

P R I S O N E R S O F T H E C O M M O N W E A L T H
S T A T E M E N T O F I S S U E

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CONTINUED VIOLATIONS OF
CONSTITUTIONAL RIGHT TO REHABILITATION
IS A CRIMINAL ACT BY STATE ACTORS

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The attached documents adequately describe the continuing corruption - in civil law, criminal justice law, and rehabilitative social science - of the Massachusetts criminal justice system generally, and the prison correctional system in particular, over the past forty (40) years.

In October 1972 the passage of the reform law (Chapter 777 of the Acts of 1972), required that prisoners be provided with programs to rehabilitate. These programs were to ensure that prisoners were afforded real vehicles to break the cycle of repeat offenders. The entrenched special interests of the penal system, the criminal justice system, and the police and prosecutorial bureaus resisted implementation of the law. Their position and philosophy has been to maintain the status quo, and in fact to increase the punitive deprivations and increase the length of sentences. This hard-line posture of the past forty (40) years has had the support of the majority of the unenlightened American people. Crime rates have increased and the costs associated with the operation of the failing corrections system have skyrocketed.

At one and the same time, therefore, prisoners seeking the promise of legally mandated rehabilitation and the hard-liners resisting such programming came into conflict in the court of law. The history of this case law, which we will include with this statement, clearly supports the issue at hand, and can no longer be ignored, and must be put before the American public for consumption and comment.

The prisoners went to the judicial branch of the government because the legislature that had the sole responsibility and power of the constitution to make "public policy" law did not, or was not able to, enforce its law (the reform laws). In fact, the constitutional responsibility and power to enforce the law's implementation was upon the shoulders of the executive branch of the government (which of course includes the correctional and criminal justice bureaus) and this branch not only failed to enforce the legal mandates, but it also proclaimed a public opposition to the reform laws with malice and impunity. The refusal of the executive branch to adhere to its duty to enforce the reform law became the very instrument for suppressing the law, and the prisoners of the commonwealth had no choice but to go to the judicial branch to seek the protection of their constitutional rights.

For the past forty (40) years the prisoners - singly and as a class - have brought the issue to state and federal court, and in all general cases the courts have ruled in their favor, namely, that the prisoners

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did have the right in the law to rehabilitative programs and that the executive officials violated that right, effectively suppressing rehabilitation, which lengthened sentences illegally (therefore by law = criminally).

As such, the executive government has become enabler of ongoing and continuing criminality, masking its corruption of allowing repetitions of criminal conduct by excusing itself as only carrying out the punitive wishes of the polling majority of the American people. What the polling majority does not recognize is that this criminal failure has diminished public safety, perpetuated violent crime, and place the citizens of the commonwealth in continued jeopardy.

What we, the prisoners of the commonwealth, are seeking is your commitment to assisting us in bringing these criminal acts before the public for their rightful review. The failures of liberalism as well as of conservatism has kept the academics, legal scholars, reform activists, and public servants from getting to the core of the issue we present here to you. We, as the aggrieved party come to you with a demand that you assist us in presenting this issue of paramount importance in a truly aggressive manner. Discussion in the public forum will stimulate the debate on the depth of the criminality that has been perpetrated against society, and will determine the hard paths we must tread, but will more importantly solve the dilemma that has perplexed the masses as far as the failure of the criminal justice system is concerned.

Attached you will find a listing of the legal cases which support the facts we raise in this statement of issue. You will also find some supportive materials that more fully elucidate the issue, in depth, and will afford you a more impactful resonation of the crimes. The legal precedent which supports this issue must be thoroughly reviewed. Once the facts are marshalled the basis of our argument, an argument that is far more factual than argumentative, will be solidified for you.

Please detail for us in your reply exactly what you can do to represent this issue aggressively. Penology as a science has fallen too far behind other sciences here in America, and the time is long overdue that we bring it up to speed with its brother sciences. The sociology aspects of rehabilitation can only be served when we fully dismantle the criminal system that has rendered the mandated reform law hollow.

Thank you and my hopes are to hear from you very soon with a plan as to how we can move forward effectively in this matter.

Sincerely,

Timothy J. Muise
P.O. Box 1218
Shirley, MA 01464