

West Coast

PRISON JUSTICE

SOCIETY NEWSLETTER

APRIL - JUNE 2000

SO, WHY DO WE STILL HAVE MILLENNIUM?

by Sasha Pawliuk

In the last edition of the West Coast Prison Justice Society Newsletter (January to March, 2000), we told you that Millennium "is toast", and that the government had put out tenders for a new system that would finally allow for the use of a debit card. Since then, the lawyer for CSC in the Court application (*Alcorn et.al. v. The Commissioner of Corrections et.al.*) has not supplied any meaningful details of what exactly it is that CSC is planning to do, except to reiterate the government's good intentions.

John Conroy Q.C., counsel for the appeal of *Alcorn*, has made repeated attempts to get more information, to no avail. To make matters worse, the CSC lawyer has refused to agree to set a date for hearing of the appeal, presumably because Millennium is on the way out...it appears that once again, CSC is engaging in stonewalling....

The bright side is, this can't go on forever. At the very least, the Federal Court of Canada will eventually get tired of seeing this appeal on their docket with nothing happening, and will force some sort of action. In the meantime, it looks like we continue to be stuck with the phone system as is.

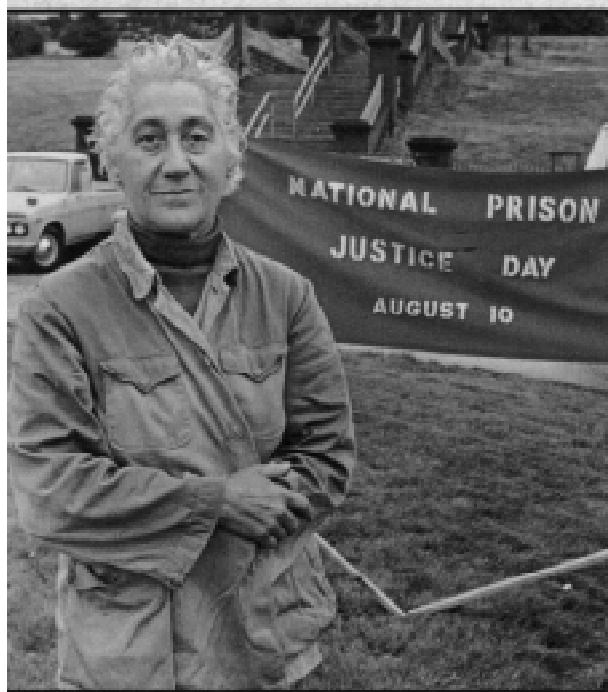


We'll keep you up to date with any developments.

This is some background for those not familiar with the arguments against the Millenium system in the CSC. An article was published in Vol 1, No.4 of this newsletter about the case, Alcorn et.al.v. The Commissioner of Corrections et.al. Sasha Pawliuk was the lawyer arguing against this system in the Pacific region since 1997. The application for an injunction stopping the CSC from implementing the current system was denied on September 23, 1997. The Federal Court of Appeal subsequently dismissed the appeal of the refusal to grant the injunction in March 1998.

On September 24 & 25, 1998, the case was argued for one and a half days in front of the same judge who threw the injunction out. He reserved decision, and on March 10, 1999 he dismissed the case for the Federal prisoners of the Pacific region against Millenium. (See Jan-Mar 99 edition of the Newsletter). An appeal was filed by John Conroy, QC on behalf of the prisoners, but no date has yet been set for a hearing.

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*People must know what is happening.
They must care about what is happening.
They must begin to do whatever they are capable of doing,
Individually and collectively.*

*Somewhere in the human organism there is
an ear that will listen,
a mind that will open,
a heartbeat that will quicken and
a voice that will clamour for
the conversion of an order which exalts "Business as usual" over
one which honours concern for others.*

*And
when enough people realize this
and
organize themselves to act
upon their convictions,
it will change.*

Clare Culhane, 1972

*In Memory of Claire whom we know
was welcomed by Warriors over all Ages
on April 28, 1996.*

Still, we miss you so.



CoOp Radio presents a Special Day of Programming...

Prisoners' Justice Day, August 10th, 2000 from 9 am to 9 pm.

August 10th is a day set aside each year when prisoners and supporters gather to honour the memory of the men and women who have died unnatural deaths inside Canadian prisons. On this day, prisoners fast, refuse to work, and remain in their cells while supporters organize community events to draw public attention to the conditions inside prisons and the urgent need for change within both the criminal justice and the prison systems. This year will mark 24 years since the first Prisoners' Justice Day Memorial Rally was held outside the gates of the old B.C. Penitentiary.

CoOp Radio's Special Day of Programming and Fundraising.

Tune in August 10th from 9am to 9pm to hear programming you simply won't find anywhere else! Live music, insightful discussion, poetry, and an original radio play written just for today! You'll hear current and former prisoners talk about their experiences, activists talk about alternatives to the current systems, and highlights of the noon **Prisoners' Justice Day Rally 2000 from the Vancouver Pretrial Centre.**

9-11am El Bus De Las 7 presents "Political Prisoners in Latin America." This Spanish language program is hosted by Ramon Flores.

11am-1pm Radio for the Revolution, an activist-oriented music show with thoughts about our current prison and justice system from former and current political prisoners. The perfect time to call in to renew or take out your membership to Coop Radio as you'll have a plethora of giveaways to choose from thanks to the generous donations of local small businesses, coops and collectives. Call us at (604) 684-8494, collect from out of town.

Noon - 2pm - PJD rally @ Vancouver Pretrial Centre

1pm-2pm Union Made: rebroadcast of Wednesday night's program focussing on Prisoners' Justice Day issues.

2pm-5pm "After the Rally" -Live Music, Poetry, Interviews and excerpts from the Prisoners' Justice Day 2000 Rally held at the Vancouver Pretrial Centre from noon to 2pm today.

5pm-6pm Kla How Ya FM hosted by Kelly White. A hard-hitting look at the fastest-growing reservations in Canada (prisons) from a distinctly First Nations viewpoint.

6pm-7pm Prisoners' Justice Day Newsmagazine; late-breaking news, reviews, and updates of Canadian Political Prisoners.

7pm-8pm "From Detention to Deportation: The Plight of the Chinese Migrants" You'll hear stories and interviews about the increasing use of prisons to detain refugees arriving in Canada, as well as the debut of a radio dramatization by the Rice Girls entitled, "2000 Refugee Olympics." Don't miss it!

8pm-9pm "Abolishing Prisons: Why and How to Get There." This panel discussion will feature local activists and academics working for prison abolition. Tune in to find out why this is necessary for a just society and what practical steps must be taken to ensure a safe and effective transition.

Reflections on the 9th International Conference on Penal Abolition

by Des Turner

It would be easy to launch a critique of the International Conference on Penal Abolition (ICOPA) without mentioning the enormity of the task of organizing such an international meeting. A few of the well-met challenges resulting in a successful ICOPA IX, held in Toronto May 10-13, 2000, were:

- § networking around the world to enlist effective speakers for a subject that is anathema to dominant authorities
- § organizing a four day conference on a shoestring budget -\$120 early registration fee (for comparison, consider the one day conference and luncheon put on by the Fraser Institute back in October, 1996, to question, "Is there a future for Mining in B.C." \$185 for one day)
- § finding a reputable but inexpensive venue for 9 panel discussions and 61 workshops
- § providing free bag lunches on all four days to all participants who wanted to pick them up. (This was more than largesse; with the venue split between the Metropolitan United Church and Ryerson Polytechnic University, this wise move avoided tardy arrivals in the afternoon of any participants who would otherwise have wandered off for lunch on their own)
- § subsidizing the unwaged and arranging for low cost accommodation around the area. There were some inevitable glitches, but all in all, a great effort by dedicated people.

Corporate Crime;

It is worth quoting Rittenhouse's (an organization that is spearheaded by Ruth Morris and committed to healing justice rather than revenge) fall newsletter to introduce this weighty topic:

"It may seem peculiar that a conference devoted to the abolition of the prison system is setting out to identify more criminals and more criminality... ICOPA's purpose is to reveal how determinably biased the criminal justice system is, despite its claim that it reflects universally shared views and goals. Once this systemic bias is understood, the case - ICOPA's case of those who want to get rid of the existing penal system will be much stronger. They will be able to show that, not only is the system ineffective in that it neither rehabilitates, nor deters... but also they will be able to show that the system is capricious and that it ignores the greatest criminals among us." The above article goes on to outline general areas of corporate crime:

- § corporate crime is enormous; "if the notorious and evil 'three strikes and you will be imprisoned for life' were applied to the likes of Hoffman-LaRoche; Exxon, DuPont and Inco, they would have disappeared from our landscape"

§ irresponsible corporations inflict serious harm and/or death on workers, farmers, consumers and the environment

§ governments often rely on major corporations to “boost the economy” hence they impose minimum standards of working conditions or environmental regulations

§ criminal law is based on holding individuals accountable for their personal actions. The legal structure of the corporation, however, is such that directors, managers and shareholders - the real decision-makers inside these large corporations - are legally insulated (not completely, but effectively) from personal responsibility. Unlike all the so-called criminals in jails - on whom they frequently pour scorn - these powerful economic actors have won limited liability for their "activities."

It not hard to think of examples of corporate crime; indeed, examples over and above those we heard of at ICOPA. In the history of the North American environment, one has only to recall two words: Love Canal. Here's another example, revisited by the *Toronto Star* in a March 18, 1974 article entitled: "*Held for ransom by the car, gas and tire companies.*"

"General Motors not only shot down the world's largest trolley system in New York; it also shot down the world's largest inter-urban system in Los Angeles, Pacific Electric... serving 80 million passengers a year by running 3,000 trains daily,.. GM got together with Standard Oil of California, Firestone Tire and Greyhound to create National City Lines, a holding

company.

National City Lines and its subsidiaries got hold of Pacific Electric and destroyed it. Currently (1974) there are proposals to bring the interurban system back. The estimated cost to restore one-sixth of this system that used-to-be is almost \$7 billion. Convicted in 1949 for carrying off this conspiracy, which was much more serious than Watergate in its effects on the lives of Americans, General Motors was fined \$5,000. H.C. Grossman, the corporation's treasurer, had to pay up one dollar for his part in the scheme."

The article winds up with an admonition that is still true today - maybe more so, whether we are talking about rail transit or the prison system:

"Sure, they (General Motors) deserve the

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*lion's share of the blame, but *people bought their propaganda.*

Newspaper editors, downtown businessmen,. gawking yahoos, progress worshippers – the same pack of fools you can still sell any fad to - they cheered and beat the drums."

News media reaction to ICOPA:

The last paragraph above happens to be a lead-in to this topic of news media attitude. This writer attended Ruth Morris' workshop on "*Working for penal abolition through community education.*" One incident therein is illustrative of the cavalier view of the dominant press:

About eight persons gathered in one circle to hear Ruth Morris expound on this theme. About 10 minutes into the meeting, a young man sauntered into the room, sat down on a spare chair and began reading a newspaper. Mrs. Morris carried on for several minutes and then asked quietly, "Why are you reading a newspaper while I'm talking?"

"Oh, I'm a reporter from the National Post. I'm looking for a quote from Ruth Morris."

She said she would talk to him shortly. Within another few minutes, a member of the group drew the reporter into the discussion, asking him how he thought we could get the public onside with our thinking. He replied - not unreasonably - that the high cost of the prison system would be a salient point in grabbing public attention.

His short article in the National Post the next day was not damaging, but by its brevity dismissed a four day international conference with about 22 countries represented, as a minor event.

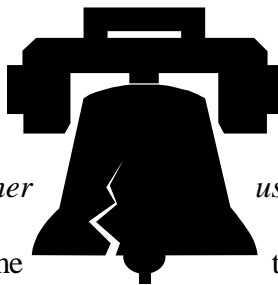
Lawful Crime:

An oxymoron, you say?

Not really. Lawful crime is alive and well in our courts/prison system. How so? Let's look at an example:

How often have we heard that all the people of the world should be entitled to clean water? We take that right for granted here in Canada, don't we? Wrong.


"People have no right to clean water, in a ruling in which he refused to watershed near Silverton, Justice damage is caused to drinking water any more right to that water than other



Judge rules," Vancouver Sun, August 5, 2000. halt construction of a logging road in a rural Mark McEwan said even if irreparable supplies, he is not convinced the public has users."

Now it is my opinion that it's a moral crime to deny people the right to clean water, the most basic necessity for life. But the law says logging takes precedence. Note too that no longer is there any pretence that logging is OK even if it makes the water dirty, because that 'dirt' won't hurt you. Now, even if irreparable damage is caused to the drinking water supply, logging by the Slocan Forest Products Corporation must proceed. The moral crime is lawful.

But we haven't yet got to the enforcement of such lawful crime. Does anyone remember the name of Eloise Charest? She, with her sister Anna, cared for 43 orphaned infants in Phnom Pehn back in the days when the Kyhmer Rouge rockets started falling on that city. The sisters refused to join the few remaining foreigners who were scrambling aboard the last evacuation flights. Finally, under heavy enemy fire, they were all airlifted to Saigon; then within weeks of capitulation of that city, to Hong Kong. Through the organization, *'Families for*



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Children,' the sisters got the children adopted throughout North America.

Fast forward to 1997 and Eloise's home in the Slocan Valley. The Slocan Forest Products Corporation (yes, the same company) is logging the watershed from which her family gets its drinking water. Six of 400 protesters refused to obey an injunction to stop blockading the company loggers. Eloise was one of the six. Passionate about her cause, she also refused to sign an undertaking that she would refrain from

involvement in further blockades. Remember, this is a woman whose heroic actions had been documented in the August 1998 *Reader's Digest* and in an interview with media anchorman Walter Cronkite. So what does the law do with this "ordinary mom" (her words)? Why, it puts her in jail of course - in maximum security for seven weeks. And when she did get out, Slocan Forest Products laid criminal conspiracy charges against 17 protesters.

Subsequently, Eloise went on her "Water Walk," 5,000 km from Victoria BC, to Ottawa Ontario, to draw attention to the need for clean water. But never mind all her history. In the eyes of the law, she is a common criminal with a record. Meanwhile, Slocan Forest Products is flying high and making money, supported in its lawful moral crime by the law and by the provincial Ministry of Forests, who adjust the Forest Practices Code to favour the big corporations.

Corporate Crime in future ICOPA's:

The theme of the above examples can well be extrapolated to resource industries around the world -especially forestry, where clear-cutting (particularly in BC) is denuding our greatest carbon sink, killing fish life in salmon streams and exhausting a major source of the best timber old growth forests (250 or more years old).

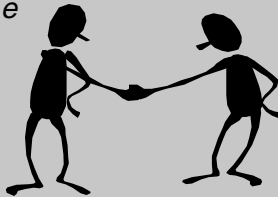
In the world of energy and gasoline additives, it is a matter of record that our federal government, after declaring the additive MMT to be a health hazard not to be imported or traded among our provinces, backed down before a lawsuit launched by the Ethyl Corporation of Richmond, Virginia. The feds apologized, said MMT wasn't a hazard after all, we should not have passed the empowering bill C-29, and paid Ethyl Corporation about \$20 million to forestall the latter company's \$350 million lawsuit. Was Ethyl's bullying success a case of lawful crime on their part? Under the prevailing law - the terms of the North American Free Trade Agreement - yes, it was. (And is there something to be said here, remembering the closing comment on the rail transit fiasco, about the editors, the businessmen, the yahoos and the progress worshippers, who, in this case, beat the drums for NAFTA?)

Here's a challenge for environmentalists of all stripes - not to mention lawyers - how many cases of corporate crime or lawful crime - call it what you will - can you document for possible use at ICOPA X, to be held in Nigeria in the year 2002?

Thanks for the Support

The WCPJS gratefully acknowledges the financial contribution from the

Public Legal Education Program of the Legal Services Society



which enables the publication of this newsletter.

KEEP THOSE LETTERS COMING, BUT.....

by Sasha Pawliuk

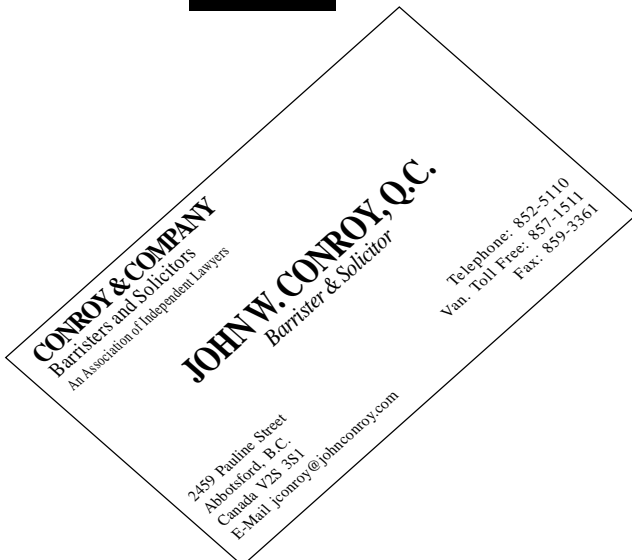
In reviewing the correspondence that has come into the West Coast Prison Justice Society (WCPJS) over the last few months, we thought that we'd better clarify a couple of matters. We invite all of your comments and suggestions as well as articles and artwork to be considered for publication in the newsletter.

However, we cannot give individual legal advice for a couple of reasons. One of the problems is that we have no staff - the board meets once a month or so, at which time the mail is opened. Where responses are required, individual board members attend to it - we have no clerks or secretaries at WCPJS. This means that a letter received at our address the day after a meeting won't even be opened for at least a month, and then the response could take a while after that.

The objectives of the WCPJS include the promotion of the rule of law in penitentiaries in B.C. and the sharing of legal information inside the walls. Although some individual board members are lawyers who represent prisoners in their private law practices, the WCPJS itself does not represent individuals. Our mandate is to try and let prisoners know what the law says and to report on new cases, not to create those cases.

We are concerned that people may be waiting for inordinate periods of time to hear back from us in answer to a particular problem, only to be told that we can't help. If you need legal help, please contact your own lawyer or Prisoners' Legal Services.

Meanwhile, keep those articles, decisions and artwork coming in!



PRISONERS' LEGAL SERVICES

We can help you with your prison and parole issues!

Federal prisoners may call us at 1-888-839-8889 on Millennium, or on the administrative phones. The correctional authorities tell us that we are a "common access number", which means that you do not have to enter us on your authorized call list. If you don't have a PIN, ask to use the administrative (or non-Millennium) phones.

Provincial Prisoners call us collect at 853-8712.

We answer the phones daily from 9:00 am to 3:00 pm Monday to Friday.

If you wish to appeal your conviction or sentence in a criminal matter, please call the Appeals Department at the head office of the Legal Services Society in Vancouver by calling (604) 601-6000 collect, and ask to speak to a person in the **Appeals Department**.



The West Coast Prison Justice Society is a group of people brought together in 1993 to further the application of justice in B.C. penitentiaries, prisons, jails and reformatories. Through our newsletter, we wish to provide prisoners with an open forum for ongoing dialogue. We will try to provide legal interpretations of recent legislation and current prison case law and to bring to the forefront the major issues which concern prisoners in B.C.

We will also keep you updated with respect to current Legal Aid policies. We share the commitment to work together towards these goals.

Your responses and your suggestions are key to the success of this ongoing process. In order to be able to address the problems that you believe are most relevant to conditions inside the walls and when on parole, we rely on your questions and comments. We also wish to hear how any legal precedent and/or legislation is affecting you.

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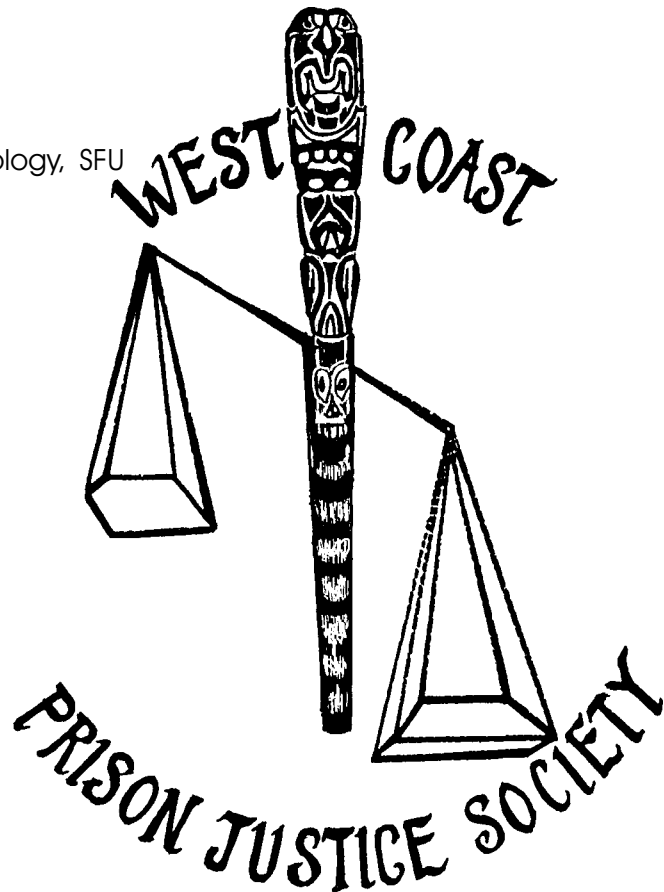
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Sasha Pawliuk	- Advocate
Gayle Horii	- Parolee
Rita Leon	- Native Elder
Des Turner	- Activist
Liz Elliott	- Professor of Criminology, SFU

WCPJS Counsel: John W. Conroy, QC
- Conroy & Company

PURPOSES OF THE WEST COAST PRISON JUSTICE SOCIETY

- a) To promote the provision of legal services to people who are incarcerated in the Lower Mainland and Fraser Valley of British Columbia, and who are financially unable to obtain legal services privately.
- b) To encourage the provision of legal services to prisoners whose problems arise because of their unique status as prisoners.
- c) To promote the rule of law within prisons and penitentiaries.
- d) To encourage prisoners to make use of the legal remedies at their disposal.
- e) To promote the fair and equal treatment of prisoners, by assisting prisoners who face discrimination based on such matters as sex, aboriginal origin, race, colour, religion, national ethnic origin, age or mental or physical disability.
- f) To encourage the application of the Canadian Charter of Rights and Freedoms inside prisons and penitentiaries.
- g) To promote openness and accountability in the prisons and penitentiaries of British Columbia.
- h) To promote the principle that incarcerated people must be treated with fairness and dignity.
- i) To promote the abolition of prisons through the reform of the criminal justice system.



We would be pleased to hear from you. Please write, or have someone write for you, to:
West Coast Prison Justice Society
c/o Conroy and Company,
Barristers & Solicitors
2459 Pauline Street, Abbotsford, B.C. V2S 3S1