

# STATEVILLE SPEAKS

VOICES FROM THE INSIDE • SPRING 2016

## HOW AN UNEXPECTED ALLY MAY HELP LONG-TERM PRISONERS

By Jean Snyder

“The 15/50 Initiative,” is the name that Project I-11 has given to our proposal that aims to shorten the lengthy sentences of prisoners who can show that they deserve to be released early. The 15/50 Initiative allows prisoners to petition for earned release if they have served at least 15 consecutive years and are at least 50 years old.

Now Project I-11 may have an unexpected ally: a high-powered group that Governor Bruce Rauner tapped to find ways to reduce Illinois’ prison population. The group’s official name is the Illinois State Commission on Criminal Justice and Sentencing Reform, also known as the Commission.

Gov. Rauner formed the Commission in February 2015, just a month after he was elected. Then, he appointed more than two dozen criminal justice practitioners, lawmakers and policy-makers as Commission members. The group’s task is to develop strategies that will reduce Illinois’ prison population 25 percent by the year 2025.

The Commission was supposed to present Governor Rauner

with a final report at the close of 2015. Instead, its end-of-the-year report was labeled “Part I.” That report didn’t address long-term

(depending on your point of view) to be arbitrary, too lenient, or too discriminatory.

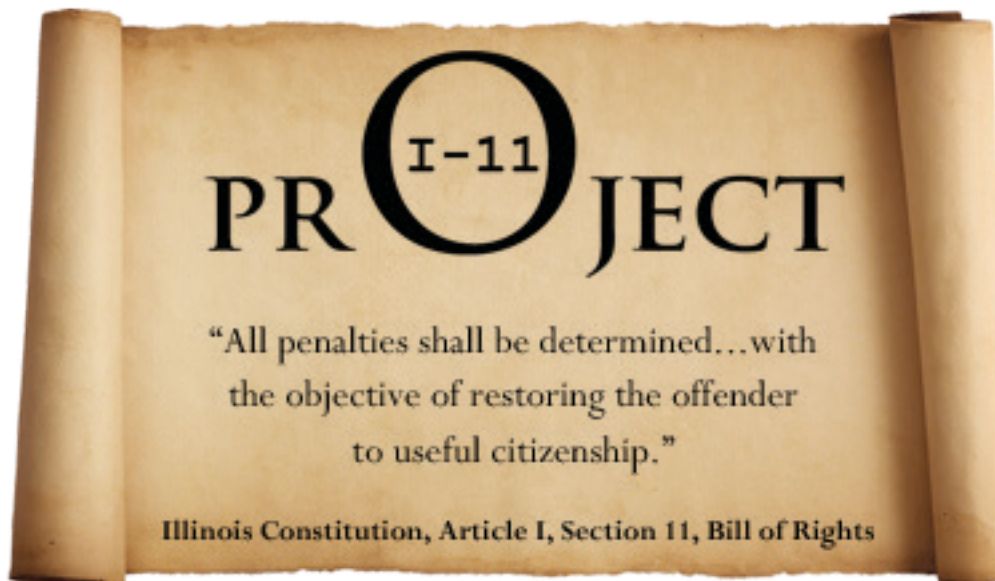
Of course, the big question

also showed that without change, the problem will get worse. Many people currently serving time owe their lengthy sentences to alterations in the sentencing structure brought about by Truth-In-Sentencing (TIS), which began in 1998. TIS didn’t significantly increase the sentences that judges imposed for violent crimes; instead, it dictated that people must serve 85 to 100 percent of those sentences, when previously they had typically served 35 to 50 percent. Thus, Olson pointed out, TIS greatly increased

the actual time that prisoners will serve. He also showed that the prison system hasn’t yet felt TIS’s effects, since the law is relatively new. That means that unless legislative changes are made, the prison population, already too high, will grow significantly.

Olson also made this point: long sentences reduce the number of serious crimes such as murder, but not by much. Why is that? The first reason is because most murderers don’t get caught. Second, because most murders are committed when people are young. Keep-

SEE ALLY, PAGE 2



sentences, although it did recommend developing a protocol for compassionate release to home confinement or a medical facility.

As a member of the steering committee of Project I-11, I have attended many of the Commission’s meetings. Each meeting includes a time for public comments, during which I and several other Project I-11 advocates have spoken in support of our 15/50 Initiative. We explained how the program works and pointed out that earned release is not the parole program of years past, that got a dirty name because it was considered by some

is will the Commission recommend such a program when it issues a final report later this year? We have high hopes that it will. We are cheered by the cautious and thoughtful way it has approached the issue of long-term incarceration.

The Commission’s detailed discussion of long-term sentences began this February. A presentation led by Commission member David Olson hammered home the point that Illinois’ prison population cannot be reduced in any meaningful way without reducing lengthy prison sentences. Olson

## FROM THE EDITOR

Welcome to the Spring 2016 edition of Stateville Speaks. It is with cautious optimism that we lead with hope for elder relief. While there have been tremendous efforts put forth in the past with finding solutions to the overcrowding of Illinois prisons, especially by those with the slightest risk of ever re-offending—the older inmate, it has still been a slow go.

In my short time with Stateville Speaks I have seen 3 other bills drafted and presented for elder release, only to have them die or sit stagnant. While the efforts for elder release, compassionate release and second chances are slow to materialize, there are many people, on the outside, that are still very much dedicated to making it a reality. Many of the best legal minds, scholars and activists are extremely committed to finding a way to amend some of the pointless, Draconian laws that would embarrass other “free” nations. Many legislators are also on board.

So while I urge caution in putting too much hope in any one piece of legislation, I also urge you not to give up hope. Since change never happens on its own I strongly encourage you (and your friends and family) to be heard. Write (or call) your legislator and express support of HB6579.

While we are a little behind in some pretty big updates, a settlement for increased mental healthcare, lawsuit on the use of solitary, increase of help, such as medical care upon release and many more, we have so many great submissions that we needed to share. So we will pick up where we left off in the next edition. In the meantime, thank you for all of your thoughtful work, keep it coming. Additionally, thank you for your kind letters, cards and for opening up your lives to us. And certainly, thank you for continuing to let us help amplify your voice. ■



## ALLY, FROM PAGE 1

ing people in prison for decades may seem like it greatly reduces crime; but in fact the reduction has proven to be nowhere near as great as people assume.

But, before hope gets raised, remember that this is neither easy nor rational. Crimes like murder carry tremendous emotional weight. And people, whose loved ones have been murdered, want retribution. There is no way around the fact that retribution is one of the legitimate goals of punishment, and it is not a goal that people will give up.

As complicated as the issues are, we know that the Commission will give earned release serious consideration. And now, this will include the use of an important tool called Risks Assets Needs Assessment (RANA). RANA is one of the evidence-based strategies being used across the country, and finally, now in Illinois, to make decisions about incarceration. RANA requires corrections personnel to base decisions on assessments they have conducted after gathering information about individual prisoners. This information is about their life before and during their incarceration, and in the case of possible early release, about their plans for the future. We have incorporated RANA into our 15/50 Initiative, so that the decision of whether to grant a prisoner earned release will be based on a risk/assets/needs assessment of the individual person.

This year, Project I-11 helped draft an earned release bill. The bill, House Bill 6579, was introduced by Rep. Elaine Nekritz (D-57th). This bill will be introduced again next year, but it will need everybody's support in getting it passed, even if the Commission endorses the idea.

If you have internet, access you may add your name to Project I-11's e-mail so you can



State Representative Elaine Nekritz (D-57th)

receive periodic updates. Their address is ProjOneEleven@gmail.com. To those without internet access, Stateville Speaks will print updates in upcoming editions, as they become available.

*In addition to being a member of the Steering Committee of Project I-11, Jean Maclean Snyder is an attorney who litigates cases involving human rights issues such as the treatment of mentally ill prisoners and the improper use of force by prison guards. Now in private practice, Ms. Snyder was formerly trial counsel at the MacArthur Justice Center and Lecturer in Law at the University of Chicago Law School. She has previously contributed articles to Stateville Speaks. ■*

## UPDATE HB1310

About a year ago (Spring, 2015), Stateville Speaks reported on House Bill 1310, a multifaceted bill introduced by Representative Art Turner Jr. (D-9th). Its goal was to obtain a second look, with a potential for release, for prisoners over 50 serving 25 consecutive years, those diagnosed as terminally ill (with 9 months or less to live) and for first time, non-violent offenders.

The release of the infirm would be only to a hospital, hospice or other licensed facility and the eligibility potential for HB1310 was for only 100 prisoners. The latter also included mandatory community service with garnishment of

wages to be given to victim's groups. Despite the minute chance for relief, HB1310 gathered a lot of support among Illinois prisoners. Said one hopeful Logan inmate, serving a life sentence, "While it may not seem like much, at least gives us some hope that we may someday get out".

A spokesperson from Art Turner's office said, regarding HB1310's lack of movement, "While it is technically still alive, it's only potential is if it becomes part of another, larger bill." HB1310 has been re-referred to the Rules Committee, in which no hearings have been scheduled. ■ - Gayle D. Tulipano

# OUT WITH HB 218, IN WITH SB2228...MAYBE

By Dawn Larsen

As you may recall Stateville Speaks (Fall, 2015) reported on past efforts made in Illinois to decriminalize someone caught with small amounts of marijuana and instead be charged and fined, civilly. However, the main proponent of such a change, House Bill 218 was vetoed by Governor Rauner last August. Along with that veto, the governor did give Congress specific recommendations as to what the governor would accept with regards to passing such a law in Illinois.

As we previously reported “Rauner said while he supports the “fundamental purposes” of keeping people out of jail and cutting court costs, such a significant change in drug laws “must be made carefully and incrementally.” Even though House Bill 218 formally died in September, in January 2016 a new bill, Senate Bill 2228, which amends the Cannabis Control Act, was introduced. This bill moved relatively quickly through both houses, and was passed on May 18, 2016. It is currently on the Governor’s



desk waiting for a signature, which he has 60 days to provide. If he chooses to do nothing, it will become law.

SB 2228 has been amended to the Governors recommendations which would make possession of less than 10 grams of marijuana a

civil offense. Currently, possession of up to 2.5 grams of marijuana is a Class C misdemeanor punishable by up to 30 days in jail. Possession of 2.5 to 10 grams is a Class B misdemeanor punishable by up to six months in jail.” House

**SEE SB 2228, PAGE 7**

## PUSHED TO THE EDGE!

By Erwin Daniel

What happens when you get a community who has had enough? You get a nation who’s tired of the police beating, torturing, shooting and killing blacks across America. This is not about Brown, Martin, Bell, nor Garner; this is about the way blacks are treated when approached by police. These black men were just names that were recently mistreated by white officers, but now you have a nation that has had enough of the cover ups of clear cut cases of deaths that should’ve been murder charges. If you treat a pet dog like a wild animal he’s bound to bite. Well this is the case here!

People are getting mistreated and now they want to be heard, since no one believed the hundreds or so black men when they said incarcerated former Lt. Jon Burge of the Chicago Police Department beat, tortured and who knows, maybe killed black men in Chicago. The people of America are waiting for a solution that seems to never come and want the real justice to be fast and swift. You have somebody who knows somebody that’s incarcerated, somebody knows somebody who’s been wronged by the police, so these protestors are doing it for them; for their kids whose voice can’t be heard, for the parents whose kids been killed or locked away, for the

family member who has just been pushed to the edge and now the world can see what the new March of Freedom looks like.

Martin Luther King taught non-violence but how can you say non-violence when you are the only one that’s non violent? These days you turn the other cheek and you get punched in it and people see the protectors (police) are doing the punching. It doesn’t pay to comply when a black man, sitting in a car with his wife and kids gets his window broken in his face and dragged out of the car for not having his ID, or a man gets shot by police at a gas station when told to get his ID. So what do you do? Put your hands up! Well we see that doesn’t work; Michael Brown had his hands up.

What about the 12 year old? The police told him to drop the gun, and when he went to follow the police’s orders, he was killed. (Let me remind you, the report did state it was in his waist band and the people who called 911 said it appears to be a toy.) So why did the police jump out of their car and open fire when the 12 year old Rice didn’t even point the gun, or have the gun in his hand until the officer said put the gun down.

Our police force are trained to protect first,



assess the situation and come to a peaceful solution; not choke hold you, grab on you when you’re not belligerent, or shoot to kill when your hands are in the air. All over the world people know hands in the air means I surrender.

**SEE EDGE, PAGE 7**

**“ALL PENALTIES SHALL BE DETERMINED...WITH THE OBJECTIVE OF RESTORING THE OFFENDER TO USEFUL CITIZENSHIP.”**

**- ILLINOIS CONSTITUTION, ARTICLE 1, SECTION 11, BILL OF RIGHTS**

Dear Readers,

As a resident of this state, that is currently an offender, serving a life without the possibility of parole sentence – I write to inquire upon your belief system with regard to the above caption, which clearly states... the “objective” in the determination of sentencing is to be able to return the offender back to society, does it not?

Well – it would appear that somewhere along the way, the legislature has either overlooked or completely ignored this part of (our) State Constitution, which makes one ponder the question – was it purposely pushed aside out of fear and cynicism (due to the “get tougher on crime” phase) rather than to stand firm in fairness and integrity to the constitutional principles?

Illinois may have taken a step forward and became a national leader in abolishing the death sentence – but it took 2 steps backward when it replaced it with the “other death penalty” known as life (without the possibility of parole) sentence. We now must ask the questions – is it justified, not to even consider the possibility of restoring those who have been incarcerated for at least a quarter of a century (25 years or longer) that have at least reformed themselves, and no longer pose any threat to society?

According to (our) state constitution, I’d have to say NO – it’s time for legislature to return to upholding the principles set forth within it. What do you say? Commute all life (without parole) sentences to “25 years to life” and legislature will once again be in compliance and conformity of the state constitutional principles of returning its citizens back to society, at any time after serving a minimum of 25 years.

While it is important that we remember that most lifers are incarcerated for violent crimes, it is also essential to remember that the majority were also in their early twenties and now are seniors between 50 – 60 years of age, thus no longer pose a threat to anyone, and no

longer place their own needs above that of society. One must also keep in mind that it has been noted the recidivism rate for offenders who have served over 25 years consecutively is approximately .02% nationwide.



Of personal note...what many people are unaware of is that only offenders with determinate sentences are able to earn “good time credit” for good behavior – yet there isn’t any incentive offered to those of us with life sentences. What then do you ask --- is our initiative and motive to obey rules and regulations? The answer... human decency, remorse for our crimes and a desire to be a better individual than what we once were.

Too many people are serving life sentences and I will not pretend that sentencing isn’t complicated, nor free from any political bias—but there should be a humanitarian element injected, as (our) state constitution clearly implies, despite legislature losing insight with what “restoring back to useful citizenship” means.

I urge, that a proposal be made on behalf of all those who are serving life (without possibility of parole) sentences, to have their sentences be commuted to “25 years to life” – making it possible to be released after serving 25 years. For centuries, twenty (20) years was considered a life sentence. If it worked then, to help deter crime and lower recidivism rates, why then, can it not work equally for 25 years?

On the alternate – since the sentencing range for murder has clearly established as now being set at “20 to 60” years imprisonment, by the Illinois Supreme Court, as a result of the Apprendi ruling, then consider the maximum portion (60 years), (30 consecutive years under the 50/50 legislative statute) a more modern day version of what once was considered a life term sentence at 20 years, would now become 30 consecutive years.

The objective...is not to attempt to undermine the seriousness of the offense, nor minimize the length of time being served, rather it is more of a realistic approach to the ever increasing “overcrowding” and even a “budget reduction” through greater investment towards lower recidivism rates, by reducing the rapidly aging population, which have already served over a quarter of a century within the system.

I urge you as a reader to carefully consider information provided within this letter, and accept the challenge of reforming the system, and as part of the incentive – consider this newly available risk assessment that prisoners ranging from age 50 and above whom have been within the system for over 25 years, serving a life sentence, statistically do have a very low perpetrator/recidivism rate.

Please share the following with others so that they too can help to make a difference on the current state of affairs, that our penal institutions are in – brought about the “tough on crime” policy pursued by fear and cynicism rather than driven by fairness and democratic principles.

Thanking you in advance for your time and your consideration toward this matter. I look forward to your support.

Best regards  
Terry Doll

**SUBMISSIONS WANTED**

To submit an article, essay, letter, poem or artwork to be published in Stateville Speaks, please see address on page 7. Please do not send original work, as we cannot return them. Please limit articles to around 500 words. Articles may be edited for length.

Thanks to Illinois Prison Talk (IPT) for support and further dissemination of Stateville Speaks and your tireless reform efforts.  
Visit [www.illinoisprisonstale.com](http://www.illinoisprisonstale.com) to learn more.

# Bill of Rights

Congress of the United States,

## STATE OF FEAR IN THE JURISPRUDENCE SYSTEM

By Steven L. Zirko

The jurisprudence system is dedicated to promoting a state of fear in the population – under the guise of promoting safety. Thereto, revolutionary reform must occur within the jurisprudence system in the State of Illinois. Whereas the current conditions that exist in no way resemble any portion of the illustrious work promulgated by the founding fathers, in particular, any part of Article III and the Bill of Rights of the United States Constitution. In point of fact, the current criminal and civil laws rendered in the State of Illinois are antithetical and in contravention of the framers intent of fairness and equality.

Thereof, right now in the State of Illinois there exists prosecutorial immunity and judicial immunity. This has been in place for over forty years, therein a prosecutor and a judge can, and do, surreptitiously convict someone they suspect or know to be innocent and absolutely nothing can be done to them upon such proof of actual innocence and/or proof of foreknowledge of such exculpatory exonerative evidence, i.e. DNA – forensic conclusions that prove innocence. There is zero accountability.

Prosecutors cannot be sued in civil court for malicious and wrongful prosecution or what is called prosecutorial aggrandizement, and zero criminal charges can ever be sought against them. Now when a medical doctor botches it...

... makes a mistake (usually unknowingly) he ruins peoples lives or kills them, and rightfully gets sued, and criminal charges may or may not be preferred. This M.D. carries medical malpractice insurance, which is remarkably expensive. Why so expensive – because it is utilized often. Therefore, an M.D. makes a mistake, ruins a person's life and is held accountable. A prosecutor and judge make a mistake, ruin a person's life, and zero accountability exists. How is this fair and equal?

What the readers and Northeastern students and all students may or may not be aware of is that due to zero accountability wrongful convictions are handed down daily. No way... you can't believe that can you? The author understands not wanting to accept this for it is too ugly and horrific to accept as fact. It is respectfully proffered that if all parties in the jurisprudence system were held accountable, meaning zero immunity for anyone, then the huge amount of wrongful arrests and convictions would diminish substantially. The readers ought not worry for the impetus and focus protects the innocent and not the guilty. Now why would the government have a problem with protecting the innocent? Here's why.

Such protections will move to proscribe the state of fear the government promotes to control the actions and minds of the taxpayer so

as to extort huge sums of money and power to enable the cycle of building more prisons, hiring more police, prosecutors, public defenders, judges, guards, etc. Social control is best managed through fear. This state of fear is promulgated by and through a history of disastrously intrusive, yet successful manipulation of the populace to maintain and promote ignorance through fear as a current near-hysterical preoccupation with safety.

To eliminate this state of fear that exists in the jurisprudence system we desperately need a non-partisan blinded mechanism to conduct research to determine appropriate policy and make such corrections binding law. However, funding of such reforms is never open-minded, as researchers know that continued monies are dependent on delivering the results the funders' desire. As a result, studies of the current and future status of this broken ugly jurisprudence system are biased and suspect, and no faction ought to be given a free pass. Such are the evil truths and machination in place right now. Therefore, revolutionary reform is necessary. Wherefore, this dream of rebellion coalesces into a howl of hope that permeates with ideals set forth by the framers, therefore equality and accountability for all. It is only common sense to level this chasm. ■

# TEENAGE (FIRST TIME) VIOLENT OFFENDERS

By Kwayera Kasiya

In light of the conversation being had amongst the legislature on criminal justice reform, I fear there's a segment of prisoners with viable arguments for being worthy of a second chance at life, who is without representation. As it stands currently, talks are primarily focused on affording only non-violent offenders with avenues through which they can integrate back into society. But to concentrate solely on that section of offenders without also considering others who may have a violent offense attached to their names – but haven't demonstrated pathology in violence, nor have they led violent lifestyles – is to ignore, what should be, the purpose for providing prisoners with second chances in the first place.

A second chance at life should not be contingent exclusively on whether or not someone has committed a violent offense. It should also account for those who exhibit traits best suited for constructive citizenship once released. Either we are a nation who believes in second chances or we're not. By limiting these chances to only non-violent offenders it eliminates the mechanism that gauges whether a person has actually learned from their poor choices, whether he or she has actually gone through the psychological reconstruction involved with constitutional changes.

And offenders can be released without

ever having taken themselves through that mental and emotional gauntlet from within that's imperative to any substantive revisions. The result: more recidivism. Meanwhile, those of us who truly rue the negative effect our poor choices had on others, those who have paid a great penance by serving significant amounts of years behind bars, we will continue to be passed over due to the stigma attached to releasing so-called violent offenders from prison.

If allowed, it can be shown that teenage – and other first time violent offenders who've been imprisoned for extended periods of time – aren't the proverbial dangers society needs to be invariably protected from. Many of us are without a background that's marred by a history of violence; there wasn't this pathology of destructive behavior where we went around terrorizing our communities. For whatever poor choices we made that lead to our incarceration, we are settling our debt by being locked away for decades. But should we be cast away forever? Even those of us who were children at the time of our offense (and yes an 18 year old is still a child in spite of the partition lawmakers use to separate juveniles from adults), whatever destructive behavior we may've exhibited in youth can be attributed to our precocious minds.

And after years of incarceration, studies have shown these behavioral issues subside

with time, which isn't to say that this should be an automatic justification for being released from prison. I am saying that far too many teenage and other first time violent offenders have been shown an ingenious proclivity to right their wrongs. We've tried all we know to better ourselves in hopes to someday add to society in ways we previously took from it. We're the types of offenders who shouldn't be discarded and closed out of reform talks due to dogmatic beliefs of so-called violent offenders.

The point of this is not to trivialize violent behavior or suggest serious offenses against society should go unpunished. Of course, we should be held accountable if we've violated governing laws, but we should not be looked upon or thrown away as incurable waste. There shouldn't be this limited purview of who should be given a second chance when it fails to account for all who are making valid and effective strides towards bettering themselves. The purpose for granting second chances should be less about the kind of offense someone's committed and more about whether or not that person has demonstrated over time those character traits best suitable for productive citizenship, once released. And those opportunities are reserved in vain when the criteria for access to them disqualify all who have committed a violent offense. ■

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## A WOMAN'S VOICE WITHIN

By Tammy Englerth

I am just an ordinary woman like everyone else; a woman sitting in a cell looking out the window wondering what happened, trying my best to make everyday a better one. People think that since you're locked up your voice isn't heard. I have so much determination to help others; no walls will stop my voice. We're human, just because we made a mistake doesn't mean you give up. It makes you stronger.

I wake up each day wondering who I can write to to have my voice heard. People come and go out of prison every day. Some of us are waiting to have that chance to make a difference. Even though you're locked up doesn't mean you can't make a difference. Programs, schooling, groups, etc... I am determined to be a domestic violence motivational speaker so what happened to me won't happen to others, so I joined a club called Toastmasters. It helps

you become a good speaker, communicate with others, leadership and so much more.

No matter how much time you might have it doesn't mean it won't change. You have to have faith and most of all determination. If you don't at least try, you'll never know. You do have a voice so don't stay silent. You are important. Take every opportunity to make yourself better within the walls because the outcome will be a success. No one can punish us more than we do ourselves but I found that no matter how much I would change things if I could, I can't. So right now I have to fight to help others so this doesn't happen to them. For the first time in my life I finally realized that I have a purpose in life, so no wall will stop that. I will help others as much as possible.

So please, don't stay silent because your voice can make a difference. No one can judge



Photo by Tim Hippi

you, but you. Show society who you really are, not just a number, but a human who made a mistake and who is trying to better themselves. ■

**EDGE, FROM PAGE 3**

In all the cases in the media this is what happened to all the black men who lost their lives and the nation is tired of the injustice from the police, prosecutors and the grand jury.

The Constitution was made and written to serve the people, by the people, and justice for all, but lately it seems it is "just us". There are protests all over the state and now they say words were written on a wall in Israel "Black lives matter". Is this a sign that injustice is over there as well, or this march for justice is much stronger than the cover up system expected? ■

**SB 2228, FROM PAGE 3**

Bill 218 sought to make 15 grams and under a civil law violation with fines ranging from \$55 - \$125, whereas the fines in SB 2228 range from \$100 - \$200.

Besides making small amounts of marijuana possession a civil offense, punishable with a fine, another important aspect is that anyone who is charged civilly with marijuana possession under SB 2228 would automatically have their record expunged 6 months after the bill's effective date.

Although this is only one step in keeping petty drug offenders out of jail/prison it can and will make a big difference in someone being able to get a job, keep his or her job, as well as a step towards the Governor's publicly acknowledged goal of reducing the prison population in the State. ■

**HELL TO THE CHIEF**

Chief now and those to be  
What will be your legacy?  
A tarnished one with these indicators  
Of merciless killings like other dictators  
Little girl shot what was her crime?  
Trying to complete her homework on time  
Chief now and those to be  
We won't forget your history  
They study and follow all your rules  
While treating parents and teachers like fools  
Study history near and far  
There can be no civil war  
Destruction, mayhem and utter despair  
Ask yourself Chief do you care?  
In places of worship the survivors moan  
Their neighborhoods a combat zone  
Gang chief you can make things right  
Embrace peace call off the fight  
No longer a war of alpha males  
Seeking to expand drug sales  
The youth are dying, babies shot in the womb  
This is your legacy, misery and doom  
Abandoned homes, with the occupants in flight  
Just to avoid being shot tonight  
Chiefs one and all it's getting late  
And you must face your fate  
As you read this in your tiny cell  
Chief your legacy is hell

- David Wynter

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# POLITICAL 'TOON

BY ARKEE



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