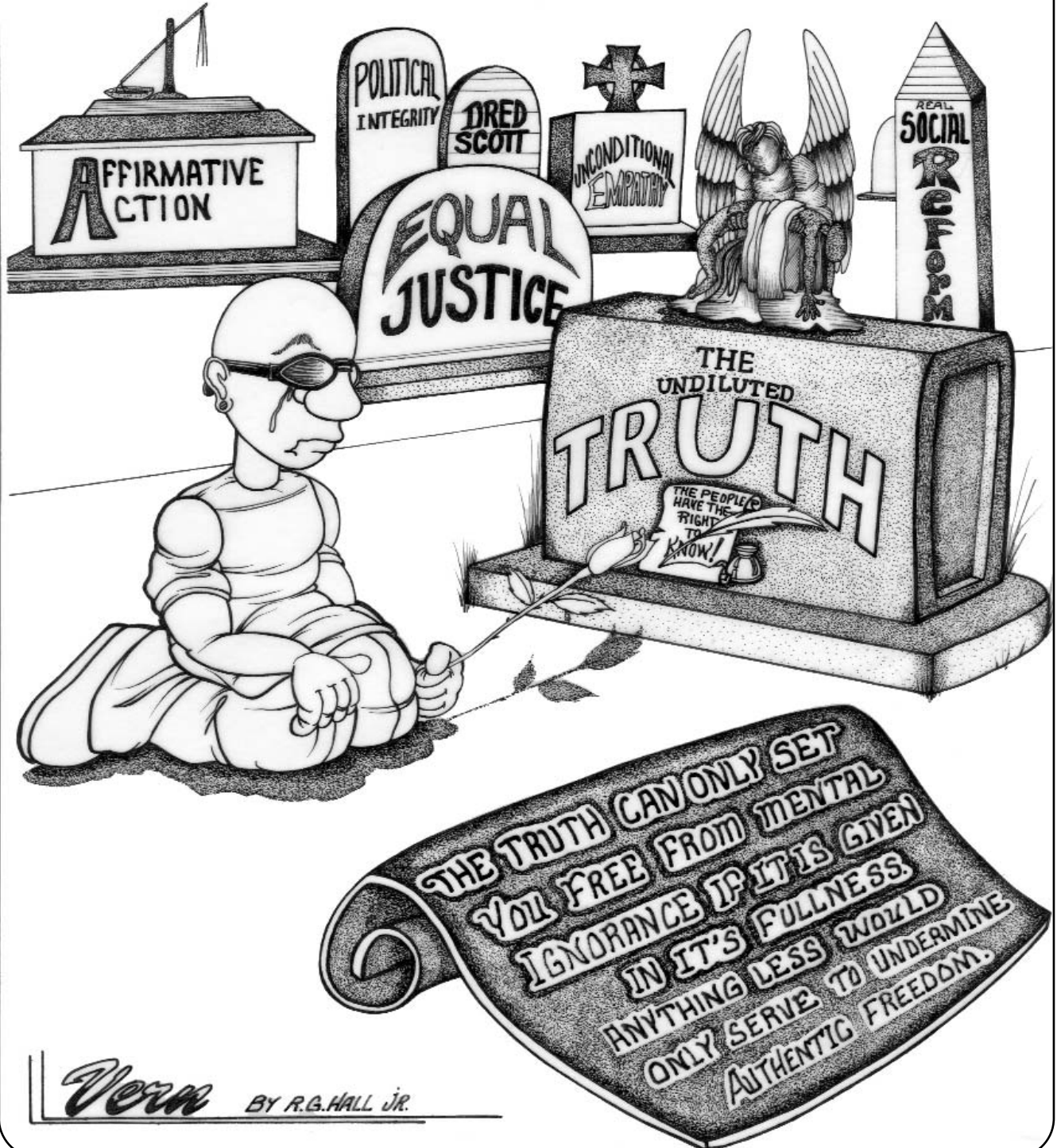




PRISON FOCUS

Number 20 • Summer 2004

IMPRISONED WRITERS: PART II



LETTERS

PRISONER SPEAKS OUT!

Dear CPF,

I am an incarcerated Colorado female offender serving a 6-year sentence. In May 2001 Extraditions International, a private prisoner transport, took me from near Lake Tahoe in Carson City, Nevada to Colorado.

During my transport I was threatened numerous times. The officers threatened to take me out into the desert; rape me, shoot me and leave me for dead or take me to Mexico and force me to provide sex. I was given little to drink. Restroom stops were few and far between, (every 10-17 hrs.) My kidneys began to shut down; I had massive amounts of blood in my urine and before reaching my destination and was forced onto the floor of a roadside park restroom and sexually assaulted. A 6' 6", 350 lb. agent stood on my handcuffed hand and threatened to shoot me if I cried out.

The ACLU took my case and sued Extraditions International. By March 2003 they settled. Many cobwebs were discovered when this company and the particular agent were investigated. Apparently, the agent was an ex-DoC officer who had assaulted an inmate prior. The U.S. Dept. of Justice gave the investigation over to the Colorado Bureau of Investigation for possible criminal charges.

Today, (3 years later) I am on the Board of Supervisors for Stop Prison Rape (SPR). I have recently addressed Pueblo Minimal Center (PMC) for improperly handling a sexual assault/victimization investigation, after approximately 20 Gestapo-like male guards with heavy pieces stormed PMC and humiliated 20-30 women. They paraded them down halls to see the investigator in another building. This was a power play intended to intimidate and silence these women. Instead of intimidating me however, it only made me angry and motivated me to do something about it.

I am currently working with an author and my goal is to complete a book entitled *Every # Tells a Story*.

—Robin Darbyshire c/o SPR
6303 Wilshire Blvd 204A
Los Angeles CA 90048

MIDDLE EAST CONTROVERSY

Dear CPF,

I take great pleasure in informing you that I've been very concerned about the way people have been treated in the Middle East, especially the Palestinian people. I would like to say that I am a Christian, not a Muslim, but America is trying to police the whole world. Israel is following in America's footsteps by trying to control the Palestinian people. Please, I would like to know why the Palestinian people couldn't have a state of their own, why they have to wait on America and Israel? If Israel and America wanted peace in the Middle East, they would stop undermining the Palestinian people and give them their independence. The Palestinian government doesn't have any say. Why? The reason why is because America says so. Israel has everything that the U.S. has to offer them. The Israelis say that the Palestinians are terrorists. In what way? They are considered terrorists because they don't have helicopters, guns, ships, jets, or tanks to fight with? They only have their bodies to sacrifice because Israelis have been oppressing them for so long.

The Palestinian people have been driven from their homes and their land. In 1948 the United States gave Israel its independence. Why did they not also give the Palestinian people their independence too? If Palestine was given its independence then the Middle East would be at peace.

—Albert Mitchell, Pelican Bay

PRISON PATRIOT ACT

Dear CPF,

I am writing to bring you up to speed on what has been happening behind these walls here at PBSP. Since September 9, 2002 I have received 16 CDC 1030, confidential information disclosure forms that go into my permanent record. These forms accuse me and other members of the Nation of Islam (N.O.I.) of conspiracies against staff. In addition, we're being accused of being members of a terrorist Jihad squad trained in martial arts and war tactics, for the purpose of attacking unbelievers and enemies to Islam.

Presently PBSP/IGI Lt. Marquez is pushing for the N.O.I. to be validated as a prison gang with ties to the BGF. This is in Sacramento and they're so hot on it that they just gave me five more 1030's.

Look, this boils down to an attack

against all Muslims in CDoC because they are accusing all black men who practice Islam of being N.O.I. whether they are or not. The brothers should hang in there and continue to fight back with the pen. They should also remember that being in the struggle means that you must struggle and experience hardships.

—As Salaam Alaikum, Pelican Bay

WHY A COMMIE?

What's up with Ed Mead and this Communist stuff? I'm not going into an ideological attack here because the man is entitled to his opinions. But CPF has never taken that stance—Communism that is. So why is Mead focusing so much on it? CPF has always been about human rights—period. I really don't believe that that ideology will help CPF. All of those —isms are B.S. I've been wondering about that.

—D. J., Pelican Bay



DIVIDE AND CONQUER

Dear CPF,

Hello! I'm sending you \$5.00 for another year long subscription. I support all inmate rights activists. Hopefully my small-time contribution fuels your cause.

As goofy as this sounds we got a Security Threat Group program for "gang related" reports. Not for any type of gang assaults, drug trafficking, rapes, extortion or anytime of disruptiveness. Because none of this ever happens even if isolated incidents happen, they're NEVER gang related. Because we're so divided in here, I have to travel a long distance to support your publication. I respect how organized you are, I hate seeing so much racial division. That feeds the oppressor's divide and conquer agenda. I wish you would spend more time preaching the significant benefits of unity and illustrate over and over the negative effects that racial and gang hatred brings about. Preach about how drug exploitation separates us and distracts us on how we are victimized by pathetic food, visitations, restitution, etc....

—T.M., Ft. Madison, IA

Letters continued on page 30

PRISON FOCUS

Issue No. 20
Summer 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 and other institutions.

Permission is granted to reprint original articles from *Prison Focus*. Credit *Prison Focus* and California Prison Focus. And please send us a copy of the publication in which the article appears.

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>>.

Subscribe to *Prison Focus* for \$20 (\$5 for prisoners) and receive 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.

© 2004 California Prison Focus

EDITORS

Leslie DiBenedetto
Ed Mead

CONTRIBUTORS

LeNard Scovens	Bonnie Kerness
Richard G. Hall	Ezra Davis
C. C. Simmons	Marina
Matthew Lamont	Terry A. Kupers
Mumia Abu-Jamal	Queen Nzinga
Craig Gilmore	Bato
Judy Greenspan	Allen Feaster
Johnny Lee Riley	Marie C. Cooke
Tito D. Valdez, Jr.	Robert Fuentes
Eugene A. Dey	Doug Rash
Cynthia Skow	Jess West
Ana Bolton	D. Sereros
David Gilbert	Kevin Shell
Corey Weinstein	Mary Rubach

PRINTING

Sonoma Valley Publishers

CONTENTS

IN THIS ISSUE:

IMPRISONED WRITERS: PART II	6
SHU VALIDATION SETTLEMENT.....	13
WELCOME CPF STAFFER	14
SHUT THE SHU	15
BONNIE KERNESS LETTER.....	17
32 YEARS AND COUNTING	19
GAHISI SOWANDE - IN MEMORY	21
JUSTICE: A BILL OF RIGHTS.....	26

DEPARTMENTS:

PELICAN BAY	15
VALLEY STATE	16
HIV AND HEP C IN PRISON	18
LITIGATION IN PRISON	20

REGULAR FEATURES:

LETTERS	2
EDITORIAL COMMENTS	4
RECENT HISTORY	22
BOOK REVIEW	25
POETRY PAGE	29

THANKS

THE COVER ART IN THIS ISSUE WAS DONE BY RICHARD G. HALL, JR, WHOSE ARTWORK AND WRITING GRACE THIS ISSUE. THANKS AND CONGRATULATIONS TO STEVE CASTILLO FOR HIS MANY YEARS OF DIFFICULT WORK ON THE RECENTLY SETTLED SHU VALIDATION LAWSUIT. AND A SPECIAL THANKS TO THE MANY VOLUNTEERS WHO GIVE UP THEIR TIME AND ENERGY TO MAKE THIS NEWSLETTER POSSIBLE. THANKS TO DIANA SANDS, CYNTHIA SKOW, CASSIE PEIRSON FOR THE HARD WORK OF KEYBOARDING PRISONER ARTICLES.

EDITORIAL COMMENTS

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

REFLECTIONS ON CRIME AND CLASS

By Ed Mead, Co-Editor Prison Focus

Walk around town in any major U.S. city and one can't help but notice the huge and seemingly growing number of homeless people living on the streets. This sight is particularly unnerving to me, a modern day Rip Van Winkle. I went into prison back in the mid 1970s, and came out nearly twenty years later to a very different world. Before I went to prison a person could hitchhike from place to place without a second thought. In one trip I hitched from Buffalo, New York to San Francisco, and then on up to Seattle, and in the process met a wonderful culture of people who traveled around the country in this way. Back in those days we could happily talk to people we passed on the streets. We even had the luxury to smile and speak to children we didn't know. In today's era I can safely speak to a dog passing me on the sidewalk, but not to the person walking the animal. I shudder to think about the possible consequences of speaking to some stranger's child. If this country's fear has gotten this bad since the mid-1970s, how bad it will become in another twenty years?

Back in the day, as a youthful revolutionary, I was prepared to risk imprisonment or worse in an effort to bring about a better world. My peers and I felt the risks were a better alternative than continuing to live under the boot of capitalism's culture of death. Today that culture is far worse. The system considerably more vicious, the nation's citizens more confused, and the level of social atomization has never been greater. One of the state's primary mechanisms for isolating us from each other is fear. And there is no fear greater than the fear of crime—no domestic segment bourgeois society is more demonized than the criminal. The alleged offender is no longer a part of "us" but rather suddenly becomes one of "them" (the *other* upon whom any evil can justly be visited). It is not enough that this demonized person be politically disenfranchised and held behind bars under constitutionally sanctioned conditions of slavery, the hapless offender must be also

be subjected to endless forms of torture as well.

The first step in getting a better grasp on the crime/fear dynamic is to understand the dialectical processes involved—not the ongoing media-driven hysteria. What constitutes a crime is not some fixed set of proscribed behaviors, but rather changes with time and the class nature of the then existing social order. Both ancient Greece and Rome, for example, were societies based upon the state-supported economic system of slavery. A slave owner during that period would be perfectly within his legal rights to murder one or more of his slaves. He could premeditatedly kill them for punishment or for the mere pleasure of watching them die. The law of the day protected his right to dispose of his *property* in any way he saw fit.

Today, getting rich from the surplus value created by your employees is looked upon as one of bourgeois society's highest virtues. In tomorrow's working class social order, on the other hand, that sort of behavior will be criminally repugnant. Just as what we call first-degree premeditated murder was behavior protected by the power of the state under the system of slavery, so too in a future social order acts seen as virtuous today will be looked upon as criminal behavior tomorrow. Indeed, in a future communist society it will rightfully be a crime for one person to materially profit from the labor of another.

Just as the definitions of crime can change with the class basis of the existing social order, so too does it's punishments. Today's capitalist system engenders myriad schemes for separating the working class from its hard-earned money, ranging from telemarketing scams to the usury committed by banks and credit card companies. Some of these are legal and some are not. When such crimes are punished it is only lightly, usually a fine of some sort. The same is true for punishments against corporations and wealthy individuals. Indeed, a rich person has never been executed in all of American history. Yet in all class soci-

eties up until now, the crimes of the poor are punished far more harshly. This disparity in punishment is applied with a vengeance during periods of social instability. In feudal England, for example, it became a crime punishable by death to commit such petty offenses as killing a rabbit on private land, chopping down a tree on a public lane, or picking a pocket. These draconian punishments have never worked. History records groups of pick pockets gleefully plying their trade on crowds gathered to watch the hanging of fellow pick pockets.

When General Licinius Crassus impaled the heads of Spartacus and thousands of rebellious followers on spikes along the road to Rome, his doing so did not save the system of slavery or the Roman Empire that lived off it. Nor did murdering hapless pick pockets save the British monarchy from the onslaught of capitalist productive relations. Similarly, the adoption of harsh three-strikes legislation, the gutting of constitutional protections, and the ongoing expansion of the death penalty will not save the moribund system of international capitalism. Yet if history is any teacher, we can expect ever-harsher punishments and still fewer legal safeguards for accused criminals or others who seek to implement a radical transformation of existing class relations.

While the ruling class makes good use of the existence of crime (by keeping people isolated by fear from each other), they do not want the presence of crime any more than we do. Nobody wants crime. Still, in a social order in which one-half of one percent own more than ninety percent of the nation's property, resources, and productive capacity (not to mention control of the means of education and information), it is understandable that those who have the least will take some stumbling steps to restore a more natural balance of the wealth.

The rich fully understand that crime is a force, not unlike that of electricity or running water, and as such it will follow the path of least resistance. It even has a natural direction too—against property (ninety percent of all crimes are against property). Through the mechanism of increased resistance required to attack their property interests, the ruling class effectively channels the force of crime back on to the poor. The rich live in remote, gated communi-

ties; their banks have armed guards, sophisticated alarm systems, and are protected by the jurisdiction of the federal courts and the investigative techniques of the F.B.I.

Since crime tends to follow the course of least resistance, the social effect of these and numerous other security measures is to redirect the force of crime back on to the poor. Hence the dramatic increase in both the level and intensity of poor-on-poor crime. And with the advent of ever less expensive and more available surveillance mechanisms and alarm systems, the force of crime is being steadily pushed further and further into our poorest minority communities. We can expect this trend to continue until every home (or car) that can afford it will be an electronic fortress.

How are progressives to respond to this situation? A starting point would be to organize our communities so as to redirect the force of crime back up against those elements responsible for its development—the rich. We cannot today implement the economically just society necessary for the ultimate elimination of crime. Without that foundation, without control of the means of information and education, we can only work to redirect the force of crime back up against those who created the conditions for its development.

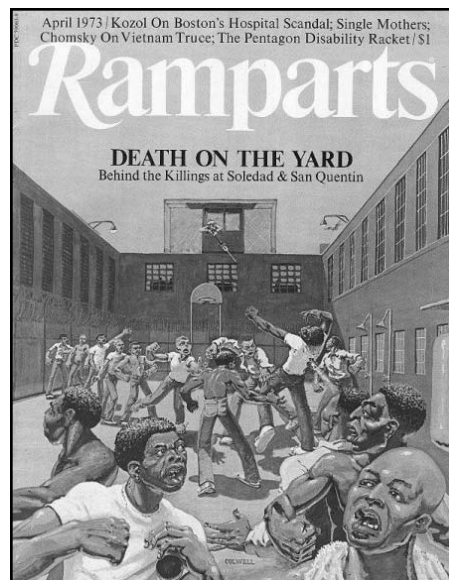
The political consciousness of the under-culture needs to be raised to a point that makes preying on the poor not cool or even dangerous for those confused victims of capitalism who steal from or otherwise victimize their neighbors.

The message must be: “Rather than ripping off that old woman for her monthly sustenance check, take your needs to those who can better afford to pay.” Prisoners should especially be involved in this process. Their lack of class-consciousness is clearly reflected by the fact that there is currently no stigma attached if you are in prison for cannibalizing your own community. There must be the same stigma for stealing a welfare mother’s check as there is for being a rapist or a child molester. Indeed, these predatory cannibals who prey on their own class are the very lowest of the low. It must be made clear to them that class considerations are always primary. [Last sentence corrected to read: There should be no stigma attached for stealing a welfare mother’s check, just as there should be no stigma for being a rapist or child molester. Instead, those who prey on their

own class should be made a part of study groups so that they can become class conscious. Rapists must organize other rapists so they too can study feminist literature and become able to internalize class and gender politics – so they too can become a part of the solution.]

On the outside we can start laying the foundation for dual power by policing our communities (without collaboration with the state’s apparatus of repression). Taking control of our neighborhoods is an important part of increasing the resistance that will ultimately direct crime back up against the rich. When the movement finally develops again, class-conscious ex-convicts would take leadership in this community protection process. And those still on the inside would hold study groups for their peers on issues of class, race, and the various manifestations of sexism. Although we can’t yet eliminate crime, we can at least start the process of making it more class conscious.

Mayhaps one day I will be able to walk down the street and be able to smile and say hello to the person walking his dog, and to give a warm greeting and a pat on the head to those children who need a whole community to love them. Maybe I can stick out my thumb and meet many new friends as I travel the land. While a revolution is necessary, right now I would be happy to get back to the place where society’s head was at in the late 1960s and early 1970s. Of course, back then I thought things were so bad that I risked death and a life of imprisonment to try and overthrow the system. In those days we were optimists. We knew that the object was to win.



INDIAN MAN WITH LONG HAIR RELEASED FROM PRISON

May 27, 2004

A California Indian man who refused to cut his waist-length hair while in prison was ordered released on Wednesday. Billy Soza Warsoldier, 55, said state corrections officials punished him for refusing to obey a policy that restricts hair length on males to 3 inches. He was denied contact with family and other privileges, the alleged in a federal lawsuit.

A federal judge last month ruled against Warsoldier’s request for release. The decision enabled prison officials to keep him locked up past his May 21 release date for violating the policy. But in a brief order yesterday, the 9th Circuit Court of Appeals ordered the state Department of Corrections to stop enforcing its policy against Warsoldier. Judges William C. Canby and Richard A. Paez also ordered the state to restore Warsoldier’s “good time credits.” The effect was that Warsoldier was freed from a state correctional facility, where had finished his 19-month sentence. Without the reprieve, he might have had to stay in jail until July 7 at the earliest.

“We’re very gratified by the court’s decision,” Warsoldier’s lawyer, Ben Wizner of the American Civil Liberties Union, said yesterday “Delaying Mr. Warsoldier’s release for even one day as punishment for his adherence to his faith was a gross violation of his rights. We’ll continue to fight this unjust policy until no inmate is made to suffer for practicing his religion.”

Warsoldier, a member of the Soboba Band of Luiseno Indians, said cutting his hair was an affront to his Cahuilla and Apache heritage. He said he has cut his hair only once in more than 30 years - on the death of his father in 1980. “I don’t understand why I’m being punished for practicing my faith,” he said in late March when his case was filed. “My tradition tells me that if I cut my hair, I may face taunting and ridicule from deceased members of my tribe. I would prefer to take the state’s punishment than violate my faith.”

continued on page 31

Imprisoned Writers: Part II

Introduced by co-editor Leslie DiBenedetto

Back by popular demand, this issue's focus is imprisoned writers—part two of an informal series. We got a lot of positive response from prisoners; I guess you all enjoy hearing more from fellow incarcerated sisters and brothers.

This time around the writing we have chosen to showcase encompass two areas: creative writing with a message, and political, social and legal commentary. Previously published in *Prison Focus 18*, LeNárd Andre Scovens begins this series with his piece called *Write On* about prison writers known and unknown, and the virtues and necessity of getting out the word in order to break down the walls that divide us in so many ways. Writing in the form of a shout out, Richard G. Hall speaks to us about the U.S. "Prison Empire" in his piece called K.Z.A.P! AM's & PM's Paper Radio. In the final piece of the section pen named C.C. Simmons reports about news on the current containment efforts of prison writers in Texas and Florida.

The second section—an encompassing category—starts out with political commentary on the the California Department of Correction's latest efforts to control their budget and how the public and private sector view them. Next Mumia Abu Jamal writes on the exposed treatment of U.S.-held prisoners in Iraq and their link to prison guards in the United States. On social commentary, Johnny Lee Riley schools the youth on life in prison while Tito D. Valdez Jr. highlights the plight of lifers in California prisons. Finally, Eugene Alexander Dey is back and educates us on the problem of access to the courts.

Thank you to everyone who submitted his or her work. Please continue to send your contributions. A special request goes out to women—we need more writing from you. Also, please send other forms of expression including artwork and cartoons. Enjoy.

CREATIVE WRITING... WITH A MESSAGE

WRITE ON

*We are the ones who keep on going
Through drunkenness death and disaster
Writing it down.*

—Unknown poet

Elderidge Cleaver wrote *Soul on Ice* while caged in a concrete box and succeeded in opening the world's eyes to the culture of the ghetto sufferer. His words tore down walls and breached the race divide, inciting the white intelligentsia to connect with the Black Movement at a time when they were increasingly disenfranchised from it. The manuscript he composed by stripping away his soul's flesh to reveal the bones of truth defined an era and profoundly influenced the Black Arts aesthetic.

Elderidge discovered he was a writer while doing the kind of time that peels back the layers of a man's life until he's left glaring at the ugliness of it, until he's desperate to find something to keep him holding on in the face of shame. Elderidge found *The Craft*. He took the lessons he'd gleaned from his pain and carved himself a space of cool to carry him through the times black rage made his soul hot like fire. While doing his bid he discovered that the pen can heal and in the right hands it can change minds.

Many men and women, in the belly of the American beast, learn that there's magic in the world. When life's darkness surrounds them, when it seems society's condemned them to exile, they find their Excalibur. In darkness, they reach into their hearts, hardened to stone by the bitter turns their lives have taken, and withdraw a mysterious and powerful gift: Art.

Creation is a magical experience. To envision a thing; to dig deep within the heart like a man mining for diamonds in Africa's belly; to harvest the recovered chunks of raw soul and refine them until

they shine from the page is a mystical experience and remains the domain of those conjurers who dare call themselves writers.

Solitude gives the potential artist the rare opportunity to be confined to himself, to see the unveiled human face society hides behind pretentious ritual. Taking the journey into the labyrinth of his joys, failures, dreams, loves and bitter hurts he sees that we can be downright ugly and shameless in it; he also sees that when liberated from the prejudice and misconception we can be beautiful. Astoundingly so.

For the prisoner there's no escape from the reality of life's vicissitudes and reluctant or not he's layed bare to himself for examination. If he's uncompromising with himself, tolerating no illusion, he realizes his life's a microcosm of the entire human spectrum of experience. When the seed of artistry lays dormant within that particular soul, in the light of his exile into Hell, the Gift awakens. It blooms in the night. And the results have often been profound.

What would this world be without St. John's prison writings, Oscar Wilde's irony, King's "Letter From a Birmingham Jail," Tupac's *All Eyez on Me*, Assatta Shakur's memoirs, or George Jackson's *Soledad Brother*? Much less rich, for one. And if Elderidge's voice had been snuffed out before he'd had a chance to be heard an entire generation of writers may not have been inspired to street poetry. On May 1, 2003, a rule forbidding prisoners to publish manuscripts was okayed for proposal by James V. Crosby, Jr., Secretary of FDoC. It would bar any Florida prisoner from producing work such as Elderidge's *Soul on Ice* or King's "Letter...". In a clear censoring of the prisoners' voice, in a blatant violation of the freedom of speech, prisoner writings are to be banned and outlawed. (Anybody read 1984?)

Today we're in desperate need of thought as powerful and precise as Elderidge's. We're in need of an insightful examination of where we're going and where we're allowing ourselves to be led. (Like lambs to the slaughter.) We need someone whose heart has been crushed by oppression to offer us the nectar of wisdom drawn from their experience.



The prison writer, whose neck is under the Gortex boot of those who rule, sees the writing on the wall. And it ain't pretty. His crushed heart has bled onto the ivory page. He's looking in the mirror and sees his own ugliness manifested in the actions of the power brokers who are stripping Americans of their civil liberties one Patriot Act at a time. He sees that this armed robbery is not different than the one he's been exiled for.

He sees and he's writing it down one censored page at a time. Like Elderidge, like King, like George—he's still, in the face of oppression, writing it all down.

Write on soldier. We need to be shocked into movement by another soul on ice. So please, write on.

—*LeNárd Scovens, 165908, B1-201*
Florida State Prison Art Project, 7819
North West 228th St., Raiford, FL 32026-

K.Z.A.P! AM'S & PM'S PAPER RADIO

Thumps: The “Keep it Real, Got Damn It” Show

Aauugggh, yeah! It's your prison correspondent, “Hans Down-for-da-count!” comin' at y'all with some explosive verbal demolition, unleashed to level the new prison construction mongers of America! That's right, amigos, y'all might wanna' get back now! Cause ole Hans is about to bring down a big house or two, before any ground breakin' ceremonies can break ground. So without any further adieu, let's slam the fuse box on “New Prisons vs. Your Kids' Substandard Schools!” I hope y'all got your hard hats on, and for God's sake don't hide behind nothin while I unleash this booo-yowwww!

From sea to shining sea, right under Old Glory, a shameful national deprecation can be seen from outer space. We're talkin' 'bout the largest Prison Empire on the planet. That literally screams. So much for “The land of the free' philosophy.” Packed with over two million folks draped in zebra-stripe apparel, strapped to an invisible ball-and-chain on the ankle, stagnates in America's overpriced cells, a true American tragedy in more ways than meets the eyeball! How many walk America's streets half-free, on parole or probation? I damn

sure didn't mention those so-called alternatives to incarceration, programs either. As it stands, a whole lot of folks are holdin' membership cards in the ‘criminal injustice system' throughout the land.

Sorry if I fail to drop it like it's hot, in respects to God knows how many folks, and you got to forgive me for not throwin' the not-busted in the Boilin' pot! Come on now, whose gonna' commit a crime for the first time anyway, or at any time, for one reason or another? And just think, you've been wonderin' why ETs have yet to make out-front contact with us down here. If they're intelligent enough to travel from another galaxy, they're certainly not dumb enough to land on America's paradoxical streets. Who wants to be victimized on either end of a dirty stick? There it is there, y'all!

Brace yourself, while I set off another booyoowww! What's the real 411 about the correctional blob? Seriously? Recidivism testified just last week that rehabilitation was paroled outta' prisons back during the 70's show. And ain't been seen since! No wonder this people eatin', tax-dollar guzzlin', prison blob can't break zebra striper's down into better, well-educated and job-trained assets to society that would truly be the epitome of livin' up to the department of corrections' high-soundin' name. That's an obvious should-be, amigos. As it stands, without viable rehabilitation, a prison is like a cart without a horse. Ain't nobody goin' no where! I guess givin' the taxpayer what they pay billions of big eagles for, flew the coop during the 70's show, too!

Just the other day, I cracked open a fortune cookie I picked up over at the you-gonged fast food spot. I couldn't believe what the message dropped on me like an H-bomb! It said, “You no rehabilitate squat! If you no good habilitate first!” Oh, my God, this was the before-crime factor, if I ever seen it! That's when I decided to follow Dostoevski's treasure map. It started with a cropped up sayin', that some quotation buster down at the twist-it-up Hut put together. Right there in green fluorescent marker, were these words: “The civilization in a society can be judged by entering its. public schools.” Especially those that are fallin' apart in a society's poorest communities. There was a footnote, next to a lousy sketch of a skull and bones: From there is where most zebra-striper come from, who fill a society's overpriced cells! Ain't that the truth!

Okay, I've just completed my far-from-

grand tour of America's poorest communities' public school systems. I'm here to pull your coats: they are not the bomb. If anything, some unscrupulous future-stomper dropped a bomb on them! We're talkin about substandard obliteration here, folks. Outdated textbooks, uncredentialed teachers, piss-poor plans of academic operation. That's only the tip of the tip of the iceberg. Too many of the poor kids are mentally challenged due to very impression-making factors that rain down on them, long before they step foot on the school grounds. Speakin' of school grounds, try the simulated county jail facilities that too many inner-city schools resemble. How the hell can any poor kid concentrate with security guards walkin' the halls and surveillance cameras beamin' down in their faces? This is the real “That ain't right, 101!”

What could a tourist do, but to give the inner-city public school system a big fat “F-plus” on its report card? Did I say schools? Sorry, I have to scratch that out, and put down rundown day care centers! If a good education is the key to a bright future for a kid, what do they get with a substandard version of it? Now you've just been given the answer to why kids dropout: to run the streets. Like public officials tell it; there's just not enough tax dollars for stuff like pitiful schools to go around. And of course they adamantly sympathize with the apathetic situation. . And be well assured, they would never stoop so low intentionally as to put any promising kid into such a bottomless pit. That's why their kids don't attend such schools. Obviously they're very well educated!

I really had to take a big-time moment after this undivine revelation! On my way back to my crib, I passed by one of them-there brand spankin' new, high-tech, super-duper-max prisons. Man, oh, man, the movie “Demolition Man” was scopin' me right in the face, amigos! A Star Wars structure with try-and-break-in-or-out, and make-my-day gun towers, made from the best material money can buy. I even saw a flying bluebird that couldn't read the sign, “High Powered Electrified Fence!”

The whole prison resembled a diabolical castle, like the master of doom lived in on “Lord of the Rings!” All that for predominantly poor and pitifully educated folks. That's when I had the uncontrollable urge to put down a little fraud bustin' graffiti in big, bold El Marko letters on the ironic welcome to the Joseph Stalin Correctional Facility.

Give us your poor—throw in the poorly habilitated and educated too because their social condition is the root of their criminality and stupidity. When all is said and done we have no other alternative but to reference the crime-and-punishment bible. In it we turn to the uncut words of Dostoevski that epitomizes all we've just scoped-out: "The degree of civilization in a society can be judged by entering its prisons." And as you can also see for yourself, a tour of those poor communities that produce most of America's bottom of the barrel criminals. They are an eye-opening testament of why America has so many prisons in the first place. And most important, what fuels the criminal injustice system's voracious appetite.

This is only lint in comparison to all the 411 that surround this always-looming issue. Make no mistake; ole Hans will be breakin' his toolbox open again, down the long and dusty road until prison and social rehabilitation have been stood back up on their feet! And I really hope that all of y'all will stand up and be accounted for to bring an abrupt end to the multi-faulted crime on America's streets. Do yourself a favor and visit any local hospital and take a close look in the pediatrics ward. See if you can tell which newborn baby arrived as a dyed-in-the-wool criminal. And from now on, anytime you see a youngster, make the same call!

So you see, amigos, crime and punishment is after all reality, which can be habilitated long before tragedy hits the fan. Several American states have a tremendously good handle on producing few liabilities of social threats. Contact your fellow Americans living in Montana, Utah, Wyoming, Idaho, Maine, Vermont, and New Hampshire, for starters. You seldom if ever, hear them cryin' all over the front page, or inside your boob tube, about blatant social ills, pitiful schools or crime up the Ying-yang. They know, and are obviously doing something mighty right from the baby's cradle! As far as prisons are concerned, states like California may have more prisons than all of them together. I guess since the Golden State has one of the most despicable public school systems in America. We can truly understand what the mitigating factors are, where its crime problem is at stake! It predominantly affects the poor; who gives a damn!

Last but not least, let's blast the big eagle

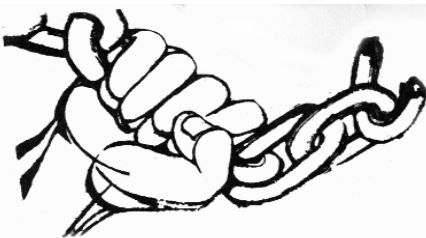
factor! That's right, amigos, crime doesn't pay, they say. That all depends on which side of the no-no line you're standin' on. One thing that is as plain as the nose on your face is crime is no blessing to its victims or their families. And it certainly doesn't pan out to be great pay dirt hit for those in zebra stripers locked in the slammer! On the other side of the wooden nickel, there's those who protect and serve, defend and prosecute, and those who sit in judgment and hand down the time for crimes. And of course, the keepers and guardians of the prison empire. All of whom earn their keep simply because of the ignorance of victimization, and poor habilitation which too often spells criminality at such tremendous expense.

Could it be that prison reform threatens the prison blob, like water threatens fire? Is it cool to assume that better home and school habilitation enjoined with the allies of available social opportunities are a direct threat to job security in certain public sectors? You do the math, amigos! Does God Bless America for the underhanded perpetuation of this unscrupulous skullduggery? Don't fool yourself—look around you.

And bet your bottom dollar, if bad guys ever turn out to be short in supply, the self-proclaimed saviors will come up with something. And trust me, somehow, somehow, by some conniving means, somebody's gonna be turned into a bad guy! In Texas, they say, 'Remember the Alamo.' In New York, folks say, 'Remember the Rockefeller drug laws.' Who wants to win some stinkin' war on drugs when an estimated 1.8 million of those in zebra suits, from sea to shining sea, are in for drug-related offenses?

This is Hans Down-For-Da-Count, begin' y'all not to keep bitin' the rusty hook, like dumb bullheaded catfish. And whatever you do, separate facts from propaganda! And most important, 24-7, y'all be sure to make it yo' utmost business to Keep it Real, Got Damn It!

—Richard G. Hall, C07278, PO Box 705,
WB 339UP, Soledad, CA 93960-0705



IMPRISONED AUTHORS PUNISHED FOR EXPOSING THE TRUTH ABOUT PRISON CONDITIONS

Prison administrators in two states have disciplined convicts whose reports of adverse prison conditions were published in national magazines and newspapers. In Texas and Florida, state prison officials charged prisoners with "establishing and/or operating an unauthorized business enterprise" when they wrote articles for publication in newspapers and magazines and got paid for doing it.

On March 18, 2003, a Texas prison disciplinary committee found William B. Sorens guilty of operating a business from the John M. Wynne State Prison in Huntsville. Sorens' "business" was writing magazine stories for pay.

The effect of the disciplinary committee's ruling was to extend Sorens' first possible release date from December 2005 to December 2006. "I was, in effect, sentenced to one year for writing," said Sorens who is serving a 60-year sentence.

Sorens had written "Hardcore Hate," a story about racial hatred among Texas prisoners. His story ran in *Playboy* magazine in 2001. Earlier this year, Sorens sold a story about prison censorship to *Penthouse* magazine.

Sorens also writes for *Straws in the Wind*, a semi-monthly newsletter published by Rev. Lloyd Palmer of Albert Lea, Minnesota. "Occasionally, I'll send him \$25 or something for postage or writing materials," Palmer said.

In Florida, state prisoner David Reutter was charged with "running a business" after he sold a story about the dismal conditions in a Florida state prison. In 1993, Reutter was a prisoner at Florida's Glades Correctional Institution (GCI), a dilapidated facility built in 1934 near the Everglades. Reutter complained that GCI was overcrowded, infested with rats, and in need of repairs—the windows were broken, screens ripped out, electrical wiring was exposed, the roof leaked, and raw sewage accumulated in a pool beneath one dormitory building.

After submitting complaints and grievances which prison officials ignored, Reutter filed a lawsuit. On June 5, 2002,

without admitting wrongdoing, the state of Florida agreed to settle the lawsuit and pay Reutter \$3,000.

Reutter, who remains imprisoned in Florida, then wrote the GCI story which appeared in the April 2003 issue of *Prison Legal News*, a monthly magazine based in Seattle. (*PLN* pays its prisoner-writers the picayune sum of \$10 for stories such as Reutter's.) Thereafter, Florida prison officials charged and convicted Reutter of running a business by writing and selling news stories. He was sentenced to 90 days' solitary confinement and forfeiture of 45 days' good conduct time.

After *PLN's* editor arranged for an attorney to handle Reutter's challenge to the disciplinary conviction, Florida prison officials retaliated by barring distribution of incoming issues of *PLN* to all subscribers in their state prisons.

The repression of dissidents, the limitation of free speech and the suppression of the open exchange of ideas have traditionally been the tools of tyrants. In the 1930s, leaders of Germany's Nationalist Socialist party built the Third Reich on the ruins of the country's civil rights. The post-war, pre-Glasnost architects of the Soviet empire routinely imprisoned, tortured, or liquidated those who disagreed with the party line.

It is noteworthy, then, that this country's retaliation against prisoner-writers occurs most frequently in our southern states. Convicts who can read and write have always been seen as a threat to southern-state prison officials, especially those who cling to the plantation-era mentality where antebellum laws criminalized the teaching of slaves to read and write.

In June 2002, the federal courts released Texas prisons from 29 years of oversight. Unfettered by federal controls, Texas prison officials quickly took steps to limit the prisoners' ability to communicate. Previously, Texas prisoners were allowed to purchase typewriters and rudimentary word processors through prison stores. Now, such sales are forbidden. Previously, Texas prisoners who had purchased a word processor or typewriter were allowed to send the unit out for repairs when needed. Now, prisoners may send out the unit for repairs but prison rules forbid the repair shop to send the unit back to the prisoner.

Previously, the 150,000 Texas prisoner population was allowed to correspond with each other. Now, the new correspondence

rules forbid prisoner-to-prisoner correspondence even when the purpose of the correspondence is to formulate relief from oppressive conditions of confinement.

Previously, Texas prisoners were allowed to purchase as many postage stamps as needed to send their letters to family and friends and to send their legal papers to their attorneys and to the courts. Now, new rules drastically limit the number of postage stamps a prisoner may purchase and possess.

The Reutter and Sorens matters provide clear evidence of the increasingly oppressive mindset of prison administrators. Texas officials, never willing to admit they made a mistake, say they will defend Sorens' disciplinary conviction even if the case goes to court. Untroubled by the need to spend thousands of taxpayers' dollars on legal and court fees to defend their rule used to convict Sorens, Carl Reynolds, the prison system's attorney said, "With good lawyering like we provide, we will be able to provide penological rationalization and objectives for the rule."

Sources: Associated Press reports, the San Antonio Express-News, Prison Legal News, personal correspondence and interviews.

—C. C. Simmons



POLITICAL, SOCIAL AND LEGAL COMMENTARY

DAMAGE CONTROL

by Matthew "Rampage" Lamont

A new summertime movie is being released. It's not "Lord of the Rings 5," or "Terminator 4." It's called "Hard Time" by the California Correctional Peace Officer Association. With the governor attempting to take the axe to the California prison budget, which has gone nearly \$500 million over its budget, the CCPOA is on the offensive. Besides its ever growing prison empire being discovered, CCPOA and its client the California Department of Corrections have plenty of other things to worry about. Over the past six months investigations into California's prisons have led to discoveries of corruption, embezzlement, bribe taking, abuse of inmates, and over crowding. It's rare indeed when an investigation actually takes place, but it seems every time one is launched we always find something rotten. Take for instance the "gladiator fights" staged by correctional officers at Corcoran in which guards would deliberately stage individual fights and group rumbles with inmates and place bets on the outcome. At the same prison, guards were placed on trial for setting up inmates in a cell with an infamous rapist, nicknamed the "booty bandit" when they got "out of line." Recently Lancaster prison was targeted behind widespread corruption where guards starved and abused inmates, trafficked drugs, and staged fights. At the same time the warden in Folsom was fired for allowing a racial riot on the prison yard.

Despite these facts and allegations, the CCPOA claims they are getting a "bad rap", so they've made a video called "Hard Time", a brochure called *In Harm's Way*, and are preparing a TV advertising campaign to make their claim. They've already distributed the video and brochures to state legislators, public leaders, and the media. Along with this is a so-called "goodwill effort" to create a program called "Thumbs Up", a program which fingerprints school

children to “help police find them if they are missing.” Might as well get them early I guess.

“Hard Time” is a video of the nightmarish prisons system the CDoC has created. Of course, the nightmare is blamed on the inmates who are described as “animals” by one prison official in the video. It shows footage of riots and tattooed cons with vignettes of officers assaulted on the job.

The brochure called *In Harm's Way* describes the story of Suzi Jones, a guard who was assaulted by an inmate. The incident is blamed on understaffing, of course, instead of overcrowding.

The CCPOA's solution? More prisons, more correctional officers, pay raises, and more inmates. More inmates? That's right. CCPOA opposes the new bill (Prop. 38) to kill the Three Strikes law on non-violent offenders. In fact, the CCPOA has opposed every bill that's ever come up to decrease the overcrowded prison population or rehabilitate prisoners. The CCPOA continues to push the same line, which has created the chaotic nightmare inside prisons today about which they complain. They are basically saying “this isn't working,” but instead of finding a solution they want to enlarge the size of the problem.

Let's look at the facts. CCPOA claims it's members are victims of the “animals” who are imprisoned. They complain about the gangs, but start their own, such as “Green Wall.” They complain about drugs, but numerous times it's been found that the staff smuggles in the largest quantities of drugs, weapons, cell phones and other contraband which would be too large for an inmate to smuggle from visits or packages. The scandal in Lancaster was a huge example of this activity. They complain about riots and rivalry, but they stage gladiator fights and racial riots, such as at Corcoran during the 1990s. They complain about staff assaults but continually abuse inmates and take away their programs. They complain about understaffing, but oppose any move to decrease the prison population.

The truth is the CCPOA and CDoC have been misleading the public and bribing politicians to blindly follow them deeper and deeper into the quagmire we have today. What CCPOA really wants is more inmates and more prisons which will require more staff. More staff means more union dues, and that's more money for their greedy union officials.

IN THE SHADOWS OF ABU GHRAIB PRISON

by Mumia Abu-Jamal

The color photos coming out of the dreaded Abu Ghraib prison on Baghdad's outskirts are racing around the world, a silent yet eloquent testament to what Americans really think about the people they allegedly came here to ‘liberate.’

The photos, especially in the age of the internet, are racing through the Arab and Muslim world, and showing a side of the American character that seldom gets to be seen, especially abroad.

The photos of naked Arab men, some posed with laughing, jeering U.S. women, is the height of humiliation, and tells everyone who can see, that Americans hold the Iraqis, and by extension, other Arabs, in utter contempt.

“This is not America,” a politician huffs.

“I am appalled!,” yet another exclaims.

Yet, what is truly appalling, and perhaps more chilling than the naked, human pyramids shown, is the sheer glee shown in the faces of the Americans. The photos flashed in British tabloids, of soldiers urinating—pissing!—on naked Iraqis, tells the same baleful tale. These are the actions of contempt, hatred, disrespect—and conquest. Are the Americans and the British liberators or occupiers? One need look no further than the faces in the photos of Abu Ghraib for the answer.

When speaking recently with Emory Douglas, the celebrated former Minister of Culture of the Black Panther Party, and chief graphic artist of its famed newspaper, *The Black Panther*, Emory brought to mind an image that is almost lost in history. He reminded me of a police raid on the West Philadelphia offices of the Black Panther Party, on August 31, 1970, when the police, armed with automatic weapons, stripped men in the streets. I also thought of the infamous Charles Stuart case, from Boston, when a white man claimed a Black man killed his wife. The cops descended on Roxbury, Black Boston, like a plague. They stripped men in the streets of Beantown.

Many of the Americans working in the prisons of Iraq, especially in the reserves, are cops or prison guards in their civilian lives. Indeed, one of the men identified as

a suspect in the brutal mistreatment of people in Abu Ghraib, indeed a corporal in the Army, works here, at SCI-Greene! The horrific treatment of Iraqis at Abu Ghraib has its dark precedents in the prisons and police stations across America.

Journalist Seymour Hersch, of *The New Yorker* magazine, has alleged that there have been cases of sodomy against Iraqis there at Abu Ghraib, and even killing. Does the name Abner Louima ring a bell? If you hate someone; if you disrespect them; if you fear them, how can you ‘liberate’ them?

As we have said from the very beginning, the Iraq Adventure is not, and never has been, about ‘liberating’ an oppressed people. Indeed, a recent CNN/USA Today poll suggests Iraqis have come to that conclusion, with 71 percent stating Americans are “occupiers.”

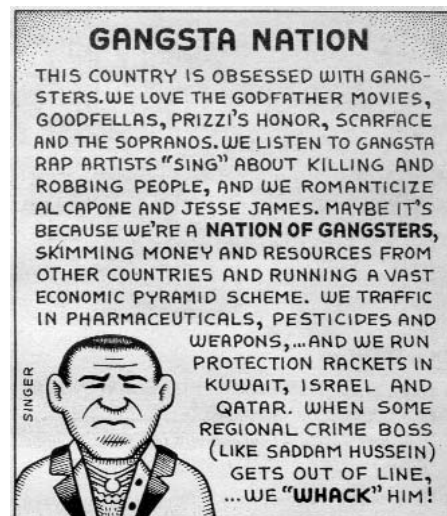
Americans may call it ‘liberation,’ but they are bringing torture, humiliation, and domination.

Nor are these events the work of people who are “untrained”, “poorly trained,” or the always useful, “bad apples.”

As we have suggested above, many of those who are there in Iraq, and hundreds of the people working in Abu Ghraib prison, were reserves, and came from jobs as prison guards and cops in civilian life. They are perhaps better trained than the average M.P. Don't buy it.

It is somehow fitting that these depraved acts have happened in one of the most dreadful gulags of the Hussein regime; it shows the continuity of torture and terror.

Now, let us prepare for the inevitable whitewash. Those of us who know history are certain—it is sure to come.



COUNT THE COST: A MESSAGE TO PARENTS AND YOUTH

Learn from the mistakes of others; You won't live long enough to make them all yourself.

--Author Unknown

I am a convicted bank robber. For over twenty years I've been a resident in the Department of Corrections. When I was a young lad I wouldn't listen to my parents or anybody else. I was as hard-headed as lots of kids are today. I associated with a bad crowd who had no regard for the rights of others. Eventually I discovered that my friends had no real regard for me.

Most of the guys I hung out with are dead. Some were killed in gang violence, robberies, and shoot-outs. Some were stabbed to death in prison. Others died from AIDS and drug overdoses. A few thrashed and buckled and fried in the electric chair. I'm one of the very few still alive. Yet, my own bad decisions have caused me to waste over two decades of my life behind bars.

Be warned young people: Prisons are filled with youths who only "went along for a ride" with someone else who wasn't up to any good. There's an official judicial code that states: "Ignorance of the law is no excuse". This simply means if you commit a criminal offense, you won't be in any position to tell the judge that you made a mistake or weren't thinking straight. Whatever excuse you attempt to make, you're still going to jail. Therefore, stop and count the cost before you do anything irrational.

How many graveyards are filled with the bodies of teenagers who'd become sucked into the same fast, violent world I was? Lots. Those kids will never have the opportunity to make anything of their lives except statistics. Think of the loss of human happiness and potential this involves. Everyday, as thousands of teenagers are being beguiled into the wrong world, manipulated by so-called friends who pressure them to go along with a criminal lifestyle, we're all losing. The teenagers will end up dead or in prison, their families will be saddened forever by their loss, and the teenagers themselves, as they grow into mature men and women, will never know the fulfillment of following their dreams

and contributing to the world. Parents and guardians, by all means, educate your kids so they won't get tangled in the web that lies in the shadows of society.

Young brothers and sisters, your parents only want the best for you. Therefore, I urge you to listen to them and heed their knowledge, wisdom, and good advice. Communicate honestly with them and you'll be amazed by the things they know and are willing to share with you. Don't make the mistakes I've made. Right now you have the chance to do some extraordinary things with your life.

For those who don't know, prison is no picnic. Behind this steel, concrete and thousands of feet of razor wire, lies the most evil and treacherous environment on God's green earth. If hell does exist, it is in the belly of the penal system. Writing and sharing my experience with the outside world is my greatest escape from this chaos.

If this message can prevent just one youth from following the path I've traveled, then my living will not have been in vain. Anyone wishing to drop me a line, please feel free to do so. Thank you!

—Johnny Lee Riley, #374243, Rutledge State Prison, PO Box 8409, Columbus, Georgia 31908

'ARE YOU REHABILITATED?' CALIFORNIA'S NO PAROLE POLICY

by Tito D. Valdez Jr.

With California's deficit surpassing the 40 billion mark, schools are feeling a pinch, forcing closures and layoffs of schoolteachers. Yet, prisons are hardly feeling any pinch. With hundreds, if not thousands of prisoners serving life terms, being eligible for parole, one has to wonder why California taxpayers are continuing to pay yearly, to keep them locked up.

Does California want to keep convicts incarcerated forever?

In the famous prison life movie "The Shawshank Redemption," actor Morgan Freeman portrays an African American convict serving a life sentence. At each of his parole hearings, the parole board asks the same question: "Are you rehabilitated?" He answers the question with great enthusiasm, trying his best to win favor

from the parole board, but is denied time after time.

In prisons across America, prisoners serving life sentences live each day with hope, that one day a parole board will release them back into society. But in California that hope is fading. Unless a prisoner is sentenced to life without parole, a lifer, under the law, is eligible for a release date, so long as the parole board finds him/her rehabilitated.

For the last three years, prisoners' hope rested on the case of Robert Rosenkrantz, a prisoner at the California Men's Colony in San Luis Obispo. His case has drawn a lot of media coverage, due to his father's influence and ability to hire the best team of lawyers. Rosenkrantz is serving a 15-years-to-life sentence for second degree murder.

Despite a parole board decision to grant him parole, several successful court rulings, and several court orders granting him an immediate release from prison, (former) Gov. Davis blocked each and every victory, using his ultimate authority to deny him release.

Superior Court Judge Paul Gutman ruled in 2001, that Gov. Davis was enforcing a "no parole" policy. With only four life term prisoners released since he took office, despite hundreds of parole dates being granted by the Board of Prison Terms, perhaps, the "no parole" policy is a matter of fact.

There are more than 22,000 lifer prisoners incarcerated in California. The majority are represented at parole hearings by state appointed attorneys who are overworked, underpaid, and have heavy case loads. Thus, getting a parole board to grant a parole date with such poor representation is nearly impossible. When money and political influence can't buy freedom, such as in the Rosenkrantz case, it leaves one to wonder if there is any hope left.

Lifers hold the best prison jobs statewide, have the ability to organize, protest, and strike, and can spearhead a successful letter campaign to key government representatives. Yet, lifers are afraid to suffer the consequences of a disciplinary write up, for fear that just one write up could delay a parole date for years.

Thus, the majority of lifers, unwilling to actively protest, continue to program and think they can't make a difference.

Overall, they have accepted their existence, waiting for a new court ruling to open doors.

During Gov. Davis' term, lifers have died of old age, disease, and suicide. Even this never created a spirit of motivation to protest and organize. Fortunately now, under the leadership of Gov. Arnold Schwarzenegger, lifers are becoming hopeful, since Arnold has been granting release dates. Also, significant court rulings have surfaced, which allow prisoners to receive fair parole board hearings, which will most likely result in more parole dates.

Lifers overall are an unpopular class of people. They have received life sentences for crimes ranging from kidnapping to murder. Society doesn't care about these people. The law is in place to protect everyone's right to life, liberty, and the pursuit of happiness. We have federal and state constitutions as well as the California Penal Code, to assure everyone's equal protection rights will not be violated.

The public needs to realize that if a lifer has served out the minimum term of their life sentence, has obtained an education, stayed out of trouble, then he/she is entitled to a release date under the law. It makes no sense for taxpayers to continue to spend \$25,000 a year or more, to keep prisoners incarcerated, when a parole board finds them suitable for release. This money could be used to keep schools open, and keep schoolteachers employed. Shouldn't lifers be given a second chance at freedom, if they have proven themselves to be rehabilitated?

In the movie "Shawshank Redemption," after Morgan Freeman's character is finally paroled from his life sentence after serving 40 years, he poses this question to the parole board: "What is rehabilitation?" The parole board in the movie couldn't answer that question. In real life, Gov. Davis was unable to answer that question as well. Will our new Gov. Arnold Schwarzenegger, keep his pro-mise, and allow the "parole Board to do its job" and not block lifers release dates?

Does Gov. Schwarzenegger know what "rehabilitation" is?

This is David Valdez, coming to you from the Correctional Training Facility in Soledad, California currently serving 25 years to life for conspiracy/solicitation to commit murder.

THE CDOC AND MEANINGFUL ACCESS TO THE COURTS

by Eugene Alexander Dey

Even though the Supreme Court held prisoners do not have a "free-standing right" to a law library, prison systems are still obligated to provide inmates with meaningful access to the courts. (See *Lewis v. Casey* (1996) 518 U.S. 343)

"Each facility shall provide materials through its law library to provide meaningful access to the courts." (15 CCR § 3122 (a)) Therefore, meaningful access is achieved in the California Department of Corrections (CDoC) when a facility library is stocked with the lengthy inventory of legal materials listed in DOM § 53060.11. Further the DOM states these materials shall be kept current and "A continuing subscription shall be maintained..." (DOM § 53060.12)

Meaningful Access Stands As Is: After *Lewis v. Casey, supra*, the CDoC attempted to relieve themselves of the duty to maintain numerous legal collections in each of their 32 prisons. In *Gilmore v. California* (9th Cir. 2000) 220 F3d 987, the Ninth Circuit ordered the district court to conduct an evidentiary hearing so the CDoC could develop a constitutional alternative to the decades-old practice of maintaining expensive law libraries. The CDoC inevitably abandoned their efforts in 2002 because they could not show the court how they would meet their constitutional obligations absent the updated materials. (See stipulation in *Gilmore v. California*, No. C-66-45878-SI U.S. Dist. Cot., N.D. Cal., April 6, 2002.)

Despite the CDoC's unsuccessful legal challenge, the collections of legal materials throughout the nation's largest prison system have fallen into various stages of disrepair. Since budget deficits are in part the cause, the problem is likely to get worse before it gets any better.

Challenging the CDoC: In order to begin a serious challenge to this unconstitutional prison condition, prisoner litigants should begin by filing individual and/or group 602s. Moreover, Inmate Advisory Councils (IAC) should include this issue on their agendas in order to show a reviewing court that local efforts are futile.

State habeas petitions would be the obvious choice because of the time-con-

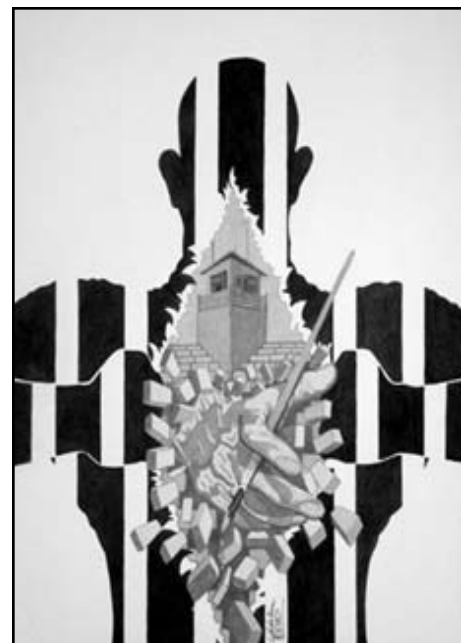
suming and convoluted nature of bringing prison condition issues to the federal courts. Further, state habeas rules do not require a filing fee. Copies of 602s, IAC agendas and minutes (if available), declarations, and any other supporting documentation should be appended to the petition. A separate memorandum of points and authorities should be prepared as well.

The decision to proceed to the state or federal courts should be well thought out. If feasible, numerous prisoners who are members of the group 602 should bring forth a number of court challenges to put as much pressure on the CDoC and offending institutions as possible.

For prisoners already litigating claims in the courts, especially under 28 USC § 2254 (habeas) or 42 USC § 1983 (civil), they should motion the court for appointment of counsel. The movant should include the same above-mentioned attachments and point toward the correct authorities authorizing the court to appoint counsel. Additionally, the movant should ask the court to order the CDoC to bring their collections into compliance.

Because of scarce tax dollars, and the bureaucratic disobedience displayed by the CEC, this particular prison condition needs to be challenged on many fronts - especially behind the walls.

EUGENE ALEXANDER DEY is a prisoner in the state prison in Susanville, California. He is a college educated freelance writer and currently fighting his conviction and sentence in the federal courts.



SHU VALIDATION SETTLEMENT

by Cynthia Skow

A legal settlement in the case of prisoner Steve Castillo could result in a dramatic reduction in the number of prisoners being sent to California's security housing units (SHUs). Approved June 1, final details of the settlement are being worked out as we go to press. A much longer, more detailed accounting of the case with specific implications and action steps for California SHU prisoners will follow in the next issue of *Prison Focus*. Further, SHU prisoners will each receive a detailed letter regarding the settlement from California Prison Focus within the next two to three months. Briefly, this article will set out some highlights of the settlement.

Steve M. Castillo filed the lawsuit (*Castillo v. Alameida, Jr.*, No. 94-2874) *pro per* in 1994. It alleged that the Department of Corrections placed Castillo in the SHU in retaliation for his jailhouse lawyering activities. The suit also claimed that the regulations governing the process of "gang validation" are both overbroad and vague, violating prisoners' First Amendment rights. The suit also highlighted the lack of training given to the CDoC employees responsible for enforcing the regulations.

The settlement sets forth modifications to the criteria CDoC personnel use when deciding whether or not to send and retain prisoners in the SHU for gang validation. Over the next six months, the following changes will be made to gang validation procedures:

Notice and opportunity to be heard both at initial validation phase and at active/inactive review phase. Prisoners must be told what source items are being considered by the department. They must know what evidence the department is using in making their decision. This was not a requirement prior to the settlement.

Prisoners' opinions on the validation source items must be obtained and recorded. The opinions must then be forwarded to the decision makers presiding over the validations and active/inactive reviews.

The standard for source items becomes "articulable basis." Department staff must give some logical explanation as to why the activity in question is

believed to be gang related. This is a critical component of the settlement. Gang activity is defined under sections 3000 and 3023 and 3315 of Title XV. The revised regulations require the behavior in question to meet the standards of those definitions. No longer can decision makers in the gang validation process rely solely on association. For example, if a confiscated address book is used in the validation process there will have to be an articulated link between the address book and gang activity as defined in Title XV.

"Current and active" becomes a requirement for validation. At the initial validation and during subsequent 180 reviews, staff must determine that an individual has "current active" as a gang associate or member. [Cynthia notes: Charles wrote that last sentence; I don't know what it means so I can't fix it.]

Rules governing the use of confidential informants are amended. This applies to both debriefers and ordinary confidential informants. There are three aspects to the change in rules. First, the Department can no longer rely upon "laundry lists" that simply provide a prisoner's name without referencing his or her gang-related actions or activities. Next, the Department will now adhere to a "single source rule." Under this rule, one gang-related incident, reported by multiple sources, will only constitute a single source act. Finally, the Department can no longer rely on hearsay from confidential sources. The source must have personal knowledge of gang-related activity.

Other provisions of the settlement include a modest litigation fund for prisoners challenging their gang validations, to be administered by CPF. Additionally, the court will have ongoing jurisdiction in the case; hence, the Department can be held in contempt if it doesn't adhere to the terms of the settlement. The settlement is self-monitoring. To evaluate whether the Department is adhering to the new requirements, CPF will survey SHU inmates.

According to Charles Carbone of CPF, co-counsel in the case, one particularly noteworthy aspect of the settlement is that, unlike the terms of a class action, nothing

in this settlement binds any prisoner to its terms except Castillo himself. Therefore, litigants other than Mr. Castillo can pursue whatever legal claims they deem appropriate on any gang validation case that they choose. According to Carbone, about 400 cases have been litigated regarding SHU confinement in California.

"This is a bittersweet success because there's no way to normalize torture. Our long-term goal is to shut down the SHUs. This is a short-term, practical/political solution, to the problem of torture in U.S. prisons," said Mr. Carbone.

Without a unified front, progress and change falls short. As evidence of this truism, consider all the rights and privileges that have diminished over the years; and those which CDOC plans to diminish in the future.

According to Carbone, the group who will be most impacted by this settlement are those prisoners just beginning the validation process: "It will keep a lot of people out of the SHU." There are currently over 6,000 prisoners in California SHUs.

The settlement came after many years of hard work. Carbone explains: "What won this case is two things: Political pressure over a period of years, coming to a critical mass – in the legislature along with prisoner hunger strikes. The case would not have been won without the political fight. That's an important lesson – the lawyers can only do so much. Second, in order to succeed, you have to have some significant legal resources. Lieff, Cabraser, Heimann & Bernstein [co-counsel in the case] spent about \$110,000 litigating this case. Meanwhile, the CDoC's resources are infinite. They easily spent \$250,000 defending the case."

A huge amount of the credit for this successful outcome goes to Mr. Castillo himself, according to Carbone. A skilled jailhouse lawyer, Steve successfully fought

continued on page 17

PLEASE WELCOME CPF STAFFER

My name is Ana Bolton Argüello. Most people know me as “Ana B.” A decade ago, I was a “SF Star” and one of my mentors tells me, “that’s definitely who I am today” and she knows this through my creative writing, “because I *shine*.” I am a San Francisco native and I have the privilege to serve as the part time office coordinator for California Prison Focus. I say privileged because my lifelong goal has been to tear down the prison walls and set my people free. I have spent a decade grooming myself professionally for just that, and a lifetime developing the character to do it. My job is to get the office together and to help all the wonderful volunteers to get and keep things running smoothly so that together we can fulfill our mission to shut the SHUs.

I’m currently serve as a property manager for San Francisco’s Pilot Care Not Cash hotel, proving housing for homeless San Franciscans, in upscale Union Square. Prior to this I was the resident and general manger in San Francisco’s pilot project for Master Lease Housing, where I managed 204 units of affordable housing for homeless San Franciscans with extremely low incomes, and quasi-bio, -psycho and-socio issues which present barriers to housing in the central city. I am also a steering committee member for the Central City Restorative Justice Project which provides permanent solutions to inner-city problems by providing personalized attention to the community offenders and avoids any convictions on their records. I serve on a board of directors of an agency which has secured properties in the most impoverished district of my city. I also voluntarily coordinate local business groups and property owners to support community-driven efforts to improve the quality of life and safety in the neighborhood that I lived and worked in, the Sixth Street corridor.

I have served as a human rights activist and organizer for the past 20 years. I have been successful in organizing efforts for women in prisons, tenants in impoverished communities and I have worked with hundreds of drug addicts, convicts, gang members and youth to seek and secure a positive direction in their lives. My skills and reputation as an organizer often precede my presence and my passion for fairness is the driving force which

causes me to help the underdog win. I’ve been there, I get it and I have won. I do this by providing individuals with the information, skills and incentive to take charge of their own lives and circumstances. When people have an accomplishment, it gives them incentive to accomplish more. When they have an accomplishment as a collective, it gives them a safety net to catch them if they fall and a cheering section to celebrate their victories.

I was released, for the last time, from a 10-year recidivist cycle of prison terms on Christmas Day 1993 at 30-years-old and today I have clearance to enter every jail in San Francisco. I have become friends with and provided trainings to great cross section of community members in San Francisco including police officers and sheriffs. I am a graduate of Milestones Human Services, Inc. a parolee failure prevention program founded by Linda Connelly, a woman with a vision. There are more than 300 of us graduates who are active in community affairs from advocacy, social service to government and business; we pay rent, taxes and we are homeowners. I don’t commit crimes, I don’t use heroin, cocaine or alcohol, I don’t smoke cigarettes, and I don’t even j-walk...anymore. I spend hours on end at City Hall hearings and I have testified at the state capital on behalf of all the addicts in prison who have never had the chance that I did. I have guest lectured at city colleges, San Francisco State University and am currently a Street Teacher for the Tenderloin University of Notre Dame de Namur’s Sociology School’s Immersion Program; my first class graduated this year. I am a mother, a wife, an eldest sister, an aunt a professional, an ex-con, a formerly homeless, drug-addicted San Franciscan and I love chocolate. I am a community organizer and activist and I will use my dying breath to challenge people to stand up and find their voice, like I have found mine and to lead others to their own place of power. I am currently seeking to seal my record and have all my rights as a citizen reinstated. I look forward to a long partnership with every member inside and outside of the California prisons as we make strides to

achieving this goal.

In Solidarity, from Never Surrender to Success, I remain Respectfully Yours.,

—Ana B.

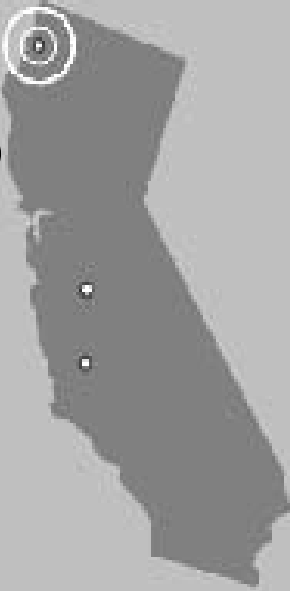
LINKING THE STRUGGLE

The scandal about the disgusting abuse and torture of prisoners in Iraq has been revealing, and it doesn’t look like Bush et. al. will get away with their “few bad apples” line. At least there is some attention to, even if not nearly enough to focus on, the policy decisions that led to these widespread practices. But I don’t see anything in the mainstream media about the underlying reality: such brutality is the inherent logic and outgrowth of conquest and occupation. We hear so little about the estimated 10,000 Iraqis that have been killed so far. Nor any acknowledgment that torture and massacres were common in Vietnam, even without the same “post-9/11 interrogations exigencies.”

These horrors have a lot in common with Israel’s killing of civilians and demolitions of homes in Rafah. Meanwhile the overthrow of a democratically-elected president in Haiti, and the developed de-stabilization campaign against another, in Venezuela, seem to be completely non-issues in the corporate media or even the UN. But they’re important – in their own right and also because they help expose Bush’s bogus claim that his policies are motivated by bringing people democracy. For the movement in this country it feels overwhelming to try to address all four theaters of struggle, but they are completely linked. Together they show that Bush’s rationales for aggression are big lies. We who really support democracy need to stress that the conquests, occupations, destabilization campaigns are the antithesis to the very first democratic right under international law: self-determination. The value in taking on and challenging the whole pattern underscores why we so badly need to build an anti-imperialist movement today.

David Gilbert #83A6158
Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

PELICAN BAY



PELICAN BAY UPDATE

From March 3 to 5 four investigators and Bob Navarro, attorney, saw prisoners in SHU, Ad Seg and general population. A report has not yet been compiled, but subsequent correspondence as well as some interviews reveals concern with the following issues:

1) There are many prisoners in Ad Seg who were transferred there last October. They were told that this was necessitated by an incident in B yard. None were charged with any offense but in the course of the next few months some were informed that razor blades which could be used as weapons had been found in their cells, (Since every razor issued has to be returned and records kept, this seems somewhat questionable). A few were informed that contraband had been found. None, despite the regulations ever received a hearing or an opportunity to defend themselves. Some were released out of Ad Seg; one report in early March came from a prisoner who said that he and several others were on hunger protest. It should be added

that Ad Seg prisoners have no rights to exercise, showers, canteen, TV, or any programming.

- 2) Many of these prisoners are Muslim and there is reason to suspect discrimination. All Muslim religious services were halted.
- 3) The new Ad Seg building is now being used. The cells are smaller than the older ones and have no windows.
- 4) Complaints related to the mail continue, although the delivery time has been considerably shortened. Prisoners are saying that mail is opened and papers removed, and that some letters addressed correctly get returned to the senders. This is particularly true of letters coming from the Middle East.
- 5) It may take two months for the property to be returned to a prisoner after transfer.
- 6) The 602 process continues to be dysfunctional thanks (allegedly) in part to the appeals coordinator. One prisoner writes that he is 602ing his grievance about the process.

Unfortunately we do not hear from prisoners who have been given inactive status, but we do hear from those who have recently been validated.

CPF SAYS SHUT THE SHU

Why close the Security Housing Units in California? Let us count the ways:

1. *SHUs don't work.* Rates of gang activity, yard violence, illegal drug sales and assaults on staff are increasing in California, while decreasing in most other states. Maryland has recently closed its SHU.
2. *SHUs add violence to the prison system.* The brutal and degrading conditions of long term SHU confinement encourage violence and harassment by guards and enrage prisoners.
3. *SHUs cause psychological breakdown and social deterioration.* A particular set of symptoms called the SHU Syndrome has been identified by psychiatrists.
4. *SHUs do not serve public safety.* Prisoners are released from SHU with-

out skills and are less often able to function in society. Staff has higher rates of drug use, family breakdown and spouse/child abuse.

5. *SHUs are enormously expensive.* The SHU costs twice as much to run as an ordinary prison primarily in salaries to guards. Closing all SHU facilities in California would save \$150 million dollars a year.
6. *SHUs destroy families.* Visits are limited to 1-2 hours, behind glass and only on weekends. Prisoners get no phone calls. Family ties are often unraveled.
7. *SHUs serve no real penological interest.* There is no evidence that SHUs help maintain order. SHU prisoners are not tracked to learn about re-offense rates or adjustment in prison or society.
8. *SHUs normalize torture and brutality in the rest of society.* What goes around comes around.
9. *SHUs keep California and the U.S. out of step with the international community of civilized nations.* SHUs violate United Nations human rights treaties that the U.S. has signed and implemented as guidelines for our legal structure.
10. *SHUs are overused and misused.* SHUs provide corrections officials with opportunities to exercise abuse of power. Some prisoners are assigned to SHU as gang members based on false or trivial evidence.
11. *SHUs are a dumping ground for the mentally ill in prison.* While prohibited by the U.S. court from housing the mentally ill in the Pelican Bay SHU, many with mental illness are held captive in the SHUs at Corcoran, Tehachapi and Valley State Prison for Women.
12. *SHUs cause physical deterioration.* The lack of sun, fresh air and ordinary physical movement and exercise takes its toll. Medical care is hard to deliver, and doctors and nurses adopt custodial attitudes and deny care as further punishment. Prisoners with serious illness suffer excessively from SHU confinement.
13. *SHU staff routinely sexually harass women prisoners.* Male custodial staff view women while bathing, dressing and at toilet as they walk the tiers, and in some cases verbally harass and

Continued on page 17



FORMER PRISONER SPEAKS OUT

Good Morning,

I have been looking at your website and found it very informative. I was sentenced on a non-violent conviction and was sentenced and sent to VSPW in 1999, and I was at Stockton in 2002 for a violation. I am 58 years old. Anyway, while at VSPW a correctional officer was consistently abusive to the women and used verbal intimidation and physical threats.

During my commitment at VSPW there was one occasion when he ordered our room, which housed eight inmates, to the day room and proceeded to chastise all of us for actions of one person in our room who had been caught with someone sitting on her bed. As we were sitting in the day room, he said he would like nothing better than to punch and throw any of us against the wall if we dared him to do so. We were all quiet, and listened to his berating and threats, wondering if this six foot some inches tall muscular ex-marine and correctional officer previously employed at a men's prison was going to throw one of us against the wall just because he didn't like the way we looked.

At other times he singled our Mexican inmates from the chow line, pulled them from the line, put them in a circle on the grass, and humiliated them in front of all

the other inmates, based on the way they looked or their hairstyle. He also humiliated one inmate and pulled her from the line for obvious reasons that he found didn't meet his approval. She was in her 20's, preferred to look like a boy and he yelled and berated this person based on the way she looked and humiliated her in front of the whole unit.

These are just a couple of incidents that happened while I was there. I can't believe that he is still working there and in charge of women who may have suffered at the hands of someone who physically, mentally or emotionally abused them.

I am appalled at the abuse suffered in other countries, but this is happening right under our nose and nothing is done about it by anyone. These correctional officers continue to have their jobs and do not care about the emotional and physical trauma they are putting some of these women through. Thank you for your time in reading this, I have been wanting to say this for a long time now as I will always continue to carry these memories throughout the rest of my life; I just hope that the ones that underwent this humiliation will be able to forget it, I never will. Thank you.

As stated in my last email I have a few other additions to add to the incidents that happened at VSPW.

Again this involves the same officer and this incident did happen to me. It was on a Saturday and the B yard was in the chow hall for breakfast, I sat down at one of the tables with three of my roommates when the officer came over and was shaking his keys in my face. I didn't say anything and did not eat, he then said go ahead and eat your food as he continued to shake the keys. I did not respond and he asked me my name and I said Miss Brown; he thought it amusing that I would preface my name with Miss and asked me for my I.D., which I gave to him.

Again, he used intimidation tactics and the look on his face, was for me to do something confrontational so he could physically attack me. This is a sick individual and a person who enjoys humiliating people and who would, given the chance, be physically abusive.

VSPW correctional officers intimidate inmates for no reason. The ads on the news of a correctional officer that was beaten in a state prison in California is disgusting. I am not saying that incidents like

this commercial poses doesn't happen. But, I wonder to what extent they have antagonized, berated, humiliated and subjected inmates to the point of not taking this abuse. I know how I felt when I was having keys shook in my face, I would've loved to take the keys and shoved them in his face. But, I knew what the consequences would be for me; however, everyone has their breaking point and I suspect officers bring this on themselves.

Also, when I went to NCWF for a violation I was trans-packed to VSPW for my last 42 days, they did not have a mattress for me when I arrived until two days later. An inmate, one of my roommates, located one for me, not any VSPW staff. Also, we are supposed to get state issue clothes when we arrive, it was a week before me and another girl, (whom arrived on the same day) received any clothing. We had to go around for a week in a mumu and thongs with one pair of underwear and one bra.

Why in a state prison, with an incredible budget, would an inmate not receive state issue clothing for a week, or have a mattress? Also a prison that holds at least 4,000 women... why do they run out of tampons and sanitary pads? I don't have the answer to these questions, other than the money is being used on other things, or their administration including the warden is totally incompetent to run an institution.



off twice the number of motions that would be expected in a normal case. "The Department tried their best to get this thing kicked out," says Carbone. He adds, "Steve put his blood, sweat and tears into this case. It was a very selfless act, as his validation status isn't likely to change; he probably won't benefit from his own work."

According to Corey Weinstein of California Prison Focus, "This change in gang labeling rules is the unfulfilled promise of the *Madrid v. Gomez* class action suit. Unfair classification was always on the top of the prisoners' priority list. Way back in 1990 when prisoners filed the first papers in federal court they said they could stand up to the beatings and excessive force and tolerate the medical and psychiatric neglect, but wanted their unfair gang labels reconsidered under decent classification rules. Prisoners used to say 'I can do my SHU time standing on my head,' but complained they had been unfairly gang labeled and shouldn't be in the SHU in the first place."

Says Steve Castillo, "While the settlement does not cure all the problems associated with the Gang and Segregation Policy by the California Department of Corrections (CDOC), it does accomplish more changes in policy than were accomplished in the class action of *Madrid v. Gomez*, et al., 889 F. Supp. 1146 (N.D. Cal. 1995)... I make the following suggestions: We must remember that any struggle begins with the individual. I've learned that in order to obtain change on any prison issue, I must ask myself, 'What is it that I can do?' We should not always wait on the next guy. We must always strive to educate ourselves on our rights and how to define them if necessary. This should be a habit of our existence. We must not put all our hope and faith in the courts. We must politicize our causes. After all, the law, prison expansionism, policies and practices are the result of political agendas. And finally, we must unite. Without a unified front, progress and change falls short. As evidence of this truism, consider all the rights and privileges that have diminished over the years; and those which CDOC plans to diminish in the future."

intimidate women with sexual references.

The strife and trouble in prison can be lowered, and the high recidivism rates can go down. What works to reduce conflict, lawlessness of staff and prisoners and brutality in prison? Prisoners who don't need to be in prison should be released including those inside for victimless drug offenses, two and three strikers in for petty crimes, men and women who committed crimes primarily caused by their mental illness, the elderly, battered women who defended themselves, the very sick, and many more. The remaining prisoners need literacy training, job training, education and support groups, and other activities that help them find a stake in their own future and the future of their communities. That is the way to clean up our prisons and make them a positive force in our communal life.

Organized by Corey Weinstein for CPF

BONNIE KERNESS LETTER

TO: The Star-Ledger
Newark, NJ 07101-1200

When President Bush said that "what took place in that prison (in Iraq) doesn't represent the America that I know," I felt great sadness. Unfortunately, for over two million Americans and countless undocumented immigrants living U.S. prisons, this is the America that we know. As a human rights advocate on behalf of prisoners in this country for the past thirty years, brutality, humiliation, physical and sexual abuse are realities with which I am more than familiar. Each year, our offices receive thousands of complaints from incarcerated children, women, and men throughout the country. Our work is to document the abuses, advocate on behalf of the individuals, and call public attention to harsh realities which must change.

The children in juvenile detention facilities speak of being physically and sexually abused. They tell us that children as young as twelve are placed in isolation. One youngster noted that, "The guards call you names. If they don't physically abuse you, they mentally abuse you. One guard was calling me names and I didn't even

know what they meant." Another said, "Two guards in intake told me to strip naked and then they watched me." Another talked about being fourteen years old when he was placed in "the hole," "where it was freezing and dirty."

We hear from women in prisons testifying about being forced to engage in sexual acts. As one woman put it, "This was not part of my sentence to engage in oral sex." Another woman wrote that, "The guards sprayed me with pepper spray because I wouldn't take my clothes off in front of five male guards." The women report racism, being beaten, and "being gynecologically examined every time I'm searched."

We hear from men who have been sprayed with pepper spray and then put out into the sun so the chemical agent continues to re-activate. One letter from a social worker to us said, "John was directed to leave the strip cell and a urine soaked pillow case was placed over his head. He was walked, shackled and hooded to a different cell where he was placed in a device called 'the chair,' where he was kept for over 30 hours resulting in extreme physical and emotional suffering." I am currently working with a number of people who have been held in sensory deprivation cells in American prisons for over 20 years!

The American Friend's Service Committee has become so concerned about treatment of U.S. prisoners that we have gathered hundreds of haunting testimonies from throughout the country into a pamphlet, *Torture in US Prisons - Evidence of Human Rights Violations*. A number of children who spent time in Essex and Union County detention facilities contributed to "Our Children's House," which provides poignant testimonies of their own cruel experiences. Over the years, these testimonies have taught me that the Department of Corrections is more than a set of institutions; it is also a state of mind, one which apparently has traveled overseas.

The conditions of confinement in many American prisons violate national laws, and international laws to which the United States is committed - the United Nations Convention against Torture (CAT) and the UN Convention on the Elimination of Racial Discrimination (CERD).

Continued on page 24

HIV AND HEP C In Prison

The HIV/Hepatitis C in Prison (HIP) Committee has been hearing a lot about the lockdowns faced by prisoners with HIV and hepatitis C throughout the California prison system. The HIP Committee has been conducting regular visits to Corcoran since 1998 and have witnessed and documented a tremendous amount of abuse. Over the past two years, a large number of prisoners with HIV, hepatitis C and kidney failure have died at Corcoran prison. Several of these prisoners have been transgender women. It seems almost impossible to get dying prisoners out on compassionate release. In fact, it is almost as hard to get a dying prisoner moved to the hospice at the California Medical Facility at Vacaville. The prison system continues to doubly and triply punish dying prisoners and at Corcoran, there is not even a pretense of care.

The news report about a prisoner whose cries for help were ignored during the Superbowl and who died a painful and brutal death in administrative segregation is an all too common occurrence at that prison. Reprinted below is an excerpt of a letter from one of California Prison Focus' Advisory Board members and an active member of the HIP Committee.

NEWS FROM CORCORAN

by Ezra Davis

On March 29, all African-American prisoners were placed on lockdown here at Corcoran. There had been no incidents with regards to the Black prisoners on "A" yard. Black prisoners have not been allowed visits, and have been handcuffed to be escorted to the showers. There have been no yard and no work.

To make things worse, this morning we were given a sack lunch for breakfast, basically no breakfast, and the water was cut off. What's going to be next? No

breakfast? No water? There really isn't anything more that can be done.

We've been placed on lock down even though we have not violated any rules. As of this date, they are now

not allowing the whites, Mexicans, and others any program. So all of a sudden, the entire prison with the exception of level ones (minimum security) are on lock down.

You know, I watch a lot of news, and I was able to catch that assault of some kids by some California Youth Authority counselors or guards or whatever they were, and I was really moved in ways that I dare not say in the mail. I would say this though, I'm glad they were not one of my children or family.

And the tough guy that punched that kid more than 28 times, what do you think they are going to do to them? The warden or spokesman for them must be on medication, how does a grown man justify beating a kid like that? But yet they are passing laws that put parents in jail for spanking their own children, what, so the child can one day be put in a facility such as that only to be beaten up by a total stranger. And no doubt it's going to get worse before it gets better.

My cellie and I were kind of discussing the state of the prison and everything that's going on—we are just trying to figure out what's really going on.

First they shut down the media representation, restricted legal visit investigations, cut the package program to monopolize the market, shut down the Men's Advisory Council on more than one occasion. Now they attempt to shut the CID Committee (representing the Chronic Infectious Disease/HIV Unit at Corcoran) down. They have shortened the visits to two days and only on the weekends. They put a fence down the middle of an already too small yard. They moved level one prisoners into the gym, and that has put a damper on the program for the level four prisoners (maximum security). Oh, and let me not forget to mention they have turned all yards A, B and C into level four yards. Now the prison administration is talking about taking the outer garments or clothing away from us. They have taken all TVs

and radios from administrative segregation (Ad Seg) and talking about doing the same for the Security Housing Units (SHU). They previously (in June 2003) locked down all the Blacks without cause, and here they are doing it again. Now everywhere we are going they are handcuffing us. Only the level one prisoners are being allowed yard or to go to chow, and they are being put to work in the level four work areas.

They are not feeding us breakfast. At least they did not today. They are doing things that only provoke and encourage violence or rebellion and unprovoked retaliatory actions upon us. Ironically, I do not find any of it a surprise. After all, the HIV/Hepatitis C in Prison Committee of California Prison Focus keeps me well informed and I get prior warning for much of what is happening here. Although I may not understand why these police and their bosses are doing what they are doing, I don't think it takes a rocket scientist to know the bottom line: Corcoran's prisoners are being used as guinea pigs in order for the California Correctional Peace Officers Association (CCPOA) to get their large pay raise they have been bilking from the state. The CCPOA is provoking us to show that prisoners are dangerous and that the state needs to hire and train more guards.

It's all about the money, pushing the prisoner to the limit and using him (or her) as evidence and proof of their need for money. The staff here are so uneducated it's unreal. From the lowest level to the highest. Anyway, it's really bad here and it's getting worst. I'm glad to be on my last year, don't know how much more of this B.S. I can take.



THIRTY-TWO YEARS AND COUNTING

I remember seeing my first flyer about the Angola 3—it said in large block letters “Twenty-seven Years in Solitary Confinement.” It is with a certain amount of disbelief that I begin work on a new flyer and another press release that says “Thirty-two Years in Solitary Confinement.” Five years ago, I could barely believe that something like this could actually be happening. Now, nothing about the criminal justice system in America surprises me.

April 17 was the commemoration of the thirty-second year spent in solitary confinement for Albert Woodfox and Herman Wallace of the Angola 3 (see footnote 1). It’s hard to imagine, but true, that these former Black Panthers, who were framed, still linger in their 6’x 9’ cells in Angola’s Closed Cell Restriction Unit, are serving life-sentences for a crime they did not commit. These life sentences equate to the death penalty on the installment plan.

Five years is just a fraction of the time that Albert and Herman have been in solitary and just a sixth of the time that Robert King spent alone behind bars before his release. And yet that five years weighs on me and on all Angola 3 supporters as we watch the incredibly slow and tortuous journey their criminal post conviction and civil cases are taking through the obstructionist courts of Louisiana.

If there were ever any illusions about the way U.S. courts work, monitoring this case would disabuse the most optimistic of supporters. The system has absolutely nothing to do with justice, guilt or innocence, right or wrong. There is no mercy, no rehabilitation, no corrective intent whatsoever. Any brush with the law when you’re poor will most likely mean a lifetime of involvement with this irreparably broken system, especially if you’re also a person of color.

The so-called justice system is a game of technicalities, of endless appeals and hurdles that requires unceasing effort. It’s a game designed to frustrate and thwart any but the most dedicated and single-minded. If we could each turn all our attention this one ill, there is no doubt we could solve it. However, each of us is fragmented—dealing with education, with housing, with Iraq, with jobs. People ask what they

can do: do one thing, help in any way you can. Write prisoners, send funds so they can communicate with the outside world, attend benefits, organize benefits, tell your friends – whatever you, and make this part of your work.

What hope can those imprisoned derive from a system that would rather imprison and execute the innocent than admit to any mistake? There is no need for evidence or intent or plausible cause for any crime—there is no penalty for prosecutors that withhold evidence, manufacture evidence encourage perjury and false testimony and doggedly work to incarcerate defendants. More than exculpatory evidence and truth is required if the system grabs hold of you. For prisoners and supporters it is abundantly clear that superhuman effort and the miracle of the occasional highly placed advocate, like Gov. Ryan of Illinois is necessary to actually prove their innocence.

Thirty-two years is a lifetime. There is no possibility of compensating the many falsely imprisoned, wrongfully convicted men and women that have given their lives to the struggle for freedom and liberation that currently fill this nation’s prisons. The primary hope for warriors like Albert and Herman and their comrades in the struggle, Hugo Pinell, Ruchell Magee, Mumia Abu Jamal, Sundiata Acoli, Marilyn Buck, Leonard Peltier, Herman Bell, Eddie Conway, Jalil Montaqim and too many more to list, is that those of us on the outside in minimum security will never give up the fight for their freedom.

To find out more about the Angola 3, please visit www.angola3.org.

—Marina for the Angola 3 Campaign

¹ In a hard won victory Robert King Wilkerson was released in February of 2001.

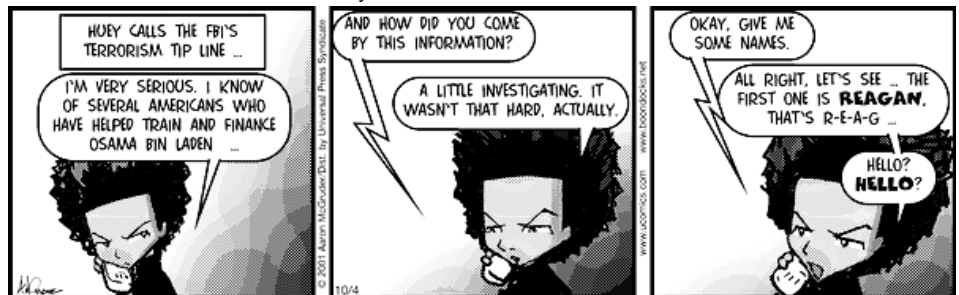
THE HIV/HEPATITIS C IN PRISON COMMITTEE OF CALIFORNIA PRISON FOCUS WORKS ON BEHALF OF ALL PRISONERS TO:

- 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.

Boondocks by Aaron McGruder



LITIGATION IN PRISON PROJECT FORGES AHEAD

Since the last newsletter, the litigation arm of CPF – the Litigation in Prison (LIP) project has been hard at work addressing the ills of California’s love affair with prisons.

There are a number of legal battles that LIP advances:

In a coordinated proceeding before the Del Norte County Superior Court, the Department of Corrections caved in under the threat of trial and decided to afford the prisoner plaintiffs long overdue due process (notice and opportunity to be heard) during their active/inactive gang status reviews. This case is called *In Re Pina/Padilla/Gonzales/Sosa/Chavez*. We are now seeking declaratory relief from the court to guarantee that other SHU prisoners are afforded the same advance notice of all source items considered during the active/inactive reviews as well as the opportunity to present their views on any newly considered source items. This crucial victory shall mean that the California Superior Court will declare that SHU prisoners are given due process during the crucial active/inactive review which may lead to release from the horrible confines of the SHU. We’ll keep you posted.

The “Castillo” litigation is in settlement talks right now which unfortunately preclude any update here due to restrictions on confidentiality that apply to settlement discussions. Once something breaks, we will post a *detailed* description of the progress of the case. [See page 13 for update.]

LIP has also been continuing its representation of lifers in their parole hearings. Recently, LIP is fighting for the release of one of the longest held political prisoners in the state’s history. LIP will continue to fight for the release of prisoners who have been behind bars for decades beyond what any “civilized” nation would deem necessary.

LIP also won several victories concerning the improper classification of prisoners at CSP-SATF and SCC and the removal of confidential chronos that did not belong in prisoner c-files.

On the legislative front, LIP recently met with California State Senator Jackie

Speier along with two former SHU inmates to discuss SHU policies and conditions. Senator Speier expressed her disgust with the on-going confinement of prisoners in the SHU and expressed her interest in developing a public forum to expose the abuse of SHU prisoners.

LIP conducted legal investigative visits to numerous prisons including Old Folsom, SATF, Corcoran, San Quentin, and Pelican Bay. We expect to hit Tehachapi, Pelican Bay, SATF, High Desert S.P, and Corcoran in the upcoming month alone.

LIP has also been in the news lately, working with reporters from the *San Francisco Chronicle* and the *L.A. Times* on stories on the never-ending racial lockdowns and new limits on visiting days.

LIP continues to counsel and advise countless family members and prisoners through its self-help materials and meetings.

As always, LIP expresses its gratitude to our funder—the Handleman Family Fund—as we thank the Handlemans for their continuing support for the righteous work for the liberation of prisoners and uplifting of prisoner rights.

INNOCENCE DENIED

Innocence Denied (I.D.) is a wonderful newsletter and website produced by prisoner Darrell Van Mastrigt of Graterford, PA. Together with his brother Shawn, they have put together an invaluable resource for fellow prisoners who claim their innocence. Darrel writes: “On March 24, 2003, the United States Supreme Court refused to accept my final appeal. Therefore, without help, I have no further recourse left available to me that has a chance of being heard.

“Because of this, on May 1, 2003, my website became operational. This site is solely dedicated to the numerous innocent individuals that are wrongfully incarcerated across our nation. It features my case profile and is available for other case profiles of those who are caught in the same trap as me. There is also a ‘legal (Pro se Assistance)’ section, a ‘Constitutional

Rights’ section for articles and opinions, and a ‘Where Is Help’ section that is quickly becoming a comprehensive contact reference for those needing help. In addition there is a section called ‘Salvation Through The Arts’ that showcases music, writings, and artwork that conveys the pain and anguish of illegally incarcerating the innocent.”

In a later letter Darrel states: “Our immediate goal and focus is to locate and communicate with those individuals who have already been exonerated and gained their freedom. (There have been 300+ since DNA testing became available and over 110 from death row). We need to enlist their help in showing the world examples of Innocence Denied and offer them a place within our organization.”

In getting his organization off the ground, Darrel has been in touch with other organizations such as Northern California Innocence Project and Justice Xpress, two organizations familiar to us.

Darrell has asked that I mention I.D. to friends and associates and to let people know they are actively seeking volunteers to spread their message, as well as to let people know that if they have an innocent family member or loved one behind bars—he would really like to communicate with them. In addition if you know of anyone who was exonerated by proving his/her innocence, I.D. would like to have their input and assistance, as they are examples why I.D. was created.

The price of newsletters is \$5 for a 1 yr., bi-monthly subscription for prisoners or \$15 for non-prisoners. Contact: Innocence Denied, PO Box 18477, Pittsburgh, PA 15236. see; <http://www.innocencedenied.com>



GAHISI SOWANDE: ANOTHER WARRIOR HAS FALLEN

I have known Gahisi Sowande for many years as a neighbor, community activist, and a friend, and was saddened at the loss of this great frontline warrior who is now an ancestor. Like a bee sting, his words would sometimes bite as he spoke to clarify his philosophy. His words though biting often reminded us of the Honorable Marcus Garvey who warned us of the evils of corrupt leadership and deception in our communities. Through his words as a writer and publisher of N-Goma (the official newsletter of the Pelican Bay Support Project), he was a strong voice for the voiceless. He was a true supporter of the Black men and women who had been incarcerated as he sought to gain employment for those allowed to come home. He was a mentor to the young brothers as he taught them the elements of survival in a wicked, rough, and sometimes cruel world. He was a good son, a kind brother, and a father who was only human. He was soft to sisters as he counseled them on the need to love and educate Black children. He was a giver not a taker as he sought to strengthen the African world community, seeking reparations for our people, not for a handout, but because, as he said, "they owe us." His heart was that of a warrior – true to the battle of liberation for our people. While we agreed to disagree on some points, we listened and learned from a soldier in the trenches fighting for truth and justice on behalf of our people. Now we as people must teach our children his legacy and hasten to prepare our youth to defeat and destroy the real enemy of our people and not allow the continued self-destruction in our community. Yes, Gahisi fought a good fight and we rejoice in having known this warrior and will always remember the significant contributions he made on the battlefield for justice.

To his family, we share in your loss as his soul passes through, Gahisi is MAA KHERU (True of Voice). Our prayer as was said by our ancient ancestors, and as written in the *Husia*:

O, you who open the way and clear the paths for blameless souls in the House of Asar, open the way and clear the paths for the soul of this one, Gahisi, whose voice is

vindicated by you. May he enter the House of Asar in boldness and come forth in peace. May he not be opposed and sent back. May he enter praised and come forth loved and triumphant. May his commands be carried out in the House of Asar. May his words travel with you. And may our brother Gahisi not be found deficient in the Balance and be free from all faults.

May he not be judged according to the mouth of the multitude. May his soul lift itself up before his heart and be found to have been righteous on earth. May he come into your presence O Lord of Lords, may he reach the Hall of Righteousness. May he rise like a living god and give forth light like the divine powers that are in heaven.

Let he, Gahisi proceed in peace to the West. May the lords of the Sacred Land receive him and give him three-fold praise in peace. May they make a seat for him beside the Elders of the Council. May he ascend in the presence of the Beneficent One. And may he, our brother Gahisi Sowande assume whatever form he wants in whatever place his spirit wishes to be.

Queen Nzinga Heru is the International President of the Association for the Study of Classical African Civilizations (ASCAC) and Co-founder of Rivers Run Deep Institute (RRDI) and a Contributing Editor to Pace News.

Reprinted with permission from Pace News, Gloria Zuurveen, founder and publisher.

THE PASSING OF SLIM GUYTON

Eugene "Big Slim" Guyton passed Monday morning May 17 of terminal stomach cancer. Slim had been incarcerated for over 27 years, and did time at San Quention Max B, Tracy, Pelican Bay, Corcoran and Donovan. He was well known and respected.

He was laid to rest in New Orleans where he was given a traditional New Orleans Jazz (Second Line) funeral. His family is requesting those who served time with him to mail their condolences to: The Family of Slim Guyton, 331 Atlantic St., New Orleans, LA 70114.

From Bato and all friends and supporters at CPF:

Brother Eugene Slim Guyton has passed. All praises due... Bless his memory & shame on the pic for making him die inside CDC prisoncamp ... Instead of allowing him to be with his loving family. Rip. Free all terminally ill & unhealthy prisoners! Free all political prisoners. Free at last. Godspeed.



RECENT HISTORY

Articles summarized by
Craig Gilmore

JUSTICE DEPT. STUDIES ON COST OF INCARCERATION

According to a new Justice Department study, the cost of police, prisons and the court system shot up to \$167 billion in 2001. In 1999, the cost was “only” \$147 billion—an increase of 13.6 percent in two years.

Between 1982 and 2001, the number of arrests rose from 12 million to 13.7 million or 14 percent, but the cost of incarceration grew 364 percent during that same period.

Spending on criminal justice now consumes seven percent of all local and state spending—roughly the same amount spent on health and hospitals. The system employees 2.3 million people of whom 747,000 are guards.

Michael Jacobson of the John Jay College of Criminal Justice calls recent attempts by states to cut corrections spending “minor reformist efforts, just nibbling around the edges.” But if states like California don’t make real changes, especially to parole systems that have been expensive failures, “these numbers are going to continue to be out of control.”

New York Times, May 3, 2004

CDoC ADDS STAFF

Despite the state’s hiring freeze, the CDoC added more than 1,000 staff last year without approval or funding from the legislature. A recent review showed that the CDoC has since simply moved the expenses for those positions to a budget line called “unfunded pay blanket.” The Department has overspent their budget by more than \$500 million this year.

The CDoC “has been making unilateral decisions about who to hire, and the hiring

decisions have no relationship to the amount of money budgeted, and that needs to end,” said Assembly Budget Chair Darrel Steinberg.

Gov. Schwarzenegger’s January budget proposes adding 1,842 staff positions to CDoC next year, including 1,239 line staff.

Sacramento Bee, Apr. 5, 2004.

COURTS OVERTURN BAN ON INTERNET MATERIALS

The 9th Circuit Court of Appeals upheld a lower court decision that California prisons cannot ban mail containing printed pages of email or internet pages.

Frank Clement, a Pelican Bay prisoner, filed suit in 2002 challenging the CDoC policy. Clement won his case in October 2002 and the CDoC appealed.

The court determined that printed internet materials do not constitute a security threat to prisons and that the ban violated prisoners’ right to receive information.

San Francisco Chronicle, Apr. 23, 2004

VOTERS TO DECIDE ON CHANGES TO 3 STRIKES

Supporters of an initiative to reform California’s three strikes law have submitted over 700,000 signatures in support to the secretary of state, almost twice as many as the law requires.

Called Prop. 38, if voters approve the law in November, the three strikes law would change in these ways:

- o Some crimes would be removed from the list of “serious and violent” crimes that trigger the law.

- o Only “serious and violent” crimes would trigger three strikes sentences.

- o Only one strike could be assessed for each incident, so a robbery/assault could be only one strike.

- o The changes would be retroactive to March 1994, making up to 26,000 prisoners potentially eligible for resentencing.

Sacramento Bee, Apr. 15, 2004



PRISON REFORM BILLS INTRODUCED

Responding to the scandals wracking both the CDoC and Youth Authority, Sen. Jackie Speier has introduced a package of bills designed to reform the CDoC. They include:

SB 1342, which would set the budget for the inspector general at one quarter of one percent of the CDoC’s budget, protecting it from attacks like the one mounted last year by the CCPOA.

SB 1437, would require the CDoC to report budget overruns to the legislature throughout the year and opens CDoC finances to legislative auditors.

SB 1468, which would create the California Recidivism Reduction Commission to study and promote cost effective ways of reducing the state’s out of control recidivism rate.

Los Angeles Times, Apr. 15, 2004



STATE WON’T PROSECUTE IN YA BEATINGS

Attorney General Bill Lockyear announced that his office will not prosecute staff at N.A. Chaderjian Youth Correctional Facility in Stockton who were caught on videotape beating and kicking two youth. Prosecutors in San Joaquin County have also declined to prosecute.

The Youth Authority’s own internal affairs division recommended prosecution of two staff who beat the wards and four more who filed false reports to cover up the beatings.

Lockyear’s decision was denounced by Sen. Gloria Romero and Don Spector of Prison Law Office. “You have the governor and some of his new employees declaring a war on the code of silence, and Lockyer is refusing to walk into battle,” said Spector.

The week following Lockyear’s announcement, the FBI opened an investigation of the beatings to determine if federal civil rights laws were violated in the January incident.

San Francisco Chronicle, Apr. 24, 2004;
Stockton Record, Apr. 30, 2004

GUARDS SUE PRISONERS

The newly formed California Staff Assault Task Force achieved their first victory when a Chino small claims court ruled that prisoner Glenn Herring must pay CO Stephen J. Clark \$5,000 in damages for an alleged assault. The court made the ruling because Herring "failed to appear" to defend himself. It is not clear that Herring ever received the notice to appear, which was mailed to him at California Correctional Institution in Tehachapi. At the time, he was in jail at Rancho Cucamonga awaiting trial.

A judge in Lancaster took a different approach to similar suits. He demanded that the trials would not proceed unless the prisoners were brought into court, despite a letter from the state claiming that it would cost taxpayers over \$700 to transport the defendants to the courtroom. Judge Reichman then delayed the hearing until all defendants were released from prison; one is serving 30 years, so it might be a long wait.

Yet to be determined is which approach will become standard. Will the state require prisoners sued in small claims court to be present to defend themselves? Or will it allow COs to sue and seize prisoners' trust accounts without allowing prisoners the right to face their accusers?

Los Angeles Times, Apr. 30, 2004

STATE OF "EMERGENCY"

Faced with a legislative order to reduce California's prison population by 15,000 by June 2005, the CDoC has declared a "state of emergency" due to alleged overcrowding of high security beds.

More than 1,000 prisoners were shipped from Pleasant Valley State Prison to Folsom. Another 1,000 Folsom prisoners have been sent to five prisons across the state, including Avenal.

CDoC officials say the move was forced on them by unexpected increases in new felony admits coming from county jails. But leading legislators of both parties questioned the CDoC claims.

"This isn't the first time lawmakers and taxpayers have learned of inaccuracies and cost overruns in the department," said

Assemblyman Dave Cox (R-Fair Oaks). And Senator Gloria Romero (D-Los Angeles) added, "I'm amazed it is a state of emergency and nobody outside of CDoC even knows this. This could be a way to avoid closing prisons. These numbers can easily be inflated."

The CDoC is expected to request an additional \$238 million in this year's budget to cover the costs of the "emergency." The Department is already \$554 million overspent.

Sacramento Bee, Apr. 28, 2004, Los Angeles Times, Apr. 27 & 28, 2003

CALIFORNIA LOCKDOWNS

Corrections officials have admitted that the 20-month lockdown of alleged gang members at Folsom has been in violation of state policy and the prisoners' constitutional rights.

Dozens of prisoners have been locked down since April 2002 despite filing more than 100 grievances. A CDoC internal memo from Dec. 2003 recommended a U.S. Justice Department investigation into the lockdown.

During the 20 months many prisoners had no access to religious services, limited or no exercise, limited visits, no canteen, only three hot meals per week.

One high level corrections official called the extended lockdown "insane."

Prisoners at Corcoran State Prison have also been suffering a lockdown since early April of this year following an alleged assault by a prisoner on two COs and a yard melee.

Los Angeles Times, Apr. 8, 2004, Fresno Bee, Apr. 24, 2004

LA COUNTY JAIL RELEASING PRISONERS EARLY

Budget constraints are forcing the LA County sheriff to release prisoners before their sentences are finished. Up to 600 a day are released early from the largest jail system in the world.

According to the Bureau of Justice Statistics, 650,000 are in U.S. jails each day. Ten million people a year spend time in jail each year.

LA County Sheriff Lee Baca is promoting a new sales tax and revenues from expanded gambling casinos to pay for additional sheriff staff to keep more people locked down.

Christian Science Monitor, Apr. 21, 2004

SUPREME COURT TO REVIEW CDoC HOUSING SEGREGATION

The U.S. Supreme Court has agreed to review a case brought by Garrison Johnson (*Johnson v. California, 03-636*) on the issue of cell segregation. In his 25 years in California prisons, Johnson has always been assigned a cellie of the same race. CDoC policy of segregating cell assignments is, he claims, a clear violation of all prisoners' constitutional rights.

"Intentional state racial segregation has been outlawed in this country for over half a century," Johnson's lawyers argued.

The state argues that segregation is necessary to ensure the safety of prisoners. "Administrators are concerned they would not be able to protect inmates who are confined in their cells, if they did not consider race as a factor," wrote Attorney General Bill Lockyear, requesting the court to deny the appeal.

A ruling in the case is expected in July 2005.

Associated Press, Mar. 1, 2004

CCPOA POLISHES IMAGE

Stung by a series of scandals about the code of silence, huge pay increases and undue influence at the CDoC, the CCPOA is doubling their spending on public relations.

The centerpiece of their campaign is a \$75,000, 28-minute film titled "Hard Time." The film has been sent to major media outlets and to every state legislator.

Sen. Jackie Speier called the film "nothing more than damage control. [Though] it's hard to argue that they walk the toughest beat in the state," she added.

CCPOA has also produced a television commercial that will air across the state in the coming weeks and a brochure called *In Harm's Way*.

Los Angeles Times, May 2, 2004

EAGLE MOUNTAIN MURDER CHARGES

Riverside County has charged eight prisoners involved in an Oct. 2003 melee that left two prisoners dead, with murder. Fighting began in a recreation room at Eagle Mountain as prisoners watched the World Series. Those charged may also face charges that the killings were racially motivated, which would limit sentencing options to the death penalty and life without the possibility of parole.

Los Angeles Times, Mar. 4, 2004

GROUPS PRESS FOR CHANGES IN CDoC, CYA

As the legislature and press wake up to scandals in the CDoC and YA, groups across the state pushed for changes in both agencies.

The Campaign for Effective Public Safety, a coalition including the California State Employees Union, Critical Resistance, the ACLU, California Prison Moratorium Project, Drug Policy Alliance and others, has released a report calling for massive reductions in the prisoner population and cuts of more than \$1 billion in the state's prison budget. For the full report and executive summary see www.calcssea.org/csd/CEPS.asp.

Californian's for a Responsible Budget (CURB), a coalition of 40 groups, has released a report calling on the state to close four prisons and to shutter Delano II before it opens. CURB named a 19-person commission to recommend prison closures after the commission promised by newly elected Gov. Schwarzenegger was headed by former Gov. George Deukmejian, whose two terms provided the launch pad for California's two decades of massive prison growth.

See the CURB report and a list of the commissioners at: www.curbprisonspending.org. One hundred days after two CYA wards were found hung in their cells, rallies were held across the state to commemorate the passing of Durrell Feaster and Deon Whitfield and to call for the shutdown of the CYA. Organizers who included Books not Bars and the Youth Justice Coalition called for the creation of smaller detention units on the "Missouri model" as more humane than the current CYA.

US ADMITS TO TORTURE OF IRAQI PRISONERS

It looks like the U.S. captors have tortured Iraqi prisoners. Photos of some torture have been seen on national television and printed in major papers around the world. The Army has completed a report that details some of the torture inflicted on prisoners at Abu Ghraib prison, a former torture chamber of Saddam Hussein.

Male and female prisoners were stripped and kept naked for several days, raped, and forced to masturbate while being videotaped. Soldiers allegedly beat prisoners, poured phosphoric acid on prisoners, sodomized a prisoner with a chemical light and a broomstick. The army reports that interrogators asked custody staff to "set physical and mental conditions for the favorable interrogation of witnesses." Or in simpler language, "loosen this guy up for us and make sure he has a bad night."

The Army reports that "careers will end" as a result of disciplinary action expected, but Amnesty International has called for an independent investigation of the incidents.

International media coverage, especially in the Muslim world, has been extensive. A Cairo newspaper ran photos under the headline "The Scandal."

Los Angeles Times, May 3, 2004



Kerness...Continued from page 17

clearly says, "The Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves...to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion." U.S. prison practices also violate the UN Rights of the Child, which every country in the world – except the US – has signed. In 2000, the UN Committee Against Torture noted egregious violations of international law going on in U.S. prisons, including the use of electric stun belts and restraint chairs, prison chain gangs, sexual assault of women and detention of minors. Those violations continue every single day in U.S. prisons and speak of an attitude of demonization of "others."

The AFSC recognizes that the unconscionable mistreatment of prisoners represents a profound spiritual crisis. It is a crisis which legitimizes torture, total isolation of individuals, sensory deprivation, and physical and sexual abuse of power. With the treatment of Iraqi prisoners, we see that it is a crisis which extends beyond prisons themselves into wider society.

Unfortunately, the America that President Bush doesn't know is the one many of us experience daily. My soul is shaken by the testimonies that come daily into our offices. The tragic abuse of the Iraqi prisoners serves to cast a bright light on shameful American prison practices. I am hopeful that the current glare in which this country stands will spur a cessation of human rights violations for people in prison throughout the country, and that this cessation will be extend globally for people in prisons everywhere.

Sincerely,

*Bonnie Kerness, MSW
AFSC Prison Watch Project
May 10, 2004*

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.

BOOK REVIEW

TELLING IT LIKE IT IS

A REVIEW OF *GATES OF INJUSTICE*:

THE CRISIS IN AMERICA'S PRISONS

by Alan Elsner, 2004, 247 pages, \$24.95, Prentice Hall/Financial Times

Review by Terry A. Kupers, M.D.

There have been many accounts by journalists of horrible abuses in jails and prisons over the years. Popular topics are the plight of juveniles in custody, prisoners suffering from mental illness, women who are sexually abused by staff and prisoners with intellectual deficits. It is as if the media and the public support the massive imprisonment binge of recent decades and look the other way when male felons are beaten and denied health care, but when kids are beaten and starved or women are raped things have gone beyond what can be tolerated. Many journalists fail to grasp the bigger picture, and focus only on the themes that pull at heartstrings. They ignore the intentional evils and systematic, inbred brutality and unfairness of a criminal justice system gone mad. Not Alan Elsner. He is no Johnny-come-lately, and he sees the big picture. As a national correspondent for Reuters News Agency he has been breaking stories of incredible human rights abuses behind bars for years. In his new book, *Gates of Injustice*, he tells the dark story of incarceration in the U.S., the story that is too often suppressed in the major media. In fact, in the months leading up to the publication of *Gates of Injustice*, he published a series of Op-Ed pieces in major papers around the country that brought attention to various abuses in the prisons.

Jonathan Kozol has long insisted that our education system is not failing, it is succeeding, but we need to understand the purpose at which it succeeds: it does not aim to educate the entire populace, rather its aim is to educate the future elite while inculcating in the future have-nots the notion that their poverty and suffering are the result of their own failure to learn. Similarly, the criminal justice system is not failing, it is succeeding in enforcing

the growing gap between haves and have-nots, squelching dissent, disappearing a large sector of society and growing the power and profits of some very cynical and uncaring people. In order to grasp this basic truth of the modern prison industrial complex, one needs to look at a number of topics at once: the brutality and human rights abuses that occurs daily in our prisons, the crowding and lack of rehabilitation programs that make prisoners unlikely to succeed at post-release re-integration into the community, the horrid health care "inside," the huge number of prisoners suffering from mental illness who are victimized and inadequately treated, the abuse of juveniles and immigrants in the correctional system, the widespread practice of rape and custodial sexual abuse, the privatization of incarceration and profiteering that results, the racial animosities that are fanned by self-interested authorities, the turn toward punitive segregation and supermaximum confinement when overcrowded prisons lacking meaningful educational and rehabilitation programs turn violent, and the way avaricious politicians, administrators, private contractors and correctional administrators turn a blind eye to the horrors of prison life while enhancing their power and enlarging their profits.

Elsner has provided a rich, wide-reaching, very well researched, beautifully written and powerful indictment of the prison industrial complex, and at the end he offers wide-reaching recommendations for over-due reforms. As I commented previously about this important book, a prerequisite for the obvious proliferation of blatant human rights abuses behind bars is the blindness and silence of the American people. Alan Elsner describes the horrors of the current imprisonment binge for anyone who is willing to open their eyes. This book is must reading.



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

**NO
SURRENDER**
WRITINGS FROM AN
ANTI-IMPERIALIST
POLITICAL PRISONER
ISBN 1-894925-26-2
288 pages, perfect bound

Abraham Guillen Press and Arm the Spirit are happy to announce the publication of David Gilbert's new book titled *No Surrender: writings from an anti-imperialist political prisoner*. This 288 page book is an anthology of David Gilbert's prison writings from 1981 until the present.

To order individual copies of the book send \$20 (\$15 + \$5 shipping) in cash or cheques made out to "Abraham Guillen Press" and mail to:

Abraham Guillen Press
C.P. 48164
Montreal, Quebec
H2V 4S8 Canada

TO FIGHT INJUSTICE: A BILL OF RIGHTS

The criminal justice system is cruelly devastating and disrupting our communities, especially communities of color. More than 2 million people in the U.S. are currently locked up in prisons and jails, and today more than 2 million children have a parent behind bars. More than 13 million people in the U.S. have been convicted of a felony and face discrimination, and 10 million children have had a parent in prison at some time in their lives. This reliance on prisons and punishment does not make our communities safer. The warehousing of human beings, mostly people of color, is an unacceptable substitute for the social programs our communities need. Prisons are not a substitute for mental health care, and jails are not housing for the homeless. We want an end to racial profiling and the disproportionate imprisonment of people of color. We want empowered and healthy communities.

African-Americans are admitted to state prisons at a rate that is 13.4 times greater than whites, a disparity driven largely by the grossly racial targeting of drug laws. We have all heard about the huge disparity in sentencing for powder vs. crack cocaine possession. The existing laws point to a systematic genocidal plot in communities of poor people and people of color. Women represent the fastest growing segment of the prison and jail population. African-American women are more than three times as likely as Latino women and six times more likely than white women to face imprisonment. (*Washington, D.C.: US Department of Justice, August, 2001*).

Formerly-incarcerated people, people with felony convictions, prisoners, and our families have human rights that are currently being abused by the criminal justice system. We believe that imprisonment or conviction on a felony charge should not result in the violation of our basic rights as human beings, either while we are in prison or as we make the transition from prison back into our communities.

The first goal of changing the criminal justice system should be to find alternatives to incarceration, working toward a society where prisons do not exist. We believe the prison industrial

complex should be dismantled. Profiteering from putting people in prison should end, including the profiteering of private prison corporations and agencies providing goods and services to prisons, like telephone companies. The purpose of the criminal justice system is punishment and social control. The public safety of our communities demands programs of healing and rehabilitation, alternatives to prison, and the guaranteed fulfillment of basic human needs.

Policy recommendations:

- Establish more community-based alternatives, particularly for mothers and children, including teenage mothers. Establish more drug treatment diversion programs.
- Close down the California Youth Authority. Create more diversion programs that will prevent juvenile detention. Stop adjudicating young people as adults, and remove all children from adult jails and prisons.
- Abolish the police database of “gang members” which institutionalizes the permanent criminalization of youth.
- As the prison population decreases, permanently close down prisons. Do not open Delano II.
- Release women who committed crimes in response to domestic violence.
- Release aging prisoners.
- Ensure adequate financing for legal services for indigent defendants.

Prisoners have the right to be treated humanely, which includes quality health care, decent housing, nutritious food, and access to medical and religious diets. Prisoners and our families have the right to accountability by the CDoC regarding its internal practices. Prisoners’ families have the right to know the status of loved ones who are in custody.

Policy recommendations:

- Establish an independent, transparent, and accountable Community Oversight Board that would monitor prison conditions, sexual assault and violence by guards, and general prison policies.
- Humane and competent medical care and mental health care provided by licensed physicians., including special diets, pre- and post-natal care,

and treatment for chronic illnesses like AIDS, Hepatitis C, diabetes, and cancer.

- Release people with chronic illnesses, streamline and expand the numbers of people granted compassionate release.
- Abolish the death penalty.
- Abolish California’s Three Strikes law. End the provision of medical care by MTA’s.
- End the media ban that prohibits the public from knowledge about CDoC practices.
- Stop cross-gender pat searches.
- Remove male guards from women’s housing units.

Prisoners have the right to continuing contact with family, friends, and community.

We have the right to be housed close to our families in order to facilitate visiting. Imprisonment or a felony conviction often result in our children being stolen from us. Teenage mothers in juvenile hall are often afraid to disclose that they are parents, and may be denied visits with their children. We have the right to maintain contact with and custody of our children, including contact visits. We have the right to regular phone contact without our families being charged inflated phone rates. Our families have the right to get emergency information (such as notice of illness or a death in the family) without delay.

Our children have human rights:

- To be kept safe and informed at the time of their parents’ arrest.
- Adopt the Bill of Rights for Children of Incarcerated Parents sponsored by the San Francisco Partnership for Incarcerated Parents: To be heard when decisions are made about them and to be considered when decisions are made about their parents.
- To be well-cared for in their parents’ absence.
- To speak with, see, and touch their parents.
- To be supported as they struggle with their parents’ incarceration.
- Not to be judged, blamed, or labeled because of their parents’ incarceration.
- To maintain a lifelong relationship with their parent.

Policy recommendations:

- End fast-track adoptions. Repeal the law requiring termination of parental rights after 15 months of separation.

- Stop the deportation of juveniles away from their families, and of parents away from children who may be U.S. citizens.
- Each city, county, and state agency should adopt the Bill of Rights for Children of Incarcerated Parents.
- Implement policies promoting re-unification of families after prison. Reduce the number of foster care placements and parental rights terminations by providing alternatives to incarceration for parents.
- End the state-imposed levy for back child support while parents are incarcerated.
- Provide financial and health care support for family members caring for children of incarcerated parents. Support mentoring programs for these children.
- Ensure that if a prisoner is seriously ill or hospitalized, or should die in prison, their family is notified in a sensitive manner and given enough time to claim the body and make funeral arrangements. Prisoners must be allowed to attend funerals for their family members.
- End restrictions on family visiting. End discrimination against families headed by gay or lesbian partners.

Prisoners have the right to a fair parole system that doesn't discriminate against people with life sentences, a parole system with a goal of early release for prisoners ready to live lawfully in society.

Policy recommendations:

- Re-constitute the Board of Prison Terms based on community involvement rather than political patronage. The focus should be on helping people successfully return to their families and communities instead of on surveillance and punishment.
- End technical parole violations for infractions such as address changes or missing a parole appointment. The Board of Prison Terms should end its bias against lifers and follow its own guidelines regarding parole for people with life sentences.
- Implement the changes in parole policy mandated by *Valdivia v. Schwarzenegger*.
- Establish pre-release services and transition planning for prisoners prior to

their release. Pre-release needs assessment surveys should be contracted out to community-based organizations or at least to an entity that prisoners can trust with the truth, without fear of further punishment.

People who have been in youth and adult prison have a right to return to the community without facing discrimination. When our prison sentence has been completed, we should no longer face life-long punishment as a result of our felony conviction or time in prison. Significant resources should be allocated to community-based services to facilitate the reintegration of people coming out of prison back into the community. We need:

- More drug and alcohol treatment centers.
- More affordable housing for people released from prison, not limited to residential treatment facilities and increased transitional housing available for mothers and their children, including teen mothers.
- Alternatives to incarceration for parole revocation.
- Job skills training and employment counseling for people coming out of youth and adult prisons and jails.

Policy recommendations: The State of California should:

- Opt out of the federal welfare ban directed against people with drug felony convictions.
- Reverse one-strike eviction policies in public housing. Repeal local discriminatory legislation like Oakland's nuisance eviction ordinance, which will force private landlords to evict anyone accused of a crime.
- End all statutory barriers to employment for people with felony convictions, including licensure.
- Establish a centralized and consistent process for expunging criminal records and sealing juvenile records. Guarantee that expunged and sealed offenses are unavailable for public disclosure. Restore voting rights to prisoners and parolees.
- Increase access to student loans and educational programs as part of the re-entry process.

All Of Us Or None, 1540 Market St., Ste. 490, San Francisco, CA 94310

LEGISLATIVE OVERSIGHT OF CA STATE PRISONS

The State Senate Select Committee on Government Oversight, chaired by State Senator Jackie Speier, closely monitors California's 32 adult prisons with the following objectives in mind:

- *identify and correct wasteful spending
- *restore internal justice
- *institute rehabilitation

The committee works with other legislative bodies, correctional employees, the state auditor, and individuals and organizations committed to prison reform. The committee staff director is Richard Steffen, (916) 323-2447, richard.steffen@sen.ca.gov. If you have recommendations for improving the operations of California's prison system, or if you have information regarding improper activity at a state prison, please contact the committee directly. You may remain anonymous. The committee will post submitted information only with the contributor's permission and attribution.

Oversight of California's prison system is critical for these reasons:

*For the last six years the California Department of Corrections (CDC), the agency that runs the adult prison system, has overspent its budget. The CDC, with some 162,000 inmates, is the nation's largest prison system, funded directly by \$5.3 billion in taxpayer dollars. At a time when educational and health program are facing program cuts, 21,000 correctional officers are poised to receive \$200 million in raises, effective July 1, 2004, while CDC, itself, will end FY 2003-04 more than \$500 million over budget. The state cannot afford an agency of this magnitude to continue to fail its fiscal mission.

*The prison system has become an environment where the majority of those incarcerated learn more criminal behavior rather than corrective behavior. A shocking 79 percent of parolees are returned to prison within three years of release, a dynamic that only further serves to increase the costs and the hopelessness associated with life behind bars.

*Opportunities for rehabilitation must overpower the forces that lead to a lifetime

Continued on page 31

SUPPORT SB 1223

Below find an excerpted letter written to the Members of the Assembly Committee on Appropriations in support of SB 1223 by our own Terry Kupers.

I am writing to urge you to support Senate Bill 1223, which would permit courts to reconsider the sentence of individuals in the adult Department of Corrections, who were convicted of a felony as a juvenile, when they reach the age of 25 or have been in prison for 10 years. There are many reasons why I believe this is a very good bill and needs to be implemented. I will list a few:

The reason that juvenile justice is traditionally separated from the adult courts is that juveniles are much more likely than older individuals to respond to educational, counseling and rehabilitative efforts - they are less fully shaped than adults who commit crimes - so there needs to be a lot of flexibility for a wise court to creatively mete out justice while setting up a sentence that is most likely to result in a changed individual who can some day re-enter society and play a constructive role in the community.

People change. Younger people change more and more rapidly than older people. Substance abuse and crime tend to peak in the 14 or 15 to 28 year old age range. In my work as an expert witness in prison-related litigation, I meet hundreds of prisoners who are now 27 or 30, who did their commitment offense twelve or fifteen years earlier, who have taken part in prison programs. The individuals I meet in the prisons are not the same individuals who committed the crimes for which they are sentenced.

Mental illness also emerges in the 18 to 25 year old age group. Many juvenile offenders were experiencing emotional problems that had not yet developed into diagnosable Schizophrenia or Bipolar Disorder when they committed crimes as juveniles - their mental illness was at an incipient stage, to surface full blown only after they were behind bars. We know from research in the California Youth Authority that over 30 percent exhibit sufficient symptoms to meet the criteria for full blown Post Traumatic Stress Disorder

Continued on page 31

BOOKS NOT BARS STATEWIDE CANDLELIGHT VIGIL DRAWS 1,000 PEOPLE ACROSS CALIFORNIA

On January 19, authorities found Durrell Feaster, 18, and Deon Whitfield, 17, hanged in their California Youth Authority (CYA) cell. Yesterday—100 days later—people came together in nine cities across California to make it clear that we will not let these boys' deaths be in vain.

One thousand people attended "Stop the Tragedies, Stop the Abuse"—Books Not Bars' statewide candlelight vigil to mourn and honor Durrell and Deon. After months of hearing horror story after horror story about CYA conditions, Californians finally got a chance to take a stand.

More than 500 people came to the Oakland vigil, organized by Let's Get Free. They heard an impassioned plea from Allen Feaster, Durrell Feaster's father, who proclaimed, "My son shall not have died in vain. Shut down the CYA!"

Almost 200 youth and community members gathered at the Los Angeles vigil, outside the Whittier CYA facility. During the vigil, Deon's aunt Jenelle Happy had a chance to speak with the crowd, sharing her story.

Dozens of people came to each of the other vigil locations. Television cameras and newspaper reporters swarmed the vigils. All over the state, people who couldn't make it to the vigils still got to hear from these families and learn about the Books Not Bars "Alternatives for Youth" Campaign.

In all, "Stop the Tragedies, Stop the Abuse" was an overwhelming success. With nine locations, a thousand people and dozens of camera-people, photographers and reporters, it was the largest and most sophisticated Books Not Bars event to date.

We are extremely grateful to and humbled by everyone who came out yesterday to stand with Durrell's and Deon's families. Together, we can close these CYA factories of misery and child abuse forever. Together, we can build a new future for California's youth. Together, we can win.

Source: www.ellabakercenter.org

Ed Note: Another rally was planned for May 20 in Sacramento. Below find a poem written by Alan Feaster, for his son Durrell, and Deon Whitfield.

OUR CALL FOR HELP

We wanted to live, did you care?
Putting us in a place of despair
When our mothers carried us, we were alive
Upon entering the world we had to strive
Mistakes we made along the way
But, we must grow day by day
When you locked us up, you threw away the key
You began polluting, destroying, confusing,
separating our mind and spirit
Which put us in disarray
We wanted to live, did you care?
Many times we wanted to speak out
But your rules caused plenty of doubt
Fear was your premise, you succeeded
Leaving our minds and spirit feeling defeated
In our quiet time we prayed to God for peace and release
When you concealed and clouded our rights to our love ones
Who couldn't see the obstruction and destruction of our lives
Our lives was changing for the better
Didn't you read our letters?
Oh! Wait that would be blunder
Cause we were just a number
Now our lives are dead from despair
We wanted to live, did you care?

FOUNDATION

The children are the future
They should be forever
Held with praise
The parents
Are the foundation
Such a vital
Part are they
The youth need to
Be guided and
Shown the right way
The elder need
To live in the right
So the youth believe
In what their
Elders have to say
Working together
In unison
Is the definition
Of family

Marie Christine Cooke

This poem was selected from works written by women in the 5 Keys Charter School in County Jail 8. Led by artist in resident Mahru Elahi, via the WritersCorps—a project of the San Francisco Arts Commission.

THE CELL

By Robert Fuentes

SQUARE,
STARING OUT AT THE TIER
LIKE A SINGLE
BARRED METAL TOOTH
OF A PRISON SMILE.

IT SPITS OUT
ITS OCCUPANTS
AS IF UNWANTED REFUSE
AFTER CHEWING THEM
FROM TIME THROUGH TIME,
TO TIME.

THOUGH ITS WALLS
CANNOT MOVE,
THE BOWELS OF THE SQUARE BOX
STILL MANAGE TO STIR SOULS
AND BREAK HEARTS
WHILE OFFERING SHELTER
FROM THE STORMS
OF THIS ENCOMPASSED WORLD.

IT OPENS ITSELF WARMLY
AS IF A WOMAN
AS I STEP INSIDE,
BUT ALL TOO QUICKLY
ONCE THE DOOR CLOSES
IT FEELS HEAVY,
AS AN ILL-FITTING COAT
OF ANOTHER'S JUSTICE.

I FIGHT YOU FOREVER

The time is now, my gauntlet has fallen.
I accept my fate I hear it callen.
The builders of prisons and all of their crew,
Their sick evil plans, they want to destroy me and you.

Their empire is many, it's held far and wide
Their deceptions and treasons, so much have they lied.
True citizens as we and demand to be free.
Sick of oppressions their Idealism's ain't me.

I stand here against you my will shall succeed.
It is immortal, I smile as I bleed.

So know this and see as my fight takes its toll.
I fight you forever, mind, body and soul.

—Doug Rash, 2003

POETRY PAGE

COUNTRY WITHOUT THEIR FATHERS

This all adds to this bitterness on the rise....

And you or me, can't even disguise!
Take it out from under the rug....

Out of the closet,
Especially from men's hearts where it holds snug!

Bitterness gotten them blind....
They can't see right from wrong,
Thinking they're one of a kind.
They can't see even their daughters....

Looking for that sensitive touch,
Some find it in other women?
They're saying, "I just want a little of
daddy's love, is that too much?
The government has its programs...
To steer the fatherless from this deadly

tune,
But fathers need to be responsible,
Or the fatherless will be doomed!

I'm gone but I'll be back....
And when we find some answers to this poem,
And when the fatherless find their fathers
Who'll love their hearts of stone!

—D. Sebreros, copyright 2003

CURSED

The darkness breeds fear unspoken,
of pain filled memories,
A childhood broken;
Born innocent and helpless
to be loved and nursed,
But violently abused, robbed, and cursed.

Adolescence came fast,
Confusion and rage,
Distorted emotions
Forever engraved;
Not ever learning of love or respect
"Love" became hate –
"Care" was neglect.

A grown man now,
Scarred and alone,
How can I cry with a heart of stone?
Imprisoned for life, but how can that be?
Caged like an animal,
This can't be me!?

Shattered dreams, a broken family,
My visions of hell,
Escaping from demons I know too well;
I must awake and turn on the light,
Stop running with fear and begin to fight
Eyes wide open, I find myself there,
Alone in my cell gasping for air.

—Jess West

THE MURAL

Even as Time's hands age the world,
And would turn us all to dust in our turns.
It's fingers draw the story of our years,
In facial portraits done in the hues of laughter.
These are all melded and mingled,
Into Life's Great Mural.
Done upon the gargantuan, but never finished,
walls of the Ages.
Where, as I walk through the pages of ancient manuscripts,
I hear the whispered voices of mankind;
Reminding me that I am known,
And am not alone.

—Kevin Shell

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.

MORE ON COMMIES

Dear CPF,

I've been a *Prison Focus* reader for a number of years – all the way back when it was called *Pelican Bay Express*, or something to that effect. Like many of your readers, I'm aware of the addition of Ed Mead to your staff as one of the editors. The transformation and direction the magazine is taking is noticeable through the contents and wording of some of the articles, especially the editor's comments by Ed. Hopefully, the new more radical approach, rather than the customary reformist one, is a refreshing and welcoming change to all those concerned. A concern of mine, however, is that some readers might be thrown aback by this revolutionary, yet qualitative, change and the admittance by Ed of being a Communist.

My suggestion to those individuals is to take the time to learn what true communism, and the socialist system that must precede it, really is. Many of us in the country, both free and incarcerated, were raised with a misinterpretation of Marxist ideology. Marxism is not what we grew up watching on the news, reading in the paper or hearing about by way of conversations concerning the Soviet Union and other Eastern Bloc countries during the Cold War. Those socialist systems that we witnessed from afar weren't Marxist at all. In fact, present day China, just to name one, is no longer Marxist either; it hasn't been since Chairman Mao's death and the subsequent imprisonment of his inner circle, the Gang of Four, in 1976. Don't take my word on any of this, though. Study it for yourselves.

The United States government has lied to its citizens since its inception through the use of "its" bourgeois media and other informational outlets, such as our educational system. The current disinformation regarding the Middle East is just the latest in a long rosary of fabrications that go back to the earliest days of its reign. This is something that many American citizens and residents know; yet, for some unknown reason, when it comes to the disinformation regarding Marxism many people – including self-proclaimed leftists and progressives – never fail to take them at their word. If a person doesn't take to Marxism after learning about it for himself/herself, that's fine. The whole point is for the choice to be a volun-

tary, informed one, as opposed to an imposed, uninformed one chosen for you.

Respectfully in Struggle,
Jesús Javier, Pellican Bay

CRITICISM OF ED MEAD

[The following letter was written by a convicted rapist who is serving time in Washington State. This letter has been edited for length by Leslie DiBenedetto, Co-Editor of California Prison Focus.]

Dear CPF,

A few days ago I read the latest *Prison Focus*. There is much about the newsletter I could praise. But, as well you know, few people write letters to the editor to praise a publication.

I also read a draft of your editorial in *CPF* [see "Reflections on Crime and Class" on page 4 of this issue] in which you describe rapists and child molesters as despicable creatures who should, quite naturally, be loathed by other prisoners. You write that prisoners should attach "the same stigma for stealing a welfare mother's check as there is for being a rapist or child molester."

You criticize in the same essay, the "social atomization" which is "one of the state's primary mechanisms for isolating us from each other..." You name this tool for atomization "fear" and describe how the ruling class uses this tool so that a purported criminal "is no longer a part of 'us' but rather suddenly becomes one of 'them'" (the other upon whom any evil can justly be visited).

Every single day in this prison, every single minute of every day, I am reviled and despised by the majority of the so-called prisoners in here. I am of the untouchable class. I am allowed to exist but only if I keep in my place. I must not make eye contact with a "convict." I must never initiate a conversation with or physically approach a "convict," I must always yield to the right-of-way to a "convict" who may be heading towards a toilet, sink, telephone, deck of cards, etc. that I may wish to use. I must remain docile and stone-faced when "convicts" within earshot talk about "fuckin' rapos" in a loud voice which I am supposed to hear and supposed to not react to. When new prisoners come in on the chain I am expected to keep away from them; for to greet one, welcome him, offer him friendship, guidance, hospitality, or assistance

would be to burden him with the label of "being seen talking to a rapo," something I would not wish to inflict on somebody. The "convicts" in here need but know that the label "rapo" may be justly attached to me, and I am then – justly – the target of any evil. Others are supposed to openly revile me. To do otherwise would be to invite speculation about the nature of their crime – to be seen talking to a "rapo" is to invite others to include you in that lowest-of-low untouchable class of prisoners.

By this means and mechanism – fear and loathing – the population of this, and any other prisoner, is kept "socially atomized."

Twenty-five years ago, I was a predatory rapist. ... How can I pass your newsletter on to any of these "convicts" in here and hope to illuminate their social consciousness with the writings contained therein? I cannot. I cannot even approach one of these people, make eye contact with him, and open my mouth to speak – much less hand him your newsletter or engage in political discussion.

Obviously, I am angry and dismayed by your continued excoriation of "rapists and child molesters" in your newsletter. And especially so when it is within the context of an essay about how the ruling class uses fear and loathing to create social atomization! How ironic! You criticize the ruling class for factionalizing and socially atomizing the working class through the fear of crime and by demonizing the so-called "offender," yet you employ the same technique to factionalize and socially atomize the prisoner population by demonizing the "rapist and child molester," and now you to add the poor-on-poor "cannibal" to the list.

How can the working class ever unite in the fact of the ruling class's use of crime, of fear and loathing, as a tool to factionalize and destabilize the lower classes? How can the U.S. prison population (and prison activists), your "target audience," ever unite in the face of your use of fear and loathing (of rapists and child molesters and predatory poor-on-poor cannibals) to atomize and destabilize the U.S. prison population?

I would like to know what your thoughts are on these issues. Unless, of course, you can't bring yourself to respond to the lowest-of-the-low, in which case you can go ... fly a kite instead.

Ed Mead Replies:

In an article I was trying to communicate the importance of supporting and defending political prisoners. In doing so I said: "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." And in another article, "Reflections On Crime And Class," [see article at page 4 of this issue.] I argued that a stigma should be applied to those who are imprisoned for things like ripping off an old woman for her monthly sustenance check. "There must be," I wrote, "the same stigma for stealing a welfare mother's check as there is for being a rapist or a child molester. Indeed, these predatory cannibals who prey on their own class are the very lowest of the low."

There are women, even compassionate ones, who would say the daily reality of rapists on the inside is a good thing. I don't agree. I am not an advocate of the efficacy of punishment, nor should you be. And to add extra-judicial punishment to offenders because of the nature of their crimes is out-and-out wrong. I felt I was merely pointing out a reality – that rapists are pretty far down on any prison population's social pecking order. Be that as it may, however, I was clearly calling for the stigmatization of those cannibalizing the poor. In doing so, as the writer correctly points out, I was doing to those prisoners what the ruling class does to the working class on the outside – atomizing us. I was doing the class enemy's work for him.

In any future printings of this article it will say something like this: "There should be no stigma attached for stealing a welfare mother's check, just as there should be no stigma for being a rapist or a child molester. Instead, those who prey on their own class should be made a part of study groups so that they can become class conscious. Rapists must organize other rapists so they too can study feminist literature and become able to internalize class and gender politics."

In all cases the answer is of course to organize. There was a great stigma against queers at Walla Walla back in the mid-1970s. In a group named Men Against Sexism homosexuals organized and armed themselves, they fought for and got respect, if grudging, from the prison population. Nobody is going to hand you respect, you must earn it.

Hair... continue from page 5

The state implemented its hair policy in 1997. Officials say long hair can be used to hide weapons and as a disguise. Warsoldier said his long hair symbolizes strength and wisdom. Warsoldier's battle against the prison regulations will continue in the court system. The 9th Circuit has expedited the case and ordered briefs to be submitted in the next two weeks.

Source: <http://www.indianz.com>

Legislature... continued from page 27

of crime. Illegal behavior on the part of inmates and some CDoC employees appears to be at times rampant at state prisons. Prison gangs are difficult to control. Both inmates and correctional offices are victims of assault. Drug trafficking occurs despite CDoC's attempts to thwart drug abuse. Attempts to conduct fair investigations of alleged wrongdoing are often impeded by the unwillingness of correctional employees to report illegal acts committed by their peers. A "Code of Silence" chills internal justice at state prisons. The Administration, the Legislature and the United States District Court for the Northern District of California are working on remedial plans to restore a strong system of justice at California's correctional institutions.

SB 1223... Continued from page 28

which can play a big part in the criminal activities for which the juvenile was convicted. But the court did not have sufficient evidence to make the leap to an insanity verdict. So the juvenile went to prison and the mental illness developed. A reconsideration of the original sentence is in order.

Senate Bill 1223 is very well formulated, it does not give a mass pardon to convicted felons who entered prison as children. Rather, it gives the court clear guidelines to reconsider sentences that were meted before the child was formed into a mature individual, and permits the court some flexibility to revise sentences that, in the light of subsequent developments, need to be reconsidered so that the adult who has changed substantially and does not pose a danger to society, can be given an opportunity to correct his or her earlier poor choices and errant trajectory.



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 a nickel.
- Know the difference between self-serving nonsense and real change.
- 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 for four issues (\$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

2940 16TH STREET - SUITE B5
SAN FRANCISCO, CA 94103

NONPROFIT ORG.
U.S. POSTAGE
PAID
PERMIT NO. 378
SAN FRANCISCO, CA

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 100 prison visits and conducted more than 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.

RETURN POSTAGE GUARANTEED

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

Security Housing Units.....Submissions due 9/15/04

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 and we generally cannot respond to your submissions because of this volume. 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.