

STATEVILLE

SPEAKS

VOICES FROM INSIDE... A QUARTERLY NEWSLETTER

SPECIAL ISSUE

Life and Long-Term Prisoners

Article 1, Section 11 of the Illinois Constitution states, with regard to prison sentences, "All penalties shall be determined both according to the seriousness of the offenses and with the objective of restoring the offender to useful citizenship." The Illinois General Assembly will soon have an opportunity to help the state better fulfill its mandate to restore qualified prisoners to useful citizenship. Legislation will be proposed (HJR80) to establish a commission to study and make recommendations within a year on Life- and Long-Term Sentencing in Illinois prisons. A vote on

Bill Ryan

this bill will occur within the next two months.

As a visitor to Illinois prisons during the past 10 years, I have conversed with and observed the behavior of hundreds of people serving life or over 40 years. This experience has had a profound impact upon my understanding of a person's ability to change and be positive. When I began seeing prisoners, I wondered how in the world anyone could spend 20 or 30 years locked in a 9 x 6 cage and remain even remotely sane, yet alone be positive in a brutal environment. But this is happening.

I am in frequent contact with several men who have served 20-30 years and who have been released and are doing fine. They are positive, contributing member in their communities. I am not astute or smart enough to figure out the whys or how of redemption and change, but I have observed genuine change in many humans surviving in Illinois prisons. The change often seems to be driven from within, fueled by a very strong belief in a Higher Power, being remorseful but not allowing guilt to destroy their spirit.

My experience has convinced me, beyond a shadow of doubt, that many



(not all but many) of lifers/long termers have paid their debt to society and no longer pose a threat to anybody. To allow humans who have reformed and are no longer a threat to languish and die in prison is a terribly flawed public policy.

For sure, the victims of crime and their families have suffered tremendously, and many continue to experience awful pain. We are obliged, as we try to alleviate that pain and restore communities, to investigate as well the *effects* of our policies. We can not rely solely on emotions to guide our decisions. Public policy should be built on a foundation of justice, not retribution. We have important questions to answer: Is it just to keep a person locked in a cage when this is no longer necessary for public safety? How much pain, suffering, and punishment does a community require? How much are we
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hope / change / redemption

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Coverage

WHEN YOU NEED IT

INMATES IN EACH DOC PRISON CAN SUBMIT ARTICLES TO
STATEVILLE SPEAKS

There is Another Way

*New York Times Letters on Crime and
Punishment*

To the Editors:

I read Hilary Mantel's penetrating review of Sister Helen Prejean's book, *The Death of Innocents* [NYR, May 12], the night before conducting an oral hearing of a life- sentence prisoner in a prison in the west of England. The man, now aged forty-six, had committed a gruesome murder of his next-door neighbor's wife, masturbating himself once the woman was dead. He was twenty-two at the time, deep in drink and self-loathing, nursing anger at his own violent upbringing at the hands of a sexually abusive father.

Now, twenty-four years later, having completed a range of challenging courses, including a sex-offender treatment program, discipline, psychology, and probation staff in the prison have written a series of positive reports, recommending that he is ready to move to open prison, in preparation, maybe two years down the line, for release on life license under probation supervision.

He is not exceptional. Each year in England and Wales some two hundred lifers are released after the tariff or punishment period of their sentence, set by a judge, has expired. At the end of the tariff period, their cases are reviewed every two years by a parole board, consisting of a judge, a psychiatrist, and an independent



member, at an oral hearing to test whether they can be safely transferred from secure to open prison and from open to the community under license. The test for release is whether the prisoner still represents a risk to life and limb.

In England and Wales there are approximately five thousand lifers in prison, most of whom will be released under license; there are less than thirty lifers in the system serving a whole-life tariff. By contrast, in the United States, one in four of the 130,000 lifers in state prisons or federal institutions are serving life without the prospect of parole. The reason for this appears to be not more crime in the United States but the result of longer mandatory sentences and a more restrictive parole policy.

The irony is that most released

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willing to spend, in human and financial terms, to carry out vengeance? Should we ignore the fact that persons released from prison after long terms rarely commit crimes? Approximately one percent of persons aged 50 and older who are released return to prison.

One of the effects of long-term sentences is increasingly sick prisoners. William Bracy, an inspirational leader to many people, died alone of cancer after 30 years in prison. Bracy, who may have been wrongfully convicted, asked me a few days before he died if I would give him a glass of water. Such a simple request—a drink of water. It was clear that often there was no one around to help him. To be terminally ill in prison is to be punished beyond the original sentence. Prison is a difficult and demoralizing atmosphere for people in good health. For people seriously ill, it is arguably a human rights violation.

A couple years ago, Renaldo Hudson, a lifer, suggested prisoners be invited to write an essay on the topic, "Who Am I? And what can I do to be better?" These essays, written primarily by lifer/long termers, provide a unique chance to hear directly from prisoners. When the essays were written, no one thought they would be published as they eventually were in a book entitled, *Lockdown Prison Heart* (amazon.com). Here are some important lines from the collection:

"I am what the world says I cannot be . . . a rehabilitated man."

"I'm a changed man, one who has seen the errors of his way . . . The only problem is that after my first felony conviction I was given natural life sentence. Who am I? I am sorry."

"Over and over I am shown my good conduct is meaningless but I haven't run out of faith."

"These years of wrongful incarceration . . . was turned into something good. It taught me what I can do to be better to learn to forgive and love as Christ did."

"I am a flawed human being, the product of decay and moral malaise . . . I can stand up and be a man, the man that Allah (God) created me to be."

"For my 17 years of incarceration I have devoted myself to helping others the best that I can."

"My main decision was not to blame my incarceration on anybody."

"As long as there is breath, no one is beyond salvation. No matter the denial, the deprivation, or the circumstances, the will to better yourself is the sword that slashes the odds."

Stateville Speaks urges everyone who reads these words to take action: visit or call your legislator. A few minutes to make a call can make a HUGE difference. If the governor or legislator is not available, ask to speak to a staff member and leave a message urging support for HJR80 (Numbers are available in this issue.) If you feel comfortable, ask for an appointment to discuss issues facing Lifer and Long Termers. If you want someone to go with you, let me know.

Governor Blagojevich 312.814.2121

Senate President Emil Jones

773.995.7748

Speaker of the House Mike Madigan

773.581.8000

Senate Minority Leader Frank Watson

217.782.5755

House Minority Leader Tom Cross

217.782.1331.

You can find a listing of all legislators and phone numbers at www.ilga.gov. If you have any questions or want more information please contact me Bill Ryan, 708.531.9923; email nanatoad@comcast.net or write 2237 Sunnyside Westchester, IL 60154.

Please note: As a new volunteer at Stateville, I am not allowed to communicate with prisoners for any reasons other than those associated with the newspaper, *Stateville Speaks*. Thank you for your cooperation with this policy.

--Bill Ryan ■

lifers do well, get jobs, settle down with a new partner, and stay out of trouble. Why? Most have matured over a period of ten to twenty years in prison, have got themselves an education, taken responsibility for their past, including the devastating impact of their homicidal behavior on the victim and victim's family, and are acutely aware that one false move could lead to a return to prison. Less than 2 percent of the released group commit a grave offense after release.

Containment is not enough. While the truly dangerous will always need to be locked up, perhaps for a lifetime, the majority of lifers have the capacity, given the opportunity by a legislature and an informed public, to mature, face the consequences of their past, and start to lead responsible lives once more. Is Europe or indeed England and Wales so different in respect to what we do about the ultimate crime and punishment that we cannot learn from each other?

John Harding

Parole Board Member for England and Wales

Visiting Professor in Criminal Justice Studies, Hertfordshire University
Winchester, England

Hilary Mantel replies:

I am indebted to John Harding for widening the terms of the debate. "Lock 'em up and throw away the key" doesn't amount to a penal policy, and it's dismaying to find US advocates of the abolition of capital punishment—even those who are as compassionate and informed as Sister Helen Prejean—offering the prospect of whole-life imprisonment as a kind of consolation prize to a worried public. I concede that the prospect of killers being released to kill again is terrifying, and that there will always be some prisoners who, in any jurisdiction, must never be released. But what is my concern for the public more immediately is that basic defects in the criminal justice system have been revealed by close examination of capital cases. Again and again, the mechanism for establishing the facts of a case is shown to

be flawed. If this is true for cases where the death penalty is demanded, it is likely to be true for all homicide cases; and for lesser cases as well.

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Moving Forward

UPDATES, NEWS AND SIGNIFICANT PROGRESS

Bill HJR80 Proposed Commission to Study Long Term Prisoners

Thirty years ago, there were only a handful of prisoners who had served 30 years in Illinois prisons. This year there are approximately 4,500 prisoners who have sentences of 30 or more years. This is about 10% of all Illinois prisoners.

With the growth of truth in sentencing and increased use of life without parole (LWOP), this number will grow exponentially—until we have thousands and thousands of sick and elderly prisoners who will have spent their entire adults live in prison. They will serve this time whether or not they are a threat to anyone. This is an inappropriate use of our prison system.

Whereas the recidivism rate for long termers is the lowest of any group of prisoners;

Whereas it costs at least a million dollars to confine a person in prison for 30 years;

Whereas Illinois is one of only 11 states that has LWOP and one of only 6 states where all life sentences are LWOP;

Whereas in Illinois at least 500 people each year are sentenced as lifers or long-term prisoners;

Whereas it is estimated that close to half of those lifers and long-term prisoners will never be released from prison if current policies stay in place;

Whereas a large number of lifers and long-term prisoners are sentenced under the accountability theory and not for the actual commission of the crime and some are first-time offenders;

Whereas Article 1, Section 11 of the Illinois Constitution states, "All

penalties shall be determined both according to the seriousness of the offenses AND WITH THE OBJECTIVE OF RESTORING THE OFFENDER TO USEFUL CITIZENSHIP" (emphasis added)

Whereas community crime prevention programs, not harsher prison sentences, are responsible for the decline in crime rates;

Whereas numerous innocent people have been wrongly convicted in Illinois; Whereas many countries no longer impose LWOP;

Be it resolved that a Commission on Long-Term Prisoners be established: That this Commission's recommendations will insure the achievement of the highest level of public safety;

And the composition of the Commission will be similar to the one studying the impact of death penalty reforms with regard to staff and money;

The Commission will submit their report before the conclusion of the 2007 legislative session. ■

NY Times Letters Continued...

On the question of whole-life sentences, the figures John Harding quotes speak for themselves. Surely, there are very few human beings wholly incapable of redemption. At least, it seems the mark of a civilized society to think there are not. How, except by inhuman rigor, do you contain a prisoner who has no hope? What does a prison look and feel like if it has abandoned the function of rehabilitation and is devoted only to shutting away people who are regarded as dangerous animals?

I felt tempted to add into my original review a passage which said, "there is another way of doing things," and of course it's the way that John Harding describes. But I didn't want to divert from the main topic, or sound like a smug Brit. After all, there's plenty wrong with our penal system, and we are not immune to pressure from "public opinion" whipped up by tabloid newspapers. But our judges and lawyers are not dependent on people-pleasing to keep their jobs; they don't have to run for election and satisfy the ill-informed knee-jerk retributionists. It's all a bit of a puzzle for democrats, I think. ■

Past Issue Corrections

In *Stateville Speaks* Issue 7 (December 2005), Tom Odle's name was mistakenly omitted from the lead article, "A Prison Christmas." Our apologies.

Special Issue

The June 2006 issue will be the first one devoted to **creative writing**. Send us short stories and poems. (We especially need short stories!) Please limit submissions to 500 - 750 words. Submissions should be postmarked by May 1, 2006. Let us hear from you!