

MASS PRISON VOICE

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Massachusetts Chapter

Welcome To “Shirleyworld”

Timothy Muise

In my youth I was blessed to have been able to do a bit of traveling. Made it to a few tropical islands, crossed a few borders, and saw some pleasing sights. My beloved parents even took me to Disneyworld, as undeserving as I was, when I was a young man. It was amazing. I was a teenager and could not believe the vastness of the complex and the scope of the youthful entertainment it provided. The memories stuck with me all these years.

Since about 1997 I have been on a bit of a different “world tour”. Draconian former Mass. Governor William Weld liked to use the term, “Tour through the circles of hell,” to describe his dream for the Massachusetts prison system. Well my new world tour through this system may not have sunken to the depths of the biblically described “hell”, but it is pretty close for my life experience. This current segment of my tour has brought me to the surreal confines of “Shirleyworld” and I don’t feel at all welcome.

MCI Shirley medium is a kingdom, far from magic, all to itself in the world of Massachusetts corrections. It abides by no rules that apply to similar facilities. They call it a medium security prison, but by all true applications it is a maximum security facility with as much “lock down” time as the state’s maximum security facility across the street. It is also a medical wonderland. If you had a phobia of wheelchairs this

place would be a true nightmare. The public would be outraged to see the hundreds of disabled prisoners, many no longer posing any type of risk to the public, who make up the “Space mountain” marquee ride of this non-amusement park. It is tragic.

In the past when I traveled I used to enjoy nature and nice weather. Here at Shirleyworld you better like the weather because they have a policy of forced exposure. Three times a day, in the rain, sleet, snow, lightening, and gale winds, you are forced to walk to the chow hall where you are subjected to a culinary nightmare of gastrointestinal distress. The elderly, the infirm, the wheelchair bound, and all sorts of “theme park” customers must battle the elements in order to partake of their daily sustenance. If you don’t like it – don’t eat, that is the Shirleyworld motto.

Now to get the full picture on the insanity of this prison you would have to walk its grounds for a few days, and that I would not recommend. But please allow me to give you a few more examples. We have men here who are fully bed ridden. They could not leave if the fences were melted and pathways were paved. We have prisoners suffering from full dementia, this is truly sad, they are still being punished for their crimes and they do not even know it. Each and every day here they close the most important buildings in the prison, those being the programs and school building. Programming and education are the mainstays of reducing recidivism, but at Shirleyworld this means



nothing. If a guard calls in sick because he stubbed his toe at the gay parade, the whole rehabilitative machine here comes crashing to a halt. To hell with public safety and damn the torpedoes. After all they are walking the toughest beat in the state as the guards union used to say. The only problem is that many times you have to wake them up from a dead sleep in order to get them to walk that beat. Now don’t get me wrong they do face some daily dangers. The evils of prisoner clothes lines, the terror of too many books in ones cell, the horror of an unmade bed or unlocked footlocker certainly make their occupation one on par with true danger fighters. Do they really think they can sell their bill of goods to men who rush into battle or storm into a burning building? Of course not, but in order to create job security they need to make the fantasy case they are fending off violent prisoners and ferreting out drugs, weapons, and escapes. Nothing could be further from the truth. The most dangerous situation they face each day is the possibility

they may get their toes run over by one of the many wheelchairs that parade the walkways. Thank God for steel toed boots! We cannot forget that this is Shirleyworld and fantasy is all part of the package.

The real tragedy of this theme park of the macabre is that it is creating crime and promoting murder. Many in the public may laugh at the push for humane treatment of prisoners, but trust me when I tell you it is no joke. Men enter prison desperate, on the heels of a life changing experience. Many want to obtain the services they feel will help them change their lives. When they pass through the razor wire turnstiles of Shirleyworld, they find out that this place is not interested in their eagerness to change or their desire to become a productive member of society. They soon find out the purpose of these "death camps" are to provide jobs for generations of guards and administrators. They also find out that you better not mess with that plan. Do not demand programming. Never ask for an education, and do not expect to be connected to community services when you get close to release. Just put your head between your legs and kiss your ass goodbye because here at Shirleyworld their purpose is to keep you as a customer until the day you die. Same rides as Walt Disney, just with different results. You can come in a low level drug dealer or thief, take a tour of the rides at Shirleyworld and return a murderer. Sad, but so true.

We need to display to the public that they are far less safe with amusement parks like MCI Shirley operation. The streets of the cities and towns they love are less safe because the DOC is failing them in every imaginable way. It is time to push for change. This system cannot be allowed to create more Dominic Cinelli's. Men like him are indeed personally responsible for their crimes, but places like Shirleyworld

also hold a large portion of the blame. We need to go back to a system like the one created that change in men like Malcolm X. He changed his life at MCI Norfolk when it was the most progressive prison colony in the USA, possibly the world. It allowed men to make the change, if they desired it, while also keeping the public safe from men who did not want to, or were not ready to, make that type of change. The time is now to push for reform.

If you are outraged about the failure of Shirleyworld and the other DOC run theme parks in the state there is something you can do about it. Call your local state senator and representative and demand a full overhaul of the system. Now is the time as they are taking a hard look at why men leave this sick world and commit even more serious crimes. Tell them what you know about Shirleyworld and let them know you do not support the DOC jobs program that has so damaged efforts for public safety reform. Ask all your friends to call or email. You deserve safe streets and lower taxes. Please help us to close down the sadistic realm of Shirleyworld and rebuild it with a progressive healing factory that can, and will, produce fine citizens and maybe, just maybe, another leader like Malcolm X.



Where Is the Outrage? Norfolk Lifers Group

On January 5th, Eusie Stamps was shot and killed. Stamps, clothed only in his pajama bottoms and unarmed, died in his home, a victim

of the allegedly finely trained, Framingham SWAT Team. According to the Framingham PD: "During the execution of a search warrant a firearm was discharged by a SWAT team member and a round struck a resident." Yes, the "round" did strike a resident, but, more to the point, the "round" killed Mr. Stamps!

Eusie Stamps, having retired after 20 years as a machinist for the MBTA, was 68 years old and the grandfather of twelve. He had no involvement with any drug transactions and no weapons were found in the house. So, what did the Framingham PD accomplish with this overwhelming show of force besides killing Mr. Stamps? Two men were arrested, at least one outside the home; neither was armed.

So. I ask: Where is the outrage? Where is the panel of state senators and representatives demanding a full investigation and the firing of the Framingham Chief of Police? Where are the legions of reporters and poison-mouthed television and radio commentators pontificating about the danger of just living in one's home in Framingham with the SWAT Team on the loose? The answer to these questions is: Nowhere to be seen and Shame on Them!!

What could account for this lack of interest? Well, Eusie Stamps was a black man; John Maguire was white. Eusie Stamps was killed by the police; Maguire was a policeman killed on duty in Woburn. Eusie Stamps was retired after 20 years of faithful service; Maguire was about to retire at some point this year. Politicians and reporters/commentators see no advantage for either votes or coverage in championing the cause of Eusie Stamps, who, as Maguire, left a grieving family.

No, it has been left to the Middlesex D.A.'s Office and the Framingham Police, who work hand-in-glove; to investigate what has happened in Eusie Stamps' home. The result is predictable: "Sorry, our

hearts go out to Mr. Stamps' family, this is a great tragedy. It was a grievous mistake and we are terribly sorry. But, the incident occurred during the performance of duty and therefore, nothing more can be done." It will be the same old whitewash. In fact, the whitewash has already begun and the passive assertions by the police that "a firearm was discharged" and "a round struck a resident." As far as I know, firearms do not "discharge" themselves – someone pulls the trigger. A "round" striking "a resident" is just a bland way of saying: a bullet fired by a SWAT member killed Eusie Stamps. But, that would be placing the blame where it belongs – on the police. Rather, Mr. Stamps might be found at fault for having the gall to be in his house and in his pajamas when the police invaded with guns blazing.

As much as the Parole Board is being maligned, they would not accept such a lame and simple excuse as "I'm sorry, but the firearm discharged." Once again, Where is the outrage? The venom being spewed at the Parole Board needs to be directed to the Framingham police. But, it won't be because Eusie Stamps, although a loving family man who was enjoying retirement after 20 years of work for the state, was old, black, and unimportant to those who like to think they make the news and those who make our laws. And, this will not change until the Eusie Stamps of this world are as valued to our society as the John Maguire's.

Revolving Door Joseph Guillotte

I would like to take this opportunity to respond to the articles about the DOC and the staff and guards. First, let me say that I agree with Sue's desk. I also agree with all the articles written on the subject, but come on brothers & sisters, if you're reading this, let's wake up, because

in all honesty we are the ones giving these people jobs.

We all need to wake up and smell the coffee. If we stand up and stop re-offending or doing whatever gets us coming back, these people will be out of a job!!! Only we can make the difference. Each and every one of us has the power to change our own lives, let's do it!!! Change starts one person at a time, and the way to change is to leave jail or prison and take a stand right here, right now. Pledge to yourselves to leave jail when your time is up and to never return.

We all have the power within us to achieve greatness and to do the right thing. Let's use it!!

The choice belongs to each and every one of us, not the DOC, not the court, us, make it!! If you make the choice to never break the law or hurt anyone again once and for all, you win and the DOC loses!!

Take the advice from Sue's Desk in the article dated Jan/Feb/March, get out and stay out. I will if I get the chance to leave.

An Open Letter To All Members of the Community Celestino Colon

We need to communicate--to speak and listen to one another,

about the importance of guiding the lives of our community members (yes, even those that are incarcerated)--especially our young. Our survival is at stake.

I know that on a personal level, I lost track of what is important in life, hence, I'm here serving a life sentence--but, that does not mean that I am not grateful to so many people--teachers, coaches, family members, neighbors, etc. who have encouraged, supported, and challenged me to be the best person that I could be, while I was growing up.

I am not an activist, rather, another member of this community, just like each one of you, made stronger by those who share my commitment to eradicate ignorance (at times stupidity), all types of biases, prejudices and all things negative, that in the end, serve no purpose but to amputate our chances of success in reference to our goals. We should be teaching our young to stimulate and challenge themselves, both intellectually and culturally. We should help each other to grow and evolve as human beings.

I have seen how true civilized communities work. Let us not fool ourselves, we all have. Parents, church leaders, teachers and other caring individuals have sustained and



supported our young in times of sorrow, pain, and confusion. Simply put, for us to best succeed as a community in these troubled times, we must work together for one cause--one positive cause. We must work together to ensure that all members of this community and all other communities around us, regardless of their race or stature, have the opportunity to fulfill our God-given potential and the skills we need to grow and flourish.

Please let us not forget, that having come from various degrees of dysfunctional families (i.e., the majority of us prisoners) many of us find ourselves in search for guidance. In most cases the guidance offered to us are rather meager. We are not told (in most cases) that life is guided by values and wisdom. Many of us walk through life seeking knowledge, wisdom and truth, but many of the places we find, especially in prison, are barren and devoid of meaning. We should already know by now that we do not succeed in everything; we never will. However, failure should never stop us from attempting to succeed. Remember, it is in the struggle that we gain insight about ourselves, for we will know how much further, or how much harder, we must go to the next time.

I do see some examples of people in whom there is embodied everything I want to measure my life against. I see all sorts of examples where people's political and social courage challenges me to better myself in all aspects of my life. Dr. MLK, and FDR are just two inspiring examples of men who knew the importance of positive words and deeds.

As I look around this community – especially the community within these walls, I see many – far too many young individuals angry, and I can not help but to look back on one of my earlier lessons in “Prison Life”, which taught me to be understanding, not angry, and to channel anger into something



productive. If we, as a community, stay motivated and focused, continue to be productive, and to be of service to one another, we should be able to persevere. We should continually communicate these values to our young on an everyday basis. We can not, and must not allow barriers to stop or slow us down.

As I communicate these words to all of you, I can not help but to think about my late father. Versatile, committed, eloquent and talented, are all adjectives that describe a good person. They also happen to describe my father. Because of my family's immigrant history, I have always felt stronger about our obligation to contribute in something positive. I lost my way somehow, but I still whole-heartedly believe that we do have an obligation to make this world a better place- leave this world a better place than when we came into it.

My father passed away on February 20, 2005, but he left me a blueprint for life that I continue to follow. He was an inspiring man who offered valuable lessons about the world. There were no bridges named after him. There were no awards given in his honor. There were no fan clubs praising him, yet, it was he who taught me so much. He taught

me not to be afraid of change, or when needed, confronting obstacles, and to confront them head-on, and to look past an initial impression – question the meaning of things, and to learn from the changes these close observations can bring about. His teachings are instrumental because they inspire me to think for myself, not follow others down a negative path. Yes, I have learned these lessons later, after being incarcerated for the past two decades or so – but, it is not too late- I can enrich and bless someone else, somehow. I can offer my life experiences to someone else, therefore, hopefully avoiding/preventing them from making my mistakes. I do love life- I do care for the betterment of our community, despite the perception of me.

I ask, no, I humble plead with each and every one of you to do your part to improve our community. I believe that each and every member of this community has an obligation to each other and to one-self to better our lives- the quality of our lives, of our children, our young.

Let us all work together to improve our situation. Let us work closely to educate each other about matters that have substance, instead of frivolous and dramatic nonsense that seems to consume our every day conversations.

Remember, together we can make a difference, and for change to really work, it takes determination and dedication from each and every one of us. We all have some part in all of this, and we all have something that we can do.



Emulation of Walt Whitman's

Song of Myself

D. L. Holland

Twenty-eight men socialize in the yard. Twenty-eight men who have different goals and different agendas.

Twenty-eight men who are collectively sentenced to thousands of years.

He works in a twelve-by-twelve room atop a wall watching the men in the yard while they socialize.

He stands behind darkened windows, bored, watching and waiting for something to happen.

He has all the new toys; guns, lights, radios, listening devices, and more.

Twenty-eight men grow oblivious to the man in the tower and go about their business.

Twenty-eight men talk sports, school, family, exchange pleasantries, just trying to pass the time o day.

He watched through his monocular waiting for a fight, drugs, an assault, an escape?

He spots two men sitting on a bench with no weapons, no drugs, but simply sharing an apple pie and enjoying the moment.

Two men clearly up to no good use their credit card style I.D. as a butter knife to divide the pie.

He puts out the call to the inner-perimeter, that there are two rule breakers in the West field on bench number 6.

Two men, sitting on a bench eating pie, notice that everyone has turned their attention toward the convergence of blue uniforms. Two men make haste and consume the evidence.

He watches with a sick sense of excitement as the two are circled. They ask the two men what they are doing breaking the rules and disrupting the daily operation of a correctional facility?

Two men, covered with crumbs, with no drugs, no weapons, nor even milk respond: "What pie"?

Meanwhile, elsewhere within the Department of Corrections real travesties are being ignored.



MCI Norfolk Update-Holy Thursday afternoon 4/21/11

Milton Rice

As of this week, Sr. Ruth Raichle, O.P., the Catholic Chaplain is still "barred" from entering the prison. G. Haas and D. Greineder were released from the SMU on Wednesday 3/16/11 and are back in their unit. They were verbally told via a block officer that they were barred from the CDS building. This has since been confirmed in writing. They remain, AAPI – for what ever reason, one can only speculate – as they have not been given any other information. As such they are reduced to persona non grata being barred from the center of community life at Norfolk.

The September 2010 issue of "Prison Legal News" had an interesting article regarding prison chaplains around the country that have been barred from "their" institutions for the "sin" of activism, advocating for change and/or complaining about the living conditions within the prisons they volunteered in. They were all however, volunteers and not full time employees as is Sr. Ruth. One of the problems here is "they" just consider her an employee and agonize over the fact that she alone has done more good in her position as chaplain over the last twenty plus years at MCI Norfolk than most of the entire staff combined along with any program the DOC has ineptly run with its paid staff. To date, Sr. Ruth has not been charged with anything and does not know why she is being investigated.

There is an interesting dichotomy existing between what the

DOC has promulgated as rules and regulations and ones religious faith which demands works (action) in the face of oppression, injustice, and illegal and corrupt practices, especially those that create public safety concerns. Whether any rules were violated by anyone, one can only speculate. Any casual observer however, can understand that a chaplain who follows the letter of any regulations cannot possibly be a real chaplain, for their jobs and/or follow their conscience at the same time. Thankfully most chaplains (especially our beloved Ruth-and spiritual guide) are true to "the calling" of their faith. The DOC "policy wonks" corrupt all their jack booted secret police mentality- that if examined carefully- exposes merely a jobs program and creates at the same time a conundrum of impossible choices for all employees of "good conscience" and prisoners when selectively enforced. The criminalization, micromanagement and codification of nearly everything creates a dizzying maze of paperwork, with many hands and desks to pass "it" along too. It's a lot like the illegal practice in stock brokering, referred to as "churning". (i.e. deliberately creating buying and selling to pay the broker a transaction fee on both sides of the transaction with no possible way for the client to profit.) In this case, a morally corrupt administration (and policy wonks) justifies its fraudulent security apparatus with inane attempts to make "mountains out of mole hills," while criminalizing good deeds that might not ideologically comport with the conservative goals of a jobs program for family and friends. Many professional staff have stated:"...what they have done and/or trying to do to Sr. Ruth is a new low, even for this place."

There is a disturbing interference between the church (religion) and the state taking place here. Beyond that, there is the violation of the individual constitutional rights of the citizen of

a free society vs. an oppressive regime that is breeding hate and distrust by its questionable acts under fraudulent umbrella of "security". It is time to marshal "the forces of good" and begin writing letters to the archdiocese, letters to the editors, and contacting state legislators for the purpose of bringing pressure upon those responsible and attention to the injustice being done to Sr. Ruth, her valuable ministry, and everything she has built at MCI Norfolk. The time for standing by and doing nothing has passed – it is time for action.

**They Are Golden
(The Outside Volunteers)**
Lewis Anderson

One of prison's most valuable assets are the outside volunteers. Those selfless human beings that bring so much to the prison community. Those beautiful folks who opt to enter our angry, stress-filled and restricted world to give of themselves and their time; the very same people who put their fear and doubt aside to assist "us" in some positive way. There are many

reasons why the average, law abiding citizen would abhor entering such a dreary environment that is ours. Think of all the criminal transgressions that have placed many of us here. When one person breaks the law the whole of the (free) society is affected and/or diminished to a degree. Out of many there is that small percentage that cares enough to take courage and love in hand and reach out (in) society's most notorious transgressors. They are the ones who haven't lost total faith in the ability of a person to change for the better and have stepped up to play a role in the process. So, they, the outside volunteers – like our own Susan Huskins – should be honored, cherished, and most appreciated. For they are the truly golden.

Sue's Desk

I have been asked to convey to you that the Phantom Prisoner is no longer being published.

On another note, about a month or so ago, I was made aware that a man, Frank Sumner was interested in speaking with me. I was given his phone number and called him. He

told me that he had been in prison for almost 17 years and was fortunate enough to get his sentence overturned. He now wants to help those of you who may need help with your problems. I did get a flyer and it is on the following pages. I had the opportunity to speak with the lawyer and I was not impressed by him. I am enclosing the flyer as an FYI for all of you who may have issues that these people may or may not be able to help you with. Just to make be clear, I am in no way endorsing this lay firm and I am not affiliated with them. If you choose to contact them, that is up you. I know that I have gotten a lot of letters from many of you asking me about lawyers and I just thought that maybe they can help you out. Please keep me posted in how things go if you should decide to contact them.

Lastly, I normally do not include more than one article from someone in my issues, but I feel that this next one is one that does need to be included.

I want to remind you that the man being written about is only 62 years old. I know that to you young people that is old, however, the fact of the matter is that 62 **is not old.**

For those of you doing lengthy sentences or life, this may be your reality in the not too distant future if changes are not made.

Urge your family and friends to contact their state Senators and Representatives to have this issue addressed.

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- 3) AUDIENCIAS DISCIPLINARIAS DE LA PRISIÓN
- 4) MATERIAS DE LEY DE LA FAMILIA
- 5) VIOLACIONES DE LAS DERECHAS CIVILES

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What Purpose Does It Serve To Keep A Man With Full Blown Dementia In Prison?

James "Ali" Flowers was born in Estill, Mississippi, on February 11, 1948. At the age of 18 he came to Springfield, Ma. in hope of finding a better opportunity, only to be co-opted into participating in a robbery/murder by some older and more savvy men. For his part in this tragic crime, Ali received the highest form of punishment in this state at the time, a natural life sentence. At this date Ali has served 42 years in prison.

Today, Ali lays in a bed in the HSU at MCI Shirley unaware of who or where he is. He suffers from full blown dementia. He is unable to talk, walk, or feed himself. An old friend of his, a true Saint among men, feeds him his puree of gruel and changes his soiled diapers. Ali says not a word, but smiles quite a bit, but it is painfully clear that he knows not what planet he is on.

It is also disheartening to see someone who has forgotten how to chew their food. Who laughs at white noise on the TV or at the flushing toilet. He is not crazy, no not at all, he is just suffering from the end stages of an illness so many of our elderly are forced to endure. What is different about Ali? Well he is still being punished for a crime he committed 42 years ago, but does not know it. This continued barbaric punishment is costing the Massachusetts taxpayer untold sums but its cost in social failure is much more damaging. What is the purpose of costly punishment if one does not know they are being punished? How does it serve society to keep a man like Ali Flowers in prison?

Some years back a friend who has known Ali for 38 years found him living like an abused animal, like a puppy in an illegal puppy mill. The nails on both of his big toes were approximately 5 inches long and as he walked you could hear them click

on the floor. He had not taken a shower in 18 months. He had food hidden in his pants that you could tell had been there for months. He was kept in a glass observation "bubble" and people, both staff and patients, would point in and laugh at him. Is this justice? Is this how the most "civilized country" on earth is supposed to treat its prisoners? You know in your heart that this is wrong. What can you do about it? Please read further.

Massachusetts State Senator Patricia Jehlen has filed Senate Bill No. #1213. "An Act for the Medical Release of Prisoners". This bill would allow men like Ali to be released to more humane and cost-effective care. You can support this measure by urging your local State Senator to vote in favor of Senate Bill #1213. To find out who you're local Senator is please go to:

www.mass.gov/legis
or call 617-722-1276

You can also get further involved by contacting me at:

Timothy J. Muise, W66927
PO Box 1218
Shirley, Ma. 01464

THANK YOU!

Hamburgers

Did you know that the hamburgers being served to us are purchased in bulk by Central Supply of the DOC? The hamburgers, which the DOC claims are 80% beef (or poultry) are enhanced with soy flour/whey. The DOC Central Supply claims that the hamburgers, which look, taste, and smell bad, have not generated complaints--by their office anyway. Tired of hamburgers? Fed-up? Let Mr. Christopher Gendreau (State Food Services Director) know your concerns. If 50% of the hamburgers are thrown away, then each time the

DOC spends \$100,000 on burgers, it is like throwing away \$50,000 right in the trash. Not only is this shameful, it creates a dietary imbalance which can affect your health. File grievances, complaints, letters, write to the Commissioner, Secretary of Public Safety, and Mr. Gendreau:

c/o Dept. of Correction, PO Box 628, Bridgewater, Ma 02324.

The Light Skin Revolution

Luis Perez

Educated mulattos in America have reached a very strong political position and their progress does not mean that minorities in general have benefited from that progression.

From the President down to Governors and Congressmen, racial disparities have existed for many years in this country have been ignored.

Racial bias against minorities in Court have been acknowledged by the S.J.C. since 1994. The Supreme Judicial Court's Commission to study racial and ethnic bias in the courts did verify that fact in their report. At that time, Governor Deval Patrick was in charge of the Civil Rights Division for the US Dept of Justice in Washington, and he was very much aware of that.

Our mulatto Governor, played his card during his political campaign with minorities in the entire state and when he got into power he reneged on racial reform because of his personal deals with Benjamin Laguer that would make him look bad in the face of a strong Judicial Political Branch that could portray him as soft against crime.

In the past 6 years the prison system has increased and the majority of the prison populations are minorities who are coming from 6 counties. Without any question racial profiling has played a role in creating the overcrowding in the prison population.

Additionally, our Governor appointed light skinned African Americans to key positions, including the appointment of the Chief Justice for the SJC and the newly appointment of Luis Spencer as Commissioner of Corrections.

The status quo continues, the only difference at this time is that the light skin revolution is responsible for the racial disparities that we have in Mass. It is very clear, minorities in power does not really mean that we are making progress.



From Jailhouse Lawyers

By Mumia Abu Jamal.

One day I was called to the cell window by a man I didn't know, who wished for me to read his brief.

"Yo, Brotha Mu!"

"Yo! What's up, brotha?"

"Listen—I know you busy, man, but I just wanna ask you a question."

"I am busy, bro?—but what's up?"

"Can a lawyer write a brief where there ain't no cases cited in the whole damn brief?"

"Whoa—what you mean, man?"

"There ain't no cases in this brief."

"This is a real brief to a real court, right?"

"Yeah—of course!"

"What court?"

"Superior Court."

"Of Pennsylvania?"

"Of course, Brotha."

"You gotta mean there ain't no 'Table of Cases' which list the cases, in the first few pages of the brief, right?"

"Naw, man—there ain't no cases cited nowhere in this whole damned brief!"

"None?"

"None."

"I ain't never seen nothin' like that, man—sent it up."

I read the man's brief, some thirty pages or so of half-hearted arguments in insipid prose that was clearly penned quickly.

He was correct. There wasn't a single case cited in the entire brief, from the first page of argument to the last. The man was facing over a decade in the state dungeons for an escape attempt and related arson charges. Apparently his lawyer thought so little of his case that he didn't bother to cite any legal authority for the position he presented in court. Not one case!

I was stunned by this state of affairs and recommended that he petition the court for another, presumably effective counsel. This was clearly a case where the lawyer was simply going through the motions. Instead of filing a brief he was essentially writing the court a letter!

In the Rickman vs. Bell death penalty trial of a man in Tennessee, a reading of the trial transcripts makes it difficult to determine who was the defense lawyer and who was the district attorney. The words of the defense lawyer during his sentencing argument to the jury leaves little work left for the prosecutor:

I know this young woman was put in the trunk of that car. That's no secret. I know that. And I'm not happy about it. No, sir. I'm not happy. I'm ashamed. I'm ashamed that this crime has been committed in our community. And I want the family of Debra Gloseclose to know

that. That I'm ashamed. I'm ashamed that this young woman died in that oven. [Mr. D.A.], I'm ashamed. I'm ashamed, [Mr. D.A.]. I don't condone murder. I know criminal defense lawyers suffer from what is called guilt by association. When I go to church Sunday, they are going to waylay me out at the Bellevue Baptist Church.

The Rickman opinion doesn't report the district attorney's reply, but I've often wondered if s/he didn't simply rise, turn to the jury, and say, "The State rests, your Honor."

On review, the Sixth U.S. Court of Appeals reasoned, "The effect of all this was to provide Rickman not with a defense counsel, but with a second prosecutor." What can it mean when defense lawyers are virtually indistinguishable from prosecutors?

In every law school throughout the nation, lawyers are trained and formed by their participation in moot court, where students perform as defense attorneys one day, only to play prosecutors the next. While enabling students to see legal practice from both perspectives undoubtedly can be enormously useful, it also trains the students in performing either function, taking either side when needed.

When they graduate from these schools they have established themselves as brethren of the bar association, distinguished from their fellow citizens. They are not officers of the community but officers of the court, to whom they have sworn a loyalty as deep as vassals once swore to serve feudal lords and princes. Thus the client is fully expendable, for a lawyer's loyalty is not to the accused but to the court, the bench, and the civil throne. Yet sometimes their loyalty is to neither.

The extraordinary William Kuntsler, a radical icon of the American bar, told a group of criminal defense lawyers in 1994, "We are allied, as 'officers of the

court,' with the judges and the prosecutors, when we should be exclusively, 'officers of the client.'"

When I was a young reporter, I covered a major murder trial where nine accused were "represented" by nine attorneys.

One day, in the midst of the trial, as we returned from a lunch break, I espied two distinguished, three-piece-suited lawyers coming into court to "represent" two of the defendants. That day I was sitting in the public rows, instead of the press box (since the nine decided on a trial by judge, without a jury, members of the press occupied the jury box). The two lawyers, both well-known in the Black community, had their mustaches fringed with something white.

The woman sitting to my right nudged my elbow, and whispered, "Do you see that stuff?"

"What stuff?" I replied.

She answered, "Them two dudes been snortin' that stuff!" I wondered, did she say "snuff"? I looked again, and sure enough, the white "stuff" on their black mustaches glistened in the summer's heat.

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