

THE CORONA VIRUS AND BLACK LIVES MATTER IN IOWA PRISONS

By Jack Hays

The marginalized and imprisoned here in Iowa have no voice—whether you are Black, Mentally Ill, poor, other minority, or all the above. The silence is deafening. In the age of Corona Virus and Black Lives Matter, there is no “black lives matter movement” in the Iowa Prisons.¹

I recently read in the Cedar Rapids, Iowa, “Gazette” that prisoners have generally agreed with the Corona Virus response by the Iowa Department of Corrections—however, this statement was made by an elderly Lady whom is the President of a Non-profit organization, no prisoners were consulted.² The Iowa DOC response to the Corona Virus has been incompetent and self-serving. In fact, this prison—the Clarinda Correctional Facility in Clarinda, Iowa—has *added beds* to an already over-populated prison.

Here is the Iowa Department of Corrections’ (IDOC) response to the Corona Virus in the order of each action (or inaction):

1. Taking contact visits from prisoners, statewide. (There has been no talk of giving them back though states have “opened” up)
2. Given *one* 20 minute Skype visit per week to all prisoners, regardless of how many children or family members they have.
3. Given *one* “free” 5-minute phone call per week.
4. Make everyone wear a surgical type mask fabricated in Iowa Prison sweat-shops.³
5. The counselors and people they call “psychologists” moved their offices out of the building. (See footnote #5 below)
6. Add an extra bunk to at least 32 *3-man rooms* (4 men in an 8’x10’ space) that are already too small here at the Clarinda Correctional Facility.
7. Fail to sell envelopes for 4 weeks in-a-row...

Iowa was the *worst in the Nation* for the incarceration of Black Folks—a fact freely admitted by the Iowa Supreme Court.⁴ Iowa continues to be in the top 3 *worst in the Nation*. Are they doing anything specific to deter this? *No*. Are they

¹ I placed a “Black Lives Matter” sign on my desk and was promptly told to take it down or I would be written a report for inciting to riot. I have seen *no* other advocacy for this movement, *none*.

² Cedar Rapids, *Gazette, Insight* section, statement of Jean Basinger, Iowa C.U.R.E. 5/24/2020.

³ The press was told that we make \$1.10/hour making these masks, however, I make the exact same as I do as the “Law Clerk”—57 cents/hour.

⁴ *State v. Plain*, 898 N.W.2d 801, 824-27 (Iowa 2017).

planning anything to do about this? *No*. Is there even a discussion about this? *No*. There is *some* random statements being made by the “talking heads” on the television about the Black Lives Matter protests in Des Moines, Iowa, and elsewhere around the world, but no real discussion nor comprehensive planning taking place.⁵ In the 90’s, Joe Biden helped pen the “Omnibus Crime Control and Safe Streets Act” which help *over-fund* the police, but he has made no mention of trying to repeal this law on the National Level.⁶ Indeed, the Clinton administration and Biden’s Congress in the 90’s are largely *responsible* for the legislation resulting in the Mass Incarceration we now live with.⁷

In 2016, I was the Secretary of the National Association for the Advancement of Colored People, Anamosa Prison Branch. Our executive Board worked *directly* with the President, Betty Andrews, of the Iowa/Nebraska branches. Everything we tried to do to bring awareness to the literal crises for *both* the Mentally Ill and Black Folks was blocked by the administration of the Anamosa State Pen.—this effort was largely blocked by the current “Director of Prisons”, William Sperfslage, whom was the Deputy Warden and then Warden. In fact, I was given a retaliatory transfer and when I then tried to contact Betty Andrews she would no longer accept my calls.⁸ Moreover, the Warden of the prison never met any consequences for his illegal actions—instead, they promoted the man to Director of Prisons here in Iowa. Indeed, it is evident that the Administration of the Iowa Department of Corrections agrees with racially biased policies, as well as less than the legal requirements for treatment of the Mentally Ill.⁹

I have written and witnessed the writing of literally *hundreds* of letters to the press and other organizations about the corruption and conditions of confinement in the Iowa Department of Corrections. We get no response from the press and they do not print our letters nor investigate our claims, no matter how legitimate. However, there is a great deal of villainizing.

⁵ Professor Michelle Alexander has a plan, as well as notes from other about one, that would at least give us a start at real change. See *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, Rev. Ed. 2010). However, before I could get this published, the Governor, Kim Reynolds, has created and passed a Police Reform agenda...kudos to Governor Reynolds.

⁶ Michelle Alexander explains in her book how this law, and other Draconian actions, in the 90’s helped spark-off the Mass Incarceration *and* Prison Industrial Complex.

⁷ See *The New Jim Crow*. Also, I am neither Republican nor Democrat—I have my own mind and political opinions. However, my mother was a “bleeding heart liberal”...so, honestly, there is some influence there.

⁸ See some of my other essays, especially about corruption here in Iowa.

⁹ Iowa has a “Bill of Rights” for the Mentally Ill here in Iowa—Iowa Code §225C.25 to 225C.28—for which the Iowa Department of Corrections does not even meet the minimum requirements of and does not even have *licensed psychologists*, which also violates Iowa Law. Indeed, *one* Doctor of Osteopathic medicine writes the prescriptions for the psychiatric medication of *hundreds* of people in *multiple institutions*—they don’t even have a psychiatrist to treat the seriously mentally ill (some of whom are in their “special needs” housing).

It is easy to villainize people whom are incarcerated for various crimes—whether they are innocent or not. It does not satisfy the newspapers’ and broadcast stations’ agendas to publicize the corruption¹⁰, neglect¹¹, exploitation¹² and abuse¹³ that is very real and exists in Iowa’s prisons. Men are apathetic about writing or telling anyone about the problems in Iowa’s prisons and the ones who are not are, for the most part, *scared*...retaliation is very real and rampant—as rampant as the nepotism, cronyism, and corruption.¹⁴

I have recently become the Secretary of the Council for prisoners in this institution. Usually what follows is solitary confinement for various reasons—most likely being argumentative (which they call “threats and intimidation”) or being a jailhouse lawyer (which they call “running a business”, even though I am not getting paid!). I am hoping that it is not just a matter of time before I am, once again, targeted for my advocacy...

I am a 46-year-old man whom is so poor that I cannot hardly afford to call my Son (27 years old) and my grandchildren *once-a-month*—I cannot afford to stay in touch with the outside world. In fact, these essays are the best I got for informing the outside world about what is, and is not, happening to the prisoners and myself here in Iowa. I do not know how many people ever even read the essays that I write. I *do know* that this is *one* of the few things that I *can* do to try to bring awareness to the evils of Mass Incarceration and what is called the “Prison Industrial Complex” here in Iowa.

You see, there is no “movement” here in Iowa Prisons in any way, shape, or form. Sadly, most men here in *this* prison spend more time talking about things they did, or did not do, and try to manipulate each other or the state in whatever way, shape, or form they can. The closest thing to a “movement” is the beating of

¹⁰ Using prisoners’ fundraiser money to improve the infrastructure of the prison at Anamosa State Pen., and to supplement the recreation funds of institutions around the state.

¹¹ If you are mentally ill in Iowa’s prisons, then you will not even receive the statutorily required treatment. In fact, they closed the *only court-ordered* facility for the mentally ill to save money.

¹² Since 1978, there has been a *law* on the books that *forbids* the “Iowa State Industries”—known as the “Iowa Prison Industries” or IPI—from selling *anything they do not make themselves*, with prisoners’ labor, of course. See Iowa Code §904.812, “Restriction on goods made available”. However, IPI has sold *millions of dollars* of food, property, electronics, etc. to prisoners on the Iowa Prison Industries’ “canteen” ...*an illegal canteen, exploiting prisoners for profit*. See www.iaprisoinind.com/canteen.

¹³ I have filed a lawsuit about this and—though I was successful in defeating the state in their Motion for Summary Judgment (to dismiss the lawsuit)—the state of Iowa received help from a sympathetic judge whom allowed them to file a “Supplement” to a motion that *they had already lost* and ruled in their favor, dismissing my lawsuit. I supplemented the record with *proof* that men were being neglected and abused. It just did not matter in a State where Black lives *do not* matter in our prisons, much less the mentally ill.

¹⁴ William Sperfslage, “Director of Prisons”, has made his career out of cutting services, food budgets, staff, hiring within current staff to supervisor positions, etc.—he started as a prison guard in the Anamosa State Pen. and he is the example of the people whom the Iowa D.O.C. wants running and staffing prisons.

my own heart and the firing of the synapses in *my* brain taking *any* direct or oblique action (or inaction and “noncooperation”) that I can to promote change and awareness...

My mother was involved with the Civil Rights Movement in the 60’s and 70’s. She also married a black man that she was married to *until the day he died*, when it was *not* popular for a white lady to marry a black man. Compared to the things they did to try to change the world, my own effort seems to be almost non-existent. Moreover, even the *prison* efforts in the 60’s and 70’s had more solidarity amongst prisoners than we have today...

Though there is no movement in here in the Iowa prison system, there *is* one across the world. I can see on the news and in the newspapers the movement across the world concerning police brutality and “Black Lives Matter” since a man named George Floyd was murdered by Minnesota police. I believe that part of the reason for the movement here in the United States is that *so many* people have been put out of work *due to government restrictions* and “stay home” orders due to the Corona Virus scare.

No-one in my family has ever been rich. Therefore, I can imagine what the Corona Virus restrictions and orders have done to the poor and even the middle class who live paycheck-to-paycheck.¹⁵ Worst still, it is *not even constitutional* for the government to put these restrictions and orders in place, nor to put “curfews” on the protestors of movement.¹⁶ Part of the problem for prisoners and the average citizens to stand up for their rights is *that they don’t even know what they are in the first place*.

—Jack Hays, Clarinda Correctional Facility
Clarinda, Iowa
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¹⁵ Incidentally, the Business Administrator of this prison, Meredith Baker, took it upon herself to send the “stimulus checks” from the government *back to the U.S. Government*. The problem with this is that *we have families too* that need help; children, wives, bills, etc. Granted, some men will use it for themselves, however, this is money that families will not have to send to their loved ones, money used to contact loved ones...

¹⁶ See *The Bill of Rights Primer: A citizen’s Guidebook to the American Bill of Rights*, by Akhil Reed Amar and Les Adams, pgs. 77-80 (MJF Books 2013).