chaplains.

Mr. Mondragon joined Reed in urging other states to look to New Mexico as a model. Prison officials experienced with Native programs in their prisons are familiar with virtually every conceivable concern that a prison administrator should have when confronted with a Native American religious request. In short, none of these practices that have been maintained in the New Mexico Department of Corrections have caused any problems with the smooth and efficient running of the prisons, and they build morale and a sense of responsibility among Native American prisoners. This is very important to the Native American population.
At the conclusion of the "Major Address," Gennaro Vito, president of the ACJS, introduced Reed's resolution to the Academy and gave it his absolute endorsement. Reed then chaired two panels that included presentations by various Native American spiritual leaders, including Lenny Foster, director of the Navajo Corrections Project and author of New Mexico’s Native American Counseling Act; Terry Knight (Ute), a sun dance leader and road man for the Native American Church who has worked with prisoners in the state of Colorado; Selo Black Crow (Lakota), traditional elder who has gone into many prisons to pray with prisoners; Alfreda Bear Track (Lower Brule), a spiritual advisor to women in the Lakota way; and Donald Bear Track Sr. (Southern Cheyenne), a road man and sundance leader whose teenage son was murdered by white men in a hate crime. Mr. Bear Track feels strongly that his ceremonial ways have kept him from becoming consumed with hatred at the loss, and he wants all Native prisoners to have the same opportunity to heal through their ceremonials.

Other panellists included Robert Doyle and Peter D’Errico, lawyers currently representing a class action on behalf of the Native American prisoners incarcerated in the state of Massachusetts. The State keeps an Indian word for its name, but refuses to allow Indians to pray in their traditional ways, according to Doyle and D’Errico. But Massachusetts is not alone in this respect. Many states, such as Texas, Ohio, Indiana, Pennsylvania, New York, Alabama, Mississippi and others refuse to allow Native American prisoners to practice their traditional religious beliefs. In fact, according to Reed, many prisons will not allow a Native spiritual leader to enter the walls, yet Christian volunteers are able to enter virtually every prison and jail in the United States. Additionally, many states require prisoners to cut their hair in violation of their religious beliefs.

For example, all Native prisoners in California were ordered on January 1, 1998, to either cut their hair or receive extended prison terms and solitary confinement, according to Reed. The California officials claim that forced haircuts will build character and morale. Mr. Foster refers to forced haircuts as "spiritual castration."

Hal Pepinsky, a retired lawyer and tenured professor at Indiana University with many books to his credit, told the story of how he became a key witness in the extradition case of Little Rock Reed. Pepinsky
testified that Reed’s parole officer, Ron Mitchell, assured him (Pepinsky) that the APA would not comply with constitutional 2nd statutory requirements of due process in Reed’s parole revocation proceedings. Pepinsky told those at the conference that, from a peacemaker’s perspective, if we want prisons to be safe, we must listen to what people like Reed have to say.

Barry Wilford, a lawyer representing the Ohio Association of Criminal Defense Lawyers (“OACDL”), made a presentation to the effect that, if Ohio succeeds in its efforts against Reed, “it will be a dark day in this country.” He urged everyone to get involved in a letter-writing campaign to the Ohio governor because he feels the Ohio governor is the only one who can save Reed from a tortuous fate.

The last panelist to speak was Reed’s wife, Leanna Brownlee-Reed (Navajo). She hopes the power of their Native ceremonies will protect Reed from the Ohio governor, and she calls on everyone for prayers and support. She and her husband were blessed with a baby son, Jasper Cole, last November. This ongoing extradition case and harassment have caused them a lot of stress. Their combined stress has led to more than one domestic explosion (yes, Little Rock is a real person). But they continue to endure and to do their best to raise their son in a loving, peaceful environment. They will be glad when they can have peace and go on with their lives. One thing is certain in all this: Reed’s free speech activities have proven to be sound, legitimate and effective. To use the words of his detractors, he is “well orchestrated.” To be quite frank, if I were any of the government officials that Reed has criticized in the course of his free speech activities. I, too, would want him to be silent.

And What of the Future?

It is difficult to predict what the Supreme Court will do. I personally do not think that the high court will agree to hear Reed’s case, even though Udall has such broad official support in urging it to do so. However, on the slight chance that they do hear the case, I must admit that it could be bad news for Reed. The U.S. Supreme Court has historically taken the position that fugitives’ allegations of mistreatment and constitutional violations in the demanding state must be fought in the demanding state and not the asylum state - even in cases earlier this
century when black prisoners were being returned to states where they would face lynch mobs. The court has cited the supremacy of federal law over state rules.

While reviewing one extradition case, I made a startling discovery. As Reed's attorney, it is my obligation to inform him of all the possibilities in his case, no matter how negative. I called Reed to my office and informed him that it is not unheard of for the Supreme Court to at once grant certiorari and decide the case, per curium. Ordinarily, if the high court decides to hear a case, the whole process of briefings, oral arguments and decision can take one or two years, but there have been instances of summary action by the court, particularly in cases where the law is well defined and absolute (which the states are arguing it is). I pointed to a case I found - an extradition case in which the high court virtually instantly reversed asylum for the accused and sent him back to prison in Georgia with stunning speed. Could this happen to Reed? Could a single Supreme Court Justice decide Reed's fate ex parte, with no briefing and no oral argument?

Reed has recently spoken to a member of the American Bar Association ("ABA"), who was doing an interview with him for the June issue of the ABA Journal, and he told Reed that a per curium decision is a very realistic possibility. This prospect has created a level of apprehension in Reed that he has not felt in a long time. As a result, it prompted him to make the major decision to go underground. He knows that New Mexico and Ohio are monitoring the Court to discover - they hope before Reed - whether or not the Court has granted review, and, if so, whether they did so per curium. Reed has no intention of giving them a head start. After all, the next knock on his door could be the state and federal police. I tried to talk Reed out of leaving. I think it is an extreme measure, but I certainly understand Reed's concerns. Ohio has clearly demonstrated that it will stop at nothing to bring Reed back.

And even if the high court refuses to hear the case, or grants certiorari and rules in favour of Reed, he will still be confined to the state of New Mexico. For this reason, he says that he intends to draw international attention to his case by seeking and obtaining political asylum in other countries. He recently commented to me, "Wouldn't it be
the most poetic justice for all American political prisoners if Nelson Mandela grants me asylum in South Africa?"

ENDNOTES

1. Stevan Douglas Looney is an attorney and partner of Crider, Bingham & Hurst, P.C. Albuquerque, New Mexico. He is representing Little Rock Reed before the United States Supreme Court in *State of New Mexico v. Timothy "Little Rock" Reed*, U.S. Supreme Court case no. 97-1217; the New Mexico Supreme Court decision is reported at 124 N.M. 129, 947 P.2d 86 (1997).

2. Six weeks prior to his parole expiration date, Reed was falsely charged with a misdemeanor of “terroristic threatening.” He immediately notified his parole officer, as per his parole requirements. Moreover, the complainant, Steve Devoto and his wife, Dinah, admitted to the APA prior to the issuance of the APA warrant for Reed, that the charge was false. In fact, Mrs. Devoto testified that Reed’s parole officer, Ron Mitchell, told her that the highest-ranking officials of the APA and Ohio Department of Corrections intended to use the false charge to get Reed back in prison because they were fed up with his speech activities.

3. This statement is similar to an interview he gave *ABC* during the actual riot. An extremely edited version was aired across the country at a time when the Ohio officials were telling the media that to ensure the safety of the media, the media could not have access to the prisoners. The Ohio officials later admitted to the Columbus Dispatch that they were quite agitated that Reed, a “fugitive from justice,” had appeared on national television to speak about the riot.

4. Reed will not identify the white man, as it was all a matter of privacy from the very beginning as far as he was concerned. Nevertheless, Reed says he is sure that Tate took the man’s threats seriously, as he was already serving two consecutive life sentences for murder.

5. In fact, collective complaints by prisoners are prohibited in Lucasville and every other prison I know of in the United States; Reed’s comrade, John Perotti, who was just returned to Lucasville for his speech activities, can provide any interested persons with overwhelming documentation of how the prison officials retaliate against those prisoners who advocate for humane conditions inside the walls. John and others have spent many years in solitary confinement solely and expressly for getting prisoners to sign petitions in non-violent efforts to get the administration to address their legitimate complaints in a good faith manner; as a result, most prisoners are scared to sign their names to petitions asking for better treatment.

7. Reed says that the President of the ACA threatened to sue Reed if the report was ever published. However, Reed has never been sued for libel or slander. He contends that this is because if any government official ever tried to sue him, it will enable Reed to prove his allegations to a jury - and that is what his detractors do not want.

8. Most states justify the forced cutting of hair on the assertion that prisoners can hide contraband in their hair; however a survey conducted by the Native American Prisoners’ Rehabilitation Research Project, which Reed directed from 1986 until 1993, indicates that, according to the prison officials of the United States and Canada, there has never been a documented instance in which contraband was found in a prisoner’s hair.

9. In fact, Reed was detained without access to a court in the Albuquerque city jail for 30 days on the instructions of Udall’s office. This was while the New Mexico Supreme Court was deciding his case. During this admittedly unlawful detention, Leanna suffered a miscarriage because of the stress. They have both suffered post traumatic stress as a result of this untoward action against them, and, understandably, they both live in a state of apprehension, unable to trust the government to do what is right or to comply with the law.

10. The New Mexico Attorney General’s office, representing Ohio in its appeal to the New Mexico Supreme Court, called Reed “well-orchestrated and self-serving.” His personal sacrifices over the years, including extended imprisonment, solitary confinement, beatings, sensory deprivation, and the continued harassment of his family and disruption of their lives, fly in the face of the claim that he is self-serving. In fact, he has never received compensation for his tireless advocacy for the rights of others, but has put up his own money to maintain the work he has done. This, by any reasonable standard, is not a man who is self-serving.

11. As the NLG’s press release notes, these issues would never have come before the courts to begin with had former New Mexico governor Bruce King investigated and granted asylum to Little Rock. However, King was advised by Udall’s office that he had no such authority. This was false, as the New Mexico Supreme Court decision makes clear.
In Dostoyevsky’s classic novel *Crime and Punishment*, the protagonist Raskolnikov commits two brutal, gruesome murders with an axe. The murders are premeditated and there is a robbery involved. In Canada, by today’s standards, these killings would be considered first degree murders and would call for a sentence of life imprisonment with 25 years minimum before consideration for parole.

In *Crime and Punishment*, Raskolnikov’s nagging conscience inevitably leads him to confess. Eventually, the law of 16th century Russia deals with him and he receives a sentence of 7 years hard labour. The last paragraph of the novel contains the passage, “But that is the beginning of a new story - the story of the gradual renewal of a man, the story of his gradual regeneration, of his passing from one world to another, of his passing into a new unknown life ....” By today’s Canadian standards, the 7 year sentence would be considered very light.

Oddly enough, nowhere in Dostoyevsky’s novel does it say that the prosecutors appealed the judge’s sentence! There is nothing written about any public out-cry at the “leniency” of the sentence. I have never heard of, or seen it written that any reviewer or critic felt that the ending of the story was “unrealistic” because of the “light” sentence. Obviously, it was looked upon as a “just” sentence.

In the book *Life 25: Interviews with Prisoners Serving Life Sentences*, the 15 people relating their stories have committed the ultimate crime of first degree murder. Some of these crimes were more gruesome than others to be sure, but on the whole, none were more horrendous than the murders in *Crime and Punishment*. It would be difficult to say that any of these people are sympathetic characters. In fact, in some of the cases the persons seem not to acknowledge their responsibilities for the deaths. They speak of the murder as “the incident” or when “it” happened, as if it were something inexplicable that just happened rather than as something they were responsible for, something
they did. Yet even with all of this, after reading the book, it becomes apparent that all of these men are now somehow changed and perhaps at least some of them are now on the path to "gradual regeneration." Perhaps that is why this book is so interesting, because it does tell us something new not only about these people but about "justice." One cannot help but think that there may be hope for redemption for some of these men and, further, to consider just what is the purpose of the mandatory provision of this law.

Canada is, we would hope, a civilized country. People care. People are, no doubt, curious about this 25 year minimum life sentence. What does it do? How does it affect everyone concerned? This book, edited and presented by Murphy and Johnsen, will certainly give you an idea. It may give you more than one idea. It may provoke some to broaden their thinking horizons a bit. It seems that in Canada we are inundated with American views of what criminal justice is about.

Perhaps it is time we look beyond. Perhaps we should look at what they do in other civilized countries, not only in the present but also in the past. Yes, even in "uncivilized" 16th century Russia.

It seems inevitable that whatever Life 25 can tell us about our own system of justice, it will be read in the light of an American lamp. If it is possible, let us not be influenced by what they do in the U.S.A. There is a strong argument to be made that Americans are not civilized when it comes to the justice system.

When we are considering the "why" of a prison sentence, we must look at the primary purposes of the law. These are:

1. Deterrence and protection of the public. (First and most important).
2. Retribution. (Punishment. This is a close second).
3. Rehabilitation of the offender. (This is last and considered least important).

If we are examining the practicality of the long prison term in regards to deterrence, we must look at the people in this book to see if there were any thoughts of what the punishment might be for the act they were
committing or about to commit. I could not find any incidents where they thought about the consequences of their acts. The very nature or the act of murder seems to preclude that. Is there such a thing as murder at all because Cain was not punished severely enough for killing Abel? Was there a rash of old lady pawnbroker robbery-killings after Raskolnikov got "only" 7 years for his crime? Do people not kill only because they are fearful of the consequences? The examples in *Life 25* tell us that this was not a significant factor, or a factor at all.

Protection of the public. Indeed, the public is protected from these people. But, does "the public" not include the other people who come into contact with them after they are put into prison? Are they protected? And would not the public be better served if something was done for and with these people rather than TO them?

Now, we deal with the aspect of retribution, punishment. How to punish someone who kills? How to make a person atone for the ultimate crime? This question is as old as "Man" himself. We do not know the answer. If you kill the person who kills, how can he atone or make amends? To make amends, one must be allowed a choice. One can only make amends through self examination and discovery.

Currently, I am serving time in a federal Canadian prison, although not a life sentence and not for murder. I have, however, served almost 25 years now on a 37 year aggregate sentence. I have been out on parole but have been returned because of drugs. Now recovering, I was a life long heroin user. My prison sentences were basically for being a thief, armed robber and so on. As far as thievery goes I have probably done it all, but I have never shot or killed anyone. This is not to say that I have never created any victims, because the trail of victims is many and long. These people were hurt by me, perhaps not physically but in many cases psychologically.

I do, however, like to think that because I have never taken a life that it is at least possible for me to make amends, to atone. Can there be atonement for the crime of murder?

In most cases, one would think not. But in reality, I know of at least one case of a person convicted of first degree where there was at least the
promise of atonement and forgiveness. This person went for his 15 year review under the “faint hope” legislation in Canadian law (R.S.C., 1990, c. C-46, s. 745). He had very favourable behaviour reports. The murder was the senseless killing of a young woman during a robbery. The woman’s family members were, of course, at the hearing and voiced their opinions. After hearing all the reports of the man’s behaviour and other related material, they said “We are Christians, we forgive this man. But 15 years is not enough time. We have no objections to him getting out, but we feel he should do at least five more years.”

This prisoner, being a reasonable person, was naturally disappointed but he also felt that this was understandable and, surprisingly, fair! They did not say he should never get out. They showed, as far as he was concerned, mercy - something he had not shown 15 years earlier. Thus, he felt he could do another five or even ten years and he would feel as if he had paid, at least partially, for his crime. Atonement - he has a conscience and he knows that the debt is only paid if both parties agreed that it is paid.

That was one case. Obviously, they are all very different. There may be cases where the families might agree that 15 years or even less is enough. There are many who would say that the debt can never be paid and the person should never be let out. If they are cognizant of all the facts and come to that decision, who could argue?

It does seem to make sense that there should be options. The door should be left open a crack . . . faint hope.

This brings us to the aspect of rehabilitation. My experience has taught me that in serving a long sentence, at some point, in most cases (unless the person is mentally ill), a prisoner reaches a stage where he or she could be considered “cured.” Some may say rehabilitated but I think “cured” is a more fitting word. I believe that if a person were released on that day or during that time period, they would never commit another crime and would never return to prison. I think almost every person in Life 25 would fit into this category. And these are, no doubt, extreme cases.
Unfortunately, sentences do not work that way and that favourable time period passes and drifts into the past. And for each and every person, that time is different. As that day or series of days gets vague, the person does go through changes - but into what? In most cases, the result is not something or someone better, but someone older. From that point on, any changes for the better are done in spite of the prison, with or without programs, rather than because of it. Any benefits derived are painfully squeezed out by the struggling prisoner, trying to stay human.

When you read this book and peek into the minds and the lives these prisoners are experiencing, you recognize that they are individuals. There is no common denominator except that they are all murderers in the eyes of the law. It seems rational to propose that the law should be changed and there should be a latitude to treat them, each and every one, differently. Who would be doing this is up to corrections to decide. Let it be someone qualified.

That there are some people who should never be let out, there is no argument. But not all prisoners fall into this category; or even close to it.

It appears that this is what the "faint hope" clause is all about. The law is recognizing that there are some who may be eligible. But it does not go far enough in recognizing individuals. Why should the option not be there for someone to be released on parole even sooner? The persons in which book who have killed are not likely to convince you or anyone of that, but it did leave me with the thought that there should be a sentence of life with no minimum time for parole eligibility. The law is too concrete as it is, and leaves no options open. These are humans, in spite of whatever "horrible" deeds they have done - human, nevertheless, each an individual, unique, different as all humans are. The thought or the suggestion of no minimum life sentences would scare most people, but in reality the safeguards are there. Those individuals who should never be released never get out, but other individuals, who could be released, should be released. That would be a civilized Canadian law.