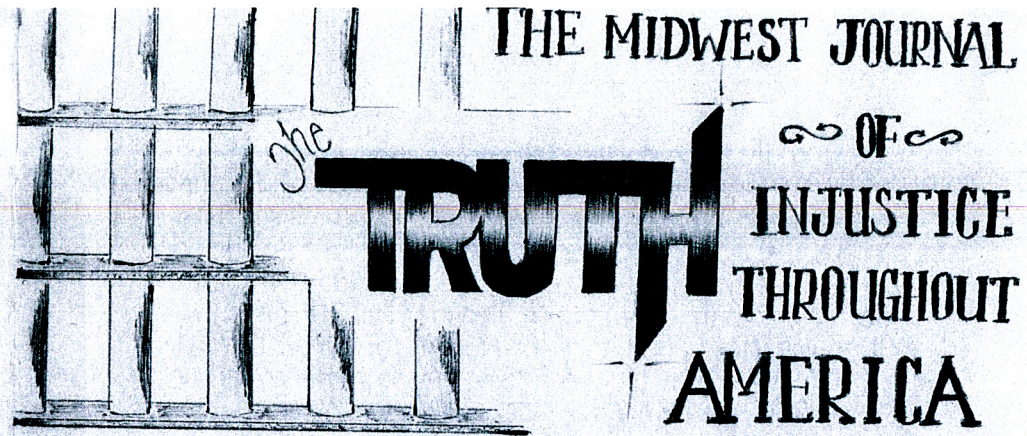
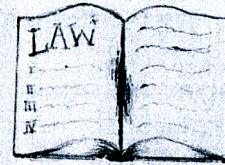


Eastern State Penitentiary 1820-1971

Charles Dickens visited Philadelphia's Eastern State Penitentiary in 1842 and he later wrote: "The System is rigid, strict and hopeless ... and I believe it to be cruel and wrong....I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body." The prison remained open for 129 years after Dickens condemned it as being barbaric, and some of its inhumane practices continue to be used in prisons nationwide.



VOLUME 1: ISSUE 1



**GET IN
THE FIGHT**

FOLLOWING THE RULES

Dear Readers:

Before I begin this journey with you, I'd like to thank you for your interest and support! This is, indeed, the first issue of *The Truth*, and for those of you who don't know, *The Truth* is about learning about the *Justice System* and exposing situations where *injustice* is rampant. It is about supporting one another by sharing thoughts and information! So, I hope that you enjoy what you read, and continue to come back for more..!

Now, let's talk about *Following the Rules*. As we all, most assuredly know, our Justice System is comprised and executed by a constantly evolving community of rules. In fact, violating these rules is what has landed most of us in prison, in the first place, right? But, here's something to think about, not just for those of us incarcerated- but for the "average" citizen, as well. *How* is it that we are finding more and more people incarcerated and

convicted- when the truth is - though those in authority would like us to believe differently, statistics show that crime is NOT actually on the rise. It is arguable, however, that insensitively heinous crimes are. And, perhaps, that is why Corporate America has, over the last decade or so, pushed the envelope on tougher penalties. Add that to the fact that, the Prosecutrix has not only begun to feel that pressure, but coupled with steady decline of the economy of the past decade or so - the "Rat Race" has truly defiled an already imbalanced public office, and NO ONE is following the rules - period!

I look around me, and I see all types of people imprisoned. I know that some are guilty; but, at an alarming rate - *many* are not! *Many* stand convicted, simply because they didn't know any better - and were "victimized" by some attorney who, although passed the State Bar Exam, was inadequate at *applying* what he or she had learned in law school to the everyday situations and circumstances of life! I see people coming to prison because they let the Prosecution *drive* the car that is their *Life*! They confuse - *trick*! - the juries into rendering guilty verdicts, and play-it-off, as if it is okay. Yet, maybe, it's the Defense Attorney's fault; right? After all, we've entrusted him or her with our life - defense of our future! So, in an effort to level the playing field during these trials, I thought it important to share something with you all, in hopes that this enlightenment may help *someone*. Overstand, that juries, nine-times-out-of-ten, render guilty verdicts because 1) they've been tricked, or 2) they didn't overstand the concept of reasonable doubt. So, I'd like to kick-off this first issue with a *definitive* POUND of TRUTH. Make the jury overstand that they *MUST follow the rules*...

For this lesson, I will pretend that I am an attorney, and that we have reached the Closing Argument portion of a trial. It is imperative, in my humble opinion, that a Defense Attorney's Opening Statement should consist only of defining what "evidence" is, and convincing that jury to take rigorous notes, to prevent themselves from being misled by what is actually presented to them. The Closing Argument should *then* reinforce how the "evidence" is to be applied - not to the rules - but *by* the rules...!

"I'd like to begin by thanking you all for your time and consideration; as well as apologize for any and all delays in this process, and whether I may have caused you any offense or uncomfortable moments. I ask, though, if that is the case, that you would

(Continued on Page 14...)

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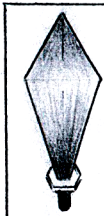
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19143

(Continued from page 9...)

wrongful conviction case is simply the paper trail. Needed is all transcripts, police reports, lab results and/or crime scene materials. Your case does not operate without them. Initially, everything rides with you and your Team's ability to gather the paperwork of your case. It's simply the road map to your eventual release. Without a complete set and careful review of your paperwork, the effort will be ineffective and futile. Failure is almost guaranteed. Now you have an idea how to get the attention you need. I can't stress enough, education is a must, don't let peer pressure or pride stop you from regaining your freedom. All of the above works, I am living proof. I started, if you have to, you can do the same.

Lorenzo Johnson
SCI Mahanoy, PA

(Taken from Vol. 4/#2 July issue of PAN (Prison Action News 2011), and reproduced with permission).

Despite Being in Prison

By Toola O. Taylor

Sometimes, it seems like I spend my days and nights just staring at the crudely-painted walls that confine me here in Menard Correctional Center. But despite the abomination of life in a maximum-security prison, I find solace in the fact that I can look upon those walls and still find a way to be enlightened about myself, about life, and about our relationships to and with others.

I am a man in prison for a crime I did not commit, convicted by police and prosecutorial misconduct, bias, and conjecture – not by the evidence. The worst feeling in the world is the solitude of being condemned by strangers, and ostracized and forgotten by those who were close enough to you that you were comfortable calling them your friends. But, I have learned the hard way that, just like love, you don't choose your friends – your "friends" choose you. This is a universal truth not only relevant to people in prison but people in the free-world, too. However, for many of us, maintaining friendships and/or relationships become the backbone – the strength behind our positive outlooks in these situations. Without them, many of us are lost.

I've learned to use the walls within my cell as the projection screen in the theater of my mind. I enjoy the vision of my thoughts and reflections upon the cheap, off-white background rather than the enveloping darkness and solitude that is situated in my head. In doing so, I believe that it has helped me to think and review life in a more positive light, allowing the continuous evolution of the person that I am to become... despite being in prison.

At Menard Correctional Center, Menard, IL

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CRITICAL RESISTANCE

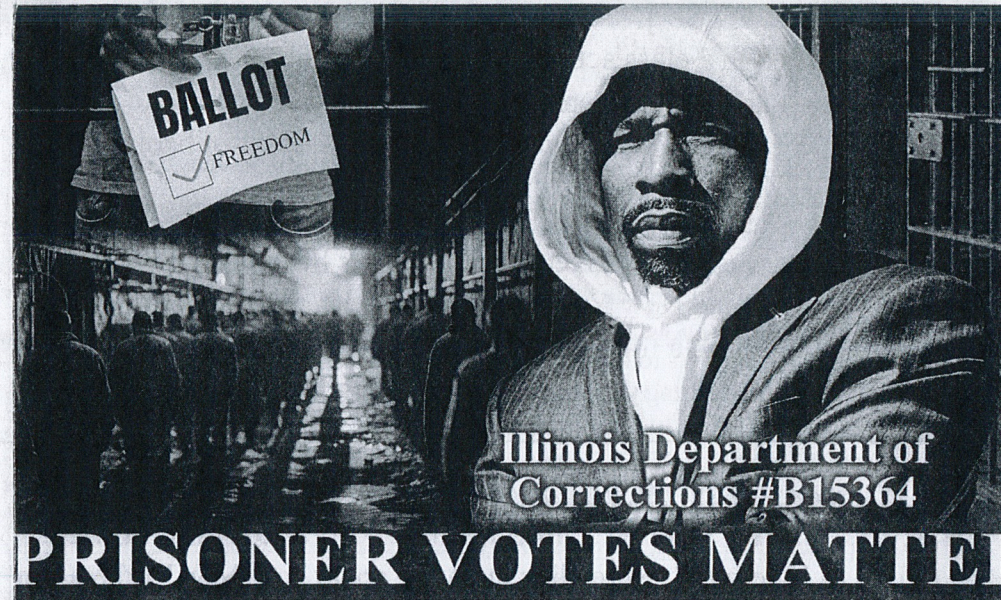
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Jailhouse Lawyers Initiative: Narrative Project Call for Submissions

Jailhouse lawyers have a profound impact on the legal landscape. The work of some of the fields greatest has started to be recognized: Calvin Duncan, Shon Hopwood, and Derrick Hamilton. Still, many attorneys on the outside view the work of jailhouse lawyers with suspicion and skepticism. JLI wants to change this perception. We know how hard you work to advance the rights of your community members on the inside. Everyday you challenge unjust laws, hold institutions accountable, and create pathways for community members to come home. While the law prevents you from attaching your name on legal cases, we SEE you and all that you do. This work matters; the successes and impacts deserved to be shared.

Towards that end, we are collecting stories of the work of jailhouse lawyers across the country to help shape advocacy demands and uplift the work of jailhouse lawyers. Please share with us the story of your work as a jailhouse lawyer.

We would like to hear about the impact you have had on people's cases as well as the impact that doing this work has had on yourself. What motivated you to enter into this work and what motivates you to continue? What are the biggest challenges that you face in doing your legal work and how have you overcome these challenges? What are the things that need to change, and what do you think is the best way forward in building a movement of jailhouse lawyers?

We would love to hear your story, and have your voice become part of the movement of jailhouse lawyers advocating for better lives, freedom and justice:

Jailhouse Lawyers Initiative
Legal Empowerment and Advocacy Hub
139 MacDougal Street • Office B22
New York, NY 10012

Cont.. Know Your Rights During a Police Encounter

Identification

Police can ask you to identify yourself, but you do not have to answer them. You can provide your name and date of birth; don't provide more information than that. If you choose to provide information, don't lie; police may arrest you for obstructing an investigation. The safest choice is to say nothing or give only your name and date of birth, nothing more. If you are going to hand an officer your ID, say so, and do not reach into your pocket until you tell the officer what you're doing.

Police Interrogations & "Miranda" Warnings

If you are questioned by the police on the street or after you have been arrested, you should not talk to the police and assert your Fifth Amendment right to remain silent by saying, "I am going to remain silent. I want to see a lawyer." (Note: You must affirmatively state that you will remain silent in order to properly assert your Fifth Amendment rights.) The police do not have to read you your rights (a "Miranda" warning). The police regularly intentionally violate Miranda, and though your rights have been violated, it's possible that what you say can be used against you. For this reason, it is better not to wait for the cops to tell you your rights. You can invoke them by using the language above.

Immigration Status Questions

Regardless of if you are undocumented, out of status, a legal permanent resident (green card holder), or a citizen, you do not have to answer any questions about your immigration history.

Police Mistreatment

You have the right to ask for an officer's name and badge number. If you are mistreated, try to obtain this information as well as contact information for witnesses. If you resist or fight back, you can be charged with assault or battery on an officer.

Recording Police Activity

It is a protected right under the First Amendment to record police officers when they are performing duties related to their job. Despite this, it used to be a felony to record police under Illinois law, and many cops still respond as though it is illegal for you to film them. Despite the fact you can no longer be directly charged for recording police, officers have many other discretionary charges (such as disorderly conduct) that they can use to get you off the streets in that moment.

About the National Lawyers Guild



The National Lawyers Guild (NLG) is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers, and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.

Want to Learn More?

Scan the QR code to learn more about your rights while protesting, potential charges and consequences of an arrest as well as a guide detailing what to expect if you've been arrested at a protest.

www.nlgchicago.org



National Lawyers Guild of Chicago
637 S. Dearborn, Third Floor
Chicago, IL 60605
chicago@nlg.org | [312-913-0039](tel:312-913-0039)

in your title or introduction, you could pose the question, "What is the best type of sandwich?" And then answer with your thesis statement: "The best type of sandwich is peanut butter and jelly." This method is effective because intriguing questions draw readers in and encourage them to keep reading to find the answer.

2.State an argument—and then refute it. Introduce an idea that contrasts with your belief, and immediately explain why you disagree with it. For example: "While some people believe peanut butter and jelly sandwiches are too simple, they're versatile sandwiches that you can easily turn into a gourmet meal." This method is effective because it uses evidence and immediately demonstrates your credibility.

3.Briefly outline your main points. Introduce your main point and explain how you'll back it up. For example: "You can turn a peanut butter and jelly sandwich into a gourmet meal by using artisanal bread, toasting the bread, and adding additional toppings." This method is effective because it gives readers a clear idea of everything you'll discuss in your essay. It also serves as a roadmap to help keep you organized and on track.

5 Types of Argument Claims

Once you decide what you're arguing and know your thesis statement, consider how you'll present your argument. There are five types of argument claims that can drive your essay:

1.Fact: whether the statement is true or false.

2.Definition: the dictionary definition of what you're arguing, plus your own personal interpretation of it.

3.Value: the importance of what you're arguing.

4.Cause and effect: what causes the problem in

your essay and what effects it has.

5.Policy: why the reader should care and what they should do about it after reading.

3 Main Types of Arguments and How to Use Them

There are three main ways to structure an argumentative essay. Choose one of the following or combine them to write your persuasive paper:

1.Classical. Present the main argument, state your opinion, and do your best to convince the reader why your stance is the right one. Also called Aristotelian, this is the most popular strategy for making an argument because it's the most simple line of thinking to follow. It's effective when your audience doesn't have a lot of information or a strong opinion about your topic, as it outlines the facts clearly and concisely.

2.Rogerian. Present the problem, acknowledge the opposing side of the argument, state your point of view, and explain why yours is the most beneficial to the reader. This type of argument is effective for polarizing topics, as it acknowledges both sides and presents the middle ground.

3.Toulmin. Present your claim, present grounds to back up that claim, and then justify that the grounds are linked to the claim. This type of argument is also effective for polarizing topics, but rather than present both sides, it presents one, hinging particularly on facts presented in a way that makes the claim difficult to argue with.

Whether you're writing an essay as an artistic exercise or trying to get the attention of a top publication, knowing how to correctly structure your point of view is the key to a good argumentative essay.

NLG Chicago - Mass Defense Committee's Know Your Rights: A Guide for Chicago Activists

It is important to know your rights so you can be well informed; however, the police can and do arrest folks even if the law doesn't support them. The time to make arguments and legal defenses is in the courtroom, after the arrest or citation. The information in this guide is intended to inform social justice activists and is not a substitute for legal advice from a licensed attorney.

If you or a friend are arrested, call the Public Defender's Station House Unit at **844-817-4448** for a free lawyer to help at the police station.

If you have a case, call **773-309-1198** to be connected with free or reduced rate lawyers from the NLG.

What to Expect if Arrested

The Chicago Police Department can hold you in custody for up to 48 hours without charging you. Typically, you will be released after 3-18 hours, though this period could be longer if you have an outstanding warrant, are charged with a serious crime, or if processing is delayed due to mass arrests. You will not have access to your personal effects- everything but the clothes you wear will be confiscated, and not returned until you are released. You will not have your phone, so write a contact number on your arm so you have a number to call (phone calls are usually allowed only after many hours in custody). You probably will not have access to medications or medical care- it's up to the police, and they are not generous with attention to medical needs. **Tell the officers at the station if you are taking any medication or need immediate medical attention.**

Know Your Rights During a Police Encounter

Police Encounters

Police have the discretion to arrest you or issue a citation. When dealing with the police, you may want to keep your hands in view and avoid sudden movements. You may also want to avoid passing behind them. If you touch the police or their equipment (vehicles, flashlights, animals, etc.), you may get beat up and/or charged with assault or battery. You cannot know for certain what you will be charged with until after you have been arrested. In felony cases, the prosecutor is the only person who can actually charge you.

Stopped on the Street

If you are stopped on the street, you can and should ask if you are "free to go." If the answer is yes, consider just walking away. If the police say you are not under arrest, but are not free to go, then you are being detained (police are temporarily restricting your movement). The police can pat down the outside of your clothing if they have reason to suspect you might be armed and dangerous. If they search any more than this, say clearly, "I do not consent to a search." They might keep searching anyway. If you resist, you might be charged with assault, battery or resisting arrest. You do not have to answer any questions. You do not have to open bags or any closed container. Tell the officers you do not consent to a search of your bags or other property.



(Continued on Page 25..)

Training police to avoid wrongful convictions

The Illinois Law Enforcement Training and Standards Board has made the state the first in the nation to mandate wrongful conviction awareness and avoidance training at all seven police training academies in the state. The Illinois Innocence Project (IIP) at University of Illinois Springfield will continue to manage the training, which until now had only been offered in Champaign, and there only as an elective.

IIP has two primary goals, according to Marcus Beach, the group's associate director of wrongful conviction awareness and avoidance: to free innocent people and to promote changes in the law. Beach spent 27 years as a member of the Rantoul Police Department and has been training officers since 2004. After his retirement from police work earlier this year he was recruited by University of Illinois Urbana-Champaign Police Training Institute Director Mike Schlosser to design and implement the classes. Beach said that he was surprised by the high number of wrongfully convicted persons in the state. "As a police officer, you only see one side of the process and it's easy to have blind spots about circumstances that can lead to wrongful convictions," he said.

Beach says he makes recruits aware of factors that make wrongful conviction more likely. For instance, he tells recruits to be careful when dealing with eyewitness testimony because perception and memories are especially inaccurate in stressful or unexpected situations. It is vital to corroborate witnesses' statements no matter how sure they are in their recollections. He wants recruits to be skeptical of expert testimony as well, because experts turn supporting facts into convincing narratives. "Coroners, fire marshals and other professionals usually express their

conclusions in a way that makes opinions sound like facts."

Recruits who are aware of factors that lead to erroneous assumptions are better at avoiding them. "Everybody, including cops and prosecutors, wants to get it right," he said. "We all lose when an innocent person is behind bars while the criminal is unidentified." Beach says avoidance also means resisting the desire of some new police officers to issue a lot of citations or make a lot of arrests. He tells them it's more important to develop relationships in the community than to make arrests.

Every class includes a presentation by *im* staff lawyer and an exoneree. Beach says that while there are plenty of exonerees available to talk to recruits, he hopes that more funding will allow IIP to hire more lawyers. "We only have two lawyers and when they are out of the office giving presentations they can't be working on exonerations," he said.

Kristine Bunch is an exoneree who makes presentations for IIP. She spent 16 years in prison for the murder of her three-year-old son in a house fire prosecutors accused her of deliberately setting. The fire was caused by a kerosene heater in the living room. According to Bunch, investigators found some spilled kerosene in the carpet and wrote that "accelerant" had been found, which created a narrative that the fire was deliberately set.

Bunch says the first time she appeared in front of a room of police recruits to speak was nerve-racking and at the same time an important step in her recovery from imprisonment. "My palms were sweating as the sight of so many cops evoked a lot of negative emotions because of my experience," she said. "Then I realized they're just human beings like me, trapped by their own implicit biases." She says the realization that she could change

How to Write a Good Argumentative Essay: Easy Step-by-Step Guide

Source: MasterClass: MALCOLM GLADWELL

When you're writing a persuasive essay, you need more than just an opinion to make your voice heard. Even the strongest stance won't be compelling if it's not structured properly and reinforced with solid reasoning and evidence. Learn what elements every argumentative essay should include and how to structure it depending on your audience in this easy step-by-step guide.

What Is an Argumentative Essay?

An argumentative essay is a piece of writing that takes a stance on an issue. In a good argumentative essay, a writer attempts to persuade readers to understand and support their point of view about a topic by stating their reasoning and providing evidence to back it up.

Argumentative essay writing is a common assignment for high school and college students. Generally, argumentative essay topics are related to science, technology, politics, and health care.

How To Outline an Argumentative Essay in 4 Steps

Argumentative essays should have a straightforward structure so they are easy for readers to follow. The goal of an argumentative essay is to clearly outline a point of view, reasoning, and evidence. A good argumentative essay should follow this structure:

1. **Introductory paragraph.** The first paragraph of your essay should outline the topic, provide background information necessary to understand your argument, outline the evidence you will present and states your thesis.

2. **The thesis statement.** This is part of your first paragraph. It is a concise, one-sentence summary of your main point and claim.

3. **Body paragraphs.** A typical argumentative essay comprises three or more paragraphs that explain the reasons why you support your thesis. Each body paragraph should cover a different idea or piece of evidence and contain a topic sentence that clearly and concisely explains why the reader should agree with your position. Body paragraphs are where you back up your claims with examples, research, statistics, studies, and text citations. Address opposing points of view and disprove them or explain why you disagree with them. Presenting facts and considering a topic from every angle adds credibility and will help you gain a reader's trust.

4. **Conclusion.** One paragraph that restates your thesis and summarizes all of the arguments made in your body paragraphs. Rather than introducing new facts or more arguments, a good conclusion will appeal to a reader's emotions. In some cases, writers will use a personal anecdote explaining how the topic personally affects them.

How to Write a Thesis Statement in 3 Steps

Your thesis statement is only one sentence long, but it's the most important part of your argumentative essay. The thesis appears in your introductory paragraph, summarizes what your argumentative essay will be about, and primes the reader for what's to come. These steps will help you get your point across clearly and concisely:

1. **Turn the topic into a question and answer it.** Set up a big question in the title of your essay or within the first few sentences. Then, build up to answering that question in your thesis statement. For example,

would want your loved one to be treated?

So, what can be done? One thing is to have law schools partner with prisoners to form a committee including both "inside" and "outside" individuals to educate everyone on what would make an effective law library. I know for me, a brief bank would be very helpful. If you're researching a case and you see where someone received a favorable outcome, why would you not want to see the motions that accompany the judgment? What case law did they use? How did they form their argument?

Though this is beyond a brief bank, there are other things we can do to make law libraries more effective. Another way is to hold classes to teach people how to use Lexis Nexis or Westlaw. There could be a paralegal program with volunteers from local law schools. Possibly some form of mentorship program for those interested in continuing in the law profession upon their release, like myself. We could even have "inside" chapters of the National Lawyers Guild. These are but a few of the ideas I have had, but I am sure there are many others.

I believe that working together and getting involved is the only way we will see change. That is why I recently submitted my nomination for the "inside" Jailhouse lawyer VP of the National Executive Committee. That is why I am currently enrolled in the Blackstone Career Institute paralegal program. And that is why I am writing to you today.

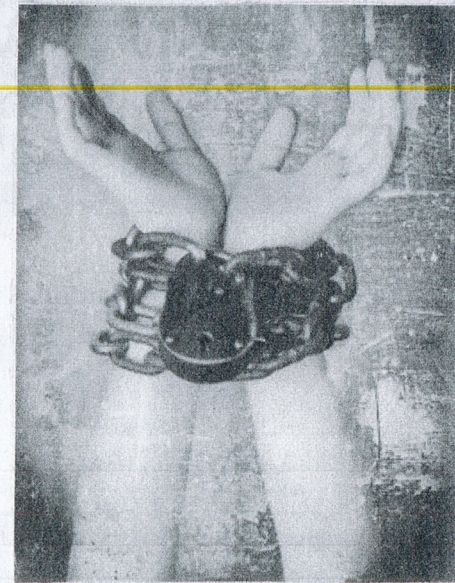
Will you work with me to make this legal system of ours fair and just? Or will you be like the corrections department and say, "Oh, that is someone else's problem"? Every little bit helps. Simply by telling someone else about this is a start. Small conversations lead to larger discussions which leads to action and change. It all starts with us. Thank you in advance for your thoughts and effort. ■



Kristine Bunch spent more than 16 years in prison after being wrongfully convicted of killing her son. Now she works to help prevent other innocent people from suffering the same fate. PHOTO BY DON HOWARD

her mind about the police meant that they could change the way they think about criminal suspects. It has become a centerpiece of her presentations. "I tell them not to go down the road that their internal vibe leads them. Keep an open mind."

IIP has successfully lobbied Illinois lawmakers to establish the nation's first law banning police from lying to children during interrogations. The organization also partnered with the national Innocence Project, Cook County State's Attorney Kim Foxx and the Center on Wrongful Convictions at Northwestern University School of Law to back a 2019 law which limits testimony from jailhouse informants and other incentivized witnesses. Illinois became the first state to require pretrial reliability hearings before jailhouse informant witness testimony may be used in murder, sexual assault and arson cases. □



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Twitter best practices

• **What to tweet:** Think of Twitter like the internet's dinner party, and, remember, nobody wants to be the person at the dinner party who can only talk about themselves. We like this ratio:

-1/3 share content (photos, ideas, statements, articles, blogs, etc.)

-1/3 retweets (amplify partners work, retweet tweets that suit your audience)

-1/3 converse (pose questions, respond to comments, engage in conversation)

• **Consistency is key:** consider posting at least once a day

• **Tweets more visuals:** Tweets with visuals receive 150% more retweets, so including images and photos when possible can help boost engagement. Many websites have images automatically associated with links, if you're sharing news or other online content, but that doesn't necessary guarantee an image will appear. Photos straight from your mobile device are often appropriate — they don't need to be retouched or edited before sharing.

if you do want to combine text and graphics, using the intuitive graphic design tools like Canva or PicMonkey (here are our tips for using PicMonkey) is a good way to go.

• **Get creative!** You can also include GIFs, memes and videos into a tweet.

• **Celebrate victories!** In our current age of constant distressing and frustrating news, people are hungry for wins—big and small. Be sure to update your audience about a historic event, significant achievement or small victory.

• **Make us laugh:** Don't be afraid to use a little humor in your tweets!

• **Connect to our shared humanity:** center people's stories and voices first

• **The art of the hashtag:** keep it short and simple. Use no more than 3 hashtags in a tweet and no more than 4 words when creating a hashtag (i.e #GetOutTheVote)

• **Finding relevant hashtags:** To find trending hashtags relevant to a particular issue, use tools like Hashtagify.

• **Less is more:** use less #hashtags, less @tags, less characters than you'd think! We recommend three or fewer hashtags and handle tags per tweet.



Art by Jared Rodriguez (Truthout)



TWITTER AS A TOOL OF ADVOCACY

source: <https://resource-media.org/twitter-as-a-tool-for-advocacy/>

Did you know a great number of journalists and politicians are more likely to respond to a tweet than any other form of communication? With over 300 million monthly users, Twitter has quickly become the platform of choice for many organizations seeking to reach and engage their target audiences. By creating a well-designed Twitter account, nonprofits can tell their story, pitch journalists, connect with local representatives and keep their supporters up to speed on the latest news.

Who is on Twitter?

According to Pew Research Center, Twitter has approximately 326 million users every month. 40% of U.S. adults between 18-29 years old use the platform, to go with 27% of 30-49 year olds. 26% of Black internet users in the United States use Twitter, as do 24% of White internet users and 20% of Latinx internet users.

Notably, over 70% of journalists see Twitter as a valuable tool for engagement, as do the majority of state and national legislators and representatives, who use the platform for transparency and feedback.

First steps on Twitter

When you create a Twitter account, your organization can tell its story, engage with your communities, enlarge your volunteer base, acquire more donors, and keep your supporters up to speed on the latest events and campaigns.

Twitter terminology

Tweet: a 280-character message

Retweet (RT): Tweeting another Twitter user's tweet

Hashtag (#): Indexing of keywords

Follow: Subscribing to another Twitter user's tweets

Follower: Another Twitter user subscribing to your tweets

Trending: The most popular words, phrases or hashtags being used in tweets at that time for the selected geographic area

Direct Message (DM): 280-character private message to a follower

@: Symbol used to identify a Twitter user i.e. @SarahShimazaki or @RMedia

Reply: A tweet-back or response to another Twitter user

Lists: A way to organize favorites or similar Twitter users you are interested in

Pinned: Marked tweets that will always appear at the top of your profile

Promoted: Sponsored posts

Building your Twitter community

When starting from scratch, it can feel daunting to try to build up your community of followers. We recommend starting with folks like:

Steps That Can be Used to Prove Your Innocence

I will start by saying it is essential that you have an education. It does not matter if you're 15 or 60 years old, if you have to take Adult Basic Education or GED classes, if need be, do it. You "MUST" comprehend and understand Law. Keep all of your legal work you get, every proceeding, make sure you get your copy. Once that is accomplished, pick up your state rules and criminal procedures, start reading it from an initial arrest up to where you are in your case. Study case law concerning your appeal issues. Even if you have an attorney, practice brief writing. Nine times out of 10, your current/prior attorney is a big reason you're sitting where you are now. There are strict time lines for filing appeals. Filing one minute too late can get you time barred. Being time barred is one the worst situations to be in. It's an obstacle that the bar has set extremely high to get over. You do not want to be told you can't appeal your conviction. A lot of us did not come from solid support systems. So when it's time to organize a Team to combat your situation, you are only as strong as your foundation.

The following views are from the book "In the Company of Giants" by Paul J. Ciolino (2005, iUniverse, Lincoln, NE) [The Team Concept], if you're a prisoner rotting in jail for a crime that did not commit, we hope you're paying attention. Because, if the team is not assembled properly, you will likely die where you are sitting. [The Team is Born]: Here is the reality; you are on your 7th year of a 50-year sentence for a crime in which you had no part. Because of a myriad of reasons such as police misconduct, misidentification, etc., you have been convicted and your subsequent appeals have been denied. Your family is poor, you are broke and basically nobody gives a damn. In other words, your prospects for seeing next year's Super Bowl in person are slim. What do you do?

The first thing you do not do is give up. There are people out there who will listen to you. They may not be attorneys, journalists or private investigators. It could be a professor at a local university. It may be just about anybody who cares about justice. But, it is going to be your job to find them.

They generally will not seek you out. If they have a reputation for doing this sort of work, believe when I tell you they already have plenty to do. You are not even on their radar screen. You need to think about whom you decide to choose before you do anything.

Writing letters to famous lawyers, Obama or your respective governor may make you feel better, but it's a waste of time. They get hundreds of letters a year from people like us. For the most part, their eyes will never see them. You need a standard simple letter, 2-5 pages, typed and in some sort of logical order. Where were you arrested and by whom? Who prosecuted the case? Who was/were your lawyer(s)? What are the basic facts of the crime you were alleged to have committed, i.e. who, what, where, when and how? It doesn't matter if you didn't do it. Tell what was alleged. Send the name of a relative/friend that can be contacted. Keep it simple.

So, now you have written a letter or several letters and somebody has decided to take a look at your train wreck of a case. If it wasn't a train wreck, you wouldn't be reading this. In any event, what happens next? The most critical aspect of any

There is Always Hope for Freedom

Prosecutors Must Be Held Accountable for Their Misconduct

Prosecutors who orchestrate the false conviction of the innocent are committing crimes every bit as bad as any they prosecute. They're not using turns to accomplish their offenses, but something far more dangerous—their immense, unchecked power.

Imagine a world without the terrible injustice of innocent men and women being falsely imprisoned by their own government. Of course, such a world will never exist. In any human endeavor, there will all too frequently be mistakes, misconduct, and abuses of power. And as things stand, prosecutors are the ones most likely to commit them.

If only prosecutors were properly motivated to always put truth and justice ahead of ambition and career preservation and advancement. If only they were held properly accountable to prevent them from even thinking about crossing the line in pursuit of a win at any cost. If only their absolute power didn't corrupt them so absolutely.

At the top of everyone's list of meaningful criminal justice reforms should be full prosecutorial accountability. If they knew they could go to jail and have to pay money damages out of their own pocket for misconduct, they would be a whole lot less likely to commit it in the first place, and there would be a whole lot fewer innocent people being falsely convicted. As long as they are allowed to keep getting away with misconduct, prosecutors are going to keep committing it with sickening regularity.

The public wants to feel safe. But how can they feel safe when prosecutors who are sworn to uphold the law

Motivational interviewing

Creating a space of trust and empathy are essential to building strong relationships with those we work with, especially when we're helping them with their legal needs. Motivational interviewing is a way to guide people through the process of sharing essential information from their case drawing on empathy and shared experiences.

Conflict resolution

People do not leave behind all the difficulties of their life when they come to the law library to work on a case. It is important to have tools to manage emotions and conflict that come up when addressing legal injustices.

Be on the lookout in future issues of Guild Notes for the next toolkit! You can reach JLI at:

Jailhouse Lawyers Initiative
139 MacDougal Street • Office B22
New York, NY 10012

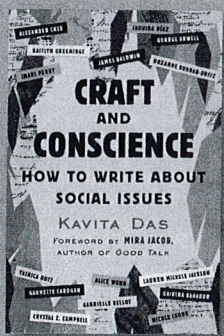


I was released from prison in May 2015. While The Marshall Project existed at the time, News Inside did not. In 2017, I founded The Ladies of Hope Ministries (The LOHM) with an EPIC vision to End Poverty and Incarceration of women and girls globally. I joined the board of directors for The Marshall Project in October 2018, coinciding with the preparation of the launch of News Inside. In that capacity, I get to see the impact that News Inside is having on incarcerated people in helping to bridge the informational gap between society and the forgotten world behind those walls. As a previously incarcerated woman, I know firsthand the importance of getting access to current and relevant information. My ability to gain access was necessary for a successful reentry, and I want that for all of my brothers and sisters.

Dr. Topeka K. Sam is the founder and CEO of The LOHM and president of EPIC Financial, TKS Ventures LLC, and Faces & Voices Inc. She also serves on the board of directors for The Marshall Project, Pure Legacies, Operation Restoration, and United Justice Coalition. Most recently, Dr. Sam was appointed as the UN Ambassador for social justice and incarceration for the Global Creative Economy, named the first Social Impact Award recipient from Google at the Variety/Lifetime Power of the Woman Summit, received a full and unconditional Presidential Pardon and her Honorary Doctorate in Divinity from NYTS. She has worked and continues to work selflessly and relentlessly in her fight for the dignity, decriminalization, and decarceration of women and girls.

All Social Media Handles: @TopekaKSam

& THE BOOK THAT EVERY WRITER NEEDS



"A gift to writers and justice seekers everywhere! *Craft and Conscience* is a handbook for how to wield words to shape culture and inspire change."

—Valarie Kaur,
author of *See No Stranger*

VIGLIONE'S PRIVATE INVESTIGATIONS



If you are a victim of a false arrest or sloppy police work, contact us now. We work with defendants and their attorneys, both private and public defenders. Get the truth before you go to court and don't settle on a plea bargain or for an offer on something you didn't do. Sadly, that's how the criminal justice system works. We have a high success rate in court for reversing arrests that lacked evidence and probable cause. Let us help you and don't fall victim to the system.

Viglione's Private Investigations, Post Office Box 282, Branford CT 06405
Phone: 203-871-9742, E-mail: viglioneinvestigations@yahoo.com, Website: www.viglioneinvestigations.com

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Over the next year, in partnership with NLG's *Guild Notes*, JLI will be releasing justice toolkits, a series of training resources to support the work of jailhouse lawyers. These toolkits will be aimed at practical skills that will help you better **know, use, and shape** the law—and share with your peers to be more confident participating in their own case. The legal system in the US needs transformation. It will not happen until we strengthen the power of people.

Our goal is to create resources that are responsive to your needs. Based on communications JLI has received from jailhouse lawyers and law clerks around the country, a range of topics have been identified. Please let us know if you have a special interest in one or more of the toolkits (our mailing address is below). We invite you to share other skills areas you would like to learn more about. Our goal is to issue at least four toolkits in 2021!

Data justice

Most of the data collected about the lives of those incarcerated are collected by the prison systems which hold them. This toolkit will provide skills and training on how jailhouse lawyers can collect, analyze, and use their own data to help advance justice and share stories of truth from the inside.

Narrative storytelling for policy change

Laws and policy dictate aspects of the daily life of those who are incarcerated. Gain skills on how to tell your story of struggle and change in a way that helps the public understand your lived reality, and that can lead to responsive policy changes.

Human rights law

Human rights are rights that exist simply because we're human beings. The work of law clerks and jailhouse lawyers is protected by Supreme Court cases like *Bounds v Smith* and *Lewis v Casey* in the United States but it is also protected by international human rights law.

Legal Research/Legal Writing

Research and writing are the basic tools of any legal advocate. This toolkit will offer tips and strategies to ensure that our research is thorough and our writing effective.

instead **P**urposely violate it and convict the innocent? Falsely **i**mprisoning anyone threatens the liberty of everyone. It **m**akes everyone feel much less safe and secure in their **f**reedom. None of us are truly free unless we all are.

At no **p**oint and for no reason does **i**t ever become permissible for prosecutors to trample on anyone's basic rights. **P**rosecutors are not above the law. If anything, they should **b**e held to a much higher standard, given their standing.

Courts **s**often overlook and tolerate prosecutorial misconduct because prosecutors are seen as the good guys. Some **c**ourts feel that it's perfectly okay for prosecutors to bend **t**he rules and the truth to their advantage because they **s**upposedly have the greater good as their goal. It's the old, "**t**he ends justify the means" excuse. But what about when it **t**urns out the prosecutors are the bad guys? What about **w**hen their misconduct causes the conviction of the innocent **t**? Should that be overlooked and tolerated, too?

What **i**f everyone could run around committing crimes without **a**ny worry of being held responsible? That's exactly **t**he privilege prosecutors have. They can rob the innocent **o**f their liberty at will and not have to worry about having **t**o answer for it. How can that be right or just?

Prosecutors don't become superior beings by virtue of getting **a** law degree, law license, and a job in the DA's office. **T**hey're still subject to the same universal human condition of weighing their actions against possible consequences. Naturally, if the corrupt among them know they can **c**ommit misconduct with impunity, they're going to do so **w**henver it suits them. It's a recipe for repeated disaster, **a**nd a major systemic flaw that must be corrected. ■



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e Prison Law Libraries Set Up to Fail?

Jay Van Story
Huntsville, TX

Prison law libraries are the last line of defense for those appealing convictions. Usually incarcerated individuals rely on these libraries as the only way to seek justice and gain their freedom.

However, here in Michigan, we are given restrictions and limitations that effectively turn our law libraries into a bad joke. We are restricted to no more than 4 hours per week. All material is on the computer, but no class on the use of the program, Lexis Nexis, is offered. We are also told that if we have a GED or diploma, we are too smart to qualify for legal writer assistance. As a result, we have no choice but to go through it by ourselves.

The version of Lexis Nexis that Michigan uses gives us access to court rules as case law rulings, but has a vital flaw. We do not have access to a brief bank, like the legal writers do. Every motion someone tries to write is like reinventing the wheel. Why is that?

The answer is not "security" because the inmates who are legal writers have access. The answer is not cost, because it would only require one or two computers dedicated to a brief bank and the Prisoners Benefit Fund, money donated by prisoners, would pay for it.

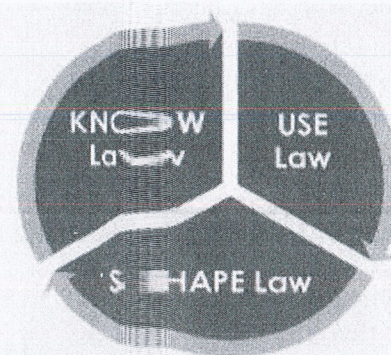
So why does the department of Corrections not offer basic training or a brief bank? The answer is simple: they don't have to. It is not their problem. However, not having these things sets prisoners up to fail. Very few prisoners, if any, come to prison with legal knowledge. We don't qualify for legal writer help. We are told, "here is a law library. If you want your freedom, figure it out." How fair is that? How is that justice? Most people get frustrated and quit. That is not right either. Is this the best we can do? *Is this how you*

(continued on Page 22...)

Taken from NLG Guild Notes
Volume 44 No. 3/4

Legal Empowerment Toolkit Series: A Project of the Jailhouse Lawyers Initiative

The Jailhouse Lawyers Initiative (JLI) aims to ensure that jailhouse lawyers have access to effective and relevant training that equips them to meet the diversity of legal needs of incarcerated people. JLI also advocates for leadership, peer support and trauma responsive skills as a part of jailhouse lawyer training. JLI is a national project of the Legal Empowerment Advocacy Hub (LEAH) and is supported by the Bernstein Institute for Human Rights. The legal empowerment of current and former jailhouse lawyers, and law clerks is only half the battle! Families, community organizers, students and legal communities are central to ending the cycle of incarceration and enabling communities to obtain freedom from the inside out.



JLI believes that justice is best achieved through legal empowerment—a process of learning and practice where individuals and communities gain the knowledge and skills to **know, use and shape** the laws that affect their lives. Through this process, communities can

begin to transform the legal system. One model of legal empowerment is that of community paralegals. Community paralegals are not lawyers, but are trained in basic laws and skills and partner with their fellow community members to solve legal problems together. At their best, community paralegals create a bridge between the law and real life. Jailhouse lawyers and law clerks are community paralegals for people who are incarcerated together.

Nearly every person who goes to a jail or a prison comes across a jailhouse lawyer or law clerk. Law clerks are some of the few people who have access to people who are in solitary confinement, on death row, or in the infirmary. Jailhouse lawyers and law clerks are able to reach a large portion of the incarcerated community with the tools necessary for legal empowerment.

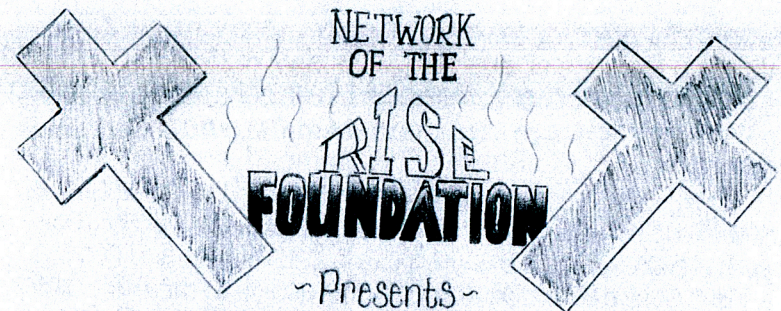
presented in open court - then the Prosecution has failed to prove that event. . . If you are *convinced* that the story (or theory of the case) is simply *believable*! - there's *nothing* wrong with that! - but that *also* means that the Prosecution has not *proven* their case! Why? Because a *believable* story does not *substantiate*, indicate, or *prove* that it is - indeed - a *true* story. And if the evidence presented *does not* push that story *past* the point of merely being a *believable* one, it means that the Prosecution has *failed* to overcome THE PRESUMPTION OF INNOCENCE which is *guaranteed* to the Defendant! It *means* that the Prosecution has *failed* to meet its Burden of *Proof* - the *mandatory* requirement before you can render a guilty verdict. Those are *the rules*! And under those rules - no matter *what* you may or may not *think* about the Defendant - you are *obligated* to render a *Not Guilty* verdict because that verdict *must be based* on proven *factual* evidence - as this system only works if verdicts are decided without sympathy or conjecture. That's *why*, ladies and gentlemen, that that is one of the very *first* things the judge tells you. That's *why* - these are the rules. . . Thank you. . ."

Of course, I could go on, right? But I think you get the point. . .

- PASS IT ON!! -

A.O. Daylow

THE POWER OF WORDS



TRUE CORRECTION

In today's world - what composes the good, and the bad? Is it my job title? My position in life?

The Word of God speaks on this. Can the blind lead the blind? Shall not both perish in a ditch? Do we now judge goodness by the *appearance of image*? I've seen inmates more righteous than guards or correctional staff - yet, they call this the "Department of Corrections." Is it not God who corrects? Man's ego has enlarged, and he has become very vain; where guards say they are "gangsta" and speak as though they were killers. So, I question your reasoning. Do not such individuals need correction as well? One that only comes from the renewing of the mind and spirit; as all who don't know the Father, as well as the son, Lord and Savior of all whom believe. So, it becomes not a question of titles or positions, but of your heart condition and what level of morality and integrity lies within you. We don't need correction that only relocates us physically - but a soul-searing cleansing of mind and spirit. Once one has that, the flesh will follow. I don't speak these things as one who has a Master's Degree in Psychology - far from it! - but one spiritually inclined who writes as it is given to him. So, what is the point, or conclusion of the matter? That the solution to Man's Problems lie not in his own hands, but the Father's. For only the Creator can fix His creation.

~NETWORK~

Send me a letter, or call me - whatever! - and complain *to me*. Please, in the spirit of what is right, and what is fair - do not hold that against my client. Again, if I have done or said *anything* offensive, I apologize - but understand my duty to defend my client.

"Now, ladies and gentleman of the jury, this is my closing, and I'll be honest - it will be a little winded. But, please, bear with me because the reason for it is both simple and necessary. I have only this *one shot* at pointing you all in the right direction; *one shot* at convincing you to *follow the rules*. The Prosecution gets to address you twice because, simply stated, they have the **BURDEN OF PROOF**. And that is where I would like to start because, truthfully, *that* is what this case is going to boil down to - *IF!* - you *follow-the-rules!*

"I can only guess, at this point, how many of you all sitting on the jury panel are familiar, or have any real-world experience with the term, *Burden of Proof*. And I realize that, for most of us anyway, the term may seem self-explanatory. *But!* - the *truth* is - that *most* people misinterpret the Burden of Proof with the **BURDEN OF PERSUASION**, which, according to *Black's Legal Dictionary* - a text of which the majority, *if not all of us*, who practice law are educated with - the **BURDEN OF PERSUASION** is a party's duty to convince the fact-finder, which is you the jury, to view the facts in a way that favors *that party*. The Burden of Persuasion is met by what is called the **PREPONDERANCE OF THE EVIDENCE**, which is sanctioned - or allowed - *only* at the **CIVIL** level; whereas, as further notated by *Black's*, in **CRIMINAL** cases, the Prosecution's burden is "proof beyond a reasonable doubt!" *That* is the Prosecution's burden. . . **PROOF** - not persuasion!

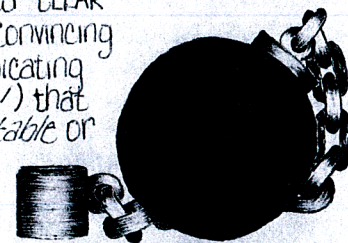
"So, what constitutes persuasive evidence in a case, and what constitutes *proof*? What is the difference? Well, I am going to show you. And I will even include the *fence* that divides the two.

"There are many, many different types of evidence in the field of Law. But there are only three, really, that matter when deliberating whether or not the evidence presented in a trial is *good enough* to command and *sustain* a guilty verdict; they are Preponderance of the Evidence, Clear and Convincing Evidence, and Evidence Beyond a Reasonable Doubt.

"Now, what *exactly* is the Preponderance of the Evidence? It is "the greater weight of the evidence; superior evidentiary weight

that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient enough to incline a fair and impartial mind to one side of the issue rather than the other." Interestingly enough, *Black's* further notes that, "this is the burden in most *civil* trials, in which the jury is instructed to find for the party that, *on the whole*, has the stronger evidence - however slight the edge might be." Simply stated, if this were a *civil* trial, issuing a verdict for one side is perfectly acceptable - even *if* there may be some doubt - if that side has presented the evidence with the most weight. It doesn't necessarily have to be clear or convincing, as the rules in civil trials allow **PERSUASION**.

"Next, comes the *middle-ground*; the fence dividing persuasion from *proof*. It is called "CLEAR EVIDENCE." Clear and Convincing fined as: "Evidence indicating *signify*, or *point-cut!*) that proven is *highly probable* or *certain*." Now, this jury panel to him - or - herself - go! *Guilty!* Open and *remember* - this is *only the fence!*



AND CONVINCING
Evidence is de-
(meaning; to
the thing to be
reasonably
somebody on
may be saying
"Well, there you
shut!" But! -

We have, *yet*, to cross over! *Black's Law* further states that, although clear and convincing evidence is a "greater burden than preponderance of the evidence," which is "the *standard* applied in most civil trials," it is "less than evidence beyond a reasonable doubt, [which is] the *norm* for *criminal trials*." That means that clear and convincing evidence is *not enough* to convict someone in a *criminal trial*! There simply has to be *more* than, "what I'm hearing convinces me that it is highly *possible* that the Defendant is guilty of the allegations!" You must understand that, if it is only *possible* that the Defendant is guilty, no matter how *high* the probability - it is also *possible* - that he is *not* guilty of the allegations, no matter how *low* the probability! And *that*, ladies and gentlemen, is the *essence* of Reasonable Doubt! And *proof* beyond a reasonable doubt is evidence presented by the Prosecution that is so overwhelming that the fact-finder is left with *no room* to presume, infer, guess, assume, or suppose *any part* of their story or theory of events - or any *element or proposition* of the charge. You must *look at the evidence!* - *what has been proven to be factual!* - and be *beyond* persuaded! *That* is how the process is supposed to work. Those are the *rules!* If you still have questions, outside of those for clarification of testimony or physical evidence