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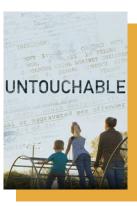
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# My Introduction to the Cruelties of the Sex-Offender Registry By Sherry Reames

for Criminal Justice Reform

knew next to nothing about the Sex-Offender Registry until this past January, when I logged in to watch a documentary called "Untouchable." This powerful film traces the impact of a campaign that grew from a personal tragedy in one Florida family, whose daughter had been abused by a trusted nanny, to a nationwide movement to demonize sex offenders in general, publicize their names and locations, and drive them out of our communities.

The film presents the personal stories of people on many sides of the issue, including individuals and families who have been victimized by the excesses of the registry system, as well as actual survivors of sexual



abuse, crusaders on their behalf, advocates for more humane and moderate policies, and people torn between the sides. I hope that other MOSES members will take the time to watch it, if they haven't seen it already, and consider sharing it with their congregations. It's a real eye-opener, and it's easily available for rental or public screening. (Look online for Untouchable documentary 2016.)

"Untouchable" kicked off a series of webinars co-sponsored by EXPO-R, the WISDOM affiliate for Registry-affected people in Wisconsin. These webinars have shed additional light on the problems created by the registry and the special restrictions that go with it.

#### Here are my main take-aways so far:

- Language matters. Referring to people on the registry as "sex offenders" or – worse yet – "sexual predators" is damaging both politically and psychologically, because it lumps them all together and suggests that the offense they committed is their permanent identity. Better to call them "persons forced to register" or "registered persons."
- The housing restrictions are often excessive. Finding appropriate housing is especially difficult for most people on the registry, because the Department of Corrections mandates special restrictions on where they can live, and local authorities add others. In fact, some Wisconsin municipalities seem to compete with each other to keep registered persons out, passing more extreme rules on how far away from schools or playgrounds they must stay, or applying the rules retroactively so that registered

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persons are required to move if a new daycare opens in their neighborhood. As Supreme Court Justice Sonia Sotomayor has recently noted, such restrictions may do more harm than good, since they create terrible side effects, like homelessness and don't really protect the community. But they remain popular with politicians who want to prove that they are "tough on crime" by beating up on this stigmatized population.

• Lifelong GPS monitoring adds another level of unnecessary stress. The standard justification for continued monitoring of people on the registry is the belief that most people who have committed sex offenses in the past are so likely to repeat those offenses that society will never be safe if they are allowed to circulate freely. In reality, however, that common belief appears to be erroneous. The rate of recidivism

for sexual offenses is actually quite low, in comparison with other kinds of crime.

• Turning people into pariahs doesn't solve the real problem. As one eloquent critic explained, the current system piles harm on top of harm, as if a survivor of abuse can be healed by destroying someone else. The cycle continues when the system treats everybody as either an innocent victim or a monster, perpetuating the harm by failing to recognize the ways in which traumatized victims can go on to abuse others, and by emphasizing the threat of "stranger violence" (which supposedly requires the registry and other draconian measures) instead of the much more common pattern of abuse by trusted family members, trusted friends, and mentors.

# Integrated Voter Engagement (IVE)

By Pam Gates

any organizations these days are putting a focus on voting rights, while others seem to view limiting the right to vote as their patriotic duty. A few local organizations in the former category are WISDOM and its affiliates, as well as the ACLU, while in the latter category, currently, there are the Wisconsin state legislature and both the Wisconsin and the U.S. Supreme Courts. You can't really look at a newspaper these days, or at a list of bills proposed in the state legislature, without seeing something about voting.

WISDOM, and especially its affiliate EXPO, is doing its share to make sure that everyone who is qualified to vote can and will do so. Integrated Voter Engagement (IVE) is one such effort which has been going on for a while in Madison. In October 2020, I participated in an IVE lit drop in south Madison and one near Allied Drive. At that time, we didn't knock on doors. We weren't carrying literature for any candidate, just distributing three informational pieces: one from the ACLU, one from MOSES, and one from WISDOM.

Currently, EXPO is offering training in how to engage potential voters by knocking on doors and talking to people, and by distributing literature that encourages people to register to vote, explains how to do it, and invites people to join MOSES to address their concerns. The idea is to talk to as many people as possible, but at least to provide them with the literature.

Anthony Herring of EXPO has been training canvassers and will continue to do so. Some are already active in Madison, in the Darbo and Meadowood neighborhoods, and in Fitchburg. Canvassers are also active in Milwaukee, Green Bay, Kenosha, and the Fox Cities. Another training is planned for Madison soon (one slated for April 5 had to be canceled), and Eau

Claire is on the list for a training as well. The basic plan is that canvassers gather at an agreed-upon place, get their assignments, and go out in pairs to knock on doors and hand out literature. At the end of their shift, they regroup, share their experiences, and trouble-shoot.

Another aspect of IVE is called relational organizing. Ramiah Whiteside of EXPO is in charge of that effort, which at this point involves about 400 currently incarcerated people. They solves can't yet a but they can encourage their

themselves can't vote, but they can encourage their families and friends on the outside to do so. Each of the 400 has committed to compiling a list of 20 people that they can encourage to vote, provide information on voting, and keep in contact with to make sure they actually do vote.

Some relational voting efforts don't involve the prison system at all: any one of us can compile a list of 20 people that we can make sure know how, when, and where to vote – and maybe even give them a ride to the polls.

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Another aspect of making sure that people who can vote do so is an effort that has been pioneered in Eau Claire: making sure that people who are in jail on Election Day have the opportunity to vote. Most people in jail have not lost their right to vote, but few do. Chippewa Valley Votes has devised a program that uses volunteers to enable voting in the jails. A webinar on this topic was reviewed in the September-October 2021 MOSES newsletter.

I am looking forward to taking Anthony Herring's IVE training and then actually getting out into the community to encourage voters. It's an important step in getting all our voices heard in a government which, we have been told, is of the people, by the people, and for the people, but which seems to have been slipping far from that ideal in recent times. Watch for an announcement from our organizer, Eugene Crisler 'El, and join me!

# **Update on Current Legislation**

By Katie Mulligan

hat happens at the Wisconsin state Capitol can have profound effects on criminal justice reform in Dane County and the rest of the state. MOSES organizer Eugene Crisler 'El takes that idea seriously. He led a particularly aggressive effort to influence legislation in the just-ended session.

#### What are the results?

One clear victory. As a result of a new law, the Department of Corrections (DOC) must provide people incarcerated in state prisons choices when they purchase personal items. Previously, the DOC had signed an exclusive contract with a single vendor, which would have produced a monopoly in prices and availability of items.

Other efforts prevented the legislature from moving backward. Currently, persons convicted of a felony or other charges may not vote until they have completed the terms of their sentence. A bill would have added financial penalties to those already unjust



requirements by stipulating that the person must also pay any fines, fees, and restitution. MOSES joined the ACLU in arguing against the bill, which died without a hearing.

A particularly unpopular bill would have made it more likely that parental rights could be terminated if a parent was incarcerated. After two public hearings filled with emotional testimony about potential damage to families, the bill did not advance to the full legislature.

Eugene will be looking for an opportunity to help advance a bill in the next session that would help people in jails or prisons maintain ties with friends and family outside those walls. Currently, the DOC and county jails can charge inmates high fees for phone calls. The proposed bill, which died in the last session, would have capped fees charged by national providers of prepaid mobile phones. Members of the Wisconsin Counties Association could have seen a major loss of income if the bill passed. Their organization opposed the bill. (Read a related article from the February/March 2022 newsletter here.)

# There is a long list of "near misses" that will offer opportunities to build on work already accomplished.

Chief among them is a bill that would have added conditions that allow expungement of a criminal record. The bill, which had strong bipartisan support, was reported out of committees and passed the Assembly, but it was not scheduled for a Senate vote. It suffered a similar fate in the previous session.

Raise the Age, a coalition of more than 30 organizations, met for months to promote legislation to ensure that 17-year-olds would be adjudicated in the juvenile, rather than the adult, courts. They developed sophisticated advocacy materials, contacted legislators, and received good media coverage, but they did not produce a viable bill. A related bill would have prohibited a court from sentencing anyone under 18 to life imprisonment. It was not scheduled for committee hearings. Both issues have long histories and will surface again in the next legislature.

# The fate of other bills shows the importance of the November aubernatorial election.

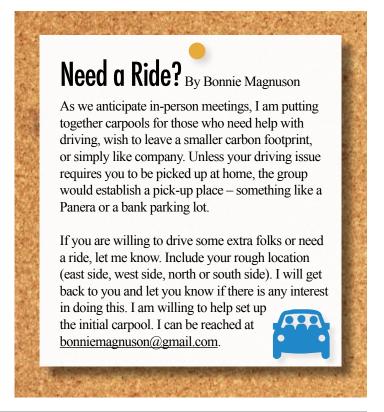
A bill that will add new restrictions for earned release passed the legislature and went to Gov. Evers on April 4. Evers signed the bill. He vetoed a bill that would have made it a felony to participate in

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a riot that resulted in "substantial damage to property or personal injury." He also vetoed a bill that would have increased the power of the police on the Police and Fire Commissions of Madison and Milwaukee.

Eugene spoke most passionately about the emerging issue of cash bail. Early this year, legislators seized upon the bail decision in the Waukesha Christmas Parade incident to resurrect previous efforts to make cash bail requirements even more difficult for low-income people. The most serious of these attempts is a constitutional amendment that would make it easier for judges to require cash bail. Particularly concerning is language that would allow judges to consider "the previous criminal record of the accused" and the "need to protect members of the community from serious harm."

People like himself, who have worked hard to turn their lives around, could once again be in jeopardy, Eugene pointed out. "A traffic stop, any minor deviation, a complaining neighbor," could result in an arrest and a revisiting of a long-ago criminal record. The need to protect community members could be open to widely different interpretations. Look for Eugene to be working with the Transformational Justice Campaign, as well as with MOSES, to stop this amendment when it appears once again next session.



# **EXPO Empathy Day Seeks to Enlighten Legislators About Bail**

By Sherry Reames and Eugene Crisler 'El

ne of the big events on Eugene's schedule in March was the EXPO Empathy Day at the state Capitol. This all-day event on March 29, which Eugene helped to organize, brought EXPO members and supporters together from many parts of Wisconsin to lobby state legislators against current efforts to make it harder for criminal defendants to be released on bail.

Why the current move to toughen Wisconsin bail requirements? The clear impetus behind this new legislation is the Christmas Parade tragedy in Waukesha last November, when six people were killed and more than 60 injured by a driver who was out on bail for a domestic violence offense. The Milwaukee County District Attorney agrees that this particular defendant had been freed on an inappropriately low bail, due in part to pandemic overcrowding in the court system and the deputy prosecutors' lack of specific information about the defendant's risk assessment. Supporters of the new legislation contend, however, that the problem goes far beyond one case, charging that violent crime from repeat offenders is on the rise and characterizing the current system, especially in Milwaukee County, as with "catch and release of violent offenders."

#### What legislation on bail is in the works?

- The most prominent of the new measures is AJR 107, which would amend the Wisconsin State Constitution (bypassing a potential veto by the governor) to allow judges when setting monetary bail to consider an accused person's past criminal record and "the need to protect members of the community," rather than just the need to guarantee the person's appearance in court. The proposed amendment would also authorize future legislation permitting a court to order a person accused but not yet convicted of certain serious felonies to be detained indefinitely, if the court considers that necessary in order to protect other community members.
- As a constitutional amendment, AJR 107 must be passed by two consecutive sessions of the legislature and then ratified by a public referendum. The legislature passed it for the first time in February 2022 and plans to bring it up again early
- Other bills introduced in the just-completed session proposed to set mandatory minimum bails of at least \$10,000 for people with prior felonies or violent misdemeanors.

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#### How is EXPO responding to this legislation?

On Empathy Day itself, EXPO members and their supporters (including a contingent of college students from Oshkosh) attended training sessions in the morning on the likely consequences of the tougher-bail proposals (if they go into effect) and on the campaign to Unlock the Vote, described in another article in this newsletter. The morning speakers were Jerome Dillard, Rep. Jodi Emerson, Sean Wilson of Dream Corp, and Brittany Lee, Ramiah Whiteside, and Peggy West-Schroder, all of EXPO.

Both the constitutional amendment and the proposed mandatory minimum bail law are problematic, the speakers explained, because they would remove the presumption of innocence. Former offenders accused of a new crime could be kept in pre-trial detention for many months or even years, given the current backlog in the courts. And of course those most affected by these measures would be low-income people who can't afford a high cash bail. The result would be an exponential increase in the number of people incarcerated for long periods before trial: a fiscal calamity for the cities and counties that have been trying to reduce their jail populations, and a personal disaster for hundreds of people like EXPO members and their families, who have already been disproportionately impacted by the criminal justice system in Wisconsin.

One purpose of Empathy Day was to make legislators more aware of the serious consequences of tougher bail laws. As Peggy West-Schroder, campaign coordinator for EXPO, asked at the start, "We just want to know why. Why is it that they thought that was a good thing to support?" Eugene reports that many legislators and their aides, when asked individually why they had voted for AJR 107, admitted that their vote was a knee-jerk reaction to the Christmas Parade tragedy. They hadn't really educated themselves on the issues. Some didn't know, for example, that relatively minor crimes could be counted among the "violent offenses" potentially mandating months of pre-trial detention for someone accused of a new crime. And they hadn't previously talked to anybody as likely to be harmed by such legislation as the EXPO members they were meeting in their offices.

#### What's next?

EXPO's campaign against this constitutional amendment and other measures to toughen the bail laws will continue for at least another year, and Eugene urges MOSES members to get informed and get involved in the struggle. We cannot make much progress toward our goals of reducing mass incarceration and systemic racism if the bail decisions made by Wisconsin judges take a sharp turn in the wrong direction. (More on this issue in the following story.)

# EXPO's FREE Campaign Helps Women Inside and After Prison

By Margaret Irwin

a Toya Greer was featured in our Returning Citizen column a year ago, and she was also one of the honorees at the MOSES Transformation Celebration last November. She recently spoke with us about the FREE Campaign, for which she is the Dane County Organizer.

FREE is the women's division of EXPO (Ex-Incarcerated People Organizing for justice system reform). It was started by a group of women from

EXPO who felt their concerns were not taken seriously. As LaToya put it, "When you hear about incarceration, you usually see men up front; FREE is a way of having women's voices up front." The first chapter was formed in Milwaukee in 2016, followed by chapters in the Chippewa Valley, Madison (in 2019), and Fond du Lac. FREE addresses issues that impact women both in prison and upon release.

LaToya states that prisons are not built or run for humans, and they certainly don't consider the special needs of women. Among these needs are free sanitary supplies; women are expected to buy their own from the commissary, but many can't afford

them. Women who are pregnant while incarcerated receive no childbirth education. Shackling is still common for prenatal appointments and for labor and delivery. After giving birth, the mother has from one to three days with the baby before it is taken from her.

Up to 85 percent of incarcerated women are already mothers. As the primary caregivers for their children, moms feel the pain of being separated from them, but they also fear what will become of the children. Will the kids be taken care of by family, put into the foster care system, or put up for



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adoption without the mother's consent, as a recent bill in the state legislature proposed? FREE is advocating for programs like those in California prisons, where visitation can take place in a homelike setting that allows for physical touch. Many mothers don't want their children to see them behind bars.

While still incarcerated, women need classes to prepare them for life after release, so they can deal with changes that have taken place in society while they were away. They also need circles of support to help them heal from the mental and emotional issues – trauma, anger, hurt, pain – that landed them in prison in the first place. And once they have been released, they face new problems; the lengthy separation from their children may have created a lack of relationship with them. Moms need help to reunite their families in healthy ways.

Another urgent issue is housing after prison. Many women are released onto the streets and have no housing. All across the state,

Prisons are not built or run for humans, and they certainly don't consider the special needs of women.

problems obtaining it are enormous, LaToya says. Many landlords don't want to rent to someone with a criminal record; they can easily find this information through the CCAP website, which provides access to court records.

Cost is another problem with securing housing. In Dane County, landlords can charge three times the monthly rent for a security deposit and require a credit score of at least 650. This is virtually impossible for someone earning the state-mandated minimum wage of \$7.25 an hour. According to the Living Wage Calculator from the Massachusetts Institute of Technology (MIT), a Dane County household of one adult and one child needs an hourly wage of \$34.18 to cover basic necessities of food, shelter, child services, and healthcare at an acceptable level. "Fear of homelessness can be just as bad as being homeless," LaToya says. "People don't want to be seen. It has a crippling effect that makes it hard to just get up and go to work." Rental assistance during the pandemic has helped, but that won't last.

LaToya says many women have to work three jobs just to pay the rent, without enough money left to pay other bills. If they earn a penny over the limit, they are no longer eligible for Food Share. This puts them in a real bind: Do they pay their bills or buy food and other necessities for their children? Some may resort to shoplifting diapers or food and end up re-incarcerated, just for trying to provide for their kids.

Domestic abuse is another issue for many women. If they fight back, they can be held legally accountable. It is hard

for abused women to ask for help, because of their distrust of the police. LaToya knows of women who have reported abuse to law enforcement and been blamed for the abuse.

FREE clearly has a lot of work to do, and LaToya is passionate about this work. "This is not a 'they/them' problem, but a 'we/us' problem," she says, "because we're all humans. We need the support of our legislators to enact positive legislation to address our issues."

FREE is currently working on developing Circles of Support to help women process and grow beyond the negative experiences that have shaped them. LaToya says that Circles have been crucial to her own healing. In the Circles she met powerful women who were channeling their hurt and anger into positive action, doing amazing work in the community. She wants other women to have this experience and to know that they are worth it, that they are valued. "My healing didn't start until I could see some things about myself that I didn't like," she says. "This was painful, and I could only do it with support."

FREE is also working on an exciting new program – Maternal and Infant Health of Black Women. A doula program is in the plans, as well as peer support specialists. FREE will also be doing some mini-trainings to equip members for advocacy work, beginning with one-to-one training in April. Other workshops will take place over the summer.

LaToya thanks MOSES for all its support, and notes that FREE needs volunteers to help it move forward. You can connect with FREE on Facebook, or email LaToya at <u>latoya@</u> expowisconsin.org. ■

### Upcoming Meetings (via Zoom)

### **MOSES Meetings**

#### General Membership

- Sunday, May 1, 2:30-4:30 p.m.
- Sunday, June 5, 2:30-4:30 p.m.
- Sunday, July 10, 2:30-4:30 p.m.

#### Leadership Board

- Saturday, May 21, 9-11 a.m.
- Saturday, July 16, 9-11 a.m.

#### Task Forces

- Justice System Reform Initiative (JSRI), May 12 & June 9, 6-7:30 p.m.
- Public Safety, May 19 & June 16, 6-7:30 p.m.
- Racial Justice for All Children, May 3, June 7, & July 5, 4-5:30 p.m.

## The Deeper the Roots: A Memoir of Hope and Home

By Michael Tubbs • Flatiron Books, 2021, 253 pages

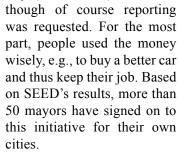
Reviewed by Pam Gates

ichael Tubbs was born in Stockton, California, to a mother still in high school and a father in prison. Not much hope there, you say? Well, Tubbs' mother graduated high school on time, and so did her son in his time, after a hardscrabble upbringing by his three mothers, which is how he described his mom, whom he called "she-daddy," his Nana, and his Aunt Tasha. He went on to attend – and graduate from – Stanford University on a full scholarship, win an aldermanic seat on the Stockton City Council, and eventually get voted Mayor of the city.

Tubbs never lost sight of where he came from; the people in Stockton's impoverished neighborhoods were his people, and he knew how they struggled. He worked very hard to build up the people who struggled under the poverty he'd grown up in, to draw them into civic life, particularly as he began running for office. As an elected official, he tried, with some success, to create coalitions with the gang members whose actions plagued the city. He taught and mentored youths constantly, particularly those who saw no hope, sometimes as an employee and sometimes just because that is what he did.

One of Tubbs' experiments as Mayor was a guaranteed income initiative, which he called SEED. He saw it as a way to provide a bit of relief to people struggling with day-to-day poverty and all its ramifications, and as an effort to see what would happen. No strings were attached as to how the

money (\$500/month) was used,

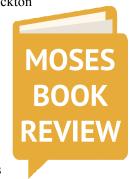


Of course, any such initiative would have plenty of critics, no matter how wisely the recipients spent their money. Tubbs' mayorship was limited to one term; he lost his re-

election bid. Perhaps that gave him the time to write this engaging autobiography of a tirelessly caring person deeply in love with his community and his family, although with his energy level, he'd probably have found the time anyway.

Tubbs begins his book with a brief but fascinating history of his city: "For generations, Stockton was seen as a place to run toward, not away from," he writes. Several pages and hundreds of years of history later, he concludes: "... people from all parts of the world were drawn to Stockton

by the promise of opportunity. The vestiges remain today: Stockton is the most diverse city in the United States, and the resilience and entrepreneurial spirit of its past is still alive." That spirit is what infected Tubbs, his three moms, the people he worked with in city government, and the people he inspired by his tremendous commitment and tireless hard work to uplift, as much as possible, his whole city.



Tubbs, it should be clear by now, is a determined young man. The chapter that begins his Stanford career is titled "Hustle and Motivate," which would be a fitting title for the whole book. In study-abroad positions Tubbs earned during his student days, he visited El Salvador, staying with a host family in a village, and spent time in South Africa as well. He even had an internship at the White House during Obama's administration. But in spite of his many successes, Tubbs did not escape facing "the fragility of the lives of ... Black sons," an observation he made while attending the funeral of his cousin, who was shot dead in his Stockton driveway.

There is so much positive thinking in this book that Tubbs' epilogue comes as something of a surprise, but it's also no surprise. He speaks of his rage over his lifetime, "a companion that I've learned to channel into inspiration, into energy to ensure the setup is as upset as I am. As we are. This rage is rooted in faith ... rooted in love, a deep, abiding love in the possibilities of the future ..."

Tubbs ends his book with observations about his young family. "Although my son is born into a level of privilege I could not have dreamed about as a child," he writes, "he is still a Black person in America, and I am under no illusions about the obstacles he will have to face." And here's what he concludes about that: "What am I prepared to do so that, 50 years from now, our sons and daughters are born into a world worthy of them? What are you [the reader] prepared to do? Let's do it together."

I think we'll hear from Michael Tubbs again. I sure hope so. ■

## Why I Am a Sustaining Member

By Carolyn Moynihan-Bradt

y 11-year participation in MOSES is proof that the WISDOM practice of "one-on-ones" works. In 2011 I began receiving calls from a persistent Dominican nun, Sr. Joan Duerst. She told me of her work with social justice. She learned of my 50 years of justice work in civil rights, women's rights, ecumenism and justice in churches. She convinced me that I had something to contribute and invited me to the organizing meetings of MOSES at First Congregational Church.

I said yes to Joan, never expecting the diverse crowd gathered in the basement of Jerry Hancock's church. Instead of despair over the slowness of progress toward social change, there was an air of possibility about working together with the community and the churches as well as with formerly incarcerated members. Most important to me was the opportunity for a productive joint effort with those suffering under our criminal (justice) system, lifting up leaders and organizing. I later noticed that our work around tables was the Restorative Justice model actualized.

CATAS

Carolyn Moynihan-Bradt

Meanwhile. some very important work raise awareness of mass incarceration and the primitive conditions in supermax prisons was taking place. Michelle Alexander had released her book The New Jim Crow. Soon after, Bryan Stevenson and his book Just Mercy brought national focus to the racism in mass incarceration. The first focus for MOSES was a campaign to reduce the prison population by 50 percent by 2015.

At a hot summer march in Milwaukee, I met Talib Akbar, carrying a placard: "Solitary Confinment is Torture." He had constructed a traveling model solitary confinement cell to give people an idea of what solitary confinement is like. At the next MOSES meeting, Talib and I were seated next to each other. We were told to discuss why we were in MOSES. We both had the same answer: If we were to meet on

the street and weren't members of MOSES, we likely wouldn't talk to each other or get to know each other.

At our first banquet at Fountain of Life Church, the Rev. Everett Mitchell challenged us to visit Black churches and act to end the lack of diversity in our community. I had lived 22 years in Washington, D.C., where I had a more racially integrated social and professional life. In Madison, I hadn't had that opportunity. Since I was giving a Valentine's Day party, I invited MOSES friends to join my neighborhood friends. After that my hilltop acreage became a place for meetings, fundraisers, and hospitality for people who have been incarcerated.

Time, leadership, and hospitality are contributions, but I have not always had the time or energy to be active. Financial support, however, is always needed. Organizing takes money. I welcome the opportunity to have a regular donation taken out of my checking account so that it adds up to a decent amount per year, without my getting a lot of requests or having to remember to write a check. It is an important commitment.

I am so grateful for being on the journey to make life better and heal divisions. I am enriched by sharing with so many wonderful people our different journeys, talents, and dreams for a better world. ■

#### How do you become a sustaining member?

It's easy! Decide how much you wish to contribute to MOSES each month (there is a \$10 monthly minimum to participate through electronic funds transfer), then download and fill out this <u>form</u>, and mail the form with a voided check to MOSES, PO Box 7031, Madison, WI 53707. As an affiliate of WISDOM, MOSES shares in WISDOM's 501(c)3 status. To ensure that donations are tax-deductible, WISDOM coordinates the monthly electronic giving program through electronic funds transfer.

#### **Questions?**

Contact treasurer.moses.madison@gmail.com.

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