

BUFFALO CHIP

OMAHA, NEBRASKA

FALL, 1999

U.S. Justice for Kids: Conservatively Compassionate

Sources for this piece include Tyrone Glenn, The Children's Defense Fund web site, John Wilmerding's Restorative Justice network and Frontline News Service.

Congress has been busy giving the appearance of addressing serious issues. Senate bill, S. 254 would preserve most of the core mandates now in place to protect children, but H.R. 1501, the House's Juvenile Crime Bill, would turn the clock back 25 years and again place children at risk of assault and abuse in adult jails. In the next few weeks both bills will be reviewed by a joint House-Senate conference committee to work out the differences in the two measures.

It should be noted that a Justice Policy Institute study of juvenile crime shows that juvenile violent crime arrests have declined every year since 1994. Indeed, juveniles are far more likely to be the victims of violence than its perpetrators.

For the past 25 years, it has been assumed that children should be treated differently from adults in the U.S. justice system, and, under the Juvenile Justice and Delinquency Prevention Act (JJDP), states accepting federal funds have been required to maintain four core protections for children: 1) Children arrested for non-criminal offenses must be placed in community facilities, not jails or prisons, and *never* adult jails or prisons; 2) Children's time in adult facilities must be strictly limited; 3) Those held temporarily in adult facilities must be separated from adult inmates by both "sight and sound;" and 4) States must address the disproportionate confinement of minority juveniles in secure facilities.

Nearly every state complies with the Act. In December 1996, the Justice Department revised its rules to give states, especially rural areas, more flexibility, but still hold true to the core principles of keeping children and adults apart.

H.R. 1501 and other bills, as Tyrone Glenn points out, are nothing more than "an attempt by the politicians to dupe the public into thinking that they are doing something to prevent another Columbine [tragedy]." But the watchwords are punishment, retribution and vengeance — and forget about rehabilitation.

As the Senate and House debate on juvenile justice legislation plays out, the gun lobby donates millions to whatever politician will impede passage of real gun control. Add to this the downright meanness that seems to be pervasive in the nineties and the result is legislation which poses as much threat to children's safety as

the crime they purport to address.

Also at issue are the disproportionate confinement of minority youth; the availability of guns, both to children and to people who kill children; mandatory sentencing of juveniles (rather than continuing to give the states and judges discretion); and altering the administration of funds for juvenile crime research in a way that may relegate juvenile funding to a lower priority than adults.

Protecting Children in the Juvenile Justice System

The House bill would allow "incidental" contact between children and adult inmates in the state system, which in many jails will mean that children will be walked down hallways past adult cells and thereby subjected to verbal abuse. The house bill also creates a loophole in the federal system which could allow youth prosecuted in federal court to have unlimited exposure to adult inmates. Children as young as age 13 could be placed in cells with adult inmates in the federal system. At a Senate hearing on its bill, parents of children who died in adult jails expressed outrage at eliminating protections for children from physical and sexual abuse in correctional facilities.

Indeed, research has shown that children commit suicide in adult jails eight times as often as children held in juvenile detention facilities; and children housed in adult prisons are five times more likely to be sexually

(cont. on p. 7)

The disproportionate confinement requirement was enacted to address the fact that minority children are twice as likely to be arrested as non-minority youth, seven times more likely to be placed in a detention facility, and one in seven African American males will be incarcerated before the age of 18. Minority children ages 10-17 represent 15% of that age population, but make up 26% of children who are arrested, 32% of children who are referred to juvenile court, 46% of children placed in long-term juvenile detention institutions, and 52% of all cases waived to criminal court.

Studies also indicate that minority youth receive tougher sentences and are more likely to be put in jail than non-minority youth *for the same offenses*.

POLICE BRUTALITY -- A U.S. EPIDEMIC

Newspapers cover police brutality, but it's buried among thousands of other items. But reading a daily news service focused only on justice issues concentrates the mind on a nationwide epidemic of police violence, laden with denial, the public's complicity, and the refusal of good cops to speak out against bad ones.

Few cities have civilian review boards to hear charges of police misconduct, and grand juries (mostly white), usually find for the police. But juries in civil courts, where cities and individual policemen now more and more often are finding themselves being sued, have found for plaintiffs often enough to begin taking significant bites out of city budgets. It's not yet enough incentive for reform: when juries in civil courts order cities to pay millions in damages for police abuse, police budgets are not affected. The only exception to this is San Francisco, which enacted a law in 1996, requiring that the police budget pay for police abuses. The result: from 1996 to 1998 the city spent \$2.6 million per year on all claims, not just misconduct.

Compare this to the bill paid by Mayor Rudy Mussolini's New Yorkers, who have gone from paying \$14.6 million in police misconduct settlements in 1994 to over \$31.2 million in 1998. Detroit's bill is averaging \$10 million per year, and Los Angeles's payout averaged \$13.2 million per year from 1990-1996.

There is a tacit agreement by a majority of the public that police brutality is okay. TV cop dramas that make heroes of cops who beat people up, week after week, continue to be popular. The presumption that the good guys just don't torture people -- even the bad guys -- died with Frank Capra and Henry Fonda.

So here's a brief rundown of recent incidents of human rights abuses by those in whom we have entrusted upholding the law.

LOS ANGELES, CA (Reuters) - **Mario Paz**, an unarmed 65-year-old Latino grandfather, was shot twice in the back by police as he slept beside his wife. Police were looking for a drug dealer who had lived next door several years before. This is the fourth such incident locally in as many months. Paz had no criminal record.

CAMBRIDGE, MA (The Los Angeles Times) - A police officer told a local reporter that pepper spray

doesn't work as well on Mexican-American suspects, because Mexicans grow up eating too much spicy food, and spend so much time picking hot peppers in the field. The remark elicited a quick and furious burst of outrage from Latinos across New England, and police officials admitted the officer was repeating information shared in informal training sessions. The officer will continue to train others, and will not be reprimanded.

NEWARK, DE (Wilmington News Journal) - Police detained three Mexican immigrants for seventeen minutes in their car during a traffic stop on a busy railroad track, while a freight train bore down on them. Two of the occupants escaped the car unharmed, but a man in the back seat was killed when the train plowed into the car. Police are investigating, as is the Federal Railroad Administration. The Immigration and Naturalization Service is investigating the status of the Mexican immigrants. *[It was probably their fault for being there.]*

MORRISTOWN, NJ (AP) - A grand jury will decide whether to charge four police officers in the shooting death of unarmed motorist **Stanton Crew**, 31, who was shot four times, after Crew led state police and officers from three towns on a chase which ended on an embankment. Police fired 27 bullets into the car. They said they feared for their lives after Crew began ramming two police cars that were trapping him. State police admitted after an April 1998 shooting that they have stopped motorists because of their race. The shooting has prompted lawsuits and a grand jury investigation into whether troopers used excessive force. Gov. Christie Whitman on Thursday said she didn't think a grand jury needed to be called. "It would appear that the police acted appropriately," she said.

SAN JOSE, CA (MAP DrugNews Service) The confiscation of property by the police has become so widespread that it has created a liberal-conservative consensus in Congress: Republican Reps. Henry Hyde and Bob Barr and Democrats Barney Frank and John Conyers are co-sponsoring HR 1658, a bill that would better protect individuals and businesses from having their property arbitrarily confiscated and given to the law enforcement agencies that seized it. Some cities have come to depend on funding their police budgets from confiscated property, rather than the general fund. It is likely that the reform bill will face strong opposition from many in law enforcement.

RIVERSIDE, CA (AP) - Attorneys for the city are seeking dismissal of a federal lawsuit which claims that **Tyisha Miller's** civil rights were violated when she was fatally shot by four police officers. The civil rights suit names five officers and the city of Riverside as defendants and alleges "racial animus" as the motive for Ms. Miller's killing. The 19-year-old was shot 12 times after she was found in her locked car with a gun in her lap. Police said she suddenly reached for the weapon when

"There is a time when the operation of the machine becomes so odious -- makes you so sick at heart -- that you can't take part and you've got to ... make it stop. You've got to indicate to the people who own it that, unless you're free, the machine will be prevented from working at all."

Mario diSavio
Berkeley Free Speech Movement

when an officer smashed the car's window and tried to get the gun. The police officers are white; Ms. Miller was black. The lawsuit alleges the defendants were yelling obscenities and racial epithets. The four officers named in the suit have since been fired by Police Chief Jerry Carroll for violating department policies. Earlier, the Riverside County district attorney had announced that no criminal charges would be filed in the case.

CHICAGO, IL (*Chicago Tribune*) - In a case overshadowed by other allegations of police brutality, city lawyers agreed to a \$500,000 settlement with the family of a West Side woman who died in a 1997 struggle with officers. The death of **Frankie Ann Perkins**, 37, is similar to that of **Gregory Riley**, an alleged drug dealer who died last month after trying to flee police. And it also bears parallels to the high-profile case of **Jorge Guillen**, who died as police sought to subdue him in his Humboldt Park apartment in 1995. Last year, the city paid \$637,000 to settle a suit filed by Guillen's family.

Police contended that Perkins choked to death on a plastic bag containing five smaller bags of crack cocaine. But witnesses told a different story, and Perkins' family has filed a multimillion dollar wrongful death lawsuit in Federal District Court, alleging that two officers ran up to Perkins before one threw her down, put a knee on her chest, choked her and yelled, "spit it out."

One officer revealed in a deposition that he was trained in CPR and the Heimlich maneuver but did not attempt either procedure to revive Perkins. An autopsy revealed cocaine in Perkins' system. The family's attorney said she was a drug user, but did not sell drugs. The police Office of Professional Standards investigated but found no wrongdoing by either officer.

CHICAGO, IL (*AP*) - On July 12, Chicago's police superintendent recommended the firing of four officers for their part in the fatal shooting of an unarmed black woman. The officers will be suspended 30 days without pay while the police board takes up the recommendation. **LaTanya Haggerty**, 26, was a passenger in a car involved in a police chase on June 4 when she was shot and killed. Investigators said an officer mistook her cellular phone for a gun. Superintendent Terry Hillard said the officers ignored a supervisor's order to call off the chase, fired without justification and failed to notify a supervisor promptly that shots had been fired. "I am convinced that department rules and regulations were intentionally ignored and the four officers involved must be held accountable for those actions," he said. Haggerty's family has filed a wrongful death lawsuit against the city of Chicago and Daniels.

Protesters called for criminal charges against the officers. Bill Nolan, president of the Chicago chapter of the Fraternal Order of Police, called Hillard's decision a "foregone conclusion" in light of public pressure to blame someone for the shootings. "We're disappointed in it, and we'll do whatever we can to help the officers ... keep their jobs," Nolan told CLTV in Chicago.

ATHENS (*Reuters*) - An Athens family has settled their wrongful death lawsuit against police out of court. The family of 20-year-old **Edward Wright** sued after two police officers shot and killed the unarmed black man who was running naked down the street in east Athens in October 1995. Subsequent investigations cleared the white officers of any wrongdoing.

MONTEREY CO. CA. (*Frontline News Service*) Protesters are demanding a federal investigation into the police killing of retired schoolteacher **Charles Vaughn, Sr.** Vaughn, a 60-year-old retired schoolteacher and father of four, was pursued onto the roof of his Seaside home by police officers, who were responding to an assistance call from a social worker who was attempting to take Vaughn to the hospital for an evaluation. Police allege Vaughn had a corkscrew in his possession while on the roof, and an officer says Vaughn lunged at him. The officers below opened fire, hitting him four times.

ROCKVILLE, MD (*Rockville Sun*) - Lawyers for the family of **Junious Roberts**, a black man shot to death last month by a white Montgomery County police officer, met yesterday with county officials. Roberts, 44, was shot once in the back April 14 after a brief struggle with Officer Sean Thielke in the parking lot of a McDonald's restaurant on Georgia Avenue in Wheaton. It was the second time in two weeks that an unarmed black man was shot to death by a white county officer. Grand juries cleared officers in the Roberts death and the March 31 fatal shooting of a Washington man who rammed a stolen car into three police cruisers in Silver Spring. Two Montgomery County civilian review boards found no evidence of systematic discrimination.

LOS ANGELES, CA (*Reuters*) - A 22-year-old man, shot and left paralyzed by police, was freed from a long prison sentence Thursday after a dramatic admission by prosecutors that rogue officers had framed him to cover up the fact that **Javier Francisco Ovando**, 22, had been shot without cause. Los Angeles Superior Court Judge Larry Fidler ordered Ovando freed. A member of the notorious 18th Street Gang, Ovando served nearly three years of a 23-year sentence for assaulting a police officer, and his case helped spark a massive corruption probe.

All cases involving the two officers are now being reinvestigated, police said.

HARTFORD, CT (*Frontline News Service*) - New London State's Attorney Kevin Keane's investigation of the fatal shooting of 14-year-old **Aquan Salmon** by Officer Robert C. Allan is expected to wind up in October. Police support Allan, while activists reacted with outrage at the shooting. In 1997, in a similar case, New Haven State's Attorney Michael Dearington ruled after a five-month investigation that a white East Haven officer, Robert Flodquist, acted lawfully in the fatal shooting of an unarmed black motorist, **Malik Jones**, after a car chase.

MEMPHIS, MS (*PANW*) - A deputy sheriff in

(cont. on p. 6)

KafkaTime: Prison Rules and Regulations

by *Mondo we Langa*

The "Nebraska Department of Correctional Services-Rules and Regulations" is the rule book by which prisoners at the Nebraska State Penitentiary are governed. This book lists 45 rules. Violation of any of these rules can result in misconduct reports and penalties. Such penalties range from room restriction and/or extra duty to loss of "good time" and/or placement in solitary confinement. Violations of rules fall under the category, in the rule book, of "code of offenses."

In addition to the rules listed in the rule book, there are several hundred other rules. These are contained in administrative regulations, official memoranda, and post orders. Generally speaking, though each of us is given a personal copy of the rule book, we must go to the prison library to read administrative regulations or official memoranda. On occasion, new documents in these categories are posted on cellhouse (housing unit) bulletin boards and/or bulletin boards in other locations, such as the kitchen, gym, activities building, and/or elsewhere. We are not allowed to see post orders. Rules not contained in the rule book cover such areas as: what kinds of clothes we can wear in specific parts of the institution, the amount of property we are allowed to have, when we can enter or leave the cellhouses, whom we can send money to, etc. This amounts to a huge volume of rules which no prisoner, institutional employee, or administrator can know in full. Moreover, these rules are subject to change at anytime-- particularly, through the institution's use of "cut and paste" prerogative.

The ability of the institution to enforce any of these several hundred rules not contained in the rule book is facilitated and enhanced by the existence of three catch-all rules that are contained in the rule book. These are: "disobeying a direct order," "disruption of authorized duties," and "violation of regulations." Consider an example in this regard. On Thursday evening, March 25th of this year, I was walking to the gym to play basketball, having left a meeting in the activities building. I had a white towel hanging from my back pocket and was told by a lieutenant to remove it. Initially, I thought he was doing his version of being funny, so I ignored him. He repeated himself, saying I couldn't have the towel hanging from my pocket. I have been in this institution since 1971 and have never heard of a rule stating that one cannot have a towel hanging from his pocket. But it became evident to me that this lieutenant really thought he was being serious. I took the towel from my pocket and draped it around my neck. Had I failed to remove the towel from my pocket, I'd have received a misconduct report which would have charged me with "disobeying direct orders." despite the fact that, to my knowledge, there is no rule governing whether a towel can hang from one's pocket.

In regards to the above example and to the situation in this institution generally, it is a routine practice for charges listed in misconduct reports to contain "disobeying direct orders" and "disruption of authorized duties." This is part of what might be referred to as "stacking".

Practically every misconduct report written in here lists multiple rule infractions, no matter how minor and/or simple the alleged infraction may be. This accomplishes at least two things. It maximizes the chances that the disciplinary committee will find the prisoner guilty of at least one charge and it enables the committee to find guilt even if what the prisoner is alleged to have done is in violation of no actually existing rule.

Another aspect of this matter of prison rules is their relationship, or lack of same, to valid institutional interests regarding safety, security, and/or other reasonable concerns. One of the infractions listed in the code of offenses is "selling, loaning, or giving items to others." In a prison setting, it is reasonable that there be some institutional controls over transactions between prisoners. However, in this case, the rule is over-broad and has resulted in prisoners actually receiving misconduct reports for letting other prisoners read their newspapers or magazines.

Additionally, it allows for a situation in which a particularly petty-minded guard giving a prisoner a misconduct for giving a prisoner a cigarette or borrowing a pencil. The fact that prisoners have been cited for letting others read their newspapers or magazines makes it abundantly clear how easy it is for such a rule to be used for purposes of harassment.

There are many such over-broad rules which can be and are used as tools of harassment, reprisal, and/or for guards and other employees to exercise authority for authority's sake. In view of the sheer volume of rules in this institution, the fact of the frequent change in them, and the latitude prison administrators and staff have in interpretation and enforcement of these rules, any requirement by the parole board that a prisoner doing a life sentence must go five years without being found guilty of any misconduct reports is unreasonable and precludes a prisoner from having a reasonable expectation of being able to receive a recommendation for commutation, his efforts to maintain a clean institutional record notwithstanding.

The matters of institutional rules and the issuance of misconduct reports cannot be considered in isolation from the matters of investigation of accusations, disciplinary hearings, and the institutional appeals process.

When a prisoner is notified that he has had a misconduct report lodged against him, it is from the so-called "investigating" officer, who reads the report to him

THE WHOLE WORLD IS WATCHING

World Reaction to Human Rights Abuses in the U.S. Justice System

Amnesty International has charged that it is becoming more and more common for police and prison officials to use severe electro-shock to control the behavior of inmates in U.S. prisons and jails.

"Electricity has been one of the torturer's favoured tools in the second half of the 20th century." Amnesty International said. "The USA's growing use of high-tech stun weapons dangerously blurs the line between torture and legitimate prisoner control techniques. The stun belt can subject its wearer to an eight-second 50,000 volt electric shock by remote control, and is one weapon among a growing array of electro-shock devices used by police and prison agencies across the U.S. "The use of the stun belt, even when not activated, violates international human rights law," AI stressed.

The belt caused an international outcry in 1998 when California defendant Ronnie Hawkins was electro-shocked in open court for repeatedly interrupting the judge. His subsequent lawsuit led to a federal court ban on the belt in Los Angeles County.

The federal government, itself a big stun belt user, has filed an *amicus curiae* brief supporting Los Angeles County in its efforts to overturn the ban. Amnesty International will present its own *amicus* brief to the court. Characteristically, the US government ignores international standards in its brief, and argues instead that the stun belt meets its own domestic criteria.

Even children are not exempted from the stun belt. Two 17-year-olds were recently made to wear the belt at their pre-trial hearings. "Perhaps it should come as no surprise that the country which leads the world in executing child offenders tolerates a device which threatens them with pain and humiliation at the touch of a button," Amnesty International said.

News Release Issued by the International Secretariat of Amnesty International, June 8, 1999

OSLO, Norway (AP) - A Norwegian court has

New Book by Political Prisoner

Leonard Peltier!

Prison Writings

My Life is My Sundance

"Doing time creates a demented darkness of my own imagination ... doing time does this thing to you. But of course, you don't do time. You do without it. Or rather, time does you. Time is a cannibal that devours the flesh of your years day by day, bite by bite."

Leonard Peltier

To order your copy, send a check or money order for \$25 to:

LPDC, P.O. Box 583, Lawrence, KS 66044

"Rather than try to ban the stun belts that help law enforcement officers control violent prisoners, the organization should go after instances in which the devices are mis-used..."

"...Triggered by remote control, they deliver a 50,000-volt shock, which causes, among other things, temporary muscle paralysis and pain. More than 130 jurisdictions around the nation have the belts, including the federal government, which says it has strict guidelines for the seldom-used devices.

"...Amnesty's rhetoric about torture and cruel and unusual punishment shouldn't deter law enforcement agencies from using the devices, with proper safeguards, to protect both the officers and the public."

From an *Omaha World-Herald* editorial

refused to extradite a suspected drug smuggler to the United States, saying he might suffer inhumane conditions in an American jail. The suspect, Henry Hendriksen, is a 49-year-old American. In 1997, he was found in Stavanger, a port in western Norway, and arrested on charges of smuggling about 50 tons of hashish into the United States. The charges were filed in Vermont.

In a unanimous decision, the high court questioned whether U.S. jails meet the humanitarian standard required for extradition under Norwegian law, sending the case back to the district court. The Supreme Court's opinion is virtually always followed by the lower courts, and upon reconsideration, the district court decided July 16 not to extradite Hendriksen. Hendriksen is now in a refugee center. He may be granted asylum based on human rights considerations.

BRITISH COLUMBIA, Canada - Renee Boje, a 29-year-old American medicinal marijuana advocate, faces a mandatory minimum sentence of ten years to life in prison for allegedly assisting in the growing of medical marijuana in California with friend and cancer sufferer Todd McCormick, according to Renee herself and a publicist, Maury Mason. Bojee is currently in British Columbia, Canada, fighting extradition back to the U.S., and has applied for asylum as a United Nations Convention Status Refugee. She is fighting the extradition request by the U.S. to face charges of possession of marijuana, conspiracy to distribute marijuana, and cultivation of marijuana. In Canada, apparently these charges would carry a fine and/or minimal jail time. Canada has granted Bojee's request for a full hearing, set for the first week in November.

KafkaTime *(cont. from p. 1)*

and asks him if he has any comments. According to page 26 of the rule book, sub section 006.03, the investigating officer "shall interview the inmate and other persons with relevant knowledge of the circumstances giving rise to the misconduct report in an effort to determine whether or not the misconduct report is supported by evidence." This investigating officer can, on the basis of his or her "investigation" recommend dismissed. But the fact is that, typically, the investigating officer simply reads the report to the prisoner and asks if he has any comments. He or she doesn't investigate to determine if the charges are warranted.

Generally speaking, if the accused prisoner has evidence that could warrant a recommendation of dismissed and brings this to the attention of the investigating officer, he or she will not investigate but simply set a date for the disciplinary committee to hear the case.

With respect to the question of disciplinary hearings, there are a number of issues that must be considered, among them: If a misconduct report boils down to a matter of the word of a prisoner against that of staff, the disciplinary committee in practically every case, operates under the presumption that the word of staff is true while that of the prisoner is false; the prisoner's so called "representative" is not allowed to speak on behalf of the person he's "representing" and neither the accused nor his "representative" is allowed to question the reporting employee directly, but must pose the question to the committee; typically, if a prisoner asks for another prisoner or staff person to be a witness at the disciplinary hearing and that person was not a witness to the actual incident in question but has other information of relevance to the accusation of misconduct, the request for that person's testimony is denied.

Findings of guilt by the disciplinary committee can be appealed to the Appeals Board. But prisoners commonly bypass this process because the Appeals Board has come to be viewed by prisoners as nothing more than a veritable "rubber stamp" for the findings made and actions taken by the Disciplinary Committee.

Lastly, returning to the issue of rules and the changing of them, it should be mentioned that a substantial portion of misconduct reports are written with regard to prisoners alleged possession of contraband. The fact is that an item (clothing, hobby tool, container, etc.) can be legal for a prisoner to have and, later, due to a change in rule, become "contraband." Whether a prisoner's property is "grandfathered", allowing him to keep property which was legal for him to have prior to the rule change, is a completely arbitrary matter.

I shall ask for the abolition of the punishment of death until I have the infallibility of human judgment demonstrated to me. *Thomas Jefferson*

Want To Abolish The Death Penalty?

Here is something you can do

PLEASE JOIN US IN SUPPORTING

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FOR THE NOBEL PEACE PRIZE

Write your letter (with specific reasons for your support) to:

Chairman Francis Sejersted

The Norwegian Nobel Committee

Dammen 19

NO255 Oslo, NORWAY

Police Brutality *(cont. from p. 3)*

Marshall County shot an African-American man, **Lester Jackson**, three times -- at least once in the back -- on Saturday August 28. Jackson died as a result of his wounds, and the local NAACP is demanding the immediate resignation of the local sheriff, who they say has created an environment that is totally hostile to African-Americans in Marshall County.

NEW YORK, NY (*Reuters*) - Four of Rudy Mussolini's New York police officers charged in the murder of unarmed African immigrant **Amadou Diallo** failed in their efforts to have the trial dismissed or moved out of New York. In a pretrial hearing Bronx Supreme Court Judge Patricia Williams denied requests of the undercover officers, who pled not guilty when they were indicted in March on second-degree murder and reckless endangerment charges.

MIAMI, FL (*Frontline News Service*) - Hundreds of demonstrators protested outside Miami Police Department headquarters, demanding that Sgt. Juan Mendez be removed from the force for shooting 19-year-old **Antonio Butler**. Butler was the fourth person Mendez has killed while on duty. Internal Affairs investigators have determined the three previous shootings were justified. Miami police officials have backed Mendez, saying the officer thought Butler was reaching for a gun. At the request of U.S. Rep. Carrie Meek, the U.S. Justice Department has instructed the FBI to look into the shooting.

FORT WORTH, TX (*Reuters*) - Five Fort Worth policemen have been fired for hog-tying a man who died in their custody, and for trying to hide behind a "code of silence," a spokesman for the city's police department said Friday. The five officers were dismissed two months after the family of **Luis Enrique Hernandez**, 31, sued the city of Fort Worth, alleging police used excessive force in arresting him on Jan. 1. Local and federal prosecutors are examining the case. Hog-tying had been banned in 1992, after a California study showed that a prisoner could suffocate in the position, with the back bent and diaphragm extended.

Justice for Kids *(cont. from p. 1)*

and 50% more likely to be attacked with a weapon, compared to children in juvenile facilities.

Both House and Senate bills include provisions to allow parental consent to place children in adult jails; in the Senate bill, incarceration with adults would be allowed indefinitely. This is a radical change from current law. In effect, 13-year-olds could be placed indefinitely in a cell with an adult prisoner.

The House bill would terminate consent decrees which existed before passage of the Prison Litigation Reform Act (PLRA). Dozens of consent decrees which have kept children out of adult jails and prohibited practices such as beatings, tying children to beds, and locking them in isolation rooms for days and weeks at a time, would be abolished.

Both bills propose drastic changes in the way children are prosecuted in the federal system. The bill would allow prosecuting and sentencing children as young as 13 as adults, would remove the requirement for judicial review, and give prosecutors unfettered discretion to prosecute children as adults, would subject children in both the juvenile and adult systems to mandatory sentencing, and would remove confidentiality protections in juvenile court by opening juvenile court proceedings to the public and making juvenile records available.

The House bill would sunset the Juvenile Justice and Delinquency Prevention Act (JJDP) in 2004. This is the legislation that has provided the most basic protections against harm to children in correctional facilities for the past 25 years. Funding to states and communities for improvements to their juvenile justice systems would also be eliminated.

Under the new bills, states would not be required to address disproportionate confinement of minority juveniles, even though disproportionate confinement is a fact in virtually every state. The Senate bill deletes all reference to "minority" or "race" and instead refers to "segments of the juvenile population."

Although both House and Senate bills contain a "prevention block grant," there is no set-aside for prevention funding, and no assurance that any funds will ever be appropriated for prevention programs.

Gun Violence

Legislation to protect children from gun violence is mixed. S. 254 would significantly reduce children's access to guns. Among other things, the bill would require safety locks on new handguns and would close the gun show loophole that allows convicted felons and children to purchase guns. Other provisions would ban the possession of semiautomatic assault weapons and large capacity ammunition magazines by juveniles, close gun show loopholes by requiring background checks on purchasers, ban imports of some weapons, and require a trigger lock or other safety device on handguns. S. 254 would require that immediate mental health intervention

services be provided for children removed from school for any violent acts, including carrying or possessing a weapon.

But the S. 254 has no provisions to raise the legal age for purchasing a gun from 18 to 21, or restrict the purchase of handguns to one per month (to curb the ability of individuals to sell guns privately to those prohibited from legal purchase themselves). As for the House, it takes no significant action to make guns safer or less accessible to children or to people who kill children. The gun lobby prevails again.

The Senate also rejected an amendment proposed by Senator Boxer (D-CA) to increase funds for after-school programs. Studies show that violent juvenile crime peaks after school, when children are unsupervised. The amendment, which would have helped local communities by providing mentoring and positive activities for youth after school, was rejected largely along party lines.

Finally, both houses would amend current law by allowing school personnel to cease educational services to students with disabilities who possess or carry a firearm or weapon to school.

Tyrone Glenn, a Dallas, PA prison inmate, says it best: "You, the public, better wake up and get involved ... to stop these kinds of politicians from destroying your children. They will apparently do anything to make themselves appear to be the protectors of society, but in reality they are only trying to hold on to their jobs by exploiting the feelings of revenge this society wants every time some tragedy happens such as those shootings at Columbine High School ... {Don't} support laws ... that will help to destroy your children."

WHAT YOU CAN DO ABOUT U.S. POLITICAL PRISONERS ED POINDEXTER AND MONDO WE LANGA:

Write now to

Governor Mike Johanns
Attorney General Don Stenberg
Secretary of State Scott Moore
The Nebraska Board of Pardons
P.O. Box 94754
Lincoln, NE 68501

Both Ed and Mondo have taught, are published writers, and have promoted self-improvement of other prisoners. They have also reached out in community programs to help at-risk youth.

Send your letter to The Nebraska Board of Pardons, and urge IMMEDIATE commutation of their sentences to time served.

Ed Poindexter and Mondo we Langa: Nebraska's Political Prisoners

Buffalo Chip is a quarterly newsletter published by Nebraskans for Justice, a non-profit organization newly incorporated in the State of Nebraska (we've been around awhile, but are just now incorporating). Nebraskans for Justice publishes *Buffalo Chip* to provide information about justice issues in the U.S.. We place a special emphasis on U.S. political prisoners, especially Nebraska's own Ed Poindexter and Mondo we Langa (formerly David Rice). Both are victims of the FBI's notorious COINTELPRO abuses during the sixties and seventies, and are currently serving the twenty-ninth year of life sentences for the bombing murder of Omaha policeman Larry Minard. Both men have consistently denied any connection with this heinous crime,-- and much evidence obtained after their trial, through the Freedom of Information Act, sustains their avowal of innocence.

These men were members of the Black Panther Party -- that was their real "crime." Katherine Ann Power, who is white, spent 23 years underground, after **admittedly** taking part in an armed robbery in which a police officer was killed. She surrendered in 1993, was sentenced to eight to twelve years for manslaughter, and has now been released, while **Sundiata Acoli, Ed Poindexter, Mondo, Leonard Peltier** and other, political prisoners, mostly people of color, remain in prison, victims of politicians who know they can get elected by

being "tough on crime."

The United States routinely disclaims charges of human rights abuses, and denies the existence of its political prisoners. The evidence says otherwise, and such organizations as Human Rights Watch, Amnesty International, the United Nations Commission on Human Rights, and the World Organization Against Torture/USA have charged the U.S. to raise its standards to equal those of the U.N. Charter of Human Rights.

When we began publishing *Buffalo Chip* in July 1997, the issue of political prisoners was almost our sole focus. We quickly learned, from inmate letters and contacts by people working for other political prisoners, that the U.S. justice system has become so skewed toward punishment and vengeance, that, until all human rights issues are addressed: torture, sexual abuse, mandatory sentencing, prosecutorial, police and prison officials' misconduct, etc., political prisoners will continue to be a low priority in the public mind.

In a just society, claims based on the kind of evidence of FBI/police collusion found in the Rice/Poindexter case would elicit hearings, both in court and by the Nebraska Board of Pardons. The fact is, the Pardons Board even refuses hearings in death penalty cases. It is discouraging for those who had faith that the Bill of Rights would be upheld by those to whom it has been entrusted.

Buffalo Chip Needs your Help!

Thanks to the generosity of our readers and donors, we have missed only one issue since first publishing in July 1997. It's always a cliffhanger; sometimes there's no money for printing and postage, and at the last minute, the money comes in. If you'd like to help, please send checks or money orders to: Buffalo Chip, 1314 S. 9th St., Omaha, NE 68108.

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