

Conscious Prisoner ~ The Evolution of Uhuru

Why We Can't Go Free in Virginia

13 Tuesday Sep 2016

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85% law, abolition of parole, Bill Clinton, Incarcerated Workers Organizing Committee (IWOC), Pell Grants, Prison Litigation Reform Act, slavery, Three Strikes, truth-in-sentencing laws, Uhuru B. Rowe, Violent Crime Control and Law Enforcement Act of 1994, Virginia, welfare

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By Uhuru B. Rowe

August 18, 2016

Every year, hundreds, perhaps thousands of bills are introduced and passed by congress into law on the federal, state, and local level without the knowledge of the average American citizen. Most people are unaware that they can show up at committees when these bills are being debated, analyzed and voted on by politicians and voice their opposition to said bills in an effort to prevent them from becoming law. Many bills are introduced, passed and signed into law with little to no input from the public, especially from those who will be adversely affected by these laws. One such law is the Violent Crime Control and Law Enforcement Act of 1994.

How many of you have ever heard of this Act? This Act was introduced by former Texas U.S. Representative Jack Brooks and signed into law by former President Bill Clinton, the so-called "first Black President". Bill must have been giggling inside when Black America designated him as the first Black President, especially because many of the policies he would later champion were prejudiced against Black people, like this Act, as well as the Prison Litigation Reform Act and the Anti-terrorism and Death Penalty Act.

Included within the Act of 1994 are provisions which forced single poor (mainly Black) mothers off welfare and into the job market to compete for jobs with little to no job skills. This Act abolished Pell Grants for prisoners seeking to fully rehabilitate themselves so that we could have an immediate positive impact on our families and communities. This Act birthed the notorious Three Strikes law which mandates a life sentence without parole for any person convicted of three separate felonies, even when the third felony is for a nonviolent crime. [Bill also was a key supporter of the 100-to-1 crack verses cocaine sentencing ratio]

And, of course, it was the Act of 1994 which gave rise to the draconian Truth-in-Sentencing laws which requires prisoners to serve no less than 85% of the sentence imposed.

After overseeing the execution of a mentally-impaired Black man in his home state of Arkansas, Bill stated "I can be nicked a lot, but no one can say I'm soft on crime." In trying to drum up support for this controversial Act by using race coded-language, Hillary (the current Democratic Presidential candidate) openly referred to little Black girls and boys as "super predators" who needed to be "brought to heel."

This Act made available Violent Offender Incarceration and Truth in Sentencing Incentive Grants to any state that was willing to build more prisons, incarcerate more people, abolish parole and/or implement truth-in-sentencing laws. I encourage readers to view the relevant parts of this Act at Title 42 of the United States Code Service, Sections 13701 thru 13704.

Virginia, like many other states, quickly moved to implement the required draconian measures, in essence trading human lives in exchange for capital like the old slave auction blocks. The Virginia legislature pushed House Bill No. 5001 through a special session of the 1994 General Assembly Session and codified it into law as VA Code section 53.1-165.1. The end result was that parole was abolished for any felony committed on or after January 1, 1995 with said person now required to serve 85% of the sentenced imposed. Since 1994, the VA prison population and prison budget ballooned to historic numbers with Black men and women making up 60 percent of the prison population even though we account for just 20 percent of the state population.

More Black people were incarcerated and driven to unemployment and poverty under Bill's tenure in the white house than any other President in history. It was foreseeable that the passage of this Act and the resulting Three Strikes and Truth-in-Sentencing laws which it encouraged would have a disproportionate and crippling impact on poor and working-class Black communities, violating the 5th Amendment Due Process clause which commands that similarly situated people be treated alike.

The reason why any push to restore parole or lower the truth-in-sentencing threshold from 85% to 65% continues to bear no fruit here in Virginia is because state republicans-who control the state legislature-are aggressively opposed to reform.

Meanwhile, we continue to suffer from decades of imprisonment as a result of parole abolition and truth-in-sentencing with no reasonable opportunity for release until we've become old men and women. It is likely many of us who are first-time offenders who came to prison in our youth will die in prison. But, because society is convinced that we're all "super predators" who needed to be "brought to heel" as Hillary put it, who cares?

FREEDOM IS A CONSTANT STRUGGLE!