

# PRISONERS' STRUGGLES

## Not Without My Sons

*Yraida Guanipa*

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**H**ave you ever looked in the mirror in the early morning and said, "There has to be a better way?" I am sure you have. I say that to myself every morning when I open my eyes inside this 2×4 two-person prison cell and I do not see or hear my young sons Yrwil Jesus (7) and Jeswil Jose (6).

There has to be a better way, but I do not know how to serve this federal sentence and maintain a mother-child bond. I truly believe the role of female nurturing is to be guarded above all others. A mother's love is the most pure and unselfish love on earth, comparable with God's love, and cannot be broken regardless of the mother's status as a federal prisoner.

In March of 1996, I was a poor working mother enjoying the priceless motherhood of my 22- and 11-month-old sons after 7 years of fertilization treatment and artificial insemination. I was in the seventh year as a general manager of a 19-year-old private mail business. My major responsibility was to handle and/or supervise the customers' mail and/or shipments, parcels that could be as small as a letter and as big as an airplane.

A customer of four years requested that I verify his incoming shipment and to help him retrieve the parcels, due to his lack of fluency in English – a normal business transaction in Hispanic culture. The customer's parcels contained drugs and at the end of the day I was named on a one-count, one-person (me) indictment charge with conspiracy (with myself) and aiding and abetting (myself). The customer was out of the country at the end of the day.

I exercised my constitutional right to go to trial, not knowing that it took power and money to win a federal criminal proceeding. After my arrest, during which I was threatened with never seeing my young sons again, I was forced to write a post-arrest statement that later was brought against me in the trial. I never denied my involvement and the government agreed with me that the drugs were not mine. The only issue taken to trial was "knowledge" – the government asserted that I knew what was inside the customer's incoming overseas parcels.

I lost my trial and that day my journal as an incarcerated mother began. That day, desperate, with my soul tearing apart, I humbly asked my trial judge to allow me to go to pick up my sons at the daycare to say goodbye and to

explain to them that their mother would be gone for a long, long time. The request was denied. I tried a second time and explained to the judge that I had left my sons in the morning in the daycare and told them that I would come to pick them up and take them home early in the afternoon. Once again, the request was denied. I cannot express with words how I felt at that moment. I was immediately handcuffed and shackled and placed inside a cold, white holding-cell. The only kindness from the marshals was that they let me cry as much as I would. I did hear one tell the other, "She looks too bad. Let's leave her alone for a while." I was later sent to the detention centre.

During my sentencing hearing I had but one request: to do my sentence in an institution close to my young sons, specifically in or near Miami. The request was partially granted by a recommendation (not an order) to the Bureau of Prisons (BOP), but I was later transferred to an institution hundreds of miles from my sons.

When I arrived at the Federal Correctional Institution (FCI) in Tallahassee, I was lost, disoriented, lonely, sad, and in tears. I felt as if I was taken from Earth and sent to Pluto. I thought about my sons and wondered what they were doing, or if they were suffering because there are times when nothing but a mother's touch will do. At that moment I immediately said to myself, "There are no walls or wires that a mother-child love cannot scale," and I added, "I may have to do this sentence but not without my sons." That was the beginning of my campaign for mothers in prisons.

I began writing to non-profit prisoner organizations, and a few of them answered me. But I later realized those organizations were not able to help me in my desire to be a mother while incarcerated.

At the beginning of my second year, I began writing to politicians. What I received was not much different than that from the non-profit organizations – not help, just a few responses and the same answer from all of them. At the same time I was writing the Bureau of Prisons Administrative Remedies section, requesting that I be allowed to maintain a mother-child bond by being incarcerated close to my young sons. But I was not aware that the Bureau of Prisons and prison authorities do not like prisoners raising their voices, and the well-known prison retaliation began. At that time, I was working in UNICOR,<sup>1</sup>

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<sup>1</sup> Federal Prison Industries, Inc. (commonly known as UNICOR) manufactures finished goods at 105 factories nationwide using prisoner labour, and sells these goods at competitive prices to federal agencies.

the giant prison-slave industries. The manager, assistant manager, and some staff tried to scare me and silence my voice. They tried to place a “computer note” in my file. A computer note is placed only in files of prisoners who have committed computer crime, and is usually placed by a prosecutor and/or the probation officer. I knew that part, so I went to my case manager and found out that no computer note was on my file. But a computer note was posted for the internal operations of the factory, and I was moved from my position as inventory clerk to administrator clerk, where I did not have access to the computer.

Immediately, the UNICOR staff came up with a second strategy. I was called to the assistant manager’s office and told that the staff had received information that some prisoners wanted to “smash my head,” and that they just wanted to protect me. By that time I had already received some documentation about UNICOR. I had an article by Dr. Gary D. Martin<sup>2</sup> and another analysis by Lee B. Philips, a former prisoner. I wrote to both of them, and Dr. Martin advised me of the risks. This time I knew the game, and I filed another administrative remedy to have the information about the threats documented on file. I kept it for future litigation.

I continued with my campaign for mothers in prison, and I received a warm letter of support from former Senator Paul Simon from Illinois. His support has continued. My home district Congressman Lincoln Diaz-Balart and the local Congressman Bill McCollum have also answered and written letters on my behalf.

I continued with my campaign and the retaliation continued. My bed was wet (a customary prison threat). I was called a “s\*\*\*” in the middle of the camp-out, which is very dangerous inside prison. Staff mistreated me. I was getting scared and I chose to leave UNICOR. I requested another job and began working in the recreation department as an orderly, a cleaning job. In that job I had a lot of free time to read and write, and I continued my letter-writing campaign, briefs, administrative remedies, and motions. I filed motions to my trial judge, asking him to issue an order to the Bureau of Prisons allowing me to serve my sentence in Miami. I asked for an escorted trip, a furlough. The motions were denied and the retaliation increased. They pushed and pushed me – I knew the game, but I was still becoming more frightened.

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<sup>2</sup> “Federal Prison Industries: Occupational Training or Slave Labor?” by Gary D. Martin. This article can be found at [www.zolatimes.com/v2.13/conartist.html](http://www.zolatimes.com/v2.13/conartist.html).

I was being retaliated against by everyone, everywhere. It was difficult to understand this reaction for expressing my maternal desires. I trusted no one. I do not usually tell my family about prison life or my problems. But one day I was so frightened that I asked my sister to go through my business card Rolodex and call an FBI agent who had once served a subpoena at my work. My sister did not find the card. I asked her to call anybody in the FBI. She did, and the answer was that if I had any problems I should talk to my superiors. What a joke.

With courage from who-knows-where, I continue. I tell myself that I am fighting for the love of my sons. No matter what, I will never stop until I can hug them and be close to them. I cannot do this sentence without my sons.

One Friday evening, the lieutenant in charge called me to the front office and told me that he would have to take me out of the camp because my life was at risk. I knew about the “security reasons” transfer and refused it. He said that he received a “cop-out,” saying that if I were not out of the camp by midnight I would be a dead body the next day. I asked him some questions and knew immediately that he was lying to me, and for the second time I refused to leave the camp. I requested that the cop-out be taken to the FBI for fingerprint analysis at my expense (I am still waiting for this). I was forced to sign a document protecting the Bureau of Prisons from liability if anything happened to me. I was scared. I did not, and do not, want to die in prison. I did not trust my roommate, and I did not know what to do or who to talk to. Nights were anxious for me. It was difficult to sleep when the lights were turned off. I used to place two chairs across the cell and tie a string to each chair and to the bed, so that if someone tried to hurt me while I was sleeping I would be able to wake up. I also left bottles and cups around the floor next to my bed. It was frightening and my heart beat faster all the time. I went through a crisis of depression, but I did not stop. I kept writing and writing, getting better with my pen and discovering its power.

The retaliation continued. Suddenly one day the Special Investigative Supervisor’s (SIS) staff came to my workplace and conducted a huge shakedown – of course, they did not find anything. I learned early in prison by reading legal cases that if you are a fighter you must keep yourself clean and follow the rules, because you might be sent to the hole for something trivial like taking three packages of sugar out of the food services area. I was again removed from my job, which compromised my physical preparation for my

first hunger strike.<sup>3</sup> I was given one week to find another job, but at the same time each staff member in the camp-out was instructed not to hire me because the administration did not want me there. I was placed at work in the food service warehouse to lift 90 pound-plus boxes. On the first day, after lifting the third box, I was already bleeding and in unbearable pain due to a kidney stone and a cyst on my ovary. After numerous trips to the outside hospital and much pain and crying, a medical restriction was given to me.

The administration then changed my job, completely out of the camp inside the powerhouse located outside the men's prison at the other facility. This job was better; I had the time for meditation and my writing campaign. I was away from the camp, but it did not matter to me. I could do what I wanted to do: fight for the love of my sons.

On November 29, 1999, I began my hunger strike. It was difficult; I almost died. On the fifth day I notified the authorities. After a medical test was performed as per the prison rules, the administrator was notified that I was half dehydrated and that there were high levels of ketones in my urine. Instead of being sent to the community hospital I was given a staff order to report to work the next day, which I did to avoid an incident report. My job was to fix something on the roof of the UNICOR building. I climbed the ladder and when I reached the top I was feeling dizzy. I was lucky to have an understanding job supervisor and he allowed me to go back to the powerhouse and relax. By noon I was handcuffed and taken by car to Tallahassee, a four-hour trip without water. I was crying for a cup of water, but of course they could not stop on the road with a criminal in the car. I begged for water until I lost my voice two hours later.

When we arrived in Tallahassee I was placed inside an observation cell in the isolation unit. With no water or fresh air, I felt as if I was thrown in there just to die. On the tenth day I was losing my life. I knew that I was going to die. I could not walk anymore; I did not feel my legs. I was in terrible pain. I begged for water but did not receive any. I prayed and asked God to forgive my sins and I pulled myself into a foetal position on that piece of metal the authorities call a bed. I could only hear my youngest son's voice calling me, "Mommy, come! Mommy, come!" In my hallucination I saw his little hands trying to hold me, but he could not reach me. I did not see his face, I only

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<sup>3</sup> This preparation included playing racquetball from 5:30 to 6:30 a.m., then yoga and meditation from 8:30 to 10:00 a.m.

heard his voice and saw his beautiful hands. It was the last thing I remembered. It was about 2:00 p.m. on a Saturday. The next thing I remembered was being in the hospital with an IV in my arm and my entire body shaking. It was 2:00 a.m. on Sunday.

I had said on paper and verbally that I did not want to be fed by a tube and that I would drink anything. I was in the hospital for three days and sent back to the Security Housing Unit (SHU), to the same ugly observation cell because I continued my hunger strike.

On the seventeenth day of my hunger strike my condition was weak. My kidneys were not functioning properly and I could not handle the pain anymore. I did not know what to do. I went into meditation and prayer and asked God for ideas; suddenly, one came – the prosecutor. He was my last resource, even though I knew he was not on my side because I did not plead guilty or cooperate with the government. But I still called him and was surprised to hear him say in a soft voice, “Mrs. Guanipa, what do you want me to do for you?” I was not expecting that positive response, but I said I wanted a letter stating that he had no objection against me serving my sentence close to my sons in Miami. He told me that the letter would be out before noon that day and he would mail me a copy. When I received the copy of the letter, I thought, “This is it! This is the end of my hunger strike, because prosecutors in our judicial system have more power and a greater voice.” The day I received the letter, I began to eat again.

Unfortunately, the prosecutor’s letter did not work and I am still hundreds of miles away from my two precious and loved sons. I have not seen them since last year. I am inside a high-security facility even though I have camp status, and my responsibility rate was lowered to poor because I did not eat.

Nothing has stopped me. I am still fighting. In my sixth grim year of incarceration I have filed *habeas corpus* motions, taking the denials all the way to the Supreme Court of the United States without results. The U.S. Supreme and Federal Court judges do not want to hear about an imprisoned mother crying for her sons. I have filed more than ten Bureau of Prisons administrative remedies and all were denied. I have filed three motions to my trial judge and all were denied, including a writ of *certiorari* to the Supreme Court. I have contacted the United States Senate in full – only Edward Kennedy, Orrin Hatch, Strom Thurmond, Jesse Helm, Mike DeWine, George Voinovich, John Warner, and Carl Levin answered. I have contacted half of the U.S. House of Representatives – only Bill McCollum, Karen Thurman, Carrie Meek, Lincoln Diaz-Balart, Maxine Water, Michael Bilirakis, and Allen Boyd answered. The

media does not want to deal with prisoners. *Time* magazine responded, "Your request is not something that we as a newsmagazine are able to do for our readers," and Bob Graham of the *Washington Post* stated "I only wish that I could contribute more constructively." Throughout my campaign only one person and one organization have supported me for the last three years: former senator Paul Simon and the November Coalition. As I write, the *American Prospect* magazine kindly published an article on the plight of imprisoned mothers and their children written by Thomas Lowenstein.

I do not know the future of my campaign or the date of my next hunger strike. But there is something that I am sure of – that I will never give up. Time has become a faithful friend and a necessary means to improvement, because beyond time lies eternity.

I have accepted this outrageous, long, unconscionable, inhuman, draconian sentence of thirteen years, but I cannot accept this long separation from my sons and the broken mother-child bond.

I did not know the rules or the punishment, but in our system ignorance does not count. A prosecutor's motto is "your ignorance is our bliss." In our system a regular citizen without education is supposed to know all matters of law as if a lawyer who spends years in universities. My ignorance may be my fault, but beyond ignorance and above everything is the most sacred unconditional love of a mother for her child, which cannot be impeded even by incarceration.

I am less than a layman in matters of law, and I am also not an experienced writer. But there is something that I know more than anyone else in this world, and it is how much I love and miss my sons Yrwil Jesus and Jeswil Jose, and how much I suffer when I see them grow only through photographs and when they tell me on the telephone of their dreams, their accomplishments, their wishes. They make my heart bleed when they ask, "Mommy, when will you come home?"

If you want to alleviate the pain of our children, write a letter to the United States Senate at: U.S. Senate, Washington, D.C. 20510, U.S.A. or to the U.S. House of Representatives at: U.S. House of Representatives, Washington, D.C. 20515, U.S.A. Please mail a copy to me.

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