

YOUR SAY

COST OF 'LIFE' IN PRISON

Jail system needs reform

f FACEBOOK
FACEBOOK.COM/
USATODAYOPINION

The expense of housing sick and aging prisoners has ranked among the Justice Department's top management challenges each year since 2006, according to Inspector general reports.

So a convict gets old and sick in prison, and because of that, some people are urging that we let him out to save money? That's really just cost-shifting.

Who will still be paying for his cost on the outside? The taxpayer, of course. Except now you'll have sick old convicts running free instead of behind bars where they belong.

Steve Duesler

I was once a prisoner. I served more than 20 years. USA TODAY's article "The cost of 'life' in prison" could have been about me, too, if I had not been given a second chance at freedom (News, Thursday).

Other prisoners should be given a second chance like me. I believe



H. DARR BEISER, USA TODAY
Joseph Ezell, 68, is serving his sentence in a prison nursing ward.

FAST FACTS

\$34,135

Cost per year to house an average prisoner

\$68,270

Cost per year to house a prisoner ages 50 and older

\$40,000

Annual income of average U.S. household

Source: American Civil Liberties Union

point, then let them come home to die, if they have one to come to, and save the state government and taxpayers a lot of money as well.

I have been out of prison going on 10 years without any run-ins with the law. We as a nation need to forgive, not necessarily forget, and show mercy.

Chip Arnold

How do our prisoners have so many rights when they disregard everyone else's?

Make prison a little less of a good place, and maybe that would cut the rate of repeat offenders and curb bad behavior.

Kim Rouse

We live in a country where some people break the law and wait for the cops to get them, so they can go to jail to get medical treatments that they cannot afford. Something is broken with our system. Criminals get better medical treatments than our hard-working poor.

James Keener

Let the soft drug offenders go. That'll save money!

Tommy Brock

they would be as successful as I am. And if being successful is not the

Compassion outweighs savings of early release

LETTERS
LETTERS@USATODAY.COM

Imprisoned former attorney Lynne Stewart

could be reading to her great-grandson rather than wasting away from cancer in prison. As your article reports, Justice Department Inspector General Michael Horowitz found compassionate release and parole underutilized for the terminally ill. Prison costs for the elderly are unaffordable. We need alternatives to prison hospitals before things get worse ("The cost of 'life' in prison").

No bureaucracy turns on a dime, but the justice system isn't trying to do anything unprecedented. It once was the norm that a person served his time and got out. Model prisoners serve their sentences

and apply for parole only to be denied. Where is the incentive to do "good" time?

If Stewart shares holidays with her grandchildren before she dies, I'm sure the savings in the grand scheme of things would be incidental compared with the joy it will bring the grandchildren. If the warden at Stewart's prison approved her release, she might still die apart from her family before it is processed. Save tax dollars and do the right thing? No-brainer.

Tom Bulger
Canandaigua, N.Y.

Save mentally retarded inmate from execution

Lindsay C. Harrison

Unless the U.S. Supreme Court steps in to stop it today, Georgia will execute a man who is mentally retarded and constitutionally ineligible for execution. In 2002, the top court ruled in *Atkins v. Virginia* that it is a violation of the Eighth Amendment to execute a mentally retarded person. The court reasoned that such persons "do not act with the level of moral culpability that characterizes the most serious adult criminal conduct" and often cannot assist in their defense.

Notwithstanding that ruling, Georgia plans to execute Warren Lee Hill, a man whom every medical examining expert agrees is mentally retarded, including the state's own experts. Although they testified against Hill in his trial on the death of another inmate, they later admitted that their testimony was wrong.

Given the Supreme Court's previous ruling, how is it possible that Hill is set to be executed? First, because Hill was tried in Georgia, he was required to prove his mental retardation beyond a reasonable doubt. Georgia is the only state to hold defendants to that high burden. Clinical experts have explained that Georgia's burden is virtually impossible to meet. Such persons might be able to read and write, or obtain a driver's license, yet still qualify as mentally retarded under the clinical definition. To a jury and many judges, however, such abilities can make it difficult to find mental retardation "beyond a reasonable doubt."

EXPERT INEXPERIENCED

Moreover, a state can almost always find an expert to question the diagnosis. That is what happened in Hill's case. One state expert later admitted that he was inexperienced at the time he examined Hill and only spent an hour with him before reaching his opinion. Although it was later rescinded, the expert's testimony, weak as it was, created reasonable doubt. And Hill's case is not unique.

Second, Hill is set to be executed, despite unanimous evidence that his execution is unconstitutional, because of a law passed by Congress in 1996 that severely limits the rights of criminal defendants. The Antiterrorism and Effective Death Penalty Act prohibits prisoners from filing more than one habeas petition challenging



violation of their constitutional rights, even in cases where they have an indisputable claim for relief.

'PERVERSE CONSEQUENCE'

In Hill's case, even though the state's experts have stated under oath that their prior testimony was wrong, the courts feel powerless to correct the injustice. As Judge Rosemary Barkett put it, this leads to the "perverse consequence" that a federal court must "acquiesce to, even condone, a state's insistence on carrying out the unconstitutional execution of a mentally retarded person."

Because of the act, Hill has only one option left to vindicate his constitutional rights — an "original" habeas petition filed in the Supreme Court. Such petitions are rarely granted. That should change, at least in cases such as Hill's. Per court rules, an original petition should be granted where "exceptional circumstances warrant the exercise of the court's discretionary powers" and "adequate relief cannot be obtained in any other form or from any other court." Hill's case presents such "exceptional circumstances."

With hours before he is set to be put to death, only the Supreme Court can stop it. If it does not, Georgia will execute a man whose execution the Constitution forbids.

Lindsay C. Harrison is a partner at Jenner & Block LLP. Last month, Harrison submitted an amicus brief in support of Warren Lee Hill's original petition for habeas corpus.

RIC FELD, AP FILE PHOTO
The death chamber at the state prison in Jackson, Ga. Warren Lee Hill was sentenced to death for the 1990 beating death of a fellow inmate.

2

3 Questions:

- ① WAS he killed?
- ② Did he deserve it?
- ③ why?

I do not know if he was put to death. The paper did not report on it.

But with the slightest chance of this man being mentally Retarded, why not be 100% sure? How many more people are we (U.S.A.) going to kill, murder, Euthani like an Animal? This was NOT Gods Plan!

"WHEN IS ENOUGH, ENOUGH?"

3

JULY 19, 2013: 10:20am (LISTENING TO "I STAND ALONE, BY: GODSMACK)

HI, MY LAST POST WAS A LENGTHY ARTICLE ABOUT THE COST OF LIFE IN PRISON. I NOW WANT TO ADD SOME AMERICAN TAXPAYING CITIZENS COMMENTS THAT WERE RECENTLY PUBLISHED IN THE NEWSPAPER. EACH PERSON HAS THEIR OWN OPINIONS AND THATS JUST ONE REASON WHY OUR COUNTRY IS SO GREAT, IF YOU ARE NOT IN PRISON, YOU ARE ENTITLED TO YOUR OWN OPINION. I AM NOT THOUGH. IN HERE, IF I VOICE MY OPINION, THEY WILL LOCK ME THE HOLE FOR A FEW MONTHS. I WANT TO COMMENT ON KIM ROUSES'S OPINION THAT IS ABOVE. SHE IS RIGHT THAT AS PRISONERS, WE ARE HERE FOR DISREGARDING EVERYONE ELSE'S RIGHTS. SHE SAID "MAKE PRISON A LITTLE LESS OF A GOOD PLACE AND MAYBE THAT WOULD CUT THE RATE OF REPEAT OFFENDERS AND CURB BAD BEHAVIOR". I WISH I COULD CONTACT HER DIRECTLY. SHE'S WRONG. THATS HOW OUR COUNTRY STARTED. TO CURB BAD BEHAVIOR, THEY KILLED CRIMINALS. FROM THIEVERY TO MURDER, IN THE FIRST 400+ YEARS OF THIS COUNTRY'S HISTORY, THATS HOW WE DEALT WITH "BAD BEHAVIOR". THE DEATH PENALTY WAS BROUGHT BACK IN 1976 I BELIEVE. SINCE THEN, DOZENS OF STUDIES HAVE BEEN DONE AND IT'S BEEN PROVED THAT EVEN WITH THE POSSIBLE PUNISHMENT OF BEING KILLED THEMSELVES, MANKIND STILL MURDERS. THE DEATH PENALTY WAS THOUGHT OF AS A WAY TO STOP MURDER. IF ONE COULD BE PUT TO DEATH FOR A CRIME, THEN PEOPLE WOULDN'T DO IT. BUT THATS FALSE. JUST AS DOWN SOUTH A FEW STATES ATTEMPTED TO GET THE DEATH PENALTY FOR CONVICTED CHILD RAPISTS. I APPLAUD THEM FOR TRYING, BUT THEIR IDEOLOGY WAS WRONG. FOR EXAMPLE, LETS SAY OUR COUNTRY NOW MAKES IT A DEATH SENTENCE FOR ANYONE CONVICTED OF CHILD RAPING, MOLESTING, KIDNAPPING, WOULD IT STOP THESE CRIMES? NO. THEN YOU HAVE TO LOOK AT, WHATS NEXT, DO WE GIVE THE DEATH PENALTY FOR BURGLARY? THEY DID IN SOME CASES 200 YEARS AGO, BUT NOW WE ARE AN ADVANCED CULTURE, WE HAVE CERTAIN MORALS AND PRINCIPLES THAT WE MUST STICK TO. COMPASSION IS A HUMAN INSTINCT. THE SAME AS SURVIVAL. THE 2 ARE THE SAME. THEY WERE INSTILLED IN US BY OUR CREATOR. BUT WE ARE FLAWED. JUST AS GOD'S FIRST CREATIONS WERE FLAWED. WE WERE DESIGNED TO BE FLAWED, WE WILL ALWAYS BE FLAWED. MURDER HAS BEEN A PART OF HUMAN EXISTENCE SINCE CAIN AND ABEL. IT'S A SHAME THAT THIS IS HOW IT IS BUT WHAT DO YOU DO WITH CRIMINALS? DO YOU LOCK THEM UP FOREVER, NEVER TO SEE FREEDOM AGAIN? I WOULD LIKE KIM ROUSE TO TELL ME WHAT SHE THINKS PRISON IS LIKE? IT IS CURRENTLY 88 DEGREES IN MY CELL. I AM ROASTING IN HERE. LAST NIGHT I SLEPT MAYBE 2 HOURS BECAUSE IT WAS SO HOT. WE HAVE NO A/C, NO BIG FANS, NO OPEN WINDOWS. I HAVE A FAN THATS THE SIZE OF A ROLL OF TOILET PAPER THAT MY MOTHER BOUGHT FOR ME. I HAVE A TEAR IN MY HAMSTRING AND A PROBLEM WITH MY SCIATIC NERVE. BUT I WONT GO TO MEDICAL. I DON'T HAVE THE MONEY TO PAY FOR IT. WHATS "CUSHY" ABOUT PRISON? CERTAINLY NOT THE JOBS, DEFINITELY NOT THE PAY. WHO CAN SURVIVE OFF OF 19¢ PER HOUR? NO ONE. NOT EVEN IN A 3rd WORLD

COUNTRY. THE PRISON SPENT OVER \$100,000 PUTTING IN NEW PLUMBING THAT RESTRICTS US FROM FLUSHING OUR TOILETS MORE THEN 2 TIMES. IF YOU DO FLUSH IT 2 TIMES IN A 5 MINUTE PERIOD, IT SHUTS OFF FOR 60 MINUTES. I KNOW PRISON IS NOT SUPPOSED TO BE CUSHY BUT WHEN AIR TEMPERATURE AND AIR QUALITY ARE NECESSARY THESE DAYS, WE DON'T HAVE THAT. MEDICAL CARE ON PRISON, IT'S A JOKE. WHEN I EXPLAINED THE PROBLEMS I AM HAVING WITH MY LEG, THE PHYSICIANS ASSISTANT TOLD ME THAT IF I WAS INDEED IN THAT MUCH PAIN, I PROBABLY HAVE A TEAR IN MY HAMSTRING BUT THE ONLY WAY TO BE SURE IS AN MRI BUT THE PRISON DOESN'T GIVE THOSE KINDS OF TESTS. THE QUALITY OF MEDICAL CARE IN PRISON, ANY PRISON, IS ATROCIOUS. MOST PEOPLE DON'T KNOW WHAT PRISON IS LIKE, THATS ONE OF THE REASONS I AM DOING THIS BLOG. THE DEATH PENALTY DOES NOT INTIMIDATE ANYONE FROM COMMITTING ANY DEGREE OF MURDER. TO ME, THE DEATH PENALTY IS NOT JUSTICE, IT'S VENGEANCE. I LOOK AT BOTH SIDES OF EVERYTHING THE BEST I CAN BEFORE I OPEN MY MOUTH. BUT IT'S OBVIOUS THAT KIM ROUSE DOESN'T. ARE WE TO BE TREATED WITH TORTURE JUST BECAUSE WE'RE IN PRISON? WHEN IS ENOUGH, ENOUGH? I AM ALWAYS LOOKING FOR FEEDBACK. YOU DON'T HAVE TO AGREE WITH ME OR AGREE WITH ANYONE ELSE. I LIKE OPINIONS AND ORIGINAL IDEAS. IT'S UNLIKELY THAT MS. ROUSE IS READING MY BLOG BUT IF SHE IS, LET ME TELL YOU WHATS GOOD ABOUT PRISON. NOTHING. WE CANNOT SEE OUR FAMILIES, OUR CHILDREN, OUR LOVED ONES. WE CANNOT ATTEND FUNERALS OF LOVED ONES. WE PAY ALMOST \$6 FOR A 15 MINUTE PHONE CALL. WE PAY HIGH PRICES FOR SNACKS, FOOD, COSMETICS, TOILETRIES, WRITING SUPPLIES. I WAS CHARGED \$250 FOR MY TV THAT WOULD BE HALF THAT COST IN A REAL STORE. ALL SUMMER LONG I SIT IN A CELL ABOUT 18 HOURS A DAY AND SWEAT. SOME NIGHTS ARE SO BAD YOU CAN'T SLEEP. BUT THEN NO MATTER WHAT, YOU HAVE TO GET UP THE NEXT DAY AND DO IT AGAIN. I HAVEN'T HAD A HOT CUP OF COFFEE OR AN ICE COLD GLASS OF WATER IN YEARS. WE PAY TWICE THE PRICE YOU PAY FOR SNEAKERS AND THEY FALL APART IN 2-3 MONTHS. THERE IS NOTHING GOOD OR NICE OR FUN ABOUT PRISON. IN PENNSYLVANIA THERE ARE ALMOST 60,000 PRISONERS IN STATE PRISON. ATLEAST 1/3 ARE OVER 50. IS ENOUGH EVER ENOUGH? THATS NOT FOR ME TO DECIDE. WELL I THINK THATS ALL FOR TODAY. I WISH YOU READERS THE BEST, I HOPE YOU HAVE SOME FEEDBACK FOR ME TO THINK ABOUT, AND I LOOK FORWARD TO WRITING ANOTHER TOPIC SOON. TAKE CARE, GOD BLESS. CIAO.