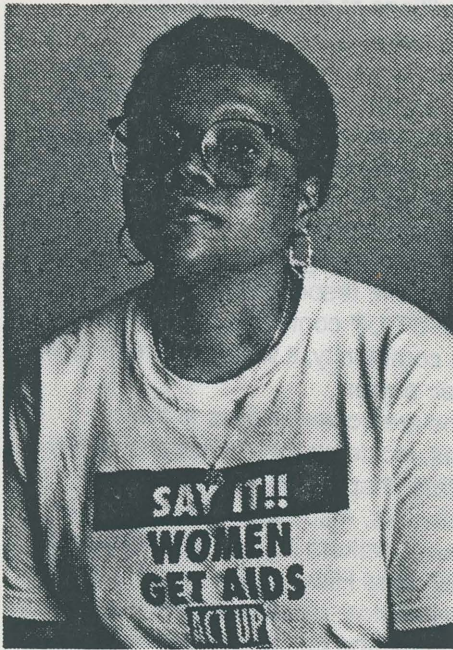


AIDS: POWER, PRISONS & PRESSURE

by Dee Farmer



WENDI ALEXIS MODESTE

Wendi was born August 24, 1953 in Brooklyn, NY, where she lived with her parents and eventually two younger brothers and a sister. She was educated in New York City public schools and the New York State University system.

Wendi began using drugs at a very early age, eventually becoming addicted to heroin. For 20 years she struggled with a drug habit that nearly killed her numerous times.

Two years ago, Wendi had given up on life and planned to kill herself. Instead, God intervened and helped Wendi kick her drug habit and join the church. For the first time in her adult life, she was able to maintain her own apartment and independent lifestyle.

In 1990, Wendi was diagnosed as HIV positive. She has made it her mission to put a face on AIDS and educate everyone she comes into contact with. In her words, she's "not going to shut up."

"I will not distort my voice,
I will not cover my face.

And I definitely will not live the remainder of my life hiding in shadows!"

"My name is Wendi Alexis Modeste and I am a person living with AIDS!!"

When I became active in the prison reform community about a decade ago, AIDS hysteria entered the prison system like an avalanche. Of course, the condition of prisoners with AIDS has improved since then, not drastically, but somewhat. It is difficult, if not impossible, to assign any of these improvements to any one source of pressure. In fact, because there are virtually no power brokers devoted solely to the issue of AIDS and prisons, it is even more difficult to separate the power brokers from the wannabe's. However, any prisoner like myself enmeshed in the propaganda of operating a prisoners' rights organization or advocating for prisoners' issues, quickly learns who is powerful enough to effectively exert pressure to achieve a certain result. Prisoners are at the whim of prisoncrats; they can be devastated by the denial of telephone and mail privileges. It is essential that they know who has the power to rescue them. This is how I learned to distinguish the Queen from the pawn. (There are no kings in this community—that is, no one has ultimate power.) So the power brokers are the queens and the wannabe's are the pawns.

This article will focus on a few of the power brokers, their role in the AIDS sector of the prison reform community, and their effect on the prison system. There is nothing holy about either the number of these power brokers or the order in which they are discussed below. In analyzing the most commonly accepted of these, the reader should be aware that any discussion will necessarily involve some generalization due to space limitations.

As alluded to earlier, there is no power broker in this community with absolute power. That is why prison systems seem to stand in the middle: Power, prisons, pressure. Though prison systems are often besieged with power moves and pressure from the power brokers as well as the wannabe's, they are subject to none and responsive to few.

Two strategies in the prison reform agenda have proven effective in uprooting discriminatory prison practices. Litigation and public pressure have both been used by power brokers to battle the numerous issues surrounding AIDS and prisons; however, because of the fear caused by the fatal nature of AIDS, these efforts have met with little success. Litigation is often costly and could mandate a change for those who have been most prosperous in the prison reform community. The same

analogy applies to public awareness and pressure.

The ACLU's National Prison Project (NPP) is recognized by the courts, community, prisoncrats and prisoners as the forerunner in the litigation of prisoners' rights. Though NPP procrastinated somewhat on the issue of AIDS and prisons, eventually its AIDS Project became nationally recognized for advocacy for prisoners with AIDS. The project had a short lapse when its coordinator, noted AIDS activist Judy Greenspan, resigned. It is now thriving again under the leadership of Jackie Walker, who is knowledgeable, resourceful and effective. NPP achieved its status as a power broker through successful litigation of prisoner civil rights cases. Their fame in this area prompted a few correctional systems to abandon discriminatory AIDS policies in response to NPP's adamant declaration that such policies were unconstitutional. Moreover, because NPP only litigates issues of merit and has had much success in doing so, many prisoncrats fear a legal battle with them. In fact, most prison administrators realize that even a minute victory for NPP would likely cost them hundreds of thousands or even millions of dollars in attorneys' fees alone.

Unfortunately, NPP's power with regard to AIDS issues was lessened by the 11th Circuit Court's ruling that the Alabama Department of Corrections could constitutionally conduct massive testing of the inmate population and segregate those testing HIV antibody positive. The court, in recognizing NPP's meritorious position, stated, "One can argue, as [NPP does], that the current trend in correctional thinking has moved increasingly away from blanket segregation policies and towards policies of 'mainstreaming'—that is, maintaining all categories of HIV infected prisoners in the general prison population ... [however,] even if Alabama's approach in this case is now a minority position among state correctional systems, we simply are unable to say at this point that the DOC's use of combined mass screening and segregation is so remotely connected to the legitimate goals of reducing HIV transmission and violence within the state's prison system 'as to render the policy arbitrary or irrational.'"

By losing the primary issue, the NPP's influence on other prison systems towards abandoning HIV segregation was defused. Despite losing some of its power on the AIDS issue, NPP remains a power broker because it has the resources, reputation and knowledge to effectively challenge adverse prison practices. Thus, having failed in the courts, it would almost appear that public pressure would be the only viable alternative.

ACT UP has been successful in alleviating some atypical prison conditions regarding prisoners with AIDS. Most of their success has been through demonstrations and protests at the state and local levels. ACT UP is not however regarded by prisoncrats as a powerbroker. This is basically because ACT UP is what the prison community would consider a newcomer, and their radical nature is not something the prisoncrats are prepared to deal

with. Also, ACT UP has not exerted its power as forcibly in the prison hierarchies as they have in other AIDS matters. However, whenever a group of people as numerous as those in ACT UP unite and are willing to take to the streets, there is a lot of power. The prison caucuses of ACT UP have become increasingly assertive in demanding a change in the conditions of confinement of HIV infected prisoners. They are responsible for initiating educational and medical programs in several state and local prisons. Given ACT UP's capabilities, many wonder why they have not organized a national demonstration or march for HIV infected prisoners, or attacked the Federal Prison Industries, a multi-million dollar corporation that pays prisoners slave wages and reaps the profits. Certainly, a corporation of this magnitude with prisoners as its core should have some responsibility towards prisoners' health care. As ACT UP continues to establish its presence in the prison community, it will be interesting to see how they wield their power.

Other organizations are power brokers in their respective communities, including the American Friends Service Committee, state chapters of the ACLU, and many private AIDS networks. Also, some prisoner projects have become power brokers in their respective prisons, such as ACE at Bedford Hills Correctional Facility and PLACE at FCI-Pleasanton. In addition, several forums for prisoners' ideas and opinions are provided in *Newsline*, *GCN*, etc.

The glory of having numerous power brokers and wannabe's working on the issues of AIDS in prison is that prisoners are not dying with no one fighting for them. There have been some achievements and there is a greater possibility that the power brokers will recognize the need for unity and come together to form a national agenda. Until the power brokers and wannabe's combine their power and apply it as a single force, major changes will remain elusive, however, and prisoners living with AIDS/HIV will continue to be subject to ostracism and dehumanization.

Dee Farmer is a federal prisoner and trained paralegal. She has been involved in the research and litigation of numerous cases involving prisoners' rights, including HIV seropositive inmates.