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“STRUGGLE IN SOLIDARITY”

“The cruelest tyranny is practiced behind the shield of law and order”

INFORMATIONAL BULLETIN NEWS

LETTER

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Happy Holidays to All

Happy Holidays to all our members and supporters. We wish you the best over the Holiday Season and the coming New Year. May you all secure your release in the very near future!

NV-CURE has decided that, rather than send Christmas Cards to all our members on the inside, to publish a newsletter instead. Our financial resources continue to be short and, since it costs about the same to send a card as to send a newsletter, we are assuming you would rather have a newsletter. We will let Friends and Families of Incarcerated People (FFIP) and Julia Lazareck handle the cards. Have the best Holiday Season possible under the circumstances.

2018 Advocates Conference at Strum Law School

NV-CURE President John Witherow and Legislative Chair Sara Bartel attended the Advocates Conference at Denver University Strum Law School on October 4-6, 2018, in Colorado. This was the third conference for Witherow and the first for Sara. These conferences are for prisoner advocates throughout the country and provide an opportunity for advocates to network and exchange ideas on ways and methods to improve the criminal justice and prison systems throughout the country.

Unfortunately, John became ill on the first day of the conference and had to leave early. He tried to attend on the second day, however, his breathing was labored and his illness continued. He flew home early and his doctor treated him for a

lung infection. His health has improved with the help of his doctor and new medications.

Sara will report further in the next article.

Advocates Conference 2018

By: Sara Bartel

On October 4-6, Nevada CURE's President, John Witherow, and Director, Sara Bartel, traveled to Denver for the Prisoners' Advocates Conference hosted by University of Denver Sturm College of Law.

This conference is held every other year and brings together attorneys, law students, and advocates from across the country who are working on prisoner advocacy issues. The conference was key noted by Fox Rich, a charismatic formerly incarcerated woman who spoke on her incarceration and celebrated the recent release of her husband. Other panels included members of the legal team from the Colorado ACLU who recently won a \$41 million dollar settlement in their Hep-C suit, as well as attorneys and representatives from the Southern Poverty Law Center, Prisoners' Legal Services of New York, Abolitionist Law Society, Prisoner Advocacy Network, and many others.

Panel topics included First Amendment concerns, LGBTQ issues, Class Actions, Mental Health Care, and Prisoners' Rights Litigation and more. This was a great opportunity for NV CURE to network with other organizations, to learn about prisoner advocacy from other people doing this work, and to share ideas and knowledge with other prisoners' advocates.

A special thanks to all who donated funds to assist in paying for John and Sara's attendance at the conference.

Big Thank You to Karen Brady, Esq.

NV-CURE and John Witherow hereby extend a BIG THANK YOU to Karen Brady, Esq., for allowing John Witherow to stay at her home for the 2018 Denver Advocates Conference, for her help when John was ill and for her generous donation to NV-CURE. We sincerely appreciate your generosity and good will. Thank you.

NDOC and NV-CURE Meeting

On October 25, 2018, the NDOC and NV-CURE had a meeting with NDOC to discuss various issues. The Minutes of that meeting will be posted on website, nevadacure.org., in the near future. Have your family or friends print out from our website and send to you if you are interested.

Present at the Meeting for the NDOC was Director Dzurenda, Deputy Director Kim Thomas, Executive Assistant Cynthia Keller and Frank Turbot and for NV-CURE was President John Witherow, Vice President Craig Caples, Secretary William O'Connell and Legislative Chair Sara Bartel.

Topics discussed were: God Behind Bars at CGTH; implementation of SB 306 for education program at HDSP and FMWCC when release date is within 12-18 months; disciplinary reports for frivolous lawsuits in AB 510 cases; people held past release dates; verified and unverified IDs; upcoming legislation; moving prisoners around to avoid new prison construction, ICE detainers and building fence around TLVCC to house them; return to NV of prisoners transferred to AZ and a warning to gang members; new hep c drug being used to treat NV prisoners; CO hep c treatment settlement for 42 million dollar appropriation; telephone monitoring of attorney calls; Inmate Welfare Fund; Town Hall Meetings; retaliation and grievance revisions; NV prisoners in Arizona; reviews of sex offender scores; new Medical Director and mental health assistant; revisions to disciplinary process; legislator tours of prisons; increased programs in North and TMCC grant for education.

All and all, it was the most productive and helpful meeting NV-CURE has ever participated in and we look forward to further meetings in the future.

Prisoner Return from Arizona

In July of 2019 one hundred (100) NV prisoners will begin being returned from the CORECIVIC private prison in AZ to NV prisons. By the end of December 2019, the remaining 100 NV prisoners will be returned from the CORECIVIC facility in AZ to NV. That information came straight to NV-CURE from NDOC Director Dzurenda at our meeting on 10/25/18. This out-of-state transfer of prisoners was meant to be a warning to NV prison gang leaders as to what will happen again in the future should their inappropriate activities continue.

Unfortunately, the writer of this article has incorrectly advised two (2) people, one in the community and one is a NV prisoner, that this transfer back to NV would occur this year – instead of next year. My mistake and I sincerely apologize to all

that were misled by my misinformation. It was my fault and not the fault of the callers. Sorry.

AB 510 Disciplinary Reports

Any NDOC prisoner that received a disciplinary report regarding the filing of any type of legal documents related to AB 510 litigation and was found guilty in a disciplinary hearing should take the following action:

1. Appeal the disciplinary decision in accordance with AR 707 and AR 750, using the Informal Grievance for tracking purposes and a Level 1 grievance for the appeal. Be sure to include in the appeal the fact that you are a layman, not trained or knowledgeable of the law, and that you believe you were entitled to the AB 510 from what other prisoners were stating on the yard.

2. If the appeal is denied, appeal that decision using the Level 2 grievance.

3. Send NV-CURE a **copy** of your disciplinary report (all of it), your grievance appeals, and the decision of the Warden on your Level 1 Appeal.

4. If the time limit for appealing the decision has expired, try to file a "**Late**" Appeal, using the same procedure for filing a timely appeal, and appeal the any denial.

5. Send a copy of all of the documents (same as above) to NV-CURE.

Once we have a copy of all of your documents regarding your "frivolous litigation" disciplinary report and appeal, we will provide a copy of those documents to Director Dzurenda and Deputy Director Thomas for reversal and dismissal of the disciplinary charges against you in that matter.

Grievance Process Being Reviewed

NDOC AR 740, the grievance procedure, is currently being reviewed by a panel of various federal judicial officials, paralegals and lawyers to determine whether the regulation, as written, meets criteria sufficient to withstand scrutiny in the federal courts. The panel will review AR 740 and each member will provided an opportunity to comment on the content and procedures established in the regulation and to suggest to suggest changes to those procedures.

NV-CURE will make our comments for changes to the reviewing panel. Make your suggestions to our Vice President, Craig Caples. He will follow through with the reviewing panel.

Monitoring of Prisoner Legal Calls

The monitoring of prisoner legal calls to their attorneys is again back before the U.S. District Court in Reno. As previously reported, Judge Jones was again *reversed* by the Ninth Circuit Court of Appeals based upon the fact that a "normative" inquiry, rather than an actual "subjective expectation" of privacy inquiry, was required in an analysis of a prisoners 4th Amendment claims regarding the monitoring of prisoners' legal calls to an attorney; and that a Turner analysis of the claim should be conducted.

Defendants have filed a Renewed Motion for Summary Judgment (#386), Plaintiff Responded (#387), and Defendants

Replied (#388). New evidence discovered in the case, which Defendants failed to provide in the discovery process and in the first summary judgment proceeding, produced at trial through the testimony of Defendant Donat and subsequently revealed in the Contract between the NDOC and Global and Embarq, the Inmate Telephone Service (ITS) during the relevant time period, has revealed that NDOC employee Defendants used a “rogue” (and unauthorized) telephone system “tapped” into the ITS to monitor and re-monitor prisoner telecommunications with their attorneys in NSP Unit 13. This information completely negates Defendants’ claims that it was their duty to monitor prisoner telephone calls to their attorneys to be sure the numbered called was to an attorney number and that the prisoner did not hang up the call and make another unauthorized call to another party.

As usual, the Defendants and the Attorney General, and Deputy Attorney Generals, have repeatedly lied to the courts in this action – and continue to lie to the court. NDOC employees have been prohibited from intercepting (and monitoring or recording) prisoner confidential telephone calls to their attorneys since 1983 (NRS 209.419). The ITS provided to the NDOC from 1983 through 2006 permitted NDOC employees to monitor prisoner telephone calls to attorneys by flipping a switch in the Unit Control Bubble, but required them to hang-up if the call was determined to be legal. That changed under the contract with Global, and subsequently, Embarq.

Under the Contracts with Global and Embarq, the telephone companies were responsible for registering legal telephone numbers, preventing properly registered legal calls from being recorded or monitored, the switch in the Unit Control Bubbles was removed (or re-designed), and NDOC employees, without a properly registered username, authorization and a password could not record or monitor a properly registered prisoner telephone call to an attorney number. Exactly what the Legislature intended when it enacted NRS 209.419 (1983) and what the law required.

Rather than admit their wrongdoing and wasting hundreds of thousands of tax payer dollars on frivolous litigation, Defendants and the Attorney General’s Office have continued to argue Defendants were authorized to monitor prisoner legal calls. These liars should be removed from employment in the Attorney General’s Office or at the NDOC. Before sanctioning uneducated prisoners, sanction the wrongdoers employed by the government.

We will keep you posted on developments in this case. We wish that Cal Potter, may he Rest in Peace, the attorney previously handling this case, was around to see the final results of all our efforts in this case.

***Some Days You Are The Dog
Some Days You’re the Hydrant***

***I Finally Got My Head Together,
Now My Body Is Falling Apart.***

Prison Gangs and Correctional Officers – Continued

Old boy network: Def. (from Dictionary.com), ***old-boy net-work, noun,*** *An exclusive network that links members of a profession, social class, or organization, through which the individuals assist one another in business, politics, etc.*

In our previous Newsletter, No. 31, we published an article titled Prison Gangs and Correctional Officers. In the article, we referenced “The Old Boy Network”. We received an anonymous letter from HDSP with a fake name and number on the envelope. The writer said we were liars, that he had been in the Nevada prison system for 20 years, and he had never heard of the Old Boy Network. The anonymous writer may have misunderstood, may be a liar, may have had a very sheltered life, or may have wanted to spur debate.

Misunderstood. The “old boy network” is not the name of a specific group. An old boy network, or good old boy network, refers to a group of people, not necessarily organized under a specific name, they associate and work together to accomplish a common goal. The Old Boy Network referenced in the article is not an organized group with a specific name. It is a group of Nevada correctional officers and other government employees during the time period from 1970 to the present that run the Nevada government from behind the scene, mostly, including the NDOC. “They” are known to some of us (common ordinary people) as the real power behind the scenes and “we” refer to “them” as an old boy network. So, Mr. Anonymous, you may not have heard of them, but, believe me, they exist.

Liar. Mr. Anonymous, you may be a liar – and you could be a strong supporter of the “old boy network” that controls the prison system trying to cast doubt on the existence of the people you are working with to control the prison system or to throw people off with your claim of their non-existence.

Sheltered Life. Mr. Anonymous, you may have led a very sheltered life and lived within the NDOC for 20 years without having ever come in contact with other prisoners inside the prison system that work with the old boy network on a daily basis to curry favors and earn benefits for their cooperation. That is highly doubtful, but is possible. You may need to get out more and learn what is going on around you. Talk to the shot-caller of your choice and, if you are trusted, they may give you some insight into what is really going on around you.

Spur Debate. Mr. Anonymous, you may know what is really going on within the prison system and know more about the old boy network than you let on – simply to spur debate and bring the facts out in the open for all to see.

What ever the reason, thank you for your comments and opinions. Does the “old boy network” really exist? Get out and find out the facts for yourself.

Use of NDOC Grievance Procedures

It has recently come to the attention of NV-CURE that a number of prisoners are claiming that the use of the grievance process is “snitching” and that people using the grievance process are subject to being beat up and run off of the yard.

This is insanity! Isn't it bad enough that persons filing grievances are subjected to all types of retaliation by prison staff against the prisoner that has the audacity to file a grievance regarding their misconduct. Now we have prisoners subjecting other prisoners to hardships and punishments for using the only viable means of improving conditions of confinement available, i.e., the grievance and litigation process.

Who are these prisoners labeling other prisoners snitches, beating them up and running them off the yard? Are they "lackies" or "bootlickers" for correctional officials? Are they working for the administration? Are they "gang bangers" earning favors from correctional officials for their help in assisting "them" in perpetuating their misconduct with impunity? If anyone should be subjected to hardships, it should be the prisoners subjecting other prisoners to hardships for attempting to improve conditions of confinement.

It is apparent there are prisoners, as well as correctional staff, that are unaware of the reason and purpose of grievance procedures. In 1971 there was no grievance process in any prison in this country. There were numerous prison uprisings, riots, destruction, injuries and deaths caused by the misconduct, abuses and mistreatment of prisoners in this country. This was the only method available to prisoners to fully air their grievances against their treatment.

Those uprisings led to the "Attica Rebellion" on 9/13/71 in New York. The prisoners took over the prison to bring attention to their grievances and to try to secure redress. Rather than negotiate a settlement, Governor Nelson Rockefeller sent in the National Guard to take back the prison from the prisoners. That led to the death of 43 people, 10 of them correctional officials killed by their own National Guard.*

The prisoners took over the prison to air their grievances and secure relief from the conditions of their confinement, as prison officials refused to correct the problems. As indicated, there was no grievance process and this was the only method available to the prisoners to air their grievances. After the prison was retaken, a large group of people finally addressed the problem, including the U.S. Attorney General, National Lawyers Guild, ACLU, legislators and other concerned people. As part of their efforts, a model grievance procedure was established and prisons throughout the country were required to obtain certification of their grievance procedures. (The Nevada Grievance Procedure was never certified).

The grievance procedure was established to provide prisoners with a method of airing their grievances with prison officials without resorting to the method employed by prisoners at Attica. The grievance procedure is the only acceptable method of airing your complaints regarding conditions of confinement and abuse of authority by prison employees. If a prisoner labels another prisoner a "snitch", "beats them up", or "runs them off the yard", that prisoner is disrespecting all prisoners and is presenting himself as a bootlicking lackey of correctional employees and should remove himself from the yard immediately. Good people fought and died for a fair and just grievance procedure and all prisoners should be advocating

for a full and fair grievance procedure instead of causing problems to prisoners that are fighting for change.

Continue the struggle and may those that oppose you be damned.

*Learn the truth regarding the Attica rebellion. Read the book, Blood in the Water, written by Heather Thompson, after a long review of all the relevant documents. See our IB Newsletter No. 20, for further information.

Tribute to Paul Wright and the Human Rights Defense Center

NV-CURE would like to pay tribute to Paul Wright, the Human Rights Defense Center, Prison Legal News and Criminal Legal News for his activities on behalf of prisoners for a substantial period of time. He is an inspiration to many of us and he has been a leader in the prison reform movement for many, many years. We thank you Paul.



***John Witherow and Paul Wright
at the 2016 UCLA Advocates Conference***

NV-CURE would also like to thank Paul and his crew for allowing us to include articles written for Prison Legal News (PLN) in our newsletters. He is on top of the issues important to all of us and his articles are always information. Thank you Paul, and your crew, for all the good work.

Colorado: State Settles Prison Hep C Lawsuit With \$41 Million Treatment Plan 9/13/18 PLN Article

The Colorado Department of Corrections will spend \$41 million over two years to provide life-saving drugs to 2,200 prisoners who've been diagnosed with chronic hepatitis C. The move was approved today, September 12, by the Colorado State Claims board, settling a class-action lawsuit brought by the ACLU of Colorado and Fox Rothschild attorneys, which accused the state of delaying or denying treatment for

prisoners battling the potentially deadly virus because of the high cost of the medications involved.

The state is spending \$20.5 million in this year's budget, and the same amount next year, to address a backlog of prisoners who've been waiting in line for a new generation of wonder drugs, known as direct-acting antivirals, that virtually eliminate the virus in more than 90 percent of the patients treated. That's an exponential increase over the \$2.8 million the CDC spent to treat just fifty prisoners for hep C in the previous two years.

As first reported in Westword's 2016 feature "The Deadliest Killer in Colorado's Prisons is a Curable Virus," prison administrators had set up stringent requirements for treatment that amounted to a multi-year obstacle course for inmates suffering from the virus. Partly because of the stigma associated with the bloodborne virus, which is primarily acquired through sharing needles, and partly because of its pervasiveness behind bars (it's estimated that 17 percent of the national prison population is affected), officials required prisoners to go through months of drug and alcohol classes and have particularly deteriorated livers before they could begin treatment. The severe rationing was also spurred by the fact that the new wonder drugs, when they first debuted, cost as much as \$95,000 for a twelve-week regimen.

A Westword review of 823 deaths within the DOC over fifteen years found that 161 of those deaths, nearly one in five of them, were caused by end-stage liver disease and related illnesses. That's roughly twice the number of suicides behind bars during that same period, three times the number of deaths attributed to drug and alcohol use, and four times the number of homicides. The data provided doesn't specify how many of the liver-related deaths were the direct result of hep C complications, but the DOC has determined that the virus was a contributing factor in at least eighteen deaths between 2014 and 2016.

Big Thank You to All Who Helped Close NSP

A Big Thank You to all who helped close NSP. The information you all gathered for me regarding conditions in the cell house was invaluable and made a tremendous difference in the closure decision. The NV Department of Health, State Fire Marshal and Legislature all used that information in making the decision to close that facility.

Sorry it took so long to send out this thank you. Circumstances prevented the thanks for a long time and the passage of time dulls the memory. You guys did a fantastic job and the help was sincerely appreciated. Very best regards to those still incarcerated and hope you are out soon.

Primary Reason for Successful Community Life

As many of you know, NV-CURE President John Witherow has spent most of his adult life in prison, over 40 years in prison from the age of 17 in 1967 to 60 in 2010. He has been out now for 8 years and he is a successful member of the community. He attributes his success to the financial resources available to him upon release (thank you NDOC employees for

the violation of his constitutional rights), the help of family and friends from earlier days, the help of a fantastic lady and her family (now a part of his family), and the grass roots people that assisted him in the operation of NV-CURE, the help and encouragement of the people involved in the CURE organizations and the opportunities presented by involvement in the prison reform movement. Thank you all. We hope that you all have opportunities available upon release and you avail yourself of those opportunities.

Opportunities are the key to success. Be sure to develop your opportunities. Good luck and best wishes.

Unsafe and Unsanitary Prison Conditions

Prisoner Paul Klein, confined at HDSP, has sued numerous NDOC officials for alleged unsafe and unsanitary conditions at the prison. (Case No. 2:17-cv-02055-MJD-VCF). His claims that survived the initial screening order issued on August 10, 2018, allege a failure to provide adequate cleaning supplies, an inability to clean adequately without cleaning materials, black mold, fungi, and insufficient cleaning in the shower creating a biohazard, staph infections, pigeon droppings in and around housing units carrying up to 16 potential pathogens insufficiently cleaned, and the failure of grievance responders to investigate and initiate appropriate action to correct the alleged 8th Amendment violations. The case has been stayed for 90 days and placed in the mediation program.

One of these days, hopefully, the Nevada Legislature and NDOC may learn that it will require substantially more taxpayer dollars than are currently provided to insure all prisoners are provided with safe and sanitary living conditions, adequate medical care and a fair and just penal system; and that mass incarceration is going to continue to cost more and more taxpayer dollars. Wake up Nevada – and again review the NV-CURE proposals for criminal justice reforms.

Grievance Mixed or Improper Instructions

180923 PLN Grievance Responder Article.

The Seventh Circuit Court of Appeals held that an Indiana federal district court erred in dismissing a prisoner's civil rights action for failure to exhaust administrative remedies. The Court held the record indicated the prisoner was prevented from filing a grievance due to mixed or improper instructions from the grievance coordinator.

Indiana state prisoner Terry Davis filed a 42 U.S.C. § 1983 complaint alleging that on January 5, 2014, guards David Mason and Blake Thrasher punched him repeatedly, put him in a chokehold and placed a plastic bag over his head. He sustained two black eyes, broken teeth and possibly a broken nose.

Upon the district court's invitation, the defendants moved for summary judgment based on Davis' failure to exhaust administrative remedies as required by the Prison Litigation Reform Act. The court subsequently granted the motion and Davis appealed.

In a February 6, 2018 ruling, the Seventh Circuit found that in the days following the alleged assault, "Davis tried

several times to submit grievances complaining about the incident, but none were processed." Davis' first two grievances resulted in his receiving "Return of Grievance" forms, saying they would not be processed because they raised a classification issue and were not completely filled out. Contrary to policy, Davis was not told what the classification issue was or what was missing from the grievances. He also was instructed to contact his unit team and Internal Affairs, which is not required by the grievance procedure.

Third and fourth attempts to file a formal grievance were deemed untimely. The grievance coordinator, however, forwarded a copy of Davis' complaint to Internal Affairs "because of the seriousness" of his allegations. The administrative trail ended there.

Rising Voices From The Inside

180911 PLN Christian Science Monitor Article

When it comes to conditions inside prisons, should prisoners have a voice? That's one of the questions raised by a three-week strike by inmates in more than a dozen states.

A guard tower stands above the Lee Correctional Institution (photo not available), a maximum-security prison in Bishopville, S.C., in April after seven inmates were killed amid fighting among prisoners. Prisoners in more than a dozen states launched a three-week strike in response to the deadly riot.

September 10, 2018, Two ways to read the story, Savannah, Ga., and San Antonio

Debate over criminal justice reform in the United States in recent years has tackled everything from the death penalty to bail reform to restoring voting rights after a prisoner has completed their sentence. But the debate has largely sidestepped the actual living conditions inside American prisons.

Over the past three weeks, prisoners in more than a dozen states have tried to change that. Two separate prison uprisings, decades apart, inspired the strike: 1971's Attica prison rebellion, in which more than 1,000 prisoners took over the New York prison demanding more humane living conditions; and a deadly riot at the Lee Correctional Institution in South Carolina this year, which sparked inmates' decision to take political action this summer.

The national strike comes on the heels of a particularly tense period in US prisons, which experts say are more restive now than any time since the 1980s. It also comes as President Trump and Senate Republicans have decided to postpone prison reform legislation until after the midterms. While support for criminal justice reform more generally has been gaining momentum, particularly on the right, conditions inside prisons themselves are mostly a mystery to the general public. Efforts by inmates in the past to draw attention to them have seen mixed success. But prisoner advocates and inmates say that, if the US wants to finally remove a decades-old strain of brutality from its prison system, their voices need to be part of the debate.

"A number of states have done things to improve their justice system, mostly along the lines of trying to reduce prison

populations, sentencing reforms, early releases, things of that nature, but that doesn't really address the conditions of confinement, medical care, phone calls, visitations for prisoners," says Alex Friedmann of the Human Rights Defense Center. "Things prisoners have to deal with on a day-to-day basis, there hasn't been a lot of mobilization on those issues."

US prison officials largely downplayed the strike. "We've been aware of all these outside agitating groups that have been trying to instigate our prisoners," Chris Gautz, a spokesman for the Michigan Department of Corrections, told Mother Jones. "Thankfully they haven't listened."

Prisoners, too, largely remained quiet about their efforts to the outside world, concerned about reprisals.

"I don't think that prisoners know what a publicity stunt really is," a prisoner named "Eddie" said in a conference call with reporters Sept. 1, underscoring that striking prisoners often face sanctions. "We just don't really have time for games. You know, everything we do has been real."

Organizers say protesters numbered between the dozens to hundreds in 14 states, many of them in the South, as well as Nova Scotia, Canada. Actions included hunger strikes, the hanging of protest signs in cell blocks, commissary boycotts, and work stoppages. Among their 10 demands, organizers called for improvements to poor living conditions; wages for prison labor, which can be less than \$1 an hour; and the restoration of voting rights.

"The most recent demands are important because they are so pointedly calling attention to the injustice of very specific policies in this country that have caused prisons to become so overcrowded and brutal," says Heather Thompson, author of "Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy."

Evidence of a Broader Shift?

Criminal justice reforms in recent years have focused on reducing prison populations, primarily focusing on minimizing sentence lengths and curbing recidivism. The actual conditions inside prisons have been largely overlooked, experts and advocates say. In Texas, for example – a state that has spent the past decade reforming its system – prison officials spent more money fighting a lawsuit to install air conditioning in one prison than it would have cost to install in the first place. (The state has also slashed phone call rates in its prisons, it should be noted.)

In that way, the prison strike, experts say, is a part of a broader bid to shift standards of punishment in the US.

"The standard theory of riots and disturbance is that misery breeds revolt," writes Purdue University sociologist Bert Useem, co-author of "Prison State," in an email. "This theory does not do well when judged by the historical record. The current mobilization by inmates and their allies ... should not be taken as a sign that things are 'bad' behind bars. They are raising the bar for what inmates see as fair. And, naturally, prisons are failing this rising standard."

The US incarcerates a greater proportion of its population than any other country, according to the Sentencing Project: 670 people per 100,000 are behind bars. That's

compared with 434 per 100,000 for No. 2, Rwanda. Long prison sentences and high recidivism rates are endemic. Crime waves of the 1980s and early 1990s led to an explosion in prison growth. The US prison population skyrocketed from 400,000 in 1988 to 1.4 million in 2012, the peak. About 800,000 of the 2.3 million are put to work, doing everything from cleaning, farming, and mowing for as little as 4 cents an hour in Louisiana to volunteering to fight wildfires in California for \$1 an hour, plus \$2 a day.

The US is now more than two decades into dramatic declines in violent crime, as well as a shifting understanding of drug addiction – as seen in marijuana decriminalization and empathy for those caught in the opioid epidemic. And there is evidence that the US may be more willing to listen to advocates for prisoner rights – and, critically, prisoners themselves.

“It is essential for prisoners to have a voice in the political sphere in order for us to see substantial changes in our criminal justice system,” says Amani Sawari, a spokesperson for Jailhouse Lawyers Speak, one of the chief organizers of the strike, in an email. “The lack of humane conditions for prisoners is directly influenced by people’s ignorance to the conditions that prisoners are forced to live and work in.”

That cultural arm’s-length is compounded by a lack of transparency into how prisons operate. Prisoners in Ohio are demanding, among other things, less restrictive access to media interviews. Tying those complaints to a broader solidarity movement – cross-racial, cross-ethnic, and cross-gang – is new, criminal justice experts say.

Varied Effects of Reform

Some states have taken the lead on improving prison conditions. North Dakota has revamped its prisons along a Norwegian model, going from a more punitive model to a rehabilitative one. In the process, the state has dramatically reduced prison populations and punishments like solitary confinement. Utah and California are trying out a low-security prison-model that looks more like a college campus than a modern-day Alcatraz.

Ironically, a bipartisan criminal justice reform effort may have exacerbated the current wave of prison protest. In 2010, in a bipartisan bid, South Carolina lawmakers rewrote state sentencing laws to reduce prison populations. They also dramatically cut the prison budget.

The result at Lee Correctional Institution was a growing disparity between guard numbers and prisoners – a 1 to 44 ratio – and statistics that showed the rate of people killed while incarcerated rising dramatically in South Carolina. As conditions in prisons worsened, the number of inmates killed in 2017 quadrupled from only two years earlier in the state.

That number spiked this spring when rioting engulfed Lee. Authorities lost control of the prison for at least seven hours. Dozens were injured and seven died. The coroner said some of the victims could have lived if medical help had been administered earlier.

“They bled and died,” Eddie told reporters during the press call. “And we just want everybody to remember the horrific conditions that brought these deaths about.”

The lack of safety guarantees for prisoners at some prisons became the fuel for the protest, underscoring a sense among prisoners that they are captives of a system that treats them as “subhuman,” according to former Texas inmate Lewis Conway.

Mr. Conway spent eight years in a Texas prison for manslaughter after stabbing a man to death during a dispute in 1991. His voting rights restored after 12 years of parole, he is now running for the Austin City Council. He knows what it feels like to be in a separate class – his campaign is unprecedented in Texas. While his opponents and the Austin City Clerk aren’t disputing his candidacy, the Texas secretary of State’s office has questioned its legality.

To him, the plight of prisoners is society’s plight, where “as soon as you start to solve baseline problems [like employment for ex-cons], it begins to help conditions with other problems.” From Attica in 1971 to Pelican Bay in 2010, he says, prisoners have been able to glean concessions without reporters on the scene.

“There is a way in which the conversation about [criminal justice reform] goes up against basic demands that prisoners have been putting forward – food without maggots, more potable water, fair wages,” says Toussaint Losier, co-author of “Rethinking the American Prison Movement,” and an Afro-American studies professor at the University of Massachusetts, in Amherst. “What stands out to me about this kind of prison organizing is that we see it happening in places like Georgia, South Carolina, Alabama, and Texas that are not epicenters of this kind of [justice reform] politics.”

It is unclear whether prison activism is reaching beyond the razor wire. Some Democrats, including New York congressional candidate Alexandria Ocasio-Cortez, have spoken out. South Carolina gubernatorial candidate James Smith told USA Today after the Lee riots that conditions in South Carolina prisons are “deplorable.”

And the protests have shown that prisoners can successfully join with outside advocates. Some 500 people showed up in solidarity outside San Quentin late last month. “The forces for reform in corrections are great and [are] making a difference,” writes Professor Useem, in West Lafayette, Ind. And “if things are improved today, might they not be improved even more tomorrow?”

The Incalculable Costs of Mass Incarceration

180923 PLN Article

Prisons carry enormous, perhaps impossible to measure social costs-but when assessing the system fiscally, reformers should focus on staffing salaries instead of the number of incarcerated people.

Every year states spend about \$50 billion to lock up over 1.3 million people, or about \$35,000 per prisoner per year. Although individual state averages obviously vary, statistics like these suggest that even small cuts in prison populations could yield significant fiscal returns, and big cuts something massive. The Brennan Center, for example, recently argued that releasing 576,000 low-risk inmates could save \$20 billion per

year (which is just \$35,000 times 576,000-a calculation others make as well).

But this is the wrong way to think about prisoners and costs. Measuring costs this way both significantly overstates what we fiscally save with each person we divert from prison while simultaneously understating the social costs that such a diversion avoids. Fiscal savings don't come from reducing inmate populations-they come from reducing staffing. And the social costs of prisons and jails have little to do with budgets and far more to do with the physical, emotional, mental, and other harms incarceration imposes on inmates, their families, and their communities.

Whether we are trying to understand how decarceration frees up funds to be spent elsewhere, or whether prison is socially cost-benefit justifiable, using the average cost per prisoner-a common metric-is simply mistaken.

PLN Ban Battle Heads to Supreme Court

180927 PLN Article

Prison Legal News is banned in Florida prisons. Powerhouse U.S. Supreme Court lawyer Paul D. Clement wants to change that.

The former George W. Bush solicitor general, now at Kirkland & Ellis LLP, is lead counsel on a new high court filing challenging the ban. The filing casts doubt on the Sunshine State's alleged rationale for impounding the long-running publication-one prisoners rely on to keep up with news relevant to their incarcerated lives.

The state claims it's not PLN's articles but its advertisements that are dangerous, citing its ads for mundane services like pen pal solicitation and one offering cash-for-stamps and three-way calling. Florida officials claim the pen pal ad, for example, could help inmates connect with vulnerable writing partners whom the inmates would then defraud.

But the "blanket ban" on PLN that the U.S. Court of Appeals for the Eleventh Circuit upheld nonetheless violates the First Amendment, Clement's Sept. 14 filing argued.

PLN's founder and editor, Paul Wright, says officials' stated security rationale is nothing more than a smoke-screen. They're really just trying to keep the magazine's content from prisoners, he told Bloomberg Law. Wright started the publication as a prisoner, decades ago-he's out now-to report on court cases, including Supreme Court cases, and prison issues. He expects an array of outside groups to file amicus briefs at the high court supporting his position.

"This whole thing is pretty obviously pretextual," Wright said. "We're the ones reporting on this stuff in a way that prisoners can access and learn about," he said of PLN, which is published by the non-profit Human Rights Defense Center, where he's executive director.

What's "really unfair," Wright says, is that it's a publication where "the government officials we criticize are the only ones that are in a position to actually censor us and prevent us from reaching our audience."

"They don't claim that anything we say isn't true," Wright adds. "We just tell it like it is. Unfortunately, the story we're telling is a pretty grim, barbaric, and brutal one."

The Florida Department of Corrections declined to comment for this story, citing the ongoing litigation.

The state's response to PLN's petition is due to the justices next month.

Jail Phone Rates Increase as Video Replaces Visits

180911 PLN Article

A comprehensive set of public records obtained by Prison Legal News from the Washington Department of Corrections (DOC) and most of the state's county jails indicates that the average cost of local and in-state phone calls made by Washington prisoners has steadily increased in recent years.

The records also demonstrate an ongoing shift toward video-based calling in county jails, which in some cases has resulted in the elimination of in-person, face-to-face visits. PLN uses the term "video calling" because "video visits" implies people are actually visiting each other rather than seeing their images on a screen. The records procured by PLN further indicate that some of the money generated from phone and video calling revenue at county jails, which is placed in Inmate Welfare Funds, is used to pay the salaries and benefits of jail employees instead of benefiting prisoners.

These developments have occurred despite the state's proclaimed desire to lower phone rates for prisoners and, ironically, are partly due to a cap on interstate (long distance) prison and jail phone rates imposed by the Federal Communications Commission (FCC).

Using Washington's Public Records Act, PLN obtained and reviewed telecom contracts for the Washington Department of Corrections and local jails in most of the state's 39 counties. The documents detail the accounting behind how companies like Securus Technologies, Global Tel*Link (GTL), Consolidated Telecom, Legacy Inmate Communications and others secure monopoly contracts with state and county officials.

The FCC took action during the Obama administration to reduce interstate prison and jail phone rates, capping them at \$0.21/minute for debit and prepaid calls and \$0.25/minute for collect calls. However, the agency's rate caps on intrastate (in-state) calls were struck down by the D.C. Circuit Court of Appeals on June 13, 2017, after FCC Chairman Ajit Pai, appointed by President Trump, ordered the agency not to defend its rulemaking related to intrastate rates. [See: PLN, July 2017, p.52; Dec. 2013, p.1]. Consequently, local and in-state phone rates are completely unregulated on the federal level - meaning they often cost more than long distance calls.

While in theory the FCC still intends to examine whether it has jurisdiction to regulate video calling, the agency has taken no steps in that direction. The county jail contracts obtained by PLN indicate that video calling has become a mainstay, and in fact has completely replaced in-person visits in at least 13 Washington jails. Then there are the fees that family members must pay to prison phone companies to use their

services, distinct from the phone and video calling rates - including fees to place money on prisoners' accounts and billing statement fees. Sources who spoke to PLN, both prisoners and family members, bemoaned the financial burden imposed by the combination of high phone rates and account-related fees.

All of these dynamics foretell a profitable future for the firms involved in the for-profit prison and jail telecommunications market. Which, in turn, means prisoners and their families will be hit the hardest simply for wanting to stay in touch.

Presently, video calling appears to be the fastest-growing service provided by prison and jail telecom companies.

Become a PLN and CLN Subscriber!

181009 PLN Criminal Legal News

HRDC's monthly magazines are subscription publications. We have thousands of subscribers nationwide, and around 65-70% are incarcerated. We also offer online subscriptions that provide full access to all content on our website (most of our news content is free, but a subscription is required to access some of our legal content). Prison Legal News and Criminal Legal News. For specifics, contact: **Prison Legal News**, P.O. Box 1151, Lake Worth, FL 33460, Phone: 561-360-2523, info@prisonlegalnews.org

Oklahoma DOC Requests to Triple Budget

181101 PLN Article

The Oklahoma Board of Corrections voted unanimously Tuesday to ask the state Legislature to triple its funding next fiscal year and provide the agency with a \$1.57 billion budget.

"This request is not a wish list," said Oklahoma Department of Corrections Director Joe M. Allbaugh. "This is what we need. Oklahoma continues to send more people to prison, and it costs real money to house, look after and provide those individuals medical care - all of which we are required to do."

The \$1.57 billion budget request includes:

- * \$884 million to add 5,200 beds to the prison system.
- * \$91.7 million to provide inmates with expensive hepatitis C drug treatments.
- * \$31.9 million for facility repairs, maintenance and critical needs.
- * \$18.5 million for staff pay raises.

The request comes at a time when state prison facilities are at 113 percent of capacity, with 1,993 inmates assigned temporary beds and 975 sitting in county jails, waiting to be transferred to prison, officials said. The inmate population is expected to grow by 2,367 inmates by 2026.

NDOC Needs Real Budget Request

NV-CURE suggests that the NDOC follow the lead of the Oklahoma Board of Corrections and submit to the

Legislature a budget request that reflects the actual needs of the NDOC to operate the prison system in accordance with actual needs of the prison system. The proposed budget should include adequate medical care for all prisoners, including the cure for hepatitis C and insulin, adequate housing for all prisoners, edible and nutritious food, jobs and job training skills, minimum wage pay for prisoners, educational and rehabilitation programs to prepare prisoners to return to the community, adequate halfway house type release facilities to insure prisoners are released on their release dates, and a substantial increase in pay, training and qualifications for correctional employees. Let the Legislature know the real costs of running an efficient, fair, just and rehabilitative prison system.

The costs of such a prison system would very substantially increase the costs of running a rehabilitative prison system. However, there would be cost benefits. Prisoners would have shorter sentences, prisoner litigation would be reduced considerably, there would be a substantial reduction in recidivism, and former prisoners would become productive members of our communities.

We may be dreaming now, but there is no telling what the future may bring. Letting people know the real costs of incarceration may be beneficial in the long run. Calculate the figures and submit a real budget request for all the funding you would need.

Boycott of Prison Profiteers

180101 PLN Article

"I am going to boycott the third-party correspondence system," Bryant Arroyo, an activist and organizer currently detained at SCI Frackville in central Pennsylvania, told this WW reporter during an extended Sept. 23 interview.

Arroyo urges all prisoners to immediately cease sending and accepting mail in response to the draconian new prison policies of current Pennsylvania Gov. Tom Wolf.

Eliminating the right of prisoners to send and receive correspondence via postal service is the most controversial aspect of a sweeping crackdown imposed in September by the Pennsylvania Department of Corrections. Prisoners will no longer be allowed to receive mail directly at state correctional facilities. Instead, their mail is being routed through a third-party company that rakes in profits from the enslavement of U.S. workers.

The PDOC awarded a \$4 million contract to Smart Communications, a Florida-based firm that bills itself as a "family-owned business" with "a reputation as the true innovator in the prison marketplace."

Under the contract, Smart receives all letters and photographs, photocopies them, stores the contents on its private servers and then forwards the photocopies to prisoners. Smart's website boasts, "We currently have over 50 clients worldwide." That means the company is paid to seize, open and duplicate the private correspondence of prisoners held in over 50 U.S. facilities. Pennsylvania is the 19th state to hire the company.

"I have other means of communication," said Arroyo, referring to the phone calls and emails he must pay for in order to talk to the outside world. "I don't have to comply with this policy, and I don't want to. I don't think our people should be subjected to it. And I don't think the taxpayers' money is being well spent - do you?"

Reporting Sexual Assault Causes More Punishment
181001 PLN Article

When Dr. Christine Blasey Ford broke a decades-long silence about nearly being violently raped by Brett Kavanaugh, now a Supreme Court nominee, her allegations were met with death threats. Her address was published, forcing her family to relocate; people followed her on freeways and attempted to enter her place of work. At the same time, her detractors questioned the legitimacy of her accusations, noting that she did not report the attempted rape. These criticisms are nothing new—countless survivors have faced similar challenges for not reporting assaults and attempted assaults. This is particularly true for incarcerated survivors, who know that reporting sexual abuse is more likely to result in more punishment for them and little to no accountability for the person who harmed them.

When Carolee first entered the Texas prison system in 2016, she was shown a video explaining what to do if she were sexually assaulted. "The video did not show any difficulties and it made you feel comfortable and safe if you told," Carolee recalled. One year later, however, she found out just how wrong the video was.

While in the shower, Carolee's cellmate grabbed her breast. Carolee shrieked, her cellmate backed off, and nothing more happened. The next day, Carolee approached a prison officer, reported the assault and asked to be moved to another cell.

"After that, things just got absolutely ridiculous," Carolee, who is still imprisoned in Texas and asked that her last name not be used, told Truthout. Staff did move her to "segregation" (otherwise known as solitary confinement), where she spent 15 days locked in a cell by herself. "Then I was taken to an interrogation room where the Safe Prisons person asked me all these questions," she said. "I told them it wasn't that bad, she didn't rape me or anything, I just felt uncomfortable being in the same room with her and I didn't want her to try it again the next time we were alone in the shower. They came up with the assumption that I had made the entire thing up.... For filing a 'false' OPI [Offender Protection Investigation], I couldn't go to commissary for 30 days."

Houston Parolees Housing Restrictions
181001 PLN Article

A new ordinance passed by the Houston, Texas, city council requiring housing for parolees to be at least 1,000 feet from any park, school, day care, or other re-entry housing has effectively pushed parolees outside the city.

When asked for a public safety rationale by the Texas Criminal Justice Coalition, the city gave none, offered no evidence to support the new rule, and largely ignored

comments and questions before passing the new rule. "It was orchestrated from the start that it was going to pass regardless," Jay Jenkins, an attorney with the coalition, said.

Each year, around 14,000 former prisoners return to Harris County, including Houston. "For re-entry housing to be successful, it has to be centrally located, has to be located near public transportation, has to be located near health care with access to food," Jenkins said. The 1,000-foot rule is setting up parolees to fail, he said.

"There are few outcomes more detrimental to public safety than further limiting the housing options for people who already face barriers to housing and employment," Criminal District Court Judge Kristin M. Guiney wrote to the city council, opposing the rule.

Nazi Jail Guards Fired
180808 PLN Article

Two jail guards in Spalding County, Georgia, were fired just one day after a local anti-fascist (antifa) group published an expose revealing pro-racism and pro-Nazi posts the two had made online. Such ideologies are all too common in the US prison system, experts tell Sputnik News.

The Atlanta Antifascists group caught detention officers Howard Reece Costner and Jesse Jones posting pro-Nazi messages on various social media platforms and published their findings on a blog on Monday. Later that day, the pair was sacked. "This is a really common phenomenon," Paul Wright, editor of Prison Legal News, told Sputnik News Tuesday. He argued that white supremacy does, in fact, represent the view of many employed in America's carceral institutions. "The American police state likes to employ white supremacists, and it is tolerated, if not outright encouraged at the highest levels."

"Nazism, the [Ku Klux Klan] and white supremacy is perfectly OK for the people that run the American police state," he continued. "That's literally just a value judgement that they've made."

AZ Prison Logs Temperatures Falsified
180911 PLN Article

Since February 2015, a settlement and stipulation in *Parsons v. Ryan* has required the Arizona Department of Corrections (ADC) to monitor and log indoor temperatures at state prisons. According to the Phoenix New Times, not only do the logs show excessive summer heat - as high as 119 degrees in some facilities - other logs have signs they were falsified by prison officials.

Every unit at ASPC-Douglas, near the border with Mexico, showed triple-digit indoor temperatures over the July 4, 2017 weekend. The log for the Gila Unit indicated it was 119 degrees at 16:00 on June 17. At the same time, the Papago Unit recorded 109 degrees. The next day, Gila recorded 113 degrees at 16:00, while both the Mohave Unit and the CDU reported 109 degrees, and the Papago Unit showed 104 degrees. During a heat wave in June 2017, the women's prison in Perryville recorded triple-digit indoor temperatures while the

temperature inside the medical holding enclosures at the prison in Stafford hit 100 degrees.

"Obviously, these are very dangerous temperatures for anybody," stated David Fathi, director of the ACLU's National Prison Project, which represents Arizona prisoners in the Parsons litigation. He was even more concerned about heat-sensitive prisoners.

Parsons requires the ADC to move prisoners taking medications that interfere with heat regulation, or who have a medical condition that makes them especially sensitive to heat, to cooler units. The stipulation states that heat-sensitive prisoners are to be housed at temperatures of 85 degrees or lower. However, neither the ACLU nor the Phoenix New Times has been able to determine whether any prisoners were moved to climate-controlled units since the Parsons stipulation went into effect.

The ADC has simply stonewalled requests for information.

We need to find out if they have actually ever transferred a prisoner to a unit where the temperature is 85 degrees or less," said Fathi. "That's what they're required to do, but we don't even know if they've ever done it."

He also noted that some of the ADC's indoor temperature logs were clearly fabricated. On August 25, 2017, ADC attorneys emailed Fathi logs from the Perryville prison. Included were temperature readings for August 26-31, up to six days in the future. The temperatures logged for those days ranged from 82 to 92 degrees - significantly cooler than the actual temperatures subsequently reported at other prisons for that time period.

"Obviously, those temperatures were made up".

People at FMWCC and HDSP – Thank You

People at FMWCC and HDSP – thank you for your efforts to conduct fundraisers for NV-CURE at your facilities. We sincerely appreciate your efforts on our behalf and we hope you will have a large turnout and everyone enjoys the meal. The funds raised will be used for all benefit of prisoners and our Newsletter will continue. Thank you all.

NV-CURE Book Donations to Prisons

NV-CURE has completed another round of book donation to NDOC facilities. We have a continuous program of donating paperback books on a rotating basis. We try to donate 10 boxes of paperback to each major facility in the following order: ESP, FMWCC, HDSP, SDCC, NNCC, WSCC and LCC. We recently completed a donation to LCC and our next donation will go to ESP. Hope you all have been enjoying the books.

Check the Mailing Label on Your Newsletter

Please check the mailing label on your Newsletter. IF there is an "x" behind your last name, your Membership has expired and you need re-new for one (1) year. If your Membership is not renewed, your name will be removed from our Membership and Mailing List. **Membership update:** Beginning next issue, the

top line of your address label will show your membership expiration date. Plan ahead; don't lose out on any news from NVCURE!

Funny, I Don't Remember Being Absent Minded.

NV-CURE Mail Is Not Legal Mail

NV-CURE is not a legal services organization and we are not attorneys. **Mail to and from NV-CURE is not legal mail.** NV-CURE wants this fact clearly understood by all. We cannot send documents as "Legal Mail" and NDOC facilities are not required to recognize mail to us as Legal Mail. Thank you for your attention to this matter.

Sending Documents to NV-CURE

Please **do not** send NV-CURE documents you want returned or copied. We do not copy and return documents. Send only documents we may retain in our files and disseminate as we deem appropriate. Thank you.

NV-CURE Membership

NV-CURE Membership for prisoners (\$2.00), basic (\$10.00), family (\$20.00), sustaining (\$50.00) and lifetime (\$100.00). **ALL Memberships are ANNUAL.** Each person needs to track their membership date and make a renewal membership donation yearly. Join NV-CURE and recommend joining NV-CURE to your family and friends. **We do accept unused stamps for prisoner memberships.**

Telephone Calls To NV-CURE

Our business hours are 9 AM to 5 PM on Monday thru Friday. Only telephone us during business hours. Other times calls will not be accepted.

NV-CURE does not accept collect telephone calls!

NV-CURE's number is 702.347.1731. ALL calls to NV-CURE **must be prepaid.** We do not have the funds necessary to accept collect calls and do **not accept collect calls.**

ADDITIONALLY, all telephone calls to our Las Vegas Office are forwarded to the personal cell phone of NV-CURE President JOHN WITHERFOW. Before you telephone our number, be sure this procedure is NOT GOING TO RESULT in a disciplinary report being written against you for violation of prison policies. We cannot be responsible for telephone calls made to NV-CURE.

NV-CURE Accepts Advertisements

NV-CURE continues to accept advertisements. Any person interested in advertising in our publication should contact our office for details. We sell advertising space in various sizes and costs per issue: business card (\$35.00), ¼ page (\$70.00), 1/2 page (\$125.00) and full-page (\$170.00) per issue. The fees charged for ads will help to defray our costs for printing and mailing newsletter to prisoners. Thank you for the help.

Articles and Information Wanted

Please provide NV-CURE with suggestions for articles and information you may want included in our Newsletter. We are interested in bringing you information on events and issues related to the prison and parole systems. We will attempt to gather the facts on issues of concern and write articles that may be of interest to all.

If you want to write an article for publication, write it and send to NV-CURE and we may edit and publish it.

NV-CURE is looking for Sustaining Contributors

NV-CURE is looking for Sustaining Contributors who want to advertise their businesses and/or corporations in our IB Newsletter. We currently publish the Newsletter bi-monthly. Every two (2) months our Newsletter goes out to almost 450 prisoners and 1200 people and organizations in the community. Our primary costs are printing and mailing. It currently costs NV-CURE over \$820.00 to mail our Newsletter to Prisoners – the very people who need our help. NV-CURE would like to increase our mailing to over 800 prisoners. Our costs would increase accordingly. NV-CURE, a tax exempt non-profit organization, and needs at least twenty (20) Sustaining Contributors to accomplish our goals. With twenty Sustaining Contributors, contributing \$500.00 per year, which is tax exempt, we can reach our goal. Is your organization interested in becoming a NV-CURE Sustaining Contributor? Visit our Website, nevadacure.org, and see what we do and call our office to sign up. Thank you.

SUSTAINING CONTRIBUTORS

NV-CURE (Citizens United for the Rehabilitation of Errants) wishes to express our *sincere and deep appreciation* to the following Sustaining Contributors for their financial and material support.

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Together We Can Make A Difference

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