

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/01/07/the-scott-sisters-debt-to-society-and-the-new-jim-crow/>

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by [James Ridgeway](#) | January 7, 2011

Jamie and Gladys Scott [walked out of prison today](#) into the free world. The sisters were convicted, on dubious grounds, of an [\\$11 armed robbery, and sentenced to life in prison](#). Both sisters lost 17 years of their lives behind bars before Mississippi Governor Haley Barbour [suspended the remainder of their draconian sentences](#); Jamie also forfeited her health, and is now suffering from end-stage renal disease. Yet the sisters' debt to society is still far from paid.

First and foremost, the conditions of their release stipulate that Gladys Scott must give Jamie Scott a kidney. From the very beginning of this medical scandal, in which Jamie's health was further compromised by inadequate prison health care, Gladys offered her kidney for transplant to her sister. For the governor to mandate this donation is both unprecedented and unconscionable. As [others have pointed out](#), releasing Jamie Scott before she has this costly life-saving surgery could also stand to save the state a considerable amount of money; a donation from her sister could save even more, and is apparently part of the price of their freedom.

At the same time, the Scott sisters will have to pay out money to maintain their freedom. Rather than pardoning Jamie and Gladys, Barbour suspended their sentences. According to Nancy Lockhart, a legal advocate who played an instrumental role in the sisters' release, each will have to pay \$52 a month for the administration of their parole in Florida, where their mother lives and where they plan to reside. Since they were serving life sentences, that means \$624 a year for the rest of their lives. Both women are now in their thirties; if they live 40 more years, each will have paid the state \$24,960. Of course, Jamie, in particular, will be lucky to live so long.

The consequence of failing to pay the fees charged for parole or probation can be a return to prison. As the [Southern Center for Human Rights has documented](#), such fees are part of a larger system that adds up to what are in effect modern-day debtors' prisons:

Contrary to what many people may believe, there are debtors' prisons throughout the United States where people are imprisoned because they are too poor to pay fines and fees.

The United States Supreme Court in *Bearden v. Georgia*, 461 U.S. 660 (1983), held that courts cannot imprison a person for failure to pay a criminal fine unless the failure to pay was willful. However, this constitutional commandment is often ignored.

Courts impose substantial fines as punishment for petty crimes as well as more serious ones. Besides the fines, the courts are assessing more and more fees to help meet the costs of the ever-increasing size of the criminal justice system: fees for ankle bracelets for monitoring; fees for anger management classes; for drug tests, for crime victims funds, for crime laboratories, for court clerks, for legal representation, for various retirement funds, and for private probation companies that do nothing more than collect a check once a month.

People who cannot afford the total amount assessed may be allowed to pay in monthly installments, but in many jurisdictions those payments must be accompanied by fees to a private probation company that collects them. A typical fee is \$40 per month. People who lose their jobs or encounter unexpected family hardships and are unable to maintain payments may be jailed without any inquiry into their ability to pay or the willfulness of their failure to pay.

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James Ridgeway (1936-2021) was founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

It is too bad there was not a sack with \$100,000 in it when the Scott sisters committed armed robbery. Then they would have stayed in prison where they still BELONG. They were not convicted of taking \$11 they were convicted of pointing a weapon at someone and threatening to kill them unless they gave up whatever valuables they had. The only color issue here is the blackness of the soul of the African American community. Shame on you all for supporting the early release of this violent pair. It is a racist position to support them because of their color.

I spent 45 days of my life in Gwinnett County (Currently featured on CellBlock 6 on Discovery Channel) jail for failing to pay \$1500 in fines. I was working at a fast food restaurant (and lucky to have that job in my area) about 20 hours a week and just couldn't afford it. I was in a cell with a murderer. The experience has caused me PTSD.

Mr Ridgeway, I already praised your efforts to free these women in a comment on an earlier article about this case so let me now explain what troubles me about this last article.

First in your side bar of related news there is an equally deserving case. Here it is:

<http://www.chicagoreader.com/chicago/illinois-prisons-budget-elderly-old-inmates/Content?oid=3013140>

Bill Heirens, infamous as Chicago's Lipstick Killer, is the longest-serving inmate in the Illinois prison system. He's been behind bars since the age of 17, when he confessed to three gruesome murders that dominated the news headlines throughout the summer of 46.

The following are excerpts from a related article that explains how Heirens came to make his confession.

<http://www.chicagoreader.com/chicago/fall-books-special-steve-hodel-the-retired-la-cop-who-pinned-the-black-dahlia-murder-on-his-pop-believes-he-was-also-chicagos-lipstick-kill/Content?oid=1227466>

The prosecutors openly admitted that they didn't have enough admissible evidence to win a trial, so they pressed Heirens to accept a plea deal: no death penalty and concurrent rather than consecutive life sentences if he would confess to the Degnan killing and two others that had come to be associated with it, known collectively as the Lipstick Murders because of a note scrawled in red lipstick on one victim's living room wall: For heavens sake catch me before I kill more I cannot control myself.

Heirens's parents urged him to accept the deal, and so did his lawyers, brothers John and Malachy Coghlan. Indeed, the Coghlanes were so helpful making the deal that the prosecutors thanked them later in open court. The final blow was probably dealt by Tribune reporter George Wright, who on July 16 published a page-one blockbuster with the banner headline How Heirens Slew 3. Citing unnamed unimpeachable sources, the story recounted the three murders in vivid detail. He took from his pocket a pad of letter paper. Carefully tearing out the last sheet in the pad, to be sure it would bear no impression from previous sheets, he tore the sheet in half lengthwise and wrote the ransom note on one of the halves. . . .

Though the article contained explicit denials from both prosecutors and defense lawyers that there had been a confession, Wright made the story sound like it had come straight out of Heirens's mouth. In hindsight, it appears to have been the confession that prosecutors were concocting as part of the plea deal. In any case, it was picked up and amplified by the other papers in the city and beyond, contributing to pressure that Heirens was finally unable to resist. The deal seemed to be the only way to stay alive. In September 1946, Heirens signed a confession and was led off to prison, where he has remained for the last 63 years. (For a detailed account of the case, and especially the media frenzy, see Robert McClory's *Kill-Crazed Animal?* which ran in the Reader August 24, 1989.)

Heirens has been protesting his innocence ever since. And thanks in part to the help of supporters on the outside, including the Center on Wrongful Convictions at Northwestern University's law school, his case has come up for review in various venues over the years but to no avail.

Now back to the Guarding Grandpa article for an up-to-date status on Heirens.

Housed at Dixon Correctional Center, the 82-year-old Heirens can't get out of bed or bathe himself, and his cataract-plagued eyes have left him unable to read. He has severe diabetes and gets shots of insulin twice a day, along with a cocktail of other medications. Nurses constantly change bandages on his legs, where diabetic sores weep fluids. They say he is beginning to show signs of dementia.

Last year, he collapsed while inching his way down the hall, grasping the handrail, and was sent by ambulance to UIC medical center,

where he stayed for four days. Though he is clearly too frail to injure anyone, the state will pay \$73,000 this year to keep Heirens behind bars, feed him, and treat his ever-expanding list of ailments. All told, the Illinois Department of Corrections spends roughly \$428 million a year about a third of its annual budget keeping elderly inmates behind bars.

Where is the public backing for this man? Is it possible that there media biases at work here? Does the fact that the old man is white make it any less tragic?

When we seek out stories that resonate with our own point of view of the world and let others languish because it doesn't create the same number of hits on our blogs are we not acting as your latest article suggests only in reverse.

The article on Heirens suggests the media played a role on his conviction and I urge you to read it in full.

In the mean time such charges as this last line in your article,

This system of imprisonment-by-poverty in turn fits into what author Michelle Alexander, among others, have called The New Jim Crow America in which mass incarceration has become the new means of wielding control over poor African Americans.

Could it have been written in a more unifying style like this This system of imprisonment-by-poverty in turn fits into an America in which mass incarceration has become the new means of wielding control over poor Americans.

The result of the racial based statement brings unintended consequences for prisoners that share the characteristics of the accused population. Not the perpetrators mind you but the follow poor and incarcerated who share this plight.

Here is a letter from a Hispanic American from Texas on the affects such words bring on this population.

http://www.utexas.edu/know/2010/11/22/renaud_jorge/

In Texas prisons, violence and racism reign
by Jorge Antonio Renaud

Published: Nov. 22, 2010

Jorge Antonio Renaud, a graduate student in the School of Social Work, spent 27 years in Texas prisons. This post is part of a Know series on the Texas prison system.

Never let anyone tell you that violence is always announced, preceded by heavy air or dismal premonitions. It strikes unexpectedly, bloody chaos in a brightly lit room, on a sunny handball court or in the middle of a chow hall, boots and fists thudding on their victim as others watch from the corners of their eyes, fearful of seeing or knowing too much.

I first went to prison in 1977 through 1979. Those were the dying years of the building tenders, the inmate guards who, with the tacit support of the then-Texas Department of Corrections (TDC) administrators, kept violence between other inmates at a minimum through an astonishing willingness to commit brutality against their fellow cons.

I left in 1979 but returned in 1980, just as the TDC exploded in violence, the gangs rushing to fill the power vacuum from the dismantling of the building tender system. From that point until 1986, when the system began seriously identifying active gang members, to be violent in TDC was to be willing to either kill or be killed. Men rarely fought, because every convict had ready access to serious weaponry: honed angle iron, ice picks or butcher knives stolen from the kitchens. Since fights almost always led to deadlier confrontations, cons only resorted to violence when they were ready to die or to kill. Deaths from homicide in TDC in those years, depending on who is telling the story, averaged 25 per year through the mid-1980s.

Things changed as a series of prison lawsuits foremost among them Ruiz v. Estelle forced TDC to institute massive overhauls, all under the watchful eye of federal judge William Wayne Justice. The system hired more guards, meaning there were more eyes and more random pat downs and shakedowns, making it more difficult to obtain and keep weapons. Prosecutors began stacking long sentences on in-prison murderers instead of ignoring them. The bloody rancor displayed by the gangs such as the Texas Syndicate toward the Mexican Mafia abated as their leaders were placed in long-term solitary confinement.

But violence didn't stop. It changed, became more insidious and, although this may sound stupid, more cowardly. Relieved of the certainty that random violence might result in deadly retaliation, incoming gang bangers overwhelmingly black and Hispanic brought their street codes into prison: the drive-by mentality took hold, and it was visited against Anglos. These cons didn't limit their violence to enemies they adopted the attitude that any white boy was fair game, and that he could and should be broken by continual, unexpected gang beatings administered regardless of whether he fought back, or whether he showed heart. The unwilling joined white supremacy gangs for protection, while those men weary of constant beatings became sex slaves and cash cows. This aspect of Texas prisons results in thousands of men leaving the system with a predator mentality or a raging racism buried so deep it might never be eradicated. Reducing barriers to reentry is one thing understanding and relieving the trauma this unceasing violence leaves on the thousands of Texans returning to our streets is another.

What can I add to this man's poignant words except if you want to end racism authors like you need to use language that will not be unintentionally used to provoke violent acts on others that will then create even more of racists.

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