



The Lewisburg Prison Project

2018

President's Message

"The two most powerful warriors are patience and time." –Leo Tolstoy

Fellow social justice warriors, I know that if you support the Lewisburg Prison Project, you have the ingredients of patience and time. The calculated measures that your Lewisburg Prison Project takes to avoid litigation, yet demand change, the diligence we use to prepare civil suits when such measures fail, and the degree of humanity we offer to those that are objectified is extraordinary and uncommon. In this line of work, it is also painful. Change can be so slow.

We have noticed the atrocities, helped where and when we can, and have sought out others when necessary. The people we are honoring for the Patten Award, Ron Travis and Jennifer Tobin, represent what we aspire to always be: people who treat every human with grace and dignity, fight for justice where injustice appears obvious to us (but seems hidden to others), and persevere to work through the lengthy process.

The work never stops. Though we have experienced some incredible triumphs this year, we mourn that the Special Management Unit is moving to Illinois instead of permanently closing. We will continue to fight the cases we have filed and hope they bring about changes. In the state system, we will assist several organizations that have filed a suit against the Pennsylvania Department of Corrections, which has created policies that interfere with legal mail. We will continue to update you on these cases.

I thank you for your dedication to the LPP. Patience and Time are what our tenured workers, Dave Sprout and Elayne Sobel, have given the LPP. We are so grateful and humbled by their work. It is impossible to know how many lives they have touched, listening to the cries of mothers of incarcerated children, reading thousands of letters from desperate persons, and educating all of us about our prison system. Both Dave and Elayne plan to retire in the next few months. We will properly take the time to honor them in the future. Presently, I ask each of you to assist us in this time of change by keeping your eyes and ears open to what is happening in our local, state, and federal prisons, to share your concerns with our representatives, and to keep treating all with benevolence. —*Angela Trop*

2018 Patten Award Honors Jennifer Tobin and Ron Travis

In its tenth year, the Patten Award, created to honor the spirit of Prison Project founders Isabelle and Karl Patten, will be given to two recipients. The citation is formidable, as are their examples. The Award is given to those “who inspire us all with their lifetime of standing up and working for oppressed people here and everywhere.” This year, the Patten Award honors Jennifer Tobin, a longtime supporter of the Prison Project, and Ron Travis, honored posthumously for his inspiring legacy.

Jennifer Tobin

Jennifer Tobin is a lawyer who is deeply dedicated to upholding the rights of the disenfranchised. She began her work as an attorney at the United States Court of Appeals for the Third Circuit in Philadelphia, dealing with civil rights, employment discrimination, and benefits claims under the Black Lung Benefits Act and Social Security Act. She was then an Assistant City Solicitor for the City of Philadelphia's Civil Rights Unit. At the Pennsylvania Institutional Law Project she advocated for and represented people incarcerated in federal, state, and county prisons in Pennsylvania. During this time

Ron Travis

Ron Travis's life and work stand as a true example of the principles set forth in the Patten Award citation. His values of respect and justice have deeply informed and shaped the work of the Lewisburg Prison Project throughout the years, and we are pleased to be able to honor him.

Ron Travis was a mentor throughout his life, leading not only by example but through his generosity. Those he worked with and those who knew him primarily through reputation relied on him, his advice and integrity, when difficult issues arose. He was unstinting in his

Tobin, cont.

she became very familiar with Middle District cases that had originated through letters to the Lewisburg Prison Project. She was a key player in the Northumberland County suit, which resulted in sweeping changes for the inmates who were living in architecturally dangerous areas and being denied necessary medical treatment. She was also instrumental in the early stages of the Richardson case, still underway, brought to national attention by NPR and the Marshall Project. She has done community and pro bono work on behalf of veterans and the homeless with the National Veterans Legal Services Program and the Homeless Advocacy Project, as well as being a fellow for the ACLU of Pennsylvania. Since 2014, she has run her own practice, Tobin Law Office, which focuses on civil rights, post-conviction, and veterans benefits issues.

Working independently, Tobin investigates cases that others might not. The recent Hunt case is a great example of her ethos. Several other attorneys did not see the merits of the case. She, however, was pleased to take a stand. Her diligence, a quality noted by those who work with her, paid off for Mr. Hunt, who lost his sight in one eye when shot in the face by a guard with a pepperball gun. Though nothing can replace the loss of his eye, Tobin refused to let this gross injustice stand. The case made it to mediation where a judge monitored the negotiation. Hunt was granted a \$525,000 reward. The triumph is not in the large settlement as much as in the justice Mr. Hunt experienced and the accountability the Bureau of Prisons had to face.

In her own words, Tobin answered some questions about the work she does, what led her to it, and what sustains her. We're so pleased to honor her with the Patten Award this year. She, like Isabelle and Karl, exemplifies what it means to stand up and work for oppressed people.

The two main reasons I do prisoners' rights work, are 1) to try to change the way that people are treated in prison and 2) to help even out the playing field for prisoners trying to assert their rights. The first reason is elemental and obvious: the way people are treated in prison in this country is usually very bad and sometimes horrific. Moreover, for a country which promotes, at least in its rhetoric, the ideals of fairness and justice, the way we treat prisoners is shameful. It degrades all of us. The second reason stems from my experience in seeing how people litigating claims while in prison are treated unfairly – as litigants – not just as prisoners. Not only are they at a disadvantage in terms of being able to communicate

with those outside prison and in the ability to develop evidence to support their claims during a lawsuit, they also face significant obstacles in even making it into court. The obstacles range from anti-prisoner legislation such as the federal Prison Litigation Reform Act (PLRA) to retaliation by prison officials and staff. This unfair treatment by the "legal system" disturbs me almost as much as the underlying bases for my clients' claims. After all, what good are constitutional rights if you can't vindicate them?

I went to law school initially to pursue environmental law. The Exxon Valdez oil spill in 1989 made a big impression on me. I couldn't understand how a company could get away with something so damaging – to the entire planet. Once I got to law school, though, I found that studying environmental law was not nearly as exciting (or engaging) as environmental activism – the legal work itself seemed rather dry. I became interested in social justice issues and did some activism. When I graduated, I moved from Wisconsin to Philadelphia and worked in the court of appeals handling pro se civil rights and habeas corpus appeals at the initial filing stage. Part of my job involved reading prisoners' hand-written legal documents in order to figure out whether they had meritorious claims. Sometimes it was hard to make out what they were trying to say, but once I got past the surface obstacles (handwriting, grammar, etc.) the stories I read were intense and often heartbreaking. There was often at least one legal claim with merit that the prisoner was trying to present to the court. Contrary to the popular notion in the media that lawsuits filed by prisoners were "frivolous," I saw that many of the issues raised in the prisoners' filings were serious and that not all the problems stemmed from the prisoners' actions – the problems lay with the way the prisons were managed. This is, I think, what first got me interested in doing prisoners' rights work. —2018 Patten Awardee Jennifer Tobin

Travis, cont.

commitment to justice, fighting for the disenfranchised with a thoroughness of purpose noted by all who knew him.

He was a passionate opponent of the death penalty, and when it was reinstated federally in 1996 he became deeply committed to representing defendants charged with first degree murder and facing the possibility of a death sentence. *United States vs. David Hammer*, perhaps his most well known case, is a perfect example of his commitment to the individuals he represented as well as the cause of justice. The case involved a prison homicide at the Lewisburg Penitentiary, and resulted in a guilty verdict when it was tried in 1998. Travis persisted for over a decade, and in 2011 Mr. Hammer's death sentence was overturned. In 2014 he was resentenced to life in prison and remains alive today. >

Updates From a Busy Year

The Lewisburg Prison Project has had one of our busiest years yet. The addition of a full-time attorney to the office this year, Jim Davy, has doubled our dedicated legal power, making it possible to move things forward much faster. This fall the LPP team tried one case to verdict and settled two others, while continuing work on four other cases, one of which goes to trial this January.

Our work on the Richardson case, widely publicized by NPR and the Marshall project, has continued. The process of discovery, in which information and documents are shared, is often the longest portion of a case. LPP was pleased to win a motion to compel, which means the BOP defendants were required to give us requested information which they were withholding. This means they have to honor our request for incident reports of a similar nature to Richardson's. According to the case, the plaintiff, Richardson, was held in restraint for more than 20 days, unable to properly eat, drink, or use the bathroom, in clear violation of his constitutional rights. That this practice is prevalent at the Lewisburg SMU is one of the reasons this lawsuit is a class action, rather than a personal, suit.

Our other current class action lawsuit concerns the improper placement of prisoners with diagnosed mental health issues in the SMU. Though the government wanted the case dismissed, the court ruled that each of the claims made in the case will continue through the system. We expect discovery to begin soon.

Though class action lawsuits are often more clearly seen as pushing for systemic change, individual lawsuits also play an important role in ensuring that constitutional and human rights are upheld in our country's prisons. LPP is currently working on two individual cases, and supporting numerous prisoners working on their own behalf.

According to filed claims: One plaintiff was taken off camera and assaulted by guards. One plaintiff, a cooperating witness on another case, was put in a cell with someone known to be dangerous to him. He was assaulted by his new cellmate, still cuffed, while staff looked on. A disabled prisoner was accused of lying about his need for a wheelchair and dragged off a transport bus, assaulted by guards, and subsequently refused a wheelchair. A prisoner had his ear bitten off by another prisoner known to be dangerous to cell mates.

Travis, cont.

Travis had a reputation as one of the best criminal attorneys in the federal system. He dealt with inmates on a daily basis, and garnered their trust through his consistent integrity. Most inmates have not had good attorney experiences, so gaining and keeping this trust is no small feat. Dave Sprout, LPP paralegal, reports that he learned everything he knows about dealing with inmates from Travis. Sprout, who worked with Travis for 17 years before joining LPP, said not only Travis's skills came with him when he came to LPP. In addition to all he learned from Travis, the very fact of having worked with him made him a trustworthy confidant for incarcerated people.

Ron Travis's thoroughness, ethics, generosity, and persistence inspired all who had the privilege to know him. We are pleased to honor his memory this year with the Patten Award, and know his legacy will continue to inspire the fight for justice on behalf of all.



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Understanding the Numbers: What Our Mailings Mean

The LPP newsletter is often an opportunity for us to share numbers about the mail we send, but it has been a while since we've explained what those numbers mean. LPP's mission and first priority is advocacy, with litigation as a last resort. As such, much of the work we do happens through the mail.

We receive and respond to between 75 and 100 letters from federal inmates every month, and between 65 and 70 letters from state inmates. Every single piece of mail we get in the office gets a response. Mail is the first point of contact between prisoners and LPP, and as such often includes reports of difficulties inmates have had. One of the most significant resources we offer is assistance for inmates to become their own best advocates. The Lewisburg Prison Project has produced a series of legal bulletins which deal with everything from taking legal action in federal court to AIDS in prison and DNA testing. These bulletins put difficult law terminology into common language. The most requested bulletins are those dealing with medical rights, mental health, and filing federal tort claims. We are an important resource to inmates doing their own pro se legal work, providing them with requested legal cases and photocopying legal materials such as medical records and write-ups. Because inmates often have to write their claims by hand, at times we copy their originals for them so that they can keep a record of their filed claims. Though there are prices listed on the bulletin order form, only about a quarter of people who need bulletins can pay, and we never charge for cases or copying. We cover these expenses through donations.

Inmates see us as an important resource and ally, even when we can't help them with direct legal support. The mail isn't just a collection of numbers. It shows the scope of the help we've offered over the year, which extends far beyond the limits of the Middle District of Pennsylvania.



SMU Moving to A USP Thomson, IL

In June 2018, the Bureau of Prisons (BOP) announced that the Special Management Unit (SMU), currently housed at USP Lewisburg, will be closed and moved to Administrative U.S. Prison Thomson (AUSP Thomson) in the Northern District of Illinois by the end of calendar year 2019.

The SMU, the only program of its kind in the country, was created by the BOP in 2009 and housed at USP Lewisburg. The SMU is a 9 to 13 month lockdown program where most inmates are in their cells twenty-four hours a day. Most men are double-celled in 6x10 cells, so small that both inmates cannot walk at the same time. By BOP policy, inmates are supposed to receive one hour of recreation five times per week, as well as mental health programming. However, these recreational requirements are not always honored, and the mental health programming consists largely of booklets of puzzles slipped under inmates' doors.

LPP believes that the SMU program design and its implementation have fostered dangerous, unconstitutional, and criminal conditions for inmates. These conditions include the frequent and extended use of hard restraints, assaults on inmates by guards, and psychological and physiological damage resulting from prolonged solitary confinement.

The reasons for the transfer of the SMU from Lewisburg to Thomson remain unclear, as does the fate of current SMU inmates. What LPP does know is that the warden of Thomson, Donald Hudson, is the former associate warden of USP Lewisburg. The rules governing the SMU, including the dangerous practice of double celling inmates, will continue.

The history of the Thomson facility itself is problematic. Constructed in 2001 as state prison Thomson Correctional Center for \$170 million, due to state budget cuts it never opened. In 2009, President Obama ordered the Departments of Justice and Defense to purchase the facility in order to house both transferred federal prisoners and Guantanamo detainees awaiting trial. However, the facility remained closed when Republicans blocked funding for political reasons. Finally purchased by the

New PA Protocols Further Isolate Prisoners

Recent legislation has made the boundary between inside and outside prison even less permeable. Mail and books, once among the only things that could cross that boundary, have recently been restricted in PA prisons. After a scare in which several prison staff became ill for unknown reasons, PA prisons went on lockdown for 12 days. When the lockdown ended, a new set of restrictions was put in place which further limits prisoners' contact with the outside world, jeopardizes their rights to attorney-client privilege, and causes increased alienation by limiting contact with family and other community.

Legal mail is now opened by guards and photocopied, then the originals kept on file by the prison. Many, including Pennsylvania Institutional Law Project and the ACLU, see this as a clear violation of attorney client privilege. (Imagine having your legal mail about an unjustified use of force being opened by the officer being accused, for instance!) Many legal issues also require original documents, not photocopies. There have also been reported instances of incomplete copies, copies in the wrong direction and therefore only partial, and other impediments to clear communication between prisoners and legal representation.

In addition to problems with legal mail, there is also a new personal mail policy. There is no more direct personal mail. Instead, all mail goes to a private business in Florida, where it is photocopied. The photocopy is then sent on to the recipient, and the original destroyed. Numerous problems have already been reported with this system, which creates added expense while rupturing any direct contact between prisoners and their loved ones on the outside. Common sense and scientific study agree that connections to the community to which prisoners will return are necessary to the mental health and successful reentry of prisoners upon release, yet this new policy severs one of the last remaining links.

Books, once orderable by prisoners from approved sources, were to become entirely unavailable except digitally, on devices whose cost, \$147, would have been prohibitive to many prisoners and their families. This policy has, thankfully, already been rescinded after public outcry.

AUSP Thomson, cont.

BOP in 2012, the facility was opened as an AUSP in summer 2018.

According to the BOP website, SMU inmates are expected to begin arriving at the end of 2018, and the facility will be fully operational by the end of 2019. At that time, the prison will be able to house between 1,600 and 2,300 inmates. Thomson will also operate a transitional unit for inmates who have completed the SMU program.

LPP's goal has always been to permanently shut down the SMU program. LPP hopes that the program at Thomson will be run properly and by policy. However, it has serious concerns that the "Big House" culture prevalent at Lewisburg will simply transfer to the new facility. Not only will Warden Hudson be running Thomson, but LPP has also received reports that groups of Thomson guards have been traveling to Lewisburg for training by current SMU staff. If that culture is taken to Thomson, it will undoubtedly result in the same dangerous and unconstitutional outcomes for inmates. —Jennifer Thomson

From Behind the Wall



The Prison Project was delighted to join Bucknell's Tuesday Series this year. Rebecca Meyers, film maker, scholar, and Tuesday Series host, tracked down three films which address the issues of incarceration in different ways, abstract, personal, and historical. As the boundary between inside and outside becomes ever more restrictive, LPP hopes to continue to break it down and force it open, bringing the voices of prisoners and their families into the public conversation in order to foster change.

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A lot of what we do starts with the mail. As of November, here are this year's numbers.

Letters to Federal Inmates:
957

Letters to State Inmates:
678

Bulletin Orders Fulfilled
(National):
297

You're Invited!

Our annual party and
Patten Award Celebration
will be

Saturday

January 26th

7pm

Bull Run Tap House in
Lewisburg

Join us!

LPP Mission Statement

LPP is dedicated to the principle that prisoners are persons with indisputable rights to justice. We strive to provide safeguards for their constitutional human rights. We are, then, concerned with conditions of confinement. We counsel, assist, and visit prisoners when they encounter problems they perceive as illegal or unfair. On appropriate occasions we litigate. We are also dedicated to educating both prisoners and the general public on prisoner rights and conditions in federal, state, and county prisons.

We would like to thank our supporters and all the volunteers who have worked with us this year. We extend special appreciation to people who stepped up to make our unexpected move go well, especially Carol Blank and Helen Nunn, and Nayte Carter. Thank you to the Susquehanna Valley Ethical Society, whose members have embraced our mission and pitched in, to Caroline Foster, who continues to be an important part of the team this year, and to Harvey Partica, who has taken on the formidable task of updating our national inmate resource lists. We're grateful to have been included in this fall's Tuesday Film Series, and for the generous expertise of Rebecca Meyers, who guided our film selection process.