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1370 words

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"Attica! Attica! Attica!"

The Attica Riot of 1971 was a prisoners' response to the inhumane conditions and abuses suffered at the hands of "corrections." The response to injustice is though only part of the equation. The transformative process began in the 1950s out of the struggle by African-Americans for civil rights. 1952 alone saw 25 serious riots which threatened the foundation of the U.S. prison system. But prisoners had suffered for decades in these deplorable conditions. What changed? The true change came from a change in perception.

Those in the prisons saw the demonstrations on the streets of Birmingham and on college campuses like Kent State, and perceived their own struggle. These men, poor and predominantly from ethnic minorities, had been sentenced, rightly or wrongly, to "Time in Prison." Not starvation, abuse, medical neglect, disease, and violence. The political activism throughout America, often mixed with violence, resulted in an awakening of the social conscience. Prison rioting resulted in class action suits and various other actions where judges ordered prison administrators to make specific changes as they relate to crowding, nutrition, medical care, prisoner abuse, and so on to protect even the prisoner's Eighth Amendment Right to freedom from cruel and

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unusual punishment.

Interestingly enough, while judges were addressing the extreme depredations experienced by prisoners, legislatures were enacting some of the most extreme sentencing laws conceivable, which are still being felt today. In the 1970s, U.S. prisons held less than 200,000; today, the number is 2.3 million and growing. With only about 5 percent of the world's population, we hold 25 percent of the world's prisoners and can brag of the world's longest sentences for offenses. The War on Crime/War on Drugs [AKA War on The Poor] has in effect rounded up those of our most destitute communities, predominantly ethnic minorities, and created what is euphemistically been called The Prison Industrial Complex.

But when reduced budgets of economically-depressed states meet the ever-expanding numbers held within prisons,

the result is clear: the multitude of abuses have begun to raise their vile heads once again. A spattering of news reports by various journalists have covered the story and a few small riots have made the national news, but not once did we hear a serious discussion during the '08 presidential campaign of what is the most massive imprisonment phenomenon in the history of the world, and what a sharp economic slow-down will mean to these several million men and women behind concrete and razor-wire.

Point of fact, each and every recession in this country is met with increasing rates of crime. It is a simple survival

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mechanism for those already struggling within impoverished communities and for those falling into poverty. But when low-level property offenses and simple drug possession will bring decades of imprisonment, where will these newly or re-convicted go? Our jails are packed with the convicted awaiting bed spaces in prisons at or above double-capacity already. While one out of every 55 Louisiana residents is in prison and one death per week occurs in California's system due to neglect and so many other statistics barely provoke a nod from the general public, the electorate is mesmerized by middle-class tax breaks and the ethnicity of its new president.

Lives are ruined from years on the inside and families of the poor are decimated. So, while the voting public buys T-shirts about Hope and commemorative plates about Change, we in prison must fend for ourselves. I have fought a few of these legal battles. They are long, uphill processes. They are costly by prisoner standards where a filing fee or copying charges mean that you may have to go without something else. Learning procedure, statutory law, case law, etc., can be a daunting task, particularly for a prisoner who has just earned his GED. It will take years to reach a verdict, and a win against the state or federal system's attorneys is rare and the rewards seem nominal.

While researching a possible claim, I thought to inquire with at least 20 or so civil liberties, special interest, and human rights organizations. I found a policy that

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overtly discriminates against a class of people within the prison system and I wanted to pursue an action addressing this policy. There are many obstacles to filing and arguing a successful action and judges are eager to dismiss your case on procedural error or on a weak legal theory concocted to thwart a prisoner's efforts for change. (Anyone who believes that "Fighting the System" is a glorious act has never attempted it.)

So, for weeks and weeks I waited for some response from any of the organizations which I just knew would be interested.

Nothing came. Then finally I received a response from the Human Rights Watch. I was thrilled as I ever so gingerly opened the envelope. The form letter read as follows:

Dear Sir,

Thank you for your recent letter... unfortunately, staffing constraints have forced us to cease reading and responding to correspondence from persons in state or federal custody. We understand that the information you have shared with us is important and that your grievance deserves serious consideration and attention, but...we are no longer able to be of assistance.

...we ask that you do not write to us.

... and we hope that you will pursue other avenues in seeking assistance with your situation.

The ACLU and its various branches did not even send a form letter.

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It confirmed my belief: no one will fight our battles for us. Few publications will even touch on our issues, no matter how extreme and pervasive the problems are. The new Left-leaning political vision stops abruptly at the prison gates as the myriad of progressive voices try to garner members. I see that the Spirit of Attica must rise again as we take the fight for true justice and fairness to those who benefit from our appalling treatment or to those who simply refuse to be concerned.

Some are fighting. A federal judge in San Francisco ruled this February that Gov. Schwarzenegger must reduce the state's prison population by an astounding 55,000 within three years. And as I scan news reports from around the country, I hungrily seek other evidence that we have had enough. I check for my own name on the legal mail list daily. And on March 27th, the Kentucky Court of Appeals rendered a ruling in my abuse of power case against the state (Richardson v. Rees, et al., NO.2008-CA-000721-MR).

I knew I had lost. I had exhausted the necessary administrative remedies and had had my case thrown out of the lower court. I may lose again and again, but if these people want to treat us any way they like regardless of their own policies and state or federal laws, well, I'll make them work for it. Then, there it was. The appellate court's decision: "Thus we believe that there was no substantial evidence to

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support [the Kentucky Dept. of Corrections'] decision." I had to read it twice. I had won. All of the judges concurred in the published ruling that the KDOC had abused its discretion.

Before the day was out, prison legal aides were scribbling down the citation for their own cases and mailing it onto other prisons to use as well. We simply are unused to wins, and this win has application in a multitude of cases where the prisons abuse their power. Yes, personally, the gain may be nominal, but to us all the gain was much more important. I may even suffer from petty retaliations from the prison (a common tactic is to lock one away in segregation on a trumped-up "investigation" or to ransack his cell looking for a minor infraction which can be turned into a write-up), but nothing can remove this case from the law books now and no one can take away this win.

Maybe I was wrong after all. Every now and then, fighting the system can be a glorious thing. Maybe I have latched onto some of the change and hope going on in the "free" world. Maybe I can help change people's perceptions on this side of the concrete and steel.

Enter: Attica 2.0