

Letter to My Friends IV: *Between the Years 2009/10*

Dear Friends living on islands of the not free -
And all my Dear Friends supporting and cooperating for renewing
the justice, punishing and imprisoning system in the nation with highest prisoner rate!

While my wife is busy with seasonal bakery I become aware I should 'bake' another letter, a follow up one. We head toward the most interesting period of a year that is called Between the Year. Wise men discovered a special period marked by Sun and Moon rise and set. While the Sun disappeared more and more in the second half of the year there was recognized first decline and a stay followed then by a slowly growing bow of Sun walk upon heaven again. People were happy that there is no end of life on earth. Later Christian (Luke 21:25; Mk 13:24; Matt: 22:1) and other religions labeled it after having drawn their own conclusions. I am speaking of the 12 days and nights in between, 6 in the old year from December 24 on, and 6 in the New Year. Christians understand it from Christmas, the X-day, to The Three Kings Day or Epiphany.

In previous letters I shared my thoughts related to public matters in general and concerned with what our mind is turning round. Permit me now being more philosophical. I'm not going to compare **US President Obama** with the Sun though in history **Louis XIV - the Sun King** in the 17th century ranks as one of the most remarkable monarchs in history. Your present President will not reign for 72 years like he did. While during Louis the XIV reign France became the ideal culture since he put great care into its enhancement so he could boast it to the world. Now we also become aware that something like hope comes across your country. Not yet the change too often promised, but hopes that some backwardness and deficits in democratic achievements may bring your society back to an awareness of what once had been named the New World.



Being familiar with organizations and well established institutions, and, generally speaking, the hard stone of an individual's mind – otherwise the New Testament wouldn't ask that often for you to: "Turn Your Mind", - we must accept and give time for the New Seed to grow on good ground. It must grow within every citizen's mind and not only some leading persons or politicians whom you would prefer echo each voter's voice rather than the voice of your opponent. In Turning Your Mind to awareness you used to have but somehow lost, you are more able to see a pattern to all of this:

The present justice and prison situation developed from 25, others say 30 to 40 years past. So different parties had been involved and made it to what it is nowadays: A nation with ongoing capital punishment, harsh life sentence without parole, and even to minors as present discussion shows:

- "There are just over 100 people in the world serving sentences of life without the possibility of parole for crimes they committed as juveniles in which no one was killed. All are in the United States. And 77 of them are here in Florida." (ADAM LIPTAK November 8, 2009)

- American Exception: Without Parole (ADAM LIPTAK October 17, 2007)

- "From a moral standpoint, it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed," Kennedy wrote in Don't eliminate hope / Juvenile offenders deserve chance to reform, Nov 16, 2009 <http://www.signonsandiego.com/news/2009/nov/16/dont-eliminate-hope/>)

However, when writing, "Juvenile criminals, at least those who have not committed murder, deserve a chance to prove that they have turned their lives around", the unnamed author of the above article shows that he has less education in the human developing process, i.e.: less education from baby-to-child-to-adolescence and finally reaching maturity, and gains hopefully responsibility for all his deeds in knowledge of his country's law. Author 'blind minded' believes in correction made by Correction Facilities, a fundamental error.

- "Is life without parole cruel and unusual punishment for juvenile offenders convicted of non-homicide crimes? **Marc Mauer** of the Sentencing Project and **Kent Scheidegger** of the Criminal Justice Legal Foundation are debating this question today on Room for Debate." (November 2009)



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

November 2009

Mass Dissent

- "Governor Paterson signs bill outlawing the shackling of pregnant inmates On Tuesday, August 18, Gov. David Paterson appeared at a demonstration organized by the CA, the NYCLU and WORTH and pledged to sign legislation that would restrict the use of shackles on pregnant inmates during labor and after delivery."

No doubt, this is a most sensitive formative moment for a new born

child that will become a juvenile later, a US citizen then!

I was seeking in Internet of the drawing published by inmate **Timothy J. Muise** in his article, Rescuing Our Disposable Youth, (Mass Dissent Vol.32, No 7). He and his friends appointed me to Lifers' Group Inc. A 501(3)(c) organization Contacts. I found the one drawing I placed to Sun King chapter because it expressed the same ego. Both drawings show at least some more of your fellow citizen's awareness, of America's justice burden.

From an idea to any implementation is a long way, and many well minded old fashioned honorabilities must die before you may only recognize the other border. For better understanding, let me explain it from my life's experience. After World War II German Nazis disappeared from one day to the other, left the scene and worked on backstage. At Nuremberg Court the come off as winners celebrated justice, except for some outstanding few who really did wrong. The many others who overcome at home (!) battled ongoing for their further career and were found not only at first to be Chancellor Adenauer's Secretary but on all administration levels. They took off the known needle with the swastika and other symbols and remained inside mind just as before. It took nearly a full generation and the 68' terror crises to get rid of inadequate laws and little turn in mind. Even in 07 the present fed state governor praised at funeral speech **Hans Georg Filbinger** who had to resign as minister president and party chairman after allegations about his role as a navy lawyer and judge in the Second World War. Mind, in 2007, 62 years after the war ended!

"From a moral standpoint, it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed," **Kennedy** wrote. This happened when "The court rightly concluded that such sentences violated the Eighth Amendment's proscription of cruel and unusual punishment". How many years did it take to discuss the Eighth Amendment concerning juveniles?

Next: "The Miranda warnings were mandated by the 1966 United States Supreme Court decision in the case of *Miranda v. Arizona* as a means of protecting a criminal suspect's Fifth Amendment right to avoid coercive self-incrimination (right to silence). The reading of the Miranda warning might be omitted during arrest, such as if the evidence is already sufficient to indict, or if the suspect is talkative and volunteers information (without being asked). The admissibility of conversations, as evidence, is judged on a case-by-case basis, subject to appeal." (Wikipedia)

Not that far from today **Justice Scalia** – a conservative man as far as I know - explained: "What kind of a legal system is this where we're going to design our rules to encourage guilty people to plead - or innocent people to plead guilty? It's crazy." At about the same time in Appeal from the United States District Court for the District of Oregon, **Malcolm F. Marsh**, District Judge, Presiding, Argued and Submitted July 10, 2007, Portland, Oregon. Page 4: "Notably, Downs has not accepted responsibility for her crimes of conviction, and maintains to this day that the state authorities framed her." No right of silence! So since the 1966 Miranda idea was not understood and accepted by many of the honorable justice club. They remained honorable "crazy", using Scalia's word. What a fine New World sitting on imagined globe's highest bench! When I was asked by a man of church whether **Diane Downs** expressed regret the same sort of thinking was to recover: If a court proved guilt the sentenced person has to accept being guilty and "plead guilty" – and in doing so confirm even wrongdoing (or crazy) state authorities.

"Hope for the Wrongfully Convicted", (by *John Eligon* nytimes 2009/11/23) ..."hope that justice is possible in this country".

Quite a different understanding of Miranda idea was executed in Germany concerning "**Christian Klar** (born 20 May 1952 in Freiburg im Breisgau) who was a leading member of the second generation Red Army Faction (RAF) between the 1970s and 80s. He had been incarcerated since 1982 in a Bruchsal prison, but was released on 19th of December 2008, after serving over 26 years of his life sentence." Klar never made any comments concerning his case, not before, not during not after trial. "Klar was imprisoned from 1982 to December 2008. In early 2007 he petitioned Bundespräsident Horst Köhler to be pardoned, but was denied. He may have damaged his chance at a pardon by making anti-capitalism comments in January 2007."

Shall we expect from an individual more and different capability than from a whole society? A society will have it hard to "accept responsibility" if a majority of constituting elements, the individuals can't.

Eugen Rosenstock-Huessy (July 6, 1888 – February 24, 1973) was a historian and social philosopher, whose work spanned the disciplines of history, theology, sociology, linguistics and beyond. He wrote (only published in German language) about The European Revolutions, and the Character of Nations, republished when he lived in country of emigration at Vermont. I've never found a better understanding of how long changes take before they become base and value in a nation's culture. He was the first along with **Herbert Hahn** (From Europe's Genius) who understood Europe nations were struggling through many crises in order to become the Europe entity.

Alike the individual's way though life is a path from one crisis to the next one hopefully finally finding his very entity, his unmistakable "I" within the transitory period on Man's Earth. One is named History the other Biography. The latter is embedded in his surrounding history in a mutual exchange.

Time has come to introduce another ingredient in my word's bakery! "**Robert Bromley Oxnam** is a China scholar and former president of the Asia Society. He ran the society for more than a decade, and led financial-cultural tours of China for Bill Gates, Warren Buffett, and former U.S. President George H. W. Bush. He also spent time on the Board of the Rockefeller Brothers Fund. He became well-known in the public media after his 2005 autobiography, A Fractured Mind, in which he revealed that he was diagnosed with dissociative identity disorder." I read his book that sounds like a fairy tale. Let me share with you some of my conclusions. Dissociative identity disorder may not be confused with Dissocial personality disorder. There is a great deal of controversy surrounding the topic MPD= multiple personality disorder inclusive.

If an individual is a constituting element of a society we must assume that a society has similar phenomena. I recall when our son went off with his classmates for an island to let out the swine (a saying) they would not like parents to come with. So at least there must be something like a swine inside. (I'm not ready to compare easily with the judge sitting on the bench using a penis-pump obviously because the trial was not stimulating enough). I cannot name anyone who would understand this as an early other sort of swine flu. Oxnam reported of some more persons living in his very castle fighting against each other, representing the person legally named Robert B. Oxnam. The class mates

probably had only to deal with one swine inside while Oxnam had to deal with “eleven independent identities”. In the other hand I must assume of one “integrated swine” and “eleven independent identities” we meet in real life with many real people somewhere between.

Shall we not help the other man when he makes a false step, offers the wrong face to the public, acts unconsciously with the one (facet) inside which should not be his real seeking person’s identity? The more I think about, the more I am convinced of what is said in New Testament, you shall not judge. Not judge but healing is asked in social connections!

Let me come back to **Rev. Samuel Kawilila**, Executive Director, CURE ZAMBIA, who reported at 4th CURE International Conference, June 09

(1) Samba Sangaré, former prisoner of Mali, notes:

To the best of my knowledge, Africa did not know the system of prisons. We had forms of sanctions in the social schemes which were different from imprisonment. We learned imprisonment with the colonial system. The name of prison itself has been Africanized from a word which was originally French, the “cachot” which is called “kaso” in African language. Africans did not know what it was initially and since they did not speak French they called it “kaso”. It did not exist traditionally. It is a new tradition that colonization introduced (interview with Samba Sangaré, August 12, 2002, Lafiabogou, and Bamako-Mali).

(2) In the following excerpt, Kenyan ex-prisoner Koigi wa Wamwere lets his grandmother speak to the important connections of imprisonment.

Look at us today. We are prisoners in our own huts in the white man’s farm. We live enclosed like goats...Before the white man came, we never had prisons and no one was punished before guilt was established by everyone in the community and family members ... And when the people killed, life was not paid for with life but with animals and labour. If you killed and were found guilty, you paid for the life you took with animals and not with your life. If you and your clan could not pay the animals, you took the dead person’s place in his family. We knew nothing of the injustice of an eye for an eye and a tooth for tooth that commits the same sins it punishes other people for. (The Journal of Pan African studies, vol.2 no.3. March 2008).

Beg to excuse if I understand these two people from Africa giving a better example to the world directing our thoughts toward the future of Man on earth. This reminds me to go on and tell you some of Global Ethic Lecture held by Nobel Peace Prize Laureate and former Archbishop of Cape Town, **Desmond Tutu**, at the University of Tübingen on June 15, 2009 at the invitation of the Global Ethic Foundation:

“Global Ethic and Human Dignity: An African Perspective” (Excerpt)

“Voilà, it’s exactly so that you know your need of one another, that you are created to exist in a delicate network of interdependence.” The completely self-sufficient person is really sub-human.

“Ubuntu” speaks about compassion, about generosity, about hospitality. When you are welcoming, when you are generous, then the highest accolade that we can give you in our part of the world, is to say: “This person, hey, has ubuntu.” He yearns for

social, for communal harmony. Revenge, anger, hatred, nursing grudges, all of these undermine, corrode the social harmony. And so “ubuntu” encourages forgiveness, encourages reconciliation. And says: to forgive, you know, is actually good for your health. It lowers your blood pressure. It is the best form of self-interest. It prescribes restorative rather than retributive justice. Its purpose is to heal a bridge rather than seeking to be punitive. And so it is not surprising that a Nelson Mandela emerging out of prison after 27 years by rights should have been consumed by bitterness and anger amazed the world by the magnanimity and generosity of spirit that he demonstrated. He comes out and urges his people to follow the path not of retribution, not of revenge, but the path of forgiveness and reconciliation. And so today Nelson Mandela from Africa has become a global icon of reconciliation and forgiveness.

Who wouldn't agree that you and I are so bound up in one another that to dehumanize one person is to dehumanize oneself? And we saw it in the Truth and Reconciliation Commission when someone would say: We shot him in the head and burned his body – and it takes eight, nine hours for a human body to burn – and whilst the body was burning here, we were having a barbecue next to it, drinking beer. And you wonder: what could have happened to the humanity of anyone that they would be able to have done that. Kill and have a body burning here and flesh burning there. “Ubuntu” was not something demonstrated only in South Africa. After Mau-Mau in Kenya they thought that when “uhuru” (freedom) comes, Jomo Kenyatta would lead his people into an orgy of revenge. It didn't happen. When freedom came in Zimbabwe there was no revenge and retribution. Ian Smith remained a member of parliament after freedom. This was before Mr. Mugabe had changed. It was the same in Namibia. No, to revenge is ultimately to act against your own best interests.”

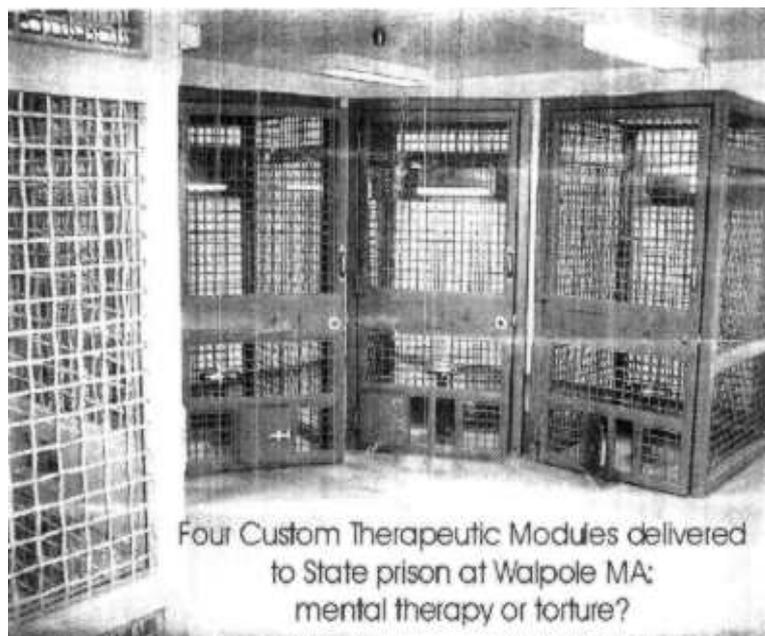
“Ubuntu” really speaks about the worth of persons, about their dignity, about their worth. “Ubuntu” speaks about the fact that we belong in one family. We belong in the human family, God's family. As I grow older and I am a great deal more decrepit each day, I think I have discovered what I believe to be the most radical thing that Jesus ever said. And I am sure it will fill people with surprise. You remember, on the first resurrection morning our Lord encounters Mary Magdalene and he says something very, very strange to her. Mary Magdalene, a woman. You'll recall that St. Paul said, the qualification to be an apostle was to have seen the risen Lord. So, in fact, the first Apostle it seems, was a woman. That is in parentheses. (Cit end)

Would any US man of law and judge and cop and ...believe “the fact that we belong in one family”. Would he? On the contrary: besides murder by state they exclude God's Child from Man's Earth and send the “other criminals” off to special islands without voting right being no fellow citizen anymore. No, even not LDS Bishop-Judge!

“Not in a good family! You don't say to a baby: Baby, what do you contribute? A baby contributes nothing, so far as we can see. And yet babies are showered with incredible loving. No, in a good family we say: from each according to their ability to each according to their need.” (Desmond Tutu)

I imagine the castle Oxnam reported his eleven persons live in is comparable directly to the United States of America Castle, the dragon's home eating its nation's children day by day. No one is able to stop the dragon with the many heads – unless the dragon

slayer is coming into everybody's heart.



From Executive Summary (Out of the Shadows: GETTING AHEAD OF PRISONER RADICALIZATION under the leadership of The George Washington University's Homeland Security Policy Institute (HSPI) and The University of Virginia's Critical Incident Analysis Group (CIAG), Prisoner Radicalization Task Force is a new approach in understanding but one corner of the many problems: "The potential for radicalization of prison inmates in the United States poses a threat of unknown magnitude to the national security of the U.S. Prisons have long been places where extremist ideology

and calls to violence could find a willing ear, and conditions are often conducive to radicalization. With the world's largest prison population (over 2 million – ninety-three percent of whom are in state and local prisons and jails) and highest incarceration rate (701 out of every 100,000), America faces what could be an enormous challenge – every radicalized prisoner becomes a potential terrorist recruit. Attorney General Alberto Gonzales recently stated that "[t]he threat of homegrown terrorist cells – radicalized online, in prisons and in other groups of socially isolated souls – may be as dangerous as groups like al Qaeda, if not more so. They certainly present new challenges to detection." The London transit bombings of 2005 and the Toronto terrorist plot of 2006, to name just two incidents, illustrate the threat posed by a state's own radicalized citizens. By acting upon international lessons learned, the U.S. may operate from a proactive position." (Cit end)

For kind remembrance: "What happens when you put good people in an evil place? Does humanity win over evil, or does evil triumph? These are some of the questions we posed in this dramatic simulation of prison life conducted in the summer of 1971 at Stanford University." (<http://www.prisonexp.org/>) Indications of an ongoing inhuman brutalizing process: LWP of Juveniles, The Hole, Board members denied 81-year-old woman sat in a wheelchair release from her prison (By LARRY WELBORN, Chowchilla 2009-11-25) (apart from AbuGhraib, Guantanamo and alike).

"This is a great idea. Only need 3/4 of the State Legislatures to pass this to become law... AND IT IS VETO PROOF including no appeal to the Supreme Court. Proposed 28th Amendment to the United States Constitution: "Congress shall make no law that applies to the citizens of the United States that does not apply equally to the Senators and/or Representatives, and Congress shall make no law that applies to the Senators and/or Representatives that does not apply equally to the citizens of the United States ". Let's get this passed around - Congress has brought this upon themselves!!!"

It's from a mail coming in at the very moment I was composing this bakery, thought to

fold in. You have to taste and say whether you can chew and swallow all the various fixings – even the whole tastes somehow bitter between sweet pieces or at least lovely covered in the end.

Finally **Friedrich Schiller** (1759-1805) born at the place I was evacuated during war:

Man was created free—*is* free
E'en though he was born in shackles.
Do not be deceived by the rabble's bray
Or idiots' abusive cackles.
Before the slave, when his chains he doth break
Before the man who's free, O do not quake!

Wish you all remain in good aspiration because, you know from time zones, Between the Years commence on earth at different times, and no one knows exactly at what time over the pond light will rise (**Bertrand Russell** shows how political enlightenment and human understanding can lead to peace), and X-night tells that the transitory period toward the better has begun. Watch the wise men – and follow the star's light as The Three Kings.

Franz Kurz ~ Bergstrasse 35 ~ 74392 FREUDENTAL ~ GERMANY ~ December 2009

FRIEDRICH SCHILLER (1759-1805)

HOPE

All people discuss it and dream on end
Of better days that are coming
After a golden and prosperous end
They are seen chasing and running
The world grows old and grows young in turn
Yet doth man for betterment hope eterne.

'Tis hope delivers him into life,
Round the frolicsome boy doth it flutter,
The youth is lured by its magic rife,

It won't be interred with the elder;
Though he ends in the coffin his weary lope,
Yet upon that coffin he plants—his hope.

It is no empty, fawning deceit
Begot in the brain of a jester
Proclaimed aloud in the heart it is:
We are born for that which is better!
And what the innermost voice conveys
The hoping spirit ne'er that betrays.

translated by William F. Wertz