

# POWER CONCEDES NOTHING

## A DISCUSSION ON CDCR'S INSIDIOUS REGULATORY SEMANTICS AND JUDICIAL COLLUSION IN MAINTENANCE OF SHU TORTURE UNITS

*"Revolutionary activity in every area of human existence will come about by itself when the contradictions in every new process are comprehended; it will consist of an identification with those forces that are moving in the direction of genuine progress. To be radical... means 'getting to the root of things.' If one gets to the root of things, if one grasps their contradictory operations, then the overcoming of political reaction is assured... hence, a critique can only be significant and have a practical value if it can show the contradictions of social reality were overlooked."*

Wilhelm Reich, "Ideology as a Material Force"

From the N.C.T.T.-COR-SHU

Greetings Brothers and Sisters. The 3rd Law of Dialectical Change, "The Negation of Negation", dictates once social conditions undergo a qualitative transformation there is also a corresponding evolution in the contradiction between opposing social forces. Over the course of the past three years progressive social forces in America (i.e., Decolonize & Occupy Movements, PHSS and SHU Abolition Activists, Strike Debt, BRLP, and other Revolutionary Scientific Socialist Formations, etc.) have waged a struggle to wrest cultural hegemony from the U.S. ruling class on multiple fronts and at multiple levels of society-including at its most desperate and wretched level: PRISONS. As a result, there has been a qualitative transformation in the consciousness of significant segments of society.

With this in mind, the most dynamic aspect of the peoples' struggle against the maintenance and expansion of the Prison Industrial Complex is our current movement to abolish SHU torture units in America (and around the world), initiated by the Pelican Bay D-Short Corridor Collective. With the resolution of the historic "Agreement to End Hostilities", the cooperative efforts of people from diverse cultural groups, socio-economic backgrounds, and schools of thought and the sacrifices of thousands here in California (and around the globe) in three Historic Hunger Strikes (the third being the single largest in human history) the people have seized the moral high ground on this issue, drastically narrowing CDCr's base of support and room to maneuver, but not eliminating it.

Instead of a definitive transformation in the culture of prison torture resulting in an abolition of indefinite SHU, the contradiction has now evolved, with CDCr releasing its new regulatory policy language governing "Security Threat Group Management", and the 9th Circuit Courts releasing two pro-torture rulings, which viewed in their interconnections, represent the state's response to our challenge to their cultural dominance. The message is clear: "You are slaves; we will continue to treat you as slaves; and we refuse to have our socio-political dominance challenged by slaves."

The reactionary view of reality shuts its eyes to its own authoritarian contradictions and the conditions of the people. Political reaction reflexively makes use of those social forces that oppose progress; it automatically consolidates to defend its dominance over the People's lives. Instead of capitulating to progressive social forces and ending torture in SHU units, the state has closed ranks and seeks to redefine the nature of the conflict itself by redefining the language (i.e. semantics) in its policy governing STG validation and torture unit confinement. In true reactionary fashion they've adopted language that reduces (and in some cases eliminates) its burden to establish a factual basis of genuine criminal behavior on the part of those subject to these policies, while simultaneously increasing the burden on prisoners, and the People, to avoid falling prey to these new regulations which in essence criminalize anything those "validated" as STG's (Security Threat Groups) do, say, or think.... all with the explicit support of the courts. To truly understand the degree of political reaction at play here, we must first acknowledge the role of authoritarian institutions in U.S. society. Authoritarian society reproduces itself in the individual structures of the masses (through its economic system, ideology, and culture)

with the help of authoritarian institutions (i.e. school, courts, church, prison, etc.). It thus logically proceeds that political reaction has to regard and defend these authoritarian institutions as the foundation of the state, culture, and capitalist civilization itself.

When these authoritarian institutions are challenged in the arena of public opinion-and are found lacking as they have been in this struggle, the very foundation of the authoritarian social order is undermined, and a corresponding shift in the consciousness and character structure of the people follows. This, in turn, threatens the authoritarian mass psychology in America. The state can not allow this, and so their reactionary defense response is to delegitimize, to criminalize, to vilify those actors and activities who, in their view, are making a significant contribution to this process; in this case, activists, politically conscious prisoners, and their contemporaries. This policy is the state's effort to forestall our continued contributions to changing the dynamics of cultural hegemony in the U.S., and the language of the regulations makes that clear.

The offensive content in the newly released regulatory language is far too voluminous for us to address each and every point. Instead, we wish to share with you some of the grosser contradictions in hopes you will not only see the contrapositive aim of the state to maintain SHU torture units as coercive leverage to psychologically bend or break prisoners, but also gain a deeper understanding of the social forces acting upon us all. The language of CDCr's STG/SDP Management policy (released as a Director's Rules Change), like the irrational character structure of reactionary man upon which the state is based, is a study in contradictions. CDCr's

"Background" and "Purpose" language for the new policy on the one hand contends,

"California (STG's) are routinely and consistently connected to major criminal activities in communities, including such crimes as homicides, drug trafficking, prostitution, human trafficking, and extortion. (STG's) are largely responsible for criminal activities within institutions, to include the trafficking of narcotics, committing and/or directing violence.. and directing criminal activity..."

While on the other hand the "STG Disciplinary Matrix" (p. 43) they've developed is dedicated largely to elevating petty, innocuous, non-criminal activities and matter to the level of "criminal STG behavior."

Why would their public propaganda hype these serious and violent crimes as the focus of state interest, while the policy itself focuses primarily on criminalizing things which are in fact not crimes? The answer is as obvious as it is condemning: MOST PRISONERS VALIDATED AS "STG AFFILIATES" AND CONFINED TO SHU TORTURE UNITS HAVE NOT COMMITTED ANY SUCH CRIMES WHILE IN PRISON, AND MANY HAVE IN FACT DONE NOTHING AT ALL.

Nevertheless, the state must recreate a basis upon which the primary end of the SHU torture unit will not only be maintained, but reborn: The aim of breaking men's minds. However, the reactionary politician can not divulge his actual intentions in his propaganda. We doubt if anyone (even other reactionaries) would have responded positively to a CDCr statement of intent to break some men's minds, brain-wash others, and indefinitely torture the rest. In political propaganda-which much of this new STG policy is-it is a question of producing a psychological effect in masses of people. In you. One that seeks to legitimize what is clearly the maintenance of torture by another name, and your support for that legitimacy. Let's take a look.

The "STG Disciplinary Matrix" (§3378.4) (pp. 43-46) criminalizes "conversations", "greeting cards", "clothing", "communications with offenders/others", "group exercise", "handshakes", "artwork", and believe it or not, a "color." That all of these "behaviors" are left to the imagination and interpretation of prison staff only increases the arbitrary standard attached to criminalizing activities and matter which are not of themselves "criminal." It makes sense, after decades of presiding over the brutalization and degradation of validated SHU prisoners, that these staff members maintain a vested interest in ensuring imprisoned human rights activists remain isolated or broken.

To be sure, new §3378.2(7) allows to "staff visual and audible observations" (p. 22) to be actionable as "STG Offences" which can and will land you in (and/or keep you in) a SHU torture unit.

The First Amendment of the U.S. Constitution states, "Congress shall make no law ... abridging the freedom of speech", yet apparently CDCr can, and is doing just that. They have included new language, specifically intended to criminalize peaceful protest action against SHU torture units, SHU abolition activists, and rights groups as "STG Behaviors or Activities."

New language in §3315(a)(3)(AA) prohibits protestation, while §3315(a)(3)(Z) gives CDCr a basis to charge representatives as protest "leaders."

New §3323(h)(12) (8) prohibits "communication between offenders/others in support or furtherance of STG activities or behaviors", which includes letters or discussions surrounding peaceful protest actions against SHU torture units. To be sure, they have even introduced language which criminalizes visits between prisoners and Human Rights groups who do, or have in the past, supported peaceful protest actions against SHU torture units.

On p. 9 of the policy (§3378.7(9)) outlines violations for "visits from persons or entities that are documented as willfully promoting, furthering or assisting STG affiliates in activities associated with the STG." In every hunger strike-

### The Prisoners' Five Core Demands

1. Eliminate group punishments
2. Abolish debriefing policy and modify active/inactive gang status criteria
3. Comply with recommendations of US Commission on Safety and Abuse in America's Prisons (2006)
4. Provide adequate food
5. Provide constructive programs and privileges for SHU prisoners

#### Hunger Strikes Timeline

- Feb. 2011 - Prisoners send these demands to the Governor and CDCR officials
- July 2011 - Hunger strike commences, over 6,600 prisoners participate. CDCR promises but fails to show real progress
- Sept. 2011 - Hunger strike resumes with 12,000 participating
- Oct. 2011 - CDCR promises to review all current SHU assignments
- March 2012 - CDCR proposes repressive new Security Threat Group Management Strategy
- Aug. 2012 - Prisoner Reps issue Agreement to End Hostilities.
- July 2013 - 30,000 prisoners initiate a third hunger strike, which includes thousands refusing to work.
- Sept. 2013 - Third hunger strike ends after 60 days, promise of special legislative hearings. The five core demands were not met.

related 115 issued, and in countless pro-P.I.C. articles, CDCr and some mass media elements, have consistently reduced it to “gang activity.” This means the Center for Human Rights and Constitutional Law, P.H.S.S., C.F.A.S.C., Our Lives Matter, Prison Watch Network, C.P.F., L.S.P.C. and countless other progressive human rights entities, journalists and individual activists who oppose the preservation of torture in their society are subject to “validation” as an “STG”, and those prisoners conferring with them are in turn subject to sanctions.

The First Amendment prohibits any regulation “Abridging the...right to peaceably assemble, and to petition government for a redress of grievances”, yet again CDCr seems to have not gotten the memo. In the circuitous logic of irrational authoritarian man they seek to create new laws to protect their capacity to violate established law. Organizing to resist state-sponsored torture is not a crime. So again we ask you, why does CDCr’s “Initial Statement of Reasons” cite this litany of serious and violent crimes, yet its regulations focus on activities and matter which are not themselves criminal?

Under the language in this policy CDCr can (and surely will) criminalize anything prisoners—and some of you in ‘society’ reading this now—say, think, or do. The only “safe” activity we may possibly engage in is exiting our cells and taking a breath, however, if one were to take 2 deep breaths, one may be cited for “STG Harassment-Directly or Indirectly”, because some CDCr staff person may be intimidated by how your breathing. To be sure, they’ve actually introduced an unspecified category of STG misconduct in §3378.4(a)(3) (M) termed “Unique Behaviors” that is actually whatever the state wants it to be.

CDCr, making their authoritarian political position clear, posits in its “Statement of Reasons” surrounding §3378.4(c) (7) that behavior need not be actionable as a rules violation to be used to validate prisoners or retain them in SHU torture units (see p.31 of the policy). CDCr has included this language despite having touted to every media outlet and public official who would listen that they are “moving to a behavior based model.” It is a contradiction, wrapped in a lie, cloaked in semantics.

Yet as fundamentally contradictory and irrational as it is to criminalize activity and matter which is not criminal, to increase the magnitude of petty offences and observations which can land prisoners in a SHU torture unit; what’s equally offensive is they’ve actually lowered the bar for themselves in proving if such matter is actually “STG”- related. If you go to p.23, at §3375.3-CODE G, CDCr can establish STG association without having to show direct contact with a validated STG affiliate. Exactly how anyone can rationally demonstrate how someone is associating with someone else without having to show they’ve associated at all is mind boggling. Yet, if we move to the new language on “Direct Links” (for validation purposes) on p.35 we find that unilateral action by either party is sufficient to demonstrate a “direct link” to an STG, and CDCr staff need not establish that the subject knew the other was ‘validated’ as an STG, or knew each other at all. Under this rubric, any of you reading this right now could write an N.C.T.T. coordinator here in Corcoran or at Pelican Bay SHU, having never met or known us outside of reading this article, and find yourself “validated” with a “direct link” to an STG. Does this strike you as a means to combat “homicides, narcotics trafficking, and extortion”, or a means to combat political progress, to criminalize and sanction segments of the population who’ve exposed and damaged their inhumane agenda politically and socially?

Throughout the regulatory language there has been a great emphasis on “criminal STG behavior”, even making things which are not behaviors into “behavior” (clothing, artwork, handshakes, etc.)—yet contradicting this all, on p.35 they create a loophole for themselves (just in case the STG Disciplinary Matrix isn’t enough) stating placement in SHU/SDP, or validation as an STG affiliate, does not need to occur with behavior “source criteria” alone is enough. To be sure, though they contend they’ve put a 4 year cap on the “age” of “source criteria” (information) used for STG purposes, they have included another loophole for themselves on the same page which actually expands the time frame for using “source criteria” to “anytime in the individuals personal STG history.” How they are able to assert such contradictions under color of law is a riddle which should concern every citizen and inhabitant of the U.S. Unfortunately the answer to this riddle is even more disturbing.

### Judicial Collusion

It is the fact of judicial collusion which allows for such abuses. For example, CDCr has made a great deal about the new provisions which are supposed to ensure confidential informants/information used to validate or place prisoners in SHU under STG regulations must be independently corroborated before it can be used. However, new §3321(b) (1) includes language which completely undermines this by stating, “other circumstantial evidence” may be used to “corroborate” confidential informants/information (1030’s). We have recently discovered “investigation” is sufficient “corroboration” under this “other circumstantial evidence” standard. In other words, they can have an informant say you had

plans to blow-up a gun tower, and that informant becomes “corroborated” when they “investigate” this baseless lie. Under this logic, “corroboration” is just empty semantics.

However ridiculous this sounds, they have no fear of the courts striking such an absurdity down because in a recent ruling on Brother Zaharibu’s 9th Circuit appeal, the courts took the position THE ACTUAL EVIDENCE DOESN’T EVEN HAVE TO EXIST - AS LONG AS THE RIGHT BOXES ARE CHECKED ON THE 1030 form, THAT’S “SOME EVIDENCE.” The evidence the 1030 is supposed to be based on does not have to exist at all. The ‘word’ of CDCr staff, according to the courts, is good enough for them. Mind you, this ruling comes on the heels of the third Hunger Strike, only days before recent legislative hearings on SHU torture units, and almost simultaneously as these regulations were being released. As it stands, IGI/Prison Staff can say anything on a 1030, check some boxes, and you’ll receive a 115 and a 4-year to indefinite SHU term in CDCr’s SDP-and the courts will support this.

Judicial collusion in the maintenance of SHU torture units is long standing and pervasive in the U.S., and in California in particular, (see, *Ruiz v. Estelle*, *Coleman v. Wilson*, *Madrid v. Gomez*, *In Re Castillo*, *Koch v. Lewis* [AZ], etc.). Despite the massive public outcry against the perpetuation of SHU torture units in America, the 9th Circuit court (in apparent reactionary support of CDCr’s maintenance of the practice) is actually reversing progressive District court rulings when they favor prisoners subjected to long-term SHU torture.

In *In Re Griffin* the District Court ordered CDCr, on three separate occasions, to release Griffin to the general population (G.P.), or a less restrictive environment than SHU. After several moves to mock the court’s ruling, such as moving Griffin from Pelican Bay SHU to Corcoran SHU, which failed miserably after the District Judge toured Corcoran SHU and told CDCr they were not in compliance with the order, CDCr basically took the position they’d go to jail before they released him to the G.P. The 9th Circuit finally weighed in. The Attorney General, representing CDCr passed on to the court some speculative information provided by OCS, and the 9th Circuit in essence took the position the District Court made an error by abiding by the Constitution in *Griffin’s* case. The 9th Circuit Court rebuked the District Courts’ findings that over 2 decades in the SHU, simply because one would not debrief, does in fact violate the Eighth Amendment. The 9th Circuit Courts position is that torture is not cruel and unusual as long as it’s a validated prisoner on the receiving end, and further held (based on whatever information OCS trumped up) that Griffin could “earn his way back into Pelican Bay.” They made no move to enforce the District Courts order to release Griffin to the general population or to sanction CDCr for repeatedly disregarding the order.

That CDCr has been maintaining the largest collection of torture units in the U.S. is the best proof the courts will defend the integrity of authoritarian institutions before it upholds its own ‘law.’ Which is why it should come as no surprise that CDCr can assert in its “Evaluation of Consistency/Compatibility With Existing Laws/Regulations” (p. 2) that: “The Department has researched existing statutes and regulations and has determined that these proposed regulations are not inconsistent...with existing laws”... then turn around and violate the very statutes it cites as its controlling language with impunity. To state that many of the provisions of this policy violate the 1st, 8th, and 14th Amendments is too obvious, and frankly too easy. Let’s go for the less obvious.

If we look on p.3 of the “Initial Statement of Reasons”, CDCr cites *Castillo v. Alameida* [*Castillo v. Alameida*, Case No. C-94-2847-MJJ (N.D.Cal.) ] as controlling case law, yet throughout the policy “laundry lists” of every sort (i.e., membership lists, enemy lists, roll-call lists, etc., see-p.14, §3323(h)(12)(E); p.22, §3375.3(a)(4)(B)(3); p.36, 0378.2(5); p.45, STG MATRIX, Sec.6(g), etc., etc.) are cited as legitimate “source criteria.”

The ‘*Castillo*’ settlement agreement expressly prohibits the use of such laundry lists for validation/SHU placement purposes. The ‘*Castillo*’ settlement agreement (CIV-IL NO.C-94-2847) on p.7, at point 21 states, “Defendants (CDCr) agree that “laundry lists” shall not be relied on as a source item”, yet in spite of this they’ve added new provisions for additional “laundry list” classifications, such as ‘roll-call lists.’ CDCr’s regulatory semantics and the courts collusion in their maintenance and perpetuation must be seen for what they are. This is THE STATE’S response to the Protest Movement responsible for exposing its contradictions and inspiring resistance from multiple segments of society. As one apparatus of the authoritarian state becomes intransigent in the face of change, others leap to support it (in this case the courts, the Governor’s Office, conservative mass media, and The Dept. of Justice) on a broader and broader basis giving the appearance of a shift back in the struggle for cultural hegemony in their favor.

This, of course, results in a further deepening of the contradiction in the peoples character structure between reactionary and freedom loving tendencies; not simply among the broader masses but those actively engaged in, or supportive of, the struggle as well. However, such vacillation is insufficient to reassert continuity in the authoritarian order... or to halt determined spirits from actively seeking to trans-

form the nature and structure of capitalist society and it’s institutions in America. Therefore, the state must resort to other measures: Enter the Step-Down Program.

CDCr’s Step Down Program, as we’ve already explained in a series of dissertations, is simply a sham system by which CDCr seeks to leverage indefinite torture in SHU to coerce those subject to it to submit to psychological reprogramming consistent with the social values of the authoritarian state. According to these new regulations, should you resist this ideological (re)assimilation you will remain in the torture unit indefinitely-and you (not the state) are then “responsible” for your own torture. On p.41 of the policy (3378.3(a) (2)) they state,

“Each step provides programs and privileges and it is the responsibility of the affiliate to demonstrate they can be released to a less restrictive environment while abstaining from STG behaviors. If the offender chooses not to progress through any step of the program the offender may be returned, by ICC, to one of the previous steps until they demonstrate appropriate behavior for movement into the next step. Any time the inmate wishes to begin participating in the SDP, they may notify their assigned counselor...”

As we’ve already demonstrated, “abstaining from STG behaviors” is next to impossible under these new “regulations” which criminalize everything from a hand shake to a conversation, but when they speak of “appropriate behavior”, exactly what are they talking about? For the answer we must go to the “SDP Notice of Expectations” [p. 41]. There is a “Notice” for each step (1-5), with each containing 5 to 7 ‘expectation’ points, depending on which step you’ve been assigned to. The most obvious and glaring contradictions of the SDP, and what actually reveals the state’s true motivation here, is the fact that only 1 of the expectation points has any association to legitimate penological interests as it relates to “behavior” in prison: “Remain disciplinary free adhering to all Departmental rules and regulations.”

Now if CDCr were sincere in their assertion that “The SDP will be an individually behavior based program” one would need only “remain disciplinary free” for 4 years and be released to the general population in step-5. This however is not the actual intent of the SDP; subordinating the population to the authoritarian dictates of the state is.

Under this new policy you can be disciplinary free for decades (as most current indeterminate SHU prisoners are today) and never be released from SHU. This is not simply a “behavior based” program (despite the term “behavior” being such an ambiguous term to CDCr) as you are also expected to “participate in and successfully complete all mandated educational and cognitive (restructuring) instruction (including self-directed journals), as well as risk-educational assessment, as determined by ICC.”

They also expect you to “follow all staff recommendations and directions”, as a part of “positive” SDP participation. Since we’ve already made a definitive analysis of the cognitive restructuring and forensic profiling components of §700.2 of the SDP and COMPAS assessment in 3 previous NCTT-Cor-SHU analyses, there is no need to do so again here. What is necessary for us to discuss here is why this duplicitous contradiction is so necessary to the state’s efforts to reassert political reaction in populations currently committed to progressive struggle.

Our struggle to abolish SHU torture units is inextricably linked to the broader struggle to seize cultural hegemony in the U.S. from the ruling class and its tool, the state. This struggle has contributed to progressively changing attitudes in society and prisons. Our collective efforts have repeatedly exposed the state’s contradictions and sparked the Peoples appetite for freedom and new social relationships. These activities undermine the reactionary character structure upon which authoritarian society is based. These actions are thus revolutionary. “Revolution” is at heart “a war for the minds of the masses.” It moves us positively from one way of life and set of social values to one more conducive to principles of collective life. The state makes no secret in this new policy that reintroducing its “social values” is central to their SDP strategy. On p.2 of its “Initial Statement of Reasons”, it states its “strategy is designed to [last point] provide programs designed to promote social values and behaviors in preparation for the offender’s return to the community.” (p. 2)

It is only as a result of seeing the masses organize and resist its callous inhumanity that the state now seeks to force the restructuring of the “social values” of prisoners at the source of this resistance to more closely reflect the dominant mass psychology (i.e. ideological conformity). It is only when the suppressed segments of society begin to organize themselves, begin to fight for socio-economic and political improvements and raise the cultural level of the broader masses, that moralistic inhibitions set in; only then do ruling elements, and their tools, begin to show concern for the “values” and “morality” of the oppressed.

As organized resistance rises, so does a contrary process activate in direct proportion from the state: The ideological assimilation to the ruling class. However, such a process among the prison class and lumpen strata (where oppression is a constant of existence) is simply not as easily achieved

*Continued on page 4*

# PRISON FOCUS

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## EDITOR

Ed Mead

## ARTWORK APPRECIATION

A hearty thanks to our artists for this issue, who include Chris Garcia, Michael Russel, Robert Garcia and Michael Russell. We are always looking for fresh artwork by prisoners, art that has a political content or expresses some aspect of the prison experience (however it is interpreted).

## DONATIONS

If there are to be additional issues published there will need to be more people contributing to the cost of production. Thanks to all of those who have contributed to making this issue possible.

If you have not contributed either stamps or money to California Prison Focus please do so soon. The only obstacle to printing this newspaper more often is the lack of money. Please help.

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## Writing to CPF

For ease and efficiency, please follow these guidelines when writing to CPF:

- Write your complete name, address, prison ID number and date on the letter.
- Print legibly and be brief.
- Indicate on the envelope who the letter is for (i.e., Newsletter, etc.).
- Write and underline if an action is requested (Although this does not guarantee a response).
- Do not send unsolicited legal or medical documents.
- Enclosing a SASE will increase the likelihood of getting an answer.

In the event you are wondering if you've received all recent issues of *Prisoner Focus*, note that the previous five issues are:

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- #40 Summer 2013
- #39 Spring 2013
- #38 Spring 2012
- #37 Summer 2011

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# LATE BREAKING NEWS

## 20 DETAINEES RELEASED FROM SOLITARY CONFINEMENT FOLLOWING LAWSUIT, COMMUNITY PREPARES TO RALLY

Tacoma, WA—This morning, 20 detainees being held in solitary confinement at the Northwest Detention Center in retaliation for engaging in a hunger strike were released from segregation, due to the pressure of litigation. The released detainees include 25-day hunger striker Jesus Gaspar Navarro, who had been placed in solitary confinement following a stay in medical isolation after ending his historic strike. The ACLU of Washington and Columbia Legal Services had filed a temporary restraining order and injunction on behalf of these individuals, seeking a court order to halt the ongoing retaliation against detainees engaged in the hunger strike and related activities. Those released are happy to be out of isolation.

The individuals released had been in solitary confinement since March 27, when United States Immigration and Customs Enforcement (ICE) officers implied that detainees could meet with an assistant warden to discuss their reasons for being on hunger strike. Instead, these detainees were handcuffed as soon as they left their unit and were immediately placed in administrative segregation for 23 hours a day, with no human contact, access to a telephone, television, or written materials. None of these individuals were told from the outset why they were placed in solitary confinement. We refer you to the ACLU for details related to the lawsuit.

While solitary confinement has ended at this time for these individuals, other hunger strikers remain in isolation. Army Veteran Hassall Moses remains in solitary confinement after being charged with inciting a work stoppage, even though work done by the detainees at the detention center is allegedly voluntary. Ramon Mendoza Pascual remains in administrative segregation due to his involvement in the hunger strike. Mr. Mendoza Pascual was given a hearing in which one ICE officer acted as the translator, witness, and adjudicator.

An opportunity to support these courageous individuals, including those still being held in isolation, occurs April 5 at the Northwest Detention Center. Hundreds of supporters and family members of the hunger strikers will be gathering for a rally, march, and workshops from noon to 5pm. Speak-

ers include released hunger striker Jose Moreno, families of those currently detained, and leaders of strike support efforts Maru Mora Villalpando, Angelica Chazaro, and Sandy Restrepo. Also featured will be music by Olympia's Artesian Rumble Arkestra, the Seattle Fandango Project, poetry, and education about the detention center and history of immigrant activism.

[Ed's Note: Mark Cook and I attended the rally at Tacoma's Northwest Detention Center in support of the struggling prisoners. A lot of outside supporters showed up, making it a very successful event.]

## #NOT1MORE

Yesterday I got a call from Manuel Martinez-Arambula, one of the leaders of the hunger strike inside the Joe Corley Detention center, from Mexico.

Without his family's or his community's knowledge, he had been deported in the middle of the night, as retaliation for his leadership in the hunger strike. That night was also Manuel's 50th birthday.

The organizing inside detention continues. Send an e-mail to ICE and GEO showing your support for the detainees in hunger strike.

While Manuel was being forced into a deportation van, immigration officers lied to us, and told us he was only being moved to another detention center.

Manuel had spent his life in the U.S., having lived here since he was 8 years old. His wife is a legal permanent resident and he has a 13 year old daughter who is a US citizen. He is a civil rights leader who had been on hunger strike for 10 days, protesting the conditions inside the detention center. He is one more of over a dozen organizers who have already been deported.

His wife and his 13 year old daughter are devastated, but have decided to continue fighting and make their story public. Just this morning Melanie, Manuel's daughter, told her mother that she would not give up, and that she would continue fighting until her dad can come back home.

She wants to make a call to all young people who have lost their parents to deportation or detention to join the fight to stop deportations. So tomorrow, Melanie will be at the National Day of Action to Stop Deportations in Houston, TX, Join us as we demand an end to deportations and support the Joe Corely detainees.

Thank you for your continuing support.

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as it is in the middle class. Consciousness, relatively speaking, is directly proportional to oppression. Couple this fact with the lumpen strata's desperate historic relationship to the productive system and the daily assaults on our humanity that all prisoners endure, and the prospect of conforming to authoritarian dictates, or being ideologically assimilated by mundane means to just accepting the role of oppressed man is simply unrealistic to say the least. Thus the need, the requirement, the mandate of the state that all prisoners subject to the SDP must submit to cognitive restructuring or face the prospect of continued indefinite torture.

If we view the state's response in these regulatory and judicial positions within their correct social, political, and historic context it becomes clear this is an automatic, reactionary gambit to reawaken contrary structural tendencies which lie active, dormant, or repressed (depending on your relative degree of political maturity) in all of us who've developed in the patriarchal-authoritarian miasma of capitalist America. Concessions in this struggle, on the part of the state, have thus far been superficial and cosmetic. The view of authoritarian institutions is power does not concede-it compels.

We have demonstrated here how these policies and judgments are a collection of contradictions justified by lies. As resistance to the dictates of authoritarian ideology continues to spread and flare across the surface of the American social structure, truth begins to intrude rudely upon the hypocrisies and irrationalities at the foundation of authoritarian society. The lines between the socially hostile microcosm of prison and the politically reactionary macrocosm of society are being blurred as progressive activists across the spectrum begin to join hands across the walls with progressive and Revolutionary prisoners, producing new social relationships, new political perspectives, and moving toward truly Revolutionary (i.e., rational) character structures and ideology. As we speak, ideas, rational ideas based in truth, like the Sustainable Agricultural Commune, the Pelican Bay Human Rights Movements' First Amendment Campaign, and the Agreement to End Hostilities are finding resonance among the People, and taking root in communities in society at large. These ideas are influencing—to a greater or lesser degree—the mass psychology in America, and the state must move to stop it, to prevent these ideas being fully manifested into a social force of even greater transformative quality. Power thus reveals its nature in its contradictions.

Wilhelm Reich, in his treatise, *The Human Struggle for Freedom* observed:

“The dilemma is this: Without the power to put them into practice, truths are of no use. They remain academic. Power, no matter what kind of power it is, without a foundation in truth, is a dictatorship, more or less and in one way or another, for it is always based on man's fear of the social responsibility and personal burden that ‘freedom’ entails. Dictatorial power and truth do not go together. They are mutually exclusive... ‘power’ always means the subjugation of others.”

It is here finally, we strike at the “root” of the matter: The state's preservation of dictatorial power is the origin of the lies and contradictions within the new STG regulations and the judicial collusion which allows them to move forward as a material force.

With all this in mind, state Assemblyman Tom Ammiano has sponsored a bill to cap “administrative” SHU confinement to a 3 year determinate term. We've no doubt Mr. Ammiano is sincere in his genuine desire for progressive change. However, CDCr, and the state they both represent, is not. As we've demonstrated here, semantics is as viable as reality to the state. If there is no explicit language stating the bill applies retroactively, those who've been here for 10-40 years will have to spend another 3 years here. CDCr can take the position, the SDP is “segregated housing” and not SHU (though it is none the less in the SHU and your torturous living conditions are no different) and continue to hold you in the SHU for another 5 years to forever. Because the bill speaks exclusively to validated SHU prisoners, with this new regulatory language in mind, which manufactures an entirely new reality for “behavior” (transforming non-criminal activity and matter into “crimes”), it's a simple matter of having validated prisoners housed in SHU issued repeated petty 115's—which could hold prisoners in SHU indefinitely. SHU torture units are real, the human misery they are responsible for is real, and the intent of the state to maintain this practice is equally real.

There are some of us, despite this bill, that the state is simply not going to release to a mainline. To be sure, these new regulations contain provisions whereby, “...STG affiliates who are... in segregated housing for non-disciplinary reasons with privileges associated... with step-4 if they have completed the SDP but were retained for non-disciplinary reasons.” In other words, you can jump through every hoop in the SDP, and if they feel you have too much influence, or for other Non-disciplinary reasons, they can keep you in step-4 (in the SHU) indefinitely (see “Initial Statement of Reasons”, p.12, §3044(j) through §3044(j) (2)(H)). With this in mind, if the legislature will not consider restoring the “Prisoners Bill of Rights”, perhaps at least they will consider including contact visits for those housed in SHU for non-

disciplinary reasons?

In the final analysis it is our collective determination to not simply abolish SHU torture units, but to transform the sick culture and warped ideology of this society which has allowed them to endure for so long which, in turn, will realize a victorious Revolutionary change. The Prison Industrial Complex is but one cog in the machinery of the authoritarian order. Truly dismantling it requires striking at the very foundation upon which this world is currently organized: THE AUTHORITARIAN MASS PSYCHOLOGY OF REACTIONARY MAN/WOMAN. By changing our minds and actions, we will change the world. This kind of change, a Revolutionary change, only progresses in the crucible of struggle. Come struggle with us.

We wish to leave you all with the wise words of Arundhati Roy: “Another world is not only possible, she is on her way; on a quiet day I can hear her breathing.”

Until we win or don't lose. •

N.C.T.T.-COR-SHU

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## PELICAN BAY EARTHQUAKE PROMPTS DOUBLE LOCKING OF CELLS, REVEALS NEED FOR UNITED FRONT

By Joe A'Jene Valentine, March 25, 2014

**Know your enemy from your friend.**

**O**n March 10, not too far from Pelican Bay State Prison, a 6.9 earthquake struck in Eureka and the powerful vibration was felt miles around. At that moment my thoughts began racing and the thought which prevailed was this: “If these haphazardly-designed concrete slabs began collapsing, we'd all be in the same damn boat – crushed dead.”

Although this isn't a new revelation, the profoundly different psychology of our captors was blatantly shown by the fact that all of the cage doors were immediately double locked! The message was most clear: “Your safety is not hardly our priority.” I thought aloud: “Our lives don't mean sh—!”

At that moment, all of us were obviously ONE CLASS: the have-nots. At that moment, we were united and the divisions in our heads didn't amount to any type of lifeline. And I wondered, what if I died at that moment? What would I have achieved of real meaning on the scale of historical purpose?

How can a man or woman achieve anything of meaning if they don't stand for something meaningful? And doesn't this – standing for something meaningful – rest first and foremost in the values and world view a person governs his life by? Can we realistically operate on the basis of an artificial dichotomy as regards a person's philosophical outlook and conduct? I mean, is there not a logical nexus between one's thinking and resulting behavior?

Aren't the agendas and programs one is motivated by inextricably related to and rooted in the MIND DOMAIN of those who embody such? If yes, aren't we as a matter of principle and politico-strategic competency obliged to critically examine the ideological apparatuses in which we are absorbed in order to weigh their value towards constructing a foundation on which to build lives that extend meaningful aid and achieve real meaning?

Being an ex-Blood – I'm a former Bounty Hunter from



Art by Robert Garcia

Watts – I long ago realized that in the final analysis ideology and worldview of reactionary and destructive gangsterism was and is rooted in and motivated by nothing of real value. In terms of historical purpose, the gang mentality and bloodism doesn't stand for anything of importance. Yet, although I've drawn that sane and intelligent conclusion – the material dynamics proves the case – illusions die hard for the vast majority as related to those who practice the gangster mentality.

Thus, regardless of the abundance of what I perceive as idealism in the context of intra-group collaborative approaches in terms of the solidarity demonstrated towards confronting the fascist-authoritarian prison system, what must be grasped and admitted is that we can't and won't win so long as we persist in functioning on the basis of ideological values and philosophical outlooks that act as acute polarizing forces, one or the other. Real talk.

To be clear, what I'm suggesting is that those who are genuinely concerned about the level of repression to which we're being subjected and which shall inevitably encompass and affect the lives of our folks, the have-nots, on the assembly line from school prisons to prison schools are obliged to engage in ideological struggle. This is a requirement, since otherwise our own aims will be negatively impacted and our potential – our potency – will be drastically undercut due to our own failure to pursue politico-social matters on the basis of strategic clarity, an organized program derivative of correct assessments and guided by theory reflective of the real dynamics at play.

Naturally, the contradictory dynamics at play in relation to the entire array of institutional-based repressive phenomena such as soldier-cops, prosecutors, courts and penological systems are undergirded by an ideological construct and this in turn is rooted in a distinct world view. Indeed, this is the case in regards to all complexes in this oligarchical fascist society. The myriad of diverse socio-political institutional frameworks, such as the prison industrial complex, intelligence complex and law enforcement complex, operate to form a coherent program geared towards strategic dominance.

Could their real motivations ultimately center upon a strategic risk assessment of our have-nots? Are we merely obsolete as unskilled labor, or are we potentially an emerging political threat under conditions of a permanent severe economic recession? Is massive resistance of earthquake proportions being generated?

I mean, is the targeting of our folks, as described in the “New Jim Crow” and exemplified by gang injunctions, actually motivated by a pretext designed to control and hence stifle our revolutionary potential? Could that signal their fear of our realization of the necessity or imperative to become politicized?

Also, what if in the course of our engaging in prudent analysis of our repressive opponents' politico-strategic dominance of us it is discovered and made plain that we ourselves are deeply affected by and hence function on the basis of the very ideas and underlying world view of our political opponents, are we not obliged to endeavor to make ideological adjustments or do we simply go on being dogs unable to learn new tricks?

Can we honestly achieve the reorientation of our priorities on the basis of conforming to and upholding racist, fascist, sexist, individualist and reactionary ideas rooted in and motivated by alienation and domination? Is it really conceivable for us to create the conditions for enduring and genuine solidarity in the face of maintaining a tight grip on value systems and world views which by their very nature function to rationalize and justify a deleterious fracturing of ourselves? Do our own ideologies and philosophies condition us to exist in division – conquered?

If yes, are we not the damned agents of our own oppression while at the same time serving to perpetuate and reinforce the politically divisive agenda and program for our common class foes? Indeed, in such a case, the saying “we are our own worst enemy” aptly applies, even as it operates to describe a profound contradiction. It is ignorance to remain slavishly polarized due to an immature and selfish ego.

Are we to be truly united, or is all that is being projected a front? Nah, it isn't my intent to disparage the character of anyone who sacrifices to improve our deprived plight, yet constructive criticism aimed toward deeper political assessments is obliged of us all if we truly dare to meet in a competent manner the serious and organized challenges that face us and our communities.

My basic point is that we must endeavor daily to repudiate and relinquish our common enemy's ideologies and world views since unless or until this arduous internal feat is approached as the initial priority, there will be no substantive politico-strategic victories from the tombs of our communities. •

In memory of Komrades Herman Wallace and Chokwe Lumumba, New Afrikan freedom fighters.

Joe A'Jene Valentine, C-47779

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Source: <http://sfbayview.com/2014/pelican-bay-earthquake-prompts-double-locking-of-cells-reveals-need-for-united-front/>

## CORCORAN REPORT

### Corcoran Hunger Strike 2013 Report

By Kim Pollak

#### Overview

Prisoners reported through written letters and confirmed through direct visits that a whole series of legal, medical and physical abuses occurred during and after the hunger strike in order both to crush it and to retaliate against those who participated. These egregious acts of violence, provocation, and medical neglect must be investigated, and every guard or medical staff member found responsible for these abuses must be reprimanded to the fullest extent.

#### Health and Medical

Strikers reportedly received less medical attention and lower quality care than during the hunger strikes of 2011, and compared to the already substandard level of care that they normally receive. Inmates explained that the medical staff was taking the strike “very lightly.” There were reportedly 24 cells total in the medical unit with eight being reserved for hunger strikers. According to prisoners, there was not enough space in the emergency room, contributing to the denial of requested medical care. Prisoner G explained that in order to be taken to the emergency room, an inmate had to sign a CDCR liability release form. The form is not clear, however, and does not specify from which treatments the inmate is releasing liability. For this and other reasons, some inmates declined visits to the emergency room.

Prisoner A reported that while he was in the medical clinic he was told by one of the nurses that medical staff was being ordered by the chief medical officer to give no special attention or care to the strikers. Other inmates heard similar statements from the guards. Prisoner L stayed away from the ACH (Acute Care Hospital) medical clinic “at all costs” due to what he described as “incompetence.”

Health checks occurred throughout the strike, though inconsistently and often conducted without any actual concern for the health of the inmates. Prisoner B reported that a psych staff member walked down the hall of his pod asking individuals, “Are you on strike? Are you alright?” and then left without waiting for a response. Prisoner C reported that nurses were conducting check-ins every three days. They would look into his cell and then walk by with no verbal exchange. Another reported that he was getting checked by nurses every day, but that checks were made at his cell door. The contact was only oral and no diagnostics or assessments were conducted. Baseline weights were reportedly manipulated. One striker stated that his baseline weight was taken a week into the strike after he had already lost 13 lbs. Another said his baseline weight was taken nine days into the strike after he had already lost 17 lbs. Prisoner D reported on July 26th that he had been weighed once since July 8th. Prisoner E had his vitals taken twice in a period of 24 days.

Hunger strikers reported a variety of food deprivation - related symptoms, including fatigue, dizziness, trouble holding thoughts and insomnia. One inmate reported that he was urinating blood while another reported that he was throwing up blood. Several inmates reported themselves or neighbors going “man down.” They reported that many of these incidents were preventable and occurred as a result of delays and unanswered calls for help. Prisoner E reported that he called for help for 24 hours before going “man down.” Another prisoner reported an incident he witnessed, in which a fellow inmate requested medical attention and went four or five days with no response. When he finally went man down, the guards “used force in his cell and beat him up.” More immediate responses would have prevented multiple prisoner visits to the medical clinic and hospital. As a result of injuries and illnesses that were not addressed or treated, or only after great delays, prisoners suffered from exasperated symptoms and pain. Prisoner F reported that he was hospitalized for a week, had an EKG, and was told that he would need a follow up in a couple of days. There was no follow up.

Prisoners reported that they were deprived of their prescribed pain medications, and other medications that “were to be taken with food.” Prisoner C for example, reported that he had not received the pain medication prescribed for his knee in several days, but rather was given the less effective and cheaper Tylenol. Prisoners reported that their antidepressants and other psych medications were discontinued. Prisoners reported that when they were relocated they did not receive their medications for several days. One reported that after he arrived at Corcoran from Pelican Bay, his medications were mixed up on a daily basis. At times he was denied his pain medications because it was claimed that he had refused them, which he denies. It was reported in early August that, as opposed to the 2011 hunger strike, the men were not receiving vitamins.

Transfers, Communication and Special Needs Yard (SNY) Strikers were transferred both within the prison and to other prisons. “The overall mood inside was hectic; lots of tension and agitation and people being moved around” wrote one prisoner. Strikers were moved around in a consolidated manner. For example, it was reported by one prisoner that all of the strikers were put on the left side of the SHU in each building. This aided staff in their efforts to cut off the flow of communication among protesters. In addition, guards sometimes “reported” erroneous information that the strike had ended. Some strikers who had ended their strike prematurely would not have done so if they had known other prisoners were still striking. This occurred during the 2011 hunger strike as well. Guards also sought to eliminate the ability of non-hunger strikers to pass food to the men on strike. In addition, the warden had reportedly instructed force to be used in transfers. Guards threatened strikers with use of force in cell extractions if inmates refused to comply. The threats and moves caused some prisoners who had stopped striking to rejoin the strike in further protest.

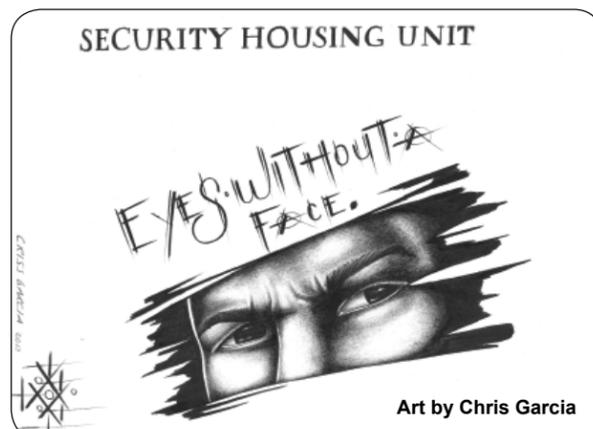
On July 26th Prisoner D reported that seven identified representatives, including himself, were taken to the SNY where the guards made sure that representatives of groups participating in the protest remained isolated from other participants. Prisoner E believes that strikers were relocated to the SNY specifically to be housed with hostile informants, with the intention of providing de-briefers with information to make them seem more credible. Others stated that the guards were aiming to incite violence among the prisoners. One striker who was transferred to the SNY reported that the sergeant told him, “Don’t expect these guys to holler for you. They are probably going to throw feces and urine at you, but my guys are here. Don’t worry.” Not surprisingly, we received multiple reports of such incidents occurring. Strikers reported physical harassment such as being spit at, hit and kicked, as well as receiving insults and other verbal harassment from SNY inmates. The safety of the sensitive needs inmates was compromised as well.

#### Property Confiscation

Property confiscation was used as a blatant form of retaliation towards both hunger strikers and those who participated in the single cell action. We received numerous reports regarding cell searches, property confiscation and the subsequent mishandling and disposal of prisoners’ belongings. Cell searches occurred while men were in the yard or taking showers. Prisoner D reported that guards were using this method of intimidation as a response to single celling. One inmate reported he did not seek medical care because he did not want to leave his cell, concerned that while he was gone his cell would be searched and his belongings confiscated.

When an inmate and his belongings are transferred, regulations state that inventories are to be taken. This protocol was blatantly disregarded. And though some prisoners did eventually get some of their property back, others reported that their belongings were never returned and/or damaged when they were. Confiscated items included everything from reading glasses, hearing aids and hygiene products to original artwork, letters, photographs, address books and legal papers.

One prisoner reported that his building received the memo about canteen privileges, stating the additional items inmates would be allowed to purchase. The men then placed orders, but were subsequently told that the privileges had been rescinded. At the time of the interview, the men had not gotten their money back. In addition, canteen staff was instructed not to sell food items to the strikers.



#### 115s and other forms of retaliation

Violation write-ups were a primary form of retaliation and intimidation. As at other participating prisons, the majority of hunger strike and single cell participants received 115s with allegations of gang-related activities and accusations of causing a prison disturbance (akin to a riot). Prisoner P explained that the 115 he received for hunger strike participation which included language about “organizing, communicating, participating and passing ‘kites’.” Prisoner F explained that his violation write-up stated inaccurately that he “had no questions, needed no representation or staff investigation.” Prisoner R reported that he was not given notice of his 115 hearing, was consequently not present and found guilty. Prisoner G claimed that he did not bother challenging his violation hearing because “it’s a kangaroo court.”

Prisoners reported that men who did not attend their hearing or challenge their 115 received either eight to ten days of CTQ (confinement to quarters) or 30 days of lost “privileges.” Those who challenged their 115s and lost were denied privileges for 90 days. One inmate reported that his 90 day loss of privileges started on the day of the hearing rather than the date of the violation, resulting in more than 90 days loss of privileges. Prisoner Q reported that strikers received 115s after nine days of refusing trays and were told that after nine more missed meals they would receive a second 115 and lose some privileges permanently such as TVs and radios. As a result of these disciplinary threats and consequences and the fear of losing their most valued possessions, some protesters ended their strike.

Other forms of retaliation were reflected in the attitude of the guards. One prisoner stated that the guards were “more indifferent this time; that they do not care if people do or do not eat, or if they die.” Others reported that the guards were more aggressive since the strike had begun, especially when extra work on their part was necessary. Prisoner U reported that the guards responded with aggression when prisoners requested simple things, like toilet paper. Prisoner J reported that the guards had been harassing him verbally, calling him derogatory names. Others reported incidents of being grabbed by guards and experiencing other such forms of provocation.

#### Yard

SHU prisoners had reduced access to showers and yard throughout the strike. Prisoner B reported on July 28<sup>th</sup> that he had been on lock-down since July 11<sup>th</sup>. Likewise, there were prisoners who reported that they had not had yard in 20 days. Sometimes upper cells would have yard time and not lower, or vice versa. Access to the law library was restricted as well, even for those who had active cases. One prisoner stated that the officers would find any pretext they could to deny access to the law library and other privileges. Prisoner P did not have an active case, and had been waiting to go to the law library for seven months. In addition, mail was delayed and visits were denied. Prisoner Q reported that his outgoing legal mail had been held and opened.

#### Conditions

Generally horrible conditions reportedly worsened during the strike. Temperatures were reported as both too hot and too cold in different sections of the prison, contributing to the discomfort and health risks of the strikers. One prisoner stated that his latest shower had hot water, implying that this was (is) not always the case. It was reported that entire sections were not being cleaned due to the work stoppage. The cells into which men were moved were often filthy and placed additional stress on the health of the inmates. The denial of personal hygiene items also increased the health risks of strikers. Prisoner R reported that refused food trays were being refrozen and served again a week later.

#### Numbers

We received numerous reports that prison officials were deliberately and falsely reporting to the media lower numbers than the real number of strike participants. Various tactics were used to lower the reported number of protest participants. For example, it was reported by CDCR that Muslims who were striking were not participating in the strike, but rather observing Ramadan. Those who drank tea or coffee, or sometimes even Gatorade, were disqualified from the list even if they were eating no solid food. In addition, strikers adamantly dispute CDCR’s claim that the strike was gang driven and/or that they were pressured to participate by other prisoners. Every inmate who communicated with us stated emphatically that they were not coerced in any way to participate.

#### Conclusion

Prisoners generally noted that the Agreement to End Hostility contributed to the positive morale and solidarity among the prisoners. Many inmates expressed appreciation of supporters on the outside. One prisoner eloquently stated his gratitude to the coalition and other activists on the outside: “All of these years, our voices would never have been heard without your support. Never think for a minute that our bravery is any more significant on the inside than the bravery it takes to stand up on the outside.” ●



## PELICAN BAY REPORT

### Pelican Bay Hunger Strike 2013 Report

This report focuses on the information we gathered about the 2013 hunger strike. We note that specific detailed accounts of many instances of retaliatory behavior of guards and other prison personnel are still flowing in. We are still gathering these data and assembling them in a report to be issued later this year specifically on retaliation. The conclusions and evidence in this report stem from dozens of letters received from men at Pelican Bay and through visits to verify the abuses of legal, medical, and other human rights.

Despite conflicting ideas about strategies, demands and whether or not to even have the strike, we perceived a strong sense of solidarity among the prisoners. Contrary to reports of intimidation, dozens of prisoners wrote us explaining why they were willingly participating in the strike. One prisoner who expressed tactical differences and reservations stated that he was going to support the strike either way in order to achieve solidarity. Moreover, a wide-spread and accomplished commitment to non-violence was evident. Though prisoners reported that guards were trying to instigate violence among prisoners before and during the strike, the men reported that they stood by The Agreement to End Hostilities and their commitment to non-violence. They were determined to succeed “on behalf of the youth coming behind” as one man stated. With the drive to make a difference, in the weeks and months before the hunger strike began, participants prepared themselves for the strike both physically, mentally and spiritually.

Before the strike had begun, men expressed concern that CDCR would not meet their medical obligations as stated in the CDC Mass Organized Hunger Strike Policy 4.22.2. They questioned whether CDCR was ready to handle the possible flood of “man downs” and other emergency situations that could come with this action. Clearly the staff added to a tense and harsh atmosphere designed to discourage potential strikers by telling them that CDCR “is not going to do anything” for them and that “men will die.” Even before some guards made these kinds of statements, the prisoners already expressed their view that medical neglect and death were very real possibilities. Indeed, some of these concerns were realized. In addition, while some prisoners reported that they had received “Do Not Resuscitate” forms, others reported that the forms were being withheld. Release of Information forms that allowed CPF or loved ones to check on prisoners’ well-being during and after the strike were also “lost” or disappeared.

We received disparate reports regarding the required health checks of strikers by prison staff. Prisoner G reported that he went once a week to medical, at which time his weight, blood pressure, pulse and organs were checked. Others reported irregular, infrequent and insufficient checks. It was reported for example, that guards and/or medical technicians (nurses) would merely walk by and ask how they were doing or peek into the cells without any verbal communication at all. Prisoners recounted how certain numbers were skewed to support CDCR propaganda that the men were eating throughout the strike. One man, for example, reported that his base weight was taken after two weeks of fasting, minimizing his documented weight loss.

While some men reported they received medical treatment as usual and that they had received sufficient care throughout the strike, the majority reported delays, neglect and abuses. By the end of July we were hearing reports that some strikers had fallen out but that there were not enough medical staff to properly tend to them. When Prisoner J visited the medical clinic, he was informed by the doctor that there was only one doctor working when there normally were six. Prisoner M described an incident where staff was banging on the door of a fellow inmate, yelling “get the fuck up or we’ll extract

you.” When the staff finally opened the cell door the man was found unresponsive and taken to medical.

Blood pressure medications were stopped due to high risks associated with lack of food intake. Prescribed medications were often stopped as well, sometimes as a form of retaliation. Prescription pain medications were replaced with Tylenol or even baby aspirin. Psychiatric medications were withheld. One man with diabetes was refused glucose supplement for emergency drops in blood sugar. Prisoners who were relocated from one prison to another were often denied their previously approved medications or had to wait several days after their transfer to receive their medications. When the strike ended, medications were not automatically reinstated, but rather men had to put in a medical slip to get their medications back, causing unnecessary hassle, delays, cost, and additional suffering.

Strikers related many of the symptoms from which they suffered. For example, strikers became fatigued, distracted, and unable to focus. They experienced nausea and severe, persistent headaches. Prisoner X reported that he was unable to partake in his normal routine of exercise due to fatigue. Prisoner I explained that by the middle of the 3rd week he had become very pale and was experiencing a sharp pain under his ribs. He was reluctant to seek medical care. Prisoner K’s legs became wobbly and would shake uncontrollably. He could barely walk to the visit. Prisoner L described an inability to concentrate, an on-going headache, dizziness when standing and shaky legs. Prisoners also reported problems regulating temperature, exasperated by the fact that the cells were kept either too cold or too hot. He reported that the supplements made him throw up. Prisoner M reported problems with his digestive track and bowels, and that he was having sharp pains in his heart area. At least one prisoner reported developing kidney problems.

Even before the hunger strike began, prisoners were reporting they were being cut off from access to information regarding the strike, and complained of being left “in the dark.” These reports were substantiated by the fact that the Prisoner Hunger Strike Solidarity (PHSS) coalition and Prison Focus newsletter had been stopped pending an investigation. Prisoner visits by several lawyers and members of the coalition were suspended from prisoner visits based on various alleged infractions. All of these allegations were eventually dismissed and retained issues of our newsletter delivered. Some prisoners were denied legal visits by either being sent to the infirmary unnecessarily or by the withholding of notification of a scheduled visit.

The prison staff continued to obstruct and falsify information about the strike throughout the protest. Prisoner A, for example, reported in late July that some of the guards were telling prisoners that the men in Administrative Segregation had started eating again. Because of their isolation and the lack of communication among prisoners, the men had no way to verify the information. Prisoner A and his cell mate went off strike believing that the strike had ended. When they found out that it was not true they resumed their strike. In addition, prisoners on strike were transferred to other units and other prisons, separating those who were on strike from those who were not participating and those who had come off the strike. Alleged protest organizers were separated from the general SHU population. These actions were presumably part of the prison’s and CDCR’s efforts to impede the flow of strike-related communications.

Prisoners reported that the guards used the threat of being placed in Administrative Segregation (Ad Seg) as a deterrent to participate in the strike. These strategic threats were backed up by the very real conditions of some Ad Seg Units where TVs and radios, a critical source of mental stimulation, are prohibited. Strikers who were transferred to Ad Seg and elsewhere were usually returned to the SHU after they began accepting meals, while some only returned to their regular cells long after the strike was over.

Relocations resulted in property confiscations. Some men had their belongings returned, while others lost most or all of their belongings, including legal paperwork, family photos and so on. One protester reported that a piece of artwork he had made for donation to a coalition fundraiser had been deemed “gang related” and confiscated. Some strikers reported that when their possessions were returned to them, they had been “trashed”.

Refeeding. The following describes the steps of re-feeding as reported by one striker, though it may have varied throughout the prison and/or throughout the strike:

Days 1 and 2: One medicine sized cup of Ensure four times a day.

Day 3: Half a can of Ensure in the morning and half a can in the evening.

Day 4: Two full cans of Ensure; One in the morning and one in the evening.

Days 5 and 6: A peanut butter sandwich and a two-sliced bologna sandwich.

Days 7 and 8: Regular breakfast and dinner with instructions to only eat half.

On day nine the men resumed regular meals. Nevertheless, some men went directly to standard trays immediately, by their own choice.

The men could reportedly drink Gatorade and vitamins

and minerals throughout the strike and the re-feeding process, though prisoners reported that they did not start receiving Gatorade or supplements until the end of July (three weeks into the strike). Prisoner G reported on July 25th that he started receiving 2 dry packets of Gatorade a day that he should mix with water. He said that the packets were opened but taped, and not always full. Some prisoners reported that guards told they would not be counted as being on strike if they accepted the Gatorade, further skewing statistics. To our knowledge no forced feeding took place at Pelican Bay.

We received various reports regarding re-feeding, implying that the re-feeding process throughout the prison were not consistent, and actually somewhat arbitrary. We received reports from multiple prisoners who were denied the re-feeding diet or received less than adequate proportions. Prisoner N reported that a fellow inmate was refused a special diet when he ended his strike and as a result he got sick and ended up in the infirmary where he received an IV. Others had to limit even their Ensure as they came off strike because their digestive system was so compromised. Numerous men reported that when they began eating again, portion sizes were and continue to be smaller, and that the quality of the food has dropped significantly, despite how deplete of nutritional value and desirability it already was previous to the strike. One prisoner who was unable to strike because of medical issues reported that he had given his special diet trays to the men who had come off strike so they had more nutrition.

Prisoners endured various acts of retaliation and intimidation by prison staff. Prisoners reported that creating uncomfortable conditions by way of temperature control was one such form of retaliation. The men explained that keeping the cells cold was a ploy to get strikers to eat again, as regulating body temperature becomes increasingly challenging with the loss of body mass. Prisoner O reported that in his pod the air vents were not functioning correctly creating extremely high levels of heat and humidity. The cells that were previously cold became stuffy and hot. Prisoner M reported that the guards had blocked the door with a mattress of a fellow inmate who was not on strike, presumably to keep him from passing food to those around him. The lack of ventilation was particularly problematic for that inmate because he suffers from asthma. In addition, prisoners reported that the guards played mind games with the men. Prisoner P stated, “where we used to get beat up, now there’s more psychological abuse.” Prisoner G reported that the guards offered him a tray with coffee and water to get him to unwittingly end his strike. Other such mind games took place on a regular basis.

Many privileges were revoked, suspended or limited during the strike. Typewriters, which had been issued a few days before the strike, were rescinded and to our knowledge are still not available. Other items were reportedly taken away as well, like cups, soap dishes and candy bars. Mail, including legal mail, was reportedly withheld and delayed throughout the strike. Law library access was limited. Prisoner F reported that he did not have access to books for three months. In addition, and perhaps most disturbing though not unexpected, prisoners were regularly denied yard and showers during the strike. The guards blamed the loss of yard on the work stoppage, and having to clean the pods. Another prisoner was told by guards that the denial of yard time was a result of not enough staff available to respond to emergencies. The men are used to frequent loss of yard time or “down days” as they refer to them, but according to Prisoner D, during the strike “every day was a down day.”

In addition, cleaning of the pods was neglected. Because of the work stoppage there were no tier tenders and it became the responsibility of the guards to clean the pods. However, on July 30th Prisoner H reported that his pod had just been cleaned for the first time since the strike began.

Both before and during the strike, prisoners reported that retaliation and intimidation by prison staff intensified. This was reflected in the number of reports we received regarding the increase in 115 violation write ups that the men received. Prisoners reported that the sergeants pressured the guards to issue more 115s—for anything. So regulations were tightened and rules changed, usually without prior notification, leading to more 115s, as planned. Prisoner D stated that the guards became “increasingly creative with their write ups.” Prisoner J reported, for example, was told that he “can have a stamp and an envelope, but a stamped envelope now counts as contraband.” He explained that this is in accordance to an old, outdated rule, previously unenforced. Prisoner G reported that he received a 115 for “disobeying orders”, for talking. There is no rule against talking, he explained, though there was a sign posted. Cell raids also increased dramatically. Prisoner E reported that both he and his neighbor received 115s for sending stamps as payment for their subscription to The Rock newsletter. Guards claimed that sending stamps was like donating money and having money is against the rules. He reported that his stamps were confiscated.

The majority of strikers received 115s simply for participating in the strike. Prisoner H stated that whether or not strikers received 115 for participating in the hunger strike depended on the correctional officer. Prisoners felt like the inconsistency of who did and did not receive a 115 was used as a method to break solidarity and create bad feelings amongst inmates. Prisoner J reported that everyone in his

section received 115s. He explained that when they received the 115s they were told by the guards that if they plead guilty they would only get 90 day credit loss but if they plead not guilty they would receive the same credit loss and have their TVs taken, which is a big deal when one has almost no other sources of mental stimulation. Consequently, most of the men reportedly pleaded guilty. The guys who pleaded not guilty did in fact have their TVs confiscated for 30 days. After summarily being found guilty, they reportedly lost their TV privilege for an additional 30 days. Prisoner V stated that the 115s showed inaccurate dates, downplaying the amount of time they were on strike. Prisoner L reported that he was transcribing legal papers for his neighbor. His neighbor was written up for “passing an unknown item” which the guards claimed was food, with no investigation.

### Outside Support for the Hunger Strikers.

The hunger strikers received support from many individuals and groups; not only from those of us on the outside of prison walls and those of us from California, but from fellow Pelican Bay prisoners, those incarcerated at other institutions, as well as individuals and groups nationwide. At Pelican Bay, there were individuals who were not participating in the strike, even entire pods, who boycotted the canteen as a way to show their support. Support from other incarcerated individuals emanated from across the country. CPF received letters of support from prisoners in Illinois, Louisiana and other states. In the state of Washington, prisoners, including juveniles, showed their support to California Prison hunger strikers, as well as those of Guantanamo Bay, by going on work strike on July 8, 2013. Prisoners in the Green Hill Juvenile prison in Chehalis, Washington joined the strike and released their own demands. There were also rallies held in support of the strikers in Seattle, Olympia and Chehalis, Washington, as well as in Portland, Oregon and in other cities as well. A Portland/Northwest regional coalition and network of individuals, organizations and affinity groups was formed to support the hunger strikers’ five demands.

Following is an excerpt from a statement made during the hunger strike, published in The Fire Inside: Newsletter of the Coalition for Women Prisoners (Issue number 49, Fall 2013/ Winter 2014), titled Central California Women’s Facility Supports Hunger Strike: “We. The women of CCWF, many of us who have friends and family members in the SHU, are helping support the men on Hunger Strike. We are fasting once a week on Fridays and doing a prayer walk every Friday at 7pm. We walk and pray at the same time for the men who are suffering from unfair treatment... This issue affects all of us.”

### Suspending the Strike

The strike was officially ended by the prison reps on September 5 after sympathetic politicians, California Senator Loni Hancock and Assemblymember Tom Ammiano agreed to conduct hearings with the purpose of proposing new legislation on solitary confinement. The first round of such legislation is currently being considered in AB 1652 and SB 892 (see President’s Message below). ●

## MESSAGE FROM THE PRESIDENT:

By Ron Ahnen, President, California Prison Focus

The struggle to shut down California’s SHU has made significant advancements over the past three months, and, from a longer perspective, over the last three years. After the major hunger strikes in 2011 and 2013, I am pleased to see the presentation of two key legislative bills in both the Assembly and the Senate that seek to finally put the brakes on SHU in some form or another. Today, hundreds of prisoners who had been living in the torment of solitary confinement have either been slated for release to general population, been released already, or have been placed in the newly created step down program (SDP) with an expected time frame for SHU release. For every life that obtains release from the torture and torment of SHU, we celebrate.

I would venture to say that the hunger strikes, in light of these changes, must already be chalked up as a great success. This peaceful protest broke through the silence that hid this torturous practice for decades, grabbed the attention of the people of California and their representatives, and has already led to administrative reforms.

Today, more changes are on the way in the form of legislative fixes. Assemblymembers and Senators alike appear to have tired of spending billions of dollars on our broken, inhumane, and unconstitutional prison system. They have put forth reforms to, if not abolish SHU, at the very least, make a significant dent in the overuse of solitary confinement and push policies in the right direction.

The two major bills are Assembly Bill 1652 sponsored by Assemblymember Tom Ammiano of San Francisco, and Senate Bill 892 sponsored by Senator Loni Hancock of Oakland. Both are their chambers’ respective chairpersons of the Public Safety Committees. They last held joint hearings on the issue of solitary confinement on February 11 of this year. What’s in these bills? Before I dive into details, I need to

note that these bills are going to be amended several times before they ever get considered by the legislature as a whole. In fact, even as I write, amendments are being considered for them and my descriptions may well be out of date on some points by the time you read this. Having said that, AB 1652 presently does two things: It restores good credits for those people in SHU with no violent behavior (ie, they are in SHU on gang status alone), and it puts a cap of 36 months for anyone being held in SHU for administrative reasons (ie, not for punitive purposes). There is discussion of replacing the language on caps to language about limiting SHU to certain specific serious acts, but no official changes have been made at the time of this writing. SB 892 makes a variety of changes which are summarized in the bill’s opening section (see below). Due to space constraints, we cannot print the entire bill here, but essentially the bill seeks to add levels of due process and accountability with respect to gang validation and SHU assignment, provide greater incentives to those in the SHU to move through the SDP and make it back to general population (not the least of which is shortening the SDP from four to two years), remove people suffering from negative mental health effects created by SHU out of solitary confinement, and orders the Office of Inspector General to report on the SHU population with key indicators that make it possible to know what is going on there.

These bills are still awaiting a first hearing in their respective Public Safety Committees, which will take place in April. After that, each bill will have to pass through the Finance Committee and whatever other committee is deemed appropriate before making it to the entire Assembly or Senate for consideration. There it may also be amended. If it passes, the bill is then sent to the opposite chamber where the whole process begins all over again. Once the two chambers are able to come to agreement on a final version of each bill and pass it, the Governor will consider it for either signature or veto. If that sounds like a long, drawn out process, it is. And nothing guarantees success. So again, while it’s exciting to be where we are at, there is no reason yet to celebrate early.

How do these bills stand up to the five demands? That question is truly hard to answer and I am inclined to hear first from the prisoners themselves before drawing definitive conclusions. I will therefore forgo offering my own detailed analysis for the time being. But in considering whether these are “good” or “bad” bills, the devil is always in the details. Actually, the devil is in how CDCR interprets the details and implements the law.

My initial reaction, however, is that these bills are a combination of strong positive elements and areas of concern where we need to seek improvements. The coalition will continue to work as fervently as we have in the past three years to push for amendments to strengthen these bills as much as possible, and mobilize support behind the efforts to put an end to solitary confinement.

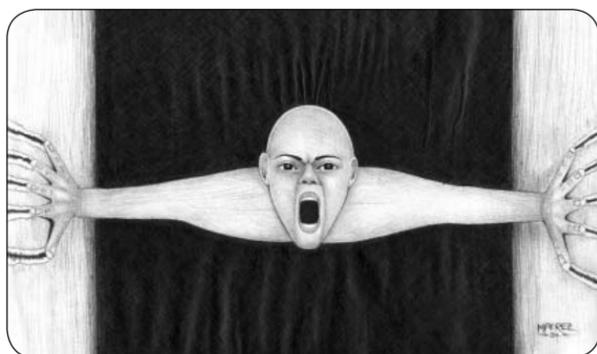
Personally, I stand in awe of what the prisoners have been able to accomplish to date, supported by activists on the outside. Social power can only be realized through organization and solidarity. Clearly, without the hunger strikes and the Agreement to End Hostilities, on the one hand, and outside organizing to lift up the voices of the prisoners and support the five demands on the other, we would not be where we are at today. And yet today, we do not rest. We keep working hard in the long struggle for an end to torture, an end to indefinite long term solitary confinement, and for the realization of human dignity.

In Solidarity,  
Ron Ahnen

### Summary of AB 1652:

Existing law requires a prisoner of the Department of Corrections and Rehabilitation to be awarded credit reductions from his or her term of confinement of 6 months for every 6 months of continuous confinement, as specified. Existing law provides for up to 6 weeks of additional credit in a 12-month period for the successful completion of certain rehabilitative programs, as specified. Existing law makes a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for specified misconduct, or upon validation as a prison gang member or associate, ineligible to earn credits pursuant to these provisions.

This bill would remove the provision making a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative



Art by Mario Perez

Segregation Unit upon validation as a prison gang member or associate ineligible to receive the above-specified credits.

This bill would require that an inmate assigned to a Security Housing Unit as a validated member, associate, or affiliate of a gang or security threat group receive a determinate term of not more than 36 months if the assignment is based solely on that status.

### Summary of SB 892:

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law authorizes the Governor to appoint 4 officers, subject to Senate approval, to the Division of Adult Institutions within the Department of Corrections and Rehabilitation, to oversee specified categories of adult institutions.

This bill would authorize an additional officer appointment by the Governor, to oversee the security threat group validation and Security Housing Unit operations and conditions within that division.

Existing law authorizes Security Housing Units for segregation of certain prisoners for disciplinary or security purposes, and because of gang membership or association.

This bill would require specified due process procedures for determining if an inmate is a member of or an associate of a gang, and subject to placement in a Security Housing Unit. The bill would require the Office of the Inspector General, commencing July 1, 2015, to review every determination completed on or after July 1, 2015, prior to the offender being placed in a Security Housing Unit, and in which confidential information was used, that an inmate is a gang member or associate, to determine whether the minimum level of due process was provided and that the determination was supported by the evidence. If the Inspector General concludes that the determination was not supported by the evidence, or that the inmate was not provided the minimum level of due process, the gang member or associate classification would be deleted and the inmate would not be placed in a Security Housing Unit.

The bill would require an inmate subject to an indeterminate Security Housing Unit term to be placed in a multistep program designed to promote positive behavior and cessation of gang-related activities, and promotion of successful assimilation of the inmate back into the general prison population. The bill would require the Inspector General, on or before July 1, 2016, to review the central files of each inmate who is subject to an indeterminate Security Housing Unit term who is denied progression within the program to assess the department’s compliance with the program.

The bill would require an inmate subject to a determinate Security Housing Unit term to receive an individualized plan to address the conduct giving rise to the term in the Security Housing Unit, and to promote successful assimilation back into the general prison population. The bill would authorize an inmate serving a determinate Security Housing Unit term to earn credits toward reducing that term.

The bill would require the Inspector General, commencing July 1, 2016, and annually thereafter, to provide an audit report to the Governor and the Legislature of inmates subject to a determinate term in a Security Housing Unit to assess compliance by the department.

The bill would require an inmate in a Security Housing Unit or Psychiatric Services Unit to have access to educational programming, to have daily face-to-face interaction with uniformed and civilian staff, to have access to radio or television, and the opportunity to earn additional specified privileges and credits towards reduction of the inmate’s sentence. The bill would require the Inspector General, on or before July 1, 2016, and biennially thereafter, to perform an audit to assess the department’s compliance with these provisions.

The bill would require mental health screening for an inmate placed in the Security Housing Unit and subsequent mental health assessments. The bill would require the Inspector General to employ 2 offender resource specialists at each Security Housing Unit and Psychiatric Services Unit, to be responsible for, among other things, assisting an inmate with concerns about the inmate’s responsibilities and rights during confinement in one of those units, and responding to an inmate’s family member’s inquiries.

The bill would require the department, commencing July 1, 2015, to collect specified data regarding inmates subject to a term in a Security Housing Unit. The bill would require the Inspector General, commencing January 1, 2017, and biennially thereafter, to use the data to prepare reports for the Legislature on specified criteria pertaining to inmates in a Security Housing Unit and a Psychiatric Services Unit.

Existing law provides that an inmate placed in a Security Housing Unit for specified crimes or because of gang association or membership, or placed in a Psychiatric Services Unit, is ineligible to earn credits towards reducing his or her sentence during the time the inmate is in the Security Housing Unit.

This bill would provide that those inmates would be eligible to earn credits toward reducing their sentences while in a Security Housing Unit or Psychiatric Services Unit for a period during which the inmate has been free of disciplinary action for 6 consecutive months. ●

## ONE STEP FORWARD, TWO STEPS BACK

I have read the various letters from the California prisoners regarding the step program. It pretty much amounts to one step forward and two steps back. In the forty years I spent behind lock and key, the most humiliating and useless step program was one conducted in the hospital of the Washington State Penitentiary at Walla Walla in the late 1960's. Dr. William Conte was the head of all the prisons and mental hospitals in Washington State. B. F. Skinner was the author of books applauding behavioral modification.

The particular program I remember involved "voluntary" participation by prisoners. It began where everything was taken away from the prisoner and the prisoner was placed in diapers and forced to drink all liquids from a baby bottle. The idea was to reduce the prisoner to the lowest point of human immaturity. The prisoner had to wet himself in the diapers and it would go unchanged for a period of time. The prisoner was gradually over a period of time "awarded" progressive niceties such as adult clothing, mattress, bedding, recreation period, etc. It was an unsanctioned research project that was ended.

SHU prisoners established Cessation of Hostilities among prison groups brought 30,000 prisoners together to stand up for their human rights. Now comes the prisoncrats with their modified "step program" creates new divisive groups. And it is tempting prisoners to break that solidarity that was gained among California prisoners over the past three years and with great personal sacrifice. The step program provides the prisoner with a means to ease the torture not to end it. Remember it is a one step forward program and if the prisoner slips it is two steps backward. •

Mark Cook, NLG Prisoner Advocate

## ON BEHAVIOR MODIFICATION

In the article above Mark mentions the Walla Walla behavior modification program, one in which adult prisoners were forced to wear baby diapers and made to drink liquids from a baby bottle. The abuses were even worse, but the diapers give you a general idea of what the program was like. Prisoners participated in this program "voluntarily."

Behavior modification can be a legitimate tool for positive change in the hands of a skilled mental health professional. For example, if you wanted to stop smoking cigarettes, you and your psychologist, social worker, or whatever, would work out a mutually agreed upon plan wherein you reward yourself for successfully completed steps, and maybe even punish yourself for backsliding, such as making a financial contribution to an organization you despise. In the hands of the state, however, behavior modification becomes just another instrument of control. It becomes illegitimate, like the psychologists who helped the CIA engage in the physical torture of prisoners at Guantanamo, or the Walla Walla example mentioned in Mark's piece. It is said that:

In custody behavior modification programs are a part of the systematic process of reinforcing a prisoner has no control over the regulation and orientation of his own being. In behavioral psychology, this condition is called 'learned helplessness'—a derivative of Skinnerian operant conditioning (commonly called 'learning techniques'). In essence, a prisoner is taught to be helpless, dependent on his overseer. He is taught to accept without question the overseer's power to control him. This rebels against human consciousness, so some prisoners seek means of resistance. Others try to circumnavigate the omnipotent force via escape of one sort or another.

The United States Penitentiary (USP) at Marion, Illinois, opened in 1963, the same year the federal prison at Alcatraz closed. In 1983, the whole prison was permanently locked down and turned into the first control unit. Until recently it was the highest security prison in the United States. I was doing time there during the late 1970s and early 1980s. Shortly after I was transferred out of Marion the American Friends Service Committee observed that Marion represents choosing "a course that favors the continual escalation of repression as a means of control, even though it has never been demonstrated that repression brings its desired results." A John Howard Association Report concluded that Marion "is not a normal maximum-security prison on lockdown status but rather a firmly established, fully functioning behavior modification program..."; that "the Marion program seems to be designed to break the defiant spirit and behavior... through a year or more of sensory and psychological deprivation [in which] prisoners are stripped of their individual identities..."

In the *Journal of Prisoners on Prisons*, Vol. 4 No. 2 (1993), is an article entitled "Breaking Men's Minds: Behavior Control and Human Experimentation at the Federal Prison in Marion." It was written by Eddie Griffin, who spent 12 years there. I'm not going to waste a lot of valuable space detailing Marion's behavior modification program, as Eddie sums it up pretty well:

"Behavior modification at Marion consists of a manifold of four techniques: 1) Dr. Edgar H. Schein's brain-

washing methodology; 2) Skinnerian operant conditioning; 3) Dr. Levinson's sensory deprivation design (i.e. Control Unit); and 4) chemotherapy and drug therapy. And, as I will point out, the use of these techniques, the way they are disguised behind pseudonyms and under the philosophical rhetoric of correction, and even their *modus operandi*, violate the Nuremberg Code, the United Nations' Standard Minimum Rules for the Treatment of Prisoners, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Department of Health, Education and Welfare policy on human experimentation, and the First, Sixth and Eighth Amendments to the United States Constitution."

The program degenerated into individuals ratting each other out for minor rule violations and groups of prisoners acting as vigilantes to enforce the dictates of their captors. This too was a "voluntary" program—volunteer or stay on indefinite lockdown.

Here's how the behavior modification program at Marion ended. The prisoners who volunteered were shunned by all other prisoners, who deemed them as rats and collaborators. A huge campaign by Marion prisoners who wrote articles, exposing the program for what it was, which in turn generated widespread outside support, and it was this combination of inside and outside working together that shut down that program. It was not the participants in the program that did this, they were brain washed. Rather it was the rest of the population of Marion who despised these "volunteer" minions of the state.

Now here we are, all these years later, having to fight this same battle all over again—now against the so-called Step Down (behavior modification) program. If you have not yet done so, carefully read the article on page 1, "Power Concedes Nothing." Understand the dynamics of what's going on here. Contrary to what you've been conditioned to believe, there are no individual solutions. Only peaceful collective action can produce a progressive outcome. •

Ed Mead

## TOTALLY RADICAL MUSLIMS ZINE #3

### Call for Submissions!

"Hubb: Queer Muslim Love Stories"

We are a group of Bay Area based social workers, activists, attorneys, and artists who put together quarterly compilations of articles by the progressive and/or LGBT Muslim community. We are non-denominational, volunteer run, and self-funded.

For volume three of the Totally Radical Muslim Zine, we're exploring topics of love, trust and vulnerability. We would like to hear from Muslims inside California prisons, if you feel able to. Our previous volumes focused on Islamophobia and resilience.

We recognize these are not easy topics to write about to complete strangers, especially for people who have been incarcerated. If we print your story, we will send you a confirmation letter and complimentary Zine, with gratitude.

The Totally Radical Muslim Zine is about telling our stories and reclaiming our truths. This project is about resisting Islamophobia, homophobia, imperialism and so many more systems of oppression, which we are tackling, one love story at a time! By telling our stories, with all their edges, contradictions, beauties and gems – we are taking back the power to create our narratives and imagine another present, and another history.

For Volume 3, we are seeking submissions that share experiences on: falling in love, falling out of love, finding queer love, feeling loved by family, heartache, loneliness, critical thoughts on relationships, friendship, platonic love, and stories on self-love across prison walls, and borders.

Tell us about the ways you've opened and closed your heart. Count the times you've heard it break. Describe the love you've asked for, prayed for, waited for, cherished, embraced, feared, denied, chased, or fled. Name the feelings that visit you by night.

Submission invited from all self-identified Muslims – queer, trans, straight, questioning, and more. We especially welcome submissions from voices often left out of Muslim discourse: queer and trans, black, youth, disabled, Shia, Ahmadi, poor, working class, folks incarcerated and recently released.

Formats: written, drawing, photography, all accepted.

Deadline: Tuesday May 1, 2014 (goal is to print for the Summer of 2014)

We do not edit your work. This is our commitment to honoring individual voice and storytelling. We are however, discerning in maintaining a political frame and may decide that your piece does not fit within our projects vision and intent.

\* All submissions must be UNDER 800 words!

Send submissions to TRM at P.O. Box 29843 Oakland, CA 94604. •

Salaam and solidarity,

Totally Radical Muslims Zine crew

## ARTURO CASTELLANOS' TWO REPORTS

#1 March 3, 2014<sup>1</sup>

I'm one of the four main SHU reps here at PBSP. I'm writing this brief one on the positive outcomes during our meetings with Sacramento and PBSP officials since the end of our last hunger strike. They have been pretty straight forward with us on many issues concerning the possession of personal property and visiting—we have the three hour visits we demanded and Sac officials have completed—and Sac officials have issued the Authorized Personal Property Schedules [APPS] Matrix that allow all SHU male and female prisoners the opportunity to order and possess a lot more personal property items that we demanded and have not been allowed since before 1989. However, at our last meeting with Sac officials, we did raise some issues with the new APPS. We were assured that they are going to tweak it where, for example, they were going to remove the wording "clear-case" ear buds and "clear-case" AC adaptors and adding the necessary electronic accessories to it even though they are automatically implied on the Matrix. And to change the allowable 15.5" flat screen TV to under 16"—Walkenhorsts vendor provides a good quality 15.6 inch RCA flat screen TV—which is good for the aging prison population. These and other additional changes to the Apps are very important to us because, even if the prison wardens approve certain items, the approved vendors will not send them unless they are approved on the Matrix or Sac officials send them a memorandum on it. Sac also stated they will review the Apps once a year to stay current.

On Feb 20, 2014, we reps also attended the second quarterly meeting with this administration, since the last H.S. regarding issues pertaining to this prison. The memos of that meeting should be issued soon. They did address all the issues and concerns we raised, and those that other SHU and Ad Seg prisoners sent them. [Note: if PBSP-SHU/Ad Seg prisoners wish to have their local issues addressed at the next May/June meeting, send them to the SHU Associate Warden's office or to this publication in early May 2014.] The following are *just* some of the many issues raised at this meeting: they are working on obtaining better quality mattresses; they did issue us three white towels and a half blue towel to keep our cell clean; the prison's bakery had been reopened and is producing better baked goods; the loaner recreational book program will soon be operational again; the state is issuing incoming Ad/Seg prisoners a crank-wind-up-radio for the first 21 days to use. And if a prisoner stays longer, they can hold on to it as long as another new arrival doesn't need one. We argued that enough of them should be purchased for all Ad/Seg prisoners for their entire stay in Ad/Seg or allow them to purchase and possess their own crank radio until they finish installing the electrical outlets, cables and shelves. Still, this *is* a great improvement in Ad/Seg from last Sept. 2013 and 2011 when we were there. This administration has also agreed to implement a procedure to remove all speakers from all new incoming radios, and, as long as the AC-adapter works on the radio we order, those non-clear AC-adapters will be allowed here. Of course, as stated, the vendors will not send them unless Sac directs them to. Also, canteen items list for all SHUs has been expanded and will continue to expand in the future, and we are pushing/requesting they expand the canteen electronic accessories [e.g., typewriter ribbons, etc., T-antenna and matching transformers to hook up the T-antenna; flat digital antenna and antenna adapters; Y adapters; ear bud extension cords; L-cable hookups, etc.; and some Sony/Panasonic ear buds.]

As one can see above, I chose to focus on the cooperation we have received from Sac officials and PBSP's new administration on *just* the "tangible" items that do effect every SHU prisoner. So the efforts of all prisoners have not been in vain. This is also so other prisoners can address similar issues with their prison's administrators, for example, extended visits.

However, I will take some parting shots at the STG-SDP. Besides the statement we reps put out for the latest joint Senate/Assembly hearings, we strong object to CDCR deleting the word "direct" from the "Direct-Nexus" to gang activity because it now makes it a lot easier for IGI, ISU, and other alphabet bricks that make up the green wall to obtain make-believe statements from their debriefer-informant-slaves to continue to bounce *any* CDCR prisoners between steps 1 through 4 and back. Thus, another main reason we reps pushed so hard for the additional tangible SHU property items. Also, the SDP should only be behavior based, not on how many Journal-Loops one can jump through. All prisoners and outside supporters pushed to get rid of the requirement of signing contracts; now we need to push to get rid of these silly Journals. And, until we see how this plays out, our hopes remain on the present civil suit on solitary confinement and the new bills that are being pushed to put a cap on the amount of time we spend in solitary confinement.

1. While this portion of the document was written in early March, it was not received by your editor until early April.

Castellanos .....Continued on page 12

# SOLITARY CONFINEMENT, CDCR GET SLAMMED AT LEGISLATIVE HEARINGS

## Press release from Prisoner Hunger Strike Solidarity

By *prisonerhungerstrikesolidarity*, Posted on 2-11-2014

Sacramento—hundreds of people from across the state packed two hearing rooms of both public safety committees of the state legislature today to represent the interests of California State prisoners.

Despite attempts by the California Department of Corrections (CDCR) to insure the public that they are acting with prudence to change people's gang validations, and correct injustices and general inhumane conditions in prison Security Housing Units, testimony from experts and the public continued to unmask the basic torture and impunity of the CDCR's policies in maintaining prolonged isolation and prisons that fundamentally violate human rights.

While the CDCR claimed that new regulations would change their inhumane system, panelists, the public, and the legislators themselves seemed unconvinced. Testimony charged that the CDCR's changes to its regulations did not end California's use of indefinite extreme isolation; violations of basic human rights by the state's solitary confinement units will not change by its new policies; and that the controversial use of debriefing—or informing on other prisoners—was still the primary way a prisoner could get out of indefinite solitary confinement.

Assemblyperson Tom Ammiano cut off the CDCR several times during their presentations, saying they were “over answering” simple questions. Ammiano said its regulations “missed the point,” and said that CDCR's so-called changes were counterintuitive in regulating a system that was predicated on the use of solitary.

Professor Craig Haney, a leading expert on the use of solitary, testified that “the United States' prison system is an outlier compared to the rest of the world. California is an outlier compared to the rest of the US.” He said while much of the rest of the world has condemned solitary confinement as torture, California's use of such an extreme form of the practice was unprecedented and shocking. California as an outlier continued to be echoed throughout the day.

In a statement released today by prisoners from the Pelican Bay Short Corridor Human Rights Movement who “have all lived for over 15 years locked 23 hours a day in small windowless cells, without ever being able to hug or touch our families, without ever seeing birds, trees or the outside world, with no programs or chance for parole,” they assert “California keeps us in these torturous conditions not because of any violence we have committed, but because it believes we are affiliated with a gang, often based on artwork or photos we possess, tattoos we have, literature we read, who we talk to or anonymous informants' statements that we have no way of challenging.”

The prisoners also make clear that the “CDCR's reform program widens the net of prisoners who can be labeled as gang affiliates and isolated based on that label. These unjust and ineffective policies are very expensive and have already cost our state millions of tax dollars which could be put to better use.”

The prisoners go on to say that “California is still unwilling to move to a real behavior based system where prisoners are given determinate terms in solitary after due process hearings at which they are found guilty of some serious misconduct, such as assault, murder, rape or drug dealing. Instead, these new policies widen the net of prisoners who can be labeled as gang affiliates and isolated based on that label. These unjust and ineffective policies are very expensive and have already cost our state millions of tax dollars which could be put to better use.” •

## COMPAS: CDCR TURNS LEGISLATIVE INTENT ON ITS HEAD

By *Kim Rohrbach*

California's legislature passed the Public Safety and Offender Rehabilitation Service Act, or AB 900, on April 26, 2007, and Governor Schwarzenegger signed it into law the following May 3. This landmark legislation came roughly a year and a half after CDCR's mental healthcare system was placed into a medical receivership (in Oct. 2005) as a result of the *Plata* case. Among other things, the Act authorizes CDCR to expand or improve facilities in order to “add up to 7,484 beds” and to “provide medical, dental, and mental health treatment or housing for 6,000.”<sup>1</sup>

The Act further requires CDCR to (1) “develop and implement a plan to obtain additional rehabilitation and treatment services for prison inmates and parolees,” and (2) “conduct assessments of all inmates that include...data regarding the inmate's history of substance abuse, medi-

cal and mental health, education, family background, criminal activity, and social functioning [emphases added].” Data accumulated through such assessments, the Act provides, “shall be used to place inmates in programs that will aid in their reentry to society and that will most likely reduce the inmate's chances of reoffending [emphases added].”

### The COMPAS Assessment.

Some inmates have been given a COMPAS Assessment, which is a questionnaire asking highly invasive, condescending, often leading, and potentially self-incriminating questions. COMPAS is short for Correctional Offender Management Profiling for Alternative Sanctions. **The front page of the questionnaire warns the recipient that s/he is “required” to complete and return the questionnaire. Additional language reportedly threatens the recipient with “progressive discipline” should s/he refuse.** No explanation is given to the recipient as to the purpose of the questionnaire. At any rate, CDCR has stated that its implementation of the COMPAS program was in response to the passage of AB 900/Public Safety and Offender Rehabilitation Service Act.<sup>2</sup> One assumes that CDCR is issuing this questionnaire in an attempt to appear to comply with the Act's requirement that it conduct assessments of inmates. However, there's no indication from inmates that any of the “data” accumulated through COMPAS Assessments is being used to place people in “programs that will aid in their reentry to society” or reduce the likelihood of recidivism. What is clear is the “data” collected through COMPAS Assessments are being placed in prisoners' C-files (central files). Thus, by completing the questionnaire, one could thereby become a “confidential informant” against himself or against other people, because one's responses are deemed confidential.

### Data collected through COMPAS ... are being placed in peoples' C-files.

We don't know the extent to which people are completing the questionnaire, or whether those who refuse are being routinely disciplined. What we do know is that those who conduct research on human subjects are bound by ethical and legal constraints, such as Code of Federal Regulations Title 45 section 46.116, which provides:

*[N]o investigator may involve a human being as a subject in research covered by this policy unless the investigator has obtained the legally effective informed consent of the subject or the subject's legally authorized representative. An investigator shall seek such consent only under circumstances that provide the prospective subject or the representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence. The information that is given to the subject or the representative shall be in language understandable to the subject or the representative. No informed consent, whether oral or written, may include any exculpatory language through which the subject or the representative is made to waive or appear to waive any of the subject's legal rights, or releases or appears to release the investigator, the sponsor, the institution or its agents from liability for negligence.*

(45 C.F.R. §46.116 [emphases added]). A plain reading of section 46.116 suggests that CDCR and/or those it has contracted/subcontracted with around COMPAS (e.g., Northpoint Institute for Public Management) are “investigators.” As such, one assumes, they are bound to the mandates of this section.

Nevertheless, there is nothing in the language of the Public Safety and Offender Act itself to suggest that the legislators' intent in passing it was punitive. The words “punish” and “punishment” do not appear in the Act. “Corrections” or “correctional” appear only in reference to the Department of Corrections and Rehabilitation, or in reference to “correctional officers.” As earlier indicated, the objectives of the Act include the enhancement of rehabilitation and mental healthcare services—not the coercion of people into self- or other-incriminating, with the result of keeping him in prison longer, sending him to SHU, or keeping him in SHU longer than anticipated. In addition, we raised these concerns in a recent letter to Ms. Millicent Tidwell, Director of the Division of Rehabilitative Programs, to which we have received no response to date. Her silence adds to our concerns.

Prisoners do not know how the potentially self-incriminating information gathered through COMPAS is going to be used in the future. Given CDCR's record of abusing the legal and due process rights of prisoners, every reasonable indication suggests that, under guise of compliance with AB 900, and in violation of Code of Federal Regulations Title 45 section 46.116, CDCR is, in fact, turning the intent of the AB 900 on its head. CDCR needs to make the use of this “measurement instrument” completely transparent. CDCR also needs to ensure in writing to those who fill out the COMPAS Assessment that nothing from this instrument will be construed in any way as evidence of any wrong-doing or rule-breaking behavior. •

1. [http://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=200720080AB900](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB900).  
2. [http://www.cdcr.ca.gov/rehabilitation/docs/FS\\_COMPAS\\_Final\\_4-15-09.pdf](http://www.cdcr.ca.gov/rehabilitation/docs/FS_COMPAS_Final_4-15-09.pdf).

# STG INACTIVE MAGNIFICATION SHU PROGRAM

[Editor's Note: The author of this letter is sharing his experience of the Departmental Review Board (DRB) as he experienced it. He was in Pelican Bay SHU from when it opened in December of 1989 until November 7, 2013. He was found inactive at that time based on his DRB and C-file. He did not debrief. He is currently housed in Corcoran SHU in the “Magnification SHU Program.”]

By *Art Ramirez (Big Smiley)*, 2014

This is my 2<sup>nd</sup> letter on this subject I'm sending out. The December 2013 letter never arrived nor left Corcoran Prison for some reason. I'm hoping Prison Focus and Prison Legal News publish this letter. Covers prisoners' concern with long-term segregation in Pelican Bay (SHU) and other California Prison SHUs as relates to your situation. As well as the validated issue. Most of all active/inactive issue hunger strike core demand No. 2. To apply active/inactive as it was designed to operate in Title 15. This letter will give you an edge/insight into the (DRB) Departmental Review Board as it is operating in Pelican Bay in regards to gang members labeled by IGI (Institutional Gang Investigator). To prepare yourself for 6 or 4 year active/inactive review by New Sacramento. Counselor reviewer of your C-File appointed by Sacramento. (IGI has nothing to do with any part of this review).

A lot of you know me or know my name. I was in Pelican Bay SHU from when it opened Dec. 1989 to Nov. 7, 2013. I was “kick-out”—new term being used by DRB) under 6-4 year active/inactive review based on merits of my C-File. My total in SHU 29 years Tehachapi SHU to Pelican Bay, now in Corcoran Prison SHU. STG inactive magnification SHU program. Step 5 mainline status, which I will give you first-hand intro insight later in this letter to all prisoners concerned. This STG program is on Corcoran Prison SHU and recently also opened for business in Tehachapi Prison and SAC II. (So you know for credibility of this letter I did not debrief this action was solely on DRB and my C-File and filings.)

### Inside DRB

Walking into DRB (PBSP SHU), there were 21 people present. I was straddling a chair, cuffed, one guard on my back right, one guard on my back left.

The table was in a horseshoe shape. Director of DRB Center on AI's (Administrative Investigator's) right, DRB undersecretary on AI's left, Sacramento special counselor reviewer with my case file in front of her. Other Sacramento representatives all in suit and tie. The psychologist, the IGI [Institutional Gang Investigator] rep. to my left or right, and far left was the CCI/CCII (Classification Committee Investigator) D Facility Counselors taking notes. I notice this was a serious hearing, very official. I believe now because I was first labeled gang member from short-corridor—so called worst of worst—being reason why so many reps were present. This was also result of 3rd hunger strike—to release from short-corridor—a lot of validated from C/O facility are being released by DRB on inactive status to various mainlines in Calif.

The director asks me if I read manual on Step Down Program and STG Program. I said, “Only pages posted in SHU pods, not any manual.” Before leaving, a copy was made for me which consists of 91 pages. Also covers new gang agencies and on CA prison gangs. The manual was dated 10-11-2012,—very detailed. Memos for all prison wardens, etc.

The psychologist asks me if I felt long term segregation affected me in any negative way. I said no, not that I know of. That I had my own way of handling the mental deprivations. Through exercise, college programs studies and my legal studies in law. That I have a paralegal degree and a criminal law and procedure diploma and other college majors which countered all the abuses of SHU. That there are a lot of other inmates who were affected by mental deprivation and mentally broke. That on account of hunger strike we now have warm clothing, pull up bars and hand ball to keep our minds off long term segregation. At end I ask the psychologist, “Do you think I been affected?” He said “NO!”

Then the counselor Sacramento reviewer asks if I had anything to say concerning contents of my C-File. I looked at each official and seen 100% focus on me. I thought this is the time to speak out on my file contents. I said yes! I have a lot to say.

I said I have filed continued 602's on inactive issue—many 602's were lost by appeals coordinators, others denied by 3rd level. Filed to Ombudsman, but denied. Was like the fox guarding the hen house. I said I filed to California Supreme Court on active/inactive IGI not complying to this policy as in Title 15. Also not complying to Sacramento court order—not required to debrief to receive parole date nor debrief to go to mainline, Superior Court 1999 *In Re Castillo*. This order ignored by IGI & BPH (Board of Parole Hearings). Also that I have a habeas corpus in US District Court San Francisco decision. Decision pending against BPH violating its own procedures—Title 15 Decision 2—all of it. And a couple other issues: debriefing, issue of the gang validation,

long term segregation issue, etc. From 2008 decision pending. That in 1987 I filed a class action in Eastern District on wrongful use of confidential prison informants and counselors rubber stamping, which was denied. The point to DRB being a pattern of prison administration, wrongfully keeping gang members validated for purpose of long term segregation. These parts of 602 and court actions are in my C-File and the Sacramento Reviewer has seen, read in file, and now heard from my memories. (I realize having parts of court action and 602 in your C-File related to subjects I write about will help you when you appear before DRB review; place in C-File; get an Olsen Review. And whatever else you want reviewer to read, that is not in your file, have a copy placed in your file by your counselor.)

The IGI cops ask by director if he had any questions. He said no. In my answers to my C-File I had to blame IGI since IGI was responsible for long term segregation, mental deprivations, holding mail, losing mail, losing legal mail, opening legal mail, losing exhibit copies in law library, refusing visitors, cell searches—all these things. So when asked if I had anything to ask of IGI, I said no, I made my point.

Then I was asked how I managed so many years in SHU. I said, “Same way you eat an elephant, one bite at a time.” Then the director whispered to his right then to his left. Then he said “We find you inactive. You will be endorsed to Corcoran SHU STG inactive magnification SHU program from 6 to 2 years.” I asked, “What is that?” He said, “It is Step 5.” I will receive contact visits, phone calls privileges, like mainline, but will live in SHU. “To make sure you are inactive and do not reactivate.” You will be with other inmates and be able to touch the grass yard. (I found out, once in Corcoran SHU, only others were in cages next to me, around me, like a human zoo. And the grass was on the way to cages. Only if I step in a gopher hole and fall, I would touch grass.)

60 days later I was walking out of PBSP SHU with 3 other inmates. Two Southern inmates from C-Facility found inactive by DRB going to High Desert mainline and other to Salinas Valley Prison mainline. The 3rd, a Southern inmate, came from short-corridor going out to Court, Corcoran SHU also. We stayed together all the way.

Once on the bus I looked out my window to the SHU and was reminiscing to when I first arrived in PBSP (SHU), getting off bus, K-9 [guard] saying only way out of SHU is to die, debrief, or parole. Then I was taken down long corridor with gates opening and closing for special effects. Went into C2. Once in pod, I was told to strip and walk up to my cell, 2nd tier butt naked. This was to show who is in charge of Pelican Bay (SHU). This is where worst of worst K-9 were now at, from California prisons “The New Alcatraz.”

I thought back to my Grandpa Frank, cigar smoking with deep voice, told me when I was a kid, wild horses are wild and free, and roam the prairie go where ever they please. Once that horse is broken, his spirit is broken and is ridden, is no longer free. Never allow your spirit to be broken or you will be no good raising a family or any good to yourself! No one will know, but you! I said Grandpa, I will always be a “wild free horse”!

We layed over in Folsom Ad Seg known as Sacramento State Prison on same grounds as Old Folsom. There is a women’s prison on same grounds and a new prison, new medical facility, that has two wings and a big medical prison facility hospital.

This was my first experience in cages which each has toilet and sink, and mirror and hair clippers. My first sunshine. It was hot. Received my first sun-tan in last 24 of my 29 years in SHU. I felt good, reenergized like solar panels work like a cocoon to a butterfly—in slow motion. First time seeing sun in last 24 years. I met an African inmate who did 19 years in PBSP SHU, 5 years in unit I came from, 4D. He was found inactive by DRB. He was shaken down roughly, probed to react. He stood down. Still charged for assault. Comments were made about him being inactive coming out of PBSP SHU. DRB action, K-9, and whoever disagreed with DRB. There was a white inmate who also did years in PBSP SHU found inactive by DRB. He was programming on mainline and going to AA [Alcoholics Anonymous], and education program when a weapon was found in his chair. He denied it was his, said it was a set-up. Here also, K-9 made reference to PB SHU inactive status to disagree with DRB actions. Both cases pending Ad Seg. Good luck to both. We all know how it feels to be thrown under the bus.

Also layed over in Tracy L-Wing in Ad Seg. Looks like Alcatraz looks today, left to rot. New R&R. We watched a movie—video “3-D 300 Spartans,” in cages. Best movie I ever seen. On a big flat screen TV.

#### **Corcoran SHU**

When arriving to Corcoran SHU on Nov. 14, 2013 a Sureno youngster who was out to court in Folsom came back to Corcoran SHU, warned me of what follows, not to react. Getting off bus! I stood one K-9 in my face yelling like a drill sergeant. One K-9 holding my chin up so I won’t spit on K-9. K-9 on my left and right, one had his hand on back of my neck, if I don’t open my legs they will kick them open. All this lasts 1 minute after you leave R&R. K-9 thereafter are respectful to this day.

We were placed in exercise cages from 3:00 PM to 8:00 PM at night. Didn’t mind. Hot sun and a lot of scenery. The

view was like movie Planet of Apes caged. A bunch of cages in a boomerang shape with a giant grass field as a view with a lot of SHUs. Each SHU has 3 sections. You can put at least 4 whole pods in one section. Each building has a painting on it: forest, bridges, all kinds of stuff. You see garbage trucks working, inmates being walked, escorted to law library, clinic, hospital visits, a bus which takes inmates to prison grounds hospital. This prison has huge A Facility and B Facility. All SHUs with one gang SHU security unit. All other SHUs are validated and others together. I seen moon and stars first time in last 24 years of being in PBSP SHU. Pelican Bay you see none of this at all! Seen 3 or 4 different species of birds. Believe me it was something very different and a shock to brain cells like a time machine. In PB SHU I learn to accept my conditions, get used to the cement life of living in a box. And only see TV. Here your five senses are adjusting to reality! I seen my first sunset in last 24 years. This is paradise compared to the Bay. The sun was literally re-energizing my whole body, it was a strange feeling! Now I know how Dracula feels needing blood to stay young. Well same concept with me only instead of blood, solar energy! All my wrinkles disappeared and I looked 10 years younger, like magic.

Once in Unit SHU I was being automatic in Program STG inactive magnification SHU program. Control can see into all cells and all activity on tiers, and hear everything. I am in a validated unit with other validated and non-validated. Here if someone gets busted with a kite with your name, or someone rolls, turns info to K-9, etc. you’re finish. Your place to fail, if you want. You’re under magnification. Control has a computer. We have an idea what computers can do, etc. Think same concept as Big Brother. TV programs, you’re the star. I went to classification. Told I would be here two years in SHU. Then if I survive, will go to mainline. I asked what about my contact visits, phone calls, mainline privileges. They said all that is being worked out. I realized that administration is not anticipating any gang member getting out of short-corridor on Step 5 inactive status with mainline status.

Also keep in mind in 2013, in the beginning of year, 17 were let out of Pelican Bay (inactive status) SHU C and D Facility. At end of year 2013, 18 more released on inactive status by DRB to mainlines. The 3rd hunger strike forced short-corridor so-called gang members to go through release by DRB on inactive status, but with a catch. Instead of mainline, you go first on this STG (Security Threat Group) inactive magnification SHU program for 6 months to 2 years before going to a mainline. [They are] hoping in that window of time, you fail. (Debriefing, you by-pass all this.) If the lawsuit on long term segregation is won, all this pilot program is finished. I will automatically be released to mainline. After all this abuse, I should be released to the streets, not a mainline!!

It was now February 2014. No privileges. I filed an informational proposal on STG Step 5 privileges—how it should operate, and a 602 for not complying to Oct 11, 2012 outline of Step 5 STG privileges! Today is February 14, 2014. Received my 1st phone call in 29 years. Privileges. 602 kicking in. Contact visits next. Will see!

I spoke to an inmate who was found inactive under old 6 year review and he re-activated, now has nothing coming from DRB (was sent to Pelican Bay). Have you not wondered back then, when we were all filing on 602s etc. on active/inactive status, if we would have been granted 6 year inactive review, then what, back then.

In 1999-2002 there was a court action suit on active/inactive validation issue which we were all hoping would result in court making decisions! Instead, a greedy attorney and a broken inmate settled the case for money and put out a validation how-to manual, which created the problems we have today. The 3 hunger strikes peaceful protest prison wardens were fired, administrators dismissed, inmates died, 30,000 inmates from California prisons participated in hunger strike and work stoppage and throughout the United States prisons, inmates in some form participated. All because Pelican Bay SHU inmates asked for warm clothing to protect from the cold, better hot food, stop mental deprivation and long term segregation, which was also happening in other SHU units.

What do we learn from all this? A broken promise can create bigger problems. When the fox is guarding the hen house, prisoners receive no fair or equal justice.

Gang investigator in PBSP SHU Barnberg, who has worked at Pelican Bay 15 years, has never seen a validation 602 appeal succeed. He boasts of his investigating team’s thoroughness, states they put out real quality work.

In September 2013 the Director of Corrections, 2 senators, 2 captains, DRB undersecretaries, and other Sacramento reps. came into 4D pod. I spoke to a captain to ask his view on what will happen with long term segregation. He said, Sacramento did not want to hear what he (that is, IGI) had to say. That from then on, it’s Sacramento’s call. All who we saw in pod that day will make decisions. The IGI created the problems for long term segregation.

I did not debrief, die or parole. I’m still in SHU only in a bigger cage with a view!

Note: The radio station of Sista-Soul helps many in SHU get away for 2 hours from mental deprivations. My personal appreciations. ●

## **AT HEARING ON SOLITARY CONFINEMENT IN CALIFORNIA PRISONS, ADVOCATES CHALLENGE “REFORMS”**

*By Sarah Shourd, posted at Solitarywatch.com,*

“We’re here to question the existence and effects of the SHU,” stated California Assembly Member Tom Ammiano on Tuesday, “and we don’t think this new proposed policy goes nearly far enough.” Ammiano, who chairs the Assembly’s Public Safety Committee, was speaking at the second joint California Assembly-Senate hearing on the use of solitary confinement, including SHUs (Security Housing Units), in the state’s prisons.

Representatives from California’s Department of Corrections and Rehabilitation (CDCR) and various experts sat in front of a packed courthouse to discuss the content of a newly proposed step-down policy, which CDCR promises will address both the public and legislature’s concerns and pave a way out of the SHU for over 3,000 people who have endured isolation in the state’s prison for years or decades.

California’s prison administration has never felt this much heat. Last year tens of thousands of prisoners went on hunger strike across the state to bring attention to the excessive use of isolation and policy of gang-validation in California’s prisons. After starving themselves for 60 days, leaders of the Pelican Bay Short Corridor Collective agreed to temporarily halt the historic protest in order to give legislators and prison officials a chance to hash things out. Five months later, CDCR’s representatives George Giurbino and Suzan Hubbard came back to Sacramento to boast sweeping reforms.

Over the past several months, Giurbino and Hubbard explained at the hearing, CDCR has conducted an internal audit of their gang-validated SHU population. Out of 632 reviews conducted, prison officials claim that 408 individuals, 80 percent of those reviewed, have been cleared for release into the general prison population. The remaining several thousand individuals in the SHU have been granted new privileges, including access to lotion, laundry soap, extra pouched food items from the canteen and up to 40 pictures of their loved ones instead of the previously allowed 15.

In a private interview after testifying at the hearing, prisoners’ rights attorney Charles Carbone said, “What CDCR didn’t tell us today is that under their new proposed step-down policy there’s no way out of the SHU other than debriefing or participating in CDCR’s behavior modification program. There used to be an active review process, every 4 or 6 years, that’s gone now. Not to mention,” Carbone continued, “the high percentage of individuals being promised release from the SHU shows clearly that CDCR’s gang validation policy was not working. Those 632 people never should have been in there in the first place.”

One of the principle concerns raised at the hearing was CDCR’s system of gang validation, which has been criticized for using items as insubstantial as possession of a book, photograph, or drawing as “evidence” of gang-affiliation—and therefore justification for indefinite placement in solitary confinement. “According to CDCR’s policy,” said Assembly Member Ammiano, “many of us sitting on this committee would be gang associates, I don’t know how it’s possible to avoid association under this system.”

According to Carbone, CDCR’s new policy promises to be even worse. “This is a cleanup job,” said Carbone. “The department’s strategy is to give an enormous amount of lip service and offer a maze of regulations even their own employees at a lower level don’t understand. They want to tap dance around the real issues in an effort to disguise their real goal—to dramatically expand the number and nature of prisoners in SHU confinement.”

Carbone is referring to the 1,500 new Security Threat Groups (STGs) that CDCR’s new step-down policy plans to add to this previously short list. Evidence of membership or allegiance to any of these groups is enough to validate a prisoner as a gang member and land them in solitary confinement for a very long time. In addition, the new policy stipulates a period of ten years to expunge gang validation from a prisoner’s record, a mandatory minimum of three of those years to be spent undergoing “behavior modification” in the SHU.

“With this new policy CDCR is expanding their use of isolation,” Carbone continued. “They’re telling their employees ‘Everything’s cool, no one’s gonna lose their jobs, we just need to reshuffle the deck.’” According to Carbone, as the CDCR’s proposed step-down policy releases hundreds of people from isolation, the new policy’s wide reach through the large-scale expansion of STGs will have those cells reoccupied in no time.

“For many years CDCR operated under the false notion that prison gangs, like Black Guerilla Family and La Familia, were inherently more dangerous than members of street gangs like the Crips and the Bloods,” said Carbone. “They now know their assessment was entirely wrong. In addition,

*Legislative Hearing.....Continued on page 13*

### Cops Won't Follow Rules

First and foremost, a huge shout out in solidarity to all those individuals who remain committed to the overall struggle to end CDCR's corrupt practices and the indefinite use of solitary confinement. And a warm salute to all those beyond the prison walls, friends, family members, advocates, etc., whose invaluable contributions have helped change the face of our movement. On behalf of all prisoners, thank you! Without your steadfast support none of this would be possible.

I am writing to help further expose the extensive corruption, lack of accountability, and abuse of authority being suffered by those held at Tehachapi and potentially everywhere in similar situations. More specifically, myself and other like-minded individuals continue to apply the necessary pressure on administration in an effort to ensure they adhere/follow their own rules and regulations established within the Title 15. We decided it was in our best interests to dedicate our time and energy to the issues/matters which would benefit all those confined within the Tehachapi SHU.

A little over a year ago we launched a campaign against the administration here to address/correct the inordinate amount of institutional deficiencies by using the available grievance procedure. For example, we challenged: The prisoner official's refusal to comply with the required ten hours of outdoor exercise/out-of-cell-time per week mandated for segregated prisoners [15 CCR § 3343(h)]. The processing of inmate packages within fifteen calendar days and that the packages be opened/inspected in the presence of the inmate per policy [15 CCR § 3134 (c)(3) and (4)]. The inhumane and unsanitary living conditions as a result of copious amounts of water flooding numerous cells and dayrooms from leaky roofs/plumbing chases [15 CCR § 3343 (a) and (g)]. The administration's denial of authorized personal property for Security Housing Unit (SHU) inmates to purchase and receive (e.g., headphones) [DOM § 54030.20.7.2].

All of the aforementioned appeals were granted at one or all levels of review. However, despite being fully granted, prison officials refuse to adhere, comply, or enforce any departmental policy/regulation that is counterproductive to their agenda to suppress all local, state, and federal rights of prisoners. These unethical and blatant acts are underhanded attempts to render the venue for review (inmate/parolee appeal process) ineffective and minimize the potential for negative publicity. It should be equally noted that these are only a handful of the appeals that have been fully granted within the last year that are not being honored.

We are currently pursuing further judicial review regarding most of these matters. Unfortunately, prison officials will continue to lie, falsify records, and disregard any court orders issued requiring CDCR to comply with their own rules and regulations. Therefore we are seeking any information/advice from prisoners or anyone else having knowledge and/or expertise in these areas—on how we might combat Tehachapi's ongoing attempts to ignore these granted appeals and prevent our efforts in obtaining meaningful resolution.

With that being said, we will remain diligent and focused in achieving our objectives and goals. Enclosed are 24 forever stamps donated on behalf of the 4B-5A collective.

*Nick Wilds, Tehachapi SHU*

### PBSP SHU Food Prep

...[T]he topic of a better existence does give occasion to also note that we are not unaware of the previous criticism directed at the SHU food preparation approach. Going forward we trust such criticism is no longer merited and we reaffirm our appreciation for and solidarity with the struggle for prisoner's human rights and the betterment of us all.

*Name Withheld, A Yard, PBSP*

### Let's Build the PAC

I am writing to comment on the prisoner PAC Proposal.<sup>1</sup> I think this is a great idea and should be turned into a reality sooner rather than later. We prisoners as a whole need to step up our game and go to the next level with the most logical and effective tactic, which would be something like a PAC. If such a mechanism were established I would have no problem donating money to it so that we can push our agendas in the mainstream political arena and be able to build influence where our voices are actually heard and we can take part in our own destiny and help shape the prison system in a way that favors us, our families, and our communities, rather than the special interests and everybody that gets rich from overflowing prisons and housing inmates in the SHU.

It may be slow going at first but once word spreads about the PAC and prisoners are educated on its purpose and goals, I can't think how anyone would not donate and get involved and spread the word to their family and friends on the streets. We make up a large part of the citizens of California with

our families, friends and supporters. We could really build and maintain a substantial war chest of available funds to push what benefits us as a whole. It's time to wake up and do something different, something that can really change things and allow us to be recognized and the truth be told as it really is, without all the false and misleading information put out by those who benefit from seeing us locked up and placed in SHU.

So let's get serious about all this and whoever is putting out this proposal regarding the creation of a PAC needs to move forward with it and let us know how we can help and get involved to make this a reality. Myself and everyone in my section is for it.

*Maher Suarez, Pelican Bay*

### Supports PAC

*(Footnotes are Ed's comments)*

I am writing to express support for this proposal of creating a prisoners PAC [Political Action Committee]. Briefly explained by Jesse Perez in the last issue. I think it's a *brilliant* idea and do pledge \$100 to start. Hey, I know it isn't much but that's from absolutely *nothing*. The point however, is to say that people will not only meet that \$5 call (periodically) but will dig deeper and give more! Nothing in the regulations should hinder this effort either, so long as its administrators are on the outside. Of course, no matter what the regs say we should expect push back—even for those on the streets (e.g., unfounded, wild accusations of organized crime, etc.). Especially because this can actually work. It is a natural progression of our struggle. [Perez] was absolutely right! And with teeth (smile). Good stuff.

My only input (followed by a suggestion) is to say that embezzlement or white collar crime is usually perpetuated by Ivy League professionals (so to speak) and people who you would otherwise think do not break the law. So can anyone punch numbers into a database. That in itself does not mean our money is being used to fight *our* causes—or anything for that matter. Even where in this case an act like that would be incredibly—incredibly—unwise; people think they are smarter than they are at times, and a lot of money can tempt anyone.

Secondly, for me at least, while I can see value in teaming with other organization, partnering, inclusion, and co-opting with acceptable causes for mutual benefit to expand our reach, impact, etc., I would *not* want to contribute to things I do not support (e.g., better programming for sex offenders in Washington, juvenile or adult, by the editor).<sup>2</sup> I'm sure you agree. Plus, if this works, and I do think it will work, it can garner support from the outside. We all saw P.H.S.S. do outstanding work. So yes, that's a lot of money [which could lead to] focused fund raisers and rallies. A lot of people support our cause, so neither do we want to turn people off by adding, or even associating with what may be "unacceptable" issues for support by, and from, the general public.<sup>3</sup> Personal views aside, our strategic approach must be considered in this light—and precautions effected—so as to maximize our support base and thus maximize our potential.

My Suggestion: While transparency and a professor with students sound *great* for its [the funds] administration (good case study for them as well), I think having what I would describe as safeguards or security controls, where one or two of our own would serve in a marginal supervisory capacity at least to periodically—and literally—drop in to check progress, books, coffers, monies paid, services rendered, issues raised, etc. would help to ensure that our issues, our goals, and what is important to us—namely our causes—are the ones being pushed for all men, women, and juveniles included.

*Marco Perez, Tehachapi SHU*

### Also Supports the PAC

I would like to speak on the subject of the PAC to represent the prison community. This is a solid idea that should be explored. I did not read these articles and take them as trying to outspend the CDCR (CCPOA). I took it as coming together as a whole to fight fire with fire against them (CCPOA), to try and get this fight on a somewhat equal battlefield. It is no secret that money gets things done, so it would be wise for us to gain financial support in order to back those that fight for us on the out there (Loni Hancock and Tom Ammiano, etc.) so they can really make things happen more than they have already. The CDCR (CCPOA) is only able to push their weight around due to the money they throw towards what benefits them, which is to keep a revolving door policy in 2. As far as I know I have never advocated for better programming for sex offenders. It's needed, but this is not about "programming" for anyone, regardless of offense. This publication is about shutting down the factory, and not at all about feeble efforts to tidy up the destructive product that factory produces. Moreover, if I were to have anything to do with such a PAC, no monies at all would be used for any kind of programming. This would be a political fund, not a rehabilitation fund. That said, do I think prisoners need to overcome their prejudices against gays and sex offenders? Yes. *Anything* that works to further divide prisoners from each other serves the interest of your captors.

3. He may be referring to "radicals" here, as in "as soon as our struggle becomes acceptable we need to do what the union movement did back in the day and toss them under the bus." If so, you can see where that union movement is today, all but dead.

and out of prison and to keep these SHUs up and running.

A few dollars from each of us on a monthly basis (just like union dues) can help our supporters go to battle for us with the proper weaponry. It will give us, the voiceless, a pretty loud voice! Look what we got done with our latest peaceful protest (hunger strike/work strike), we opened the eyes of so many across the nation and around the world. Imagine what we can do with financial support. We'd be able to fight things on a much wider scale, both inside and outside these walls, and pushing the issue even louder on getting us out of the SHU by truly fixing this joke of a validation process, better education, and real rehabilitation. Not to mention things we once had before, such as family visits for livers and weights back on the yards. Those are just a couple of examples of things we had before, so we know it can be done. Plus, and a very big plus, with money we'd be able to fight to fix these laws out there to slow down that revolving door. Years get handed out like candy and yet they have no way of dealing with overcrowding.

We get slapped with this gang label, which gives them action to hit us with decades-long enhancements. We are then forced to take an already outrageous deal with 85 percent just to come to prison and get validated and have 85 percent turned to 100 percent due to tattoos or drawings that these so-called "gang specialists" consider "prison gang related." This needs to change and we can make it happen with the financial means to educate the public and expose the crooked truth of the system!

On another money-related topic are these private prisons. Since CDCR and these private prisons have contract quotas to keep their beds full or CDCR will have to pay big money for not keeping up with their quota of warm bodies. Then maybe those on the general population should refuse to go out of state, thus making CDCR pay those fines. Hit them where it hurts, in the wallet! Everything revolves around the almighty dollar! Not only are we merely a number to the state, we are walking dollar signs to these people. So let's not make it easy for them.

Before I exit I'd like to thank all those out there that fight for us in here, whether it's those of you running these vital newsletters, those with political stature, or the everyday true freedom fighters that give their all for this cause, such as Dolores Canales. Thank you all very much for all you do.

*E. Arballo, PBSP SHU*

### Update and Ideas on the PAC

Greetings and utmost respect is extended to you, as I humbly ask to be allowed a moment of your time and be granted the privilege to share some of my thoughts. And at the very same time express my true gratitude and appreciation for your support and assistance that you have been in regards to keeping us informed on the latest as well as educating us on the movement, but more importantly for your valuable time. Thank you.

I will be touching a few bases in this letter. So pardon me if it's extensive in reaching my point. As I am well aware you're a busy man with many correspondences to attend to. So, let me get to it.

I am currently housed in P.B.S.P. (A.S.U) waiting to go back to (GP) mainline in exactly one week from today. I was one of the hunger strikers who was transferred to Folsom (A.S.U.) along with others whom I will never forget. As we survived off of each other's strength in solidarity enduring the struggle in the longevity of 59 days. I salute each and every one of them, as well to any and all that participated in the movement for a better change, ending solitary confinement. I am not validated, though I embrace the struggle as my own, for I am too familiar of these outrageous tactics our oppressors use, and at any time I could find myself in the same predicament as the next man. I stand in solidarity alongside each and every one of you. Not taking for granted all that's in our reach. I have taken the initiative with the help of some fellow inmates whom are also in this (A.S.U.) to put a letter together directed to the warden in attempts to see a better change of these living conditions. We have not received any type of written response nor has the administration honored our request to be able to speak to Sergeants, Lieutenants, etc. to the populations' issues, on our concerns, leaving us having to 602 each matter individually, while they exhaust the time limitations, only to deny your appeals. However one thing worth mentioning is that we have taken notice of a couple things that have changed.

- 1) They started to clean the tiers (sweep/mop).
- 2) The increase of the purchase of soups to no limits.
- 3) they installed a T.V. shelf.

But Squad (IGI) came to inspect the shelf and of course shut it down stating it was flimsy and inmates could use it as weapons. That is typical for them to say such things. And because of that everything has been put on hold until they figure out another set-up. Now at the very latest we see some things are slowly moving. We will keep on pushing forward to better our living conditions in this (A.S.U.) as we exercise patience and acknowledge that these things take time.

1. PAC stands for Political Action Committee, which is a type of organization that pools campaign contributions from members and donates those funds to campaign for or against candidates, ballot initiatives, or legislation.

It's different at times due to all our inquiries and requests go brushed off by CDCR. And it brings frustration. But we will not give up and will continue to move forward in our continual protest.

On a different subject, regarding the feedback to the prisoner (PAC) proposal, I personally think it is not a bad idea and could see how it could benefit us inmates. After speaking with a few fellow inmates, I believe that many are open minded to the contributions. As I will contribute when I can. An idea came to mind one that I will share with you. Many of us have families and friends out there that are into the culture of "Lowriding." As we know lowriding and car clubs are family Barrio Homies that throw events to give back to the communities, if we want to educate them on the idea of the prisoner (PAC) proposal. This could get big and the contributions would multiply by the number. As lowriding is a worldwide event involving all ethnicities, families, and communities? I believe if this idea were to be pitched to the publishers of *Lowrider Magazine* and *Street* [cannot read handwriting or full name of magazine] could begin to circulate and get a perspective of their opinions and inmates on this. As I mentioned it's only an idea.

I humbly thank and appreciate all the prisoners, attorneys, legislators, and reps for your dedication and sacrifices in achieving the greater good. As I know it's no easy task and its hard work and time consuming which makes me extremely grateful and honored to be allowed and be a part of this movement. Thank you for your time and priceless knowledge and education.

*Esteban Hernandez, PBSP*

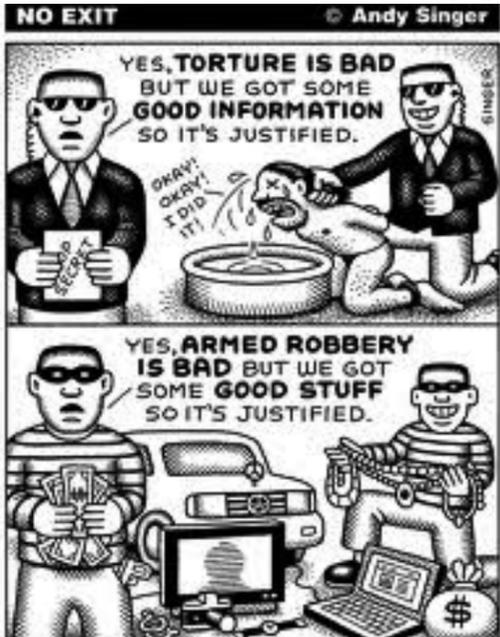
### Gang Label and STG

Regarding the experimental policy Security Threat Group (STG), gang identification policy is not what CDC is making it out to be. It's a sugar coated form of racial discrimination/racial profiling to cover their ass in torturing human beings in California's isolation units. We will not fall into despair until long-term solitary confinement is abolished and those that are still suffering are free from SHU and the torture has ended. At that point the thousands of victims of this inhuman practice can begin the healing process. CDC's long term solitary confinement experiment has failed, and in the process has caused major suffering and a waste of tax payer dollars. We cannot sit back and allow the same thing to happen again under the phony guise of STG.

A total of three times I've had 1030s filed on me. Meaning confidential informants have alleged that I've been involved in gang activity. I'm labeled with the "gang" tag for no reason other than the word of this so-called confidential informant. No due process whatsoever in challenging this label through the 602 or appeal process. Some guy chooses to say this or that just to be removed from a yard or housing facility and IGI automatically assumes it's true. The result is we are wrongly being labeled. He's Mexican, he's a gang member. Oh, he's popular amongst his peers, he's a gang member. He shaves his head bald, he's a gang member. No matter what you say to defend yourself, you are guilty in the eyes of CDC.

Since arriving here at Calipatria State Prison about six months ago I've experienced two lockdowns. One on December 7, 2013 and resumed normal program on February 8, 2014. The second is now February 27, 2014 and is still going. My point is STG regulation. If anyone labeled or identified as STG I or STG II regardless if involved or not in the individually isolated incident, you will be placed on lockdown until the institution hierarchy feels you are not a threat. It seems that this institution is having a vendetta day of retaliation and animosity towards any and all of us of Mexicans decent. This experimental STG regulation is a free-for-all for CDC. We cannot sit back and allow this to go on; we should stand up for reform. When I look ahead at how I want to be treated in years to come, I don't see how it can be accommodated with STG still in place. As a class we will continue to value the End of Hostilities Agreement. We are with you all in this struggle for the long haul. •

*Johnny Aguilar*



**Castellanos** ..... *Continued from page 8*  
That will also do away with the need for any revolving door program like SDP.

I personally feel that, right now, on the SDP itself, until it's changed or eliminated altogether by law or court, it should be up to each individual if they wish to go through the DRB [Departmental Review Board] hearings. I myself will go in April, even though I expect to be placed on step 1, behind all the countless 1030s [informants] in my file. Most here on the short corridor are being placed in 1 or 2. And those that have serious chronic illnesses are being sent to New Folsom, no matter the step they're placed in. I have no illness so I'll remain here. And, so far, some are also being placed on steps 3 or 4.

Finally, I wish to correct some misconception on the origins of the STG-SDP. It did *not* originate from our hunger strikes. CDCR has had it on the back burner as a result of the *Castillo* case. The hunger strikes *only* forced CDCR to put it on the table a lot sooner than they planned. So, no one should try to lay that program's origins at the hunger strikers' feet, period!

### #2 March 23, 2014

I write this to update you on the two issues I addressed in my last letter of March 3, 2014. First, on the positive cooperation we received from this new administration and second, on the DRB hearings.

Regarding the first issue, it has now been over 30 days since we had attended the meeting of February 20<sup>th</sup> with the administration but yet, to date, they have not issued copies of any of the promised memos to all the SHU buildings, or of what transpired at that meeting. Also, I mentioned in my last letter that the prison's bakery was up and running and that they were sending us better baked goods. Well, by the evidence so far, it gives the appearance that leading up to that meeting of Feb. 20<sup>th</sup>, we were seeing good size pieces of cake—with frosting, biscuits, dinner and breakfast rolls, and cornbread on the trays. But, soon after I sent that letter out, the baked goods got smaller, cakes no longer had frosting, or stopped being served to us at all, and the so-called fruit-crisp is now just gook without the crisp. It's almost as though the baker was fired soon after that meeting and replaced with someone that doesn't know what the hell they are doing. I just hope the promised food surveys were issued to the two volunteer reps so this administration can get feedback from them on this and the rest of the continual served slop. I feel for those of you who do not have the funds to purchase canteen items to supplement this food. I can go on with this issue but I'm sure this administration has gotten the point that we will point out the positive—like my last letter—as well as the negative in this letter.

On the second issue, the DRB hearings for the short-corridor and others from both C and D facilities, in my last letter I

was told the next ones will be held in April. Now they're saying May of 2014, and will be held every other month. To date they have seen the first 25. In May, they are supposed to see those numbered from 26 through 50, maybe more, because they recently added another 50 to the list numbered from 51 through 100. If *any* of you believe you are on this list you can contact CCIT Ms. Perez or Ms. Vargas.

Now, the following is *very* important: Some names and addresses of attorneys will be placed at the end of this letter<sup>1</sup> that should be contacted by those at PBSP-SHU when they are first placed on these lists—your number on it—when the CCIT issues you the 1030s [confidential information] that the DRB members will be using at the hearing. If possible, give the CCIT, at that time, a signed trust to make a second copy of them to send to the attorneys. Take notes as to what transpires at your DRB hearing [i.e., what step, etc.] and your issues/complaints why you object to *any* part of that process. And, if possible, file any writ on those issues—according to Title 15, section 3376.1. Issues raised at those hearings are fully exhausted at the Directors level. One does not go through the CDCR 602 appeal process on this. All of this vital info is important so the attorneys in our—all SHU prisoners—pending civil suit on solitary confinement. The attorneys can use it to effectively counter any motions for dismissal or summary judgment the U.S. attorney general files later. This info is greatly appreciated and the attorneys assured us that they will keep any materials confidential. Also, be sure that when you are placed on a step, you stay in touch with the attorneys so they can monitor your progress [i.e., bounced from step to step and back, etc.] It is also important for the rest of the SHU prison populations across CDCR that you send a general letter to these publications of what transpired at those hearings so they can be informed as to what to expect when they go before the DRB.

Finally, some that were placed in steps 3 and 4 were advised that Tehachapi level IV was closing the G.P. and were going to be used for those two steps. If this is true—and it's a big if—CDCR shouldn't have a problem in giving those on step 3 and 4 *contact* visits. The resources and visiting cronos are already in place.<sup>2</sup> •

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1. There were no names or addresses of attorneys at the end of this letter, only a note asking outside people to provide said contact information. Those who forwarded the letter to me, up here in Seattle, neglected to provide the contact information for the attorneys.
2. There were thirteen pages consisting of copies of memos, etc. that were attached to Mr. Castellanos' letter but are not included here due to space considerations.

## GRASS ROOTS PROTEST, PRISONERS ARE HUMAN!

**O**n March 29<sup>th</sup> the *Catrinás Del Barrio* a grass root women's organization which focuses on human rights, inmates rights and community needs scheduled a "Inmates Are Human" demonstration in Santa Barbara. Demonstrators meet at Tuckers Grove Park at 2pm, including the family members of inmates currently in Santa Barbara County Jail as well as members from *LULAC Santa Maria*.

This demonstration was inspired by hearing stories from inmates family members about how their loved ones who are currently in Santa Barbara County Jail, are not receiving mail, some have even gone without their legal mail, including letters from the lawyers representing them in current cases as well as the inmates outgoing legal mail to ACLU being denied sending service. Inmates' post cards to their children or from their children are not being sent or received. In talking to the families as well as former inmates of Santa Barbara County Jail who have expressed the conditions they experienced while incarcerated; the CO's are turning cells normally used to house intoxicated people aka "drunk tanks" as solitary confinement units. This is similar to the SHUs many are familiar with that are used in a prison setting. The transformed drunk tanks do not allow the prisoner any human contact unless it is from a guard. Prisoners are left in these solitary confinements for months and months on end, the longest so far is approaching one year in solitary. Some drunk tanks are equipped with cameras, so not only are the prisoners left without human contact they are under video surveillance 24 hours a day 7 days a week, without even being convicted of a crime, this is all while they await trial.

Demonstrators walked 3 miles, 1.5 each way from the park to the Jail, chanting, "Inmates are Human", "Stop Solitary" along the way and at the driveway entrance of the Jail. The demonstrators were approached by the Santa Barbara Sheriff's department officers, who offered them "A spot we reserved just for you." Since earlier it was

said by inmates family members that the inmates were being teased about the future protest, and officers were overheard saying "these protesters are really pissing me off!" the demonstrators declined the set up invite and maintained their position.

During the protest some of the inmates were actually offered yard time, at first thought to be a positive sign, until inmates returned from yard to a raided room and write ups. Write ups for things that weren't in their room, or a write up of contraband for having one rubber band. Inmates who asked officers about why the search happened and if this is why they received yard time after so long without were told, "I don't know." Other inmates were told they were "Talking to much about not getting their mail." All inmates were told "This is going to make it worse on you!"

The demonstrators met back at the park and did interviews of inmates' family members, describing what they and their loved ones are going thru. These videos will be posted on utube by the *Catrinás Del Barrio*. The video footage of the protest is available online via Facebook at: <https://www.facebook.com/CatrinásDelBarrio>. •

*Written by: Venenosa Del Barrio*



the intelligence they can squeeze out of street gang members by locking them in isolation and forcing them to debrief is more valuable to the law enforcement community. CDCR is trying to raise its status.”

Perhaps the most controversial aspect of CDCR’s new policy is the program of “cognitive behavior restructuring” that requires prisoners in the SHU to participate in a strict regimen of “self-directed journaling.” These journals will be read by CDCR officials and used as a basis to determine a prisoner’s eligibility to “step-down” to a lower level of isolation and eventually to leave the SHU. In these journals, a prisoner is expected to confess to (and repent for) everything prison administrators have accused them of, including gang affiliation.

This method, based on theories developed by behavioral psychologist Dr. Stanton-Samenow, has already been implemented in prisons across the United States. It’s widely been criticized as a compulsory form of brainwashing and a way to break down prisoners psychologically through techniques that many agree are tantamount to torture. Once broken down, the theory goes, prisoners can be helped to “overcome errors in thinking” and “reform.”

Peter Cubra was cooperating attorney on *Ayers vs. State of New Mexico*, a case that the ACLU successfully litigated in 2003. Cubra describes Stanton’s cognitive behavior restructuring, particularly as it played out in New Mexico, as a “clockwork orange-type torture.”

In 1980 the New Mexico Penitentiary was the site of one of the most violent prison riots in US history. Thirty-three prisoners were killed during the riot and 200 injured. Of the 12 corrections officers taken hostage, all were treated for injuries caused by beating and rape. Though the old prison was eventually shut down, the riot forever changed the trajectory of New Mexico’s approach to imprisonment. Twenty years later, they bought Stanton’s cognitive behavior material and used it to create a step-down program very similar to what’s being proposed and implemented in California today.

“They tried to break people through what they called ‘integrated cognitive restructuring,’” continued Cubra. “They punished those who refused to confess their moral shortcomings by starving them on the ‘food loaf’...prisoners had to participate or the torture would be enhanced.”

The ACLU lawsuit eventually forced New Mexico to moderate the program, taking away the punitive measures to enforce it, and exempting prisoners with psychological problems, but prisoners in New Mexico are still being subjected to a watered-down version of cognitive restructuring in New Mexico today.

“Every time you punish a person who’s incarcerated you make them more anti-social,” Cubra added. “I subscribe to rehabilitation as a concept, but any program has to be voluntary with no consequences. Stanton’s method could be offered as one item on a menu of choices—but punishing people for not participating, sometimes even corporally, is unconstitutional.”

“The classic definition of torture,” said attorney Charles Carbone on the topic, “is the use of mental or physical harm to extract information. It’s not just to hurt somebody, you want to preserve him or her long enough in order to get them to tell you something important. The DOC’s incentive is to extract information about crimes being committed both in prison and the free community. But this information is inherently unreliable, untested and being obtained through coercive means.”

“Only the CDCR can get away with calling an expansion of their power and authority a reform,” Carbone continued. “I think the Department is getting what it wants here. The real pity is that it’s not what the public or legislatures want. In 10 years from now were going to have the exact same number or more people in security housing in California. Still,” he added, “I think CDCR realizes they’re going to have to go back and rework this proposal. For years now they’ve been able to the manipulate the legislature—but that gig is now up.”

Clearly, not only the legislatures, but also the hundreds of California voters that attended the Public Hearing in Sacramento on Tuesday were far from convinced. After the legislators and experts spoke, dozens of survivors of solitary confinement, concerned citizens and family members lined up to express their dissatisfaction with CDCR’s new proposal. In his testimony, Professor Craig Haney pointed out that the United States, and California in particular, is “unsettlingly out of sync with the international community on the issue of solitary confinement.” “Modestly implemented reform,” he added, “is not going to make a difference.” •

<http://solitarywatch.com/2014/02/14/hearing-solitary-confinement-california-advocates-question-reforms/>

**Prison Focus....  
Working to Extend  
Democracy to All**



Note: The views expressed here are the opinions of the writer, and do not necessarily reflect the views of California Prison Focus or its members.

There is a sort of sister publication to *Prison Focus* that comes out monthly. This other publication is very much like *PF*, only with the latest news and analysis as it relates to the peaceful struggle of prisoners for some small measure of human dignity. That publication is called *Rock*. It is not in any way affiliated with California Prison Focus, although is also edited by me. Unlike *Prison Focus*, however, it is not free to SHU prisoners, or anyone for that matter. Until very recently, prisoners paid the entire cost of publishing *Rock*, which will soon be 2.5 years old. Subscriptions are \$15 or 30 stamps a year. If you want to get it you need to have the hustle to scrounge up the money to pay for it. Selling subscriptions to like-minded prisoners is one way of accomplishing this, sob stories won’t get it. A *Rock* subscription form is located on the bottom of page 15.

If the rights of prisoners are to be expanded it will require a strong and united national prisoners’ movement. Prisoners will have to organize a peaceful struggle to abolish state sanctioned slavery and the democratic rights guaranteed to all citizens, including the right to vote. Those are the two big issues around which everyone can unite; the smaller issues are conditions of confinement, which will vary from prison to prison. When such a movement exists, the courts will listen. Until then we are nothing but dust in the wind.

I received a letter from a prisoner in the Washington State Penitentiary. Enclosed with that letter was an article listing what the legislature of that state could do reduce prison costs. He wanted me to print the article in *Rock*. His suggestions for change were all valid. Yet I did not print his article. Why? It is not through begging the legislature, the courts, or the executive branches, that will bring about constructive change. Rather change will come through the organized strength of prisoners.

For those who want to keep inventing the wheel, look at the hundreds of years of steady failure in this regard. This long history of failure should clearly demonstrate the futility of merely asking the various arms of the state to do the right thing. Rather, it will come from the organized strength of prisoners. The prisons cannot function without the labor of prisoners. Prisoners have the power; they need only develop the unity necessary to exercise it. As Fredrick Douglas pointed out, “Power concedes nothing without demand, it never has and it never will.”

Labor unions in the U.S. learned this lesson back in the 1930s. At the time it was against the law for workers to organize into unions; they called it criminal syndicalism or some such thing. Yet workers went ahead and organized themselves anyway, and in so doing won the eight hour day, paid vacations, etc. Yet, after they kicked the communists out of the labor movement, unions became lazy and corrupt, and ended up sleeping in the same bed with management. But that does not detract from those early years of struggle.

The Universal Declaration of Human Rights, a treaty the constitution says is the “law of the land”, proclaims that all humans have the inherent right to freedom from slavery, forced labor, torture, cruel, inhuman or degrading treatment, and to be recognized as a person before the law. In the National Labor Relations Act (NLRA); 29 U.S.C. §§ 151-169, Congress thought it important to repeat in Section 13 that nothing in the law “except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike.” You clearly have the right, it need only be exercised.

It is the actions of prisoners that will ultimately change the awareness of the public around the issues of crime and punishment. And when the public understands the cruelty and wrongs being done in their name, they’ll be the engine driving that change. Well, prisoners are the little motor that will start the big engine of change. Just look at how the level of public consciousness has already increased as a direct result of the of the three struggles (hunger strikes) waged by California prisoners. Indeed, we may finally be at a point where one can honestly say: The future holds promise. •

## TWO LESSONS THE USA MUST LEARN FROM GLENN FORD

By Tessa Murphy, USA campaigner at Amnesty International.

There are two lessons the USA should learn from the release of Glenn Ford, a 64-year-old man who spent 28 years on death row in Louisiana for a crime he didn’t commit.

The first lesson is that the death penalty is never the answer, because it carries the inescapable risk of executing innocent people. The second is that there are some serious problems with Louisiana’s justice system.

Glenn Ford walked out of the southern state’s infamous Angola prison late yesterday, after spending nearly three decades behind bars for a crime he’s always claimed he never committed.

He was sentenced to death in 1984 for the murder of Isadore Rozeman in the north-western Louisiana city of Shreveport in November 1983. His freedom comes after a Louisiana judge ordered his release, following the state’s disclosure last year that another man had admitted to the crime in May 2013.

Glenn Ford is the 144th exonerated prisoner to be released from death row in the USA since 1973, and the 10th such case in Louisiana, according to the Death Penalty Information Center in Washington, DC.

His case shows some of the hallmarks present in other cases of wrongful conviction: inexperienced trial lawyers, unreliable witness testimony, and prosecutorial misconduct. Questions of race, never far from the US death penalty, were also raised in this case. Glenn Ford is African American and was tried for the murder of a white man by a jury consisting of 12 white jurors, after African Americans had been dismissed by the prosecution during jury selection.

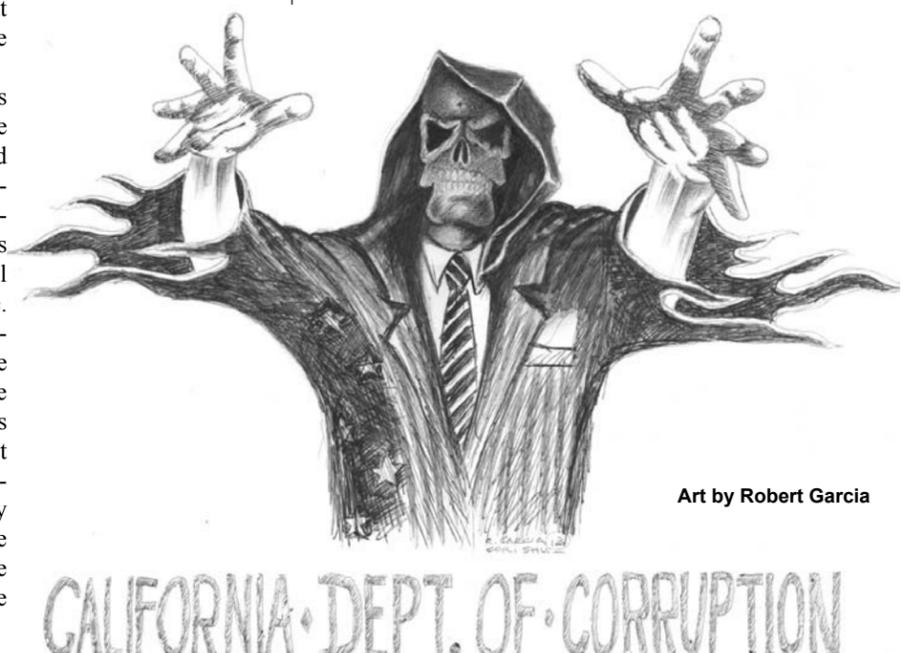
Despite the flimsy nature of the evidence against him, the death sentence hung over his head for decades. The Louisiana Supreme Court affirmed the conviction and death sentence in 1986, despite acknowledging that there were “serious questions” about the evidence. One of the judges had dissented, arguing that there was insufficient evidence to convict Glenn Ford.

This case is reminiscent of another that has been litigated for over 40 years, sharing many of the same flaws. Albert Woodfox, one of the ‘Angola 3’ inmates previously in the same prison as Glenn Ford, was convicted in 1973 of the murder of a prison guard before an all-white jury. No physical evidence linked him to the crime, potentially exculpatory evidence was lost, and the convictions were based on the discredited testimony of the only eyewitness to the murder – who was later shown to have received privileges, including a pardon, in return for his statement.

Despite his conviction having been overturned three times, once in a state court and twice by federal judge, Albert Woodfox remains incarcerated while he continues to litigate his case. The state of Louisiana has appealed against every court ruling in his favour while the serious flaws in his case remain without remedy. The case is currently before the federal appeals court. Should the court rule against him, it is likely that Albert Woodfox will die in prison.

A second member of the ‘Angola 3’, Herman Wallace, had his conviction overturned by a federal judge last year on the basis of the systematic exclusion of women from the grand jury that indicted him. It took a terminal diagnosis of cancer for the federal court to expedite their ruling on the case, and a judge who recognised that “the Louisiana court, when presented with the opportunity to correct this error, failed to do so.” Herman Wallace died three days after his release.

Glenn Ford and Herman Wallace lost decades of their lives behind bars under a flawed system. Meanwhile, justice remains elusive for Albert Woodfox. Amnesty International continues to call for him to be released. •



Art by Robert Garcia

# SO THIS IS OUR BANNED TESTIMONY – PELICAN BAY PRISONERS STATEMENT TO LEGISLATORS

By *prisonerhungerstrikesolidarity*, 2-11-2014

We are prisoners at Pelican Bay State Prison who have all lived for over 15 years locked 23 hours a day in small windowless cells, without ever being able to hug or touch our families, without ever seeing birds, trees, or the outside world, with no programs or chance for parole. California keeps us in these torturous conditions not because of any violence we have committed, but because it believes we are affiliated with a gang, often based on artwork or photos we possess, tattoos we have, literature we read, who we talk to, or anonymous informants' statements that we have no way of challenging. We are put in Pelican Bay not for any specific term of months or years for misconduct we have committed, but indefinitely, which in practice means forever—unless we become informants.

Last summer we went on hunger strike—we were willing to starve ourselves to death rather than continue to endure these dehumanizing conditions forever. We ended the strike because several compassionate legislators promised to call the hearings that are taking place today. Yet today the legislators will hear from psychologists, lawyers, other experts, corrections officials—but not from us—who have the most experience with the conditions we face—because California (CDCR) prison officials refuse to let us testify, even remotely via video or audio which they could easily do.

So this is our banned testimony: CDCR claims to have now instituted a reform program. It is a sham, just like the so called reform they instituted a decade ago after a court settlement which resulted in no real change. This new reform effort still maintains the basic conditions at Pelican Bay, and will continue to keep prisoners in isolation for vague gang affiliation based on artwork, literature, communications, or informants' testimony that does not meet California's judicial standards for reliability in criminal trials. California is still unwilling to move to a real behavior-based system where prisoners are given determinate terms in solitary after due process hearings at which they are found guilty of some serious misconduct such as assault, murder, rape or drug dealing. Instead, these new policies widen the net of prisoners who can be labeled as gang affiliates and isolated based on that label. These unjust and ineffective policies are very expensive and have already cost our state millions of tax dollars which could be put to better use.

Moreover, even those prisoners who need to be isolated from the general population because of the violence they have committed while in prison ought to be treated humanely. There is no reason California can't run very high security prisons that allow prisoners held in segregation to have contact visits with family, phone calls to family and friends, educational and rehabilitation programs, more out-of-cell time, cells with windows, recreational yards that allow for small groups to recreate together and see the outside world—in short, segregation from the general population, but not torture or dehumanization.

We have written petitions and letters to the Governor, filed a class action Federal lawsuit, and gone on hunger strikes seeking real reform, not the bogus reform Californian officials now propose. It's time for California to do the right thing. It's time for the legislature to enact meaningful reforms. •

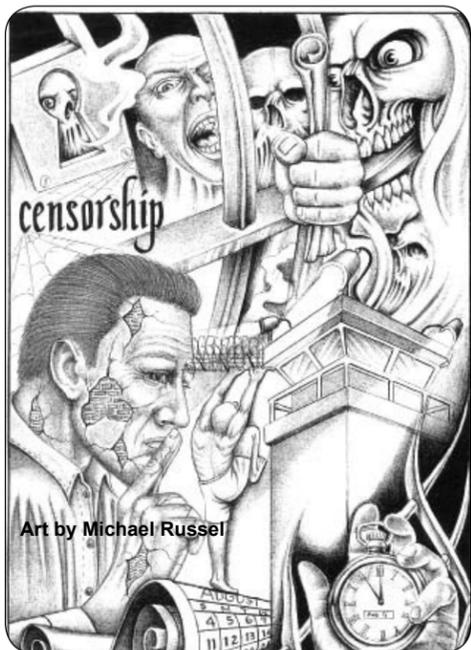
Todd Ashker, C58191, D4 121

Arturo Castellanos, C17275, D1-121

Sitawa Nantambu Jamaa (Dewberry), C35671, D1-117

Antonio Guillen, P81948, D2-106

4 Reps for the Pelican Bay Short Corridor Human Rights Movement, Crescent City, California



## THE NEW GREASER LAWS

By *Jose H. Villarreal*

After the U.S. War on Mexico in 1848 when Aztlan (the South West) was stolen, there came what has been described as “The Gold Rush” which erupted when gold was “discovered” in California at Sutter’s Mill. This “discovery” resulted in a mass migration of settlers from across the U.S. as well as around the world. These settler immigrants flocked to California in a quest to exploit its resources.

Suddenly post U.S. war on Mexico the peoples who had been living in California for hundreds of years and in some cases longer were now considered competition to the settler. This resulted in racist legislation which codified national oppression. At this time the most successful mining operation came from those proto-Chicanos and Raza (Latinos) more generally who also migrated from Latin America. Raza were all lumped together by the settlers and referred to as “greasers.”

Beginning in 1850, Amerika began implementing a series of laws that were aimed at Raza in California, who were thought of and labeled as “greasers”; thus these laws were known as The Greaser Laws. In this way the oppressor nation had institutionalized oppression, that is, they made it “legal.” The initial law that began the greaser laws was the Foreign Miners Tax Law of 1850. When we learn about a historical event such as the greaser laws, we should not just reflect on the law and the physical restrictions thereafter, but also on the effect this must have had on the psyche of Raza at the time and for generations thereafter, when a people suddenly become a “foreigner” in their land as happened post 1848, and how the colonizer began legalizing oppression thereafter.

The Foreign Tax Law stated that a non U.S. citizen that wanted to mine needed to pay \$20.00 a month for the license. \$20.00 was a huge amount at that time and this was enacted as a form of controlling the newly colonized people. Although the foreign tax law also affected Chinese laborers who were a strong presence in California at this time, the greaser laws were primarily enacted to uphold white supremacy and to criminalize Raza. From this point on Raza culture was criminalized and this worked to criminalize all Raza under the label of “greaser.” To the public, “greasers” became synonymous with criminals; hence began the idea of our barrios as criminal. The Greaser Laws targeted things like bullfighting and cockfighting, which were part of Raza culture, and were suddenly turned into crimes in order to add another tool in the oppressor toolbox used in carrying out national oppression. It’s essential that we grasp why the state was in cahoots with white labor at this time worked hand-in-hand with the Greaser Laws. Sakai summed this up:

“What was the essence of the ideology of white labor?

Petit-bourgeois annexationism. Lenin pointed out in the great debates on the national question that the heart of national oppression is annexation of the territory of the oppressed nations by the oppressor nation.” (1)

This I think cuts to the heart of the origins of the Greaser Laws and even more so speaks to national oppression. Today the U.S. Prison population has skyrocketed, the Quakers in their early experiments with prisons would probably be awestruck at the behemoth the dungeon has become. For our oppressor, this is only the beginning for the penological colonies. As Marx taught, matter is in motion, and prisons are no exception to this scientific rule.

What has been detected, initially in U.S. prisons, is the ‘New Greaser Laws’ which have been mostly applied in California. Just like in the early days, during the birth of the Chican@ Nation, when the Greaser Laws first arose, so too are we seeing a revival of the Greaser Laws at a time when Chican@s are making a leap in consciousness within U.S. prisons. What has become apparent and what not enough has been discussed about is that once again Raza culture has been criminalized within U.S. prisons in a concerted effort for the state to thus criminalize Raza and particularly Chican@s in the popular sense. Only today we are labeled “gang member” or “security threat group” whereas the old Greaser Laws labeled Raza as “vagrants” or “bandits.”

California prisons have been taking Raza culture and using our practice and enjoyment of such cultura to prove we are engaging in “criminal acts”, “gang activity”, or the newly worded “security threat group activity.” Today in California prisons drawings depicting Poncho Villa or Zapata, the hero of the Mexican Revolution, are used as “gang symbols” by the state. Drawings or photos of art depicting Aztlan symbols such as the calendar; statues or depictions of warriors are used as points to validate us. The Aztec thunderbird that is used out in society to evoke the struggles of farmworkers throughout the U.S. is used against us to validate us as “gang members.” The Mexican Eagle which evokes the legend of Aztlan with the snake in its mouth, and which is the flag of Mexico, is used to criminalize us.

Language is not even safe—the use of Spanish, which is the Chican@ language, is used to brand us as engaging in criminal activity. Tattoos showing our history and culture are used as “proof” of us being criminals, gang members.

The way we interact socially in ways that promote interdependence and community as Chican@s and Raza more generally, whether it be sharing, eating communally and expressing ourselves as a group, is criminalized in prison. This behavior has nothing to do with “gangs”; it goes back to our indigenous roots of how we interact and how we raise our youth. This tradition is twisted into a negative phenomenon by our oppressor and used to further our repression, to increase our torture and justify our placement in these torture centers also known as S.H.U.!

Our way of life, which has been passed on generation after generation, is criminalized in an attempt by our oppressor to sever us from our culture, from the very essence of what it means to be Chican@s, of being Raza. This assault on the Chicano nation in California prisons is meant to discourage us from holding on to who we are and to stifle our political development, i.e., to kill our consciousness. This is all re-run and is the same vein of oppression used on Raza in the original Greaser Laws—it is an attempt to assimilate us into Ameri-kkk-a!

The New Greaser Laws that we are experiencing in California prisons have a direct link to the Old Greaser Laws of 1848. The old greaser Laws are linked to the land grab and Amerikan Imperialism; thus our oppression ultimately tethered to U.S. Imperialism. Stalin once said “Imperialism was instrumental not only in making the revolution a practiced inevitability, but also in creating favorable conditions for a direct assault on the citadels of capitalism.” (2)

Oh how his words ring true today in that the New Greaser Laws are actually the fuel in the engine of the Chicano nation that has been rekindled due precisely to the assault at Aztlan.

**Why the New Greaser Laws today?**

When we attempt to identify this stepped up assault on the Chicano nation, we must analyze the concrete conditions in the U.S. today.

The population growth is one factor that is playing into the scheme of things. If we look back to 1980, the U.S. population consisted of 80% white, 12% Black, 6% Latino, and 5% Asian. If we move forward 30 years to the year 2010 the U.S. population was 64% White, 12% Black, 16% Latino, 5% Asian. (3) As this data shows, most folks had their population reduced or stayed the same for the most part, while Raza population made a leap in the U.S., and this leap did not go unnoticed by the oppressor nation.

This development ushered in more of these Greaser Laws and more enforcement of these assaults that came in many forms. Even the existing laws, such as the California Three Strikes Law, which is aimed primarily at the oppressed nations in the U.S. (Brown, Black and Red Peoples), began to increase. Indeed, almost 40% of California’s Three Strikes cases come from Los Angeles county (4) which, it should be noted, has the largest concentration of Chican@s in Aztlan.

In a further attempt to curb the replenishment of Aztlan via newly arrived migrants, Amerika has created the “Secure Communities Program” which is another “Greaser Law.” The way it works is, anyone off the street who is arrested for anything, has their fingerprint sent to the FBI to check their legal status. As one writer put it:

“Under the Secure Communities Program, those fingerprints are then sent to Homeland Security to check for immigration violations. People who are flagged are then examined by ICE and could be deported.” (5)

This program heightens the assault on Raza where now every Brown person in the U.S. becomes a suspect and criminalized in the eyes of the state and public. This program has been abused horrifically; indeed a study in 2011 found that about 3,600 U.S. citizens had been wrongly arrested by ICE.

What’s different between the Old Greaser Laws and the New Greaser Laws is today many from within the oppressed nations have been bought off by the oppressor and end up unwittingly maintaining low intensity war aimed at Aztlan. We know the “Secure Communities Program” is a product of the Obama administration. At the same time if we look at the numbers for those who voted to put Obama into office, we find 93% of New Afrikans voted for Obama, 69% of Latinos, and 74% of Asians voted in his favor. (6) Ironically it is the Brown, Black and Yellow folks now feeling the brunt of the “Secure Communities Program.” The oppressed nations should take heed to these lessons if we are to move forward. In our struggle for national liberation we cannot get lost in appearance, we should not be swayed by form but we should focus on content. When it comes to the oppressed nations there are class contradictions within each respective nation on these shores and Amerika’s bourgeois politics attempts to lure the oppressed to get struck in its ballot box scam and conceal class contradictions at all costs. Mao spoke of class in his day when he said:

“The ruthless economic exploitation and political oppression of the peasants by the landlord class forces them into numerous uprisings against its rule...it was the class struggles of the peasants. the peasant uprisings. and peasant wars that constituted the real motive force of historical development in Chinese feudal society.” (7)

Today’s class contradictions affect all of the oppressed nations in the US, and most prisoners derive from these oppressed nations, and we will be the real motive force in ultimately resolving these class contradictions. Just as our

efforts today to better our conditions and stop the SHU torture are arriving via a United Front, so too will we reach national liberation in the future via this same approved of the united front.

One of the things the Left in the US is leaving out of the equation and must be dealt with is the state's targeting of Chicanos at an enormous rate for SHU torture. More Raza are placed in SHU solitary confinement than any other peoples in California prisons (8). Of these Raza the vast majority are Chicanos. The SHU has been identified even by Amerikan "liberal" groups like Human Rights Watch or even Amnesty International as "cruel and unusual" torture. It is well known that solitary confinement creates psychosis after long durations, and even for as little as ten days can cause psychological trauma. What this means is that California Chicanos are being tortured and rendered mentally ill more than any other group of prisoners, even though Chicanos are not the majority population of California prisons. The closest phenomenon to this in the US prison system is the fact that New Afrikans are the largest population on death row. The only difference is New Afrikans are also the largest population of the prison system, whereas Chicanos are a minority in California's state prison system. They are facing a legal lynching and we are facing a psychological legal lynching.

Those in the prison movement need to look more into this phenomenon and identify the changing contradictions for today's concrete conditions. We need to see more analysis of this phenomenon in movement publications to find ways to combat this situation and glean what can be gleaned to push the movement forward.

This phenomenon of the control unit, and specifically California's SHU, can thus be seen as another aspect of the New Greaser laws that are aimed at neutralizing the Chicano nation. The SHU is a formidable opponent; it is a big gun in the oppressions arsenal, and solitary confinement is its biggest stick. Today, nearly 100,000 people are locked in solitary confinement. This is something that prisoners across the US prison system experience at some time and the impact it is having on the people's mental capacities is only imagined at this time. Terry Kupers, a psychologist, stated in a deposition, "Everyone who is in a supermax has some kind of psychological damage as a result." (9) The evidence is there that solitary is neutralizing a person without a visible weapon, but the state is doing this intentionally in my opinion. No longer are they using a whole town to lynch the oppressed nations in the town square, no longer are thousands rounded up and placed in ovens or gas chambers, instead we are rounded up and locked up for the rest of our lives in solitary confinement! It is a bloodless torture we suffer for being born with Brown, Black or Red skins. White supremacy has only become more sophisticated.

The former warden of Pelican Bay, Greg Lewis, has said: "In my experience, the men that are housed within this security housing unit have suffered no ill effects from their segregation." (9) This is akin to Amerikkka telling the first nations that they suffered no "ill effects" from the trail of tears.

The New Greaser laws are creating new contradictions and new struggles within prisons that have not been seen in decades. This mobilization of the lumpen works to combat the New Greaser laws in the form of a united front against prison repression. But in our efforts we must raise this aspect of today's repression when we can, and get prisoners and our outside allies to grasp this form of development. Our strategy on the ground should raise the consciousness of the U.S. left by being able to translate the changing face of today's prison oppression.

Revolutionaries commonly read, study, and declare the Marxist method of the material world being in constant motion. Most people grasp this in theory; in practice however it is a different story. Many have failed to implement this method when it comes to the assaults aimed at Aztlan. This parochialism leads to a disconnect where nobody identifies the changing conditions, and thus the proper response is not coordinated.

Today's lumpen experiences a multifaceted assault which has changed in some ways since the 1970s, which was the pinnacle of the prison movement's last development. We as revolutionaries and activists whether in prison or out in society must change our response to the changing developments on the ground. Should we apply a 1970 approach to today's contradictions, we will stray off the path of advancing the new prison movement and making real strides for people. But prisoners must take more responsibility for progress made and advances in the prison movement. After all, it is us who are buried in this trench of despair. Our external allies may hand us a shovel and feed us oxygen but ultimately it must be us who dig ourselves out. In some ways, those of us in SHU have become slaves of the state since we exist in a caste-like existence. One writer has put it this way:

"The racialized idiom of slavery in the American social order depended on the legal fiction of 'civil death'; the state of a person who though possessing natural life has lost all civil rights." (10)

We are definitely alive and breathing, yet we exist on life support, obtaining sustenance to keep us breathing, but without experiencing what it means to be human, and stripped of civil rights like our counterparts in Guantanamo Bay.

We are seeing that today's prisoners are not mute partisans of violence, but people who no longer will suffer in silence. Our voices will be heard and voices shall be amplified by those who remain loyal to something called "humanity" out in society. The power we see manifesting in the strikes are symbols of solidarity of the lumpen class. The strikes, coupled with the call to end hostilities, reflect developments in U.S. prisons. These developments for prisoners are a leap from a quantitative stage to a qualitative stage or as Engels described simply from "quantity to quality." Where the imprisoned social forces have demonstrated a certain amount of consciousness to identify our common oppressor and the class contradictions that exist even in prisons, this knowledge was then used to make a decision to act as a class to advance our class interests. This action was a development not seen in the U.S. prison system since the uprising in Attica in the 1970s! This of course is great, but our analysis and future struggles must go deeper and farther if we are to regain our humanity as people and our civil rights as prisoners.

Ultimately, like most contradictions in Amerikkka that result in the interests of the oppressed nations, the fight against the New Greaser Laws, supermax torture, the Anti-SHU struggle against prison conditions, more generally will only come from how we explore United Front efforts, that is manifested in a lumpen class-wide movement. Prisoners in some aspects exist as the canary in the coal mine where we serve as the social thermometer to where the state is going in its repression projects that will be used on the broader society at some point, so we play an important role in identifying which way the wind blows behind prison walls. But this can only be done if prisoners are conscious and able to put critical thinking to the task. To satisfy our responsibility, prisoners need to study the contradictions in today's society which revolve around Nation, Class, and Gender. Only in this way will we find solutions and understand the interconnection of us and the outside society, only then can we attempt to add to what is bubbling in today's theoretical realm in the internal semi-colonies here in the U.S. and internationally.

The stranglehold of U.S. prisons will continue with employing the New Greaser Laws and other modes of repression until all our energies can be properly harnessed to break this link that is one of many in the long chain of oppression unleashed by U.S. Imperialism. •

*Jose H. Villarreal is a correspondent for "Poor Magazine" and can be reached at <http://www.jhvillarreal.com>*

#### Notes

- (1) J. Sakai, "Settlers: The Mythology of the White Proletariat," Morning Star Press, 1989. pg 32.
- (2) J.V. Stalin, "The Foundations of Leninism."
- (3) Analysis of census data by Barnett Lee, John Iceland, Gregory Sharp at Penn State's Dept. of Sociology and Population Research Institute.
- (4) Matt Taibbi, Rolling Stone Magazine. April 11, 2013, "The Stupidest Law Ever."
- (5) Alan Gomez, USA Today, Nov 6, 2012 "Immigration Policy Review Delayed."
- (6) NEP Exit Poll 2012
- (7) Mao Zedong, "The Chinese Revolution and the Chinese Communist Party." (December 1939), Selected Works, Vol II, p. 308
- (8) April 26, 2013. The Michael Slate Show, KPFK Radio, Los Angeles.
- (9) Jeff Tietz, Rolling Stone Magazine. Dec 6, 2012. "Slow Motion Torture."
- (10) Colin Dayan, "The Law is White Dog," Princeton University Press, 2011. p 44.

## THREE WAYS INEQUALITY KEEPS GETTING WORSE IN AMERICA

**The richest 1% have gained at least \$6.1 trillion in the past five years.**

*By Paul Buchheit*

Anyone reviewing the data is likely to conclude that there must be some mistake. It doesn't seem possible that one out of twenty American families could each have made a million dollars since Obama became President, while millions American families' net worth has barely recovered. But the evidence comes from numerous reputable sources.

Some conservatives continue to claim that President Obama is unfriendly to business, but the facts show that the richest Americans and the biggest businesses have been the biggest beneficiaries of the massive wealth gain over the past five years.

### 1. \$5 Million to Each of the 1%, and \$1 Million to Each of the Next 4%

From the end of 2008 to the middle of 2013 total U.S. wealth increased from \$47 trillion to \$72 trillion. About \$16 trillion of that is financial gain (stocks and other financial instruments).

The richest 1% own about 38% of stocks, and half of non-stock financial assets. So they've gained at least \$6.1 trillion (38% of \$16 trillion). That's over \$5 million for each of 1.2 million households.

The next richest 4%, based on similar calculations, gained about \$5.1 trillion. That's over a million dollars for each of their 4.8 million households.

The least wealthy 90% in our country own only 11 percent of all stocks excluding pensions (which are fast disappearing). The frantic recent surge in the stock market has largely bypassed these families.

### 2. Evidence of Our Growing Wealth Inequality

This first fact is nearly ungraspable: In 2009 the average wealth for almost half of American families was ZERO (their debt exceeded their assets).

In 1983 the families in America's poorer half owned an average of about \$15,000. But from 1983 to 1989 median wealth fell from over \$70,000 to about \$60,000. From 1998 to 2009, fully 80% of American families LOST wealth. They had to borrow to stay afloat.

It seems the disparity couldn't get much worse, but after the recession it did. According to a Pew Research Center study, in the first two years of recovery the mean net worth of households in the upper 7% of the wealth distribution rose by an estimated 28%, while the mean net worth of households in the lower 93% dropped by 4%. And then, from 2011 to 2013, the stock market grew by almost 50%, with again the great majority of that gain going to the richest 5%.

Today our wealth gap is worse than that of the third world. Out of all developed and undeveloped countries with at least a quarter-million adults, the U.S. has the 4th-highest degree of wealth inequality in the world, trailing only Russia, Ukraine, and Lebanon.

### 3. Congress' Solution: Take from the Poor

Congress has responded by cutting unemployment benefits and food stamps, along with other 'sequester' targets like Meals on Wheels for seniors and Head Start for preschoolers. The more the super-rich make, the more they seem to believe in the cruel fantasy that the poor are to blame for their own struggles.

President Obama recently proclaimed that inequality "drives everything I do in this office." Indeed it may, but in the wrong direction. •

*[Paul Buchheit is a college teacher, a writer for progressive publications, and the founder and developer of social justice and educational websites (UsAgainstGreed.org, PayUpNow.org, RappingHistory.org).]*

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## CPF GOALS

1. End all human rights abuses against prisoners.
2. End the use of long-term isolation.
3. Close the Security Housing Units.
4. Educate the public that SHU prisoners are torture survivors.
5. Improve medical care and living conditions for prisoners living with HIV, hepatitis C and other life-threatening diseases.
6. Help gain compassionate release for prisoners with serious illnesses and physical disabilities.
7. Stop all discrimination against LGBT prisoners.
8. Abolish the prison system as we know it.



## Subscribe if you like this

We sent this issue as a gift to some people who have not subscribed, in hopes you will like it and become a subscriber. How to subscribe: If you're not in SHU, send us \$6 or 13 stamps. If in SHU, drop us a note saying "please give me a free SHU subscription to Prison Focus." Please, if you can, also send a donation (even a few stamps helps).

## SOME GUIDELINES FOR CONTRIBUTIONS TO PRISON FOCUS

### Some suggestions for submissions:

- Artwork or graphics
- Letters (250 words) Let us know if you want us to use your name or we will only publish your initials and city & state of residence. You can also specify "anonymous."
- Short Articles (250-500 words) The same identification guidelines apply. Topics can be issue specific, or current news or information.
- Helpful resources with address and pertinent information.
- Larger articles are accepted but be aware-our space is limited.

Topics: *Prison Focus* topic of issue; current news; recent or pending legislation or policy; news from your institution; organizing efforts; books—basically anything related to the prison industrial complex as you see it. Individual legal cases are not usually printed.

Sorry, we cannot return your submissions unless a prior arrangement is made. Submissions are not guaranteed to be published and we generally cannot respond to your submissions because of the volume of mail we receive. *Prison Focus* welcomes all submissions (they will not be returned).

## CPF'S MISSION STATEMENT

California Prison Focus fights to abolish the California prison system as we know it. We investigate and expose human rights abuses with the goal of ending long-term isolation, medical neglect, and all forms of discrimination. We are community activists, prisoners, and their family members working to inspire the public to demand change.

## BECOME A VOLUNTEER

CPF depends on volunteers to do our invaluable work. We need your help answering mail, working on our newsletter, staffing our office, fund raising, and outreach. Check our website for more information.

## PRISON FOCUS #43

The main topic for *Prison Focus* #43 will continue to focus on theoretical and strategic challenges confronting prisoners in the development of their peaceful struggle for democracy. Please send us your articles and artwork. The due date for submissions for the next issue is July 1, 2014. If you have ideas for issue #44 send them in to us as well.

## ABOUT CPF

California Prison Focus is a non-profit community-based human rights organization working with and for California prisoners. Our two main issue areas are fighting against the long term isolation, torture and abuse of Security Housing Units (SHU) and demanding an end to the medical neglect and abuse of prisoners.

The focus of our work is our investigative trips to prisons with SHU facilities. We make as many SHU visits as possible. We work to build strong bridges between the prisoners and the community, and to bring forth the voice of the prisoners through our newsletter, Prison Focus, and our ongoing educational outreach. Central to our work is training ourselves, prisoners and their loved ones in self-advocacy through public protest, networking, coalition building, letter-writing and contacting prison officials and policy makers.

Founded in 1991 (as Pelican Bay Information Project), we have made hundreds of prison visits and conducted thousands of interviews with prisoners. Our membership is comprised of prisoners, activists, family members of prisoners, former prisoners, law students, attorneys, and human rights advocates.