

## Rescuing Our Disposable Youth

by Timothy J. Muise

During the tough time on crime era of the early 1900s the Massachusetts legislature passed law making it much easier to try as an adult a juvenile who was charged with first or second degree murder. On the heels of this legislation this state did in fact sentence many youth, some as young as thirteen years of age, to life without the possibility of parole. Media hyperbole on certain high profile cases made this class of youth disposable. The fiber of our society rejects such treatment and it is time to revisit the law as it applies to juvenile offenders.

Recent advances in brain science have dispelled an old belief that the rational portion of the brain was fully developed by the age of 13-18. The new science shows, through more advanced and accurate MRI technology, that is portion of the brain may not develop in some youth until as late as 24 years of age, but that the mean average is around 18-

22. In legal circles such lower brain function is seen as affecting culpability. Reduced culpability, in legal penalties, effects the level of punishment an offender receives.

Both the federal judicial system and the state legislature are taking measures to attempt to change the law as far as youthful offenders being treated as adults in criminal prosecution. In 2005, the United States Supreme Court ruled that juveniles could not be executed due to the fact that, among other things, they possessed an undeveloped sense of responsibility and "can and probably would change." See *Roper v. Simmons*, 543 U.S. 551, S. Ct. 1183 (2005). Although the Roper decision did not bar the LWOP sentences for juveniles it did recognize that advancements in science have shown that these youthful offenders are not fully formed and will in the vast majority of cases mature into redeemable souls. This is the crux of the rational argument for parole opportunities for all such offenders.

Amnesty International is

pushing hard for the abolishment of these sentences. They rely heavily upon an article written by expert John Hubner which lays out the case of the new brain science and philosophy. Hubner states, "MRIs show that frontal lobes, specifically the prefrontal cortex, do not develop fully until the early twenties. This part of the brain is responsible for the cognitive control of behavior, for impulse inhibition. The prefrontal cortex regulates aggression, weighs cause and effect, and considers long term consequences." The criminal decisions made by juveniles are made with an undeveloped sense of reason or control. We cannot throw these children away knowing that they will most likely develop into mature adults who can control behavior with the installation of rehabilitative and life skill tools.

Supreme Court Justice Anthony M. Kennedy opined, "Even a heinous crime committed by a juvenile is not evidence of an irretrievably depraved character." The high Court has ruled that youthful offenders will change, but the moral fiber of our society has long demanded that we protect our children and ensure that the transgressions of unformed adolescence are not "until death do them part" sentences to the circles of hell in prison. Case by case review must be afforded our youthful offenders and the redeemed must be granted the opportunity for self-actualization our civilization demands.



"Juvenile Court: 'In God We Trust' (But Not Too Much)," drawing by Joseph Donovan, an inmate at Old Colony Correctional Center in Bridgewater.

Timothy Muise is an inmate at MCI in Norfolk, MA, and he is a frequent contributor to Mass Dissent.



## Our Voices

### AN OPEN LETTER TO THE ADMINISTRATION AT SCI FOREST

by *Ralph Noman, GB-2057, SCI Forest*

A symposium was held at SCI Forest on Tuesday, January 27, 2015, in order to make an unscheduled announcement of a new strategy to reduce violence here.

Administration gathered those inmates from the general population (GP) whom they felt had outstanding reputations, so that they could disseminate the information gathered from the symposium to the rest of the population.

It is the sentiment of the majority of the participants that the administration missed a genuine opportunity to truly engage the citizens of SCI Forest on this very important matter, which affects all who work and live here. Who better than ask **why** SCI Forest has one of the highest incidents of inmate-on-inmate and inmate-on-staff assaults in the state.

The Department of Corrections (DOC) Mission Statement partially reads: "...to provide opportunities, skills and values..." This cannot be achieved with an us-against-them mentality. It is the belief of many citizens of SCI Forest that the lack of opportunities (e.g. jobs), extremely low wages (which haven't increased in over two decades, and the separation of SCI Forest's citizens from their families and significant others (e.g. children, extended family, wives and girlfriends) contribute to a situation that was bound to explode.

Many of the citizens of SCI Forest who attended the Violence Reduction Strategy (VRS) symposium felt it was nothing more than a dictation and intimidation tactic on the part of the DOC. Policy was made without consulting those most affected by it, the citizens within the community of SCI Forest. Those who were selected from the GP were denied the opportunity to discuss the issues that affects everyone here at Forest.

Until the administration can truly see inmates as citizens in their charge, to provide opportunities, skills, and values necessary to become productive members of society, this VRS will be just another vain attempt to quell a community who lacks genuine opportunities to voice its concerns in order to meet the goals and expectations of the people of Pennsylvania

**(See Letter to Administration, continued on page 18)**

### MASSACHUSETTS DEATH PENALTY

by *Timothy J. Muise, #01464-1218, MCI Shirley*

Herbert Earl had been in prison for 40 consecutive years when he was stricken with terminal cancer. Mr. Earl was serving a "parole eligible" life sentence for very serious crimes and the Mass. Parole Board had long ago determined him "not suitable for parole." Those playing-God type of decisions are a story for another time. The story here is that Earl was sentenced to death just as sure as when Mass. had an electric chair prior to 1972. The death penalty here is still in full force.

In his later years, Earl came back to the Catholic Church. He sought out the Sacrament of Reconciliation and made his long overdue confession. This was before the cancer diagnosis. After the cancer diagnosis, he was "banished" for being sick to the Skilled Nursing Facility here at the state prison in Shirley. What this means is that he would never again see his prison friends, would never again be allowed to go to church in the prison chapel, and it means that he would be hidden away from view of others where prison officials could do as they may with him; and they sure did.

Herbert's cancer was very aggressive and painful. At first the prison afforded him adequate pain management, but as the disease progressed and Mr. Earl became victim to unbearable pain, the prison told him that he had reached his limit in pain management services. The end result was that Herbert Earl grimaced in pain each and every day for several months. He desperately reached out to prison officials and their response proved as sadistic as I knew it would be; they said they would "write a letter for him." Unbelievable!

During the week of Divine Mercy, I was fortunate enough to get a Catholic priest to come to the prison and hear confessions. He also volunteered, with the Catholic chaplain, to celebrate Holy Mass up in the Skilled Nursing Facility. I was blessed to go along. This is when I saw Herbert Earl, who I used to see each week at church, but had not seen in close to a year while he was locked away in the hospital. When Herbie saw me he did his best, in his low dying voice, to call me to his bedside. He told me he needed to go to the "end of life" unit at Lemuel Shattuck Hospital as his current pain was unbearable and the prison would do nothing. He showed me a letter one of the deputy wardens had written for him and he said, "I don't trust her, Timmy. Can you reach out for me?" A request from a dying man could not be ignored.

On April 8, 2015, I reached out to Deputy Commissioner Thomas Dickhout and asked him to move Herbert Earl to the end of life unite at the DOC's hospital, where his pain could be properly managed. On April 16, the MCI Shirley warden wrote me, stating in part, "I thank you for your concern, as you are aware, inmate Earl is receiving 24-hour medical care." On Friday, April 17 – 24 hours later – Herbert Earl died in his bed in the skilled nursing facility, doubled over in pain, and Rome burned as Nero fiddled...

We need a compassionate release vehicle here in Massachusetts. Please help us bring that to fruition by supporting our efforts.