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**Spotlighting an Ohio Old-Law Sentencing Disparity:
A Fictional Conversation with Malcolm X and an Ohio Old-Law Prisoner**

The following dialogue, inspired by an existing injustice, is a fictional conversation between a present day 39-year-old Malcolm X and an incarcerated 38-year-old African-American, Quintin Jefferson. Jefferson dreams of telephoning the Organization of Afro-American Unity, headed by Malcolm X, to discuss a law that creates a long-standing, unjust Ohio criminal sentencing disparity. This law adversely affects a portion of the state's minority class of approximately 5,000 "old-law" prisoners who committed a criminal offense prior to July 1, 1996. These prisoners are being forced by the state to serve disproportionately longer terms of incarceration than those served by the state's majority class of approximately 45,000 prisoners, who were sentenced on or after July 1, 1996. Members of the majority class were sentenced to definite terms of incarceration, and with the exception of prisoners convicted of murder-related offenses, they are excluded from having to go before the Parole Board to be released. This disparity, an injustice in itself, also creates a problem in Ohio prisons, where "new-law" prisoners can assault "old-law" prisoners without risking a change in their date of release while "old-law" prisoners who engage in violence have their sentences continued. The following conversation takes place in January of 2013, shortly after the inauguration of the incumbent President Barack Obama. The author is a real life Ohio old-law prisoner.

Automated telephone operator: . . . If this call is collect, at the sound of the tone, please state your name and press the pound key. . . [telephone beeps]

Caller: Quintin Jefferson. . . [Telephone beeps as caller presses pound key]

Automated telephone operator: Please hold. [Telephone rings] . . . [Telephone stops ringing] . . .

OAAU secretary: Good morning. You've reached the prisoner assistance hotline of the Organization of Afro-American Unity. How may I assist you?

Caller: Good morning, uh. . . my name is Quintin Jefferson, and I'm a 38-year-old African-American prisoner incarcerated at the Mansfield Correctional Institution in Mansfield, Ohio. Recently your organization was featured in a *Workers World* newsletter, and I read that OAAU was interested in hearing stories of injustice from prisoners. I'm wondering if you could help me try to rectify an unjust sentencing disparity in Ohio that affects me, as well as several thousand other Ohio prisoners?

Secretary: Mr. Jefferson, today might be your lucky day. Our founder and director, Brother Malcolm, is almost never here at the office, especially in the mornings. But his flight to Haiti was canceled yesterday so he's here now, and I think he might be very interested in your story. Give me a minute to brief him on your call, and maybe I can get him on the line. . . [She puts Jefferson on hold.]

Malcolm X: Aaah, Brother Jefferson! Sister Roslyn tells me you're trying to get some help in rectifying, as she put it, a sentencing disparity in that good ol' state of Ohio where you're imprisoned. Is that correct, brother?

Caller: That's correct, Brother Malcolm. Absolutely.

Malcolm X: Well by all means, please enlighten me. What's going on over there?

Caller: Okay. But before I do, I got to say it's an absolute honor to speak with you! Without a question, this, along with the birth of my daughter, is the highlight of my life!

Malcolm X: [Laughs warmly] Aaah, yes indeed. Those little girls. . . they can make a man's heart melt like butter on flapjacks, Brother Jefferson! But please continue. Provide me with a little background on yourself and your situation.

Caller: Okay. [Takes a deep breath] I was born and raised in the city of Cleveland during the crack-cocaine era, when it was pretty much in its infancy. I don't have any siblings, and I had both of my parents in my life. Unfortunately, they were both heavy users of heroin, and their habit got more attention than I did. So I started hanging out on street corners, and pretty soon I was selling the same poison that was destroying them. By then I was sixteen. It worked for a while, but in 1993 a so-called friend of mine robbed me—robbed me good, too—and a few weeks later I returned the favor and ended up shooting him in the hand. He called the police on me, and I got charged with one count of aggravated robbery and felonious assault. A few months later, my court-appointed attorney coerced me into copping out to a deal of eight to 25 years, in addition to three years of mandatory time for using a gun in committing a felony. I got sentenced a day later, and I've been in a prison cell ever since. . . .

Malcolm X: [Whistles] You mean to tell me the good ol' mobbed-up, corrupt state of Ohio has had you in one of those concentration camps for 20 years?

Caller: It'll be 20 years in November, day for day. . . . And that excessively long prison sentence connects with the issue I'm hoping you can assist me with.

Malcolm X: Speak on, Brother. Speak on!

Caller: Okay. So back on the first of July in 1996 the state of Ohio abolished its use of the indefinite sentencing guidelines they used when I committed my crimes. Those guidelines require offenders in my situation to go before the Parole Board to be considered for release when we've served the minimum, front portion of our indefinite sentence. And the state replaced what we call those "old-law" sentences with a new set of guidelines that are drastically less punitive. Say I was convicted for aggravated robbery and felonious assault under the new law, excluding the additional three years for using a gun, the most time I could have been sentenced to is ten years! Plus, I wouldn't have to go in front of the Parole Board for release because nobody except offenders convicted of murder-related offenses has to go before the Parole Board. And that's very significant because the Parole Board routinely hands out multiple-year sentence continuances for minor rule infractions such as using profanity or not turning your radio down fast enough.

Malcolm X: Let me get this straight, Brother Jefferson. You're telling me they can potentially make you do up to fifteen years longer than prisoners under the new law who commit the exact same crimes?

Caller: That's correct.

Malcolm X: Brother Jefferson, give me a few seconds to loosen my tie. . . . You're telling me a classic red, white, and blue story here, maybe mixed with a little Confederate orange. My temperature just went up a few degrees. . . . What are those people in Ohio thinking? If everything you've told me is accurate, I aim to get this pre-Civil War injustice out into the open. You probably know already the mainstream media don't like me much. But I know some righteous individuals who can get some attention paid to this. What I really want, though, is something I said two weeks ago on PrisonRadio.org. I want those mascot rappers like Rick Ross, who was once a corrections officer and now pretends to be some kind of drug kingpin, to use their platforms to enlighten the masses with knowledge and wisdom so they can work on a grand scale to build a righteous world for all mankind. Rick Ross had the audacity to mention me in one of his buffoonish rap songs, but he doesn't even talk the talk, let alone walk the walk.

Right now, today, with the power of social networking, one well-known rapper could turn the tide on an issue like yours. Or they could let people know about those other brothers in your state, the Lucasville Five.¹ But except for Dead Prez, KRS-One, Public Enemy, Mos Def, and a few others, they

1 Ohio death row prisoners Siddique Abdullah Hasan, Keith La Mar, James Were, Jason Robb, and George Skatzes, collectively known as the Lucasville Five, were wrongfully convicted and sentenced to

mainly use their voices to glorify the luxurious creations of German automakers and French fashion designers. If they were jumping up and down bragging about owning their own cargo ships, you know, gargantuan vessels like the one Marcus Garvey bought capable of crossing the same vast Atlantic Ocean most of the rappers' ancestors crossed on their way to the Americas, chained in the holds of diseased ships as slaves—well that might be something worth boasting about. But being a millionaire flunky mascot for corporate America, rapping about selling that hard white—oh, yes, I know what they call it, Brother Jefferson—why, that insanity won't accomplish anything but the expansion of graveyards and prison yards.

And remember this—the expansion of the prison-industrial complex is why the Federal Communications Commission lets rappers like Rick Ross flood the airwaves with their lyrical seeds of destruction. The FCC knows these rappers' lyrics generate massive profits for the prison-industrial complex. And those CEOs use lobbyists and front organizations to funnel millions of dollars from their prison profits into political campaigns of politicians who get tough on crime by commoditizing and disenfranchising millions of citizens in this country. That's why you don't hear much truly revolutionary Hip-Hop on the radio. The man behind the FCC is good old Uncle Sam, who doesn't eat any green eggs and ham. No sir! He gives that to us while he eats T-bone steak and Boston crab. He knows true revolutionary Hip-Hop might lead to real revolutionary change, not that hollow pocket change rhetoric of the '08 Obama campaign that didn't change anything except the profit margins of billionaires, which got bigger.

Caller: Brother Malcolm, I couldn't agree with you more. The cycle of corruption you describe in the prison-industrial complex is behind the injustice Ohio's old-law prisoners experience. The Ohio Parole Board knows as long as they keep finding contrived reasons to give out sentence continuances, their jobs will be secure. And what really disturbs me is the blatant racism embedded in the Ohio prison system. All the disciplinary housing units throughout the state where they put prisoners in solitary confinement are packed with Black prisoners, which is truly sickening to me. You would think the NAACP and the Congressional Black Caucus would raise hell about the number of African-Americans held in these "control units," but they're nowhere to be found.

Malcolm X: They're nowhere to be found, Brother Jefferson, because they're too busy pretending they live in a fairy tale post-racial society. They're waiting to be given a pat on the head by Uncle Sam for being the look-the-other-way, spineless politicians and activist organizations they are. With the exception of brothers Michael Erick Dyson, Dr. Cornel West, and Tavis Smiley, most of them are probably sitting around now, showing their teeth, dining on Boston crabs, waiting for that pat on the head. [Caller laughs] I'm serious, Brother! This is what they do so they can criss-cross the country in luxury while they pretend to be leaders. Some people call it posturing, I call it Uncle Tomming. This is one of the main reason's I'm not visible in the media. The government and corporate America know I will never compromise myself or sell out the people for the sake of a handout of greenbacks covered with the faces of former slave owners. So I'm blacklisted. I can't get a network to give me a slot on television, not even in the wee hours of the morning when they sell those little grills. But you'll see one of those Tom organization getting prime time coverage to honor people like R. Kelly, the Black man who was caught red-handed urinating on little Black girls. I'm nobody's judge, but I have no respect for someone who urinates on little girls. And I can't respect any so-called African-American organization that bestows awards on such a person while ignoring the increasing mass incarceration that erodes the neighborhoods of people of color nationwide.

But listen, Brother Jefferson—I will investigate this old-law injustice in Ohio, and if you're right, I'm going to mobilize support for you and the rest of your fellow old-law prisoners. I know a righteous European brother who works for RT.com, the television station that covers Brother Mumia Abu-Jamal's fight for justice. I'll speak to him. I'll also have my intern get the issue onto the internet on a few dozen progressive websites. God willing, my efforts will turn the tide for you and your Ohio brother—and sisters too! We must not ever forget our beautiful women who are locked away, Brother Jefferson. Never! . . . But we are going to have to bring this wonderful conversation to a close, Brother. If we don't, my phone bill is

death for alleged crimes during the infamous 1993 prison uprising at the Southern Ohio Correctional Facility in Lucasville, Ohio, the longest deadly prison uprising in U.S. history. Learn more about the Lucasville Five by going to www.LucasvilleAmnesty.org.

going to be higher than America's debt to China. And I can assure you, Uncle Sam ain't go bail ol' brother Malcolm out! [Caller and Malcolm laugh, pause, and then laugh again]

Caller: You're right about that! I just want to say I truly appreciate your assistance. I'm grateful on behalf of thousands of other old-law prisoners and myself. We're up against long odds, but I'm going to use this tool of networking to chip away at the wall of old-law injustice until it becomes gravel.

Malcolm X: We'll be in contact with you, Brother Jefferson. Sister Roslyn will get your address when I hang up so hold the line. Until then, you take care and—[The conversation comes to an abrupt end when the caller is awakened from his dream by the blaring of the public address system: it's "count time."]

Jason Goudlock is a progressive writer embedded in the struggle against the repressive United States prison industrial complex. If you would like to offer him support on his quest to attain justice for Ohio old-law prisoners, you can contact him at the following:

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Learn more about Jason Goudlock and his struggle for freedom at freejasongoudlock.org.