



PRISON FOCUS

Number 19 • Winter/Spring 2004

CUTS & CUTBACKS:



THE
STRUGGLE
CONTINUES

© ERIC DROOKER (WWW.DROOKER.COM)

LETTERS

BUDGET CUTS AND INCREASED FAMILY EXPENSES

Dear CPF,

I received a memorandum from the warden the other day concerning a statewide budget reduction “local-program” impact, dated Oct. 17, 2003. Within this memo two areas were specified that will ‘directly’ affect us prisoners: visiting and quarterly packages.

It is anticipated that effective Jan. 1, visiting will be reduced to two days per week, plus holidays, at all institutions.

Visits for me will never exist, especially now, but I’m wondering how visits being only two days per week will help the budget?

The second change is regarding quarterly packages. There is going to be a requirement for all institutions to utilize a “vendor system for quarterly packages.” How will this change help the budget?

The thing that’s hurting my family is the phone calls. My father pays for one collect phone call per month. I call from C.M.F. to Colorado. It costs between \$8 and \$14 for the hook up fee and between \$1.60 and \$3 per minute to talk for 15 minutes. That’s almost a \$45 phone call!

Another thing that hurts my family is the hike in the percentage of restitution taken out of any money I receive from them. The percentage taken from us has gone from 20 percent to 33 percent, and if these rumors I hear are true, it is going up to 55 percent. Of that 55 percent, the CDoC gets 3 percent for administration fees. It doesn’t make any sense when a court orders restitution of \$10,000 for its own purposes, and none for the victims. In my opinion, the only thing all these ‘changes’ are doing is killing our families’ bank accounts!

—Tuffy, Vacaville, CA

[Ed Note: See lead article for more information on what you can do.]

SOME GUARDS ARE LIKE GANGSTERS

Dear CPF,

I am a transgender inmate, my name is Sieda Paynes, currently housed at High Desert State Prison, a 180 design facility. This is an extremely high security prison.

Because of my appearance, other inmates often try to take advantage of me. Over the years I have been incarcerated, I have received numerous disciplinary write-ups for fights where I was defending myself.

Self-defense is not taken into consideration at disciplinary hearings. While defending myself is the main reason my points are high, CDoC is completely unconcerned with housing transgender inmates safely. I have been assaulted and been the victim of attempted sexual assault when correctional officers have opened my cell door, allowing other inmates to enter while I was asleep. After filing an appeal for staff misconduct, I was later manipulated to withdraw my appeal and then placed in segregated housing for that appeal while being housed at High Desert State Prison.

I have received harassment from staff as well as inmates, but more from staff. I had previously filed an appeal requesting transfer for medical and safety concerns but I was denied. What I have learned by observation while doing time is that law enforcement officials are just as dangerous and violent as prison gang members. They are compelled by the same asinine principles that prison gang members are; the only difference from prison gang members is that law enforcement officials are legalized gang members.

It is a frightening thing that the prison system is fooling society, stating the system is trying to rehabilitate inmates. On the contrary, the system is promoting racism, violence and hatred.

Another frightening thing is that the people that are sworn to uphold the law are manipulating the system and the law to do as they please, and are some of the most vicious and notorious people that I have ever encountered. When I was a young child I would watch television programs involving police officers. I thought they were the most respectful people with most respectful job, “to protect and to serve”!

—Sieda Paynes, Susanville, CA

REEXAMINE THE MATRIX

Dear CPF,

From what I understand, it is being considered to release newer, non-violent prisoners, due to the budget problem. I have seen over the past 34 years that they are the ones that keep coming back, mak-

ing it harder for the ones that want to get out and make it in society.

There are many of us with 7-years-to-life sentences who have been forgotten or pushed to the side. Many of us have been in prison 30 years.

After reading the article about the parole effort possibly bringing about prison closures, I’d like to enlighten you on a few problems that a lot of us 7-years-to-lifers have.

I was 19 years old when I came to prison. Like many other lifers, in the past 34 years, I have been before the parole board so many times that I’ve just about given up. I’ve done everything they asked me to do: I dropped out of gangs, I attended A/A, self-help groups, have one certificate in ‘anger management’ and am working on acquiring another. I have a certificate in I-Car Painting—that is the best a prisoner can get. In 1999, I was lucky enough to marry a strong, beautiful woman, who has given me the strength to never give up on winning my freedom. She’s also helped me to understand myself.

IN MEMORY OF SISTA SOLJA SAFIYA ASYA BUKHARI

I shed no tears! I’m too proud of Sista Bukhari to be of a weak nature. Sista Solja, you’ve educated us—our people and the world—on the political forces we must release. I shall continue to push, by force, our struggles to victory over the insidious system, and the crafty U.S. capitalistic regime. Through force we shall prevail and win. Your body is gone, but we who struggle and push by force know you live on. From your writings, “Coming of Age: A New Afrikan Revolutionary”, we grasped

continued on page 23

WRITE TO PRISON FOCUS

SEND LETTER OF UP TO 250 WORDS TO PRISON FOCUS, ATTN.: EDITORS, 2940 16TH STREET, SUITE B5, SAN FRANCISCO, CA 94103.

IF YOU WOULD LIKE TO BE IDENTIFIED PLEASE NOTE ON YOUR LETTER, OTHERWISE WE WILL PRINT YOUR INITIALS AND LOCATION ONLY.

PRISON FOCUS

Issue No. 19
Winter/Spring 2004

Prison Focus is a publication of California Prison Focus, a nonprofit organization that works with and on behalf of prisoners in California's control units.

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Prison Focus welcomes articles, stories, opinion columns, news reports, poetry, photos, cartoons and other artwork. Send contributions to Editors, Prison Focus, 2940 16th Street Suite B5, San Francisco, CA 94103. Web: <<http://www.prisons.org>>.

Donations of \$20 or more (\$5 for prisoners) receive *Prison Focus* for four issues. *Prison Focus* is available free to California SHU prisoners. Others can send for one free sample copy. For further information, call (415) 252-9211.

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EDITORS

Leslie DiBenedetto
Ed Mead

CONTRIBUTORS

| | |
|-------------------|-----------------|
| Tuere Anderson | Eugene A. Day |
| Tara Caffrey | Travis Reay |
| Charles Carbone | Corey Weinstein |
| P.J. Lafever | Tonya Stoddard |
| Heidi Jones | Tashiri |
| Craig Gilmore | Reginald Lewis |
| Judy Greenspan | Walter James |
| Chris Jackson | Terry A. Kupers |
| Saul Kanowitz | Delores Garcia |
| Diana Sands | Zuri S. Young |
| Georgia Schreiber | Tim Troyer |
| Mary Tunstall | |

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THANKS

THE GRAPHICS IN THIS ISSUE WERE ALL DONE BY ERIC DROOKER, WHOSE PAINTINGS ARE SEEN ON COVERS OF NUMEROUS MAGAZINES, BOOKS, AND MUSIC COVERS. HE IS THE AUTHOR OF SEVERAL PICTORIAL NOVELS. ERIC IS A THIRD GENERATION NEW YORKER, BORN AND RAISED ON MANHATTAN ISLAND. CPF THANKS ERIC FOR HIS ACTIVISM AND HIS PERMISSION TO USE HIS ARTWORK IN THIS ISSUE OF PRISON FOCUS. CONTACT: ERIC DROOKER, P.O. Box 14133, BERKELEY, CA 94712. [HTTP://WWW.DROOKER.COM](http://www.drooker.com)

EDITORIAL COMMENTS

Leslie DiBenedetto and Ed Mead, Co-Editors, *Prison Focus*

These editorial comments are those of the author and do not necessarily represent the views of California Prison Focus.

THE OPPORTUNITY AHEAD

By Ed Mead

The California state legislature has been holding hearings into the brutal excesses of the state's guards gang, or...er...union. There are near daily reports in the news media about abuses and cover-ups by CDoC employees. The other day front page story was headlined "Youth Authority: 'factory for prisons.'" It went on to say how children are "kept in cages or forced to spend hours on their knees with their hands bound behind their backs." Today's headline was something like "Guards Ignore Dying Prisoner's Plea for Help While Watching Super Bowl." Guards have loosed one gang member into a caged area, released a gang enemy into the same cage, and then bet on the winners of the resulting conflict. They've deliberately released entire prisoner gangs against each other to the favor of the gang they supported. They've set prisoners up to be raped and even murdered. Hell, they nearly boiled a Pelican Bay prisoner alive! Lawmakers have introduced a bill into the state legislature that would once again allow the news media back into the state's prisons, so at last some of these more flagrant abuses may be exposed. There is even talk in the bourgeois press about supplementing the CDoC's ongoing punishment binge with a little measure of rehabilitation.

I am a 62 year-old state-raised prisoner who has done life on the installment plan. I've been out for just over ten years, the longest run since I was 13. I am also a communist, something I learned when part of the prisoners' movement of the late 1960s and early 1970s. About a hundred years ago an old time commie named George V. Plekhanov wrote a book called *The Role of the Individual in History*. One of his points in this book was that there are times in history when small groups and individuals can have very little impact of political realities, and other times when

they can have a tremendous role in changing society. The 1950s in the U.S. was a time in which, at least on the outside, no matter how much individuals may have struggled, they would have had little actual effect. The late 1960s and early 1970s, on the other hand, was a period in which small groups and individuals were able to implement some measure of social change. In 1911 Russia things were so conservative and reactionary that nothing could change. Indeed, the majority of the communist party wanted to dissolve the organization. Yet a few years later, in 1917, the remaining minority of that party lead Russia's socialist revolution. Things change. What was not possible yesterday may be possible today.

The prison reform pendulum slowly swings back and forth between rehabilitation and punishment. As a result of the nation-wide string of riots in the 1950s we got rehabilitation in the late 1950s and early 1960s. Penitentiaries were renamed correctional institution, wardens became superintendents, guards became correctional officers, and prisoners.... well, they went from powerless convicts to powerless inmates. There were a few half-hearted educational programs and some vocation training, but there was never any fundamental alteration in the basic approach to imprisonment. A small branch of rehabilitation was clumsily grafted on to the punishment tree. Now, as the pendulum starts its inevitable next swing, we are finally coming out of the worst of the punishment syndrome. And with this swing comes an opportunity of near Plekhanovian magnitude. How prisoners manage to exploit this opportunity in California will in some measure decide the shape and extent of progress made by prisoners on a national level. Our failure to take advantage of these emerging openings will result in yet another swing through the entire reform versus punishment cycle, and will doom millions more prisoners and their loved ones to endless suffering.

An economic system that cannot provide opportunities and jobs for its all of its citizens is a system that is going to need an expansive prison system. And the more this is the case the more prisons are going to be needed. This system is called capitalism. It has been progressive in the past. Today it is moribund and an obstacle to human progress. The upcoming struggle for justice must be approached with a strong recognition of the need for a radical transformation of existing class relations. Anything less is to foolishly try to add yet another patch to a suit (system) that needs to be replaced, not patched. And the yardstick that will be used to measure success in this endeavor will be the power prisoners themselves exercise, not how well or how bad outside forces are acting upon prisoners. This depends upon prisoners themselves. When convicted rapists are holding study groups with each other around progressive women's literature and are actively engaged in the struggle against sexism, for example, then progress is being made – prisoners are being empowered and, finally, becoming a part of the solution rather than the problem.

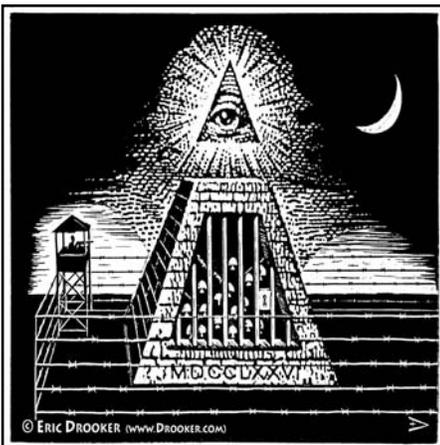
Here are some priorities I have culled from my many years as a prisoner activist. Mayhaps they will be helpful. Of course everyone doing prisoner support work has their own priorities. Some are working around HIV or hepatitis C, others around race or gay issues, and so on. I would suggest to those doing prisoner support work that they also try to include these three priorities into their agenda:

- Firstly, on the international front, the prisoners who need the greatest level of support are the detainees, the so-called enemy combatants. We have not only done a woeful job on this front, we have done no job at all! The failure of progressives in the U.S. to address the rights and freedoms of those being detained and tortured in places like Guantanamo is a reflection of the weakness and immaturity of our movement, both inside and out. Good grief people, the U.S. military just released an Afghan boy from Guantanamo who was only 10 years

old at the time of his capture!

- Secondly, on the national level, all progressive political prisoners and POWs must be defended and given material support. All prisoners are not equal. Those who are imprisoned for participating in the working class struggle for justice, for example, are more equal than the predatory rapist. I can guarantee you that history will judge us harshly if we fail in this regard. Moreover, it is unlikely that there will be another generation of fighters if the last generation of combatants is left to languish inside the dark bowels of the class enemy's apparatus of repression.
- Thirdly, on the local or state level, we must be pro-family and defend the right of prisoners and their loved ones to have family or conjugal visits. If there is a single issue that can galvanize both prisoners and their friends and families on the outside it is the basic human right to sexual expression and to bond with their friends and family members in privacy.

Any prisoner organization or outside support group that has these three bases covered cannot go wrong. If we start locally with the family visits it can soon be expanded nationally and internationally. And while I'm at it, let me just say a word about prisoner tactics. All of the guns are in the hands of the oppressor, hence violence is not an option. Similarly, tactics such as hunger strikes should be reserved for only the most desperate of situations. Tactics that weaken prisoners should be avoided, those that strengthen us adopted. That which is constructive is good, that which is destructive is bad. That which unifies should be embraced, that which divides (like racism) must be rejected. And always, the object is to win!



CUTS & CUTBACKS: THE STRUGGLE CONTINUES

By Leslie DiBenedetto

Welcome back. We hope the last few months have been productive for you. A lot has happened since our last publication, around the world, in the United States and in California. We are still “at war” in Iraq and people are dying every day as a result. Here in the U.S. many people are in distress under the economic recession; unemployment is climbing and the right of workers to a fair wage and health benefits are in a constant state of siege. In California, we have been faced with a major budget crisis that can only be “solved” with a \$15 billion bond (loan) proposed by the governor and legislature and deep cuts in social services and local governments. The cuts include taking \$2 billion from k-12 education, \$1.3 billion from local government, \$3.9 billion from social services and health care, and increasing higher education fees. According to the governor, “everyone has to help...[including] the prison system” and has proposed an evaluation of parole and creation of a commission to study prison closures. But let's not reinvent the wheel—many of these studies are out there. We hope the governor will look at the recent studies by the Little Hoover Commission (on California's practice of returning parolees to prison for minor offenses adding 102,000 prisoners back to the system in 2002 alone) and the Legislative Analysts Office (on basic policy changes that would save the state millions such as making petty theft a misdemeanor, restructuring short term sentences and releasing elderly prisoners). Each year the Delano II prison remains unopened, the state saves \$41.7 million. Prisoners have written proposals as well: Theresa Torricellas recommends releasing lifer prisoners who have served terms that comply with parole consideration which could cut costs—\$28,439 yearly per person let out.

In 2004-2005, the CDoC budget is set to decline by about 7 percent, meanwhile the department regularly spends more than its budget (totaling \$1.4 billion in the last

five years). At the same time, the governor quietly added \$453.6 million to this term's CDoC budget and has not opposed the ongoing pay increases for correctional officers.

This issue of *Prison Focus* centers on cuts and cutbacks in California with a focus on prisons and prisoners—given the ongoing budget crisis and continued loss of rights and privileges for prisoners. Check out the article which comprises an analysis on excessive government spending by the CDoC, and an article that provides information on proposed permanent change in the quarterly packages sent from families and loved ones and the decrease in visiting days. Prisoners write about the insufficient food both in quantity and quality and CPF sent out a press release on the possible removal of TVs and radios from SHU, AdSeg, and part of death row. The HIV and HEP-C in Prison article makes the case to release the sick and dying inside.

The component of action will always find its way into our pages. Some things you can do: see Ed's editorial—take a world view in your understanding—think globally. Act locally by educating yourself and the people around you, be compassionate and if you are inclined, make a phone call to a hotline set up by the governor. Tips and proposals for cleaning up government waste are being compiled at (877) 363-9278.

Oh, and I have to mention that I believe the cover art on the previous issue is by Robert Garcia, a talented artist we have know for years. Thanks, Robert.

Sources: “Breaking with the Past, Schwarzenegger Propose Some Cuts to Prison Spending, Closing Prisons and Evaluation of Parole” Press Release from Critical Resistance (Oakland, CA), January 9, 2004; “Pain and Promise” San Francisco Chronicle, January 10, 2004; “AP Analysis: California's Prisons Overspent Budgets by \$1.4 Billion” The Sacramento Bee, January 17, 2004.

CDoC ATTACKS VISITING AND QUARTERLY PACKAGES

by Heidi Jones, Chris Jackson & Mary Tunstall

On Oct. 18, 2003, the CDoC announced that as of Jan. 1, visiting days for all institutions would be reduced from three or four days per week to only two days. This came just weeks after they announced the elimination of the longtime quarterly package program in favor of a vendor package program, to also be effective Jan. 1. CDoC claims that both actions will save money, as directed by former Governor Davis's approved budget proposal.

Prior to receiving many protest letters from families and friends of prisoners, many prisons announced and implemented both changes without a proper change to Title XV (CDoC Director's rules), claiming that neither of these changes violated the rules. After hundreds of protest letters were written to legislators and media by families and friends of prisoners, the department finally acknowledged that both actions required a change to Title XV.

We believe personal packages should be allowed to continue as they have for decades (i.e., sent by friends and family), with vendor packages used only as an alternative for those prisoners without outside correspondents, and those senders who aren't physically able to put together personal packages. Besides the obvious financial burden placed on most prison families by having to go through vendors, packages are the last vestige of any personal touch we have with our incarcerated loved ones.

According to the State Family Council, a group of prisoner family members that meets regularly with CDoC administrators, CDoC is also preparing to submit proposed emergency regulation changes requesting a reduction in visiting days from three or four to two. If those proposed changes also receive OAL approval, CDoC can immediately begin implementing them. We urgently ask all concerned to write to the RPMB opposing this proposed change. (See addresses at end of article.)

The effects of this change will be devastating and far-reaching for all prisoners and visitors, especially children, and elderly, disabled and seriously ill adults.

Severely overcrowded visiting rooms and the constant threat of early termination will create needless stress. All lines, from car to processing to vending machine to microwave to bathroom will all be endless and time consuming, robbing us of precious time with our loved ones. Many visiting rooms are already filled to capacity on weekdays, and terminations due to overcrowding are already commonplace at many prisons on weekends after only a few hours. It will drastically worsen when all visitors are forced to see their loved ones on weekends only. Prisoners who work weekends will be forced to reduce their visits to one weekend per month using earned time off (ETO). Over-crowding will result in countless terminations every visiting day. On top of all this, the vast distances most visitors have to travel to see their loved ones make this not only cruel and unusual, but unacceptable!

In January 2003, AB 2133 was enacted to help us in our quest to keep contact with our incarcerated loved ones. It reads:

Any amendments to existing regulations and any future regulations adopted by the Department of Corrections which may impact the visitation of inmates shall do all of the following:

- (a) Recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and inmates.
- (b) Recognize and consider the important role of inmate visitation in establishing and maintaining a meaningful connection with family and community.
- (c) Recognize and consider the important role of inmate visitation in preparing an inmate for successful release and rehabilitation.

Once again, CDoC is not following the law. Reducing visiting time considers none of the points stressed in AB 2133. In fact, CDoC blatantly defies them!

It is widely recognized within CDoC and the legislature that some larger institutions will be unable to handle the volume of visitors if required to run a two-day visiting program. There is hope that three days of visiting will be allowed at some of the larger prisons. The Department of Finance should be made aware of our protests, as it may be the agency to approve the reinstatement of a third visiting day. To help influence this outcome, please write letters and copy your local and state legislators (see the government section of your local phone book), including Governor Schwarzenegger.

Please address all letters regarding proposed changes to Title XV to: RPMB, P.O. Box 942883, Sacramento, CA 94283-0001; fax: (916) 322-3842, E-mail: RPMB@executive.corr.ca.gov. Please copy the following and others: Acting Director Richard A. Rimmer, California Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001; Director Donna Arduin, California Department of Finance, 915 L Street, Sacramento, CA 95814.

To follow policy, the CDoC Regulation and Policy Management Branch (RPMB) submitted proposed emergency regulation changes to the Office of Administrative Law (OAL) regarding vendor packages, which the OAL approved on 12/30/03 with file #03-1211-01 EON. As of mid-January, the public comment period was to extend through 5:00 p.m. March 5, with a hearing to be held that same day. However, since the proposed regulation change had already been approved on an emergency basis, CDoC was able to implement the changes effective January 1.

For more information and updates, please contact Californians United For Justice (CUFJ) at P.O. Box 265, Templeton, CA 93465 (send self-addressed stamped envelope for reply), via e-mail at cufj@justice.com, or on the Net at www.cufj.org.

[Ed Note: As of the beginning of February the March 5 hearing on vendor packages & removal of electronic appliances from SHU/PHU/ASU & Condemned A & B prisoners was postponed in order to amend and clarify the issue of removing electronic appliances. The vendor package sections will not be rewritten so please send in your letters.]



BLOATED ON GOVERNMENT FUNDS

By Eugene Alexander Dey

Greed: An excessive desire for food or wealth.

Oxford American Dictionary

There is no better example of excessive government spending than the California prison system. While California is in dire economic straits the California Correctional Peace Officers Association (CCPOA) continues to feed greedily at the trough of public funds.

The prison system is a parasitical industry thriving at the expense of other social programs bloating itself on the thinning lifeblood of a weakened state.

The Calif. Dept. of Corrections (CDoC) is a recession-proof industry. It has carved itself deep into the heart of the two party system.

From 1985 to 1995 California built nearly twenty prisons at the pace of nearly two a year. Apparently money was no object. The battle cry was public safety and being tough on crime. This message was so compelling and embraced by so many that an unforgiving form of justice has developed. Currently there are thirty-three prisons and a prison population of 160,000 in California. This is the largest state prison system in the country, consuming eight percent of the general fund.

In California concrete monuments (prisons) of societal failure have sprung up where ever they can, usually in economically disadvantaged locations unable to resist the boost a prison can bring to their local economy.

We are a pro-incarceration generation of punishment and warehousing. A generation who have abandoned common sense and compassion.

The CCPOA, a cancerous special interest group that represents the interests of California's prison guards, is the most potent union since Jimmy Hoffa's Teamsters.

Behind the expansion of the CDoC has been the CCPOA. They advanced their cause under the façade of public safety. They keep their finger on the pulse of power politics because of their enormity. From their membership of 29,000 guards they amass \$20 million a year. They have money to burn and those who oppose the CCPOA cannot compete.

The community of activists and civil

rights leaders who fueled badly needed criminal justice reforms in the 1960s and 1970s have been rendered ineffective, failing to effectively pass on yesterday's lessons of struggle.

This is the generation that has suspended civil liberties and advocated extreme punishments in order to appease the many faces of victimology and their alleged allies. The draconian embrace has enveloped more than 2 million men, women and children—a steep price for any society to pay.

Recalled Gov. Grey Davis was the recipient of millions of dollars in CCPOA contributions, in addition to their coveted endorsement. Davis gave the CCPOA what no other state agency would be able to secure - more money, when there was no more money to give. He was a bought and paid for politician who rewarded generous supporters. In 2002, during collective bargaining with the CCPOA Davis agreed to raise the starting base pay of the CDoC guards. In the light of how much they already make a year plus their benefits and overtime there exists no reason to pay prison guards even more. Even low ranking officers were able to earn six figure incomes if they were willing to work extra hours.

By the summer of 2003, with California facing a \$38 billion deficit, the CDoC was being told they would have to eliminate "all" overtime until the beginning of the next fiscal year. (A matter of a month.) For the first time in recent memory the CDoC would have to suffer along with other state agencies— though this remains to be seen.

Despite the CCPOA's multi-million



dollar investment in Davis, they were already looking beyond the recall towards Schwarzenegger. The prison system is a malignant growth that refuses to go away quietly.

"Hey, you want to see how much I pulled in last month?" the Lieutenant bragged with a smile Count Dracula would appreciate, displaying an impressive check. "The *Sacramento Bee* wants to interview me," he said in reference to his salary. They all laughed, all bloated on government funds.

PROTEST THE REDUCED DIET

Greetings to All Readers,

This here is a suggestion concerning the reduced diet that has been imposed upon us by CDoC. It is said that our diet has been reduced and is measured by the amount of calories given on a weekly basis. Since this has happened, there is less food on our trays and most of us go hungry between meals everyday. This is very unhealthy and goes against everything that concerns building and maintaining a healthy body and all nutritional facts. Most of us exercise and workout hard on a regular basis, striving to keep a sound mind and body. When we don't have the proper amount of food, vitamins, nutrition to replenish our workout, our body will draw these sources that it requires from our muscles. This means if we don't have enough food and are practically starving everyday and working out everyday, our muscles deteriorate because of a lack of nutrition. We are being malnourished by the state.

My suggestion is that if you are concerned about this as many of us are—write a letter to our governor "Arnold," and expose what is going on in here. Forget about the 602 process. Let's go over everybody's head. If we can get Arnold's attention on this matter, I have no doubt he will make some changes. He is the perfect one to contact concerning this. He believes highly in good health and exercise and proper nutrition. If we can get as many letters written to him as possible, we can get something done about this together. I am asking everyone to write a simple letter to the governor. LET OUR VOICES BE HEARD!!!!

Travis Reay, Crescent City, CA

CALIFORNIA PRISON FOCUS CALLS TV REMOVAL TORTURE

On Dec. 30, 2003 the California Department of Corrections (CDoC) gave notification of changes to the *Director's Rules* concerning the availability of TVs and radios for prisoners living in disciplinary or segregated housing. A change to Subsection 304 (g)(4)(G) ends the possibility of a prisoner in the Security Housing Unit, Death Row or Administrative Segregation Unit from purchasing a TV or radio. The justification is stated vaguely as "safety and security of the institution."

There are more than 4,000 prisoners housed in California SHU, and Death Row, and thousands more in Administrative Segregation statewide, and they depend on television as one of their very few means of staying in touch with the outside world.

Prisoners immediately reacted with shock and outrage. Many in the SHU at Corcoran have signed a petition that protests the decision and threatens passive and active resistance until the TVs and radios are restored.

Social worker Tara Caffrey, who heads CPF's investigations at Corcoran, stated, "Prisoners in the SHU and on Death Row spend years and years in conditions of social isolation and reduced environmental stimulation. SHU prisoners are usually in single cells, and spend 23.5 hours a day in their cell. There is no work, no congregational religious services, and aside from TV, no education. If TVs are removed conditions can truly be termed sensory deprivation which is prohibited as a form of torture."

A prisoner at Pelican Bay reported to CPF that, "Pelican Bay offers it's SHU prisoner one and only one form of rehabilitation and counseling. It comes in the form of self-help videos. These videos are played over the institutional stations and watched only in the cells. The videos range in subject matter from drug and alcohol abuse, anger management, institutionalization, general social issues and they're the only source of religious services permitted to us. If you take away our TVs you'll be isolating men with absolutely nothing but their rage and own imagination." He expects that prisoners deprived of the distraction and positive aspects of TV viewing will go insane. "We may or may not have a constitutional right to a TV, but we definitely have a right to mental health care. ...

These new rules will end up costing money not saving it by increasing strife in the SHU and requiring more mental health treatment."

CPF member and noted correctional psychiatric expert, Terry Kupers, MD stated, "Removing the televisions would further isolate people who are serving time, diminish their opportunities to study and stay in touch, and therefore make the time more devastating to them and make it more difficult for them to rejoin society at the end of it." Dr. Kupers went on to say "The CDoC is once again proving that rehabilitating prisoners and helping them do their time productively and succeed in the community after they are released is just not among their goals."

CPF Board member, Corey Weinstein, MD, CCHP believes that the TV ban constitutes torture as defined in the UN Convention Against Torture that the US has signed. "It is important to know that many systems with SHU-like facilities provide TV in every cell quite safely. It is used for communication with the prisoners, education and pre-release studies and literacy and GED courses. TVs are used as a carrot to encourage good behavior. The removal of TV is a lousy penal management strategy that will increase boredom, anger, strife and mental illness, and therefore make the guard's job harder and more dangerous. Where is the CCPOA on this issue? Or are they happy they will have more hazard pay and overtime pay as prisoners become upset and act out?"

[Ed Note: Though not in opposition to anyone having access to television and radio, it has been noted that these items can also be a pacifier and lead people to neglect their studies and political work.]

ANNIVERSARY STATEMENT FROM LEONARD PELTIER

Hau Kola, Hello my friends, my relatives: You can never imagine the heartfelt comfort it brings to know you're not forgotten in prison. This is my 28th year, and I've seen others come and go and return again. I can't help but feel a great sorrow for many of these young men who keep coming back for one reason or another; most of which are alcohol-related offenses. So much has changed since I came here and yet, it's still the same.

The government, under the pretext of security and progress, liberated us from our land, resources, culture, dignity and future. They violated every treaty they ever made with us. I use the word "liberated" loosely and sarcastically, in the same vein that I view their use of the words "collateral damage" when they kill innocent men, women, and children.

They describe people defending their homeland as terrorists, savages and hostiles, and accuse us of being aggressors. We have never fought a battle or war that was not on our own land; we never fired the first shot ... ever. My words reach out to the non-Indian: Look now before it's far too late - see what is being done to others in your name and see what destruction you sanction when you say nothing. Your own treaty, the one between yourselves and the government, is being violated daily; this treaty is commonly known as the Constitution.

With us, they started a little at a time, encroaching on our rights until we had none at all. It will be the same for the Constitution; this is not conjecture, but fact. We are not embattled with the color of man, but with the weakness of man, a mindset that lusts for power and wealth at the expense of life.

Men of all colors, cultures and religions must stand together to oppose the genocidal policies that face us all as the corporate world seeks to enslave all, and pit one nation against another.

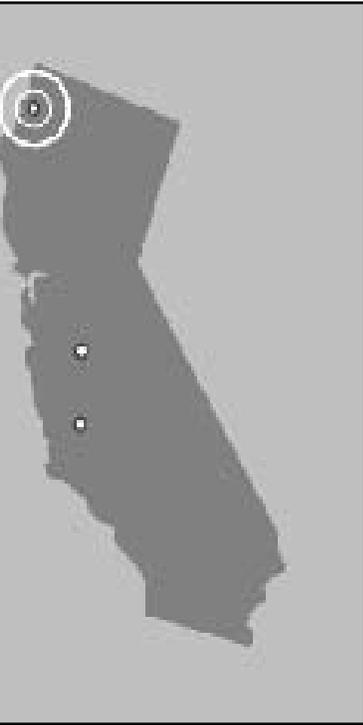
If you avoid breaking laws and do what you're told and ignore the poor, the oppressed and the downtrodden - you probably won't be bothered. If you try to right what is wrong, however, you will surely meet great opposition and run the risk of imprisonment or death.

I am a Sun Dancer. I took a vow for my people. I chose to seek the Creator's will and to follow it to the best of my ability. I WILL NOT STAND DOWN FROM THAT VOW. I will continue to speak, write and organize until Grandfather himself quiets my life. If I can do this in prison, I have no doubt you can do much better from where you stand.

I encourage you to do your best, be kind to one another, seek harmony and balance with all natural life, enjoy what freedom you have left, and most of all, never, never give up.

*In the Spirit of Crazy Horse,
Leonard Peltier, Mitakuye Oyasin*

PELICAN BAY



PELICAN BAY UPDATE

There has been a marked increase in the correspondence from prisoners in all yards since our visit in September 2003. About forty letters have been received in the last month. We continue to hear from prisoners who have been validated as gang affiliated on apparently very flimsy evidence. We are still awaiting permission to send our manual to those who request it (“Challenging Gang Violation behind Bars”). And the case of *Castillo v. Alameida* which was due to be heard in December has been postponed until April, though a settlement hearing may take place prior.

We have heard several accounts of an incident on A yard in July 2003 giving rise to the transfer of several dozen prisoners on B yard to Administrative Segregation. [See ‘Letters’ PF18] While this was stated to be for an investigation into a conspiracy to murder, they were not charged and after six months, some are still waiting to be returned to general population. They have been deprived of such ‘privileges’ as access to law library, canteen and TV. Guards have tried to persuade cellmates to snitch on their fellows. Grievance appeals (602s) either fail to

reach their destination, produce no response, or the granting is not honored.

There have been many complaints that mail delivery is delayed by 20-30 days. And it appears that legal mail is opened before it reaches the addressee. Several have reported deterioration in the food, either in quality or quantity which leaves some hungry. The toothbrushes without handles are quite unsatisfactory. Prisoners have to spend 25 cents for a paper cup every time they purchase a packet in the canteen in which to place the contents. What is far worse for Muslims is that their religious services are denied.

We understand that a federally appointed investigator concluded a probe by suggesting that the department should be held in contempt of court for its continual failure to punish dishonest guards. Special Master John Hagar, wrote that a code of silence created an overall atmosphere of deceit and corruption.

The SHU committee has a scheduled visit for early March.

EXCERPT FROM “KROOKED INDIVIDUALS”

By Tashiri

The agents of suppression continue to vent its oppressive vestiges at an alarming rate, with no end in sight....Our kaptors at Pelican Bay State Prison have now taken the position to drastically cut the weekly and monthly stipends of basic necessities such as soap and toilet paper. They now expect us prisoners in the SHU to live with a weekly sustenance of one bar of soap—for showers, keeping our cells clean, daily wash up, and laundering our clothing. It was suggested to us to cut back on our daily exercises—a means of stimulation—in order to have enough soap.

But my people, the application of such tyrannical despotism that is bent on depriving us prisoners does not stop there. They have also modified the food portions served and completely done away with the medical diet meals that were designed to server prisoners with

serious ailments such as high blood pressure (HBP) or high cholesterol. The initial response given to us prisoners about these sudden and drastic cutbacks is that CDoC is in the middle of a budget crisis. It was suggested that prisoners with life-threatening ailments notify medical staff if we notice any significant changes in our health. But scientific studies have shown that over have of the recorded cases of people suffering from HBP and high cholesterol have no obvious symptoms therefore, us prisoners are unable to inform anyone of any significant degeneration, and are forced to live with what Amerikka has termed the “silent killer.”

We prisoners must remain vigilant in holding our kaptors responsible for following the letter of the (Constitutional) law which they are sworn to abide by as our surrogate guardians.

WHAT I NEED

By Reginald S. Lewis

At my age I don't need much
I can get by on beans and biscuits.
Maybe a lil slice of apple pie on
the side.
Gimme a sweet fat girl.
One who ain't got ten baad ass
kids.
One or two, to holler at.
And leave me the hella lone in my
shack way out.
A satellite dish.
A Coltrane CD.
And an old, beat up Mustang to
get around in.
I been gone to damn long.
Kick me back. Back to the streets.
Puh-leeze. Lemme make parole.
At my age I don't need much.

I can get by on beans and biscuits.

Reginald S. Lewis, AY2902, 175
Progress Drive, Waynesburg, Pa
15370-8089 - From *Leaving Death
Row*, Copyright 2000;
www.1stbooks.com.



SEXUAL MOLESTATION POLICY STOPPED

In the fall of 2003, a coalition of prisoner advocates assisted women at Valley State Prison for Women to put an end to a new invasive pat search policy. Women at VSPW called for help in stopping a policy that made it mandatory for correctional officers (male and female) to touch the prisoners' breasts and genitals during pat searches.

Women prisoners described these new procedures as a sexual assault and felt traumatized and violated. The prisoners issued a press release saying, "Today inmates viewed a mandatory search procedure video." Hundreds of women sat and watched in horror while the new procedure was demonstrated. The statement continued, "The officers both male and female are instructed to stand behind the female inmate in an aggressive stance with one foot and leg between the inmate's legs...the officer is told to go down the arm over the top of the female's breast area and then under the breasts. Then they are to place their hand between the legs and up the crotch touching the crotch/vaginal area with the back of the hand rubbing the hand over the back of the buttocks." This groping by staff was done during routine pat searches as the women exited the chow hall or went through work exchange checkpoints.

Advocates called it a plain and simple sexual molestation pat search policy and organized to help the prisoners stop it immediately. California Prison Focus called together leaders of three other organizations to fight this inhumane and abusive practice. California Coalition for Women Prisoners, Justice Now and Legal Services For Prisoners With Children joined CPF in writing a protest letter to then Corrections Director Alameida. On Oct. 14, 2003 the coalition put out a strongly worded press release declaring that the pat search policy was unconstitutional and violated prisoners' human rights.

On Oct. 15, 2003 the *LA Times* reported the protest. The article by Jenifer Warren quoted a Department of Corrections spokeswoman who said, "This is a basic search to alert staff to the possession of weapons or other serious contraband. We need to search them to make sure they are not taking screwdrivers or nails." The CDoC spokeswoman further explained that, "The policy of limiting pat searches was ordered five years ago by then Warden Gail Lewis after Valley State came under scrutiny by Amnesty International and other human rights groups amid charges of sexual abuse and the use of excessive force by correctional staff."

There are 315 male and 103 female officers at VSPW which houses 3,700 prisoners. CDoC policy allows male custodial staff to pat search women (cross gender pat search), but allows only female officers to conduct a strip search of a woman prisoner.

As a result of the pressure put on the prison and the CDoC Director, the policy was changed. A memo from VSPW's Warden Gloria Henry dated Oct. 15, 2003 stated, "Effective immediately, Male and Female staff will discontinue conducting clothed body searches that require any touching or grazing of the breast or crotch area. You are directed to disregard the most recent 7K Training specific to Clothed Body Searches. You are directed to resume searching techniques used prior to my memorandum dated Sept. 10, 2003."

LEGAL AND HISTORICAL BACKGROUND

Certainly the prison has a right to conduct pat searches for legitimate reasons.

CPF sent out a request to our friends and colleagues across the country and interviewed local corrections managers to

find out what other jurisdictions did to search women. We found out that routine pat searches of women by men are considered abusive and incorrect penal management in most jails and prisons.

For example, the San Francisco County jail and other large jails just do not allow male staff to touch female prisoners except in emergencies. A SF jail senior custodial administrator described the CDoC's pat search policy as likely to injure women, and bring about complaints of maltreatment and molestation. He described it as just a lousy way to manage a prison and expressed that it was typical of the ineffective old school mentality in California's prison administration. He pointed out that about 50 percent of women in jails and prisons have been subjected to sexual assault before entering prison and that male staff doing pat searches of any kind are likely to stir up memories of that troubled time and force women to relive their painful past. As member of CPF and author of *Prison Madness*, a book about mental illness and psychiatric care in prison, Terry Kupers, MD observes, "Women with histories of abuse are especially vulnerable and likely to be retraumatized by sexual harassment and abuse in prison. When male officers treat women with disrespect, it has a different impact than having women officers act disrespectfully to male prisoners. Disrespect towards women by male officers is more likely to be sexual in content or implication, and in women who were traumatized by sexual abuse perpetrated by males, it is more likely to be experienced as a retraumatization."

In Arizona, prison policy states, "Frisk searches (pat-downs) of inmates shall be conducted by staff members of the same gender as the inmate. Male officers shall not frisk search female inmates, except in emergency situations." Presently in New York prisons, male staff is prohibited from pat searching women except in emergencies. In emergencies men can pat search women, but not all women. In recognition of the frequent sexual abuse histories of women prisoners, any woman can object to the search and it must be stopped. Women can apply for and carry a card that if shown will stop male staff from pat searching them.

There is a standing legal decision in the 9th Circuit US Federal Court called *Jordan v. Gardner* (986 F.2d 1521 (9th

Cir.1992) that found it is cruel and unusual punishment to have male officers conduct clothed body searches on female prisoners. California is in the 9th Circuit. A Connecticut court case resulted in the same decision.

Michigan Attorney Deborah LaBelle summarized eighteen important cases on the topic and points out that prisoners retain their constitutional rights to bodily integrity, privacy and safety from assaults and harassment during their incarceration. Women prisoners' safety and privacy is impaired by the use of male officers in certain supervisory positions or by allowing male officers to perform certain tasks. Male officers' employment concerns should not be allowed to interfere with women prisoners' safety and privacy.

In Alaska in 1994, a court found that "minimal standards of privacy and decency include the right not to be subjected to sexual advances, to use the toilet without being observed by...the opposite sex, and to shower without being viewed by ...the opposite sex."

Before the 1960s, it was routine in California and the U.S. for women prisoners to be guarded by women, often called matrons. In 1964 the Civil Rights Act was passed in Washington, DC. An historic act created equal rights for all people in employment and public accommodations. Since then (especially in California) there has been the creation of a racially diverse prison guard staff with many female officers. In New York, Georgia and Michigan there have been court battles between prisoners and public employee and guard unions over the right of women prisoners to privacy and safety, and the right of employees to have any job for which they have seniority. Male staff have been removed from housing units by the court and then allowed to go back to those posts, and even removed again.

International law and the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMRTP) are very clear on this matter. Under Rule 53 of the SMRTP no male staff member is to hold a key to any women's' housing unit in a jail or prison. No male custodial staff may be assigned to guard duty in a unit housing women. It is plain and clear. Rule 53 is held as the only exception to laws that

guarantee equal opportunity in employment. In 1999 the United Nations published a report by the Special Rapporteur on Violence Against Women after she toured U.S. prisons including Valley State Prison for Women. The report referred to the practice of male guards pat frisking female prisoners in the US as "sanctioned sexual harassment."

THE ABUSE CONTINUES

While the sexual molestation pat search policy has been stopped at VSPW, women are still subject to daily harassment. Male staff is posted in women's housing units where they observe women undressing, in



the shower and on the toilet. This is even more common in the Administrative Segregation facilities and the long term 23.5 hour a day lockup of the Security Housing Unit. Male staff in Ad-Seg and the SHU walk the tiers to deliver all food, hygiene supplies, mail and other necessities to the cell door. Guards frequently see women in various stages of undress, or on the toilet or while taking a standup "bird-bath." Women in the high security units are cuffed and shackled for any movement out of the cell and come in close physical contact with male staff during these transportation procedures.

The pat search of women by male staff

is a daily occurrence in all four prison lockups in California. Even without genital and breast groping, the routine pat search by men is a frequent violation and humiliation that makes prison life insulting and degrading.

It is shocking that California prison managers continue to treat women in this way when other states have corrected their abusive policies and brought in a more modern and humane approach to the security needs of the prison environment.

Some argue that the presence of male officers provides an opportunity for women prisoners to heal their abuse issues. Dr. Kupers writes in a recent class action Michigan case "the notion that men's presence in women's housing units can provide previously traumatized women with an opportunity to work through their issues with men in authority is quite ludicrous. Most previously traumatized women prisoners are very far from being ready to confront men and work through the issues that spring from past sexual trauma at the hands of men, and certainly not correctional officers who have very real power over the women. In fact, to place them in housing units where men are a constant presence and have access to the toilets, showers, changing and sleeping areas – in other words, where they are very far from feeling safe – could merely serve to retraumatize and cause great emotional harm."

It is time to come to our senses in California. Prisoners, their loved ones and supporters and community advocates have been desensitized to the real abuse and trauma being done on a routine and daily basis to women prisoners. We can't stop at forcing an end to the sexualized pat search policy. We have to begin a campaign to stop all non-emergency pat searches of female prisoners by male staff. A woman must be allowed to object to emergency cross gender pat searches if she needs, and must not be punished for pulling away from a pat search by a man. That would be a reasonable first step to implementing Rule 53 of the SMRTP which would remove all male custodial staff from units that house women prisoners, and end the use of men for escort and transportation duty. This abuse by law and policy must stop!

HIV AND HEP C In Prison

PRISON COSTS TOO HIGH? RELEASE THE DYING, DISABLED AND ELDERLY PRISONERS!

We are your sons and daughters, and as exasperated and dispirited as you may become, remember: We do not want to die. We do not want to die in here alone, and possibly under questionable circumstances. Help us, love us, teach us, and pray for us, please.

(Letter from Charles Perry, California Medical Facility – Vacaville, 1992)

If the California Department of Corrections and the new governor were truly interested in resolving the state deficit and saving taxpayer money, they would look closely at the need to release terminally ill, physically incapacitated and elderly prisoners. California currently has a compassionate release process written into statute that allows the recall of sentence (or early release) of prisoners who are within six months of death. However, even this limited release is underutilized in a political climate that has little compassion even for dying prisoners.

Two things have contributed to the need for compassionate release of prisoners in this country. The first is the unprecedented growth of the prison population in this country making it the “world leader” in incarceration, surpassing even that of Russia. The prison population in the United States has swelled to greater than 2.1 million. The federal prison system is now the largest in the country and since 1990 has increased 153 percent.

The second factor is that many people enter the criminal justice system with chronic and serious illnesses. These illnesses are the direct result of lives of poverty, racism, drug and alcohol addic-

tion and having little or no access to health care. Several studies have pinpointed racism as the reason why Black, Latino and Native American people are more at risk for receiving a lower quali-

ty of health care than whites in the United States.

The HIV/AIDS epidemic in prisons and jails in the mid 1980s first created the impetus for prisoners, legal advocates, family members, legislators and even correctional officials to begin to raise the issue of compassionate release for dying prisoners.

At the California Medical Facility at Vacaville, where most male prisoners living with HIV/AIDS in California’s prisons were housed at that time, the HIV peer educators and prisoner organizers kept a running list of the men who died from HIV/AIDS-related complications. Between the years 1985 and 1995, approximately 5-10 male prisoners died each month. While the numbers were smaller at the women’s prisons, peer educators there reported at least two deaths a month.



At the same time, family members were being denied access to deathbed visits. There were countless stories of family members not being informed of their loved one’s serious medical condition or being stopped at the gate because visiting hours were no longer in effect – the prisons were not set up to facilitate clearances for emergency visiting. Security kept getting in the way of end of life reunification with family members and friends. The only humane thing to do was to try to develop a procedure for early release from prison.

Compassionate release quickly became a rallying cry of those concerned about AIDS in prison issues. Early campaigns initiated by prisoners’ rights and AIDS

activists included demonstrations and protests at two California women’s prisons focused on winning compassionate release for prisoners dying of HIV/AIDS-related complications.

In the early days of the epidemic there was no procedure for compassionate release codified into California’s state penal code. California did not codify its compassionate release statute until 1998, more than ten years into the epidemic.

The compassionate release statute clearly needs to be expanded to include the physically disabled and the elderly prisoner populations. However, the reality of these political times is that few prisoners are actually being released back to the community despite that fact that at least 33 states and the Federal Bureau of Prisons have procedures for granting this release. Early medical release of dying, aging and physically incapacitated prisoners continues to fall victim to the current political climate that sanctions the demonization and endless lock-up of all prisoners (even those who are dying). In some ways, with the growth of the hepatitis C epidemic and the large number of in-prison deaths, we are back to where we started nearly 20 years ago.

The graying of the prison population has created a crisis of immense proportions for this nation’s prison system. As a result of harsher sentencing laws (including “three strikes”), and the refusal of many state prison systems to parole people convicted of murder, in 2002, there were nearly 121,000 prisoners who were 50 or older. All experts on the phenomenon of aging prisoners agree that this population is the fastest growing prisoner group in the country.

California’s three strikes law and no parole policy have swelled its number of older prisoners. Federal studies differentiate between chronological age and physiological age. For prisoners, most studies conclude that their physiological age is at least seven years older than their chronological one. A recent study out of Florida estimates that a prisoner’s age is really 11 1/2 years older than his or her chronological age.

Recidivism is generally the first excuse used to argue against the compassionate release of prisoners. However, as Jonathan

Turley, founder of the Project on Older Prisoners (POPS) at George Washington University in Washington D.C., points out, the recidivism rate for prisoners older than 50 is less than half that of younger prisoners. In fact, as prisoners age, recidivism decreases.

Professor Turley and others cite the fact that medical care for aging prisoners costs more than three times greater than care for younger prisoners. As prisoners age, chronic illnesses become life-threatening diseases and frequent trips to the outside hospital are common.

Aging women prisoners present their own unique set of health challenges which argue for their inclusion in any compassionate release program. Older women prisoners suffer increasing complications from menopause, breast, uterine and ovarian cancer and hormone deficiencies. These prisoners will need a level of care that is not readily available in any women's prison in this country.

As the HIV/Hepatitis C in Prison column has reported time and time, the prison system cannot handle the medical complexities of serious and life-threatening illnesses, severe disability or the growing needs of aging prisoners. We believe that these prisoners would best be served in the community at real medical facilities, community hospices or at home and that they deserve the right to spend the rest of their already shortened lives surrounded by their family, friends and loved ones.

Unfortunately, too many prisoners are needlessly dying behind bars. (Last year, in California there were approximately 175 deaths in all the prisons put together and 35 of them were at Corcoran.) The growing death rate at the Central California Women's Facility and old Corcoran prison adds fuel to the argument for a real compassionate release policy in this state.

It is only logical to argue for the humane release of these prisoner populations. And it would save state taxpayers millions of dollars that could otherwise be spent on education and health care services.

FREE PEN PAL ADS

SF Bay View newspaper is providing free pen pal listings for prisoners. Send your short submission c/o:4917 Third St., San Francisco, CA 94124.

LIP: LITIGATION EFFORTS ADVANCE

CPF's prisoner rights law project – the Litigation In Prison Project (LIP) – has been quite active on a number of fronts. We have been spearheading the Castillo litigation involving questions of due process, fairness and 1st Amendment rights of SHU prisoners. The trial is set for April 26, and a number of SHU prisoners may be contacted to testify. The case has been going quite well with a number of the CDoC higher-ups sitting for deposition and proving the CDoC's validation process is riddled with holes.

LIP also litigated a precedent setting case against San Quentin State Prison regarding the failures of the 602 appeals process and the practice of racial segregation in housing assignments. After a three-day trial, the judge issued a poorly reasoned ruling and dismissed our claims. We are considering an appeal because the case has far reaching effects on how CDoC uses race as the predominate criteria in housing assignments as well as the increasing use of race in lockdowns that is affecting nearly every California prison.

LIP is gearing up for another two-day trial in March on behalf of five SHU prisoners and their right to notice of new source items applied during the active/inactive reviews. If successful, the case will have a wide impact on how all prisoners are treated during the active/inactive reviews.

On other legal fronts, we continue to represent a number of prisoners at Corcoran on medical neglect claims as well as the continual failures of the 602 appeals process at a number of prisons. Additionally, we have begun work on parole cases for lifers and have looked into the flawed BPT process for inmates sentenced under the indeterminate sentencing laws.

In the past few months, we met and counseled prisoners at California Correctional Center, Avenal, Pelican Bay, San Quentin, CSP-Solano, Corcoran, SATF, to name a few. LIP/CPF is also coordinating its efforts with a growing statewide coalition of SHU prisoner support groups who will be staging monthly protests throughout the state on the rights of prisoners and the barbaric conditions

for SHU prisoners. At the close of 2003, we testified before Senator Romero's public hearings on the SHU, and led the fight to address SHU prisoner concerns to the legislature.

LIP will continue its fight to shut the SHUs down, and to push for real changes to CDoC policy that punish prisoners for illogical reasons.

The HIV/Hepatitis C in Prison Committee of California Prison Focus works on behalf of all prisoners to:

- Fight for consistent access to quality medical care including access to all new HIV and hepatitis C medications, diagnostic testing and combination therapies.
- End segregation, discrimination, medical neglect and violations of confidentiality.
- Allow prisoner access to harm reduction tools such as condoms, dental dams, bleach, drug treatment and methadone maintenance.
- Advocate for compassionate release and alternatives to incarceration for prisoners with serious illnesses and severe disabilities.
- End the discrimination faced by lesbian, gay, bisexual and transgender prisoners.
- Educate and organize AIDS service organizations, public health professionals, community groups, prisoners' rights advocates and policy makers to become involved in these issues.

NEW MEETING TIME:

The HIP Committee meets every fourth Tuesday of the month, 7:30-9 p.m. at our office. You can contact us at: HIP Committee, California Prison Focus, 2940 16 Street, B5, San Francisco, CA 94103; website: www.prisons.org/hivin.htm.

TIP: TRANS/GENDER VARIANT IN PRISON COMMITTEE

While no one has it easy in prison, transgender and gender variant prisoners often experience double jeopardy when it comes to surviving in prison. Prison administrators deny they exist, the medical staff is usually uncaring and sometimes sadistic, the custody staff routinely harasses them, and they are sometimes the victim of sexual assault by both staff and other prisoners.

Some examples of the abuses we've seen are:

- Male-to-female prisoners arbitrarily denied hormone therapy, even after they've developed female characteristics
- Those who receive hormones get them irregularly and without proper consultation
- Strip searches of transgender prisoners performed in front of other non-transgender prisoners
- Verbal harassment and punishment based on gender identity by the staff is common
- Gender appropriate clothing and hair style are prohibited and those who are caught attempting to appear as their chosen gender are given disciplinary notices and/or locked in administrative segregation
- Prison medical staff is uninformed on transgender issues and often behave negatively towards TG/GV prisoners.
- Transgender prisoners housed and referred to according to their genitalia with no choice in housing designation.

Since its inception in June 2001, the Trans/Gender Variant in Prison Committee of California Prison Focus (TIP) has sought to address these abuses and works through public education and protest to stop them. Through legal interviews and correspondence with transgender and gender variant prisoners, we investigate abuses and monitor the conditions in both women's and men's prisons, primarily Central California Women's Facility in Chowchilla and California State Prison – Corcoran. We also provide resource material to prisoners in California and the U.S. regarding transgender and prisoner issues.

We are always welcoming of individu-

als who want to commit some of their time to the service of human rights work around transgender prisoner issues. We meet every fourth Tuesday of the month from 6:00pm – 7:30 p.m. at the CPF office.

THE TRANSGENDER, GENDER VARIANT & INTERSEXED ALTERNATIVE SENTENCING PROJECT TO LAUNCH IN FALL 2004

Alexander Lee has been awarded a Soros Justice fellowship to start the TGI Alternative Sentencing Project. The Transgender, Gender Variant and Intersex (TGI) Alternative Sentencing Project will seek to reduce incarceration rates of transgender, gender variant and intersex people, and bring attention to the abuse TGI people frequently experience while imprisoned. The Project will combine alternative sentencing strategies with community organizing by TGI prisoners, former prisoners, and allies, to bring public scrutiny to this largely ignored human rights crisis. Alex will work in conjunction with service providers and the San Francisco Bay Area criminal justice system to route TGI people out of local jails and into social and medical services that will reduce the likelihood of returning to jail. Simultaneously, Alex will support the Trans/Gender in Prison committee's community organizing work among San Francisco Bay Area TGI communities and TGI prisoners throughout the state, which will also work to expose and end prison abuse of TGI people and address the root causes of why TGI people experience such high rates of incarceration. The Project intends not only to reduce the overall number of TGI people going to prison, but also to amplify the voices of TGI prisoners in the anti-prison movement and to further empower the TGI communities as a whole.



GREGORY SMITH, POLITICAL PRISONER OF THE AIDS ACTIVIST MOVEMENT, DIES IN PRISON

By Judy Greenspan

Whenever I am released from jail, my fight will go on for the others who are in the same boat I'm in. Those who have been singled out for no crime other than being HIV+. Being in prison since 1989, I have seen so many people die from AIDS. It hurts more than anything else I know in this world to get to know someone and just when you become good and true friends they pass on and leave an emptiness that's impossible to fill or forget. (Excerpted from a letter by Gregory Smith.)

Gregory Smith, an outspoken Black, gay, HIV+ prisoner, wrote those words for a National HIV/hepatitis C in Prison strategy meeting I attended several years ago in Washington, D.C. On Nov. 10, 2003, he died at the age of 39, still in the custody of the New Jersey Department of Corrections. His death was sudden and many of us were not prepared for it. In fact, we were getting ready to start another parole campaign on his behalf.

Gregory Smith was not only a member of ACT UP Philadelphia but he was the political prisoner of the AIDS activist movement of this country. In 1989, when Greg was doing time on a petty marijuana charge, he was brutally beaten while in chains by a Camden County Sheriff. The sheriff must have split his knuckles while he pummeled Greg and because Greg was HIV+, he charged that Greg tried to bite him. The "wisdom" of the New Jersey courts at that time, decided that this so-called "biting" was tantamount to attempted murder. And Gregory Smith was put on trial for attempted murder for biting a deputy sheriff.

Many of us in the AIDS activist community, including a large contingent from ACT UP Philadelphia came out to support Greg and protest his sentencing in May 1990. When the judge pointed a finger at Greg and said he wanted to send a message to other criminal defendants with HIV by sentencing Greg to 12 1/2 – 25 years in prison, we all stood up in the courtroom and yelled "Shame, Shame." I told the

judge, “You have just given this man a death sentence.” I wish now that I had been wrong.

Greg, though, after this encounter with the AIDS activist movement, joined and embraced everything that it stood for. He became an AIDS educator and peer advocate in every prison he was incarcerated in. And for that reason, he was attacked and harassed by guards and AIDSphobic prisoners.

About two years ago, Greg was denied parole on a technicality at his first hearing. Then, at the end of October, he called me and complained that it was quite cold in his prison. They were supposed to turn the heat on Oct. 15 but still hadn’t done so. I worried about how Greg sounded. He seemed very tired and was slurring his words. A couple of days later, I learned he had been rushed to the hospital and was unresponsive. Greg had bacterial meningitis and later sepsis of the blood. He also had cirrhosis of the liver and passed away without gaining consciousness. His brother was able to visit him as well as some of his ACT UP comrades right before he died.

Gregory Smith was a victim of the racism, AIDSphobia and homophobia of the criminal justice system. He was a casualty of police brutality and received what we now know amounted to a death sentence in the New Jersey prison system. He died from the same medical neglect that he fought against daily in the prison. He wrote, “My fight is not just for me but other inmates around the world who are not getting the medical care that is needed. . . . And there are hundreds who don’t have the ear of the public who are daily being denied their basic human and medical rights.”

Greg was one of the key people who organized me into the HIV/AIDS in prison movement and helped to sustain my activism and optimism over the years. His death marks the end of a decade long battle for the rights of prisoners with HIV/AIDS. And tragically reminds us that the fight is long from over. Greg said it best in his statement to the court, “This is a matter of civil rights. It’s not about criminal conduct.”



INSIDE THE OUTSIDE S.H.U. AT TEHACHAPI

I thought I would share with you some of the developments that have taken place here recently. In a place we now call “Little Guantanamo”.

For some time now the prison has been building cages out in the open, dirt covered, and wind-swept area between some cell blocks. The prison is using inmate labor that is coerced with a promise of privileges and “good time” credits. This has taken about two years. I think that the process was so slow—and we were all so incredulous—that we believed the day would never come when we would be placed in them.

The cages are about six feet wide, by ten feet long. The floor is of standard prison concrete floor and a cube of chain-link fence make up the ceilings and walls. These are our new exercise “yards” for the Security Housing Unit, or S.H.U.

Picture in your mind the images of Guantanamo Bay, Cuba, where “enemy combatants” are housed without rights or recourse. Now, picture those cages in the mountains of Tehachapi, CA. If anyone ever doubted the sometimes shrill cries of the presumably paranoid (myself included) that the concentration camps are on the way, then let them doubt no more.

I won’t dwell too much on the details of the cages. The essence is not in the details and distracts from the frontal assault on our humanity that this really is. California has finally abandoned any pretense that we are considered anything more than animals to put in kennels.

An interesting parallel has come to light. It is spooky in its prediction of the future if we believe the old saying about his-story often repeating itself. Recently, I was plodding my way through Volume I of *The Gulag Archipelago*. I was hoping to find stories that would make me grateful that my years in isolation were not quite as bad as the years some have endured and survived in the Soviet Gulags.

Instead, on page 478, I found a passage describing the iron beds, stools, and desks permanently anchored to the concrete cell’s floor and “muzzles” on the windows to block out natural light. Apparently this is the standard regardless of who your dictator is, because it isn’t much different where I’m at. But what really caught me by

surprise was a description of cages—the size of cells—that the prisoners were placed in for exercise. And how the surrounding grounds were devoid of a single tree, bush, or blade of grass.

It has been fifty years since Stalin embarked upon creating the Archipelago. His regime has come and gone, but the mantle has been passed onto Junior George. The gulags live on both in spirit and reality.

California is going to great lengths to crush our spirits. Divide and conquer is obviously in play. These cages are demoralizing, dehumanizing, and degrading. But, they will not destroy us. Repression breed resistance and the hardship just may help us to forge new alliances. Who knows, we may even look to each other for solidarity for a change.

—By Walter James, # E57775 (4A-7B-202, BOX 1902, Tehachapi, CA 93581

[Ed Note: Last summer, CPF attempted a legal visit to Tehachapi but was thwarted. Currently, efforts are being made to regroup. Thanks for your patience.]

Transcript of the President’s State of the Union Address, January 2004

“In the past, we have worked together to bring mentors to the children of prisoners, and provide treatment for the addicted, and help for the homeless. Tonight I ask you to consider another group of Americans in need of help. This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can’t find work, or a home, or help, they are much more likely to commit more crimes and return to prison. So tonight, I propose a four-year, \$300 million Prisoner Re-Entry Initiative to expand job training and placement services, to provide transitional housing, and to help newly released prisoners get mentoring, including from faith-based groups. America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life.”

BUDGET CUTS BREED PRISON REFORM?

By Tuere Anderson, Media/Outreach Coordinator

This new year has ushered in the “Governator”- California Governor Arnold Schwarzenegger and the promise of his “total recall” of the state budget as we know it. Gov. Schwarzenegger has proposed many different arenas to trim the budget and get California back on the economic high horse. These cuts focus on social services and health care, primarily for the poor and disabled. The only mention so far about cuts within the CDoC is to fold the Office of the Inspector General into the California Youth and Adult Correctional Agency, thereby negating the independence of the regulatory department. Those of us with personal or even tangential experience with the prison system in this state know that the CDoC clearly cannot police itself. This has been an ongoing concern for prisoners’ rights activists for many years — that much is not new. What *is* new is the opportunity to catch the attention of a governor who has never held political office and is fixated on rectifying a splintered economy.

On one of our recent *Prison Focus* radio programs on KPOO 89.5 FM in San Francisco, we talked about the context that surrounded the Jan. 20-21 legislative hearings on CDoC personnel misconduct, facilitated by Senators Gloria Romero and Jackie Speier. While the evidence presented at these hearings was essentially the same as those in 1998 facilitated by Senators John Vasconcellos, Richard Polanco, and Ruben Ayala, the major difference is that the curtain of a strong economy has been worn down to a translucent veil. It is a lot harder to hide the injustices and imbalances of power that run rampant through the financial vacuity of the California Department of Correc-

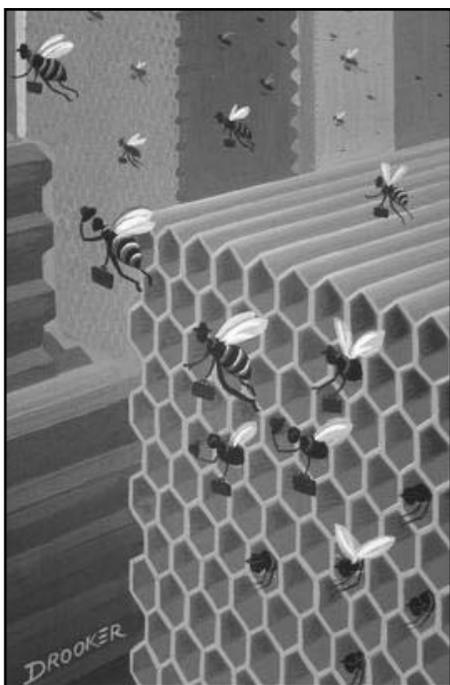
tions when people are becoming more interested in why they are losing services and paying more out-of-pocket costs.

Now is the time to test the rhetoric of Schwarzenegger’s catchphrase of “the Governor for the people of *California*”. The prison activist community must force Gov. Schwarzenegger to look at real changes in the CDoC through the lens of a strapped economy. Take the time to write your congressperson, senator and the governor. Flood Sacramento and your local policy makers with letters expressing how the state budget cuts affect your life. It is so important that we all make a connection how budget cuts and prison overspending hinder the success of a more just society—one that guarantees the rights of dignity, self-determination, and self-sufficiency to *all* people.

OUTREACH UPDATE: In 2004 CPF will continue to touch communities through our radio program, publications and community events and will strengthen our work to reach out to communities, especially those most greatly affected by our criminal injustice system. It is vastly important

that we work hand-in-hand with a diverse group of people in order to achieve the CPF mission to end the torture and human rights abuses in the CDoC. Don’t forget to listen to *Prison Focus* every Thursday from 11a.m. to 12p.m. (PST) on KPOO 89.5 FM, or streaming at www.kpoo.com. In order to encourage discussion on a broad range of prison issues, I welcome all of your suggestions, thoughts, contacts, and comments for our weekly radio show, *Prison Focus*. Please mail them to me at: 2940 16 Street, B-5, San Francisco, CA 94103.

[Ed Note: As of February, the governor has reversed his stance on gutting the Inspector General’s office.]
Articles summarized by Craig Gilmore



RECENT

HISTORY

PRISON TEACHERS SUE CDoC

California State Employees Association (SEIU local 1000), who represent teachers in the CDoC, has sued over changes in how and where prisoners are to be taught.

A new CDoC policy was supposed to have gone into effect Jan. 5 which would make all teaching at 11 intake centers commence at the cell door rather than in a classroom.

“It’s pretty nuts,” said Andy Hsia-Coron, who chairs the teachers union’s bargaining team. “You’re not going to get any teaching done standing by a cell door.”

Russ Heimrich, CDoC spokesperson, called the new policy “kind of like modified distance learning.”

Associated Press, Dec. 17, 2003

STATEWIDE RALLIES FOR PRISONER RIGHTS

On Human Rights Day, Dec. 10, hundreds of Californians rallied across the state, demanding humane treatment for the state’s prisoners and calling for Governor Arnold Schwarzenegger to break with former Gov. Davis’ ‘no parole’ policy.

Rev. Dennis Malone attended a San Diego rally. Approximately 80 percent of his Community Concerns Ministry is either a former prisoner or family member of a prisoner.

“They come out of prison and they are labeled as a ex-offender,” said Malone. “Then they are cut out of low-income housing and they can’t get jobs. They can’t be reinstated in society. The prisons aren’t rehabilitating anyone.”

Riverside Press Enterprise, Dec. 11, 2003

WOMEN PRISONERS SUE

Seven prisoners at Central California Women’s Facility have charged the CDoC with medical neglect in a recently filed lawsuit. The plaintiffs seek the removal of

CCWF chief physician, Augustine Mekkam and more oversight for the CDoC's medical practices.

"These cases make a powerful statement, exposing medical neglect that is tantamount to torture," said Cynthia Chandler, co-director of Justice Now.

Lorraine Stallings, one of the plaintiffs, was told her constant ear pain and partial hearing loss was caused by wax buildup. She has since been diagnosed with a tumor in her ear that will require surgery. The surgery will cause a total loss of hearing in that ear, damage to the taste buds on that side of her mouth and facial drooping.

Russ Heimerich of the CDoC says that the agency is sued for medical neglect frequently, but that prisoners seldom win such suits. "We need some kind of watchdog board to oversee these doctors so that there doesn't have to be all this litigation," said Michelle Kinser, one of the plaintiffs.

Fresno Bee, Dec. 19, 2003

SCHWARZENEGGER GRANTS PAROLES

In a dramatic break with newly deposed Gov. Gray Davis, Gov. Arnold Schwarzenegger has granted parole to two murderers in his first week in office.

During Davis's five years in office, his conservative parole board agreed to parole for 294 prisoners. Davis vetoed all but eight.

"The fact that [Schwarzenegger] has some confidence in the system and the way it's set up, that gives me hope," said Cheryl Montgomery, an attorney who has represented hundreds of prisoners before the parole board. Davis' policy "was a huge, huge breakdown in the system and an incredible waste to the taxpayer to be paying for this whole process that got nixed at the final step," she said.

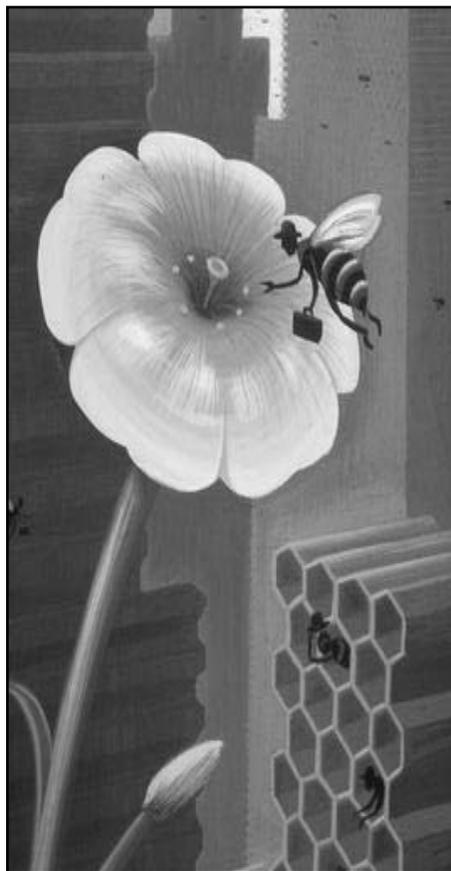
Los Angeles Times, Nov. 27, 2003

STATE EYES PAROLE CHANGES

Faced with a fourth year of multi-billion dollar budget deficits, scandals in the CDoC and a new governor who took no campaign contributions from the CCPOA, California is finally taking what we're promised is a serious look at the wasteful parole system.

The Little Hoover Commission published a report on the state's parole system outlining serious criticism and strong sug-

gestions for change. The CDoC says it already planned to implement many of the commission's recommendations, but commission chair Stanley Zimmerman says that the CDoC has ignored recommendations from two previous Little Hoover studies. California returns parolees to prison on technical violations at twice the national average. In 2000, 89,363 parolees were returned to California prisons. Twenty years earlier, only 2,995 were returned. The state spends \$900 million a year imprisoning parole violators and another \$465 million on parole supervision, much of which is spent paying parole officers to fill out paperwork to send parolees back to prison. "California's



parole system is a billion-dollar failure," said Nancy Lyons, the deputy executive director of the commission. Gov. Schwarzenegger agreed to a settlement in *Valdivia vs. Davis* (now *Valdivia vs. Schwarzenegger*) that will ensure prompt hearings and counsel for all alleged parole violators. "It's a new way of thinking and a new way of doing business," said lawyer Donald Specter of Prison Law Office. "It's basically a sea change of how the parole revocation system is going to work."

Sacramento Police Chief Albert Najera

supports the commission's findings. "The system is broken," said Najera. "It doesn't work."

Redding Record Searchlight, Nov. 13, 2003; New York Times, Nov. 17, 2003; San Francisco Chronicle, Nov. 19, 2003

COVERUPS AT CDoC?

As the state Senate begins hearings on possible coverups at California Institute for Men at Chino and other prisons, Special Master John Hagar released a report blasting the CDoC for a pervasive 'code of silence' in cases of allegations of abuse. Hagar's report points to improper influence from the CCPOA on CDoC management and recommends criminal charges be brought against Edward Aleimeda, who recently resigned as head of the CDoC for 'personal reasons' and against Thomas Moore, former chief of investigations.

Collectively, the department's failure "is more than mere negligence," Hagar said. "It is nothing less than the awareness of a serious security-related problem and the subsequent deliberate disregard of that problem."

State Senator Gloria Romero, who is chairing the Senate investigation said the department had "lost control of its investigative and discipline processes. It seems to me they are just one step away from receivership, from being taken over and run by a federal court."

Hagar's report demonstrates how Alameida was pushed by the CCPOA to stall an investigation of perjury by two guards at Pelican Bay, then to coverup his actions.

Los Angeles Times, Dec. 28, 2003 & Jan. 16, 2004

YACA, CDoC HEADS GONE

Newly elected Governor Arnold Schwarzenegger is shaking up the state's correctional administration. Robert Preston, longtime head of YACA is out, replaced by Rod Hickman, former warden at Mule Creek and administrator at California Medical Facility. Ed Aleimeda of the CDoC resigned for 'personal reasons' and a replacement has not yet been named.

[Ed Note: Jeanne Woodford, former warden of San Quentin has been named CDoC chief.]

San Jose Mercury News, Nov. 15, 2003

HOMELAND SECURITY ENDS REGISTRATION REQUIREMENT

The National Security Entry Exit Registration System, or NSEERS has required men and boys from 25 countries to register with the Department of Homeland Security. More than 83,000 registered and were interviewed, photographed and fingerprinted; many were deported.

After a barrage of criticism, Homeland Security has cancelled NSEERS and replaced it with US-VISIT. Under the new program, visitors to the United States from selected countries have digital images taken of their retinas and fingerprints. Those images are compared to data for suspected 'terrorists' and stored in the Homeland Security database.

In response, Brazil has announced that U.S. visitors to their country must submit to retinal scans and fingerprinting.

Associated Press, Dec. 1, 2003

FLORIDA OPENS RELIGIOUS PRISON

With Gov. Jeb Bush presiding, Lawtey Prison in north Florida became the country's only faith-based prison. Lawtey's 791 prisoners will be offered voluntary religious programming seven days a week. Prisoners currently represent 26 different faiths and work with 500 volunteer religious workers. The prison is recruiting another 500.

Howard Simon, executive director of the American Civil Liberties Union of Florida, called the prison program part of "a major constitutional showdown on the legality of his preference to replace government programs with religious programs."

Responding to critics of the program, Gov. Bush said, "This is not just fluffy policy."

St. Petersburg Times, Dec. 25, 2003

N.J. CORRECTIONS CHIEF ATTACKED BY GUARDS

The union representing New Jersey's prison guards has demanded that the governor replace Corrections Commissioner Devon Brown. The guards took action in response to a speech made by Brown about racial disparities in the state's sentencing policies, which the guards said would increase tensions between prisoners and guards.

Brown's speech at Rutgers University detailed the enormous racial disparities in the state's prison population. "This state and nation has lost a generation of young African-Americans and Hispanics, both male and female, to the criminal justice juggernaut," he said.

Brown also drew connections between current criminal justice policies and slavery. "There are those who with some degree of justification have proclaimed our prisons as being America's new plantations, for not since slavery has our country promoted policies which have visited such enormous economic and human calamity on the black community."

Gov. James E. McGreevey has so far supported Brown.

New York Times, Dec. 31, 2003

COURT RULES INVOLUNTARY MEDICATION ILLEGAL

The California Supreme Court ruled that former prisoners still incarcerated under the Mentally Disordered Offender Act cannot be forced to take psychiatric medication unless they are incompetent or dangerous. Like those currently in prison, they have the right to refuse any medical treatment, said the court in a 6-1 decision.

San Francisco Chronicle, Jan. 4, 2004

THREE PRIVATE CCFs CLOSE

Projected declines in the state's prison population and the ongoing budget crisis have closed the doors at three of the state's privately run CCFs in Eagle Mountain, McFarland and Bakersfield.

The CCPOA has long fought to close all the state's private facilities and former Gov. Davis tried to close five two years ago, but those five were saved in a last minute budget deal with former Sen. Richard Polanco.

The CDoC has promised to reduce the state's prison population by 15,000 over the next 18 months, so the future of the other six private CCFs is unknown. If the CDoC succeeds in reducing the population, minimum security prisoners will constitute most of the reduction, and that is the class housed in CCFs.

Complicating the scenario is the fact that new Gov. Schwarzenegger has refused donations from the CCPOA but has accepted \$50,000 from Wackenhut, a

private prison giant. The governor's finance director, Donna Arduin, dates a Wackenhut lobbyist.

Los Angeles Times, Dec. 29, 2003

SNITCH TRANSFER CAUSE OF BAKER RIOT?

Rioting at the privately run prison in Baker caused injury to at least 18 prisoners. Five prisoners were airlifted to area hospitals and 13 more were transported by ambulance. Cornell Corrections, the prison's owner/manager, called the Highway Patrol, San Bernardino Sheriff, Barstow Police and Mojave National Park for officers to control the prison.

Marvin Wiebe of Cornell blamed the riot on the CDoC transferring a known snitch into the Baker prison. The state's privately run CCFs lack the security housing needed to protect snitches, he said. "I'm not saying we don't have some complicity in this, but it seemed like a questionable transfer," Wiebe said of the placement of an informant at his low-security facility. "Normally, someone like that would go to a special custody yard." Baker CCF was not told that one of the four transfers who came into the prison that day was a snitch, he said.

The fighting broke out as soon as the alleged snitch entered the yard. Many of the prisoners involved have been transferred to Chino. Prison officials say brawling at any CCF is unusual because most of the prisoners there are at the very end of their terms.

Los Angeles Times, Dec. 3 & 4, 2003



THE DEBRIEFING SCHEME: A DEBRIEFERS CAUTION

I write omitting my name to protect myself from the California Department of Corrections (CDoC) which incarcerates me and is responsible for my safety and well being and as such holds life and death over my head.

In the terminology of the Department of Corrections, I am a prison gang “defector”. The term and its implication are reminiscent of spy versus spy intrigue: Come over to us, talk, and we’ll take care of you. The promise and the expectation is that as long as you are in your boys won’t get their hands on you after you defect— you will be placed in a secure, protective environment.

On its face it is a fair deal under the circumstances that brings one to this point. But the facts of the department’s debriefing scheme show that it does not play fair with debriefers. For breaking prison rules, filing administrative complaints or lawsuits about illegal conditions of confinement in the prisons, asking for constitutional rights people have been set up.

Equaling disturbing, if not more so, when given information in the course of the debriefing (which involves being hot wired—given a polygraph examination) that someone in the gang was going to be killed, instead of intervening to save the person’s life and prevent murder, the department lets him be killed. In my case five members of the gang were killed after I told my debriefers they were marked for death by the gang. But they did nothing to notify or protect them.

I became a full-fledged member of one of the most notorious prison gangs in the system shortly after I entered prison. I was initiated into the gang quickly. I knew them and they were aware of my violent reputation: shootings, stabbings, and killings in and out of jail. I was known as someone who was serious and could deliver.

I dismissed the gang for a basic reason. One must be inherently corrupt to function in such a setting, which requires compromising ones sense of humanity. I saw beyond the fog of gang affairs and wanted to reclaim my humanity. It was that simple. I no longer held to their code and depraved values and therefore had no qualms about renouncing them for the betterment of myself and others. It is a question of humanity when you know that people are going to be killed and it’s up to you to save their lives.



After debriefing a prison gang dropout is rehoused in a “Sensitive Needs Yard” or “Soft Yard” separate from yards that house prison gang members and their supporters. Officially the department strictly shies away from the term “protective custody” but the intent and purpose of such yards have this theme.

After being found guilty of a rules violation and serving a disciplinary term in solitary confinement I was told that I was being put on a hot yard (a yard with active

prison gang members). A dropout from any prison gang is an automatic target on such yards. I protested and referred to my defector status but the department ignored this and placed me on a gang yard. As a result I was attacked with weapons.

I was then transferred to another prison where I was again put on a hot yard and attacked. As before I had protested the action of the Classification Committee comprised of caseworkers familiar with my case file and my status as a drop out and the fact that I had debriefed and was attacked on a previous yard. Again, my concerns were ignored. An Administrative Appeal (602) I filed for safe housing citing my drop out /defector status and debriefing was denied by the warden and the director of corrections.

In the face of all this, knowing that the department was deliberately setting me up to be killed as a form of retaliation for violating rules and filing lawsuits against it, or them just not caring if I got killed. I decided to protect myself and I made and carried a knife. The weapon was discovered and I was given a long disciplinary term.

After this I was again put on a hot yard. Eventually I got the ear of certain ranking committee members and they returned me to a sensitive needs yard after eight years of being on hot yards. It was a modern day miracle that I wasn’t killed in that time or had not had to kill someone

in self-defense. The physical and mental scars and a dose of terror will be with me for the rest of my life.

From this experience there is no incentive to make prison gang members debrief. On the contrary it will make them resist debriefing in any form. They have heard of these experiences of which there are many. Some have suffered serious injury, maiming and death. Prisoners know what the department is doing to debriefers so they are not going to become one.

BOOK REVIEW

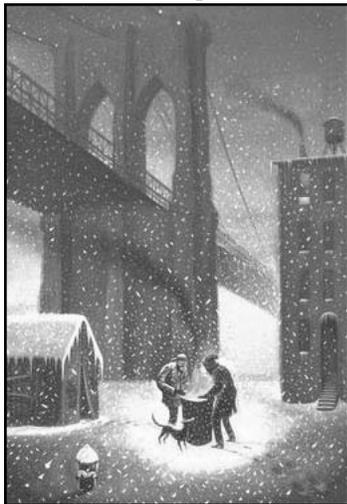
Reviewed by Terry A. Kupers, M.D.

The plight of prisoners suffering from mental illness has worsened profoundly in the last three decades. First, there was deinstitutionalization: the closing of the state hospitals and planned transfer of funds to provide treatment in the community. After, there were successive budget cuts so that treatment and support services in the community deteriorated to their current sorry state. Then there was the “tough on crime” hysteria as reflected in courts showing no mercy to individuals suffering from mental illness. The subsequent imprisonment binge led to the incarceration of a huge number of people with co-occurring mental illness and substance abuse problems, which contributed to massive prison overcrowding. Then there was the dismantling of rehabilitation programs in the prisons because they were erroneously declared a failure and branded “coddling.” The emergence of the supermax prison, where an astoundingly disproportionate number of prisoners with mental illness land and where the harsh conditions, including near total isolation and idleness, not to mention the many unreported instances of brutality on the part of staff, intensified emotional problems and drove many to self-destructive acts. To make things worse prisoners with mental illness in supermax isolation were labeled “malingerers” when they acted self-destructively or sought mental health treatment, as if their manipulations were the sole cause of their deteriorating mental state. Now, a huge number of people suffering from serious mental illness are warehoused in some form of segregation and medicated without the benefit of adequate treatment.

Sadly, this ugly story has gone mostly unreported in the mainstream media and in professional journals. Of course there are the occasional newspaper articles about a prisoner suffering from serious mental illness who is raped or kills himself behind bars. And there are occasional investiga-

THE UGLY TRUTH ABOUT MENTAL ILLNESS BEHIND BARS - *ILL-EQUIPPED: U.S. PRISONS AND OFFENDERS WITH MENTAL ILLNESS, A REPORT BY HUMAN RIGHTS WATCH*

tions. But mostly the horrors accompanying the mass imprisonment of people suffering from mental illness and the accompanying human rights abuses in supermax prisons go unnoticed by the public.



Over the years, Human Rights Watch has published reports about the sexual abuse of women and men in prison and the destructive psychological effects of supermax confinement (see www.hrw.org). And at the end of 2003 they published an outstanding and comprehensive report on the plight of prisoners with mental illness and the inadequacies of correctional mental health treatment programs nationwide. *Ill-Equipped* is beautifully written by the U.S. Director of Human Rights Watch, Jamie Fellner, in collaboration with writer Sasha Abramsky. The research was exhaustive, including tours of facilities in many states, interviews with prisoners, interviews with correctional staff as well as mental health and correctional experts, and a review of the extant literature. The report is comprehensive, covering traumas and indignities prisoners with mental illness must endure, inadequacies of treatment and rehabilitation programs, abuses by staff, special issues of women prisoners, suicide, the destructive effects of segregation, litigation about mental health care, and the deficiencies of post-release planning. The report includes poignant case studies and basic recommendations for improving the dreadful plight of prisoners with mental illness.

Litigation in the U.S. typically focuses on Eighth Amendment violations (the right to be free from cruel and unusual

punishment) and violations of the Americans with Disabilities Act. There are also international standards, but the courts tend not to recognize them. The Human Rights Watch nicely compares and contrasts American laws with the international standards, and finds U. S. practices in violation of both. We need to keep inserting the international standards into our testimony in court and before legislatures, and occasionally a court does the right thing and uses the “t” word (torture) in its ruling about the maltreatment of prisoners suffering from mental illness (as the Montana Supreme Court did in its ruling about Mark Edward Walker – p. 91 of *Ill-Equipped*.)

I am inclined to conclude this review with a call for protecting correctional mental health services from the current budget cuts. But that would merely mean that the cuts would have to affect other services for prisoners or low-income people in the community. It would not help prisoners with mental illness to have the correctional education or health budgets cut. The state uses this kind of divide-and-conquer tactic to divert attention from the



fact that people’s legitimate needs are being ignored so that profits can be maximized. The conditions and program deficiencies that are harmful to prisoners with mental illness are harmful to all prisoners. And if adequate public mental health services were provided in the community, there would not be so many people in prison suffering from serious mental illness. *Ill-Equipped* provides us

with the research we need to demand real change.

Order from Human Rights Watch, *ILL-EQUIPPED: U.S. PRISONS AND OFFENDERS WITH MENTAL ILLNESS, A REPORT BY HUMAN RIGHTS WATCH*, 2003, 215 pages, \$15.00; www.hrw.org; (212) 290-4700.

MEETING BARBARA

By Delores Garcia

After being housed for one-and-a-half years in an unlicensed medical facility I thought I had seen and experienced it all. The infections, limbs amputated because the gangrene had spread so rapidly, incisions re-opening after surgery, blood clots; cancer patients dying and MS patients left in bed.

It's the aftercare that scares the women from staying here long enough to recuperate.

And then one day there was Barbara. An elderly woman with dementia /Alzheimer's. A woman-not just a number, who doesn't even know where she is 80 percent of the time. Thrown into a shower, suffering bruises where she was pushed. Urinating in the trashcan she thinks is a toilet. Flushing everything down the toilet she thinks is a trash can. Left in urine soaked bedding and feces, to the point of getting bedsores and infections.

She sits in the TV room staring at the TV, only reacting to animals. She looks at you with vacant blue eyes and asks you to take her to her car. It's just down in the garage she says, and then she can go home to Arkansas. Just wanting to go home. She then urinates or has a bowel movement that runs down the couch and onto the floor.

Women cuss at her then because everyone has to go back to their rooms. Barbara had an accident again. Diapers aren't always used because she takes them off and puts them into the drawer. Can't the staff check after her and look for the missing diaper?

Barbara. She loves to sing "Jesus Loves Me", her eyes light up, she takes my hand and says, "I love you". I tell her, "I love you too."

She's had a hard time eating and keeping weight on. I've seen her shrivel up before my eyes. I used to make her sandwiches and she would eat. Now I'm not allowed to share, to help, to reach out to this life.

Barbara, shoved around, yelled at, insulted, embarrassed and neglected. Some times I wonder if she doesn't retreat within herself even more to avoid this treatment affecting her.

Barbara. Isn't there somewhere to place her for her mental condition? I don't know, do you?

Barbara. For her again tonight I will cry

and pray and hope that tomorrow will be a better day for her. A day to be treated as a human being. A day for a chance to be put in a more appropriate place, for Barbara is not here mentally. Maybe in her mind she has made it to Arkansas.

In tribute to Barbara and the incarcerated mentally ill.



BATTERED PRISONER SYNDROME

By Zuri S. Young

This is an edited version of Mr. Young's BPS introduction, definition, statement of fact, analysis and conclusion.

In all walks of life there is a reaction in every action. Within the physical functioning of the human body, evidence is clear and convincing that every part of the body reacts to certain actions differently. Some are positive and others are negative. Within the determination of actions and reactions one must have an analysis. From this we go on to discuss Battered Prisoner Syndrome (BPS).

BPS is in the same category as battered women's syndrome. After repeated abuse, both physical and psychological, the brain—being the main entity that operates the function of the body—reacts to the actions take against the body and self.

Other definitions needed to understand BPS include *battery*—the intentional and unlawful touching of another. Some batteries may or may not result in injury. The one's that do result in injury may be defined in more severe

terms that can be elevated into a serious assault. *Prisoner* is defined as a person who is confined in a prison or place against her/his will or by way of judicial proceedings. Many prisoners have suffered a miscarriage of justice or the improper representation by lawyers who do not have the person's best interest in mind and may be ineffective in their defense. *Syndrome* is a lasting condition—mental or physical—that is developed by an action—a reaction.

Prisons and the conditions of confinement can affect a prisoner in several adverse ways. The unsanitary environment, mental abuse by administration, and physical abuse by prison guards who often create hostile environments, stage prisoner fights, use unnecessary excessive force resulting in bodily injury, falsify reports, and tamper with, obstruct and destroy prisoner property—all contribute to BPS.

BPS is a condition unknown to doctors and other specialists such as counselors and psychiatrists. The hostile environment, constant lockdowns, lack of programs for rehabilitation, recreation and education, due process denial, mail tampering, visit termination among other things can cause BPS. The result of this can cause or contribute to prisoners reacting in violence.

To analyze BPS, a simple review of the prisoner's central file (C-file) and comparison of all disciplinary reports by prison guards and prisoner appeals. The next step is a review of the prisoner's medical file. If a prisoner can prove that he/she was and is the victim of abuse by the prison system both physically and mentally, and BPS is evident, he/she is entitled to defense and relief under BPS.

[Ed Note: Similar to BPS, though perhaps more narrowly defined, is SHU syndrome—a term coined during the early 1990s. Experts Stuart Grassian, Craig Haney and Terry Kupers have all identified and written about this condition.]

SINISTER WISDOM

Issue No. 61—Women Loving Women In Prison—edited by CPF's Judy Greenspan is now available. Send \$6 (plus \$1.50 shipping and handling) to P.O. Box 3252, Berkeley, CA 94703. This issue is free to women in prison and mental institutions.

A LITTLE HISTORY LESSON

By Ed Mead

Here's a little history lesson for you, Washington State prison history. As a direct result of their unified struggles, in the early 1970s prisoners at the Washington State Penitentiary at Walla Walla had power. They had taken over the central yard of the prison and named it People's Park. Through a 1971 work strike they had earned a "Resident Government Council" (RGC) that was recognized and legitimized by the warden and the state's director of corrections. It was called 50-50 government, 50 percent of the power in prisoner hands, and 50 percent in the hands of the state. The RGC had a president and a legislature. They also had an enforcement mechanism. When a convict was drunk on pruno and being obnoxious, for example, they'd lock him up over night and release him in the morning. Yes, prisoner police. For without responsibility there can be no freedom.

Needless to say, the guards were not happy about this situation. They did everything they could to undermine the legitimacy and authority of the RGC. In December of 1974 this conflict broke out into an uprising in which sections of the prison were taken over by prisoners and guards were taken hostage. The rebellion was crushed, the RGC dismantled, and the leaders locked up and brutalized by guards in the segregation unit. (As a side note, the George Jackson Brigade, of which this writer was a member, busted into the headquarters of the Department of Corrections in the State Capitol and placed a 6 inch diameter pipe bomb under the director's desk. The bomb went off at about 1:00 a.m. and did structural damage to the building. The Brigade issued a communiqué warning that there would be more anti-DoC actions if the segregation prisoners continued to be brutalized by prison guards.)

While the RGC had been smashed, the progressive instincts of prisoners and their thirst for justice still lived. For the next couple of years many skirmishes took place, including the longest prison strike (47 days) in Washington state history. When the RGC was gone the prison was ungovernable. The conservative director of corrections was fired, as was the warden and the associate warden of custody, and they were replaced by liberal prison administrators from out-of-state. The prisoner leaders were all released from the hole and organizations such as Men Against Sexism were permitted to be formed and were recognized by the new administration. But prisoners did not want to settle for liberal reforms; they knew that inside that velvet glove was an iron fist. They wanted some control over what was being done to them.

After the liberal prison administrators failed to bring docility to the prison population they too were ousted. In their place came the son of a guard who came up through the ranks. His name was James Spaulding, and he was made the warden of Walla Walla. The struggle of Washington prisoners have never recovered from Spaulding's tenure. How did he do it? How did he take one of the most progressive prison populations in the country and turn them into cannibals who preyed on each other? He did it by using California's notoriously racist prisoners. The most politically advanced prisoners in Washington state, especially those who were consciously anti-racist, were subjected to involuntary out-of-state transfers (this writer was one of the first three shipped out and was sent to the U.S. prison at Marion, Ill.). In place of the approximately 50 prisoners exiled to foreign jurisdictions, Spaulding filled the power vacuum by importing a similar number members and leaders of racist gangs from California. Sure enough, before long the once hard-struggling prisoners of Walla Walla were fighting each

other over issues of race and for drugs. The racists were given special privileges and allowed to impose their order. As always, they were the administration's first line of defense. For his "success" in cleaning up Walla Walla Spaulding was promoted to become the state's director of corrections, a position from which he spread his sickness to the rest of that state's prison system.

Today Walla Walla is as bad as every other prison. There is no memory of their glorious history of struggle. Right after right and privilege after privilege have been stripped from them. The state has subjected the prisoners to indignity upon indignity, yet they continue to harbor and embrace their racism. The point of all this is pretty clear, isn't it? So let me conclude with the obvious: Your comrade prisoners are not the enemy; it is those who are holding you captive at gun point against your will, and who are daily subjecting you to numerous tortures. Remember, there can be no freedom without responsibility. Take responsibility! With it comes the power to control your own lives.



JERICHO GROUP LAUNCHES SCHOOL SUPPLY DRIVE FOR AIDS ORPHANS IN AFRICA

Over the past Christmas/Kwanzaa holidays, U.S. political prisoners and P.O.W.s and their allies pledged to rebuild The Jericho Movement and endorsed the "U.S. Political Prisoners' Education Support Campaign for AIDS Orphan in Afrika." Originated by political prisoner Jalil Muntaquim and endorsed by political prisoners across the country--the campaign is a year-long initiative to raise funds to buy and collect supplies and materials for Sub-Saharan AIDS orphans while raising awareness among Blacks in the U.S. Individuals and organizations wishing to co-sponsor, endorse, or contribute to the campaign are asked to contact Baba Herman Ferguson and Sis. Efia Nwangaza at The Jericho Movement National Office, P.O. Box 340084, Jamaica, NY 11434; (718) 949-3937. Make tax deductible donations payable to "IFCO/Jericho Movement" and put "Afrika" in the memo line.

your mentality internationally, and individually. As an "Afrikan, gang affiliated, guerrilla transsexual, I shall continue, devotedly, to push, by force, the struggle toward victory. Your death is a loss, but we shall remain irate and move by force. The U.S. capitalistic system has unleashed terrorism and ongoing brutalities upon us. We shall fight to obliterate it. As one movement, we shall outnumber! In unity, we shall prevail! In forceful unity we shall win!!

"THE ONE WHO WILL STRUGGLE WITH YOU"

LUIS RAMIREZ V. GEORGE GALAZA

Dear CPF,
A few of us here in the Pelican Bay State Prison SHU are a little experienced in the 42 U.S.C. §1983 suits. One of us just got a favorable decision for us prisoners from the 9th Circuit Court of Appeals involving conditions of Ad-Seg/SHU confinement: Luis Ramirez v. George Galaza. 334 F.3d 850 (9th Cir. 2003). The court said that a prisoner doesn't necessarily need to overturn a guilty finding of a 115 (disciplinary write-up) if he wants to sue for money damages for the "conditions of confinement" from a wrongful SHU term that he/she may have served. This case will show the framework of the "adverse and atypical hardship" standard that a prisoner needs to explain to be successful in such a claim (it explains the differences between Ad-Seg/SHU and GP, physically and mentally).

This letter is to let you guys at CPF and all prisoners know that we're in the process of drafting a 1983 (class action law suit) to address this statewide issue CDoC is using to pull people off the main line on false charges: such as conspiracy to commit murder and assaults on prison staff, using this as a pretence to hold them in Ad-Seg/SHU confinement, pending investigation. Meanwhile prison staff goes and get 1030s (documents that can include prisoners falsely incriminating other prisoners) in order to eventually falsely validate prisoners as "disruptive people" or "prison gang affiliated". This has been the pattern, and now they are using this way out scheme on religious groups as well.

LETTERS

This issue has to be addressed; hopefully as a class action suit.

Anyone who has been affected by this or knows anyone who has been affected, please send any information, along with a letter explaining your situation, including your thoughts, to California Prison Focus. The more evidence we have the better.

—Carlos Noriega, Luis Ramirez, Cheval X. Wright, and Willie Clarks, Crescent City, CA

CAUTIONARY TALE ABOUT THE MAIL

Dear CPF,
According to Title 15, Section 3147, CDoC policy dictates that incoming mail which is being disallowed will result in a notice to the inmate describing why the mail is being withheld, the name and date of the publication, the name of the official disallowing the mail, as well as other data of interest. It also provides for a process of appeal. However, in practice, the CDoC, specifically the mailroom staff here at California Medical Facility, makes a practice of ignoring the above-mentioned procedures and returning mail to sender without ever notifying the intended recipient. I did not know that I had ever been a victim of this questionable practice until I recently received the following, a copy of a letter.

 *Donny*
Life of a Lifer
A Prisoner's 20-year Odyssey
Life in California Supermax SHU Prisons. Includes memories of growing up, letters, poetry, reflections. 161 pages
Every mother who has someone inside should read this book.
Regular: \$12.95 (includes shipping)
Prisoners: \$10.00 (includes shipping)
Make checks payable to: CPF/Book
655 Llewelling Blvd.
Bx-113, San Leandro, CA 94579



READ THIS

By Tim Troyer, CPF fundraiser

CPF DOES NOT –

- Take government grants
- Employ high-priced lobbyists
- Sponsor expensive "workshops" at first-class hotels
- Operate Private Prisons
- Have an Executive Compensation and Perk Package

CPF DOES –

- Attempt to protect the human rights of vulnerable prisoners in California Security Housing Units and medical units
- Advocate for meaningful change in California's treatment of prisoners and their families
- Rely on volunteers to perform its mission
- Squeeze the Buffalo out of every nickel.
- Know the difference between self-serving nonsense and real reform.
- Need your help to continue this tradition.

California Prison Focus is a grassroots volunteer-driven advocate for dramatic change in California's prison system. As such, we have little institutional support. Nonetheless, CPF continues to provide a voice for those who would otherwise go unheard; those denied healthcare, those denied their basic human rights by the repression of SHU's throughout the state.

Help us continue this important work. If you are not already a subscriber, our newsletter is only \$20 per year (\$5 for prisoners). Better yet, make a generous donation. Use the attached envelope. And please, do it today.

What's that Bunkie? The envelope is missing? You don't have a stamp? Don't despair. You can STILL make a donation. Get on the web, go to www.prisons.org and click on the DONATE button. It's that easy!

PRISON FOCUS

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OUR MISSION

California Prison Focus is dedicated to identifying, monitoring and ending the human rights abuses that take place in California SHU (Security Housing Unit) prisons. CPF educates the public about violations of prisoners' rights and engages in advocacy for prisoners and their families as well as provides training for self-advocacy. Our goal is to bring the communities on the outside together with those on the inside. Essential to that task is working in solidarity with prisoners and promoting their voice in our newsletter, to the media and in public forums. CPF seeks to end long-term isolation and medical neglect in California's prisons and to close all SHUs with the ultimate goal of abolishing all U.S. prisons as we know them.

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. Offer rehabilitation of SHU prisoners as 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.

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 with HIV, hepatitis C and other life-threatening diseases. The focus of our work is our investigative trips to women and men's prisons with SHU facilities and/or medical units. We make at least one visit per month. 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 and community forums. 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 policymakers. Founded in 1991 (as Pelican Bay Information Project) we have made nearly 100 prison visits and conducted 3,000 interviews with prisoners. Our membership is comprised of prisoners, activists, family members of prisoners, former prisoners, human rights advocates, attorneys, and prison visitors.

CONTACT US - WE'VE MOVED DOWNSTAIRS

California Prison Focus, 2940 16th Street, Suite B5, San Francisco, CA 94103; Phone: (415) 252-9211; Fax: (415) 252-9311; E-mail: info@prisons.org; Website: www.prisons.org.

NEXT PRISON FOCUS TOPIC

Imprisoned Writers Part II.....Submissions due 5/15/04

SOME GUIDELINE 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: PF 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. Please consider them a contribution to the work. PF welcomes all submissions!

ATTEND MEETINGS

CPF's general meeting is the second Wednesday of the month at our office at 7 p.m. Everyone is welcome. Please join us to discuss important topics affecting California prisoners and to familiarize yourself with our day-to-day work.

BECOME A VOLUNTEER

Come to our monthly volunteer night, every third Wednesday of the month from 7 p.m. to 9 p.m., held at our offices or make an appointment to meet with us for another time. CPF depends on volunteers to do our invaluable work. We need your help answering mail, working on our newsletter, staffing our office, fundraising, and outreach.