

July 17, 2015

FR: AARON ISBY-ISRAEL  
Doc # 892219, SHU B1012, POB 1111  
Wabash Valley Corr. Facility  
6908 S. Old US HWY 41  
Carlisle, IN 47838

RE: Criminal Justice Reform

Our last conversation I made mention about the Criminal Justice Reform and my concerns that some very important issues might be overlooked, so, I want to take this opportunity to voice my concerns by setting forth briefly some points that I believe should be included and/or put on the table as the efforts are being made to address the many problems that exist within our Criminal Justice System in the United States. I have heard very little talk as the President Barack Obama and many others are discussing this issue about Criminal Justice Reform, about uplifting the restrictions on the writ of Habeas Corpus? I strongly believe there can be no true Criminal Justice Reform if the restrictions on the writ of Habeas Corpus, is not abolished and done away with! The Constitution of the United States Article I § 9 [2], states, "The Privilege of the writ of Habeas shall not be suspended, unless when 1) in cases of Rebellion or 2) Invasion the Public Safety may require it." The 1996 Antiterrorism and Effective Death Penalty Act (AEDPA) placing

#2

restrictions on the Habeas Corpus, cannot be constitutional because the Framers of the Constitution intended for the writ of Habeas Corpus to serve as a check to tyrannical government! When English rulers abuse their power and circumvented the laws to unlawfully imprison or deprive a person of their liberty the great writ was put in place to ensure that these rulers would comply with the law (not above it) whether they like it or not? It is my position that the Framers of the Constitution did not create the Habeas Corpus to be inferior to the government or its political policies, thus, to restrict its function was an affront to the Constitution. Many, including myself cannot get our wrongful convictions back into court nor get the Federal Courts to address illegal custody issues, because these restrictions on the Habeas Corpus has made it impossible. I been imprisoned in Indiana since 1988, caught up in the war waged by the Reagan Administration against the black community I end up in prison. once I got here, one draconian law after another passed by the Clintons and Bushes, operated as dirt, being thrown on top of me, which resulted in me being buried alive in this state grave yard some call prison. I have never had a second chance and do not know what that is? my second point, is there must be retroactive effect of *Blakely v. Washington* (us 2004) to all those sentenced prior to the ruling and that were final, many of us been languishing in Indiana prison system since the 70's and 80's and if we are given a fixed sentence or presumptive term

as a modification, we can be home with our families, if I got a Presumptive Sentence which is total 30 years, under Blakely, that would put me back in society with my family. The President should issue a national executive order, demanding that all states to retroactively grant Presumptive Sentences to all Prisoners under Blakely that was sentence in 1973 to 2004 before this law was handed down! Indiana courts has denied me and many others relief under Blakely, and I feel this is unfair and it should be addressed by the President. The Prison litigation reform Act is another issue that must be addressed in the Criminal Justice reform, this law Punishes ones for exercising a basic right the Constitution First amendment guarantees all U.S. Citizen. The right to Petition is a fundamental constitutional right, and no one shall be restricted from seeking redress from the courts and the court house doors shall always be open to persons for remedy and recourse? Many of us are being subjected to debts (like Peonage slavery) as Punishment for filing Suit that is claimed to be frivolous, but, in most cases is not. a lot of us are barred from filing Suit even we do not have money to pay a fee (full) up front. This law is being used in a arbitrary manner to serve a political agenda to silence Progressive Prisoner litigators and Jail-house Lawyers. The restriction under § 1997(c) must be done away with altogether, because, Prisoners are being psychologically tortured but cannot recover damages unless

#4

they show physical injury, this is not right and it violates international laws against torture. The PLRA restricts the courts injunctive power, which has caused serious abuse by State Agents who has taken this PLRA restriction as a green light that they do not have to follow the law. The PLRA has implied that the "hands off" doctrine is once again the rule not the exception. Many Prison Staff is so arrogant now, and confident that the PLRA is design to protect them, that they tell prisoners all the time in a daring manner, to file their law suits, they don't care because nothing will happen to them? The PLRA, has most definitely served a key role in denying many of us our basic rights as Human beings and it needs to be abolished! These are issues that I feel should be addressed in the Criminal Justice reform legislation by the President. Thank you.

Sincerely,  
Aaron Loby-Israel