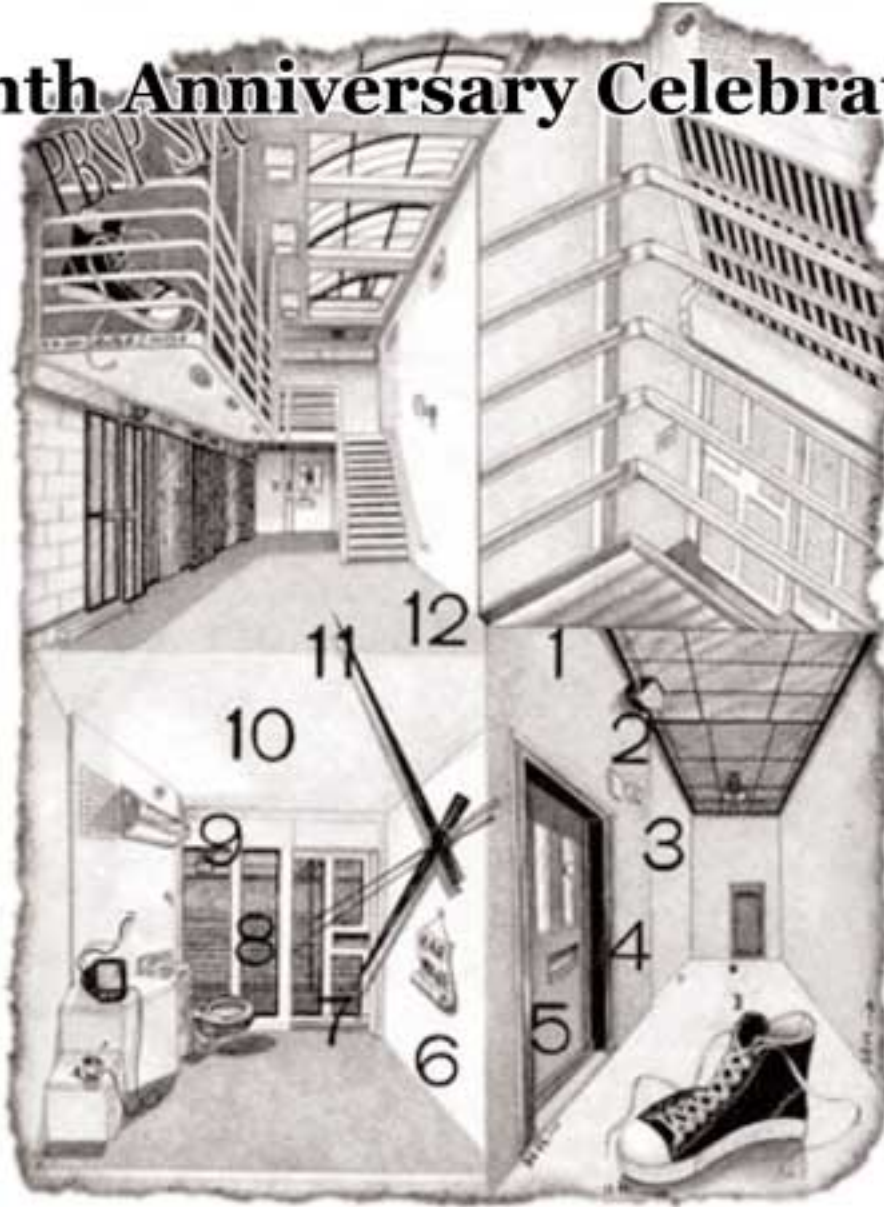




# PRISON FOCUS

Number 15 • Winter 2002

## California Prison Focus Tenth Anniversary Celebration



# LETTERS

Dear CPF:

This writing comes at a very critical time for several prisoners exercising unitarian conduct (via hunger strike) to collectively protest the state (via K.D.o.K) decades of subjecting these prisoners (aka "indeterminate SHU class") to physical and psychological torture, inhumane conditions, or arbitrary, discriminatory and oppressive policies. The old method of silent protest to let the KDoK captors know that this class can take what they've thrown at us has proven to be less effective in achieving release of this class of prisoners.

CPF originated during the early years after the birth of the state's notorious SHU dungeon called Pelican Bay Prison, which is where CPF derived its original identify as Pelican Bay Information Project. However, CPF didn't appear out of a vacuum. Instead, it evolved within a time and space where many prisoner rights/reform/revisionist groups or organizations in California had abandoned the Prison movement for Prisoner-Humyn rights/social change-justice either by way of negation or coopt-assimilation into the establishment social order.

As CPF takes this time for introspection on the course it has traveled so far, honestly assessing strengths and weaknesses in achieving its aims, goals and objectives, it is critical not to lose "focus" of the universal truth that we all within this larger Humyn struggle are tested each step of the way.

The class of prisoners on hunger strike is testing their will and commitment to protest the injustice of Humyn Rights violations. In their collective struggle, so too is it a test of all those within society at large, who have authentically remained steadfast in support of these indeterminate SHU class struggles against the state Department of Korrections' (KDoK) Humyn Rights violations.

In solidarity

—B.W., Pelican Bay

Dear CPF:

You recently published an article entitled "Correctional Officer Gets Prisoners' Support (PF #14). The article told the

story of Officer Ashenfarb who brought a discrimination suit against his colleagues for anti-Semitic remarks, etc.

Officer Ashenfarb told PF he does not agree with CPF's particular ideas about prisoner rights, but feels prisoners should be treated with respect and afforded proper foods, housing and medical.

I have to comment on this foolishness! First, maybe I'm confused or the sensory deprivation of Pelican Bay is getting to me. But I thought CPF and prisoner rights in general is all about treating prisoners with respect. I thought this was the fundamental idea of the word "rights."

What particular ideas of CPF's course does he take issue with?

I wonder, could it be the idea that captives are human beings also? That we should have the right not to be subjected to lunches with shit (literally) smashed between the bread?

May he disagrees with the idea that captives with life sentences should have the right to visit with their children and wives in the privacy of a family visit?

Might it be the idea about prisoner rights that says a captive should not have to give up his/her heritage or religious system to conform to a "neo-concentration camp" idea of proper grooming?

Could it possibly be the idea that a captive should have access to the same avenue and opportunity to confront, expose and be free of discrimination and hatred that Mr. Ashenfarb enjoys?

Hmmm, I wonder if it could be the particular idea that captives with medical issues or communicable diseases such as diabetes or HIV/AIDS or hepatitis should have the right to level treatment, medications and diet, including privacy in these treatments that would afford them the greatest opportunity to successfully live with or defeat the disease.

We smell the dense stench of backwards-thinking people's racist ideas every time a Black elder female ex-administrator wins a civil suit against the sexist people you work for and then with everything to live for is found dead in her garage the next day.

We are subjected to the reality of its toxic fumes every time a CO of color who has a disagreement with a white counterpart is found dead — hung in his home; or is assigned to some tower or station out-

of-the-way, leaving us to deal with the "cream of the good-old-boy crop."

I'd like to ask/say to Mr. Ashenfarb, if you truly want to express your gratefulness, then stop politricking and get with CPF, so we may in the words of Dr. King "transform these jails from dungeons of shame to havens of decency and dignity."

To my fellow captives: I commend your humanistic attitudes towards this CO. It is a powerful man who can support his captors' henchman in the pursuit of justice and right, but don't discredit your own worth and value by not standing up for yourselves. Just as this man did. Do not allow your support to fall on undeserving ears. Enlist his support in the struggle for prisoner rights! If you support a CO, how much more should you support and do justice to a fellow convict!

In closing, the timeless truths of comrade George Jackson:

"Can you see the division among us? And its effect? This is our greatest obstacle. I sometimes wonder how this will turn out. Before we can ever effectively face down the foe, we must have had long since learned to share, trust, communicate and live harmoniously with each other."

Mr. Ashenfarb, we think it is important for you to see that the swastikas you're finding have always been there, since before they murdered George Jackson and W.L. and the hundreds of others that have been murdered or set up to have their lives or human rights snatched away.

Now that you've been burned, you believe the fire is hot! I've got news for you. Those swastikas founded this system. But you knew that, didn't you?

—P.T., Pelican Bay

continued on page 17

## WRITE TO PRISON FOCUS

SEND LETTER OF UP TO 250 WORDS TO PRISON FOCUS, ATTN.: EDITORS, 2940 16TH STREET, ROOM 307, SAN FRANCISCO, CA 94103.

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

# PRISON FOCUS

Issue No. 15  
Winter 2002

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

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Donation of \$20 or more (\$5 for prisoners) receive *Prison Focus* for four issues. *Prison Focus* is available free to California SHU prisoners. For a sample copy, send \$1 or equivalent in stamps or embossed envelopes. For further information, call (415) 252-9211.

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VANGUARD, VERBENA FUND AND ALL OUR INDIVIDUAL DONORS FOR YOUR

CURRENT SUPPORT.



# Celebrating 10 Years of California Prison Focus

## EDITORS' NOTE:

*Last fall, California Prison Focus celebrated 10 years of work with prisoners. This issue of Prison Focus looks back over those 10 years by reprinting materials from earlier volumes of Prison Focus and our predecessor, Pelican Bay Express and current reflections from long-time members. We have been in contact with present and former members of CPF and Pelican Bay Information Project to collect materials, and realize how many people, inside and out, have played important roles in our work over the decade. So many deserve thanks—hundreds of prisoners with whom we've worked who have shared their stories, many dozens from the freeworld who have participated in prison visits, volunteers who have worked in the offices opening and replying to mail, those who have helped at demonstrations and public forums, our financial supporters.*

*The editors in particular want to thank Corey Weinstein and Bato Talamantez for sharing their collections of dusty editions of Prison Focus and Pelican Bay Express and their photographs. (Unfortunately, we don't know who took most of the photos used in this issue, so we are unable to credit. Thanks to all who have helped with PBE and Prison Focus over the years, writing, editing, designing or, most grueling and most fun, helping at the mailing parties.*

**10 YEARS AGO** Pelican Bay and its Security Housing Unit opened up in late 1989. By the middle of 1990, prisoners were filing lawsuits to stop the horrifying brutality common in the new prison as well as gang labeling and accompanying indeterminate SHU sentences. They also reached out to anyone thought to be interested in the beatings, broken bones, hog-tying, isolation and neglect they endured.

Experienced prisoner rights activists for the Prisoners Rights Union knew something had to be done to stop this outright assault on prisoners. Our effort was organized by Attorney Catherine Campbell. She recruited long time activist-attorneys Paul Comiskey and Michael Snedeger and a team of investigators including those new to this fight who could look at it with fresh eyes. To help us understand and interpret what we were learning Catherine asked former prisoner Luis Talamantez to accompany us.

As we sat in Catherine's living room in San Francisco, we realized that we had never planned anything of this magnitude before, and knew that everything would have to be done just right for this effort to succeed. Special forms were sent to the prisoners and negotiations were begun with the California Department of Corrections and Pelican Bay. Our goal was to visit as many men as possible, write up our findings and tell everyone we could about the conditions at Pelican Bay, and then be done with it. We couldn't foresee how gripping the work would be and how it would continue to inspire oth-



ers to assist the prisoners and build ties through the bars.

This proposed one time visit called the Pelican Bay Information Project changed our lives and began California Prison Focus.

That first visit was quite an odyssey. The 500 mile drive through beautiful northern California helped us pull together. We were definitely felling the isolation of going to the prison most removed from an urban center. We stayed at the KOA campground among the redwoods to remain within our shoestring budget. In three days of visiting 64 men were interviewed. They testified to the havoc wreaked upon them by staff.

Every afternoon we would return to camp to snacks, cocktails and discussion hosted by Luis. His faithful ear and quick wit schooled by years spent in California's control units of the past provided tools for us to interpret what we were hearing.

For me that visit was a huge headache. I learned what a migraine felt like for the first time. Finally I figured out that if I took a long walk on the beach after visiting, tears would flow and the headache would subside. Yes, it was enough to make a grown man cry to release feelings too complex and too confused to express in other ways at the moment.

We heard tales of the harassment of prison visitors and family members living locally. So it wasn't surprising that when two uninvited cars rolled into our camp one night I started looking for something with which to defend myself. But instead of rowdies with baseball bat clubs, we were descended upon by local journalists and citizens who just wanted to unburden themselves and talk late into the night about the toxic influence of the prison on



Early PBIP formation protesting prison brutality at Pelican Bay in front of SF Federal Building. 1991

## *Celebrate CPF's 10th Anniversary with*

**Tee Shirts in all sizes \$12 each+\$3 S&H = \$15  
and/or**

**Anniversary Poster \$5+\$2.50 S&H = \$7.50**

**Shirts and Posters have original prisoner artwork  
showing the inside of the Pelican Bay SHU as seen  
on front cover of this issue.**

**Help support CPF and grace your body  
and wall with great art!**

Crescent City. This visit launched our community outreach for all subsequent visits.

After a safe return we wrote our articles, and called the human rights groups, media and politicians. And it might have ended there if Luis had not cajoled and insisted that we continue. Friends, Dick Becker, Gloria LaRiva and Saul Kanowitz, of the International Action Center helped Luis and I learn the essentials of creating a sustainable organization for the long haul. Without their help there would be no CPF today.

I think of CPF as the biggest little organization around. Some of our colleagues in the fight for human rights in prison are multi-million dollar organizations that have paid staff and big budgets for travel and publishing. Without the long history and broad appeal of Amnesty International or American Friends Service Committee, CPF has depended on selfless and dedicated volunteers. Without the big ticket grants received by our hard working friends at Human Rights Watch, CPF has been sustained by a few small and brave grantors like Resist, Vanguard Foundation, the Fund for Nonviolence, Verbena, and the Funding Exchange, and many individuals and their desire for justice.

We've made more trips to control units and prisons housing men and women with



In front of PB prison at conclusion of interviews. L to R: Gregg, Katie, Gina, Paige, Atty Trudy Martin. A job well done! 1994

HIV than any other organization in the country. Without our cooperating attorneys none of this would be possible. Catherine, Jack Daniel, Bob Navarro, Rose Braz, Mark Vermeulen, Erica Etelson, Millard Murphy, Sujung Kim, Scott Handleman, Suzanne Griffin, Thorn N'deze Meweh, Scott Fleming and Charles Carbone among others deserve special mention for their continuous support.

It has been the people I have met through CPF that have nourished me. I've met prisoners who have stood up for decency and fairness while living in the most extreme circumstances. I've been inspired by brave prison staff who have risked all by telling the truth, and often

had their own lives destroyed as a result. Visitors and family members of prisoners have been steadfast supporters and have helped create a clamor for change. And on a day to day basis the core staff of CPF has shown me a lion's heart, wizard's brain and shaman's spirit in this fight. Together we have shed some light into the heart of darkness of California's prisons.

—Corey Weinstein

## REVOLUTIONARY SALUTE CPF

I have been involved with PBIP/CPF from its beginning and with any prisoner advocate organization, there will be a search for identity. CPF has received their harsh criticism from me and they have made some strides in the right direction. We prisoners here at Pelican Bay must continue to give CPF our suggestions and information about what is important for those of us who are held in prison.

CPF has earned its respect from California prisoners! CPF works closely with prisoners and they are the leading prisoner advocate group within the state, second to no one else. Keep up the fight Leslie, Bato and all of the CPF volunteers and staff.

The struggle continues,

—Sitawa Nantambu Jamaa

## REMEMBRANCE OF HOLBROOK

We must remember Holbrook for his commitment against the prison industrial complex up until his untimely death.



Holbrook was one person you could depend upon to relay an accurate account of the prisoners' position on all issues of concern to the outside world. He also assisted prisoners on their reentry into society which is extremely unusual. I personally hope that many more CPF members carry on the spirit of Holbrook, for he left a legacy which is one of admiration.

These few words of appreciation could not express his worthiness. Let these words be of some inspiration to those who are prison activists. We must press onward, on both sides of the wall.

Total liberation,

—S.N.J.

## THE KEY REMAINING: NOT TO LOSE FOCUS OF THE REAL PEOPLE'S STRUGGLE

This writing comes at a very critical time for several prisoners exercising unitarian conduct (via hunger strike) to collectively protest the state (via KdoK)

decades of subjecting these prisoners to physical and psychological torture, inhumane conditions or arbitrary, discriminatory and oppressive policies. The old method of silent protest to let KdoK captors know that this class can take what they've thrown at us has proven to be less effective in achieving release of this class of prisoners.

CPF originated during the early years of the state's notorious SHU dungeon called Pelican Bay. CPF did not appear in a vacuum. Instead it evolved within a time and space where many prisoner rights/reform groups in California had abandoned the prison movement for prisoners-humyn rights/social change and justice through cooptation and assimilation into the establishment.

As CPF takes this time for introspection on the course it has traveled, honestly assessing strengths and weaknesses, it is crucial not to lose focus of the universal truth that we all within the larger humyn struggle are governed individually and collectively by objective and subjective laws, which test us each step of the way.

The class of prisoners on hunger strike is testing its will and commitment to protest. In collective struggle, so too is this a test of all those within society at large, who have remained steadfast in support of the indeterminate SHU class struggle against the KdoK humyn rights violations.

In Solidarity

—Baridi Williamson, PBSP

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# HERE ARE SELECTIONS FROM OUR WRITINGS OVER THE LAST 10 YEARS, ROUGHLY IN THE ORDER IN WHICH THEY WERE PUBLISHED.

## A HOUSE OF CARDS, A PACK OF LIES

The dream-makers at the Department of Corrections sold Pelican Bay State Prison to awed legislators as a new Australia where the most incorrigible criminals would be consigned. "The worst of the worst" in the California prison system would be chosen by a reasoned system of classification and removed to a new fortress facility just

outside Crescent city near the California-Oregon border. Like so many balls sent speeding into the most remote pocket of the state, Pelican Bay promised to "disappear" all those men who disturb our sleep with nightmares of violence.

The Legislature funded this reassuring fantasy with huge gobs of money and Pelican Bay was quickly, quietly built on land already devastated by the last compa-

ny that owned the town of Crescent City, the timber industry. No stand-up town with its own sense of itself would allow, indeed invite, the invasion of bureaucrats, technicians and guards that took over Crescent City in the late 1980s, but Crescent City did because it was gasping for breath in the vacuum created by the death of the timber industry. The edge of the forest was in sight.

Where trees are a finite resource, criminality is the forest without end. When the fantasy of the ascendant bureaucracy met the fantasy of the depressed town, the money flowed...

I traveled to Pelican Bay with Corey Weinstein, Michael Snedeker, Paul Comiskey and several others to talk with prisoners. We wanted to know if Pelican Bay really was "disappearing" the "worst of the worst" to keep us all safe, as the Department of Corrections says, or if it is serving other, perhaps less lofty, institutional purposes. Over three days, we interviewed 40 or more prisoners, half of them Hispanic, who were confined in the Security Housing Unit (SHU).

What we knew before we went there is that many, if not most, of the men in Pelican Bay will someday be free men. Our inquiry was focused on the effect a sentence served at Pelican Bay would have on their ability to cope with the complexities of freedom. We wanted to assess the human price of this illusion of safety.

—Catherine Campbell, *The California Prisoner*, Vol. 19, No. 4, Dec. 1991.

## "SKELETON BAY" PRISON

Pelican Bay Prison should be called "Skeleton Bay Prison" because it's just a great big warehouse to hold bodies. Everyone is pale like a skeleton, from no sun, and most are thin and frail looking from lack of any real exercise or activities. It's heartbreaking to see so many young Chicanos in this pit looking like vampires because they've lost all their brown skin color, pink around the eyes and most of them with that look on their face that says "indeterminate SHU" (Security Housing Unit).

The publicly professed purpose for this prison (modeled after the notorious Marion Federal Penitentiary) was the need to house the worst-of-the-worst, the most hardened, most dangerous, uncontrollable, escape-prone, alleged gang members and associates (quietly added to this list were jailhouse lawyers and those who collaborate with the news media).

The reality is that the public has once again been duped into dumping millions upon millions of tax dollars into an already proven failed experiment. The true major purpose of Pelican Bay Prison SHU

is to inflict physical and psychological tortures to break the prisoner's mind, body and spirit.

—Luis V. Rodriguez, C-33000, *Pelican Bay Express*, Vol. 1, No. 1, 1992

## HELL HOLE OF CALIFORNIA

The SHU resembles a science-fiction military base, a gray reinforced concrete X-shaped structure composed of four 500-foot-long hallways with a control center at mid-point. The hallways are further broken into "pods" composed of eight cells, each with steel-plated doors perforated with tiny holes so that the guards can see inside. An armed guard in a steel-and-glass control unit monitors groups of pods, while overhead, guards patrol a heavy mesh screen above the hallways.

The SHU is designed for minimal human contact and maximum sensory deprivation. Even face-to-face contact by guards is largely replaced by closed-circuit video surveillance of each prisoner's every movement, microphone and audio speakers for communication, and doors operated by remote-control pneumatics. Caged in a windowless, 8-by-10-foot bare cell, the SHU prisoner is isolated in an empty, silent world, forbidden to decorate the cell walls and denied work opportunities as well as educational classes, vocational training, counseling, religious services and communal activities of any kind. Twice each day, he eats alone from a dinner tray passed through a slot in the door and once each day he is strip-searched, put in waist restraints, handcuffed behind his back, and given a double escort by guards in flak jackets carrying truncheons, so he can "exercise" alone in a small bare concrete yard with 20-foot-high walls....

This life can go on for years...

—Doret Kollerer, *Pelican Bay Express*, Vol. 1, No. 1, 1992

## THE END OF THE WORLD

Prisoners report that cell doors pop open suddenly, allowing two prisoners



San Francisco Federal Courthouse. Luis in solidarity with prisoners vigil 9-15-93

access to each other, or that prisoners will find themselves with someone else in the SHU yard. Sometimes a fight between prisoners is the result of such meetings. Men we spoke to felt that such "mistakes" were usually deliberate. They explained that the guards release known enemies together in order to create a situation in which a fight will occur. Such "rooster fights" were well known at the other California prison with a SHU unit (Corcoran) in the year preceding the opening of Pelican Bay.

The other way that fights are created by the correctional staff is by housing incompatible men together in the same cell. Because prisoners are forced to spend almost all their time in the cell it is very hard to avoid getting on each other's nerves. Guards use this to set up situations in which fights are inevitable. The staff stirs up trouble between prisoners by talking loudly about information from the prisoner's confidential central file so that cellmates are informed of things that may lead to an altercation. Guards try to provoke prisoners by boasting about their successful efforts to stir up trouble or their latest beating of a prisoner during the brutal cell extraction procedure. Taunting is a common tool of harassment by guards. Racial slurs and taunts are used by the predominantly white guards to irritate the predominantly Latin-American and African-American SHU population...

Rather than being a solution for prison violence, Pelican Bay has become the most violent prison in the system. Beatings of prisoners by guards is frequent as the staff carries out its perceived mission of punishment and retribution.





Second National Prison Conference (NCSCUP) Chicago Oct. 1995. Picture taken Puerto Rican Cultural Center.

—Corey Weinstein, *Pelican Bay Express*, Vol. 1, No. 2, Dec. 1992

## VACAVILLE UPDATE

One hundred people demonstrated outside the California Medical Facility in Vacaville on December 5 [1992] to protest the horrific conditions for prisoners with AIDS. Three more men have died at Vacaville prison as a result of negligent medical supervision since California State Senator John Burton issued a report on the facility on November 19. The report is an indictment of the entire prison system and the cruel, medieval treatment of inmates.

Corey Weinstein told demonstrators that in the 20 years he has done prisoners support work, he has "never seen a more dramatic show of solidarity" than that shared among the prisoners at Vacaville on medication and hunger strike. Over 150 prisoners began a medications strike in September to improve conditions at Vacaville. This was followed by a hunger strike the following month.

—*Pelican Bay Express*, Vol. 1, No. 2, Dec. 1992

## RUMBLINGS FROM THE BAY

Rumblings of discontent became passionate testimony at the Pelican Bay Information Project's first public education event on February 20, 1993. Attending the 3-hour program at the Third Baptist Church meeting hall in San

Francisco were 130 people. During this exposé the PBIP condemned the state-sanctioned torture occurring at California's super-max Pelican Bay State Prison.

Speakers included Corey Weinstein, John Irwin, Barbara White, widow of murdered prisoner Doc White, Heather MacKay, lead attorney for Pelican Bay Legal Services, Kiilu Nyasha and Luis Talamantez.

Rhodesa Jones captivated the audience with her performance "Big Butt Girls and Hard Headed Women." The plight of women prisoners was presented by Ms. Jones through her moving portrayal of three women in a dayroom at the county jail.

—*Pelican Bay Express*, Vol. 1, No. 3, Apr. 1993

## PEACE...SOMETHING STARTING

The Mexican prisoners at Pelican Bay Prison have written to Governor Pete Wilson asking for his help in creating a situation where the various Mexican groups in the prison system would be allowed to come together somehow in order to stop the violence and gang warfare. This matter came to the attention of the prison staff here at the Bay. Pelican Bay authorities have reacted in a very negative way and are actively sabotaging our efforts in a blatant racist and hostile manner.

The singlemost reason given for keeping Mexicans in the SHU is "gang

participation." The evidence often referred to is the warfare between the Northern and Southern Mexicans. We intend to eliminate this so-called evidence by establishing a formal peace between all the Mexicans at Pelican Bay.

—Mike Achas, Pelican Bay SHU

—*Pelican Bay Express*, Vol. 1, No. 3, Apr. 1993

## WHAT THE CDC MUST DO TO PROMOTE GANG PEACE

A. Bring mediators and/or liaisons representing both groups into the SHU pod in order to initiate a line of communication and dialogue between the groups, allowing those individuals to be of "our" choosing, other than those who signed this document.

Employ some method to clear up any confusion or rumor.

B. Make an honest effort to facilitate said peace process, to seriously take into consideration those proposals and suggestions submitted by the mediators/liaisons; submit in writing any responses given by the Department's official—whether approved or denied; establish an open line of communication with the Department's official and set a date for implementation.

C. Once a respectable period of clean conduct in an integrated setting is met, give consideration to releasing to the general population.

D. Eventually consider for a lesser custody status the Max 'A' inmates serving indeterminate terms.

E. Give all inmates in SHU the opportunity to earn one-for-one time credits through positive behavior.

F. Include Steve Crawford, Program Administrator, Institutional Service Unit in Sacramento and Pete Wilson in these desired obligations.

—*Pelican Bay Express*, Vol. 1, No. 3, Apr. 1993

## WHAT KILLED JOHN Q. BILLY? T.B. OR C.D.o.C?

John Quinland Billy died of tuberculosis on February 17, 1993 at the age of 58. Mr. Billy was serving a drunk-driving sentence at San Quentin State Prison. When he arrived at San Quentin on December 2, 1992, Billy told prison officials that he had had active TB disease three times in the



past eight years. The prison medical staff ignored the important information. Billy's routine TB skin test, given on arrival to the prison, showed no reaction to TB. So Billy was housed in general population. On January 23, 1993, Billy began coughing up blood and was taken to a local hospital where he died in less than a month (*SF Chronicle*, 2/18/93).

It is very likely that Billy had active TB disease the whole time he was in prison. When a person with a history of TB shows no reaction to the routine skin test for TB, it usually means that he is very sick. In fact, such a negative test in anyone with Billy's history is considered a "red flag" warning of active TB disease. Yet the California Department of Corrections' medical staff failed to recognize the warning, and through their negligence a man died a preventable death. In the midst of the CDoC's second year of a TB elimination program, the staff failed to understand one of the most basic indicators of TB disease and failed to protect the rest of the prison population, guards and inmates alike, from exposure to TB....

The problems in TB case finding and treatment in California prisons come from the general problems in medical delivery that have plagued the CDoC for years. The do-nothing, good old boy leadership of the CDoC Health Services does not have the knowledge, skill or respect to plan and coordinate a public health effort. Thousands of PPD tests in the 1992 TB screening were improperly prepared. Matters of tracking and attention to special populations were ignored.

TB control is also hindered by CDoC's policies concerning HIV and AIDS. By adopting HIV rules that interfere with rational public health efforts, CDoC sabotages the TB program....CDoC has constructed huge barriers to the identification and treatment of those with HIV. Prisoners do not want to be tested for HIV because if they are found to be positive, they will be discriminated against in housing and job assignments. Punitive segregation awaits anyone found to be HIV positive. CDoC does not provide the confidential, anonymous testing that would encourage prisoners to find out about their HIV status. ...

Critical individuals who need special screening and treatment are lost in a sys-

tem that puts punishment before public health. Thus, thousands of HIV positive prisoners are put at risk for TB, ultimately endangering the other prisoners, employees, visitors and the general community.

The death of John Q. Billy, the lack of TB medication continuity, the HIV program disasters, and the improper TB treatment stand as grim reminders of the real capacity of CDoC medical to protect the prison and general community from the ravages of contagious disease. The public health principles of appropriate education, screening, tracking and treatment must be combined with dramatic changes in CDoC medical leadership and attitude to successfully face the prison TB epidemic.

—Corey Weinstein, *Pelican Bay Express*, Vol. 2, No. 2, Jul. 1993

## **CBS FOCUS ON PELICAN BAY**

"What did you do all day?" Mike Wallace asked as the camera rolled.

"Nothing," answered Big R, looking you in the eye. "The yard is a little bigger than your cell and you don't see any sun." A hell of a statement we thought, at which Wallace hung a glum look. Hell of a thought. Hell of a situation.

We in the PBIP would want to ask, "Well then, is sun meant only for white folks?" Because here's something you all should know, by way of highly-inventive "investigative reporting" on a high-tech joint for number-one prisoners. There being so many Latinos (59%) and Blacks (26%) inside what we colored people would say is a third-world concentration camp run by the nazis, we think the system could make them 'white folks' too, keeping them in the hole so long. But why, oh why are they doing it? And what do we mean by maximum-custody conformity, neutral complexion classification requirements in the SHU?...

No fuckin' solo mio for the Batos inside is what this sorry and illegal situation around Pelican Bay boils down to. No ol' Sol until you snitch, parole or die. So what do we do meanwhile? And what do we say to the viewers who ain't got remote control? Meanwhile, are we to maintain with good conscience that torture isn't and hasn't already happened along this lonely Oregon border where nobody goes, unless

to be locked up? If anything, we'd want your crew to be there first to find out and to blow the whistle on prime time.

No silent genocide absent a witness will be permitted to go down on the prisoner class of America, without us hollering, "Wake up kimo sabe!" We will be there to spell it out for you, before we are all dead in the same grave. Show time or no.

So kick it in, Mike.

—Bato 76, *Pelican Bay Express*, Vol. 2, No. 2, Jul. 1993

## **THE TRIAL (Madrid v. Gomez)**

Fifteen brave prisoners came to the Federal Court House in San Francisco during September and October [1993] to testify in the class action civil rights suit on behalf of all prisoners housed at the Pelican Bay State Prison. Many others had presented evidence to the legal team that helped build the case against the State of California for violations of the U.S. Constitution which prohibits "cruel and unusual punishment."

The fifteen men—most in full shackles and orange jumpsuits—appeared in the plush surroundings of Judge Thelton Henderson's courtroom. The deep pile carpets, 40-foot-high ceilings, rich wood paneling and a floor-to-ceiling marble wall behind the judge's massive podium were a dramatic contrast to the conditions the prisoners would be describing to him. The calm and security of the scene was quite the opposite of what they could expect as most returned to prison. The California Department of Corrections has a long memory for those who speak up against it. Especially for those with long sentences, Judge Henderson's anti-retaliation restraining order must have seemed like slim protection against CDoC's often vicious treatment of stand-up cons.

— *Pelican Bay Express*, Vol. 2, No. 3, Dec. 1993

## **from OPENING STATEMENT BY SUSAN CREIGHTON, ATTORNEY FOR PLAINTIFFS**

Unlike most prison rights cases, this action does not involve an old, dilapidated prison where the deterioration of the

physical conditions is part of the litigation. There is no doubt that Pelican Bay is clean. It is generally not subject to leaking fixtures or to infestations of vermin, and its physical plant, such as the infirmary, is up-to-date. This case is instead about something more fundamental. It is about the defendants' purpose in building Pelican Bay and the means they have used to carry out that purpose. With regards to the defendants' purpose, the evidence will show not just that Pelican Bay is a brutal and terrifying place, but that it was built to be that way. Pelican Bay was designed to be a threat held over all prisoners in the state. If you do not behave, you will be sent to Pelican Bay.

The evidence will show that Pelican Bay was intended from the outset to inspire terror, intimidation and dread. Brutality and terror are as much a part of the fabric of Pelican Bay as its gun towers and gates. In putting the defendants' purpose into effect, the Security Housing Unit (SHU), at Pelican Bay plays an important role....The evidence will show that the effect of the SHU's punitive regime is to induce psychological trauma in the great majority of the prisoners who live there, to induce actual psychosis in many, and to greatly exacerbate the psychological pain suffered by those who are already mentally ill. The evidence will show the defendants knew that this was the likely outcome before the SHU was ever built. Defendants nevertheless went forward with their plan. In doing so, their conduct is consistent with a certain terrible logic. What better deterrent to hold over prisoners of California than the threat of sending them to a place that could drive them crazy? However frightening, the architecture and design of the SHU is only one aspect of what makes terror the most common experience of life at Pelican Bay. At least as significant is the regime of staff brutality and misuse of force that has prevailed since the inception of the prison.

The evidence will show that this use of excessive force takes many forms: the use of forced cell-removals, known as "cell-extractions," as occasions to brutalize inmates; the trussing up of inmates under another euphemistic label, "control restraints," in positions usually only used on animals; the routine resort to weapons that inflict enormous pain, such as the taser and the gas gun; the back-room beat-

ing of inmates; and a shocking reliance on lethal force that appears without parallel in other prisons in America....

The evidence will show that, at present, the law stops at the gates of Pelican Bay. Prisoners are beaten, shot and killed in flagrant violation of their rights under the Constitution. The issue presented in this case is whether such conduct may be permitted to continue. Because the defendants here act under the color of state law, it is we, the people, who have put the guns, tasers and chains in their hands, and when they act, we act. The question that this case poses, therefore, is whether we, the people, are free to act lawlessly because people that we brutalize have themselves violated the law? The Constitution answers No. The rule of law enshrined in this country answers No. And in our claim to be a civilized people, we all must answer No.

— *Pelican Bay Express*, Vol. 2, No. 2, Jul. 1993

## BEHIND THE GLASS

In this setting of manufactured violence and guard assault, convicts working for peace among various prisoner factions have been harassed and isolated from others. Their legal work has been confiscated and lost, false gang charges have been manufactured, and frequent cell changes carried out — all in an attempt to interfere with the convict-initiated peace process. Governor Wilson's office has been contacted numerous times, asking to lend his influence, but to no avail.

The most recent PBSP lockdown lasted from mid-June [1994] until late July. In all, Pelican Bay prisoners have been locked down for 40% of 1994 with no yard, no law library, limited showers, no canteen and further delays in medical care. In the maximum security A and B facilities, programs, work and education are severely restricted. The lockdown strains every aspect of daily life and turns the Security Housing Unit (C and D) into a virtual tomb. No official reason is given to the



Left to right: Paul Comiskey, Michail Snedeker, Catherine Cambell, Luis and Corey Weinstein. In Crescent City in 1991 on first PBIP trip to the prison.

prisoners for such drastic measures. Prisoners told PBIP investigators that they have heard that the lockdown and multiple cell-searches are being conducted to find a missing piece of metal, or to search for holes in the walls, resulting in cells being "condemned" for having hollow wall spaces. But all agree that the length of lockdown and the manner of the searches in retaliation for the *Madrid v. Gomez* lawsuit.

— *Pelican Bay Express*, Vol. 2, No. 5, Oct. 1994

## BAY PRISON WARDEN MARSHALL RETIRES

December 30, 1994 didn't come any too soon for retiring Warden Charles Marshall, late of Pelican Bay State Prison. He will make his retirement outside the hi-tech compound among the scenic redwoods, and will, we understand, be on call as a "consultant." Marshall leaves the control unit facility in a somewhat surreptitious fashion, after creating a firestorm during the three years that a lawsuit (brought by Pelican Bay prisoners) was being featured on national networks. The class-action suit — *Madrid v. Gomez* — charged, among other things, guard brutality, prisoners going insane inside the Security Housing Unit and a host of abuses by staff and administration.

— *Pelican Bay Express*, Vol. 2, No. 6, Feb. 1995

# MADRID v. GOMEZ, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

## from Introduction

The case was tried before the Court between September 14 and December 1, 1993. Immediately prior to the trial, the Court spent two days touring Pelican Bay, accompanied by counsel for both parties and prison officials. During the course of the trial, the Court heard testimony from 57 lay witnesses, including class members, defendants, and correctional employees at all levels. It also received into evidence over 6,000 exhibits, including documents, tape recordings and photographs, as well as thousands of pages of deposition excerpts.

The Court recognizes that neither the inmates at Pelican Bay nor the Department of Corrections personnel can be considered neutral witnesses. For reasons that are self-evident, class members, as well as defendants and other prison staff, are interested in the outcome of the case. We also take into account the undeniable presence of a "code of silence" at Pelican Bay. As the evidence clearly shows, this unwritten, but widely understood, code is designed to encourage prison employees to remain silent regarding the improper behavior of their fellow employees, particularly where excessive force has been alleged. Those who defy the code risk retaliation and harassment. We have considered all of the above, as well as the manner and demeanor of witnesses, in assessing witness credibility and making our factual findings.

## from SUMMARY

Throughout these proceedings we have been acutely sensitive to the fact that our role in Eighth Amendment litigation is a limited one. Federal courts are not instruments for prison reform, and federal judges are not prison administrators. We must be careful not to stray into matters that our system of federalism reserves for the discretion of state officials. At the same time, we have no duty more important than that of enforcing constitutional rights, no matter how unpopular the cause or powerless the plaintiff. The challenge, then, in prison conditions suits, is to uphold the Constitution in such a manner that respects the state's unique interest in managing its prison population. It is a

challenge that requires us to draw constitutional lines when necessary, yet minimizes any intrusion into state affairs. It was with these principles in mind that we studied the voluminous record in this case and rendered our findings of fact and conclusions of law set forth above. And it is these principles that have compelled us to conclude that defendants have unmistakably crossed the constitutional line with respect to some of the claims raised by this action. In particular, defendants have filed to provide inmates at Pelican Bay with constitutionally adequate medical and mental health care, and have permitted and condoned a pattern of using excessive force, all in conscious disregard of the serious harm that these practices inflict. With respect to the SHU, defendants cross the constitutional line when they force certain subgroups of the prison population, including the mentally ill, to endure the conditions in the SHU, despite knowing that the likely consequence for such inmates is serious injury to their mental health, and despite the fact that certain conditions in the SHU have a relationship to legitimate security interests that is tangential at best.

As to the above matters, defendants have subjected plaintiffs to "unnecessary and wanton infliction of pain" in violation of the Eighth Amendment of the United States Constitution. We observe that while this simple phrase articulates the legal standard, dry words on paper can not adequately capture the senseless suffering and sometimes wretched misery that defendants' unconstitutional practices leave in their wake. The anguish of descending into serious mental illness, the pain of physical abuse, and the torment of having serious medical needs that simply go unmet are all profoundly difficult, if not impossible, to fully fathom, no matter how long or detailed the trial record may be.

The record does not, however, sustain other allegations advanced by the plaintiffs. Conditions in the SHU may well hover on

the edge of what is humanly tolerable for those with normal resilience, particularly when endured for extended periods of time. They do not, however, violate exacting Eighth Amendment standards, except for the specific population subgroups identified in this opinion. We have also found for defendants with respect to plaintiffs' allegations regarding the use of force between inmates. Finally, with the exception of one issue, we have rejected plaintiffs' challenges to the procedures governing the assignment of prison gang members to the SHU for indeterminate terms.

## from APPROPRIATE RELIEF AND FURTHER PROCEEDINGS

Our assessment of defendants' current attitudes and conduct only reinforces our view that injunctive relief is not only appropriate in this case, but perhaps "indispensable, if constitutional dictates



Team meeting with visitors delivering our report to Del Norte Co Grand Jury.  
1994 Pelican Bay State Prison, Investigation

— not to mention considerations of basic humanity — are to be observed in the prison[.]” Stone, 968 F.2d at 861. Throughout this litigation, defendants have shown no indication that they are committed to finding permanent solutions to problems of serious constitutional dimension. On the contrary, defendants have expended most of their energies attempting to deny or explain away the evidence of such problems. Even when defendants modify certain policies (as they have done in the use-of-force area), they do not argue that such changes evidence an intent to address the problems raised by this complaint; rather, defendants typically assert that they were precipitated by unrelated matters.



In short, we glean no serious or genuine commitment to significantly improving the delivery of health care services, correcting the pattern of excessive force, or otherwise remedying the constitutional violations found herein which have caused, and continue to cause, significant harm to the plaintiffs. Indeed the Court is left with the opinion that, even given the evidence presented at trial, the defendants would still deny that any condition or practice at Pelican Bay raises any cause for concern, much less concern of a constitutional dimension.

Nor are we confident, given the history of other prison litigation, that defendants will promptly rectify constitutional deficiencies absent intervention by this Court.

— *Pelican Bay Express*, Vol. 3, No. 1, Jul. 1995

## SKELETON BAY

As of 1993, according to U.S. Bureau of Justice Statistics, there were 119,951 people, including parolees, imprisoned in



Chowchilla Demonstration

California. At last count, California had over 28 prisons and spends over \$1 billion annually on prisons. One billion! And then there's Pelican Bay prison. A hellish home for thirty-seven hundred prisoners located in an isolated rural area called Crescent City, California. If Pelican Bay prison is hell, then its Security Housing Unit (SHU) is the lower depths, where nearly thirteen hundred men are consigned to a state program of torture and governmental terrorism, so much so that major news agencies, such as CBS's 60 Minutes, have reported on the unit. Prisoners there haven't taken the abusive treatment lying down, as evidenced by a civil suit filed in federal court, charging the state with "lawless" activity....

Indeed, the conditions are so horrendous that a former warden of the infamous hellhole at Marion, Illinois, openly criticized Pelican, tracing a record of numerous injuries and deaths to guards' routine use of excessive force....Marion Federal Penitentiary, known as Son of Alcatraz, was itself condemned as violative of fundamental human rights by Amnesty International. Pelican Bay (called Skeleton Bay by prisoners) is Son of Marion and has taken to such an inhuman degree that even Marion's old warden gasps in shock at the ugliness that is his spawn. Five years from now will we be moaning about the Son of Pelican? If we don't rumble now against all the fascistic control units, such as Pelican, Pennsylvania's SMU, Shawnee Unit at Marianna, Florida and Colorado State Penitentiary, you may not be able to rumble later. The solution is not in the courts but in an awake, aware people.

—Mumia Abu-Jamal,  
*Pelican Bay Express*, Vol. 3, No. 1, Jul. 1995

## CALIFORNIA WOMEN PRISONERS SUE OVER DEFICIENT, "LIFE-THREATENING" MEDICAL CARE

On April 4, 1995, women prisoners confined at two large California prisons, the Central California Women's Facility (CCWF) in Chowchilla and the California Institute for Women (CIW) in Frontera, filed a federal class action lawsuit, *Shumate vs. Wilson*, in U. S. District Court in Sacramento. The suit charges that the prisons' dramatically deficient medical care for chronically and terminally ill women has caused needless pain and suffering and threatened their health and lives. The plaintiffs-prisoners include women with cancer, heart disease, sickle cell anemia, AIDS, tuberculosis and other illnesses....

Lead plaintiff Charisse Shumate is incarcerated at CCWF and suffers from sickle cell anemia, serious heart problems, pulmonary hypertension and asthma. In spite of her life-threatening conditions, Ms. Shumate frequently has been deprived of necessary medication and appropriate medical care and treatment. She does not receive a diet necessary to maintain her health. As of November 1, 1994, prison authorities began to require Ms. Shumate and all other women prisoners to pay \$5.00 per medical visit. "There have been many times that I have not had the money to purchase necessary medical supplies because I have been forced to use my limited funds to pay for medical visits," Shumate explained. "This has also happened to other women here — women who have AIDS and other serious illnesses. This is why we have chosen to fight against these conditions...."

Fresno attorney Catherine Campbell stated, "What happens inside CCWF is an extreme example of what is happening to poor people's health care in general. The women do not receive basic services, such as access to routine care, examinations, follow-up care, pain medication, and a diet necessary to maintain optimum health with a chronic disease...."

Ellen Barry of Legal Services for Prisoners with Children charged, "The conditions that some of these women have had to endure are barbaric." Barry cited several instances when women with high-risk pregnancies received prenatal care

resulting in serious complications and, in some cases, miscarriage....

The federal class action lawsuit charges that the serious lack of medical care amounts to cruel and unusual punishment and therefore violates the Eighth Amendment of the U.S. Constitution. The plaintiffs are seeking declaratory and injunctive relief.

—*Pelican Bay Express*, Vol. 3, No. 1, Jul. 1995

## BLACKS TARGETS OF "THREE STRIKES"

California's "Three Strikes" laws disproportionately affect Black defendants, according to a report issued by California's Center on Juvenile and Criminal Justice (CJCJ)....

Blacks make up only 10 percent of the general population of Los Angeles County, 30.5 percent of L.A.'s felony filings and an astonishing 57.3 percent of those charged with third "strike" cases.

—Vincent Schiraldi, *Pelican Bay Express*, Vol. 3, No. 2, Nov. 1995

## WHO SAID?

They say we must die before we multiply  
I say we must keep on living  
and not digging the hole for our await-  
ed killing.

They say I'm wicked so I must die..  
I say I ain't got no ticket to be wicked,  
so I just titter cause I ain't bitter,  
my ticket tells me to keep on tickin'  
'till time takes its tough turn and toll  
towards tomorrow...

They say I must die cause I'm full of  
hatred...

I say I'm hanging high, a little hard  
but harmless to even having  
a harmful heart that's full of hatred.

They say I must die cause I'm corrupt...

I say I'm not corrupt, crazy, craven, a  
coward or even, cruel...

I'm a coy, canny crony, capable of car-  
ing  
and I won't kick you to the curb cause I  
care...

They say I must die because I'm malig-  
nant.

I say "my, oh my" I'm not mad  
I merely manage and maintain my  
mind  
from all this madness and mud, cause  
I'm not malignant,

so I make my move and move on...

I may be down but I'm not knocked  
out...

I'll walk my walk and talk my talk...

they say what they want to say...

They do what they want to do...

An me, I keep my head up high,

I won't shed a tear cause I don't fear...

—Rosie Alfaro, #W15403 AO4,  
Women's Death Row, Chowchilla, *Pelican  
Bay Express*, Vol. 3, No. 2, Nov. 1995

## TORTURAS AT CHOWCHILLA

"I've seen women cut their throat, light themselves on fire, cut their wrists, O.D., hang themselves, and become extremely violent in SHU units. I've seen many women go downhill because of the treatment. It's just hard to get by every day." This was the testimony of a woman prisoner housed in the Security Housing Unit (SHU) at Valley State Prison for Women (VSPW) as told to a member of the Pelican Bay Information Project during a recent investigative visit.

Early in the summer of 1995 the Pelican Bay Information Project (PBIP) received



Chowchilla demo for women prisoners. July 1995

urgent letters and petitions from women confined in the 45-cell SHU at the newly opened Valley State Prison for Women. The calls for help were so sincere and the conditions detailed so brutal, the "Project" decided to organize an immediate investigative trip. ...

In the SHU there is no work, no education, no religious services and no vocational training. Meals are eaten in the cell, delivered by the guards twice a day, consisting of a breakfast and dinner tray and sack lunch. The food is often cold and barely edible. Alone for 24 hours a day, the SHU prisoners sit idle for months or

years....

Women are chained with handcuffs attached to waist chains for noncontact visits with family and friends. Their children are forced to observe this ritual of degradation that has no security purpose. The visitors and prisoners are in separate rooms divided by thick glass and steel, and must talk over phones. Because the handcuffs are attached to the waist chains, prisoners are forced to bend over awkwardly to be able to use the phone.

Only one book is allowed in the cell and only one greeting card at a time. So on her birthday or Christmas, the prisoner must choose which card she will cherish for the event and send the others back....

The level of sexual harassment is extreme. Male guards observe the strip searches and make comments to the women about their bodies. Male guards also observe gynecological exams of the chained women. Guards can see into the showers and observe women using the uncovered toilet in the small group yard.... Guards seek sexual favors and video security camera "peep shows" from cooperating (or coerced) women, in exchange for favors like protection, drugs or cigarettes....

Humiliation seems to be one of the important management tools of repression used against the women in the SHU. Sexual exploitation further degrades the women. Institutional lawlessness meets each new inmate arrival.

—*Pelican Bay Express*, Vol. 3, No. 2, Nov. 1995

## INHUMANE AND DEGRADING PUNISHMENT OF WOMEN PRISONERS AT CHOWCHILLA

A woman feels targeted harassment when she is consistently made the last person for discretionary acts like shower, exercise yard, law library, visit, mail, and books. An injured woman was told, "You are not worth the money it will take to get you to the hospital," and was terrorized with the threat of inaction and refusal to call medical staff. Women have experienced targeted harassment from one or more guards constantly observing (like a

*Continued on page 32*



# SHU PRISONERS ON A HUNGER STRIKE: A LETTER TO OFFICIALS

I am writing to draw your attention to the hunger strike underway at Pelican Bay and Corcoran State Prisons. Since July 1, nearly 1000 prisoners have fasted or modified their diets to protest the Department of Correction's gang validation policy, which determines the placement and release of many prisoners in Security Housing Units (SHUs). A significant number of these men are committed to fasting until their demands are met.

**“The hunger strikers have not lightly undertaken the decision to starve themselves. They are striking because their due process rights have been denied, and their appeals for justice have consistently been ignored, dismissed, and delayed.”**

The hunger strikers have not lightly undertaken the decision to starve themselves. They are striking because their due process rights have been denied, and their appeals for justice have consistently been ignored, dismissed, and delayed. Therefore, I support the hunger strikers' demand for a legislative hearing to address their grievances and debate their proposals for reform. The hearing should be sched-

uled as soon as possible, before the strikers die or suffer irreparable damage to their health, and it should be located at Pelican Bay so that prisoners can speak for themselves.

You are aware, no doubt, that SHU confinement entails severe sensory deprivation which causes many prisoners to lose their sanity. Yet prisoners can be gang validated and moved into the SHU for talking or exercising with fellow prisoners, or at the word of confidential and often unreliable informants. Such a vague and open-ended evidentiary requirement violates the due process rights of prisoners, encourages the capricious segregation of unpopular prisoners, and fails to provide

prisoners with adequate notice of the prohibited conduct. As a citizen and taxpayer, I object that my government consigns human beings to the mental torture of the SHU in an arbitrary fashion that the State Department would probably denounce as a human rights abuse if it occurred in the Third World.

Not only does the gang validation policy offend my sense of justice, it causes me

to fear for my safety and the safety of my community. As you know, gang validation assignment to a SHU is indeterminate, with release to the general prison population very difficult unless a prisoner makes a dangerous decision to debrief. The result is that prisoners, simmering for years in isolation with no job training or educational programming, are often released from SHUs at the end of their sentence directly into the free world.

I am outraged that my tax dollars are being spent to confine prisoners in SHUs where there is no legitimate need of institutional security. Unnecessary confinement of any human being in a SHU is cruel and counterproductive. If the state of California preserves the mean-spirited prison gang validation policy, its officials will be judged responsible for the hunger strikers' suffering and death, in the eyes of California voters and the conscience of people around the world.

I eagerly await your action and response on this matter.

*[Ed Note: Though the hunger strike/protest has been suspended, it is still useful to encourage our state officials to do the right thing. Write to your legislators so they can't say they didn't know. Thanks to Scott Handleman for his work in preparing the letter.]*

## PRISONERS WITH 'KTV'

Prisoners with a KTV that went out on them with "Heat Run" appearing on the screen and the TV staying on channel 13 drop CPF a note (ATTN: KTV File) with the details.



# PRISONER HUNGER STRIKE SUSPENDED AT PELICAN BAY AND CORCORAN STATE PRISON

**O**n July 1, nearly one thousand prisoners at Pelican Bay and Corcoran State Prisons began a hunger strike to protest their indefinite placement in the Security Housing Unit (SHU) under what they claim is an unfair, vague and overbroad prison gang policy by the California Department of Corrections (CDoC).

On July 6, the majority of the prisoners agreed to suspend their protest after receiving a fax from Sen. Richard Polanco (D-Los Angeles) who expressed a concern and understanding of the prisoners' com-

plaints and stated he will call for a meeting with CDoC officials. report that this was true for only those prisoners who were acting in solidarity because, due to serious medical conditions, they could not participate in the fast. All the other prisoners refused to eat any food and were sustaining themselves on water and koolaid.

The prisoners are prepared to continue anew with their protest should the impending meeting between CDoC officials and Sen. Polanco prove unfruitful.

Please send your letters of support to Sen. Polanco at the below addresses. Thank you for your help and support. Sen.

**“The prisoners are prepared to continue anew with their protest should the impending meeting between CDoC officials and Sen. Polanco prove unfruitful.”**

plaints and stated he will call for a meeting with CDoC officials.

Previously it was reported that the prisoners were only refusing to eat state-issued meals. But sources close to the prisoners

Richard Polanco, Joint Legislative Committee on Prison Construction and Operations, State Capital, Room #400, Sacramento, CA 95814; (916) 324-6175; fax (916) 327-8817.



Pelican Bay “B” yard where on February 23, 2000 30 prisoners were stabbed and 16 shot during a racial melee.

## POST-HUNGER STRIKE: A PRISONER'S WORDS

**I** am writing to inform you that the last 15 prisoners (including myself) in my unit that continued the hunger strike beyond the fifth day have all stopped as of yesterday afternoon (July 7).

It was my intention, and I believe the other 14 prisoners, to continue the strike indefinitely or until CDoC officials agree to make changes to their policy [and practices] with respect to gang classification and management procedures. The reason I stopped, and I believe the reason the other 14 prisoners stopped, is because I was shown an official letter from state Sen. Polanco that asked that the strike be called off pending a meeting between Sen. Polanco and CDoC officials. Sen. Polanco further stated that he agreed that the SHU should only be used to house prisoner who actually commit a rules violation serious enough to warrant SHU housing and not to house prisoners solely due to their status. [Prisoners sent to the SHU on a rules violation receive a determinate (set amount of time) SHU sentence while prisoners with an indeterminate designation—which applies to those with a gang label—have no way of getting out of SHU except by debriefing, paroling or dying.]

In good faith I give Sen. Polanco the benefit of the doubt that he will address the issues that concern me once he meets with CDoC officials. This is the reason I decided to stop my hunger strike, to give Sen. Polanco a chance to resolve these issues.

In any event and depending on the outcome of the meeting, I may very well have to go on another hunger strike if the talks are not favorable or satisfactory. And this time I will not stop striking until change is agreed upon by CDoC or until I am wheeled off to the infirmary to be force fed and even then I will not eat.

*[Ed Note: CPF has received numerous letters expressing similar thoughts.]*



# MORE SHOTS AT CORCORAN

out of a sheer lack of knowledge or an unwillingness to disclose information beyond the boundaries of prison employees is unknown.

In the days following, media adhering to the CDoC byline portrayed the incident as a riot between rival Latino gangs. Acting Warden George Galaza, stated that "about 200 inmates belonging to Northern and Southern Mexican gangs fought one another," and that staff utilized a "coordinated response", which helped guards regain control of the yard, and successfully quell the riot. Additionally, "the perpetrators [were] identified, and they are in segregation," according to Galaza. Publicity such as this offers no insight into the whys and wherefores of this incident, nor does it indicated any context beyond the immediate actions taken by the CDoC. And so it seems that business proceeds as usual in the CDoC, keeping the public ignorant as to what goes on behind prison walls.

Voices from the inside, from those who live on 3C and were forced to endure the CDoC's coordinated response paint a very different picture. As one voice from inside

utter lack of programming combined with the utter arrogance and staff indifference makes an individual feel that he will lose virtually nothing by doing his time in the hole. At least then he would stand a better chance of preserving his sense of integrity and self-respect."

The lack of respect from prison staff has caused mounting anger and tension inside the walls of 3C. In late 1998, a group of lifers on 3C convened to discuss the deteriorating state of the 3C program. They concluded that they needed to join the Men's Advisory Council (MAC), and vigorously pursue the dysfunctional 602 appeals system and lack of access to and material in the law library. One lifer states, "It was our belief that if these two things could be corrected, than the rest of the population would have at least a fighting chance to have a hand in helping correct the rest of the problems." Three years later, he states, "the appeals system and the attitude the administration and staff have toward MAC has deteriorated beyond all previous estimates."

Group 602 Appeals have been filed on

A few minutes into the nine o'clock hour on Saturday February 17, 2001, family members stood waiting in line at California State Prison-Corcoran to visit their loved ones when a series of shots were fired on 3C-yard. First a warning shot, then a full round of fire shattered the dialogue between family members who had come from as far as San Diego and as near as downtown Corcoran. Stoic silence fast became fear on the faces of those waiting to see their sons, husbands, fathers, uncles, lovers and friends, as guards in green and tan ran toward the gun tower, walkie-talkies buzzing and batons gripped in ready palms.

After two hours of urgently awaiting word from behind razor wired walls family members and other visitors were told that visiting hours were cancelled, denying visitation rights to those who had come from many miles away.

During the waiting period several requests for information were asked of the skeleton administrative staff remaining at their stations; all other COs had reported to 3C yard. The information disclosed was that there were "approximately 400 guys on the yard all of whom were now lying, one hour later, face down. And, that there seemed to be some additional problems because guys were still getting up and going at it again." The guards were very glib in their responses, refusing to disclose additional information; whether this was

stated, "The funny thing about these more notable incidents is that you can almost always shine two different lights on them in terms of causation. You can look at it from a short-term perspective or from a more historical standpoint. It is my belief that if you choose to only focus on one, you pay a great injustice to the facts of the other. Bottom line is most of the combatants that become participants in these riot-like incidents do it for two reasons: (1) it is a convenient way (and the only way) to relieve a great deal of stress and anger that this "program" creates; (2) this

behalf of the population on 3C, only to be met with administrative silence. The majority of population on 3C are fed-up with a series of ongoing problems: a failure to implement the Level III program (reduction in number of hours outside of cells), dining hall and food service conditions, poor staff relations, tampering with mail, a failed appeals system, inadequate access to the law library. They also desire a reinstatement of self-help programs, amongst numerous other issues. Yet, the CDoC administration continually fails to adequately respond to the request of prisoners.

**"The lack of respect from prison staff has caused mounting anger and tension inside the walls of 3C."**

At one time the MAC surveyed the population about the appeals procedure and found that 139 people out of 155 claimed their rights were violated while attempting to utilize the Appeals system. When this complaint was filed on June 4, 1999, a response was never given, an investigation did not occur, and the MAC chairman was removed by custody staff. Hence, as one prisoner puts it, "this incident is not a result of racial/gang activity. This incident is a direct result of the frustrations we're feeling over the way we're being treated, and it's getting worse all the time."

When asked what precipitated the February 17 incident a general response outlined mushrooming frustration, anger and hopelessness on the yard. Program hours outside of the cell are continually being cut back. (The Captain claims that these reductions are due to staff shortage, but the same number of staff has consistently been on 3C.) Additionally, "they've recently been playing serious games with the packages, canteen, appliances, clothing, property regulations and food sale policy. The COs seem completely off the leash and able to create new policy on a whim. All of these particular things have suddenly, in the past 90 days, increased dramatically in severity."

With mounting tension prisoners took their aggression out on one another. It is estimated that three groups of prisoners were fighting at any given time. "The cops were disorganized and ill prepared to handle the situation. They fired about 40 rounds of tear gas, percussion grenades, wooden blocks, and pepper spray." Fog filled the yard limiting visibility, and a "CO in the 3C03 control booth dropped a gas bomb inside the building causing the dayroom to fog. Cell vents seemed to be pumping tear gas from outside for an hour or two." In the first 30 minutes of the melee the COs stood 40 yards away from where the fighting took place yelling obscenities. When everybody was lying face down in the dirt, hog-tied, "CO's started running their mouths and jerking people around." Prisoner's lay face down, hog tied, for over 4 hours, some forced to soil themselves, while the administration documented the location of each of the six or seven hundred individuals on the yard. It appears that most of those arrested and put in Ad-Seg. were Northern Mexicans.

In the days immediately following the

melee meals were skipped and showers denied. Showers did not resume until February 23, seven days after population had been tear gassed, and only then in unstable patterns without hot water. As of March 15, the majority of 3C-yard, except for so-called "critical workers", were still on lockdown. Critical workers include PIA workers, kitchen workers, R&R workers, clerks, and workers constructing the new Administrative Segregation building. Critical workers receive privileges, such as canteen, receiving packages and special purchases and meeting with their visitors. Meanwhile the rest of the prisoners on 3C remain on lockdown causing animosity to mount.

It appears that the CDoC is utilizing the February 17 melee as an excuse to wage a continued low intensity covert war against prisoners on 3C yard, further pitting individuals or groups of prisoners against one another, be they critical workers or Southern Mexicans. During the "investigation" many prisoners had vast quantities of property removed from their cells.

As is well known by all individuals held under lock and key as well as those poised with watchdog's eyes on the outside, a prisoner has a limited course of action available to him. Attorney Robert Navarro states, "clearly when a prisoner engages in violence he has made a 'choice' regarding his conduct, but that tells us very little and glosses over the deep, historic and systemic problems the CDoC faces regarding how prisoners 'choose' to comport themselves." The very fact that the CDoC is totally unwilling to address systemic problems perpetuates, provokes, instigates and insures the occurrence of incidents such as the one that took place on February 17.

Unless the concerns of prisoners are legitimately addressed it seems that tension will continue to rise to potentially explosive levels. Perhaps prisoners will establish a "coordinated response" to the CDoC. One source's parting words requests legislative action in efforts to deter future explosions, "If we don't get someone down here from Polanco's office to scrutinize how they're running this place, something is going to happen. It's getting worse all the time. Watch what happens."

These conditions are not unique to 3C nor are they unique to Corcoran. The CDOC is long overdue for an external investigation and a total overhaul.

.....  
Dear CPF:

While housed in Pelican Bay Facility A and B from 1992 to 1995 and especially in Facility A from 1994-95, I witnessed so much that I myself became a victim who was set up and attacked by former Correctional Sgt. Mr. Edward Michael Powers. This is a fact.

Afterwards I was immediately transferred from PBSP, in what I believe was to prevent me from revealing the truth about what is really going on, and because I knew what former CO Garcia's activities were really based on, along with former CO Sgt. Powers and many more.

In 1997, the CDoC asked for my cooperation to bring these corrupt officers before Justice. This was very surprising and unexpected and scary as hell because I was never notified ahead of time. The case involved former CO Garcia, charged in Del Norte County back in 1998, a case in which he was found guilty.

Not knowing ahead of time what was going on inside the courtroom, I was afraid to testify in court on the Garcia case because no one ever told me what he was on trial for. I was housed inside a tank with numerous other inmates, all white with swats stickers tattooed on their bodies and foreheads; with no other African-Americans present, I took the advice of another inmate to plead the 5th. Later I found out that the 5th was the wrong plea to make. My aim was to try to find a way out of testifying based on the lack of being given proper notice ahead of time as to what the trial was about. Even though the Judge let me go back to the prison where I came from, when I thought the incident was finished, the CDoC fooled me again.

In 1998, former inmate Mr. William Boyd was set up and killed inside PBSP, behind being a participant in the Garcia trial.

I have no problem snitching on corrupt prison guards at PBSP. I do not do with the aim of any reward or bargain of any kind. I do it because I know for a fact their actions were wrong.

Now I'm caught in the mix because I look for those that really claim to care





## RULE 53, WE NEED YOU

alerting male guards to avoid the area when women were being strip searched on entry into the facility, and men were barred from an observation window designed to see into every cell and shower in the Security Housing Unit.

Statewide, the CDoC has investigated 187 cases of abuse since January 1999 and treated 100 cases as criminal. In Madera County where VSPW and the Central California Women's Facility stand across the road from each other, seven cases have been turned over to the District Attorney for prosecution. Prison staff have been criminally charged under California's law that states that all sexual contact by staff in a prison constitutes battery. Doctors, guards, teachers and even clergy have been investigated and arrested. Many more staff resigned during various stages of inquiry into their activities.

As a result, in the 52 cell total lockdown unit at VSPW called the Security Housing Unit (SHU), complaints of overt sexual

are on the tiers as women undress, use the toilet and take in-cell bird baths. The women must request toilet paper and sanitary napkins from male guards. It is against the rules for women to achieve privacy by temporarily covering the windows in the cell door and wall.

The women complain that these routines are embarrassing and demeaning. Sixty percent of women who have a history of being sexually assaulted before incarceration suffer even more as the torment of the past is rekindled. The many who have mental health problems also are more vulnerable and more easily traumatized. The SHU is used as a dumping ground for women whose psychiatric disabilities cause them to run afoul of the prison rules making them triply punished. They are punished by imprisonment for their crime, punished with SHU placement for their disability and finally sexually harassed by the routines in the SHU.

**I**t took a nationwide public campaign to get the California Department of Corrections (CDoC) to crack down on the sexual assault of women prisoners. In 1998 prison watchdog groups such as Human Rights Watch and Amnesty International joined local organizations like California Prison Focus and Legal Services for Prisoners with Children to investigate and protest the ongoing sexual abuse and harassment of women in California prisons. The United Nations Special Rapporteur on Violence Against Women visited Valley State Prison for Women (VSPW) as part of her investigation of US penal facilities. Human Rights Watch published a nationwide study of the sexual abuse of women prisoners entitled *Not Part of My Sentence*, and the Nightline TV investigative show broadcast a multi-segment series from VSPW. The Chief Medical Officer at VSPW was relieved of his position when he said on camera for the national TV audience that some women sought pelvic examinations for sexual gratification. Not surprisingly a doctor, nurse and medical assistant have since been charged with sexual assault at VSPW.

Local advocacy work resulted in meetings with the director of CDoC that helped stimulate a few changes in prison routines and launched a statewide investigation of abuse by staff. Special warning lights were put up in the Reception Center at VSPW

**“The battle is far from being won. There is still routine and daily sexual harassment in the SHU at Valley State, in all locked down units and many housing units.”**

assault have decreased. This is an important, if fragile, victory for the women brave enough to complain openly and testify about the abuse. And it's been a terrible embarrassment for the CDoC and the many staff who did nothing for so long.

### ABUSE CONTINUES

But the battle is far from being won. There is still routine and daily sexual harassment in the SHU at Valley State, in all locked down units and many housing units. In the SHU male custody staff bring all daily needs to the cell door including meals, mail and administrative functions. They

Women in the SHU report that male guards stand at the shower doors pretending to make small talk. Guards make blatant sexual remarks, comment on the women's bodies in lurid detail and verbally abuse them with derogatory comments and racial slurs. Guards coerce women to expose themselves in what are called "peep shows" buying such with petty favors like food or candy. The law says that there is no such a thing as consensual sexual activity between staff and prisoners, so buying a sex show from a prisoner could be considered unlawful sexual activity.

It may seem shocking that guards con-

**“Rule 53 must be implemented to finally stop the sexual assault of women prisoners. It is no secret that policies that permit male guards to search, monitor and work in female prisoner housing units have been identified as a primary cause of the high degree of incidences of abuse in US prisons.”**

tinue to abuse women after seeing a few of their fellows arrested or resign in infamy. But it is quite likely that the staff is emboldened by the fact that their behavior is part of the ordinary routines in prison, and part of the culture of debasement and disrespect that prisoners are subjected to by staff in most of California's facilities.

The US Congress and Supreme Court have made it clear that routine sexual harassment like that at VSPW will be hard to stop with legal action. The Prison Litigation Reform Act (PLRA), which passed in 1996, maintains that if a prisoner cannot show that she was physically injured, she cannot claim psychological harm. So without actual injury from battery the law cannot be invoked to protect her. The US Supreme Court has decided in a number of cases that in order to seek protection under the Constitution a violation must be both cruel and unusual. While male staff leering at, harassing and demeaning women might be cruel, if it is usual, then there is no relief under law.

#### **RULE 53**

Until the early 1980s most states in the US did not place male custody staff in women's prisons and jails. Men did no visual or pat searches and served no housing unit custody functions. Men worked as healthcare staff, educators and in other non-custodial functions. With the passage of legislation requiring equal rights in employment, women custody staff were hired as guards in men's institutions and men were hired to work in women's facilities.

Yet women in prison would be better served under the United Nations Standard Minimum Rules for the Treatment of Prisoners. Rule 53 states:

- (1) Women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.
- (2) No male member of the staff shall enter the part of the institution set

aside for women unless accompanied by a woman officer.

- (3) Women prisoners shall be attended and supervised only by women officers.

Rule 53 is recognized as the single and only exception to the laws concerning equal opportunity for employment.

**“It is up to us, advocates and prisoners, to build a community-based movement across the walls to force this change. We can't depend on our wonderful prisoner rights lawyers alone for this one. We have to reach out and educate women's groups who seek to protect women, the religious community that will embrace the ethics of Rule 53 and academics in women's studies who can provide data and analysis to support the need for such a change. And we have to ask our human rights partners to place this issue at the top of their agenda.”**

Rule 53 must be implemented to finally stop the sexual assault of women prisoners. It is no secret that policies that permit male guards to search, monitor and work in female prisoner housing units have been identified as a primary cause of the high degree of incidences of abuse in US prisons.

There is presently little or no redress under US law except when the abuse is physical, especially if there is outside pressure on the corrections authority. Rule 53 stands outside our law as a 50-year-old unobserved beacon of hope.

It is up to us, advocates and prisoners, to build a community-based movement

across the walls to force this change. We can't depend on our wonderful prisoner rights lawyers alone for this one. We have to reach out and educate women's groups who seek to protect women, the religious community that will embrace the ethics of Rule 53 and academics in women's studies who can provide data and analysis to sup-

port the need for such a change. And we have to ask our human rights partners to place this issue at the top of their agenda.

A Rule 53 working group is needed and its first task should be to get male custody staff out of the SHU at Valley State Prison for Women, and all administrative segregation and lockdown units in women's penal facilities.

*[CPF would like to thank Justice Now and Legal Services for Prisoners With Children for assistance in writing this article.]*

# ABUSE IN VSPW SHU CONTINUES

**D**uring this year, California Prison Focus has conducted several visits with women living inside the Security Housing Unit (SHU) at Valley State Prison for Women. Our investigations have revealed that women inside the SHU continue to survive within an environment of medical neglect, perpetual abuse, retaliation, and fear.

A major focus of our work during 2001 has been in response to two particular correctional officers, Ross and Flemming, who have been fundamentally responsible for much of the physical and mental abuse reported by women. Ross serves as the Valley State Representative for the CCPOA and it is known that his supervisors and other staff members in the unit made numerous attempts to protect him from facing the consequences of his misconduct. This is typical of a broader pattern in which prison administration in general fails to effectively respond to specific incidents of abuse brought forward by the women.

Over the last six months, women have reported that Ross and Flemming were subjecting women to abuse during repeated strip searches, which often took place in their presence. Ross was repeatedly verbally abusive using degrading and disrespectful language when speaking to prisoners. He harassed women and provoked them. When one would respond, Flemming would write them up. These two guards often roughed up the women during transport including one incident when a prisoner was dragged to the floor by her hair and beaten. Women reported having their breasts and buttocks inappropriately touched while they were being escorted to shower, and in addition would return to their cells to find that their personal belongings had been ransacked and vandalized in their absence. One woman reported returning from the shower to find all of her writing papers and photographs torn to pieces and strewn about the cell. This PHYSICAL, sexual and mental abuse creates an environment of fear that compels many women to stay in their

cells during shower, group, and yard times. This is seen by the prison administration as non-compliant behavior, and women who opt to guard their personal safety are therefore prone to internal disciplinary consequences that often result in an extended SHU term. But even without such penalties, the fear that leads women to stay in their cells mean that they are, in effect, sentenced to 24-hour lockdown.

Women who have come forward to report their behavior have, as a result, faced severe retaliation. Both Ross and Flemming repeatedly harassed one woman. Within a period of a few weeks she had received a total of 11 internal disciplinary write ups, and was later told by Ross that the punishment would only stop

Flemming, addressing specific incidents of abuse and harassment, as well as the lack of response by the prison administration. On August 21, this story appeared on the front page of the local Merced paper. This set of events evoked a response from the Inspector General's office. They informed us that they would be conducting an investigation and would need our assistance in providing names of women willing to speak about their abuse. We wrote a letter to the affected women inside the SHU explaining that the Inspector General's office would be conducting an investigation and we would provide their name with permission. Due to the incredible organizing efforts of the women inside, we received an extended list of names, which

**“A majority of the women inside the SHU are diagnosed with Hepatitis C, and there is an alarming lack of care and support provided to adequately deal with this serious epidemic.”**

once she sexually gave in to him. She spoke to both her counselor and sergeant who informed her that she would be receiving another escort, and would no longer have to interact with Ross and Flemming. The next day she was on the way to group with a new escort, but Ross intervened and said that she was not permitted to leave her cell unless escorted by him. The other guard complied and she was forced to stay in her room out of fear of retaliation. This further emphasizes the lack of effective follow-through by administration.

On August 20, CPF issued a press release aimed at the California Correctional Peace Officers Association (CCPOA) and the Inspector General to bring attention to the abuse endured by prisoners in the Security Housing Unit at Valley State Prison for Women. Particular focus was given to the actions of Ross and

we sent to Deputy Inspector General Tina Gonzalez on September 13 along with a report highlighting specific issues of concern that we wanted the investigation to address. As of yet, not surprisingly, the investigation has not taken place, but we believe that exposing the set of events led to the removal of Ross and Flemming from the SHU unit. Although the removal of two of the most abusive guards within the unit does feel like a victory, it may also be a temporary action taken by the prison administration until less focus is placed on conditions inside the SHU.

A majority of the women inside the SHU are diagnosed with Hepatitis C, and there is an alarming lack of care and support provided to adequately deal with this serious epidemic. Women are not receiving

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*continued on page 22*





# JOIN THE FIGHT FOR TRANS PRISONERS' RIGHTS!

by Delphine Brody

**T**ransgender prisoners are routinely denied their most basic human rights in California's prisons. Meanwhile, activists, lawyers and advocates, uninformed about the issues these prisoners face, have done little to address their needs ... until now.

In recent years, as transgender, transsexual and gender-variant people's struggle for universal freedom of gender identity and expression has gained visibility, — the trans liberation movement has taken shape, grown and evolved. Yet, by and large, our movement has ignored the rising tide of police harassment and attacks on the most marginalized people in our community—poor and low-income trans people, especially trans women of color and trans immigrants—many of whom must rely on prostitution and other illegal work to survive. While more privileged trans activists wax philosophical about gender theory in internet chatrooms and lobby politicians for hate crimes laws and employee benefits packages, low-income trans women of color on the streets are fighting for their lives, amidst an unprecedented epidemic of police violence. Charged with "crimes" of poverty and desperation, more and more trans people are doing hard time in prison.

Inside California's state prisons, trans and gender-variant prisoners have begun to break the silence and demand justice in the face of severe repression. Under the ever-present threat of retaliation, trans prisoners are speaking out about the many egregious, often life-threatening human rights violations they have suffered at the hands of the California Department of Corrections (CDoC). These courageous trans prisoners have cited routine and systematic abuse by CDoC officials and guards, including the deliberate withholding of hormones and other essential medications, refusal to

address trans prisoners by their preferred names and gender pronouns, prohibiting trans prisoners from wearing or possessing gender-appropriate clothing, undergarments and other items that they require for personal comfort, and housing trans prisoners in prisons of their assigned sex at birth (often at odds with their gender identity), where they are subjected to frequent harassment, threats, physical and sexual violence from guards and other prisoners. If trans prisoners complain about this treatment, they are often punished by being placed in the Security Housing or lock down units, where they are even more vulnerable to attacks by guards.

Over the course of their regular community health outreach work, the HIV/Hepatitis C in Prison (HIP) Committee of California Prison Focus has visited the California Medical Facility in Vacaville, Corcoran State Prison and the Central California Women's Facility in Chowchilla, where committee members have met trans prisoners and heard accounts of medical neglect and sexual abuse. In addition, trans and gender-variant former prisoners in our community have shared their stories of harassment and intimidation, confirming our suspicions that this population is being singled out by prison guards and officials for selective punishment.

Inspired by the incredible bravery of these trans prisoners in their determined struggle for dignity and respect, the HIP Committee is starting a pilot project focusing on the needs of prisoners who identify as transgender (TG), transsexual (TS), queens, girls, two-spirits, trans men, female-to-males (FTMs), butches, daddies, bulldaggers, and anyone who has been harassed or attacked because of their gender-variant appearance, gender expression, the shape of their genitals or other body parts, their medical history, or the sex they were assigned at birth.

## BUILDING A MOVEMENT

Our new group is still forming, and we are seeking former prisoners, members of the trans community and allies. We hope to begin to bridge the divide between trans and gender-variant people on the outside and those on the inside, through mail-in questionnaires, prison outreach visits, and developing effective strategies for advocacy.

We would like to invite all interested prisoners, transgender or supporters, to write to the HIP Committee about the situation in your prisons. Please indicate whether we can print your letter or story in *Prison Focus* newsletter or on our website. Our goal is twofold: to force the California Department of Corrections to adopt a positive definition of transgender prisoners and therefore revamp all of its harmful, discriminatory and backward policies and to help build a grassroots movement to demand justice for all trans prisoners and put an end to the widespread violence and discrimination.

Please write to: HIP Committee/California Prison Focus, 2940 16th Street, Suite 307, San Francisco, CA 94103, Attn: Delphine Brody. Or call us at (510) 665-1935 (no collect calls are possible at this time.)

## IN MEMORIAM

### TONI HAMILTON AND KEE KEE SELLERS

The HIP Committee's current work with transgender prisoners was launched and inspired by two incredibly brave and determined trans women at Corcoran, Toni Hamilton and Kee Kee Sellers. This project continues in honor of their lives, and in solidarity with all transgender, transsexual, and gender-variant prisoners who are forced to struggle in order to survive.

Toni Hamilton died of medical neglect at Corcoran on August 1, 2000. She fought to receive medical care against insurmountable odds - doctors who ignored the

hepatitis C that was destroying her liver and nurses who blocked her access to necessary medication, calling her a "flamboyant homosexual" who did not deserve adequate medical care. Toni was an outspoken transgender woman who fought for hormone therapy and appropriate medical and mental health care for all transgender prisoners. She herself had been taking hormones for more than 30 years before she was sent to Corcoran. When she arrived there from another prison, she sought to continue hormone therapy as part of her ongoing medical care. The Chief Medical Officer refused to prescribe the therapy, absurdly claiming that hormones would pose a security risk. She fought this in every way possible - filing internal grievances against the doctors and contacting outside advocates to bring attention to the discrimination she and others faced in prison. She was also a lead-

er in organizing others to press for hormones as part of the standard of care for trans women inside.

Kee Kee Sellers was also a transgender prisoner at Corcoran. She was co-infected with HIV and hepatitis C and received very little monitoring or care for either virus. She had been on hormones for years on the outside, but did not trust Corcoran medical staff to manage her hormone therapy in addition to her HIV medication. Even as her health rapidly deteriorated, she continued to risk harassment and retaliation by proudly asserting her gender identity and compelling prison staff to treat her with respect. As she neared the end of her life, she made up her mind that she would absolutely not die in prison. At a time when no one from Corcoran was receiving compassionate release (and very few prisoners anywhere in California), Kee Kee decided that she

would be the one to break that pattern. Despite the sorrow she felt at saying goodbye to her loving partner inside, and with the assistance of the HIP Committee, she funneled every bit of energy she had toward making it out of Corcoran alive. At one point, she was in the prison hospital with virtually no t-cells, a large infected hole in her chest, on heavy pain medication, and hooked up to an oxygen tank, still thoroughly determined that she would live to see her release. In June 2000, after a long battle that included initial rejections, media blitzes, letters from legislators on her behalf, and a transfer to another prison, Kee Kee won her compassionate release. She even held on for a few more months, reuniting with her family and eating barbecue every day. I still feel honored that I was able to spend time with Kee Kee and her family before she died on August 21, 2000.

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*ABUSE continued from page 20*

ing the community standards of care, and are routinely denied both hepatitis C tests and the necessary liver function tests that adequately assess treatment needs. There is no access to health care literature, which denies women vital information about their illness.

Furthermore, while women in general population have access to a peer advocacy program that provides support and information for particular healthcare concerns, the women in the SHU are isolated. Therefore, women in the SHU wind up making decisions for their own health based upon a lack of knowledge, and are in the position of being completely reliant on a deficient medical staff who have little or no experience in infectious disease.

This, of course, assumes that a woman can get into see a doctor in the first place. The process that governs medical appointments is wrought with red tape and subject to personal conflicts and bias, all of which serve as obstacles. A woman with a health concern first must see a nurse, who acts as a gatekeeper to further medical care. This initial visit is facilitated only by a prisoner paying a \$5 co-pay, which again does not guarantee a visit with a doctor. The nurse assesses whether additional medical care is necessary, and only if she

believes so is the woman then referred to the nurse practitioner on staff. From there, it is only with the permission of the nurse practitioner that access to a doctor is permitted.

This past September, a prisoner went to see the nurse for the fourth time, because a severe rash on her foot was getting progressively worse. The nurse informed her that she had "Prison Rash." When the woman asked the nurse to find that particular ailment in the medical dictionary, she was threatened with a write up and promptly escorted back to her cell. The woman's "Prison Rash" has since spread and she has yet to receive treatment for it.

At the beginning of this year, another woman with whom we spoke went to see the doctor. She had an ultrasound and did not receive the results for over three months. When she finally did see the x-rays, a cyst was found on her ovary. The doctor (she does not remember his name) informed her that it was nothing to worry about and no follow-up action was taken. Presently, she still suffers from sharp pains in the lower abdomen and her repeated attempts for additional care have been denied.

Our investigation has also revealed that nurse practitioner Hodgkiss has been known to change women's medical prescriptions and deny medication without

(as mandated) approval of the Doctor, and without discussion with the women.

It is completely outrageous that people with no specialized training or medical background medically diagnose women with chronic and complicated illnesses in infectious disease. Because many of the women inside the SHU are serving long sentences, failure to provide treatment and consistent follow up will have serious consequences to their health.

Another issue of concern with regard to medical care is the lack of care provided by staff working the evening shift from 10 p.m. to 6 a.m. Women have reported that this "third shift" repeatedly ignores medical requests, opting to leave them for the morning shift. One woman reported that a woman who was on single cell status collapsed in her cell. Although repeated attempts were made to summon assistance, she was left on the floor until 8:00 the next morning.

Such incidents are not only indicative of the lack of care provided but also show a direct link between medical indifference and the deterioration of women's health. Because the health and lives of the women inside are evidently not worthy of care, even minor ailments have a great chance of becoming life threatening.

# A SPECIAL MESSAGE FROM THE HIP COMMITTEE:

Beth Feinberg

**A**t our annual retreat held at the end of June 2001, we decided to formally change our name to the HIV/Hepatitis C in Prison Committee of California Prison Focus. While we have for past several years been advocating on behalf of prisoners with hepatitis C (HCV) and those coinfecting with HIV and HCV, we felt it important to reflect this fact in our name.

We believe that the hepatitis C epidemic is one of the greatest dangers faced by people incarcerated in prisons and jails today. Greater and greater numbers of people coming into prison are already infected with HCV and, of course, due to the lack of clean needles (including those used for tattooing) and other harm reduction tools inside, there is a certainly a growing transmission rate. The prison and jail administrators, correctional medical staff, and even the Centers for Disease Control have yet to come to grips with the seriousness of this epidemic for the more than 2 million people incarcerated in this country. In fact, these agencies seem to be intentionally downplaying the significance of HCV in the prison population. In some ways, this head-in-the-sand approach by the prison industrial complex is painfully reminiscent of the early days of the HIV/AIDS epidemic. It took hundreds of deaths, prisoner activism, costly lawsuits, militant demonstrations, and staff whistleblowing before the prison system began to at least consider the seriousness of the AIDS epidemic. Here we are at the beginning of a larger, and perhaps more insidious epidemic, and no one is coming up with real solutions for education, care and treatment.

We have over the past several years, witnessed the deaths of several prisoners coinfecting with HIV and hepatitis C (and it comes as no surprise that at least 80% of prisoners with HIV are also infected with hepatitis C). We know that all of you have witnessed similar deaths – it is inevitable because the rate of HCV in California's prisons is officially recognized as 45% of

all men prisoners and 55% of all women prisoners. And unofficially, due to the history of injection drug use by people incarcerated, we estimate that at least 75% of the prison population probably has hepatitis C.

The HIP Committee believes that prisoners and jail detainees must have access to comprehensive, relevant, understandable and culturally appropriate HCV educational information. The prison system should be falling over itself trying to set up prisoner-led HCV peer education programs (along the lines of HIV peer education programs) or at the very least incorporating HCV education into existing programs. Unfortunately, it is not and most prisoners have little access to any educational material.

**“The prison and jail administrators, correctional medical staff, and even the Centers for Disease Control have yet to come to grips with the seriousness of this epidemic for the more than 2 million people incarcerated in this country.”**

We learned during the early years of the HIV/AIDS epidemic that testing without access to treatment was like a death sentence. The HIP Committee strongly opposes any mandatory testing for HCV. We support the availability of free, confidential and voluntary hepatitis C testing as part of a comprehensive HCV education, diagnostic and treatment program. Many prisoners are now finding out that they tested positive for HCV five or ten years ago. They were never informed of their test results, they were never given liver panels or monitored for cirrhosis of the liver. Testing should be the first step of diagnostic testing and treatment. Prisoners must have access to liver biopsies and the current standard of treatment for HCV that is being offered people on the street. There must not be a double

standard for the treatment of the incarcerated.

Additionally, prisons and jails could save thousands of dollars in emergency medical bills if they provided better

nutrition, including three balanced nutritious meals each day, daily access to fresh fruit and vegetables and offered special diets for people who have HCV and other serious illnesses.

So this is just a short note to let you know that we will continue to tackle this difficult issue and fight for access to education, testing and treatment for prisoners with HCV, as well as HIV. We provide HCV educational materials upon request. You can write to us at: HIP Committee, California Prison Focus, 2940 16th Street, Suite 307, San Francisco, CA 94103.

We would very much like to hear from people who are fighting for HCV treatment and similar issues in their prison. Your voice is the most important one as we fight for justice and better care for peo-

ple living behind the walls with HIV and hepatitis C.

These are only some of the issues faced by prisoners with HCV. We have an uphill battle to fight for care and treatment over the next few years.

We are listing below two excellent newsletters about HCV. Sample copies (and in some case subscriptions) are sent free to prisoners. However, if you have any extra stamps and can send them along, please do so.

Hepatitis C Awareness News  
P.O. Box 41803  
Eugene, OR 97404

HCV Advocate  
P.O. Box 427037  
San Francisco, CA 94142



# RECENT HISTORY

## DELANO VICTORY

A Superior Court judge has stopped the construction of another prison in Delano until a more complete study is done of the new prison's environmental consequences.

A number of prisoners' advocacy organizations and environmental groups joined together to file a lawsuit last year to stop construction of the Delano prison. Judge Roger Randall agreed with one of the environmental grievances — that the California Department of Corrections had failed to adequately examine the cumulative negative impacts of the prison on the communities nearby. He ordered the CDoC to submit a revised environmental impact report for public comment.

The lawsuit, filed under the California Environmental Quality Act, was brought by Critical Resistance, the National Lawyers' Guild Prison Law Project and Friends of the Kangaroo Rat. More than twenty-four organizations, including the Delano Center on Race, Poverty and the Environment, and the Fresno and Los Angeles NAACP and California Prison Focus signed on to amicus briefs in support of the lawsuit.

Department of Corrections spokesman Russ Heimerich said, "We're not going to drop this because of a legal setback. The courts aren't telling us not to build the prison. The court has said they need another environmental impact report."

Supporters of the Delano prison have argued it will help the unemployment rate. Community organizer Sarah Sharpe, who works with the United Farm Workers in Delano, said, "The majority of our members don't feel there's a need for another prison. We already have a prison, and it hasn't helped the community's unemployment rate."

[*Sacramento Bee*, 6/12/01; *Los Angeles Times*, 6/12/01]

## SILVIA BARALDINI UPDATE

A recent decision by the Constitutional Court of Italy has opened up the possibility of Silvia Baraldini being released from jail in Italy. Baraldini, an Italian national, was imprisoned in the US for her involvement in robberies in 1981 and for assisting a Black Liberation Army leader escape from prison in 1979. She was transported from a Connecticut federal prison to a jail in Italy in 1999.

The conditions of Baraldini's transfer from the US to Italy forbid her to leave prison or get out early, however Baraldini is currently suffering from breast cancer and according to Baraldini's attorney, Grazia Volo, the Constitutional Court decided that arrangements between two nations cannot interfere with every citizen's right to healthcare. The Court ruled that the prison tribunal should decide if Baraldini should be released early from prison.

Baraldini has been celebrated by many Italian leftists. A number of intellectuals and public figures, including Ramsey Clark, a former US attorney general, and Nobel prize winners, Rigoberta Menchu and Dario Fo, signed a petition urging the president of Italy to pardon Baraldini.

[*ed. note: Sylvia Baraldini has been granted a restricted release from prison.*]

[*Associated Press*, Italy May Free Woman in US Case]

## TEXAS PRISON OVERSIGHT CHALLENGED

The 5th US Circuit Court of Appeals in New Orleans has ordered that US District Judge William Wayne Justice justify his continued oversight of the Texas prison system or the 1972 suit filed by prisoner David Ruiz over Texas prison conditions will end.

Justice has found that the Texas prisons have continued to violate prisoners' constitutional rights, such as placing mentally ill prisoners in solitary confinement and the prison guards' reluctance to help defend prisoners against rape and assault. Justice has also found overcrowding in Texas's prisons to be unconstitutional.

Justice, who was honored with the Thurgood Marshall Award by the American Bar Association, ruled in 1999 that the 1996 federal Prison Litigation Reform Act was unconstitutional because it violated the separation of powers between the judicial and legislative branches. He also found that it violated prisoners' right to due process, however this ruling was overturned by the 5th Circuit Court of Appeals.

After a 1992 settlement in the Ruiz case, the federal government now retains little jurisdiction over the Texas prisons. However, Justice still has the right to find Texas in contempt of court because of inhumane treatment of prisoners, such as



Robert King Wilkerson released April 2001; one of the Angola Three.



overcrowding or inadequate medical care.

Fifth Circuit Judge Reynaldo Garza, who reassigned the original 1972 case from the Southern District of Texas to Justice's Eastern District court, wrote in his opinion: "I am sure that the conditions that existed when the consent decree was entered no longer exist, and I am sure many of those affected at the time are long gone from the penitentiary. If any of the present prisoners have need for some kind of help, they can file another lawsuit against the Texas prison system, but this case has to be ended."

[Houston Chronicle Austin Bureau]

## MCI ORDERED TO REFUND OVERCHARGES

MCI settled a lawsuit that claimed they overcharged prisoners and their families who make and receive calls from prisons in California. The settlement will cost MCI \$500,000.

MCI was ordered by the Public Utilities Commission (PUC) to use the refund to lower the cost of future calls made by prisoners. Prisoners and their families can also try to receive individual refunds.

The Utility Consumer Action Network (UCAN) filed a complaint against MCI in June 1999, alleging that MCI was overcharging prisoners' collect calls. The settlement was negotiated between MCI, UCAN and the PUC.

## MEDICAL TREATMENT/LAW SUIT

After the fatalities of eight female prisoners, as well as years of complaints concerning the medical treatment in California's state prisons, a class-action suit has been filed on behalf of 160,000 prisoners. The suit alleges that California prisoners are placed at physical and mortal risk due to the poor training of state corrections officers and the indifference prisoners' medical concerns are greeted with.

The suit, which is the largest ever filed against a state prison system, names nine plaintiffs. It claims that poor healthcare in state prisons constitutes cruel and unusual punishment. "When prisoners are denied the medical care they need, it can amount to a death sentence," said Don Specter, director of the Prison Law Office, a non-profit organization that is representing the nine prisoner plaintiffs, along with a number of private attorneys. "Governor Gray Davis knows the care is substandard and he has failed to take action," Specter said.

Specter and the other attorneys representing the prisoners say they attempted to settle the law suit for eighteen months but the governor refused to continue negotiations in January. State officials commented that negotiations were to be kept private and issued no further comment regarding the negotiations.

"They seem to think we should have Cadillac treatment for prisoners that is far beyond the treatment available to you and I who have medical insurance," said Steve Green, assistant secretary of the Youth and Adult Correctional Agency, the agency which contains the CDoC. "We provide treatment that is comparable to that available in the community."

Specter and the thousands of prisoners involved in the lawsuit object to these characterizations. According to the suit, a number of serious problems are cited including a failure to handle such chronic diseases, as diabetes, heart disease and AIDS, as well as inadequate medical screenings of new prisoners, too few medical personnel and making prisoners wait for treatment. Furthermore, the suit claims that prisoners' medical records are "disorganized and incomplete," an issue made worse when prisoners are moved from prison to another.

Mary Kelly, a high school history teacher in Simi Valley, also challenges the claim

that healthcare in California's state prisons is adequate. Her son James died of tongue cancer, the beginning stages of which surfaced while he was serving time.

Kelly alleges the prison doctors told James that the lesion on his tongue was because he had bitten it. Their misdiagnosis, according to Kelly, caused treatment to be delayed for months and, the cancer spread to his neck. After James was finished serving his two-year sentence, he was hospitalized. He died four months later.

"This was a cancer that was totally treatable, but it wound up killing him because nobody would listen," Kelly said. "My son was a drug addict, but he was not a bad person. I never dreamed something like this would happen in America. Until you have a loved one in the system, you have no idea what goes on."

Raymond Stoderd, one of the plaintiffs named in the suit, is in the advanced stages of AIDS. He alleges that his pain medication was not given on schedule. This caused Stoderd dangerous side effects and pain.

Another plaintiff, Gilbert Aviles, is a paraplegic. The doctors said that his urinary catheter should be changed every two weeks. It was not changed for two months, causing infections that demanded Aviles to be hospitalized.

Governor Gray Davis's request to the legislative committee for almost \$12 million to be used to defend the defendants in the civil suit was denied on May 16. Attorney General Bill Lockyer claims that the cost of the defense could reach \$33.7 million.

[Los Angeles Times, 4/06/01; Times Staff and Wire Reports, 5/17/01]

## WOMEN'S PAROLE: HISTORY OF ABUSE NOT CONSIDERED

A 1996 law which ordered that a woman's history of abuse be considered when making decisions concerning sentencing, pardons, and parole has yet to affect many female prisoners' cases.

Only two women, out of the hundreds of women whose crimes are connected to personal histories of abuse, have been paroled under the 1996 law. Five years after the passage of this law, the Board of Prison Terms only begun this past may to write guidelines for how the law should be carried out.

Theresa Azhocar, whose daughter was



convicted of planning to kill her abusive boyfriend, thought that the 1996 law would free her daughter who has instead remained in prison. Azhocar said, "It has just sat in me because nothing has happened. The parole board has the ability to reduce a sentence. I plead with them to have compassion." Azhocar's daughter, Theresa Roxanne Cruz, was so scared of her ex-boyfriend, who beat and threatened her, that she used to sleep with her phone on top of her. Cruz, who has been denied parole three times, is up for it again in September 2001.

State senator Sheila Kuehl (D-Santa Monica), who wrote the 1996 law, said, "I was very impatient and disappointed that after a number of years passed following the signing of my bill, virtually nothing was done to carry out the different sections of the bill."

### STRUGGLE TO FREE PUERTO RICAN POLITICAL PRISONERS INTENSIFIES

The campaign for freedom for six Puerto Rican political prisoners serving time in North American prisons, has been renewed due to the efforts of many different civic and political organizations, including the National Front in Resistance and Struggle for Freedom (FNRL) and the Human Rights Committee of Puerto Rico. Community and civic coalitions in New York and Chicago have also joined the struggle.

Their efforts have already helped release 11 political prisoners in 1999. Carol Torres, the FNRL spokesperson, commented that "the incarceration of 11 political prisoners was a partial victory, because six

remain. Now perspective has been lost, that there are still Puerto Ricans serving long sentences." Carlos Alberto Torres, Hayde Beltron, Oscar Lopez, Juan Segarra Palmer, Antonio Camacho, and Jose Solos remain in prison.

Former political prisoner Adolfo Matos said, "the case of Vieques and the change in of US government toward the right, which rebounds in the colony, have influenced the campaign for freedom of the imprisoned Puerto Ricans. In addition, the campaign of civil disobedience being waged in Vieques has congested the work."

[*Agencia EFE*, Campaign for Liberation of 6 Puerto Ricans reinitiated by Leoncio Pineda, 6/01/01]

### PROP 36 TO DECREASE CALIFORNIA'S PRISON POPULATION

Due to overwhelming voter support of California's Proposition 36, which calls for

first or second time nonviolent drug offenders to be sent to treatment facilities rather than prison, the state's prison population will see a decrease in its population of more than 5000 prisoners. It is estimated that the population will continue to decrease until 2004 when it will then begin to increase at a slower rate, according to the CDoC's Spring 2001 prison population reports.

The prison population, by 2006, will be almost 18,000 less than the CDoC predicted prior to the approval of Proposition 36.

A number of variables, however, such as estimating the number of people who will be affected by Proposition 36 and whether or not prosecutors will now be more reluctant to plea bargain with drug offenders, will affect the potential decrease in the prison population. Some believe that the Proposition could result in longer sentences for repeat drug offenders.

"In the long run, we think our population will go up as persons who escape prison the first time around come into the system as they commit more serious crimes," said assistant secretary of the Youth and Adult Correctional Agency Steve Green.

Unlike the increases in prison population of the 1980s and 1990s, the California prison population went down in 2000. In the 1980s the prison population rose an average 14.4 percent and the 1990s saw an average 6.3 percent growth.

The California Department of Corrections issued a report that said any decreases in prison population due to Proposition 36 will be overshadowed by increases in population due to longer sen-



Celebrating CPF's move to 16<sup>th</sup> Street. With thanks to IAC for all their help. 1998





Geronimo Ji Jaga on release

tences and the three strikes law.

[AP, Drug Initiative trims prison population]

## SAN QUENTIN TO CLOSE?

San Quentin prison, home of California's death row for male prisoners and historically infamous Adjustment Center where George Jackson was killed 30 years ago, may be shut down, threatening the resources now available to its death row prisoners and other prisoners. Recently, there has been heightened pressure from legislators to close the prison, increased interest in San Quentin's high real estate value, and security concerns from corrections officers.

The corrections officers' union say they are put in danger because of an inability to monitor areas of the prison and the penitentiary's crumbling walls. They claim to fear a mass escape from San Quentin's overcrowded death row. Security fears have increased with the escape of an prisoner from San Quentin prison last year.

Due to pressure from legislators and Adult Corrections Agency Secretary Robert Presley, California is going to conduct its first study of the issue in twenty years. "This prison should be closed, and I think we've finally got the head of steam to do it. I think 150 years is long enough to serve as a prison," said Presley.

"I can't imagine a more valuable piece of property - maybe other than Hearst Castle," said Assemblyman Bill Leonard (R-San Bernardino.) Leonard introduced a number of bills calling for San Quentin to be closed. If it is closed, nature trails and

a ferry landing are some of the possibilities for what may replace the prison. Marin County Supervisor Steve Kinsey said, "In place of a prison, we want beauty."

San Quentin's prisoners have access to a variety of resources and prison activists due to its close proximity to San Francisco. San Quentin has by far more volunteers than any other California prison.

The new locations being considered for California's death row are more isolated areas, such as Corcoran State Prison, Folsom, or Pelican Bay. Moving death row would make it harder for San Francisco based death penalty attorneys to represent their clients. Activists also argue that there is a possibility that it could slow filing death row prisoners' appeals with the US 9th Circuit Court of Appeals in San Francisco.

State Senator Leader John Burton (D-San Francisco) has commented that by having death row close to a metropolitan area, people are reminded that capital punishment is still a part of our society. "We should keep executions close to mass media exposure, where demonstrators can express their opinions. We can't move it to an isolated place and just sweep it under the carpet," Senator Burton said.

Moving California's death row requires legislative action. Assemblyman Joe Nation (D-San Rafael) supported a bill which will move some death row prisoners to Folsom, Pelican Bay and Corcoran.

[Los Angeles Times, 3/19/01]

## DELAWARE STARVING PRISONERS?

Prisoners, their loved ones and some prison guards are alarmed and outraged at the dangerously low amount of food prisoners at the Delaware Correctional Unit, SH Unit are receiving. Prisoners and their families fear that only the death of a prisoner will force the conditions to change. Some guards have brought food trays to the Captain and Deputy Warden, in an effort to show them how the prisoners are being underfed.

Prisoners and their families have tried on many occasions to bring this grave issue to the attention of the prison administration. On one occasion prisoners held their trays up and insisted upon seeing a prison administrator. While Deputy Warden Meguigan, Security Chief Cunningham, and Captain Belanger

agreed to take action and admitted that the under nourishment of the prisoners was a problem, no changes have been made.

Prisoners are forbidden from purchasing food inside the prison. One prisoner described the meager rations for one day: "Three scoops of potatoes, one scoop of baked beans, two hot dog rolls, a kindergarten-sized carton of milk and a small coffee."

[Delaware Prisoners in SHU Grossly Underfed, Need Help NOW, 3/26/01]

## TAPING PRISONER PHONE CALLS

Attorney General Bill Lockyer's office is arguing that it is legal to tape-record prisoners' phone calls and visits in an effort to collect evidence against them despite a 1982 ruling by the California Supreme Court outlawing these practices. In the 1982 Delancie case, the court found that recording prisoners' conversations to gather evidence, rather than for security reasons, violated an prisoner's right to privacy.

Lockyer argued, in papers filed for a murder case, that prisoners lost their right to privacy when a 1997 state law took away an prisoners' right to have private visits. Federal courts have found that prisoners' conversations and visits can be monitored to gather evidence.

"Prisons and jails should not be in the business of investigating criminal actions. That's the job of prosecutors and the police," said Amanda Wilson of the Prison Law Office, a non-profit organization that provides legal representation for prisoners.

[San Francisco Chronicle, 6/7/01]

## DOCTOR DEMOTED FOR ADVOCACY

Dr. Mayra Delgado, a staff physician at the Federal Detention Center in Miami, alleges that she was demoted and transferred to a prison camp in Georgia as punishment for her advocacy for prisoners who were receiving poor care.

Delgado has filed a suit against the Federal Bureau of Prisons, charging that her first amendment rights have been violated. She has asked for a preliminary injunction, blocking her transfer to Georgia. Because Delgado was demoted upon her return from work, after taking a stress-related medical leave, she also alleges that her employer violated the

Family Medical Leave Act.

Delgado began to work as a medical officer for the Bureau of Prisons in 1996. She was promoted to clinical director. According to Delgado, she received a number of awards and superior evaluations of her work. When a new warden, Monica Wetzel, replaced Robert Haro, however, things began to change.

According to court documents, Delgado started voicing concern in April 1998 about the shortage of prison doctors. She said that there was no way for her to properly care for 1500 prisoners in addition to her administrative responsibilities. It took months for the prison to hire another doctor.

Delgado asserts that the prison wanted to hire physician assistants instead of doctors, another practice she openly objected to. In January 2000, she had a confrontation with the associate warden of operations because Delgado refused to allow a physician assistant to work in the prison. She did not believe he was qualified.

In February 2000, Delgado, along with a cardiovascular surgeon at Cedars Medical Center hospital, recommended that an prisoner receive open-heart surgery. The regional health services administrator disagreed with the doctors' recommendation. He said that cardiovascular surgeons always prefer surgery and Delgado had to learn "how to ask the right questions."

Delgado claims that the incident that infuriated her supervisors involved the health of Forrest Tucker, an eighty-year old prisoner. In October 2000, Delgado was asked by attorneys for the Federal Detention Center what she would say if she was asked, in court, if continuing to house Tucker in a solitary housing unit would be detrimental to his health. Delgado believed that it was. Tucker suffered from a number of ailments, including heart disease, kidney problems and memory loss. Due to strokes he had recently, he used a walker. Delgado once saw Tucker, on the floor and covered in his own feces. After Delgado gave her answer to the attorneys, one of the lawyers said, "We can't use you."

In December 2000 Delgado found out she was being investigated by the prison administration. Delgado took a stress-related medical leave and when she returned to work, in late January 2001, she

was demoted to staff physician. No reason was provided for the demotion.

A month later Delgado was told she would be transferred to a prison camp in Georgia, beginning on March 25. She would be a medical officer at the camp. Delgado is taking care of her ill parents and cannot move. She alleges that her employers, who know her family situation, have tried to force her out.

## NEW PAROLE LEGISLATION SIGNED

Governor Gray Davis has signed SB 778 by Senate President pro tempore John Burton

(D-San Francisco) authorizes the Board of Prison Terms (BPT) to convene specified hearing panels on an emergency basis until December 31, 2003 and requires the BPT commissioners to participate in hearings each work day. The bill is intended to assist the BPT to eliminate the backlog on Life Consideration Hearings.



by Artists in the Security Housing Unit

"The Human Face of those Labeled  
The Worst of the Worst"

Barrios Unidos and Barnone in Santa Cruz, CA



# poema en memorium .. para Juan Raul Garza .. muerto al edad de 44 años .. rip

.. in reconocimiento .. rip.. of a dead mexican executed by the federal government with four hijas and loving wife left behind .. las quebradas .. when death comes knocking @ 8:09 EDT June 19, 2001 @ terre haute indiana USP .. a federal prisoner was poisoned by lethal injection during his last day alive .. your last moonlight seen with no more sun to come .. hasta siempre

.. in Oakland .. a small group of death penalty opponents have taken up an early morning vigil for the execution about to take place three time zones away. Protest signs .. incense smell and a lone candle burns at the entrance of the federal building downtown 14th St. The protesters wait final word as time draws near. Eyes closed .. some say a silent prayer others seem to be holding their breath. Everybody will find their own way of saying goodbye to the man being murdered by state induced homicide .. adios Juan Raul Garza you are soon to die with only minutes left. I feel bitter with anger simmering inside so that it hurts my liver .. anger that has been simmering most of my life .. and for most of our collective history as people called raza with spanish names but indian hearts .. a colonized community under the weight of foreign domination and class and racial disharmony. I understand too well that a mexican is being killed by the white man's power to do what he wants and make it look right .. killing us brownskins with impunity and with substandard justice that isn't justice at all to what I see in my mind. We speculate that hombre Garza could have been a good father .. a good husband and son .. he could have become a credito to all concerned .. but no not so when you have done wrong and helped kill

yourself for not being straight as an arrow .. that killing you hombre is in turn wrong twice over.. won't make your official killers more innocent .. nor more just in my personal view here on this grim morning vigil .. how easy it is for them to kill us .. death by premeditation committed in our collective name .. the so-called people.. pues que viva Juan .. viva tu e yo .. e todos somos Juan.. arriba el pueblo .. abajo la tirania inhumano del gobierno del infierno .. watch out son ..

.. con remordimiento .. sabes .. blood has run deep and victims died.. death has won .. mexicanos who kill people .. take the life of other mexicanos .. are dead and done .. condemned by a jury of his peers .. half of the jury mexicanos .. a mexican judge .. prosecutor and audience .. inside a lop-sided system that don't work for mexican people when you think about it and don't just go along .. with a guilty verdict rendered deep in the heart of texas with no heart .. vengeance appearing in a last wish on a breakfast dish called closure and bearing witness to a human dying strapped to a prison-gurney .. 'orible!.. dying so that collective pain may be erased .. murder blessed .. packaged and delivered to the dwellings of the still living now feeling less .. family and friends of victims .. getting revenge .. sabes .. killing to feel good to feel better .. to still believe in what the law of the land says but cannot feel when the law is stone cold ..

.. in recognizing .. that no mercy was given nor received either way .. no compassion passed down from any source of relief .. no bleeding heart judge nor last-minute court stay .. no presidential clemency .. the president has already said .. the Garza fellow got a fair trial .. let the will

of the people be carried out .. and Vicente Fox from over yonder border has no say in the matter of American justice .. we do it our way .. yeah you do .. the death toll now makes 248 dead back home in Texico.. plus-one plus-two plus more to come mañana .. on that you can count on until everybody has gotten blood on their hands .. since killing is an American tradition that won't go away because the more you kill .. the more that's waiting to kill or be killed .. let the killing machine proceed .. you be the final judge ..

.. regrets in passing .. we say vaya con los dioses .. some of us do believe and accept your death-door apology to all concerned for wrongs done and crimes committed against families and loved ones .. wrongs to your comunidad .. that we raza must find it in our consencia to regret your death and to give special thought to all those taken from us in violence and iniquity .. in premeditated assault rape robbery and murder and much more .. that we be able to embrace your death like it was our own .. done in public or in secret..

.. and we remember when the late governor said .. all Texas executions on his watch since again beginning in 1982 .. have been done fare and square .. the system is squeaky clean .. but with no DNA testing available before then .. and with no fatal mistakes that have yet come to light .. I the president stand by my final decision .. no more clemency .. says el mero jefe .. and since no one can come back from the dead .. I stand by my actions .. and since nobody can prove I'm lying I'm right ..

.. with nobody innocent .. or having unjustly gone to his or her death .. because it's been said .. that we the people of Texas



and the USA .. with all our enormous power and wealth and great wisdom .. our vested authority under color of law and more recent laws put on the books .. with our blind lady statue that stands for blind justice for all .. we hereby state that our present administration will continue to stand for that same good justice in the great American tradition of killing-as-you-go until you get to where you're headed .. sabes .. the voters have spoken and I as el jefe del jiffy hotfix on the prison x-slab .. will carry out the people's will .. again proving that nobody executed can be innocent .. and a last word .. nobody but nobody retarded ever was done in by me either .. let justice be done and thy will be my will .. sabes .. serial killer now loose in Wash D.C. area ..

.. trust the president when he says .. there is no evil in government and that nobody will ever be killed by .. oops mistake .. not on his watch .. since the el president like he says .. is watching all going on except upclose with his own familia and daughters who we found out were out just having fun buying pisto with fake id's .. with no harm done .. but not so with Juan Garza's girls .. where now much pain and sorrow remains por vida .. las quebradas .. when the innocent are made to suffer so other children who understand much less can hear the elders say .. we got closure .. death was done here and gone .. suffer no more the little children to be shown the way of murder and the path to the killing field .. chale .. in recognition .. that Juan Raul Garza

is the first Mexican to be killed in recent times by the United States government .. but not the last because sabes .. drug lords caught selling marijuana .. and gang related crimes will now be able to get the same kind of punishment .. the president has spoken and ain't joken .

.. the president said with zest: that his favorite food by the way is tex-mex .. but can we believe this .. or is this a cruel joke?

- but what about the cold pot of beans .. with no carne ?
- pass the cuacamole when the president says:
- take it like a man .. compassion but no mercy ..

bato

LETTERS continued on page 17

about the abuse which led these corrupt officials to violate our civil rights and I find I'm being used as a dam pond just to help bring a few down, when actually, there are many more.

I'm thinking about quitting. What do you think?

—Theodric "Smitty" Van Smith,  
Atascadero State Hospital

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Dear CPF:

I am presently housed in the Facility 'A' Honor Yard at CSP- Los Angeles County (i.e. Lancaster) and am chairman of the Men's Advisory Council (M.A.C.)

The M.A.C. is a prison-regulated inmate committee whose primary objective is to represent the general inmate population in their concerns to the prison administration, meet with the Warden and his staff on such issues, and to relay to the prison population administrative decisions and the reasons therefore.

The M.A.C. assisted in the establishment of the Honor Yard system at CSP-LAC, which opened November, 2000. This program is the first of its sort for a Level IV-security institution in California. It offers prisoners who are interested in self-improvement and rehabilitation the opportunity to do so in a positive environment without the pressures of gang societies and the negative elements of drugs, alcohol and violence. From the per-

spective of the staff, it offers a safer work environment.

Quietly and methodically, Warden Ernie Roe has been doing nothing less than working to change the culture of prisons in California.

For the past decade, the California Department of Corrections has garnered headlines for a seemingly endless list of horrors. For the men and women who work in the prisons and for those who live in them, the future has appeared to be a bleak and barren series of ever more violent and depressing "incidents."

The Honor Yard system is a revolutionary step away from a penology of negativism, towards a positive vision of hopeful management.

Currently restricted to 600 prisoners who have demonstrated a conformity to the rules and a rejection of the prison mentality of self-destruction, the Honor Yard program is beginning to take shape. A comprehensive and vigorous drug-testing regime is mandatory for all participating prisoners, and all rules are strictly enforced.

The promise of the program is a drug-free, gang-free and violence-free environment that will both allow and encourage reform and restoration of those sentenced to prison. The underlying principles are hope and optimism.

Due to my incarcerated status, I am not permitted to do interviews without prior prison administration permission. Should you have any questions concerning the

Honor Yard program, you may contact Ms. Lynn Harrison, Community Resources Manager at (661) 729-2000.

—Kajanna K. Irvin, CSP-LAC

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Dear CPF:

To all my fellow prisoners, especially those at PBSP SHU with indeterminate terms:

Trust me on this. To stop the VCP, make the CDoC seriously consider your release and stop the plans to weaken us, we must refuse to double-cell. CDoC is only concerned with bed space, getting money into the budget and hiring more staff.

It's time to wake up and come together "SWAB." I've seen a lot since 84-5 at Old Folsom, you were released for the purpose of keeping peace. It won't work anymore. The only reason it worked back then is the CDoC needed space for snitches and victims until Tehachapi was ready. The CDoC doesn't care about violence among us. We're against staff and the CDoC welcomes it so they can justify their take take plans.

If you're concerned with your well being, there is only one way to stop or slow the CDoC; hit them where it hurts: bed space. Hunger strikes? The CDoC doesn't care if you starve to death. Your death creates bed space.

Thank You

— "SWAB", PBSP

## BOOK REVIEWS

# NEW PRISON LEGAL GUIDE

## The Prisoner's Guide to Survival: A comprehensive legal assistance manual for post-conviction relief and prisoners' civil rights

Written by L. Powell Belanger

Not since the printing of the first edition of the Dan Manville's book, *The Prisoners' Self-Help Litigation Manual*, has such a significant book been published.

As the preface states, this book clearly "had its genesis behind prison walls." It was written by and for prisoners who are trying to challenge their convictions in federal court, write federal habeas corpus petitions or file a civil rights complaint against the inhumane prison system.

Even down to the large-print, this book is user-friendly, up-to-date and very informative. There is even a helpful section on how to navigate through the book. Besides containing significant case law, the book takes you through some of the following areas: Challenging Your Sentence and Conviction, Life in the Prison System, Outlining and Researching a Civil Rights Complaint, Preparing and Filing Your Complaint and Civil Litigation Procedures. Following each chapter is a

helpful collection of legal forms. The book also contains appendices which include a glossary, a resource directory and extensive case law all catalogued according to legal issue.

The book does not contain information on presenting state challenges or filing tort claims and is clearly written to assist prisoners with their actions in federal court.

The only downside of this book is the price tag. The book costs \$49.95 for prisoners and \$64.95 for non-prisoners with an additional \$5 shipping and handling charge. The book is more than worth it but

the cost will put it out of reach for most prisoners. The publishers apologize for the high cost which was necessary to recoup the high printing cost. This is a book that should be in every prison library (those that still exist), and I urge prisoners to get sympathetic prison librarians to make the purchase where possible. Send payment to PSI Publishing, Inc., 413-B 19th Street, #168, Lynden, WA 98264.

— Judy Greenspan

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## PRISON ON FIRE:

### George Jackson, Attica & Black Liberation

The Freedom Archives are a collection of over 5,000 hours of audio documenting struggles for freedom around the world.

To commemorate the 30th anniversary of the death of George Jackson and to continue the political education and transformation projects to which Jackson and his comrades were so dedicated, the Freedom Archive has produced a pair of spectacularly rich 29 minute program which places the struggles in Soledad, San Quentin and Attica in context of both the anti-colonial struggles of that time and the anti-prison movements of today. As David Johnson says, "the prison was our battlefield, but it was not in isolation from what was going on outside."

*The Murder of George Jackson* is narrated by Jonathan Jackson, Jr. and features audio clips, some recent, some historic from Georgia Jackson, David Johnson, Hugo Pinell, Luis Bato Talamantez, Sundiata Tate, Angela Davis, Ruchell Magee, David Hilliard, James Baldwin and Harry Belafonte. Included are first-hand accounts of the birth of the prison movement in California and of the events Aug., 21, 1971, what Talamantez calls "the half hour revolution" during which "for a few minutes we tasted freedom," which ended with George Jackson's murder. Music for this program is Archie Shepp's Attica Blues along with selections from Babatunde Olatunji.

The second program, *The Attica Rebellion: 30 Years Later*, includes the voic-

es of Frank "Big Black" Smith, L.D. Barkley, Donald Noble, Elizabeth Fink and William Kunstler. The musical setting is provided by Pharoah Sanders.

Encourage your local community or college radio station to download the program and broadcast it. For those unable to download the program from the Freedom Archives website, tapes are available for \$10 per program (or \$5 or negotiable for prisoners) from Freedom Archives. The CD is available from either Freedom Archive or AK Press. (\$14.98 plus \$3.00 shipping free world/\$8.99 plus \$3.00 prisoners from AK Press, 674-A 23rd St., Oakland CA 94612; (510) 208-1700; <http://www.akpress.org>)

Freedom Archives  
522 Valencia Street  
San Francisco, CA 94110  
Phone: (415) 863-9977  
<http://www.freedomarchives.org>

stalker) the woman in and out of cell. A woman complained of "smut putout on me by guards to other prisoners that I am a snitch of a slut" (sex object offering favors to male guards). Targeted harassment is especially directed to women who write administrative grievances.

Guards routinely cuss at the women, call them bitches, whores and sluts. Women complained of being constantly threatened by male guards with rape, physical abuse and physical assault. All the women we interviewed confirmed that the population of the SHU is overwhelmingly black and Latino women whose disciplinary offenses are predominantly drug use, drug possession and drug trafficking. Those accused of violent behavior most often did nothing more than spit on a guard, threaten a guard, or, more likely, stand up to a guard's threat without breaking down into tears.

— Millard Murphy, *Pelican Bay Express*, Vol. 3, No. 2, Nov. 1995

## **RACISM AT PELICAN BAY**

Three dramatic incidents of unprovoked assaults of African-American prisoners by white Pelican Bay guards were reported to PBIP during the February 1996 investigative visit. In one, the attack began with anti-black taunts and racist slurs. The prisoner was beaten brutally leaving him with severe facial swelling and bruises all over his body. He still is distressed about the incident, with recurring vivid memories of the attack. Another prisoner was assaulted, without prior incident or warning, and beaten severely. In each of these two cases the prisoner was initially charged with assault on a peace officer by the local District Attorney and at the urging of the prison administration. But, during the pretrial proceedings, when the prisoners requested to review the personnel files of their assailants through the process of discovery all charges against them were dropped. The guards' personnel files no doubt contained data about prior racist and violent behavior by the guards to have the charges against the prisoners dropped so expeditiously. In the third case, the black prisoner was complying with orders to exit his cell and be placed in the shower during a cell search. Without warning a guard bull-rushed

him, knocking him to the ground. This prisoner was also charged with assault on a peace officer and is presently fighting the bogus case in court. Many officers try for a preemptory "third strike" against a prisoner to enhance their own standing.

—*Pelican Bay Express*, Vol. 3, No. 3, Apr. 1996

## **REPORT OF FEBRUARY 1996 INVESTIGATION OF PELICAN BAY STATE PRISON**

The new Psychiatric Services Unit (PSU) is CDoC's attempt to comply with the Judge's order protecting SHU prisoners with severe mental illness. Basically, the prison has created a housing unit for these psych prisoner-patients in the maximum security facility adjacent to the SHU, called the B Facility. Two units of the B Facility have been taken over. A total of 130 men are housed in B1 and B2. Generally, the conditions are those imposed on SHU prisoners, including solitary confinement, meals eaten in the cell, walk-alone yard and very limited property allowed. The yard is an outdoor chain-link-fence case even smaller than the concrete SHU yard called the Dog-run. There is no exercise equipment or toilet in the yard. ...

In order to become eligible for PSU placement, a prisoner-patient must accept psychiatric medication. PBIP interviewed a number of prisoners in the SHU, who were obviously in great distress and had long psychiatric histories, but were denied PSU housing because they did not want psych medication.

The CDoC is touting the new and unproven PSU as a great step forward in the treatment of prisoner-patients with psychiatric disabilities. The PBIP interviews did not support the CDoC's self-serving enthusiasm.

The treatment program for these severely ill men is three hours a week of time spent under the supervision of therapists or therapy technicians: group therapy, "rec" therapy and individual counseling. One hour per week is spent in group therapy in cages. During group therapy in cages prisoners are brought into a cubicle and placed into holding cages affixed to the floor. Each of the three cages holds one prisoner-patient. The therapist

conducts an hour long session. The prisoners complain that there is no confidentiality. The cubicles have walls that do not go to the ceiling and they can hear the guards talking and know the guards can hear them. As one prisoner put it, "These are the same guards we had in the SHU." Guards at Pelican Bay are notorious for their brutal treatment of the mentally ill and for taunting and harassing the prisoners, even with confidential information from their psychiatric records and central files. The lack of confidentiality during group therapy has a chilling effect of the possibility of open communication....Prisoners described to us what is called "rec" therapy which is conducted in the cubicles in single person cages. Three prisoners will watch a video about animals or yoga or one-half a movie like *Ace Ventura*, or a *Little Rascals* show for one hour once a week. ...Requests for other therapies like NA and AA for those with drug abuse histories or anger management classes are routinely denied....

—*Pelican Bay Express*, Vol. 3, No. 3, Apr. 1996

## **TO ALL THOSE WHO STAND HAND IN HAND:**

I, Charisse Shumate, wish I could be there with you because, as you grow in numbers, for us behind the wall at CCWF the big cover up is going on inside. Now, for those who ask why should they care, or believe we are asking for Cadillac care, if we were allowed to have video cameras or tape recorders the truth could be seen or heard about the junk-yard care we receive. The sad part is why were we, who are mothers, daughters, sisters and grandmothers, compared to a car? Is it because they have forgot we are human? If walls could talk, we would not have to beg for help. Please, it could be your best friend that dies behind the walls of CCWF. We made a mistake, one that we are paying for. but for those who believe we must pay with our lives, may God bless you, because he sees our cries, our pain, how women are locked alone in rooms to lay and no one to check on them, or they are told to go back to their unit, that they are not in a life-threatening situation. For those who don't know how to help, just pray for us.

Once again, until there is no breath in my body, I will roar the word HELP stop the killing because we are the forgotten ones!



—Charisse Shumate, *Pelican Bay Express*, Vol. 3, No. 3, Apr. 1996

## ALL TOO FAMILIAR: SEXUAL ABUSE OF WOMEN IN U.S. STATE PRISONS

Our findings indicate that being a woman prisoner in the U.S. state prisons can be a terrifying experience. If you are sexually abused, you cannot escape from your abuser. Grievance or investigatory procedures, where they exist, are often ineffectual, and correctional employees continue to engage in abuse because they believe they will rarely be held accountable, administratively or criminally. Few people outside the prison walls know what is going on or care if they do know. Fewer still do anything to address the problem....

The invisibility of custodial sexual misconduct, and hence its deniability, are further fueled by the failure of states to establish credible internal grievance and investigatory procedures that do not expose complainants to retaliation or punishment. In virtually every prison we investigated, we found grievance procedures that required the prisoner to confront informally the implicated officer before filing a formal grievance or that informed the officer of a complaint lodged against him while he was still in a contact position with the complainant. Both of these procedures exposed prisoners to retaliation by officers and routinely deterred them from filing sexual misconduct complaints.

Even if a prisoner succeeded in pursuing a complaint of sexual misconduct, we found that internal investigatory procedures were often fraught with conflict of interest and a bias against prisoner testimony....We also found that in almost every case of custodial sexual misconduct, correctional officers assumed that the prisoner lied and thus refused, absent medical reports or witnesses who were not prisoners, to credit prisoner testimony.

—Human Rights Watch *Prison Focus*, Vol. 1, No. 2, Spring. 1997

## CPF'S FIRST INVESTIGATIVE TRIP TO CSP-CORCORAN

The living conditions in the nine-year-old prison's Security Housing Unit are

debasing. Bugs and mice are everywhere. Prisoners are given no cleaning supplies and expected to clean the toilet with their hands and cell floor with their towel. Damp smelly sheets are passed out as clean linen and t-shirts with holes are routine....

Corcoran has a medical facility with a new prison hospital. But the medical care is reported as substandard and negligent. There are two-to-three week delays in seeing a doctor and one-month delays in getting ordered tests done. Medication refill is slow and arbitrary. HIV/AIDS care is inconsistent and delayed, with inadequate testing, as trivial custody matters supersede medical care. ...

—Corey Weinstein, *Prison Focus*, Vol. 1, No. 2, Spring. 1997

## HUMAN RIGHTS ABUSES

We have received some suggestions [on how to survive in solitary confinement] from SHU prisoners at Pelican Bay State Prison. For example, one prisoner writes:

Survival is being spiritually and mentally filled by the Angels of Justice fighting the fight for our liberation from PBSP SHU....Survival is hearing one's neighbor laughing out loud because his son or daughter received a good grade in school or a great report card. Survival is when one can assist his neighbor in his time of need — no matter what his racial, political or cultural views may be....It is having one's dignity still intact at the end of the day to fight another day — and giving thanks to whatever God one might believe in, before closing one's eyes for sleep. You smile, because you have survived another day in the Pelican Bay State Prison SHU.

—Holbrook Teter, *Prison Focus*, Vol. 1, No. 2, Spring. 1997

## HUGO PINELL

The circumstances surrounding the case of Hugo Pinell — who the CDoC has held in relative isolation for now close to 35 years — is political. He is now the last of the so-called San Quentin Six trial defendants still held. The 1970s trial was showcased by the state prison system to discredit and defame revolutionary prison author George Jackson. Hugo Pinell is now one of the few remaining survivors of the revolutionary legacy of Comrade George Jackson, killed by prison guards and COINTELPRO manipulation during

a prison uprising August 21, 1971. Like Jackson, Pinell became political over the course of the years through personal sacrifice, prison indoctrination and revolutionary struggle. He is now regarded as a CDoC political trophy, and held indefinitely inside the SHU at Pelican Bay. Many prisoners considered revolutionary are similarly housed.

—Bato, *Prison Focus*, Vol. 1, No. 2, Spring. 1997

## MAXIMUM SECURITY UNIVERSITY

One hundred sixty-five people packed the auditorium at New College in San Francisco on December 13, 1997 to see the premier of CPF's video, *Maximum Security University*. Using surveillance camera footage from the SHU yard at Corcoran, the video shows the killing of four prisoners by guard gunfire. The fatal incidents are carefully analyzed on film to clearly prove that each lethal shot did not conform to the CDoC's guidelines for the use of deadly force. In every case the reports written by the involved staff were falsified and sanitized.

The premier was a dramatic event. Families of two of the prisoners shot down on the Corcoran SHU yards attended. Members of the Randoll and Martinez families watched the video with horror and tears and spoke about their loved ones who didn't have a chance in those set-up gladiator fights that ended with bullets. Also present were two of the five Corcoran custody staff who had blown the whistle on the brutality at Corcoran. Richard Caruso and Steve Rigg were applauded for their humanity and bravery in breaking the code of silence....

Between 1988 — when Corcoran SHU opened — through 1996 when the yard policies were changed, CPF estimates that there were 8,000 fights on the SHU small-group yards. Guns were used by guards nearly 2,000 times to control yard fights, resulting in five deaths and hundreds of serious injuries....In those nine years (1988-96), guards shot at prisoners more than 5,000 times [throughout the California system], killing 31 men. More prisoners were killed by guard gunfire in California than in all other U.S. prisons combined.

—Corey Weinstein, *Prison Focus*, Vol. 2, No. 2, Spring. 1998

## THE SUMMER HEARINGS ON CORCORAN

Election years are predictably unpredictable. In recent contests, punishment-obsessed California candidates have scrambled to endorse the most inhumane laws such as Three Strikes, or to find enormous new prisons. But this year, a stunning piece of investigative journalism by Mark Arax and Mark Gladstone of the *Los Angeles Times* moved the legislature in a different direction. The Senate Select Committee on Prison Management held more than 60 hours of hearings to learn whether the CDoC official inquiry into the "gladiator fights," wrongful deaths, systematic brutality, and coverups at Corcoran Prison was just another coverup. Arax and Gladstone reviewed more than 10,000 pages of CDoC documents and interviewed CDoC investigators and other staff to reach the conclusion that a coverup did take place. Their report implicated members of the CDoC central administration, the Attorney General's office, and the California Correctional Peace Officers Association (CCPOA) — the guards' union.

—Anna Graham, *Prison Focus*, Vol. 2, No. 4, Vol. 3, No. 1, Fall. 1998, Winter 1999

## OCTOBER 17TH CARAVAN

On October 17, 1998, more than 350 concerned citizens from all over the state of California joined forces to protest the CDoC's inhumane treatment of California prisoners. The Caravan for Human Rights was organized by California Prison Focus and the California Coalition for Women Prisoners. Other organizations throughout the state mobilized in their areas and turned out for the protest, including the Coalition Against Police Abuse, Families to Amend California's Three Strikes (especially the Los Angeles, Orange County and San Jose chapters), the October 22nd Stolen Lives project and the San Francisco-based Art and Revolution Collective. Protestors descended upon Corcoran State Prison, stopping at prisons along their route. A rally was held at the two women's prisons in Chowchilla.

—Prison Focus, Vol. 2, No. 4, Vol. 3, No. 1, Fall. 1998, Winter 1999

## HIV IN PRISON COMMITTEE UPDATE

On July 29, 1998 the HIV in Prison (HIP) Committee sponsored its first public forum and speak-out, "Eyewitness Report: HIV Behind Bars." Over 100 people attended the forum, which featured moving testimony by formerly incarcerated women and men living with HIV/AIDS. The unanimous opinion of the evening was that prisoners living with HIV/AIDS are denied decent and consistent medical care, discriminated against and continually abused. The two prisons singled out for the worst criticism for their mistreatment of people with HIV/AIDS were CCWF and Corcoran.

—Prison Focus, Vol. 2, No. 4, Vol. 3, No. 1, Fall. 1998, Winter 1999

## CORCORAN PRISONER TAKES HIS LIFE IN THE SHU

...Michael's [Lewis von Staaten] health continually went up and down and he enlisted our support and his family's in an attempt to be returned [from Corcoran] to the California Medical Facility at Vacaville. At Corcoran, Michael was constantly running out of his HIV and epilepsy medications. The lapse of both medications had severe ramifications for his health. Michael had a very high viral load due to the medication interruptions and when off his epilepsy medications, suffered devastating seizures.

The two year battle to get Michael moved to an appropriate prison medical facility never succeeded. The prison bureaucracy constantly denied his requests for transfer....Michael lived in fear at Corcoran, never knowing what "games" the prison system was going to play with his physical and mental health.

This past June, prison doctors stopped Michael's epilepsy medications....Both the HIP Committee and Michael's family, who live in Canada, began calling and writing the prison to get his medication continued. Michael's mom was so upset that she "threatened" to come down and yell at them. The prison administration labeled Michael's elderly mother a "terrorist" and banned her from visiting him.

In November, Michael got his hopes up that he would finally be transferred. However, a week before he died, he again

learned that he was denied. He was taken off his medications by the prison doctor and had a violent seizure in front of a guard and was charged with assault. He was placed in the SHU (after having been on suicide watch the week before), wrote a two-page loving farewell letter to his family, and hung himself.

—Prison Focus, Vol. 2, No. 4, Vol. 3, No. 1, Fall. 1998, Winter 1999

## HEALTH CARE IS A RIGHT — ESPECIALLY FOR PRISONERS!

One of the biggest struggles for men and women behind the walls is how to get adequate medical care. The prison system, if left to its own designs, would provide only the most minimal care (if that). This medical system is barely set-up to dispense aspirins let alone administer sorely needed competent and adequate medical care.

People entering prison, however, require a great deal more care than is provided. Many prisoners suffer from chronic and serious illnesses like cancer, HIV, asthma or heart problems. Some women are already pregnant or perhaps just gave birth when they enter prison. Suffice it to say, there is generally no pre-natal care for pregnant women and chronic medical conditions generally go untreated or receive the minimal amount of attention until a crisis erupts. All too often chronic but treatable conditions become life-threatening for people behind the walls.

The real life horror stories could fill volumes of books. And yet, even when the crisis hits, the prison system still doesn't respond in a humane and efficient manner to medical emergencies. Here are two recent examples involving HIV+ prisoners.

Tina Balagno, an HIV+ woman prisoner dying from cancer at the Central California Women's Facility, lay in a fetal position in a pool of her own blood for nearly two hours this past January while her cellmates yelled and banged on the door for the prison guards. Prison medical personnel finally came with a stretcher to take this dying woman out to the hospital.

Just one month later, Marco Enriquez, an HIV+ prisoner incarcerated in the Security Housing Unit at Corcoran was coughing up blood. Both Marco and the other prisoners in his vicinity repeatedly

requested medical assistance for over 24 hours. Finally, when Marco collapsed unconscious, a nearby prisoner was finally able to get the attention of medical staff. Marco was taken to the outside hospital by stretcher.

These scenes both characterize and typify the medical neglect faced by HIV+ prisoners incarcerated in California's prisons. This callous disregard for the lives of prisoners is faced daily by many prisoners with serious and chronic conditions like cancer, asthma, diabetes, heart problems, Hepatitis A, B, and C and HIV.

Despite several class action lawsuits and demonstrations challenging the poor medical care received by prisoners at various prisons around the state, and hundreds of individual lawsuits filed by prisoners and their families alleging substandard care and "cruel and inhuman punishment," consistently and competently delivered medical care in prison remains inaccessible to most of the men and women behind bars...

Ultimately, the fight for adequate medical care for prisoners is an integral part of the overall struggle for the human rights and dignity of prisoners.

—Judy Greenspan *Prison Focus*, Vol. 3, No. 2 & 3, Spring/Summer, 1999

## IN MEMORY OF MR. HOLBROOK TETER

A champion comrade and a friend to those fortunate like myself to have met him. Holbrook worked diligently with many people to bring social justice. His writing was actually our voice telling our stories and he shared them with many. He was truly genuine, committed in his work to make a difference. He saw us not as strangers nor as faces without a name. He supported all causes that represented social change. Let the actions behind his words be our compass and his spirit our torch that will never burn out.

—Paul A. Redd, Jr., *Prison Focus*, Vol. 3, No. 2 & 3, Spring/Summer, 1999

## A MOTHER'S VIEW: THE DEBRIEFING HEARINGS

My view of the recent hearing (to get input from the families and concerned citizens of SHU prisoners) is that it was a farce just like everything else the CDoC does to manipulate the public into think-



Rose and Helen at Hollbrock's memorial.

ing they're concerned for the prisoners and the public.

The CDoC went through the legalities required and now they'll do just what they want to and what they've been doing all along.

The CDoC has proved they aren't concerned with public safety. They create hostility and antisocial behavior in prisoners and then send them out into society. They aren't concerned with prisoner safety. They pit prisoners against each other, they set up fights, they put known rivals on the same yard and in the same pods. Prisoners are shot and killed.

The Department of Corrections isn't trying to control violence; they provoke and create violence.

—Helen Grimes, *Prison Focus*, Vol. 3, No. 2 & 3, Spring/Summer, 1999

## CASTILLO PRISON CASE ON DEBRIEFING

Sacramento. June 11, 1999. After five solitary years inside one of America's prisons-of-tomorrow, where natural sunlight never penetrates, prisoner Steve Castillo finally got his day in court. Appearing on a habeas writ before Sacramento State Court Judge Tochtermann, the 40-year-old Chicano, looking pale and thin, managed a clenched fist salute to his supporters despite being severely encumbered by handcuffs and waist chain. His two teenaged daughters sat in the front row. Sixteen-year-old Benita, hadn't seen her father for many years.

Like hundreds of other prisoners in solitary confinement at Pelican Bay State Prison (PBSP), Castillo is accused of belonging to a prison gang. Within California's mammoth prison system, being "validated" as a prison gang member most often means placement inside the notorious SHU (security housing unit) at

PBSP. Other SHU units exist around the state, including one for women at Chowchilla.

Prisoners at Pelican Bay have been propagandized as the "worst of the worst," deserving of their grim fate. But over the years and through dozens of organized visits to the prison site, members of California Prison Focus (CPF) have become convinced that the real violators of the law are prison staff and the California Department of Corrections (CDC). CPF has been a voice for prisoners during the last eight years and monitors human rights abuses in many of California's worst prisons, including Corcoran, where numerous prisoners have been shot dead.

Through an elaborate scheme practiced nowhere else in the U.S., the CDoC systematically targets prisoners — mostly Latinos and Blacks — from its other 32 prison compounds to feed into its SHU warehouse depots. The Internal Security System (ISS) actively collects evidence against prisoners using informants. Then, during closed-door hearings where no self-defense is allowed, the "kangaroo court" routinely convicts them of gang membership or association. They are then transported to the SHU, often hundreds of miles away from family and friends. This insures that the state-of-the-art facility near the Oregon state-line continues to operate at full capacity and at a cost of millions annually.

Evidence used to label prisoners can be by confidential informant, anonymous snitch notes, group photos, tattoos, innocent letters from home or some other flimsy item. Once charged, most are unable to shake the label. These prisoners are designated "a threat to institutional security" and sent off to be warehoused inside a bare, but expensive, SHU cell, where the only way out is to "parole, snitch or die." Castillo is serving a 35-to-life sentence for murder and has no parole date.

The only real option Castillo and hundreds of others similarly situated have, other than becoming state informants, is to file writ after legal writ in hope of obtaining release from this bureaucratic maze of institutionalized racism and injustice. Eighty-five percent of all prisoners kept in the SHU are prisoners of color.

In 1993 Castillo filed a petition of inquiry before California's Office of



Administrative Law (OAL) asking for a ruling on CDC regulations that make no allowance for due process or constitutional protection.

Gang validation, indefinite SHU placement and debriefing make up what is commonly thought of as the "deadly triad." Over the last 10 years, thousands of prisoners have been warehoused without proof of wrongdoing.

—Bato, *Prison Focus*, Vol. 3, No. 2 & 3, Spring/Summer, 1999

## GULAG PARADIGM

In 1998, a federal grand jury indicted eight Corcoran guards for abuses including the staging of gladiatorial combats. For the first time in its history the CDoC announced it would foot the legal bills of the accused guards and the powerful California Correctional Peace Officers Association (CCPOA) advised its members that they had the right not to talk to investigators from the FBI or US attorney's office.

On November 8, after a poorly prepared prosecution and some curious decisions by Superior Court Judge Louis Bissig, a Kings County jury found the four Corcoran prison guards innocent of charges that they had engineered the rape of prisoner Eddie Dillard by another prisoner notorious for his sexual predations.

This doesn't close the book on Corcoran. Upcoming in a U.S. district court in Fresno is the prosecution of eight Corcoran guards on charges partly arising out of the so-called "gladiator days." Those who predicted the recent acquittal in Hanford express similar reserve about the likelihood that federal prosecutors will win a guilty verdict, not least because the accused can argue that they were acting within Corcoran's policy guidelines.

An optimist could argue that though Corcoran's guards have never suffered the sanction of a guilty verdict, the publicity and investigations have improved the situation in Corcoran and probably in other prisons, too. The wave of fatal shootings has subsided. Pessimists can point to a series of probes side-tracked or deep-sixed by state agencies, such as the DoC's and the state attorney general's office in the Lungren era.

All this surely encourages prison guards to conclude that they are beyond sanction.

The guards' union has come a long way since it won its representation election in 1980, amid the first surge of the prison building boom. Back then it had 1,600 guards; today, it has 28,000 guards, a \$17 million budget, 17 staff attorneys and lethal political clout. When Greg Strickland, district attorney of Kings County, prosecuted some Corcoran guards for the infamous "greet the bus" incident (when new prisoners were beaten), the CCPOA put \$30,000 behind his opponent in the next election. Strickland went down.

Last July, Bill Lockyer, California's current attorney general, tried to put through a bill giving his office power to police the prison system. Lockyer told legislators that local D.A.s had admitted they dare not go up against the CCPOA. Lockyer found out what they were talking about. His bill sailed through the state Senate, then sank in the Assembly. Lockyer quoted one assemblyman, Jim Battin, who later denied it, as saying, "I'm sorry, but I'm whoring for the CCPOA." Battin got \$105,000 from the guards' union in the last four years.

Can anyone curb the power of the prison guards? Don't look to Gov. Gray Davis. He collected an endorsement plus \$2.3 million from the CCPOA for his 1998 campaign and more since. He's said thank you several times: he vetoed a bill that would have shifted parole violators to community-based programs, which would have lessened the need for prison guards; he vetoed a bill rescinding the ban on journalists' interviewing prisoners face to face, and he narrowly failed in a bid to give the CCPOA \$4 million in public money for its legal defense fund.

So here we have the gulag paradigm. The "war on drugs" plus savage sentencing laws engender an ever-bloating prison population, hence more prison guards, whose increasingly powerful union presses for even stiffer sentences and yet more prisons to provide yet more jobs, all this at a time when the "lock 'em all up forever" hysteria is finally beginning to subside.

—Alexander Cockburn, *Prison Focus*, No. 12, Winter, 2000



## HEPATITIS C AT THE CENTRAL CALIF. WOMEN'S FACILITY

Pamela Murphy, aka PJ, was looking forward to her parole date in April 2000. She was looking forward to spending some quality time with her family. This was especially important, because PJ had AIDS and Hepatitis C (HVC) and not much time. Actually, she did not make it out of the prison and passed away over the Labor Day Weekend.

If we are to believe "inmate rumor," when the autopsy was done it was discovered that her abdominal cavity was filled with blood. I would venture to say that "inmate rumor" was right on the money.

PJ's death was not sudden or unexpected. Any untrained eye could clearly see her dying a little more each day. I only wonder why the medical staff could not (or would not) see.

For months prior to her death, there was a constant flow of blood from her nose. She was constantly sniffing (as if she had a cold) the blood back into her nose so that it would not run down her face. Her abdomen was swollen so that it appeared that she was in her second or third trimester of pregnancy. In the last days before her passing, PJ was so jaundiced that her eyes were the florescent yellow of a caution sign. She was obviously in liver failure, but was still being given handfuls of liver toxic HIV medications [known to be toxic to the liver]. She should have been pulled off of all medications and hospitalized until she could have (possibly) been stabilized.

PJ's story, sadly is not unique. There are two other women currently here that will

soon be in her position, and are alas...receiving little, and in one case, no care!

When a woman enters this institution, a routine battery of tests is run, including a hepatitis panel. This is how an inmate is cleared for food handling (or not).

Recently, many women (who have already been incarcerated for a period of years) are "finding out" about their HCV status. In a few cases because they have started displaying symptoms that are severe enough to request medical attention, only to find that a positive HCV result was recorded in their medical files all along. Now they are cirrhotic and will never be considered for treatment here. You have to wonder, how much of this could have been avoided with early intervention?

The numbers are numbing — 69 percent of female inmates, 54 percent of male inmates (estimated) statewide.

Who cares about a bunch of prisoners that are already safely locked away? Imagine 63,500 people unaware of the infection they carry, uneducated, untreated, being released to unsuspecting families and into communities. I wonder how many future infections could be avoided with an effective education/treatment program here?

—Judy Ricci, W69939, *Prison Focus*, No. 12, Winter, 2000

## PRISONER JOKE

Q: How many guards does it take to push an inmate down the steps?

A: None; he tripped.

—Mathew J. Mercer, *Prison Focus*, No. 12, Winter, 2000

## AN UPDATE: WHAT WE KNOW ABOUT B YARD AT PELICAN BAY

Pelican Bay State Prison - which has long been one of the most brutal prisons in California - is in a state of crisis. On February 23 [2000], on the general population B yard, a melee broke out involving approximately 200 Latino and African-American prisoners. The fight resulted in the largest mass prison shooting in recent memory. Correctional officers fired 24 rounds from their assault rifles, killing one prisoner and wounding 15. In addition, several dozen prisoners suffered stab

wounds or other serious injuries.

This melee was not an isolated incident; rather, it was the latest in a series of brawls among rival factions of prisoners, including an August 31, 1999 fight involving 200 African-American and white prisoners. The February 23 incident occurred on only the second day since the August incident that the entire population was placed on the yard. In the months between these two full-scale melees, instead of moving to lessen hostilities, prison officials appear to have made matters worse by instigating a long series of smaller fights. Either Pelican Bay officials have lost control of their institution, or we are witnessing a return to the "gladiator days" of early-1990s Corcoran.

As has often been the case, the CDoC has failed to follow through to reduce tensions at the prison; to the contrary, many official actions generate the appearance, at least, that officials are deliberately or negligently contributing to the ongoing atmosphere of racial violence at Pelican Bay. At the center of this is the longstanding CDoC policy of forcing warring prisoner groups onto the yard together while, at the same time, refusing to provide any means for these rival factions to negotiate peaceful resolutions to their disputes.

Indeed, many prisoners and human rights workers have long believed that the CDoC manipulates prisoner-on-prisoner violence in an effort to maintain control of its facilities. CDoC ombudsman Ken Hurdle admitted as much last year during negotiations over a hunger strike at New Folsom. Hurdle dismissed the prisoners' request to spend their yard time with prisoners they get along with by stating that "[t]hen you'd have two groups normally aligned on the yard at the same time. They would only have staff as their enemy." [Quoted from the *Sacramento Bee*, 12/8/99]. It is clear that unless the CDoC immediately institutes broad changes in policy, the violence will continue and more prisoners will be killed or seriously injured.

Since February, California Prison Focus has interviewed more than 50 Pelican Bay prisoners about the situation at the prison. From the information we have gathered, the following points have become clear to us:

## PELICAN BAY OFFICIALS APEAR TO HAVE ALLOWED THE FEB. 23 INCIDENT TO OCCUR

Pelican Bay prisoners widely believe that officials had advance warning that the February 23 melee was going to occur, yet allowed it to proceed. The following evidence suggests that the prisoners are correct:

- Several prisoners have told us that in late December or early January, Pelican Bay officials placed at least one prisoner in protective custody after he informed them that an attack was in the making. One prisoner (or more) reportedly provided detailed information regarding the locations of hidden weapons. In response, officials conducted a search and recovered several weapons.
- A number of guards conducted random pat searches of prisoners before allowing them onto the yard on February 23, yet officials acknowledge recovering 89 weapons after the incident. Also, regular yard cleaning (with an eye toward weapon recovery) is standard practice. Prisoners have told us that the searches conducted on Feb. 23 were less thorough than usual. If 89 weapons were on the yard, CPF believes that staff allowed this to occur. Why? Many reasons: pay-back, control, mismanagement, for fun.
- A number of prisoners told us that correctional officers behaved strangely on February 23, and several told prisoners that they knew something was going to happen. For example, shortly before the incident, one officer told a prisoner to "do whatever you need to do today,"



Bill Tate at Corcoran Caravan October 17, 1998

because tomorrow the institution is going to be locked down. Another officer told a prisoner on the morning of Feb. 23 that, "It's your lucky day." Some prisoners have reported that riot control officers were massed nearby, before the riot began, as if they were prepared for something to happen, though on-the-ground response was slow....

### **PELICAN BAY STAFF AND OFFICIALS ARE SETTING UP CORCORAN-STYLE GLADIATOR FIGHTS**

After the August 31 incident, Pelican Bay's general population was locked down completely for approximately two months, meaning that prisoners lived under SHU-like conditions. Prisoners report that in late October or early November, officials began releasing small groups of white and black prisoners — between whom tensions were still high — onto the yard together. Violence erupted nearly every time and several men were stabbed, yet the yard releases — and the fights continued, as often as twice a week or more, until at least late January. Since the Feb. 23 incident, this practice has resumed on both A and B yards. On several occasions in May, officers fired more than a dozen baton rounds at brawling prisoners, injuring several. Pelican Bay officials informed prisoners that this long-standing practice — termed "controlled yard releases" — was designed to eliminate "troublemakers" by placing those prisoners who instigated fights into segregation.

The controlled release policy amounts to the deliberate instigation by prison officials of prisoner-on-prisoner violence. At a time when Pelican Bay needs nothing more than a reduction of interracial tension, officials are placing rival prisoners together under conditions in which they are all but forced to fight one another. These "controlled releases" are little different from the "gladiator days" of the early 1990s at Corcoran, in which officers killed five prisoners and wounded dozens of others after provoking thousands of fights between rival prisoners.

If the stated rationale behind the controlled release policy — to identify and segregate prisoners who initiate violence — is to be believed, then the CDoC is using innocent prisoners as guinea pigs in an experiment with interracial violence. By the logic of the controlled release policy, prison officials are identifying violent pris-

oners by allowing them to attack other prisoners — sometimes with weapons. After attackers and victims alike are subdued with pepper spray, tear gas, wood block guns, or batons, the attackers and often the victims are (usually) placed in segregation. Meanwhile, non-aggressor prisoners risk serious injury or death at the hands of guards or other prisoners. As this officially-orchestrated violence recurs week after week, prisoners see their friends brutalized, and tension among prisoners, rather than abating, continues to mount. As a result, melees erupt each time prisoners are released from lockdown status.

—Scott Fleming and Leslie DiBenedetto, *Prison Focus*, No. 13, Summer, 2000

### **LEGISLATIVE HEARINGS: WOMEN PRISONERS SPEAK OUT**

On October 11 and 12, 2000, women prisoners finally got the opportunity to tell state legislators about the abuse and neglect they are suffering. The HIV in Prison Committee participated in and helped to organize the October 11 hearing which focused primarily on exposing the crisis in care at both the Central California Women's Facility (CCWF) and Valley State Prison for Women (VSPW).

On October 11, HIP along with a coalition of other organizations attended and gave testimony at a legislative hearing held inside VSPW. This hearing was called by the Senator Richard Polanco's Joint Committee on Prison Construction and Operations in order to investigate serious allegations of abuse by women prisoners and their advocates. Fifteen women prisoners braved possible retaliation to testify and expose all aspects of medical neglect and abuse inside both VSPW and the CCWF [both prisons together house approximately 7,000 women and sit across the road from each other in Chowchilla — the largest women's prison complex in the world.

Some of the most moving testimony was given by three women prisoners who openly spoke about being co-infected with both HIV and hepatitis C. These women spoke on behalf of many others inside CCWF who are suffering daily due to the prison system's refusal to seriously deal with either of these two life-threatening diseases. Over the past two years, several co-infected women died from liver failure.

The HIP Committee has just learned about several new deaths since the beginning of November 2000 (at least two being women co-infected with HIV and hepatitis C).

The HIV in Prison Committee Chairperson, Judy Greenspan, had the honor of moderating the panel on "Living in Prison with HIV and hepatitis C. We reprint below excerpts of the testimony given by Beverly Henry, Theresa Martinez and Judy Ricci, prisoner peer educators and co-infected women. [Editors' note: Prison Focus #14 excerpted testimony from three prisoners; only one is included in this overview.]

#### **BEVERLY HENRY**

"I watched two women die on my yard that I was close to. If I can see that the whites of their eyes are as yellow as a caution sign then why couldn't somebody else? I watched a woman's waist go from approximately 26 to 60 inches because her liver was cirrhotic. She could not wear shoes. She looked nine months pregnant and every day she asked me, "Am I going to die here, do you think that is what is going to happen to me?" And there was nothing we could do about it. And I know compassionate release, at least, should be asked for these people. But they are not going to give it to them because you have to get the doctors to say that you have only six months left to live. They don't feel that is necessary because you are not laying flat on your back. I have approximately 10 years left in prison living with both of these diseases. I know 13 people died in 1999 and that scares me. How long will I remain asymptomatic?

"I also have a problem with confidentiality at med line. No, I do not take meds and I made that conscious choice based on the knowledge I have. For the women that have to take meds, these lines last a long time. They have to stand in extreme heat; they stand in severe cold weather just to get their cocktails. In my personal opinion, these medications could be administered in their rooms. This is not valium; this is not vicadin. These are antivirals that you take for HIV. If you are the only woman standing on line picking up a 3-med package every single day, someone is going to ask what are you taking. A lot of these women have come to us and told us that they don't want to go get their meds because they would rather take them in their room — why does everyone have to know? You try



and let them know that it's supposed to be confidential, but what's confidential about standing on line picking up a packet that no one else is getting? That blows your confidentiality right there.

"HIV meds should be given out in a monthly supply. I feel that women who are on these meds when their prescriptions run out, they should be expeditiously refilled. It is very important that treatment is adhered to. When a woman is positive the yard doctor should explain things to them because many of the women have no knowledge of their treatment. Someone just tells them, 'I am putting you on this cocktail and you take it.' That's not enough. No one is telling her how important it is that she sticks to the regimen. No one is telling her what's going to happen when she takes these pills and her body starts experiencing side effects and she doesn't know what to do."

— *Prison Focus*, No. 14, Spring, 2001

## PRISONER INITIATIVE TO END VIOLENCE AT PELIKAN BAY

*To determine how men will behave once they enter prison it of first importance to know that prison. Men are brutalized by their environment - not the reverse.*

— George Jackson

This paper is an account of what was learned by this prisoner from the negotiation which took place following the February 23, 2000 race riot at Pelikan Bay State Prison (PBSP).

Within days of the riot, SHU prisoner Abdul Shakur approached PBSP officials and conveyed his desire to explore the possibility of pursuing a nonviolent solution to the attack New African prisoners suffered this past February. He also expressed to officials the belief that other indeterminate SHU prisoners from the involved ethnic groups would be willing to participate.

Brutha Abdul's assumption proved right. Though not a direct participant in the talks which followed, his initiative was the cause of them. The talks lasted six weeks and involved four groups: indeterminate SHU Blacks, So. Cal. Mexicans, Whites and CDoC officials, principally in the person of former PBSP Warden Robert L. Ayers and Associate Warden T. Schwartz.



Women in Prison event, International Women's Day, Fresno. 2001

No general population (GP) prisoners were party to the talks, nor at any time during the course of the talks were SHU and GP prisoners allowed to meet or speak (to my knowledge).

From the outset each prisoner contingent was conscientious and sought immediate placement in GP to improve their understanding of the factors contributing to the racial strife in Pelikan Bay....

Having opened with comrade George it is fitting that his words sum this up:

"When people walk on each other, when disharmony is the norm, when the structure which mediates relations between the races has fallen apart, it is the fault of those in charge - where such conditions exist a wise man generally adapts to prevail."

—Pelikan Bay's Black August Kollektive, *Prison Focus*, No. 14, Spring, 2001

no  
matter  
how long it takes  
real changes will come,  
and the greatest personal reward  
lies in our involvement and contributions,  
even if it may appear that nothing significant  
or of impact really happened  
during our times.  
but it did,  
because  
every sincere effort  
is as special as every human life.

— Hugo Pinell, A-88401, *Pelican Bay Express*, Vol. 3, No. 2, Nov. 1995

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## ABOUT CPF

California Prison Focus (formerly Pelican Bay Information Project) investigates conditions and treatment of prisoners in California's three control unit prisons: Pelican Bay State Prison, Corcoran State Prison and Valley State Prison for Women. Our HIV in Prison committee focuses on HIV and hepatitis C education, advocacy and compassionate release campaigns and also works with transgender prisoners. Since 1991 we have conducted more than 50 investigative trips and interviewed nearly 2,000 prisoners. CPF members are former prisoners, activists, families, prisoners and concerned people.

## 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.

**JOIN US FOR OUR MONTHLY GENERAL MEETINGS, THE SECOND WEDNESDAY OF EVERY MONTH, HIP MEETS EVERY FOURTH WEDNESDAY BOTH AT 7 P.M.**

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## TO OUR READERS:

This issue of Prison Focus is long overdue — with publication in late Summer 2002. Apologies for the delay.  
CPF needs a co-editor — if interested please contact us soon.