

AMC2012

The 2012 Allied Media Conference opening up to Scott A. Heimermann to permit him to describe how the vast media network should help to facilitate reforms to end the prison industry complex's penchant for mass incarceration:

\* First and foremost, unfortunately for Scott A. Heimermann, he is a factually innocent man presently confined at the Waupun Correctional Institution (WCI), located at 200 South Madison Street, P.O. Box 0351, Waupun, Wisconsin 53983-0351. He was convicted in 1991 for an alleged role in a double homicide of two gangsters on August 19, 1989 in Milwaukee, Wisconsin. Since he has been incarcerated, Scott has repeatedly been attempting to be furnished still undisclosed pages of material exculpatory documents in the hands of the Milwaukee police chief and Milwaukee County district attorney. A review of the new evidence in which Scott has accumulated over the past two decades make clear that the still undisclosed pages of material exculpatory documents will show certain Milwaukee vice-squad detectives being involved in a drugs-for-guns operation that led to the murders of the two gangsters in August 1989; these vice-squad detectives then participated with Milwaukee homicide detectives in early March 1991 in the actual murder investigation to conceive a way to scapegoat Scott in the said two murders by deliberately fabricating evidence and manipulating witnesses against him at the sealed April 15, 1991 arrest warrant proceeding and then at the December 9-12, 1991 trial. Concluding that the reason for Scott still not having access to the still undisclosed pages of material exculpatory documents has to do not just with the corrupt political climate involving the Democratic Milwaukee County district attorney and Wisconsin courts but also with the local mainstream media networks continuously turning a blind eye to Scott's story of factual innocence and Milwaukee law enforcement corruption and cover-up in a double murder. This is shown by the attached letter to WISN 12 News from Scott dated May 15, 2012.

\* Therefore, for starters, one of the ways organizations can work together to end the prison industry complex's penchant for mass incarceration is to have states adopt reforms to allow factual innocence claims in state court forums, and which give judges the ability to overlook procedural errors in a prisoner's case based on the new evidence (but not necessarily DNA evidence) before them. Such efforts would directly speak to the types of hurdles encountered by prisoners like Scott which, in turn, would help alleviate the prison industry's campaign of mass incarceration.

\* Other reasons why our nation currently has mass incarceration is because corrupt politicians have been acting in concert with private prison companies by implementing legislation, public relation strategies and facilities to carry out the mass incarceration encountered by America today. For instance, as with many of its strategies, the prison industry has for decades been successful at undermining the public perception of exploiting competitive business ventures against free workers and businesses. Research and investigations were undertaken, not in pursuit of the truth on prison labor and expenditures against free workers, but to aid the prison industry in its public relations

and litigation battles. Research that might confirm the exploitation of the prison industry's competitive business ventures were concealed. As with many of its strategies, the prison industry has been successful in using special interest groups to conceal unfavorable scrutiny, as the following quotations demonstrate by way of example only:

\* The prison industry complex began as early as 1979, when a federal program known as Prison Industry Enhancement (PIE) went into effect. Under the provisions of PIE, inmates must be paid the same wages as free workers engaged in similar work. The vast majority of the inmates employed through PIE perform menial labor. What it does is just flood the labor market at the bottom end. And studies have shown that it's a way, when you've got relatively low employment, to discipline the labor market to pull wages down.

\* Enterprises Prison Institute, a for-profit group in Bethesda, Maryland, was pushing for greater access to prison labor. Its Chairman, Edwin Meese III, who served as Attorney General during the Reagan Administration, is very outspoken in "growing" prisons, as if they were any other industry. As Attorney General, Mr. Meese oversaw stiffened sentencing for drug offenses, which in turn swelled the nation's prisons.

\* Conservative advocacy groups, funded by the likes of Mr. Meese and other wealthy individuals, benefit from an increased use of inmate labor.

\* In Wisconsin, former Governor Tommy Thompson, who is presently running for a U.S. Senate seat in Wisconsin, had instructed his former Secretary of Corrections, Michael J. Sullivan, to essentially keep prisoners in prison beyond their release dates to keep private prison operators flush with profits. In a letter dated April 28, 1994, Thompson wrote, directing Sullivan "to pursue any and all available legal avenues to 'block' the release of violent offenders who have reached their mandatory release date."

\* Private prison operators such as Wackenhut Corp., and Corrections Corporation of America, "that charge fees crave prisoners like airlines crave passengers. Just as an airline's costs for fuel and crew stay nearly the same no matter how full a flight, prisons carry security, staff, utility, and other fixed costs that can't easily be reduced in step with a declining inmate count."

\* "So persuasive were private prison operators that state lawmakers write legislation that, ... set aside millions of dollars for empty prison beds -- or 'ghost inmates', which speak to the kind of things that former Wisconsin Governor Tommy Thompson helped to facilitate in Wisconsin's prison system.

\* Prisons win favor of legislation to set aside millions of dollars for "ghost inmates -- even as lawmakers cut state budgets

for classroom supplies, community colleges, mental health services and other programs."

\* The sole focus for many people is economic development: "We make money off of inmates. Private prison companies being in the incarceration business ... 'dealing with human bodies as commodities.'"

\* In Mississippi as in other states, "Interests include private prison companies and their lobbyists, legislators with prisons in their districts, counties that operate their own prisons, and sheriffs who covet convicts for jails. The result has been a financial and political bazaar, with convicts in stripes as the prize."

\* Political clout as well as money can travel with prisoners. Although prisoners aren't allowed to vote in most states, they are counted for legislative apportionment and redistricting. Indeed, some counties in various states actually pay the "Census Bureau to conduct a 'special census' that would count the prisoners and quickly qualify the town for more state and federal funds."

\* For every dollar in a town's or country's budget generated by local taxes and fees, "an additional \$1.76 comes from state and federal allocations based strictly on the prisoners in [its] population. It makes no difference that the population that is incarcerated gets little or no direct benefit from the roads, parks, and services that outside money helps pay for."

\* Another odd effect of a town's hosting a profusion of prisoners with little or no income is that the inmates depress per-capita wages and can make the municipality eligible for additional cash from state and federal programs. For instance, in Gatesville, Texas, 9,095 inmates -- 53% of the population -- helped push the city's per-capita income below the state poverty line, which qualified the town for a \$4.2 million state grant in 1997 that it used to upgrade water lines and build new roads.

\* And as with private prison operators, other profitable prison ventures involves pay phones. Historically, prisons seldom granted inmates access to telephones, and then only as a reward for good behavior. But as prison operators grew, this reluctance softened. By 1990, with close to a million inmates behind bars, long-distance giants like AT&T Corp. and Worldcom began clamoring for convict callers. Why? Because inmates love to talk to their families and loved ones. In Louisiana, for example, the state's 17,000 inmates made 2.7 millions calls in 1995, for an average annual bill of \$605 per inmate. Prisons typically get a 50% cut of the calls, most of which are collect. Small wonder then, that almost no prison is complete today without a bank of phones.

Therefore, in this new world, while the movement for mass incarceration was prompted largely by concerns with violent

crimes, much of its focus stems from prisons profiting from inmates over the past thirty years. During this time, the adult prison population in the United States has skyrocketed from around 300,000 to 2.3 million -- giving the U.S. the largest prison population in the world, and at a cost of some \$70 billion annually in wasteful government spending of taxpayers dollars. To that end, over the past thirty years wardens have been marketers of prisons, and prisons themselves are little more than industrial parks with bars.

It is also noted that individuals factually innocent and imprisoned on crimes in state and federal prisons cannot be adequately compensated upon their release from wrongful convictions. Wisconsin's current cap of \$5,000 for every year in prison, and up to \$25,000 total, even if wrongfully imprisoned for more than five years, is the lowest amount in the nation among states that offer compensation for wrongful convictions. Hence, more legislation needs to be passed that would require more compensation, health insurance, living services and expenses and employment opportunities for people released from prison after wrongful convictions.

In sum, Scott A. Heimermann is joining the network of organizations working for prison justice across our nation in calling for government leaders and politicians to vote on new reforms for each individual factually innocent and nonviolent who are imprisoned in America. If the numbers of such inmates are cut in half, we will save taxpayers tens of billions annually and improve state and federal government services. Despite the mainstream media turning a blind eye to these public concerns, we can get the job done by using social-media and grass-root campaign efforts from the investing public to pressure government leaders and politicians into taking the actions particularized herein. Of course if money is an issue, perhaps the present blog post will put Scott directly in touch with the right people to help with his new patented technology (U.S. Patent No. 7110976) and, after that, take the millions generated from Scott's invention for supporting organizations working to end mass incarceration in America. You see, Scott's new patented technology takes pride in eliminating muda, the Japanese word for waste. In other words, Scott's business I-Buy, Incorporated ("I-Buy") is in the business of getting rid of needless government spending of taxpayer dollars. I-Buy's services and method of operation therefore dovetails nicely with the networks' agenda of reducing mass incarceration and saving taxpayers billions. Otherwise the prison industry's ongoing use of 'human bodies of commodities' in America is no different from using prison labor in China.

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Scott A. Heimermann  
200 South Madison Street  
P.O. Box 0351  
Waupun, Wisconsin 53963-0351  
Tel: 920-324-5571

May 15, 2012

Ms. Colleen Henry  
WISN 12 News  
759 North 19th Street  
P.O. Box 402  
Milwaukee, Wisconsin 53233

Dear Colleen:

You may recall that we spoke in early 2003 about certain material exculpatory evidence that began to surface of Milwaukee law enforcement officials having framed me for the August 19, 1989 murders of two gangsters by fabricating evidence, manipulating witnesses, and withholding material exculpatory evidence. Please know that I am still incarcerated with placement at the same institution, located at Waupun, Wisconsin.

Fast forward nine years later: This letter, which includes various public filings in Scott A. Heimermann v. Scott Walker, Appeal No. 2012AP712 (Dane County Circuit Court case is: 2011CV5468), is a request of your TV station to use this specific information to decide whether my story is a good fit for your viewing audience. As you know, it is not beyond imagination to think that the outcome of the gubernatorial recall election may hinge on a few votes. That is why I am bringing my extraordinary story to your attention, as I want to make my commitment to Wisconsin to ensure that the right person remains in the governor's office.

Given that Governor Scott Walker's opponent in the gubernatorial recall election is Milwaukee Mayor Tom Barrett, the nature of Barrett's cozy relationship with Milwaukee County District Attorney John Chisholm, as well as the two of them being closely knitted with every entity associated with the Democratic Party of Wisconsin, it was determined to write this letter to bring to the forefront how Tom Barrett's Democratic Party of Wisconsin (district attorneys, judges, former governors and legislators) have completely turned a blind eye to my factual innocence for a double homicide that Milwaukee law enforcement officers had framed me by fabricating evidence, manipulating witnesses, and withholding material exculpatory evidence, which Tom Barrett's friend John Chisholm has been a substantial factor in continuing to stonewall the release of this material exculpatory evidence two decades after my 1991 trial.

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In order to establish my factual innocence, so that Governor Walker can move forward to grant my innocence pardon filed May 3, 2011, I must obtain the release of twenty (20) certain still undisclosed documents from Chisholm's office and the Milwaukee police chief. I have referred to this still undisclosed material exculpatory evidence as the "as-yet-undisclosed-state evidence" in my filings with Governor Walker's office and the courts, which are specifically cited as Exhibit B in the motion materials I am submitting with this letter.

Concerning access to that still undisclosed material exculpatory evidence, it stems from high-ranking Democratic public employees of the State of Wisconsin Department of Corrections (WDOC) who had made protection promises to me in 1998 in exchange for my assistance in a two months long dangerous undercover investigation to expose rogue staff who guarded Wisconsin's prisons, and who had conspired to commit various felony offenses while employed with the WDOC.

And what honor and recognition from Barrett's fellow Democratic WDOC officials have I received from their false promises.

Nothing has been done for me, but cause the prolonging of my unjust imprisonment for a crime I did not in fact commit.

On the other hand, if I was guilty of the crimes upon which I am incarcerated, I would have just kept quiet, because no such distress would justify constantly disturbing Governor Walker and the courts over this issue.

Notably, Governor Walker is the only governor in Wisconsin directly who has corresponded with me about the categories of attacking my wrongful convictions or challenging the conditions of my wrongful confinement (over 4 times in one year) than any other governor during my entire two decades of imprisonment.

However, due to a significant intervening event in the context of Chisholm's ongoing "John Doe" investigation of Governor Walker and his current and former top aides, the threat of this seemingly endless investigation has not enabled Governor Walker to exercise his independent authority as governor about compelling Chisholm to disclose the still undisclosed material exculpatory evidence for purposes of my innocence pardon. In other words, the aforementioned litigation pending between Governor Walker and myself was commenced to be a substantial factor in providing Governor Walker the 'judicial cover' he apparently needs to bring that still undisclosed evidence about, so that Governor Walker can do his job in granting my innocence pardon which is now before him of my 1991 Milwaukee convictions.

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And what other Tom Barrett Democratic adversaries do Governor Walker and myself both have in common besides Tom Barrett's close friend John Chisholm and certain Democratic public employees of the WDOC? Let me give you two other examples. We have Milwaukee County Circuit Court Judge Karen Christenson. It turns out, Christenson was one of many state judges who signed petitions in the recall movement brought against Governor Walker by the Democratic Party of Wisconsin and who also was one of three former prosecutors in the Milwaukee County District Attorney's Office (the other two being Jon N. Reddin and Robert Donohoo) who had worked in Chisholm's predecessor's office, and who was involved in the independent decision-making to not disclose the still undisclosed exculpatory material evidence before and after my wrongful convictions in 1991, and over 20 years later, Christenson still is up to her no good by signing petitions to recall the only governor who's had the initiative to actually attempt to grant my innocence pardon based on the precise exculpatory evidence that Christenson intentionally had decided not to turn over which will show the factual innocence of me who Christenson deliberately helped to prosecute wrongfully, for political gain.

I also include the example of Dane County Circuit Court Judge David Flanagan. Like Christenson, Flanagan also signed petitions to recall Governor Walker. And like Christenson, Flanagan has been sufficient to prolonging my unjust imprisonment in his own right -- momentarily derailed my efforts at compelling WDOC officials to help me gain access to the still undisclosed material exculpatory evidence in the hands of Chisholm and the Milwaukee police chief. Recently, however, the October 20, 2011 opinion of the unanimous three-judge panel of the Wisconsin Court of Appeals ordered Flanagan to do over his previous rulings dismissing my claims surrounding the release of the still undisclosed exculpatory evidence and on my prolonged imprisonment. See Scott A. Heimermann v. Gary R. McCaughtry, et al., Appeal No. 2009AP2391 (Dane County Circuit Court cas is: 2004CV1499). Eventually, on May 1, 2012, Flanagan responded by entering the proper order allowing me to re-file those claims relating to the exculpatory evidence of my factual innocence and on causation affecting my unjust prolonged imprisonment against the WDOC.

Therefore, Governor Walker and myself have been pretty much in the same boat, as these are the kinds of Democratic politician friends of Tom Barrett who we have been faced with when it comes to Governor Walker and myself trying to activate the process of doing the right thing for Wisconsin.

Finally, as for scrutinizing my background, please know that my innocence pardon application filed in Governor Walker's office shows the following crimes which I have been convicted of: Other than the 1991 Milwaukee County convictions, I was convicted

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of one count of fraud on innkeeper in the Glendale Municipal Court in September 1989 (misdemeanor); one count of theft by misrepresentation in the Circuit Court for Calumet County in February 1986 (felony); and one count of writing a worthless check in the Circuit Court for Outagamie County in January 1988 (misdemeanor). Please be advised, however, that when I receive an innocence pardon on the 1991 Milwaukee County convictions, that I will simultaneously be exonerated on the Glendale convictions as well, because the still undisclosed exculpatory evidence will show the circumstances which led to the dates of the crimes (August 18, 1989 and August 19, 1989) for the Glendale and Milwaukee County convictions are actually joined together. Moreover, after I filed my motion to vacate the 1989 Glendale conviction based on this material exculpatory evidence in December 2011, the Glendale City Attorney sent a letter to Glendale Municipal Court Judge Christopher Lipscomb on December 27, 2011 acceding not to contest my motion to vacate that 1989 conviction.

And in considering the Calumet County conviction, it also includes evidence which exonerates me of the underlying felony offense upon which I was convicted, as documented in my innocence pardon application. Moreover, the current Calumet County District Attorney recently indicated that she is in favor of not opposing my request for pardon in the Calumet County case when the innocence pardon is granted on the Milwaukee County convictions. However, I am guilty as charged in the Outagamie County case. I faced desperate circumstances at the time, as my real estate business had come under financial storms. I could not cover the \$175.00 check that I had written out to an Appleton area hotel, so I entered a plea of guilty to the charged offense. Thus, in assessing my background, I submit that the focus should be just that one misdemeanor conviction that happened some 24 years ago, rather than the cumulative effect of the Milwaukee County, Glendale and Calumet County convictions which are being discounted in the context of my factual innocence in those cases. Bear in mind, moreover, this is not taking into account the jury's assessment of the credibility of me (with all these convictions read into the record) as that significant prosecution witness in the prosecution and convictions of two prison guards in the aforementioned dangerous undercover investigation in 1998.

In sum, the Milwaukee Journal article dated March 9, 1991 accompanying this letter specifically states "the informant [Edward Piscitello] whose tip led to the discovery" of the "2 bodies buried in the basement" of 941 South 35th Street in Milwaukee, and Milwaukee police and prosecutors subsequently relating how I was involved in those two murders when the case came to the media's attention two decades ago, turns out to be nothing to believe as meant, instead it was an evil and corrupt scheme Tom Barrett's friends -- Karen Christenson, John Chisholm's



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predecessor, other high-ranking prosecutors who used to work in the Milwaukee County District Attorney's Office and Milwaukee law enforcement officers in Police Chief Edward Flynn's Department -- had devised against an innocent man for political gain some 20 years ago has now come back onto their own heads, and that they should all be hung out to dry in the Democratic recall movement, not to mention held accountable for their own potential criminality under federal criminal civil rights laws.

For specific questions about my exceptional story, you can contact the Social Services Office Operations Associate of my institution at 920-324-5571 to arrange for a telephone call or special media visit with me.

Thank you for your time and attention and I look forward to hearing from you.

Very truly yours,



Scott A. Heimermann

Enclosures (4)  
c: File