



TURNING POINT

The Newsletter of Missouri CURE
Citizens United for Rehabilitation of Errants

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From the Board

by Hedy Harden

History in the Making

Black History month may be over, but the legacy of liberation fighters lives on in people like Jamala Rogers of St. Louis. Since the 1970s she has been a courageous warrior in the justice struggle for prisoners and for Black people in the community and throughout the diaspora.

Born in Kansas City, Jamala was a student leader at Tarkio College, where she earned her degree in education. After moving to St. Louis in the early 70s, she joined the Congress of African People (CAP).

I met Jamala in 1975, and we have worked together for many years. Together we marched for a holiday commemorating the life of Dr. Martin Luther King Jr. We protested South African Apartheid in the streets of St. Louis. We rallied in Washington DC to protest the murders of Atlanta children and gathered in New York to march for women's rights. We participated in a Black Liberation conference in Harlem. We studied and planned strategy for advancing the struggle.

In 1980 former CAP members formed the Organization for Black Struggle (OBS) along with students, union organizers and other activists. OBS fights for political empowerment, economic justice, and the cultural dignity of the African-American community, especially the Black working class.

Since 1980 Jamala and OBS have led a valiant struggle to create a society free from all forms of exploitation and oppression.

Their battles are far too numerous to list here. OBS created the Youth Council for Positive Development to provide a space for nurturing and opportunities for growth (see p. 3). My son Rob was one of the original members.



OBS also took on electoral politics, campaigning for progressive candidates such as Freeman Bosley Jr., St. Louis' first black mayor. Under his administration, Jamala directed the Office of Youth Development from 1993-2001, making a difference in the lives of many young people.

Despite their many fronts, Jamala and OBS have never forgotten the cause of Missouri prisoners. In 1999 their tireless efforts resulted in the release of Ellen Reasonover after 17 years of wrongful imprisonment.

For many years Jamala led an annual citizens' investigative tour into Missouri prisons under the auspices of former State Rep. Charles Quincy Troupe.

A leader in the abolition movement, Jamala and others are now fighting for a death penalty moratorium in Missouri.

At the OBS 30th anniversary celebration on January 30, Jamala stepped down as Chair and passed the torch to Montague Simmons, practicing what she preaches about nurturing a new generation of leaders.

But, says Jamala, "There's no such thing as retiring when you have made a commitment to social justice."

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She continues as co-chair of the Coalition Against Police Crimes and Repression (CAPCR); as coordinator of the "Justice for Reggie" campaign on behalf of Missouri death row prisoner Reginald Clemons; as a member of the leadership council of OBS; and in writing her weekly column in the *St. Louis American* newspaper. She remains active with Missouri Abolition, Jobs With Justice, the St. Louis Coalition for

See **Jamala**—page 5

Death Penalty a Failure

The American Law Institute, which wrote the framework for capital punishment, which the US Supreme Court adopted in *Gregg v. Georgia*, said in January that capital punishment in the US is a failure.

➤ In Missouri, Attorney General Chris Koster has requested execution dates for 2 men on death row, Joseph Franklin, convicted of a series of racist murders, and Allen Nicklasson, triggerman for the murder of a good Samaritan. This is a common tactic used by the state to gain public support for executions. Once the public condones the execution of these, considered the "worst of the worst," it will be easier to push through additional state killings, such as that of Reggie Clemons. We should not buy into such tactics.

➤ California now has 700 people on death row, more than twice as

many as in the state of Texas, which has 331. Florida has 391, making it the second largest death row state. Despite the fact that death sentences in 2009 reached the lowest level nationally since reinstatement of capital punishment in 1976, California added 29 prisoners to death row, nearly a 50 percent increase. Los Angeles County alone had 13 death sentences last year, compared to nine for the



entire state of Texas. This is despite the fact that public opinion in California is overwhelmingly opposed to capital punishment. Resentencing the CA prisoners to life without parole would save the state a billion dollars over the next 5 year, money the state desperately needs. ❖

A Note from Maria

To prisoner members who are about to be released, be sure to send us your forwarding address so that we can continue your subscription, since the DOC website does not provide this information.

Bills to Lift Lifetime Food Stamp Ban Heard

Senate Bills 612 and 613, the Food Stamp Ban Repeal Bills, had a successful committee hearing February 10. The Missouri Association for Social Welfare (MASW) went before the Senate Progress & Development Committee to testify for these bills, which would modify the optional Federal Ban on ex-drug offenders qualifying for the Food Stamp Program. It was a successful committee meeting.

There is more broad-based support for these bills this year than in any other year! The Missouri Grocers Association, the US Probation & Parole Office of Cape Girardeau, The Chief of Police of St. Louis, The Mayor of Cape Girardeau, The Kansas City Crime Commission and others testified or wrote letters of support. Approximately ten people testified in favor of the bill, and none against.

MASW told the Committee it believes these bills would be a benefit to the State. First, it would bring millions of Federal Food Stamp dollars into our economy. It would help not only families receiving the benefit, but also grocery stores and farmers that would receive Food Stamp dollars. Second, it would help with public safety. Studies show that the more support given to individuals leaving the criminal justice system, the less likely they will commit another crime and end up back in prison. The committee will vote on the bill next week. If it passes, it will be up to Senate President *Pro Tem* Charlie Shields to put it on the full Senate calendar.

Submitted by Christine Woody, MASW

Exonerations By DNA Reach 250 Nation-wide

On February 4 In Rochester NY, Freddie Peacock became the 250th person exonerated by DNA and freed at the age of 60. Wrongfully convicted of rape in 1976, Peacock was released on parole in 1982. He has been on parole ever since, while continually fighting to prove his innocence.

The first DNA exoneration in the United States was in 1989.

The Innocence Project has released a report, "250 Exonerated: Too Many Wrongfully Convicted," detailing each case and providing statistics on common causes of such injustices. Some of the most important findings are the following:

- There have been DNA exonerations in 33 states and the District of Columbia.
- The top three states for DNA exonerations are New York with 25, Texas with 40 and Illinois with 29.
- 76% of the wrongful convictions involved eyewitness misidentification.
- 50% involved unvalidated or improper forensic science.
- 27% relied on a false confession, admission or guilty plea.
- 70% of the exonerated are people of color: 60% are black, nearly 9% are La-

tino, and 29% are white.

"We never imagined when we started the Innocence Project in 1992," said Co-Director Peter Neufeld, "that so many people around the country would be freed with DNA testing."

Said Neufeld, "DNA exonerations have helped transform the criminal justice system, leading to reforms in virtually every state, but there is still a great deal of work to do to make our system of justice more fair, accurate and reliable." ❖



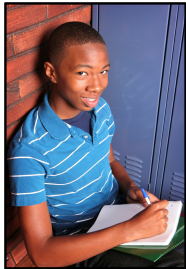
The Youth Council for Positive Development

The YCPD was instituted in 1980 for children ages 4-17. Originally called the OBS Youth Group, it consisted of children of OBS members. Now several members are offspring of the original group. The seven principles of Kwanzaa and the ancient principles of Ma'at are used as the foundation for identity, purpose and direction. The YCPD is steeped in African culture. Its Youth Cultural Theater is comprised of African Drum and Dance, drama, poetry and song. The Rites

of Passage process and celebration are used to mark the crossover from adolescence to adulthood. The Ma'at Saturday program includes science, art and history activities and field trips. The Jamala Rogers Young Visionary Award was instituted to provide scholarship to youth pursuing higher education. The YCPD exposes young people to new and positive experiences and relationships, providing a dynamic alternative to life in the streets.

The Youth Creed

- I will strive to be a role model in my community or wherever I go.
- I will communicate and interact with other youth by being respectful; by being responsible; by promoting Black unity and pride; by practicing self-control and self-discipline.
- I will struggle to improve myself and life by being open to new challenges and new ideas; by taking initiative; by achieving academic excellence.
- I will be obsessed with learning, promoting and preserving Black History and Culture.
- I will be informed about community and world issues and events.
- I will actively participate in making changes in my community and the world.
- I will fight for human rights, freedom, justice, equality and peace.



Texas Leads the Way in Justice Reform

Our last issue contained an article about Texas leading the country in compensating victims of wrongful imprisonment exonerated by DNA, making millionaires of some.

Now Texas has begun to deal with the problem of prison overcrowding and tight budgets by becoming a role model for other states. Instead of building more prisons to incarcerate an anticipated 17,000 additional offenders by 2012 at a cost of half a billion dollars, Texas two years ago developed a plan to reduce the number of prisoners by overhauling its criminal justice system.

In 2005 State Rep. Jerry Madden was appointed Chair of the committee that oversees the state prison system, with the order that no more prisons be built. A conservative Republican, Madden joined with a Senate Democrat John Whitmire to establish bipartisan reform. With 150,000 prisoners in the state already, it was anticipated that thousands more beds would soon be needed.

The crime index had remained virtually steady since 2002. But probation revocations had increased 18 percent from 1997 to 2006. Substance abuse and mental health programs had

been cut. Prisoners were being released at a slower rate than rules allowed.

As a result of the bipartisan effort, the Texas legislature approved \$241 million to add 10,000 slots for substance abuse and mental health treatment; fund new short-term residential facilities, half-way houses and outpatient programs; add programs to reduce probation violations and fight recidivism; and parole more eligible prisoners. Despite the budgetary spending, Texas actually saved tens of millions by not having to build a new prison.

There was some opposition to the new programs, and not all are in place yet. But the prison population has remained steady, and the new projection for 2012 is actually a slight decrease. Nearly 11,000 more offenders are on probation than two years ago, and revocations are up only slightly.

Florida Looks at Texas Model

For the first time in its history, Flor-

ida has more than 100,000 prisoners. Florida abolished parole for crimes committed after 1983. While the state is in a never-ending budget crisis, the Department of Corrections expects to add another 14,000 offenders in the next five years. For every 1,500 new prisoners, a new prison must be built at a cost of \$100 million plus \$20 million annual maintenance.

Although already struggling to pay for reforms instituted to reduce recidivism and improve treatment, Florida DOC Secretary Walt McNeil believes that Texas reforms could work in Florida.

Momentum is building in the Florida legislature, with a workshop focused on criminal justice issues. Republican Senator Victor Crist, the workshop sponsor, wants to expand work release programs and favors "early and effective" substance abuse and mental health treatment.

According to Crist, "This session, money is going to be tight, tempers are going to be hot, and ideas are going to be needed." ❖



2010 Missouri House Bills

HB 1203, Kuessner J.C. – Requires an inmate receiving on-site medical examination or treatment from any correctional facility's medical personnel to be assessed 25 cents per visit.

HB 1226, Fischer, Linda – Specifies that prisoners who commit sexual misconduct in the 2nd degree in the presence of a minor or person working in a jail, prison or correctional facility will be guilty of a class D felony.

HB 1252, Curls, Shalonn – Allows the court to suspend imposition of an adult sentence in cases where there is dual jurisdiction and the offender has been transferred from juvenile court to a court of general jurisdiction.

HB 1257, Smith, Joe – Allows criminal charges to be filed against a mother who intentionally used or ingested an illegal controlled substance while she was pregnant which resulted in harm to her unborn child.

HB 1262, Komo, Sam – Requires a defendant placed on probation or parole to agree to certain searches when the probation or parole officer has reasonable suspicion that person is or has been engaged in illegal activity.

HB 1269, Meiner, Kate – Requires any person, business, or organization that holds a camp which provides activities for minors to request criminal background checks on any person who will be working at the camp.

HB 1279, Roorda, Jeff – Requires the juvenile court to publish the time, date and location of certain juvenile court proceedings in a court docket and to post it in a conspicuous and readily available location in the court house.

HB 1280, Roorda, Jeff – Creates the crime of altering or falsifying drug or alcohol test results or selling or transporting a biological sample or adulterant to falsify test results.

HB 1313, Curls, Shalonn – Requires the DOC to establish the Shock Time for Felony Probationers Program to give courts an alternative to imposing a sentence for non-violent offenders who have violated their probation.

HB 1415, McGhee, Mike – Changes the law regarding clemency in death penalty cases.

HB 1482, Hughes, Leonard – Eliminates the payment of an intervention fee as a condition of parole.

HB 1549, Calloway, Don – Revises the law concerning recording of certain custodial interrogations to make it mandatory for certain crimes with a few exceptions.

HB 1550, Calloway, Don – Allows challenges to death penalties based on racial disparities anywhere in the state and permits the use of statistical evidence in certain criminal and post-conviction relief proceedings.

HB 1623, Molendorp, Chris – Adds state correctional centers and their grounds to the definition of "public place" as it relates to smoking and the Indoor Clean Air Act.

HB 1683, Deeken, Bill – Creates a moratorium on the death penalty until January 1, 2013 and creates a death penalty commission.

HB 1703, Lair, Mike – Revises requirements for eligibility for parole for certain offenses with no parole for 50 yrs or life without parole.

HB 1726, Jones, Kenny – Makes sheriff's sex offender registration fees mandatory and allows sheriffs to charge a reimbursement fee for search and apprehension to an offender guilty of failing to register as a sex offender.

HB 1757, Burnett, John – Requires the board of P & P to make periodic reviews of certain convicted offenders serving sentences of 50 yrs or life without parole.



HB 1804, Kirkton, Jeanne – Requires a first-time offender of any intoxication-related offense to use an ignition interlock device on any vehicle the offender operates.

HB 1809, Nasheed, Jamilah – Authorizes the expungement of certain criminal records.

HB 1815, Calloway, Dan – Allows challenges to death sentences based on racial disparities anywhere in the state and permits the use of statistical evidence in certain criminal and post conviction relief proceedings.

HB 1832, Wells, Don – Prohibits retentions of documentation of a complaint filed against a professional counselor by a sexually violent predator held for commitment if the complaint is not grounds for licensure sanction.

*No one
is free
when
others are
oppressed.*

2010 Missouri Senate Bills

SB 591, Bray – Eliminates the death penalty.

SB 612, 613, Wilson — This act provides that pursuant to the option granted under the federal Personal Responsibility and Work Opportunity Act of 1996, an individual who has a felony conviction under federal or state law involving possession or use of a controlled substance shall be eligible for food stamp benefits if such person, as determined by the department of social services, successfully participates in or has satisfactorily completed a substance abuse treatment program approved by the Division of Alcohol and Drug Abuse or complies with all obligations imposed by the court, Division of Alcohol and Drug Abuse and the Division of Probation and Parole. The individual must all meet all other factors for foods stamps eligibility.

SB 653, Crowell - Prohibits felony sexual offenders whose victim was less than 17 years of age from being allowed to participate in the 120-day "shock incarceration program" in the Department of Corrections. ❖

Missouri Supreme Court

Chief Justice says stop over-incarceration

Chief Justice of the Missouri Supreme Court William Ray Price Jr. said in his State of the Judiciary address Feb. 3 that we need to rethink our strategies to deal with nonviolent crime, including drug and alcohol abuse. Justice Price stated that tough sentencing laws have cost us billions of dollars, and “We have just as much crime now as we did when we started.” He called the over-incarceration of nonviolent offenders and the mishandling of drug and alcohol offenders the biggest waste of resources in all of state government. He said the state has been “cramming inmates into prisons and not providing the type of drug treatment and job training that is necessary to break their cycle of crime.” He called for diverting some offenders from prison and removing others more quickly.

Price advocates spending more money on drug courts. “At one-fourth to one-fifth the cost of incarceration, more than one half of drug court participants graduate, and recidivism is only in the 10 percent range.”

Court limits use of sex offender laws

In a 4-3 decision in January, the Missouri Supreme Court has limited the enforcement of two laws affecting sex offenders.

A 2004 law prevented convicted sex offenders from living within 1,000 feet of a school or child-care facility. A subsequent ruling by the court exempted offenders who simply returned to the same residence after conviction.

The current ruling means that all those convicted before the residency requirement are permitted to live anywhere within the state.

Another law, enacted in 2008, regulates behavior of convicted sex offenders on Halloween. It requires them to stay in their homes, turn off all exterior lights, and post a sign stating that no treats are available.

The new ruling exempts those who were convicted prior to August 28, 2008. ❖



*Jamala—*from page 1

Human Rights, and many other organizations.

Jamala plans to focus now on building a citywide movement for youth, who are in a crisis of education, health and violence.

Traveling throughout the country and around the world, Jamala still hits the ground running in pursuit of freedom and justice.

As ACLU racial justice manager Redditt Hudson said, “She eats and drinks everything that will allow her to be a resource for the community and to have everyone equally valued in society.”

Not only is Jamala Rogers a part of Black History — she continues to create it on a daily basis.

From OBS:

"Moratorium Now!" Lobby Day

Join opponents of the Missouri's death penalty at the Capitol on Wednesday, March 17. There will be free buses going from St. Louis and Kansas City, but you must reserve your seat. This is a good experience for those who have never been to Jefferson City to see our legislators in action. Don't worry about your lobby skills, as there will be a brief training on the spot.

St. Louis: Contact TC Parsons at 314-556-9267 to reserve a seat on the bus leaving Central Reform Congregation at Kingshighway and Waterman at 7 am.

Kansas City: Call Renee Boman at 314-583-0231 to reserve a seat on the bus leaving Trinity Methodist Church (620 E Armour KC MO) at 6:30 am.

Other areas: From the East (including Columbia) call TC Parsons; from the West call Renee Boman. They can help coordinate possible carpools from certain areas.

Electronic Newsletter from DOC

The Missouri DOC has a new electronic newsletter. Called *e-Inside Out*, it contains useful information for prison family members and loved ones. To view a copy, go to the DOC website www.doc.mo.gov. To be placed on the electronic mailing list, email constituentservices@doc.mo.gov, using "Newsletter" in the subject line. Alternately, you may call 573-526-2695 or write MO DOC Constituent Services Office, P.O. Box 236, Jefferson City MO 65102. ❖

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* Stamps from prisoners are welcome if permitted by your institution.

CURE is NOT a service organization. We are an all-volunteer non-profit criminal justice advocacy organization. CURE has NO legal services. We advocate for criminal justice reform, but cannot take on individual cases.

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United We Stand – United We CURE!