

Prison Radio Report from the Front Lines: Abu-Jamal Vs. Kerestes

February, Philadelphia PA

Federal District Court Judge Mariani will decide whether or not Mumia Abu-Jamal will receive life-saving hepatitis C treatment. Mumia's lawyers and the Pennsylvania Department of Corrections (DOC) will turn in their briefs in March, and we expect the decision in April. In the next month briefs are due from Mumia's legal team and the Pennsylvania Department of Corrections.



© Courtesy of Mumia Abu-Jamal

We just received the preliminary injunction transcript of *Abu-Jamal vs. Kerestes* from the Federal Court hearing in late December. **I encourage you to read them here: bit.ly/majtranscript.** This three-day hearing was illuminating and frankly shocking. At every turn, the perfidy of Laura Neal of the DOC and the highly paid "experts" such as Jay Cowan, the infamous Medical Director for Corizon Correctional Healthcare at Riker's Island prison in New York, are revealed. Neal and company were shameless, but at the end of the three-day hearing, their lies were exposed.

Mumia documenting the effects of medical neglect, June, 2015

These transcript pages expose the DOC's 'delay and deny' strategy as they tried every procedural exhaustion argument to get the case dismissed. A highlight on the second day of trial was the release of "The Interim Hepatitis C Treatment Protocol" that the DOC desperately tried to hide from public view. This document was created just weeks before the hearing, and a full 22 months after they stopped treating hep C with Interferon, the old hepatitis C treatment drug. The DOC did not want this document to be made public because it clearly outlines medical malpractice. Right here, in black and white, are the steps by which they are denying lifesaving treatment to thousands who are critically ill with an infectious — and curable — disease.

In terms of the hearing, the *coup de grace* was delivered by the Chief Medical Officer of the PA DOC who admitted from the witness stand that the DOC had altered and submitted his affidavit after he repeatedly told them it was false. His testimony undercut DOC "expert" Cowan's faulty science. Cowan stated there was a probability of Mumia developing fibrosis, a precursor to cirrhosis. Dr. Noel stated, in damning testimony, that there was a 63% probability that Mumia already has extensive cirrhosis. That was the first time that anyone, including Mumia, had heard this.

This hearing exposed the fact that Mumia is just one person among many, potentially thousands, who have active hepatitis C yet are being allowed to die, alone, often chained with their right arm and left leg to hospital beds. It is undisputed that there is a medical cure for hepatitis C: one pill a day for 12 weeks. Yet for over two years, 9,900 prisoners with chronic or active hepatitis have remained untreated (in Pennsylvania, that's 18% of 55,000 prisoners). Many will die a painful death from cirrhosis (liver failure) — untreated in solitary confinement in "Hep C Care Clinics." Dare we say death clinics?



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Keith Cook, Mumia Abu-Jamal's oldest brother

The DOC testified that this fall they began treating just five prisoners, those to whom they gave a throat endoscopy exam, and who were seen to have a condition (esophageal varices) that causes death when the blood vessels in their throat explode and they bleed out. The bottom line is that any other prisoner with hep C symptoms, including cirrhosis, remains untreated and at risk of death.

It's hard to hold the knowledge of just how grossly inhumane the situation is, but it is wise to look it straight on and confront it: Prisons are a direct path from slavery to the present day control of Black bodies. It is cheaper for the PA contracted medical provider, Correct Care Solutions, *not* to treat our brothers, sisters, fathers, and loved ones. And the reason that people are in prison is systematic white supremacy and racism. There is a wealth of information and research on these topics. You can get a deeper sense of this historical truth by reading *Medical Apartheid* by Harriet Washington and *Acres of Skin* by Alan Hornblum.

Always remember that your support made it possible for Bret Grote (Abolitionist Law Center), Robert Boyle, and Mumia's medical team led by Corey Weinstein, MD to bring this historic case before the court. **We can win, and we must win.**

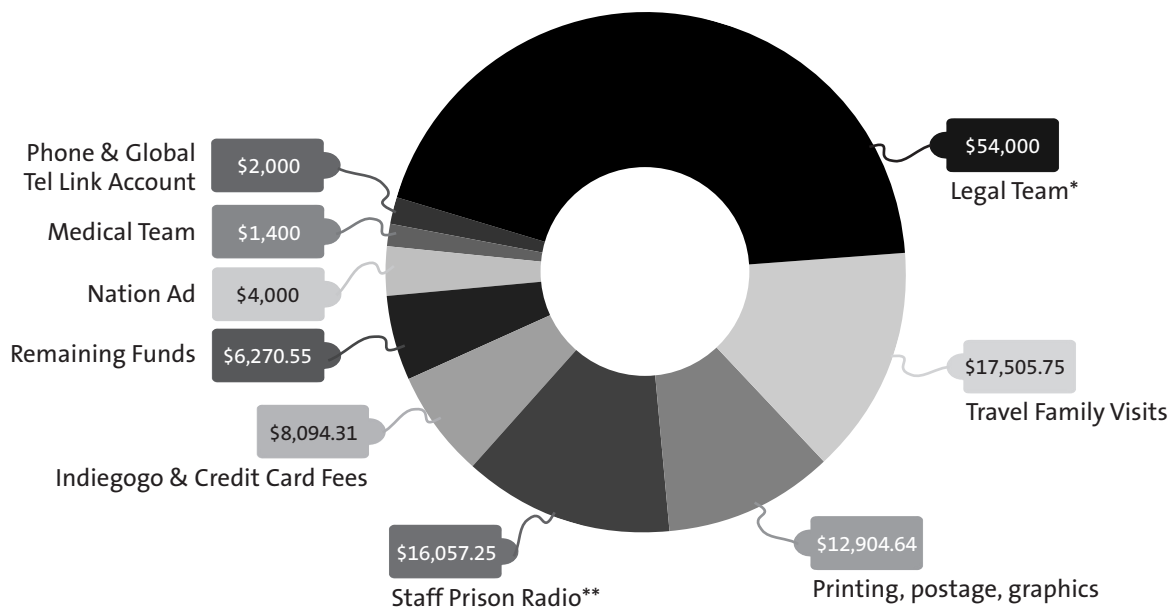
Abu-Jamal vs. Kerestes Legal & Medical Fund

administered by Prison Radio/The Redwood Justice Fund

Report on Funds Utilized: Indiegogo and other Direct Gifts

April 2, 2015–February 15, 2016

Total Raised \$128,632.00 (number of gifts 1,968)



** Mumia's legal team's expenses include staff attorney hours, consulting attorney hours, attorneys' travel, filing fees, obtaining Mumia's medical records, postage and phone calls.

** Additional expenses and staffing hours of over \$40,000 to fuel this campaign were donated by Prison Radio a project of the Redwood Justice fund.

Support Mumia's Legal Fund

In April we will hear from Judge Mariani as to whether Mumia will receive treatment or not. Until then, his legal team will be working around the clock to submit our briefs and prepare for immediate action following a verdict. Having raised and spent \$128K on the case work thus far, your help will be central in this next stretch.

To contribute to Mumia's Legal Fund, please visit bit.ly/curehimnow today.

Fact-Sheet: Mumia Abu-Jamal and Hepatitis C

Dr. Paul Noel of the Pennsylvania Department of Corrections¹ and Dr. Carl J Keldie of “Correct Care Solutions”² are allowing people to die of the infectious disease Hepatitis C, when a lifesaving cure is available,³ in the form of one pill a day for 12 weeks.

This is intentional medical neglect, a violation of the 8th Amendment⁴ and a violation of their Hippocratic oath.⁵

On March 30th 2015 Mumia Abu-Jamal, 61 years old, was near death in renal failure and hospitalized from medical neglect, at the Schuylkill Medical Center in Pottsville, PA.⁶ Mumia Abu-Jamal is ill with active Hepatitis C,⁷ and the medically indicated care is a new regime of anti-viral drugs with a 90%+ cure rate.⁸

Abu-Jamal is a noted writer, who spent 30 years on death row and is now serving life in prison. He has received support from Amnesty International, Nelson Mandela⁹ and Desmond Tutu, among many others.

As the drug’s inventor, Michael Sofia of Doylestown, PA notes, “How can you deny people access to a cure?”¹⁰

Hepatitis C virus (HCV) infection is a major public health problem for persons of all races, and it has become the most common cause of death associated with liver disease in the United States.¹¹ There are presently 3.2 million infected with the disease in the U.S., and half a million people in prison have Hepatitis C.¹²

Mumia Abu Jamal’s organ failure and potential liver damage puts him, by the Federal Bureau of Prisons’ standards, among those who should be treated.¹³ As that number rises, we must always keep in mind that one in every 100 Americans is in currently in prison or jail and that 11.5 million people will be released from jail back into the community, often with high rates of infectious disease.¹⁴

It is imperative to treat this, the deadliest infectious disease,¹⁵ especially as it affects people in prison.¹⁶

Pennsylvania has a contract with for-profit health care provider Correct Care Solutions,¹⁷ and that group’s Chief Clinical Officer is responsible for “ensuring appropriate care to all patients.”¹⁸

But the bottom line on for-profit health care means sacrificing public/prisoner health for profit margins. In fact, these companies establish a cap on health care, which literally means that inmates are dying to improve their bottom line. That 70% of states have privatized prison health care means this issue can only be exacerbated.¹⁹

In order to protect the public health, we must stop this shameful practice of denying lifesaving health care to Mumia Abu-Jamal and Pennsylvania prisoners. We also must expose the public health imperative of treating Hepatitis C inside and outside of prisons.

Correct Care Solutions, one of the four largest providers of inmate health care in our country, was established to manage health care costs for inmates in order to turn a profit.²⁰ These companies have guaranteed prison officials and municipalities cost savings, at the expense of the health and well-being of prisoners. Their contracts give state and local governments in need of money a way to establish fixed costs for healthcare services through contracts based on a global rate per inmate.²¹

Due to continued prejudice in the justice system, Black men and the community that they return to are most likely to suffer from the for-profit medical model. Black men are, as the Pew Research Center has discovered, six times more likely to go to prison than white men are.²²

Additional Facts

The United States has 22% of the world’s prisoners and only 5% of the world’s population.²³ From 1978 to 2014, our prison population has risen 408%.²⁴

Over a million Black people are incarcerated in prisons and jails.²⁵ African Americans and people of color are targeted and racially profiled by law enforcement, and African Americans 13% of the total American population,²⁶ meanwhile making up 37.7% of those incarcerated.²⁷ Pennsylvania’s prison population is 46% Black, and its general population of Black people is 11%.²⁸

4% of those convicted of capital crimes are innocent, and the great majority of innocent defendants convicted of capital murder are then sentenced to life and languish in prison.²⁹

Innocent people are being sentenced to death. In the past 30 years, 139 inmates were found to be innocent and released from death row, including six in Pennsylvania.³⁰

There have been 1,678 exonerations in the United States 47% of whom are Black.³¹ One out of three Black males will be incarcerated in his lifetime; and one in fifteen are currently imprisoned.³²

Once convicted, Black prisoners receive longer sentences than white prisoners.³³

There is no possible way of restoring the life of a person sentenced to LWOP.³⁴

Mass incarceration raises concerns regarding bias identification, police and prosecutorial misconduct, judicial apathy in protecting the rights of the accused, faulty evidence, inadequate defense representation, coerced confessions, and fabricated testimony.³⁵

Mumia Abu-Jamal spent 34 years in prison, 29 of which were in solitary confinement on death row.³⁶ Mumia is now serving a life sentence in Pennsylvania.³⁷

Pennsylvania holds 5,100 prisoners sentenced to life in prison without the possibility of parole,³⁸ Pennsylvania has the second largest population of LWOP sentences in the country.³⁹

Mumia Abu-Jamal has authored 8 published books.⁴⁰ Mumia Abu-Jamal has recorded 2,500 public radio essays.⁴¹ Mumia has earned a BA at Goddard College and an MA at Dominguez Hills, and is pursuing a Ph.D.⁴² Mumia has been recognized by Nelson Mandela and visited by Desmond Tutu.⁴³

The 8th amendment to the U.S. constitution prohibits cruel and unusual punishment.⁴⁴

On March 30, 2015 Mumia Abu-Jamal, 61 years old, was near death in renal failure and hospitalized from medical neglect, at the Schuylkill Medical Center in Pottsville, PA.⁴⁵

Mumia Abu-Jamal is ill with has active Hepatitis C, and the medically indicated care is new anti-viral drugs with a 90%+ cure rate.⁴⁶

Hepatitis C virus (HCV) infection is a major public health problem for persons of all races, and it has become the most common cause of death associated with liver disease in the United States.⁴⁷ Liver Disease in the tenth leading cause of death in the United States.⁴⁸

The Center for Disease Control states that 3.2 million people in the U.S. are infected with Hepatitis C.⁴⁹ The Annals of Internal Medicine notes that 500,000 incarcerated people have Hepatitis C.⁵⁰

18% of prisoners, of whom approx. 4,000 are Black, in Pennsylvania are Hepatitis C positive.⁵¹ Nationally it is estimated that 180,000 of African Americans in prison are Hepatitis C positive.

The mortality rate of African Americans is 75% higher for this condition than whites.⁵² 1 of 7 Black men have Hepatitis C, 75% who are undiagnosed.⁵³ National studies have estimated the prevalence rate of Hepatitis C in state correctional facilities to be about 18% compared to a rate of 1% to 2% in the general population.⁵⁴

The Correctional Association of New York states that, ethically, when there is a cure to an infectious disease, there can be no justification for not treating it.⁵⁵

The cure drug inventor Michael Sofia of Doylestown PA, notes — “How a company decides to price the drugs is, frankly, something I don't get involved with. I try to solve a problem of high medical need and bring a solution to the table. In this case, this is a cure. How can you deny people access to a cure?”⁵⁶

The Pennsylvania Department of Corrections is refusing to treat Mumia Abu-Jamal or any PA prisoner for Hepatitis C; which is in and of itself a death sentence and a violation of the 8th Amendment to the U.S. Constitution.⁵⁷

The Federal Bureau of prisons, and New York, and other states have instituted antiviral drug delivery protocols to prisoners.⁵⁸

Pharmaceutical companies are using monopoly pricing to and lack of restriction on pricing to boost profits and deny treatments that cure.⁵⁹

We must expose this urgent health care crisis, and we must save the life of Mumia Abu-Jamal. Please ask your friends and family to join in order to increase the power of our voices.



Keep the pressure on! Demand Mumia get the Hep C cure

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Fact sheet with footnotes available at bit.ly and by mail
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