

JAILHOUSE LAWYERING AND RESTORATIVE JUSTICE

I HAVE BEEN STUDYING LAW FOR OVER 13 YEARS NOW WHILE SERVING OUT MY SENTENCE FOR AN ALLEGED CRIME THAT I DID NOT COMMIT. I DO NOT CONSIDER MYSELF A JAILHOUSE LAWYER. I DO NOT DEFINE MYSELF IN SUCH LIMITING TERMS. I KNOW SOMETHING ABOUT THE LAW, AND I'VE BEEN PRACTICING LAW FOR MANY YEARS. BUT THAT IS NOT WHAT I AM. I AM A MAN WHO HAS LEARNED AND PUT INTO PRACTICE THOSE SUBJECTS AND AREAS OF EXPERTISE NECESSARY TO ACCOMPLISH WHATEVER I NEEDED OR WANTED. I LEARNED THE LAW DEEP WITHIN THE BOWELS OF PRISON IN A STEW OF BITTERNESS, VIOLENCE, AND AMONG THE SUFFERING OF MEN AROUND ME BY READING HUNDREDS OF LAW BOOKS AND THOUSANDS OF HOURS OF SELF STUDY. LIKE ABRAHAM LINCOLN, I WAS MY OWN TEACHER AND MOST OF MY WORK WAS DONE WHILE SPENDING YEARS IN SOLITARY CONFINEMENT. I AM A MEMBER OF NO BAR ASSOCIATION, AND I CLAIM NO CACHET FROM ANY LAW SCHOOL AND MY WORK STANDS AS A TESTAMENT TO ONE MAN'S POWER TO RESIST WITH INTELLIGENCE. HOWEVER, I AM A MEMBER OF JAILHOUSE LAWYERS SPEAK. AT THE PRESENT, I AM WORKING ON PUTTING AN END TO LONG TERM SOLITARY CONFINEMENT, UNCONSTITUTIONAL MAIL CENSORSHIP AND PRISON POLICIES THAT RESTRICT INCARCERATED PERSONS FROM RECEIVING MONEY FROM ANY MEMBER OF THE GENERAL PUBLIC NOT LISTED ON THE PRISONERS 'APPROVED' NCAPS APPROVED VISITATION LIST. AT THE PRESENT, I AM WORKING TO CREATE AND PUBLISH A SELF HELP PRO SE LITIGATION MANUAL FOR NORTH CAROLINA PRISONERS ACCUSED OR ALLEGED PRISON RULE VIOLATIONS THAT WILL EDUCATE AND TEACH PRISONERS ACCUSED OF THESE VIOLATIONS HOW TO NAVIGATE AND CHALLENGE A PRISON DISCIPLINARY REPORT LODGED AGAINST HIM ~~OR HER~~ OR HER BY LITIGATING IT IN THE SUPERIOR COURT. I AM ALSO INTERMITTENTLY TAKING ON THE PREPARATION OF FILING A CLASS ACTION LAWSUIT IN THIS AREA, INCLUDING CHALLENGING MANY OF THE NCAPS POLICIES THAT CAUSE PRISONERS TO LIVE UNDER OPPRESSIVE UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT. THAT DO NOT COINCIDE AND ALIGN WITH EDUCATION AND REHABILITATION AND THIS IS PRIMARILY BECAUSE NOW MY OWN CHILDREN

HAVE BECOME INCARCERATED WITHIN A PRISON ADMINISTRATION THAT REFUSES TO HELP THEM WITH THEIR SERIOUS DRUG ~~ADDICTION~~ ADDICTION AS WELL AS PROVIDE THEM ~~NEEDS AND DESIRES~~ WITH REASONABLE HEALTH CARE. OCCASIONALLY, I BECOME INVOLVED IN PERSONALLY HANDLING OR MANAGING OTHER PRISONERS LEGAL WORK WHEN THE NORTH CAROLINA PRISONER LEGAL SERVICES OR THE COURT REFUSE TO APPOINT COUNSEL TO ASSIST THE PRISONER IN ANY MEANINGFUL WAY TO HELP HIM ~~WITH~~ WITH CIVIL OR CRIMINAL MATTERS. BUT BECAUSE I DONT HAVE ALOT OF FREE TIME AVAILABLE DUE TO CASE LOAD, INSIDE ORGANIZING, OR LACK OF RESOURCES AS WELL AS THE FACT THAT I AM FULLY ENGAGED IN MY OWN POST-CONVICTION AND CIVIL LITIGATION, IM KINDA PICKY ABOUT OTHERS LEGAL WORK. EVEN THOUGH I AM A CONVICTED FELON, I STILL HAVE MY OWN MORAL AND ETHICAL ~~STANDARDS~~ STANDARDS THAT I STAND FIRM UPON. IF ITS SOMETHING RELATIVELY SIMPLE THAT WONT REQUIRE TOO MUCH OF MY TIME, OR IF THERE ARE EXTENUATING CIRCUMSTANCES I MIGHT BE WILLING TO HELP. (AS IN DO THE WORK FOR THEM). OTHER THAN THAT, I HAVE AN OPEN DOOR POLICY TO ANY PRISONER WHO IS IN NEED OF LEGAL ADVICE OR GUIDANCE IN THEIR LEGAL MATTERS SURROUNDING THEIR CRIMINAL CONVICTIONS "IF" THEY ARE INNOCENT OR IF THEY ARE GUILTY AND REMORSEFUL FOR THEIR CRIMES. HOWEVER, I WILL HELP ANYONE WITH LEGITIMATE CIVIL MATTERS THAT AFFECT PRISONERS CONDITIONS OF CONFINEMENT. I TRY TO GIVE THE GUYS THE BENEFIT OF MY INSIGHTS AND EXPERIENCES. I WISH THERE WERE MORE DIVERSE MEN AND WOMEN BEHIND BARS PRACTICING AND STUDYING ALL AREAS OF THE LAW LIKE ME WHO COULD USE THEIR MINDS AND THEIR HEARTS TO DARE TO CONFRONT MANY OF THE PROBLEMS THAT ARISE WITHIN THE INCARCERATED COMMUNITY, THE STRUGGLE TO FIND ~~THE~~ SOLUTIONS, ~~AND~~

AND TO OBTAIN JUSTICE TO HELP ONE ANOTHER TO OPEN THE PRISON GATES FOR SOME, AND TO ADDRESS UNCONSTITUTIONAL LIVING CONDITIONS FOR OTHERS.

I ALSO WISH THAT THERE WERE MORE ORGANIZATIONS AND ATTORNEYS IN NORTH CAROLINA FOCUSED ON PRISONER RIGHTS LITIGATION IN ORDER TO EXPOSE AND EXPEL VIOLENT GANG ACTIVITY, ~~CRIMINAL~~ CORRUPTION OF PRISON GUARDS, AND ALL OF THE CONSTANT VIOLENCE, OPPRESSION, AND HUMAN SUFFERING AROUND ME THAT HAS PERVADED OUR JAILS AND PRISONS FOR DECADES.

BUT AT THE END OF THE DAY, I JUST THINK THERE ARE POSITIVES AND NEGATIVES. THERE ARE GOOD GUYS AND THERE ARE BAD GUYS AND IN JAILHOUSE LAWYERING, THERE ARE LIZARDS, AND THERE ARE LEGENDS. YET IN A PLACE DESIGNED TO CRUSH THE SOULS OF MEN, WOMEN, AND CHILDREN, THERE ARE PEOPLE WHO, WITH TIME, ATTENTION, STUDY, AN ARTFUL PHRASE, AND THE ODD STARBURST OF INSIGHT, CAN DO WORK TOGETHER TO HELP UPLIFT, REHABILITATE, AND EVEN FREE OTHERS. JAILHOUSE LAWYERS SERVE BEST WHEN THEY CAN HELP A FELLOW PRISONER RIGHT A WRONG OR OBTAIN REDRESS FOR A PARTICULAR GRIEVANCE AGAINST THE STATE. THEY FULFILL THEIR ROLE WHEN THEY ARE ABLE TO SAVE A LIFE, OR OPEN THE LATCH ON A CAGE. THEY ALSO HELP WHEN THEY ARE ABLE TO REDRESS BROAD, INSTITUTIONWIDE OR SOMETIMES STATEWIDE GRIEVANCES. THE ROLE OF JAILHOUSE LAWYERS SERVES TO AMELIORATE A PROBLEM THAT MAY HAVE BROAD IMPACT WITHIN THE PRISON SYSTEM, AND THUS PUSHES BACK A PARTICULARLY REPRESSIVE ACT OR SET OF ACTIONS CONTEMPLATED BY PRISON ADMINISTRATORS AND OR THE STATE. ADDITIONALLY, AND AS A CUT ABOVE THE REST AS A SERIOUS LITIGATOR, I'VE COME TO REALIZE THE NEED FOR RESTORATIVE ~~JUSTICE~~ JUSTICE IN THIS COUNTRY. RESTORATIVE JUSTICE, OR RESTORATIVE PRACTICE, IS A SET OF PRINCIPLES AND METHODOLOGIES FOR ADDRESSING AND REDRESSING WRONGDOING. WHEREAS THE CRIMINAL LEGAL PROCESS IS A FORMULATED CONTEST BETWEEN THE "PEOPLE" - THAT IS, THE

STATE, REPRESENTED BY THE PROSECUTOR - AND THE "DEFENDANT," REPRESENTED BY A LAWYER WITH THE HARMED PERSON OFTEN SIDELINED, RESTORATIVE JUSTICE BRINGS "CRIME" BACK TO THE RELATIONSHIPS AMONG THE HARM DOER, THE PEOPLE DIRECTLY AFFECTED, AND THE COMMUNITY. THE CRIMINAL JUSTICE SYSTEM SEEKS RETRIBUTION, WHILE RESTORATIVE JUSTICE SEEKS ACCOUNTABILITY AND REPAIR (HEALING): IT ~~IS~~ GUARDS AGAINST ADDING MORE HARM TO HARM ALREADY DONE. RESTORATIVE JUSTICE GIVES PRIORITY TO THE HARMED PERSONS NEEDS, YET IT DOES NOT REQUIRE THAT ANYONE JUDGE OTHERS OR TAKE ONE SIDE, EITHER WITH THE "PERPETRATOR" OR THE "VICTIM." ACKNOWLEDGING THAT ALL OF US HAVE DONE HARM AND ALL HAVE BEEN HARMED AT SOME TIME IN OUR LIVES, RESTORATIVE JUSTICE AIMS TO BRING EVERYONE INTO THE CIRCLE AS A MORAL EQUAL. UNFORTUNATELY, OUR PRESENT CRIMINAL JUSTICE SYSTEM IS BROKEN BUT THE PRISON INDUSTRIAL COMPLEX IS NOT BROKEN. IN FACT, IT IS WORKING PRECISELY AS IT WAS DESIGNED - TO EXACT VENGEANCE, WAREHOUSE THOSE LEFT BEHIND BY LATE CAPITALISM, PERPETUATE WHITE SUPREMACY, AND MAKE MONEY, JUST TO NAME A FEW OF ITS FUNCTIONS. SO I CAN TELL YOU FROM YEARS OF EXPERIENCE THAT INCARCERATION IS PSYCHOLOGICALLY DESTRUCTIVE TO A HUMAN, IT IS PSYCHOLOGICAL TORTURE - THE COMPLETE OPPOSITE OF REHABILITATION. IF WE WANT TO END CRIME AND VIOLENCE, POLICE BRUTALITY, AND TO PROTECT OUR CHILDREN AND THEIR FUTURES, WE HAVE TO DIVEST FROM THE INDUSTRIES OF HARSH PUNISHMENT AND SURVEILLANCE, AND INVEST IN WHAT ALLOWS PEOPLE AND COMMUNITIES TO FLOURISH. AND TO INVEST INTO THOSE THINGS, WE NEED ECONOMIC, POLITICAL AND SOCIAL SYSTEMS THAT PUT PEOPLE - ALL PEOPLE - BEFORE PROFIT AND IN ORDER TO DO THIS WE NEED TO ORCHESTRATE A MOVEMENT. ANY SUCCESSFUL MOVEMENT MUST BE INTERSECTIONAL BECAUSE WE ARE ALL INTERSECTIONAL BEINGS. RACE, CLASS, GENDER, SEXUALITY, OR ABILITY CANNOT BE ~~SEPARATED~~ SEPARATED FROM ONE ~~OR~~ ANOTHER IN THINKING ABOUT PEOPLE SYSTEMS OR POLITICS, NATIVISTS, RACISTS, AND THE STATES PUNITIVE BUREAUCRACY CAN DEFEAT INTERSECTIONALITY BY ASKING

ASSIGNING LABELS - "ILLEGAL ALIEN," OR "FELON" OR
"CRIMINAL" OR "INMATE" OR "PEDOPHILE" - THAT
FLATTEN IDENTITIES TO ONE VILLIFIED THING. IF KEPT
~~APART~~ APART, GROUPS OF PEOPLE ARE INEVITABLY
MARGINALIZED, AND FISSURES OPEN THAT RESIST HEALING
AND MOVEMENTS FALTER. NO MOVEMENT CAN UNDERSTAND
WHAT ITS UP AGAINST, OR HOW TO FIGHT BACK IF IT DOESN'T
LOCATE ITSELF AT THE CROSSROADS OF IDENTITIES,
SITUATIONS AND OPPRESSIONS. SO ~~WHETHER~~ WHETHER WE
CALL OUR WORK RESTORATIVE JUSTICE, TRANSFORMATIVE
JUSTICE, OR COMMUNITY ACCOUNTABILITY - AND THERE ARE
DIFFERENCES AMONG THEM - WE NEED PARADIGM SHIFTS.
FROM JUSTICE AS RETRIBUTION TO JUSTICE AS HEALING,
FROM CONVICTION TO ACCOUNTABILITY, ~~RESTITUTION~~
PUNISHMENT TO REPAIR, AND REHABILITATION TO
TRANSFORMATION. WHEN WE ACCOMPLISH THIS, ONLY
THEN CAN THE AMERICAN DREAM RETURN TO GOOD OLE
FASHIONED HONESTY AND APPLE PIE. BUT WHAT DO I KNOW?
I'M JUST A DUMB OLE CONVICT. . .

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