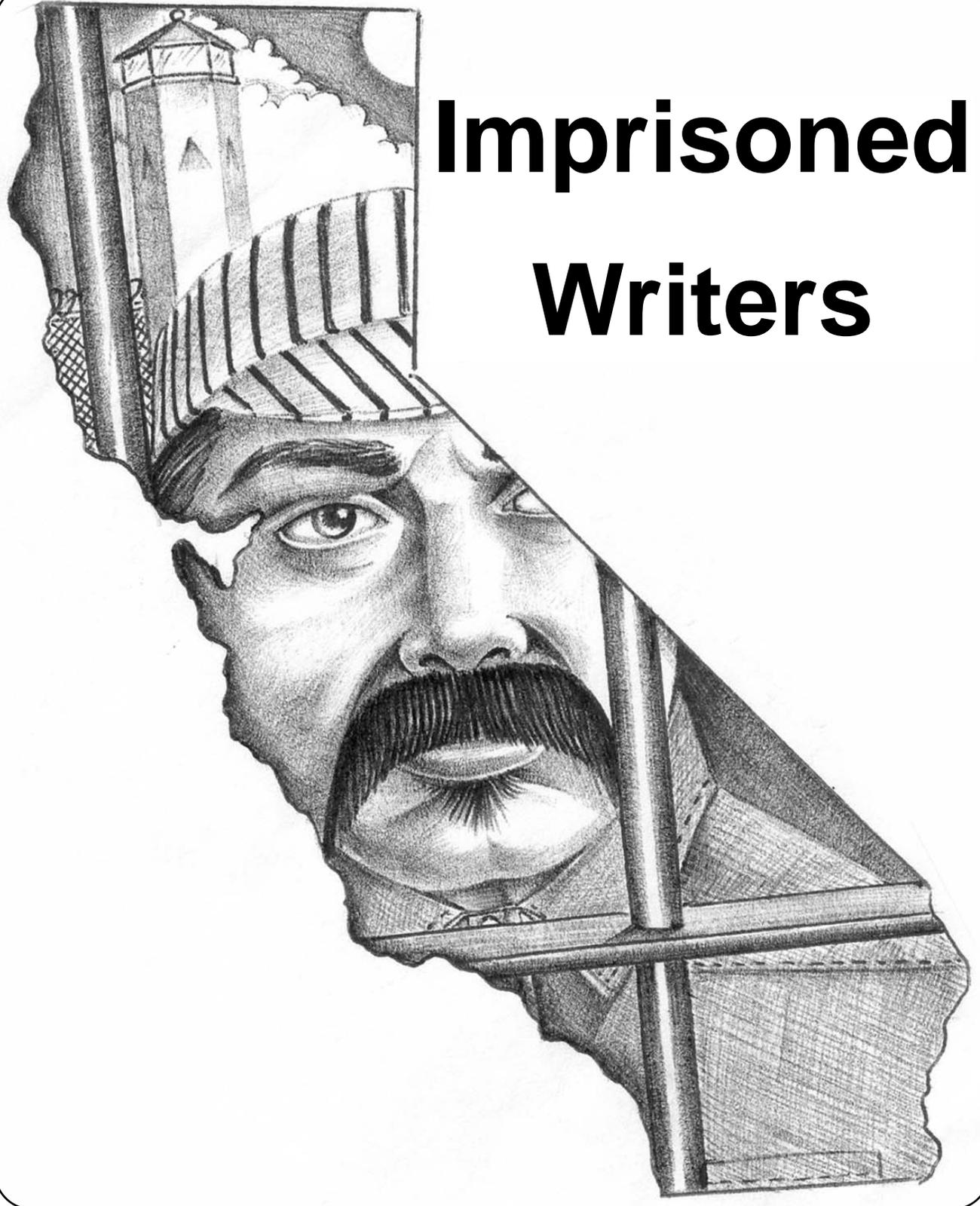




PRISON FOCUS

Number 18 • Fall 2003



Imprisoned Writers

LETTERS

POLITICAL AND RELIGIOUS PERSECUTION ALLEGED AT PELICAN BAY

Dear CPF:

I am a prisoner at Pelican Bay and am writing to inform you of the current circumstances here. On or about July 16 about 100 African Americans were placed in AdSeg...for alleged involvement in a conspiracy. However, there is no justification and the claim is completely unsubstantiated, and all procedural due process rights have been violated since placement. Because I was successfully programming without any rules violations and the placement [is] completely unjustified, I have initiated a writ in the Superior Court in Del Norte (case HCPB03-5197). My writ alleges due process violations and requests injunctive relief.

Approximately 100 African American prisoners...were placed in AdSeg for nothing. An isolated incident occurred on B yard and since the administration has come up with an alleged conspiracy to justify their actions. Myself and the majority of those being retained were housed in A yard. Numerous staff members have verified that Muslims are the targets. It has also been confirmed that the Muslim chapel list was the source of the names of those being detained.

[In addition,] by sending numerous inmates to the hole for petty and unjustifiable reasons, they have managed to force Sacramento into allocating funds for the construction of a new AdSeg building which was completed this year. However, they botched the construction and did not build a rotunda for the staff and officers. Now they are considering moving prisoners into the non-operational unit. In the alternative they are likely to request more funds to complete the project.

So not only are we being persecuted for, racially profiled and subjected to religious discrimination, we are pawns in the political games they are playing with Sacramento.

-R.B. Crescent City, CA

[Ed Note: We have received many similar letters from prisoners at Pelican Bay.]

LETTER TO A CA SENATOR ON QUARTERLY PACKAGES

This is an excerpt from a letter sent by 446 prisoners urging State Senator Betty Karnette to vote against SB 206, a bill that requires all quarterly packages be purchased by an approved vendor, discontinuing packages from families.

The reason I am writing you this letter...is to make you and other aware of the new policy change made by Warden Joe McGrath with regard to annual and quarterly packages....Our concerns with the newly implemented package regulations are very simple and not hard to understand. This warden and his administration would have you and the Senate Public Safety Committee believe that the packages sent from our loved ones pose a threat to the "safety and security" of P.B.S.P. Their contention is that "drugs" and other "dangerous contraband" may be introduced into P.B.S.P. in this manner.

While anything is possible and we acknowledge this has happened-those caught doing this have been punished criminally and with CDoC 115 rules violations. We do not feel this change in policy is warranted or necessary; it is more a form of group punishment in which our families ultimately pay for, literally. Furthermore, P.B.S.P. has many security measures such as X-ray machines, metal detectors, drug-sniffing dogs and staff inspection of all items-everything is opened and placed in clear plastic bags prior to us receiving them.

The bigger and more serious concern is that this institution (and Warden McGrath) is limiting our only approved vendors to Walkenhorst's and Access Catalog. We feel he is contracting these companies exclusively to create a monopoly for himself and other CDoC officials.

...Lastly and most importantly, we feel that if we allow this change in quarterly packages policy in the name of "safety and security" what actions or policies are next? Will we then be denied contact visits with our families, loved ones or spiritual leaders?

CDoC FINDS "TERRORISTS"

Dear CPF:

We all knew that it was just a matter of time before Pelican Bay's administration would employ a "Patriot-act style" reasoning to justify its actions. It was just a question of when and in which way. Two years after that horrible September day, the time is now and the usage is to deny access to the law library.

I'm a SHU prisoner at P.B.S.P. and over a seven-month period between December 2002 and July 2003, I requested access to the law library. Five of those ten requests were denied, thus I was afforded an average of only 1.4 hours a month.

Well you can image my dismay at the second level response [to my 602 appeal] that my lack of access is because I am a "terrorist." I am currently attempting to correct an erroneous validation but I had no idea that "this is a terrorist organization whose agenda is murder, mayhem and extortion. Many of these inmates are committed members of...terrorists groups...and if the security precautions are inconvenient, these are inconveniences that this inmate demanded by his commitment to the terrorist activities" (as quoted by Warden Joe McGrath).

So, alas, the inevitable has happened. The prisons all to familiar dependence on security has evolved into Aschcroftism. This should serve as a warning to all prisoners; the McCarthyism we've come to know so well over the years just went Orwellian.

-Michael Beattie, Crescent City, CA

continued on page 29

WRITE TO PRISON FOCUS

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

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

LETTERS

PRISON FOCUS

Issue No. 18
Fall 2003

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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A SPECIAL THANKS GOES TO DAVE BRADSHAW WHO BUILT THE SHELVES FOR OUR NEW OFFICE SPACE AND TO JOHN FERRAR WHO INSTALLED OUR NEW PHONE SYSTEM. BOTH DONATED THEIR EXPERTISE AND PUT IN LONG HOURS.

EDITORIAL INTRODUCTION

Leslie DiBenedetto and Ed Mead, Editors

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

Leslie:

This is Leslie. Many of you know me already. I've been working with CPF since 1993 (when we were called Pelican Bay Information Project). My first prison visit was to Pelican Bay in the spring of 1994 and I continued that work until July 2001 when we were banned from the prison during the hunger strike. During that period, I also joined investigations at Valley State for Women, CCWP, and Corcoran. In 1998, Sharon and I took over the newsletter from Bato who had been the editor for years and need a break.

In 2001, I began a leave of absence to finish my thesis and graduate; it took a while but I did it. (In the meantime, I consulted with the other PF editors Craig, Sarah and Yasmin who had taken over the lead role during different periods.) We renamed the newsletter Prison Focus in 1998 to reflect our new name (CPF) and expanded focus to all of California SHUs. Now we also put our energy in issues of medical care, transgender, and an expanded legal project that is reflected in our content.

The theme of this issue is prisoner writing—the first of what we hope will be a series. Prison Focus 18 is showcasing 13 pieces by prisoners all across the country and fall under the topics of political thought, prison life and legal words. They take the form of poetry, essay and short story. See the poem by k.k. Paul Faust *Black Sheep* written in 1966-67 that still resonates, or the essay by Heshima Denham on being politically active in prison or the piece by entitled *Reflection of My Life* but read them all—each piece has value and provokes thought, so enjoy! If you wish to contribute to future issues, please send your work—and artwork—to us for possible printing. See guidelines on the back of this issue. Hope you enjoy this first installment.

Ed:

My name is Ed and I have the pleasure of editing this fine publication with my friend and comrade, Leslie DiBenedetto. She and I are the new editors of *California Prison Focus*. Leslie is the boss but we'll be deciding on content and layout together. I'll be doing the production.

I've published a bunch of prisoner-related newsletters over the years. The first I have direct recollection of was published in the early '70s from the Federal Prison at McNeil Island, Washington. I next published a couple of them from the streets, one called *The Sunfighter*, which we used to organize the Washington State Prisoners Labor Union. The other was named *The Outer Limits*, and its message was that we can't know the outer limits of sustainable struggle unless we test those limits in actual practice. My next newsletter was called the *Lady Finger*, which I put out as a part of Walla Walla's Men Against Sexism organization. After that came the *Red Dragon*, which I published as a prisoner for about five years. Along with the *RD* there was *The Chill Factor*, I published while confined at the Arizona State Penitentiary at Florence, AZ.

There were more after that. *The Updates* helped to stop the digital rape of Walla Walla's prisoners each time they left and returned to the Intensive Security Unit. Prisoners fought every rape, and we ultimately won an end to this barbaric practice. Then there was *Prison Legal News*, which I started with another prisoner while confined in Washington State. More recently, since 2001 I have been publishing a monthly called the *Prison Art Newsletter*, and now I will also be co-editing the *Prison Focus* newsletter. I bring a lot of prisoner-related publishing experience with me to CPF. While regular reader may notice some minor changes in the content of *Prison Focus*, the real change I hope to bring to this publication is to see it published in a timely manner.

I don't know the name of the guy who drew the picture on this issue's cover, except that he is from Pelican Bay. Leslie gave it to me in a file folder of graphics. I

had some squirrely notion of using a drawing of a guy's head outlined with what appeared to be barbed wire, only with pencils wrapped 'round a wire to form that shape. If I get desperate then I'll talk Leslie into letting me use it for a cover and you will see how terrible my tastes really are. Anyway, in my opinion, this issue's cover drawing represents the true nature of California. Indeed, it is in fact a product of that very nature. They try to make it about something else, but we know the true nature of the State of California is not about cheese or the "happy cows" we eat.

This issue's theme is "Imprisoned Writers." It is an invitation to the voiceless to communicate with each other and with concerned citizens on the outside. Since our time out here in minimum custody is limited, we'd like to accomplish this with a minimum of BS.

That's it for today. Enjoy this issue and we'll see you again before too long.



IMPRISONED WRITERS: PROVOKING THOUGHT, PART ONE

POLITICAL THOUGHT

ABOVE ALL LAWS

By Mumia Abul-Jamal

If there has been any constant in the last several millennia (besides change), it has been the raging appetite of empires to remake the world in their various images. All of them, the Roman, the Ottoman, the British, and even the newest one, the American Empire, have cut through that which existed before they formed, and sought to impose their interests on those unlucky enough to be their subject states. If history teaches us anything, it is that empires are inherently unstable, if only because they inspire enemies rather than allies, and people seek to live free of their influences.

They have also sought to become the sole source of Law.

In the horrific aftermath of the Second World War, many nations gathered together to try to erect a new set of rules and institutions that would head off another world war, because the last two such wars left the world drenched in blood and sickened by death. They sought to erect a world criminal court that could try armies and leaders that engaged in acts deemed violative of the 'law of nations' (international law), and protected human rights. If there has been one implacable foe to that idea it has been the United States.

For over half a century the U.S. chose to ignore the push for such an institution in Europe, and in many parts of the so-called "developing world."

Why, one wonders, would the U.S., the 'land of the free and home of the brave', dare oppose something like this? The Americans feared a non-U.S. tribunal would hold its soldiers under violations of war crimes laws, and for over 50 years, the U.S. opposed it. When former U.S. President Bill Clinton did sign a treaty in support of the International Criminal Court (ICC), it sought to have veto power over any of its prosecutions (the UN Security Council rejected that notion). Although signed by Clinton on 31

December 2000, the Bush administration some two years later announced it would "unsign" the global pact.

In the words of Defense Secretary Donald Rumsfeld, "[T]here is a risk that the ICC could attempt to assert jurisdiction over U.S. service members, as well as civilians, involved in counter-terrorist and other military operations-- something we cannot allow."

When Belgian activists and attorneys filed an action against U.S. Gen. Tommy Franks and other U.S. leaders, Rumsfeld went ballistic, threatening to pull U.S. money from a planned construction of a new NATO headquarters in Brussels.

That U.S. threat may cost some \$115 million or so.

By the beginning of 2003 over 80 nations had voted for and ratified the ICC treaty. The world's biggest enemy?

The United States.

The ICC, and the Rome Treaty which was a precursor of the ICC pact, have been in the gun sights of U.S. military and political leaders for decades.

Nations may submit to international treaties, but for an Empire, such an option is utterly unthinkable.

Rome knew no master, save Rome; Byzantium bowed only to its own emperors; the Ottomans submitted to Ottoman caliphs. ... Empires find it difficult, if not impossible, to recognize any source of power external to itself.

Now is the time of "Pax Americana"; the age of the American Empire. And, as the Bush administration began its reign, it pushed to abolish virtually every treaty it was a part of.

Yet, who needs immunity from war crimes, but one who intends to commit them? Is the U.S. seeking clemency before its next My Lai massacre? Its foreign Wounded Knee?

We are watching an atrocity in embryo. Massacres are being hatched, in the name of "democracy," "freedom" and "human rights."

If we don't act to oppose this obscene growth, this imperial fever, all Americans may come to rue the day it burst forth.

Reprinted from the Aug. 7, 2003, issue of Workers World newspaper

SOCIO-ECONOMIC DISPARITY AS AN ELEMENT OF CLASS STRUGGLE

Poverty is intrinsic to every established social order with free markets. Their corporate bosses, who endeavor to pay the most minimum wage possible, will invariably demand increased production of workers. This social condition defines and separates the aristocracy and the working class. The latter finds itself in an on-going and continuous struggle to achieve upward mobility. Individual members of the class will often resort to criminal conduct in order to ameliorate their economic condition, and augment their social status by the increase of material possessions.

It should be recognized that economically motivated criminal activity can be defined as "the struggle of the poverty class", (or the working class), to achieve upward mobility. That economically motivated crime is intrinsic to every established social order that fosters a system, whether it be de facto or not, of racism, bias and discrimination. Such crime is attributable to the absence of "equal social outcomes" for all. Economic disparity creates social divisions, called "classes".

The struggle to improve ones social or class status may involve illegitimate, or black market activities called "crime". Drug sales and use are common events, or occurrences of the struggle-occurrences that have resulted in a very high rate of incarceration for Black people, not only in California, but also across the United States. California is full of gangs that deal in the drug trade. Men struggle against political adversity, whether it be racist or ideological in nature, to improve their condition.

-Ameer Hassan #15821

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ON THE IDEOLOGICAL PERSECUTION AND POLITICAL HYPOCRISY OF THE CA DEPARTMENT OF CORRECTIONS

In the confines of the concentration camps which make up California's Department of Corrections, those prisoners who express through word or deed any political belief or ideological standpoint divergent from what prison administrators deem the "norm" are labeled clear and present dangers to the general prison population and treated as such, despite the constitutional and regulatory safeguards against political persecution that the CDoC, as an agency of the state, claims to uphold. This pattern of hypocrisy and persecution is responsible for the single largest population of purely political prisoners in the U.S.A., in the form of "validated" Afrikan prisoners in the state of California.

The CDoC has fully embraced and become a master of employing Amerikkka's methodology of espousing an ideal on paper or within the confines of their regulations, but exercising a completely opposite pattern of behavior when such regulatory assurances benefit those who they categorize as enemies such as activists of revolutionary ideology. The California Code of Regulations, Title 15, Subsection 3004 states in part: "...employees will not subject other persons to any form of discrimination because of race, religion, nationality ... political belief...". The Constitution of the United States of Amerikkka, arguably one of the most perfectly written "theoretical" documents on socio-political freedom, ensures in the most elegant terms the right of every citizen, free or bond, to exercise whatever political belief he or she so wishes. These assertions of ideological magnanimity on the part of the CDoC and its mother state are as empty and hollow as the cells here in Corcoran SHU. For example, on October 6, 1995 at Pelican Bay State Prison, L.L. Anderson, then a Lieutenant in ISU (now a Captain) stated the following in a validation memorandum on a prisoner whose political ideology was revolutionary in nature: "Confidential memorandum dated 11/1/93. This memorandum clearly outlines subject's

affiliation with terrorist organizations (i.e. The New Afrikan Peoples Organization and the Afrikan Socialist Party) and support of a New Afrikan Revolutionary Nationalism (N.A.R.N.). N.A.R.N. is considered synonymous with the Black Guerilla Family 'prison gang' and is now accepted as a source for validation purposes." Incredulously, Mr. Anderson goes on to state: "Some correspondence connects subject with individuals linked to the Weather Underground and the Nation of Islam. These two terrorist organizations are well noted for their sympathies to overthrow the government." I'm sure the hundreds of thousands of Afrikans in Amerikkka and abroad who subscribe to the political ideology of New Afrikan Revolutionary Nationalism, Maoism-Leninism-Marxism, and Scientific Socialism, as well as the millions of Muslims who adhere to the religious doctrine of the Nation of Islam will and do take offense to L.L. Anderson, and the CDoC relegating their beliefs and faith to "prison gangs" and "terrorist groups", not to mention the total disregard for their own regulations and the guarantees set forth in the Constitution of the United States of Amerikkka. This example of hypocrisy is not the exception, but the rule when dealing with progressive elements in the prison population. I myself was validated as a member of the so-called "Prison Gang/Terrorist Group", the Black Guerilla Family at High Desert State Prison in August of 2001 in perhaps one of the most ridiculous examples of fabrication of evidence and misrepresentation of facts in the history of the validation process. Nonetheless, the primary content and theme of this ridiculous validation packet was my affiliation with, and belief in, New Afrikan Revolutionary Nationalism, Scientific Socialism, and my assertion of the inherent behavioral obligation to righteousness and egalitarian mores. Not a single document, or piece of paper, even those I.G.I. Correctional Officer D.D. Shaver fabricated, made a single reference or allusion to the BGF or any other organizations in particular-but as L.L. Anderson stated back in 1995, "...New Afrikan Revolutionary Nationalism is considered synonymous now with ... prison gang(s)...". It is my contention that the reality of political freedom and the right to exercise such does not extend to

those whose freedom has been abrogated by the legal farces men call "courts of law".

Despite the obvious hypocrisy of the CDoC and its insistence on persecuting New Afrikan Revolutionary Nationalists, I'm not naïve enough to react emotionally to this phenomena, quite the contrary, I approach virtually everything with cold objectivity and analytical emotional detachment and therefore can understand intellectually why the state fears us so. As an ideological system, New Afrikan Revolutionary Nationalist and Scientific Socialism is in diametric opposition to the actual "penological interests" of the CDoC which is the genocide of Afrikan and Latino males in this state. In order to justify the existence and prevalence of the prison industrial complex as a societal necessity here in California, the state must relegate the proponents of Nationalism/Socialism/ Egalitarianism within the concentration camp environment to the status of "criminal", "terrorist", or "gang member" in order to neutralize the organizing and psychological liberating effect the proponents of such have on the masses of otherwise uninitiated prisoners who find themselves, more often than not, in the clutches of the Department due primarily to the socio-economic disenfranchisement, behavioral modification, and educational/employment disparities based on race which are systemic built-in mechanisms for the Amerikkkan social infrastructure. The entire so-called criminal justice system and the prison-industrial complex it serves, is not a solution to the ills of society and I challenge any objective analyst to state its aims are "justice". This entire machine is nothing more than a mechanism to "legitimately" exterminate a specific portion of this Nation's population, particularly Afrikans and Aztecs, but first creating the social conditions which offer no other viable choice to meet the basic needs save the transgression of countless laws, then ensure the conviction and lengthy incarceration of those who do transgress, ending in the doom of the strongest aspects of the non-white male population, and all in the name of the law.

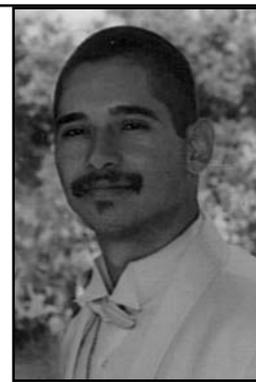
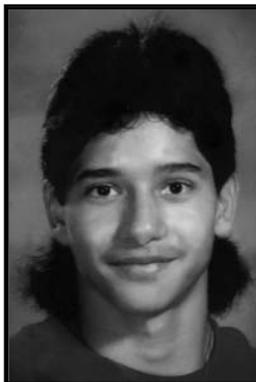
Allowing the purveyors of revolution in the concentration camp environment, the political freedoms guaranteed under the U.S. Constitution and the California Code of Regulations, would be in effect allow-

ing the prisons of California to become revolutionary universities. Men who entered these pits of perdition, instead of becoming more savage and inhumane would be truly rehabilitated in the sense that the former capitalist-criminal ideals, which lead them to prison in the first place would be replaced by egalitarian mores, and the state would be release true democratic idealist and scientific socialists into the uninformed chaos of mainstream society where they will educate and influence the poor, oppressed masses to a truth that would mean an end to the capitalist ideal and the reality of the system of white supremacy. This is something the current system of power is not prepared to do.

One must concede, from a purely intellectual and objective point of view, were I a "Babylonain", I would do whatever necessary to maintain my position of power as well, including crushing the rights of my incarcerated citizens and throwing those who would expose me for the charlatan and fascist that I am in the deepest, darkest, dankest cell I could find. Here in California, these cells are called Corcoran and Pelican Bay SHU. For this reason, those who embrace the ideology of social change should be aware of the fact that the second you are identified as such you will be persecuted in the California Department of Corrections. In fact, if you take up the mantle of the revolutionary activist, and you fear or feel you could not withstand the full force of the state brought to bear on you in the most hospitable ways-perhaps you should not embrace revolution. I have stated many times before that the most difficult occupations on the face of the Earth is that of that of the professional revolutionary. You must be a historian, sociologist, and intelligence officer, detective, psychologist, counselor, military strategist, and warrior. You must above all love the people, and do all of this while attempting to conceal what you are in plain sight of an enemy who would love nothing more than to throw you in a SHU cell for the rest of your life. George Lester

Jackson stated in his sage masterwork, *Blood in My Eye*, that "...revolution is a war for the minds of the masses", and it is my contention that the only thing that separates the makers of history for those whose histories are made for them, is the power to alter their environments, the power of change. That power, ladies and gentlemen, is nothing more or less the power of information. Revolutionaries educate the masses, but it is virtually impossible to do so in the concentration camp environment, while living according to the ethical and behavioral precepts you are espousing, and not eventually be compromised. No matter how progressive the results engendered by revolutionary agent in any particular prison sector, for or against prison administrators; no matter how righteous the aims or outcome of such activism-it will be deemed a threat, and the proponents of change will be attacked and relegated to the harshest, most isolated conditions these "people" can concoct. This is merely the reality of the situation, and must be addressed as such. The political (and all too often actual) survival of revolutionary activists within the concentration camp environment depends solely on ones ability to remain clandestine.

The CDoC's hypocrisy, and the states support there of, should be viewed by all revolutionary activists and proponents of human rights, as verification of the righteousness of our cause and should serve as a motivational factor for true commitment. Oh yes, if you believe in New Afrikan Revolutionary Nationalism, Scientific Socialism, or a plethora of other progressive political beliefs, and you find yourself in a California prison, you will be persecuted for your belief. But this does not negate the fact that it is your human, Constitutional and regulatory right. The level of persecution you sustain for exercising this right will vary from individual to individual, but it will be directly proportional to the effectiveness of your influence on the people and the social conditions you find yourself in. Nonetheless, in the final analysis no



Miguel Magana
Born May 17, 1972 - Died November 14, 2002.

CLOUDY DAY

Clouds come when sadness devives
Rain disguises the tears that flow from my eyes.
Cloudy days bring cloudy moods,
A sadness so strong it's felt by few.
Pain and sorrow mixed with fear.
Let it rain to shower all my tears.
Alone in a world without my peers.
Restless life that last for years.
Momentarily paralyzed by these clouds.
Pain so drastic makes you want to shout.
Please clouds roll away.
Show me sun and happy days.

I woke up to a sharp pain in my heart,
Realization sunken we're growing apart.
We don't make love no more we hardly speak
You don't kiss me like before not even in the cheek.
What ever happened to those romantic nights?
It seems when I come home all we do is fight.
They say love is pain but why do I feel this way?
I want to leave but something tells me to stay.

I'm half-dead; nature has taken its toll,
I've lost blood now my body's straight turning cold/
My eyes swelled/ blood dripping out my nose/
And the feeling I'm experiencing is unbearable.
Tears flow past my cheek down my chin/
Moments like these I can't comprehend./ I wish
You were here to lend a hand/ help your man/
But I understand.
Under the circumstances/ this long I've lasted/
And before the nights over I should be wrapped
In plastic.
Help me see another day but I won't
Live that long/ It's a sad sad song.

-Mig Mag "The Migz" 09-24-2002

level of persecution or obvious hypocrisy will alter the truth, and the truth of the matter is those who prescribe to such political beliefs as New Afrikan Revolutionary Nationalism, are not members of a "prison gang", nor are they "terrorists", they are fearless men and/or women who call the oppressor an oppressor, and are prepared to do whatever is necessary, including enduring persecution, to alter that reality. I state, without apology, that if we apply the CDoC's description, the BGF are not a "prison gang" or "terrorist group", these brothers are a revolutionary organization no different, or less legitimate than the Afrikan Peoples' Socialist Party, the New Afrikan Peoples' Organization, of the Revolutionary Communist Party, and I'm sure they, like all other progressive organizations do not see the future of the world through the prism of Amerikkkan geopolitical interests, and thus by the CDoC's definition, are a threat to those interests. Yet under the rubric of Amerikkkan psychology, Israel, a state that bombed Palestinians out of their homes to create this nation-state after W.W.II is an ally-Nation, and the Palestinian people who resist with force the apartheid-like conditions, they are forced to live under are "terrorists" and "extremist". In fact, any organization, group, state, or nation opposed to Amerikkka and its interests are labeled "criminals", "gangs" or "terrorists". Namibian foreign minister Theo-Ben Gurirab, a leading office of the Afrikan Union, while at a recent summit of the Commonwealth Heads of Government in Coolum, Australia stated: "We think the...definition of terrorism is built only around enemies of the U.S....", and I must not only agree, but raise my fist in solidarity with every other Afrikan prisoner "validated", and serving and indeterminate SHU term in the state of California in declaring to the world-we are living examples of this reality; that even in the confines of prison, we are hunted down, rounded up, and buried under the penitentiary.

However, what is more important and vital to this discussion, and what I wish to share with every reader of this beautiful publication, is sacrifice is the basis of all struggle and no level of persecution or hypocrisy will deter the truly committed from serving the people, the party, and the

revolution-this is my human right-and yours as well-exercise it...think on these things, they are cause for great meditation.

-Heshima Denham

THIRTEENTH AMENDMENT OVERRULED BY INTERNATIONAL TREATY SIGNED BY THE U.S.

Nearly 140 years after it was abolished, slavery, by way of the involuntary servitude of prisoners, continues to flourish in this "land of the free," thanks to the clause in the Thirteenth Amendment authorizing "involuntary servitude ... as a punishment for crime whereof the party shall have been duly convicted...." Based on such "license to slavery," Texas and Florida, both former slave states and under the toe of the Bush mafia family, pay their prisoners nothing at all for their compulsory labor, while several other states, again mostly in the ex-slavery South pay "peanuts and shells" for forcible and often brutal prison labor. Prisoners work long hours in the sun or very hot indoors. They work long weeks, year after year with no vacations, no sick leave, no retirements or benefits of any kind. And in Texas, those lucky enough to make parole are given fifty bucks and a one-way bus ride to start their broken lives again.

The same U.S. Constitution that perpetuated slavery by way of the Thirteenth Amendment, says in its Article 4: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under Authority of the United States, shall be the supreme Law of the Land." One such treaty, duly signed, nay, promoted by the anti-fascist United States of post World War II (who said that old times cannot be brighter and better, huh?), duly ratified by the U.S. Senate and still in full force today, is the Universal Declaration of Human Rights (G.A. Res. 217 U.N. 3 F.A.O.R., U.N. Doc 1/777, 1948), which ways in its Article 4: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."

Signed and ratified 84 years after the Thirteenth Amendment, Article 4 should overrule the Thirteenth Amendment as to the formers "slave license" against those convicted of crime. Article 4 absolutely and without any exception prohibits "slavery or servitude," period. It prohibits them "in all their forms," like the Texas Government Code sec. 497 et. Sequitur TCI/PIE (prison industries), which, pios and empty words to the contrary, do indeed take every scarcer free-world jobs, by opposing the unfair competition of free (or dirt cheap) involuntary servitude of convicts.

Is the way then clear in the courts to once and for all times abolish the slave labor of prisoners? By no means!

-Ana Lucia Gelabert

HOOK LINE AND SINKER

The story goes: Down by a murky pond, not far from nowhere, lived a giant old catfish, only local folk knew he was there. He had been dodging lures for years, hum-drum, without a care. Lying on the bottom in exquisite mud he would lounge and stare at the fools who came to catch him; because he had a "rep", such flare.

He remembered once, many years ago, the bitter bite of a hook, and the tugging match that ensued; oh how flailed and shook until the barb ripped free; you should have seen the fisherman's look. From that moment on he boasted he could never be took.

The legend built, many considered him a wise crafty thinker, and devised numerous stratagem to baffle the old stinker; teasing him with bread-balls, cheese, raw liver, but with such he wouldn't tinker.

However, he made a final mistake when a gorgeous worm caught his eye-never pinker-dangling there for the taking, he bit...hook, line, and sinker.

-K.D.B. 33315

PRISON LIFE

FOR NEWTON

Newton is sitting on his rack in a cage below me chain smoking cigarettes and drinking coffee while he waits to die today. I've never seen him but I heard he's a white cat and down here, in the deep south, its bad etiquette for a black man to have compassion for a white but these kinds of boundaries don't matter much when you are both staring into the same deep empty space masquerading as your future. I imagine he can smell death's funky breath blowing down his neck and I'm not as close to it as that but I am conscious of the Reaper's dance and I can smell his stink all the same.

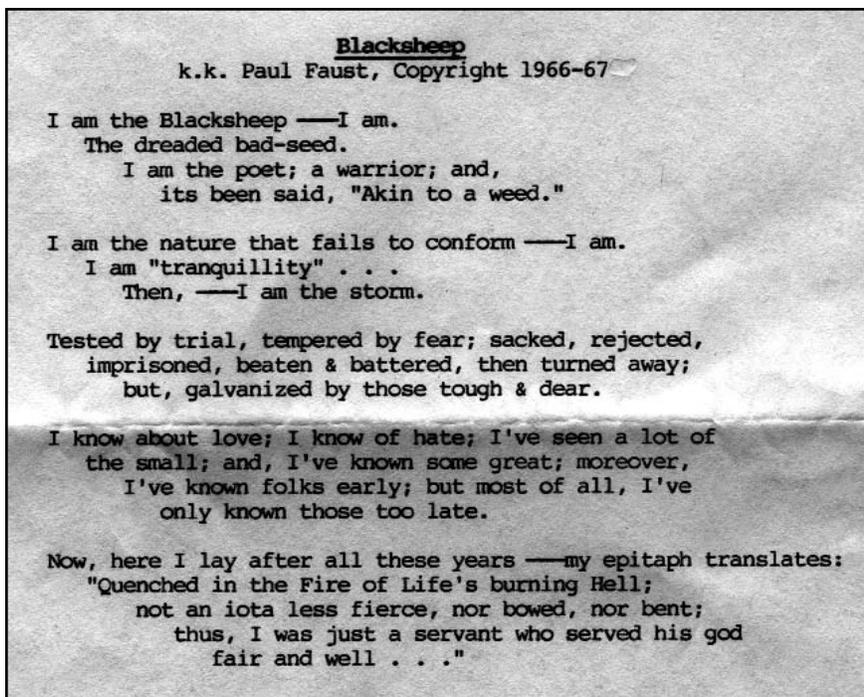
The guards say he hasn't been eating his meals all month. They say he's been starving himself, and some of the cons on Q-Wing who have been chowing on the meals he's turned away say he's stupid for not eating but I say that if I knew these clowns were going to murdering me in 30, 25, 15, 10, 5, 3 days I wouldn't have no appetite neither. I'd just be chain smoking cigarettes and drinking coffee too. I'd just be staring at my walls and running down the years

and hating all the dumb shit I'd done all my life too. I wonder if he's doing all that down there because there ain't much else to do when you know you're going to die today.

Thirty days before the state murders a man they take him out of one cage and put him in another deep in the bowels of Florida State Prison - Q-Wing. They've done this over 54 times since '76 and have over 380 more to go before they're done murdering all the men they have buried in their cages. Three days ago they moved Newton out of the cage they threw him in 30 days before and shoved him into another about fifty feet from the Death Room

where he will die shortly after six p.m. this evening. At least he'll be free.

But maybe he's not thinking that. Maybe he doesn't see death as freedom. Maybe he's thinking he'll never be able to see his mother smile in that special way she does that makes his heart feel like a soft toasted marshmallow. Maybe he's thinking he'll never know if his daughter was ever able to master the Algebra lessons she'd told him she was struggling so hard with in school. Maybe he's thinking he'll never see the sky bleed that shade of lavender he saw through the window outside his cage as it dipped below the earth he'll never walk upon again and set



into the last night he'd ever know. Maybe he's thinking like that: smoking his cigarettes and drinking his coffee.

Some of the cons in the cages around me say they wouldn't walk out that Death Watch cell. I say I agree. Cause I cannot imagine peacefully walking to the room where I know civilized human beings are gathered waiting to watch me die like cheering spectators at a Roman coliseum come to watch lions tear slaves to bleeding hunks of meat. Hell no, man. The police would have to come 6,7, or 8 men deep in full riot gear to drag my screaming, kicking, punching, wailing ass out of that cage after they'd maced, pepper

sprayed, and beat me down, hit me in one of my butt cheeks with a tranquilizer, and hog tied me. Cause I wouldn't be waking out that cell peacefully to see those faces looking at me through the glass while some cat in a white smock pumps enough poison in my veins to make me go bye, bye.

Uh, Uh. No way.

But Newton might not be thinking like that. Maybe he's too tired to put up any more of a fight. Maybe he doesn't believe in this world enough to want to be in it anymore. After all, these same clowns who are murdering him for murdering someone murdered Valdez in the cage

directly behind mine back in '99 and got acquitted for it even though their boot prints were all over his dead body. But while they are murdering Newton by way of lethal injection, their cronies will be making speeches about justice, fair trials, equality, and all the rest of that jazz. So yeah, maybe he's ready to go. But man it's gotta be a drag smelling the Reaper's funky breath blowing down your spine. Must make it kind of hard to breathe.

Still, he's got his cigarettes and his coffee and I hope he's able to

enjoy them to the last drag and the last drop. I hope these are the best cigarettes and coffee he's had in all his life. And I hope he'll be able to smile in the face of those civilized human beings who've gathered to watch him die. And I hope they dream about him and carry their burden of his murder to their grave. And I hope he'll find joy in his return to the beginning.

And Newton, my friend, I hope you have a wonderful transition. I hope the grass is greener on the other side.

*After a stay until 9 p.m. and another until 7 a.m. Newton was finally murdered on May 16.

-Lenard Andre Scovens

REFLECTION OF MY LIFE

Here I sit in Pelican Bay State Prison, "known as the bay" end of the line for us in the prison system who are too violent to be in general population, locked in our cells 23 hours a day, no windows, no outside influences at all. Any movement is done only after you're strip searched where you have to bend over and cough while you spread your ass cheeks open; it's degrading and humiliating. You're then cuffed up and escorted to your destination which is usually only a hundred yards away. This place is desolate, dreary—a stagnated maze of pain and misery to torture those poor soul who blunder into desolation. A graveyard of broken lives and rusting dreams, built at the end of the world to rectify society's failures, I stand here alone. But it's so much more than alone. It's empty. All that's left are words, I am always aware of the loneliness, bitterness and frustration that are my constant companion, living within this hell you have no privacy, eyes are always watching you, suspicious of you every move. I live my daily life performing like a lab rat for an audience of what free people call authority. But in reality those in charge are nothing more than emotionally sick cripples guided by a destiny no different than mine, except my destiny is manipulated by this isolation; is it their ultimate goal to drive as many of us to madness that they can? I believe so! I've seen men come into this environment with a healthy mind and go mad right in front of my eyes. You know that old saying, only the strong survive? Well it's true, only up here it's a mental battle. I'm only another nameless statistic, paying my pound of flesh and soul. A rejected misfit cast off by society's assembly line of hypocrites, a man who is hidden to pacify the tranquility of the upstanding and righteous. A loser in life kept from the decent folk. How can I expect to find the kindness, that gentleness that used to be my life? In my world there is no gentleness, and kindness is always taken as weakness by the predators who pray on it. You learn to trust nobody and distrust glares back at you with cruel eyes, you know the man like you, you see it in their eyes, it's like looking at a mirror when you meet eyes, men who have lost all that is dear to them.

What do we have to live for? Our fami-

lies see us in the same light as these cops do, sooner or later you're just a number to them too, and nothing hurts more than that. It's no wonder hate multiplies like some bacteria, it consumes all positive motivations and scars the core of your soul. Death becomes a way of life to those who have nothing to live for. You feel the savage eruption of exaggerated hate and the insensitivity, which to any normal man would be insanity, but to us it's a way of life. You learn to become swift to any foe because if not you'll become a victim.

I've seen the victims, those poor souls who could no longer walk the gauntlet of treachery of half crazed men. Seeing these horrors is something you must live to understand, you become wed to combat, even excited by it, the person you really are is driven deeper inside, you find refuge in your solitude, or at least you pretend to, there is no refuge! No loved one to hold or talk to, your refuge is hate and after time you find comfort in it. In a way it blocks the pain in your soul, you must understand in the face of constant assault on your personality you turn off the first layers of resistance, these layers serve as protection

to your sanity. You survive by playing the convict of indifference, you snap and snarl at authority. Cold, duff, and hardened because your world demands it, you're a survivor. Where have all the family and friends gone to? Looking back now all I see are the ashes of bridges burnt. I have become the vanishing desperado whose trials have run out, youth long ago run dry. I am the shell of the young man I used to be, lost in the world I live in today, but living in my memories of yesterday.

Here in the darkness of night I can lower my guard, strip away the false mask, which conceals my conscience, and rationalize my actions. Laying here in my tomb, hating the world and swearing vengeance on those who become rich off my misfortunes. My loneliness is a deep hollow ache that can not be soothed, my sleep is my only escape, that blissful highway of another world where I still embrace my family and there is promise of a better tomorrow—sleep is my only friend!

-Anonymous White Lifer, Pelican Bay SHU, Crescent City, CA



CPF press conference with the Interfaith Alliance on July 1 announced the handing of more than 1,000 Education not Incarceration signatures on petitions to Senator Burton. The petition urged the governor and legislature to save \$1 billion in funds on various aspects of imprisonment, and to put that money toward schools. Suggestions included to not build Delano II, early release for nonviolent offenders, some diversion from prison, and release of the elderly and infirm.

CONDITIONED RESPONSE

**I AWAKE-WASH UP-
AND LOOKED UPON A WALL
I AWAKE-WASH UP-
AND LOOKED UPON A WALL
I AWAKE-WASH UP-
AND LOOKED UPON A WALL.**

Live in your bathroom for life with another person not of the opposite sex with your cement slabbed bed and three-inch mattress six feet from the toilet you wash your clothes in, and defecate in. You eat here, sleep here, exercise here, read here, write home here, go mad here forever with no contact with society because even your two-hour visit on the weekend once a month is carried out behind the glass on a phone. The mind constantly tries to retreat into these walls of oblivion. White noise for white walls.

There are no windows in the cell nor direct sunlight coming inside the unit. After a couple of years prisoners get a "washed out" look to them. I was almost transparent after five years in SHU.

I know it's a trite cliché, but the things I took for granted haunt me. Sunsets and sunrises, and the moon and stars. The smell of brisk air as you exhale and can see the fog of your breath. The smell of a car's interior, the sweet odor of women when you hold them and perfume and shampoo waft from them. The smell of a summer's day as heat shimmers off the asphalt in hazy mirages when you walk down the highway; suntan-lotioned bodies at a beach mingled with sand and water, the aroma of a bakery early in the morning, the smoky air of a campfire which pervades your clothes and self, the smell of a canvas tent as you sleep in it, the lazy redolence of a river stream as you stand near it drinking beer, the smell of grass as you lie in it upon a blanket watching the cotton candy clouds drifting by in a blue sky.

What SHU does is destroy hope. All the great religions and philosophies in the world teach the opposite. If society is to treat criminals less than human, then the society itself becomes criminal. People should pay for their crimes, but the way society treats those incarcerated is a direct barometer of the humanity of that society. I refuse to do what this society has done, for if I did I would commit a crime. I

would then be as wrong as society.

—Excerpted and compiled from *Life of a Lifer* by Donny Johnson. To order a copy of the book write to P.O. Box 55573, Hayward, CA 94545. Make check payable to CPF/Book; \$12.95 regular and \$10 for prisoners. Shipping included.

Imprisoned Writers...Continued on next page



POLITICAL PRISONER MARILYN BUCK DENIED PAROLE

Marilyn Buck made her first appearance before the parole board on September 8 and was denied parole. She was given

what is called a "15-year hit", meaning that she is not eligible to reappear for another 15 years. She was very strong and articulate in the hearing and continues to inspire us with her dedication and principles.

REFORMS IN FELONY DISENFRANCHISEMENT

The Sentencing Project has just released a new report that documents significant reform of felony disenfranchisement laws in recent years. The report, *Legislative Changes on Felony Disenfranchisement, 1996-2003*, finds that eight states have removed barriers to voting for persons with felony convictions, seven of them for ex-felons. The study finds an estimated 471,000 persons are now eligible to vote in the most heavily impacted states. The report can be found at <http://www.sentencingproject.org/pdfs/leg-changes-report.pdf>

UNTITLED

**One year ago I was transferred to an unlicensed OHU
No procedures-no policies-staff does what they want to
Weak but must fight just for clean linen-
Dirty walls-no inspections-filth that can't be hidden.
Nurses who won't follow doctor's orders-they think they know more
Medications not filled-missing charts-patients with bed sores
Verbal sores acts of fear and torment
Left in our rooms-too hot-no air-can't breathe-they won't comment
I saw an ad on TV that said
"Elderly/disabled abuse-Just call this number now!"
Will you-will someone tell me from this darkness just - HOW?
How to call to tell about living in legalized abuse
The CDoC is the silent abuser-is there any excuse?
Behind these walls for the disabled-abuse is hidden under lies
Speak out expose them and privileges-care are denied.
I know somewhere within me-I still can cry
But how do I continue to wipe these tears from eyes? Tears seem to
keep pouring from the depth of my soul. Like a mighty river gushing-out
of
control...as though my heart so overflows-its so strained soaked with
the heaviness of grief and my pain.
Older and wiser I'll surely be
Learning abuse-being disabled imprisoned in the CDoC
So far today-I will push my body to go on
And with a prayer-I'll survive-by Tonight
I have won-One More Day.**

-Dee Garcia

LEGAL WORDS

JUSTICE OBSTRUCTED FOR THE INDIGENT

Prior to 1996, judicial policy recognized that the First Amendment right of redress was not contingent upon the ability (of a prisoner) to pay filing fees. Poverty was considered incident to imprisonment. This policy has been altered by the filing fee provision of the Prisoners Litigation Reform Act of 1995. The PLRA constitutes a policy of repression predicated upon a political subversion of the above said right. The PLRA is designed to limit frivolous suits, or so it has been alleged, without any objective distinction between suits that are "technically frivolous" because they fail to state a claim upon which relief can be granted, and suits that are "legally frivolous" because they have no arguable basis in law or fact. In the seminal case of *Haines v. Kerner*, quoting *Conley v. Gibson* (1972), the U.S. Supreme Court held that pro se pleadings by prisoners are to be liberally construed. In other words, all that was required of a prisoner suit is that it contains a provable statement of material facts to which the law could be applied. The courts have always had control over the problem of legal frivolousness through 28 USC 1915 c) taken together with Rule 11, Fed. R Civ. P., but failed to enforce the statute against irrepressible litigators. The PLRA not only trumps the *Haines* decision, it adds the burden of financial hardship. There is no reasonable or logical explanation for this policy position other than that the government specifically intends to "obstruct justice for the indigent" by lawful means.

The obstructive nature of the PLRA, together with the AKOPA, is designed to tyrannize prisoners. Blacks are 57 percent of federal state and local prison populations, therefore, largely impacted.

-Ameer Hassan

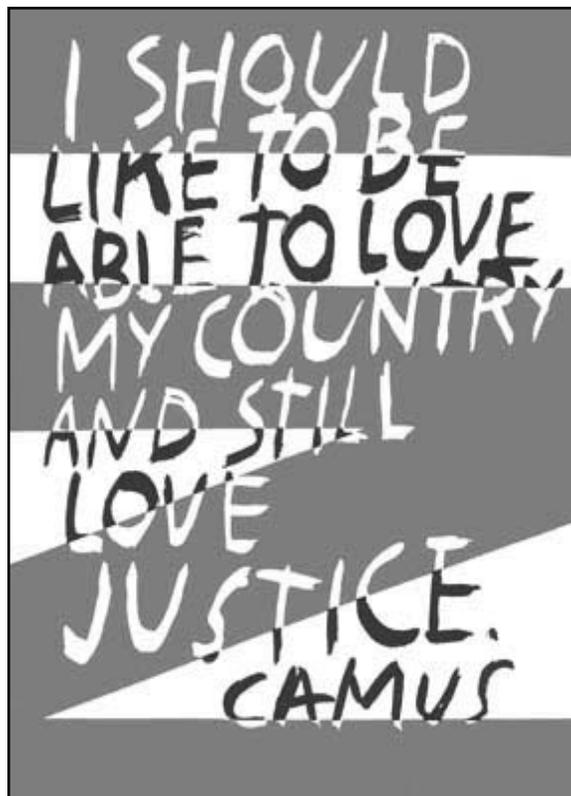
CALIFORNIA HABEAS HANDBOOK

Third Edition (2001) by Kent A. Russell, Attorney. Reviewed by Eugene Alexander Day

When a tough-on-crime Congress

passed the "Anti-terrorism and Effective Death Penalty Act" (AEDPA) in 1996, the availability of habeas corpus relief for prison inmates took a turn for the worst. Kent Russell, post-conviction expert, author, and quarterly columnist for *Prison Legal News*, has put together a short and affordable handbook on the basics of state and federal habeas corpus practice that all would-be petitioner's need to read.

The California Habeas Handbook, currently in its third edition, differs from most legal textbooks available in prison libraries in its lay readability. (Law books are written primarily for lawyers and require intense study in order to grasp basic concepts.)



The *Handbook* emphasizes the necessity of properly filing state petitions, then timely filing federal habeas petitions within the AEDPA's unforgiving one-year statute of limitations. Mr. Russell hammers home the point that the AEDPA hovers over the entire state proceeding like a vulture, ready to pounce once one enters the federal courts. This book provides an excellent starting point so that one determines exactly where they are in regards to the AEDPA.

This information is organized in nine easy-to-read chapters. A sample state petition for writ of habeas corpus (MC 275 Form) and a proof of service by prisoner are provided to afford the reader an opportunity to apply what they have learned to the actual petition.

The first three introductory chapters provide one with the basic post-conviction frame-work pro per prisoners need to grasp in order to avoid common misconceptions about state and federal habeas corpus.

Following chapters go through all the stages of the state and federal court system. These chapters detail the main procedural barriers which usually result in procedural bars, rather than on the merits of one's claims. In the world of proper prisoner litigation, this a common end to innumerable proceedings.

In order to avoid these barriers, one must understand both state and federal law. One's only chance at post-conviction relief is to make sure their petitions are tailored to each stage of the proceedings, beginning with the state habeas petition. Few books are able to quickly and painlessly take one through it all, yet the *Handbook* has managed to come closer than books which cost many times as much.

Unique to previous edition are the step-by-step instructions on how to fill out a state petition for writ of habeas corpus and a "Habeas Claims Table." This table-which contains 100 specific habeas allegations, constitutional rights denied, and supporting Supreme Court authority-in conjunction with the step-by-step instructions, are alone worth the cost of the *Handbook*.

Additionally, for those interested in retaining Mr. Russell's law firm, he provides a one-of-its-kind "Pro-Per Plan." Hiring an attorney cost tens of thousands dollars. At a huge discount one can have their petitions and moving papers professionally prepared, then file them on pro per.

To order, send \$25 to: Kent A. Russell, California Habeas Handbook, 2299 Sutter St, San Francisco, CA 94115. Tax and return postage included.

THE EROSION OF EIGHT AMMENDMENT PROTECTIONS

Eighth Amendment protections are designed to safeguard prisoners from cruel and unusual punishment. They're also designed to place an onus on the state to adequately provide for the food, clothing, shelter, and welfare (which includes adequate medical care) of those it incarcerates. These protections appear to be of no effect in relation to the plethora of wrongful deaths occurring within institutional environments; states are not meeting the requirements of providing meals of 2200-2800 calories per day-grossly under-feeding prisoners; states are issuing inadequate clothing and cramming two men in space designed for one and are not providing adequate medical care. Moreover, rather than upholding the moral decency that the Eighth Amendment

requires, courts are narrowing the standards of proof which constitute a violation under the law.

The erosion of the Eighth Amendment is indicative of the moral erosion of government.

The Prisoner's Litigation Reform Act of 1996, which makes proof of physical injury absolute, a statute in point. Dostoevsky says:

"They say that Cleopatra (excuse an instance from Roman history) was fond of sticking gold pins into her slave girls' breast and derived satisfaction from their screams and writhings. You will say that was in the comparatively barbarous times, that these are barbarous times too, because also, comparatively speaking, pins are stuck in even now; that though man has now learned to see more clearly than in barbarous eyes, he is still far from having learnt to act as reason and science would dictate."

Perhaps the "pins" of immoral public policy establish the fact that society is not civilized, but barbarous, to the highest degree. The erosion of the Eighth Amendment is indicative of the moral erosion of government.

-Ameer Hassan



IT'S BEEN A LONG, HOT SUMMER AT VALLEY STATE PRISON

Valley State Prison for Women has seen a difficult summer. Our visit in June brought news of inhumane living conditions, continued medical/psychiatric neglect and budget cuts that greatly affect the programming required for parole eligibility.

It has also become apparent that the mail is being delayed up to three weeks and sometimes doesn't arrive at all. This includes legal mail. This is a direct violation of civil rights and the administration must take steps to ensure that the confidentiality of legal mail is not compromised. Also, many legal issues are time sensitive and a long delay in delivery could potentially obstruct a prisoner's right to a fair legal procedure.

This situation is not unique to Valley State. Prisoners at Pelican Bay and Corcoran are reporting the same delays. It does seem coincidental that these delays come after recent investigations and a subsequent hearing held by Senator Gloria Romero on conditions within the prisons and particularly the SHU. Is the CDoC reading people's mail more closely to try and limit the valid reports of institutional abuse performed within the walls of their prisons?

On a positive note, we are pleased that proper phones have been placed in the visiting booths in the SHU, which will allow confidential legal visits. This is in compliance with Title 15 that states the women have the right to confidential visits with an attorney.

INHUMANE LIVING CONDITIONS

We all know how hot it is in the valley in the summer, however being held between cement walls with thousands of other women causes a unique environment that is more susceptible to the effects of the heat. It would make sense then that the facility would make sure that their ventilation system is working well to ensure the health of the prisoners as well as the staff. This is not the case. It was reported that the ventilation system was shut down and it was over 90 degrees inside. On top of that, the water was routinely turned off with only four hours notice. This means that people were unable to flush their toilets or wash. This atmosphere is a recipe for disease. In that kind of heat, without ventilation, bacteria and viruses can float around and cause everyone to get sick. This is intolerable. Not only does it show the administration's disregard for the prisoners, but it shows they don't even care about their own staff who are forced to work in these conditions.

Several women reported that the units are infested with ants and spiders, and that they have been bitten numerous times in their sleep. They report the administration was not doing anything to take care of the problem. One woman claims to have been bitten 13 times by spiders. Her wounds were open and swollen, she had a fever of 102.3 and almost fainted.

These conditions are inhumane and irresponsible. The warden has a responsibility to house the prisoners in a safe living environment and therefore must make sure the facilities are maintained in a way that promotes health rather than sickness.

BUDGET CUTS CUT OPPORTUNITIES

The state budget has been a source of stress for many state-funded institutions and programs throughout California. The prisoners in this state have been slapped in

Continued on page 19



CASTILLO LEGAL UPDATE

This update was sent to CPF by Steve Castillo, a Pelican Bay prisoner who has worked closely with us for more than a decade on issues of the law and for peace among prisoners. We want to thank him for all of his hard work and wish him well. His case on gang validation, *Castillo vs. Alameida* is set for a trial date of December 15. Here are some of his words on that subject: The CDoC has made several attempts to dismiss my case in whole or in part (three attempts in the past few months) and the claims that have survived so far are: my individual validation, retaliation, vagueness and overbreadth of the gang policy (as it applies to the whole and to myself), enforcement of underground regulation, and the adverse effects of long-term SHU confinement (as to me). Some of the claims that have been dismissed are: discrimination, SHU conditions, international treaties and the debriefing policy. In sum: there are CDoC admissions that prisoners are not given notice of information and opportunity to present their views, nor were some prisoners designated as a "current active" prior to validation. They admitted that "gang activity" is not defined (see CCR,

Title 15, sec. 3023), that key regulations are overbroad (Id., sec. 3341.5 Cc)(5)), and that there exists a database of erroneous validations, that sometime after 1995 the policy supposedly changed precluding the use of innocuous association-based information in validations or active/inactive reviews (but such information is still being used in spite of their admissions that such information would be against policy, i.e. talking in the law library, fishing, correspondence, etc.). Ironically, this last admission was never made known to prisoners via memo or CCR, Title 15 (some official means). In my opinion, the reason no notice was given was that prisoners would then have the basis to file a subsequent 602 (appeal) requesting that their cases be reviewed. I would suggest group 602 appeals on the grounds that the policy change regarding the CDoC gang policy as outlined in the June 3 deposition of Judy Olson, in *Castillo vs. Alameida*, No. C-94-2847-MJJ (N.D. Cal.) was never made known to prisoners. Request that the policy changes be promulgated into the CCR, Title 15 and all cases be reviewed anew. FYI: The law firm litigating my case does not want to litigate as a class action.

On other things Steve Castillo reports: The first appellate Court of Appeals has reversed several cases regarding the amount of process due in validations and active/inactive reviews. And evidentiary hearings are set for the fall of this year. See *In re: Daniel Pina*, No. HCPB01-5190; and *In re: Ruben Ruiz* in the Del Norte Superior Court. A civil rights complaint has been filed in federal court challenging the six year period required for an inactive review when such reviews are to occur every year or 180 days (see CCR, Title 15, secs. 3341.5(c)(2)(A)(1) and (c)(3); *Toussant vs. McCarthy*, 801 F2d 1080, 1100-1101 (9th Cir. 1986); *Toussant vs. Rowland*, *supra*, 711 F. Supp. at 540-543. Also see *Pina vs. McGrath*, et al. No. C-03-2715-PJH (N.D. Cal.).

As to be expected, the CDoC has refused to implement and promulgate those necessary changes as submitted by prisoners, their families and advocates—the six-year review had not been reduced to four years. As a result of the protests, the CDoC has formed a "quality review committee" (consisting of three Sacramento gang officials) that appears to be conducted in rote fashion (one official admitted that some 30-50

cases are reviewed every Tuesday.) CDoC intends to review all old and new cases; they have not provided any information on how many cases have been overturned.

Paving the way for validation of "disruptive groups" is the CDoC Notice of Director's Rule Change No. 03/03 issued on March 6 re: CCR, Title 15 sec. 3375.3—another means to keep the SHU cells filled.

-Leslie DiBenedetto

A VISIT TO PELICAN BAY

CPF made its first big trip to Pelican Bay since the new attorney visiting regulations were finalized in May. Eight investigators and attorneys met with more than forty prisoners throughout the institution. Here are Tuere Anderson's thoughts on her experience: "This was only my second CDoC institution visit. I thought Corcoran was nauseating and brutal, both in and outside of the institution's barbed wire and electric fencing. 'At least PBSP is set in a lovely area', I kept thinking to myself. As beautiful as Northern California is, it was not lost on me that one of the most destructive prisons in the United States is housed there. The repetitive medical abuse, incessant psychological torment, overt racist attacks, underhanded administrative stonewalling, and all too frequent use of excessive force were the common themes of my interactions with the prisoners. There were times I didn't know whether to vomit or sob. The thing that struck me the most was the unbreakable human spirit and courage that was part of each man I spoke with. I feel truly blessed to have been able to experience the human capacity to keep faith, hope, and love despite a crushing attempt by the CDoC to dehumanize them. This is why I do the work I do."

HIV In Prison

By Judy Greenspan

Almost 20 years into the epidemic of HIV/AIDS in prisons and jails, activists are left to wonder: What has really changed? Some incremental improvements have occurred: Prisoners are much more educated about the disease, and there is some semblance of medical care delivery in place at least for HIV. Even so, the amount of HIV infection in prison is at least eight times greater than the outside population and it is estimated that one-quarter of the people living with HIV/AIDS are in prisons or jails. Combined with hepatitis C, HIV has become the most dangerous epidemic in the prisons. While the mass movement demanding care and treatment and a cure for AIDS is on the wane, prisoners are again in an uproar, fighting for their lives and demanding care.

A SHORT HISTORY OF HIV/AIDS ACTIVISM

The growth of the movement on behalf of prisoners with HIV/AIDS paralleled and drew strength from the early AIDS activist movement. The energy generated on the outside spilled over into the prisons in the late 1980s and early 1990s. While AIDS activists in ACT UP were sitting in and blockading government buildings to demand that new AIDS drugs be approved, prisoners were petitioning and rallying inside, starting peer education programs and in some cases, organizing hunger and medication strikes to draw attention to their plight. Many of the prisoners who led that movement have since died, some are political prisoners still serving long terms, and others have been paroled. All too few have been able to find jobs as organizers or peer

PRISONERS DEMAND HEALTH CARE: THE FIGHT FOR ACCESS AND TREATMENT FOR PRISONERS WITH HIV AND HEPATITIS C

educators in the community. The AIDS agencies and health care establishment have not given these activist former prisoners the recognition and support they deserve.

The HIV in Prison Committee of California Prison Focus, formed in 1998, has its roots in this AIDS activist movement. By 2000, we added hepatitis C to our name in recognition of the new epidemic. We decided from our inception to monitor and tackle advocacy issues at the two prisons providing the worst medical care for prisoners in California—the Central California Women's Facility (CCWF) and California State Prison-Corcoran. CCWF, which contains the only "licensed" infirmary for women prisoners, has been consistently investigated since shortly after its doors opened in 1990 for medical neglect and abuse of chronic and seriously ill women prisoners. Corcoran is a prison with a legacy of brutality and torture of prisoners. In the early 1990s, there were more shootings at Corcoran than at all the prisons in the country combined.

CHALLENGES OF TREATMENT IN PRISON

The problems faced by prisoners today with HIV/AIDS and hepatitis C are far more complex than in the early days of the AIDS epidemic. Most prisoners who have any history of injection drug use are infected with hepatitis C. With few exceptions, prison and jail administrators have tended to downplay and ignore the ramifications of the hepatitis C epidemic. Even on the outside, the Centers for Disease Control have minimized the impact of hepatitis C.

However, a disproportionately high rate of hepatitis C and HIV-positive individuals reside in prison. By most official and conservative estimates, there are approximately four million people in this country who have hepatitis C. At least one-third of this population is in jail or prison. To further compound a serious problem, it is estimated that at least 70 percent of the HIV-positive population is co-infected with hepatitis C. Prisoner organizers that we work with put that figure at 85 percent. Many prisoners are now finding out that they tested positive for hepatitis C more than 10 years ago and no one even told them.

For a "silent epidemic" (a phrase coined by the Centers for Disease Control), there sure are a lot of people dying. In fact, when combined with HIV disease, hepatitis C has become one of the most dangerous killers. Co-infected prisoners may have managed to medically stabilize their HIV, but prison and jail medical staffs refuse to adequately treat or monitor hepatitis C, and that's what's killing prisoners.

WHERE HAVE ALL THE ACTIVISTS GONE?

The most painful part of this crisis is the absence of AIDS activism. Since the mid-90s, the AIDS activist movement to demand better health care and a cure has moderated, changed and mostly disappeared. Unfortunately, the emergent nature of the hepatitis epidemic has not fueled a new activist movement. The hepatitis C epidemic, unlike the early HIV one, made a direct hit on the most disenfranchised communities: poor people, predominantly people of

color, who were injection drug users. It was almost as if a bomb had exploded in the prisons. These communities were the ones left out of the AIDS activism of long ago.

Prisoners, on the other hand, have risen to the challenge. As in the early days of the HIV epidemic, prisoners are trying to self-educate about hepatitis C. They are becoming peer educators, writing articles, starting support groups and reaching out to community organizations. Some hepatitis C activists in the community are publishing newsletters directed at prisoners. But a much broader and deeper response is needed to really make an impact.

The fight against HIV and hepatitis C in prison must begin to fundamentally challenge the very foundations of the prison industrial complex. As we advocate for better medical care for seriously ill prisoners, we have to demand an end to the war on people who use drugs. It is that racist war that disproportionately targets drug addicts from Black, Latino and Native American communities that is responsible for the massive incarceration of poor people with HIV and hepatitis C.

Our allies are in the prisoners' and human rights movements. We must work with groups fighting to end California's three strikes law and challenging the current no parole policy. Finally, we must join in coalition with social justice movements fighting on behalf of poor people and the homeless on the outside because they are casualties of the same war. Fighting for health care for prisoners is not enough in 2003; we must join together to protest and change the entire inhumane system. Only then can we guarantee that our prisons and jails will not be disproportionately filled with poor people of color with high rates of HIV, hepatitis C and other life-threatening illnesses.

[This article is excerpted and reprinted with permission from the Resist Newsletter (Vol. 12 #6, August 2003). Resist has been funding social change since 1967. For more information, contact Resist, 259 Elm Street, Somerville, MA 02144; www.resistinc.org.]

PAKISTAN PRISON RIOTS

Sept. 2003.

"When men are treated worse than dogs," said Abdul, an x-prisoner, "nobody should be surprised when they respond, and respond with violence." Prison uprisings are not rare in Pakistan and come as no real surprise to Abdul, who declined to give his last name.

The two deadly riots this year unleashed a storm of public criticism about the poor state of Pakistan's penal system which has 87 prisons. Though the prisons were built to hold a maximum of 35,000 prisoners, they currently house approximately 85,000 inmates, around 30,000 whom are detainees attending or awaiting trial.

In July, armed inmates rioted in Sialkot jail killing eight people including three judges who were there on an inspection tour. The incident followed an even more deadly uprising at the Multan jail in Punjab that left 16 dead.

"You are constantly hungry, sweaty and tired, and there is little chance of relief," Abdul recalls from time served. Showers are scarce in the summer, blankets equally so in the winter. "Prison staff don't care whether you live or die. They do only what they have to or take bakshesh (bribe) to make it easier," Abdul said. There are no rehabilitation or training program.

"We've got people waiting years for trial. Children picked up for petty theft, are thrown in and forgotten about. There isn't even enough food," says Rashid Naseem, a columnist based in Lahore.

Over the past few months, lawyers, professors and human rights activist have joined with prisoners' families and

friends to stage protests in nearly all Pakistan's major cities. Only after threats by lawyers and judges did the provincial government agree to suspend police and prison administrators for their possible roles in contributing to the Sialkot uprising. Naseem blamed the problem on "an almost complete absence of social justice and failure to develop policies to address the root causes, like poverty and illiteracy, that lead people to commit crimes."

From the outside of one of Punjab province's 29 prisons, visitors receive stony-face welcomes from a dozen guards armed with rifles, bayonets affixed, guarding a group of 20 shackled men in faded orange prison suits. Everyone jumps at the sound of a key being turned in the locks of a towering gray door, which flies open with a loud bang. Administrators are reluctant to discuss specifics figures, but the budget at this prison works out to about 20 rupees, or 33 cents, per day per prisoners for meals. Prison guards earn a meager salary of 3,300 rupees, about \$60 per month.

"We hear 'reform, reform, reform,' committees are set up, analyses done, and nothing really changes," lamented a prison official.

Punjab alone needs 14 new prisons to adequately house the current prison population, says Punjab's Advocate General Shabbar Raza Rizvi, head of a Lahore High Court committee that spent significant time visiting and researching prison conditions.

Wherever human abuses occur by authorities, a reckoning is only a matter of time.



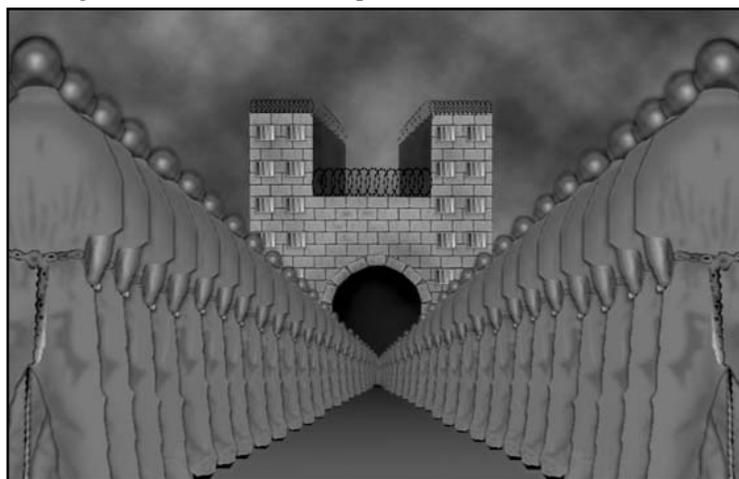
LIP FIGHTS FOR PRISONERS

CPF's litigation efforts have taken off with the assistance of the Litigation in Prison (LIP) Project.

As reported in previous *Prison Focus*, LIP was started, with the grateful assistance from the Handleman Family Fund, to advance and defend the rights of SHU prisoners, and to stem the illegal and abusive practices of CDoC. Here's an update on LIP's activities and successes within its first year. With limited resources and unlimited energy, LIP fought hard for prisoners in the areas of medical neglect, bogus gang validations, civil rights, excessive force, and unjust parole policies. Here's a sampling of our accomplishments to date:

- Conducted more than 25 legal investigative visits to California's worst prisons, including: Pelican Bay State Prison, Corcoran State Prison, Folsom State Prison (Old and New), CSP-Solano, San Quentin, Correctional Training Facility, Avenal, Tehachapi, CMF Vacaville, SATF, and Sierra Conservation Center and conducted more than 150 in-person attorney consultations with prisoners living in California's worst prisons.
- Counseled through letter or phone more than 400 prisoners on issues ranging from racial lockdowns, severe medical neglect, false prosecutions, innocence claims, parole requests, disciplinary issues, HIV, gang validations, and excessive force.
- Provided legal assistance via letter or phone to more than 100 family members of prisoners.
- Received appointments of counsel on more than 20 cases on behalf of prisoners in federal and state courts relating to parole for life prisoners, gang validations, civil rights, religious freedoms, excessive force, and medical neglect.
- Received appointment of counsel by the U.S. District Court for the Northern District of California concerning landmark constitutional challenge to regulations for alleged prison gang members living in solitary confinement.

- Litigated precedent-setting case concerning racial segregation in housing assignments at San Quentin State Prison.
- Litigated precedent-setting case concerning due process requirements for prisoners living in SHU.
- Led high-level negotiations with heads of the Department of Corrections and legislators concerning correctional gang management policies.
- Brought the release of approximately 10 SHU prisoners whose unlawful validations were challenged.
- Won the successful overturn of an anti-hygienic shaving policy for prisoners at Pelican Bay.
- Assisted in the implementation of state-



wide improved attorney-client visiting policies for prisoners and attorneys.

- Developed and conducted two comprehensive surveys of SHU prisoners.
- Assisted in the publication of the "Corcoran Report" detailing conditions for 2000-2001 at one of California's worst prisons.
- Published prisoner self-help manual concerning administrative grievance processes and mailed 500 prisoners.
- Appeared numerous times before the Board of Prison Terms representing life prisoners and filed legal challenges to nearly 10 denials by the Board of Prison Terms for the release of life prisoners.
- Received media coverage in *San Francisco Chronicle*, *Asia Week*, *Sacramento Bee*, and *Los Angeles Times*.
- Appeared on three California and one nation-wide radio broadcasts.

- Supervised and managed three interns, including a law student from UC Hastings and a social work student from San Francisco State University.
- Presented public lectures before the Prison Activist Resource Center, Legal Services for Prisoners With Children, the Criminal Justice Consortium, the Asian Prisoner Rights Committee, and the Los Angeles Archdiocese.
- Developed and maintained web site for Project: http://www.prisons.org/litigation_in_prison.htm

In these efforts, LIP has been humbled and inspired by the help and support received from prisoners and family members. SHU prisoners and other inmates continue to demonstrate their intellect and integrity in tackling the abuses of CDoC. For example, LIP recognizes the multitude of legal successes that prisoners have earned in challenging CDoC. There have been countless writs challenging illegal gang validations, unconstitutional language bans, violations of due process, unconstitutional gang regulations, medical neglect, denial of law library access, and the list goes on. While speaking with a CDoC

attorney recently, he remarked how CDoC was "swimming" in legal challenges. Perhaps this increase in litigation is attributable to CDoC becoming more arrogant and lawless, or perhaps it is because prisoners are more active and more learned in the law. Whatever the case, we are not going away! LIP believes that there are three "leaders" in the prison movement: (1) the CDoC who forces the rest of us on a reactive tract to defend the status quo, (2) family members, particularly the mothers, sisters, wives, and daughters of prisoners who never forget or give up, and (3) prisoners who relentlessly push the envelope of change. Among these leaders, LIP plays a crucial role – challenging the CDoC — and assisting prisoners and their families. Through tenacious lawyering and advocacy, LIP knows that the fight is just beginning.



"No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison or other correctional facility until such administrative remedies as are available are exhausted." Section 1997e(a) of the PLRA.

The Prison Litigation Reform Act of 1995 imposes this requirement upon prisoners who might seek some form of redress within the courts. The PLRA requires that prisoners seek institutional remedies before they appeal to the courts for relief. How does this exhaustion requirement play out in the everyday lives of California prisoners? California Prison Focus has been investigating the appeals process at Corcoran State Prison to answer this question. The scope of our investigation has included interviews and an endless stream of correspondence alleging problems and irregularities with the appeals.

The most interesting part of the investigation has been the analysis of the institutional appeals log (a.k.a. the CSP-Corcoran Appeals Criteria Report). CPF acquired the log through the Public Records Request Act. The log covers appeals filed between January 1, 2001 through January 7, 2003. CPF removed all identifying information (names and numbers) and sent copies into the institution to be analyzed for improperly screened out

Corcoran Inside-Out inside: Exhausting the Appeals Process

appeals, appeals that were returned past the time limit, or appeals that were never returned at all. It should be noted that this analysis was of a document well over 400 pages long, containing lines and lines of data to be scrutinized.

On average, appeals filed during the time period covered by the log, were overdue or had yet to be responded to by 100 days. A Director's Level Appeal Decision states, "COR receives a large volume of appeals an exceeded timeframe for an inmate to receive a response sometimes occurs." About twenty-five percent of all active appeals had not been completed within the time limits or they remained overdue, waiting for a response. In the Corcoran SHU (both A and B) there were 5,510 appeals. Only 3,464 remained active after the rest had been rejected or screened out. Active appeals do not mean they are being acted upon in a timely manner.¹ Prisoners who fail to file their appeals within the time frames required by the Department, for the most part have their appeals rejected for failure to comply with the procedures instituted by the Department. However, according to 54100.4 of the DOM, the appeals coordinator has discretion when considering appeals filed beyond the time limits.

The Prison Reform Advocacy Center (PRAC)² in Ohio has a Grievance Project that helps prisoners file their appeals. Their Project also works with the Sixth Circuit Task Force on Prison Administrative Remedies to rationalize the different appeals systems within the jurisdiction of the court. PRAC sites the importance of a working appeals process:

When a prison grievance system works well, everyone benefits. Problems are addressed at the level where they arise. Prisoners see that disputes can be resolved in a peaceful manner. Prison officials have information on areas of prison concern and can respond to them before violence erupts. Litigation is also reduced and court dockets are relieved of many lawsuits. Finally, improved grievance systems benefit the public, as taxpayers save money when prison staff and government attorneys do not have to work on prison litigation.

There seems to be two sides to looking at the institutional appeals process. Either, the appeals process allows prisoners and staff to resolve disputes, or the process is a ruse designed to keep prisoners from accessing the courts and filing lawsuits to address their issues. This is the conclusion that the analysis of the log arrives at.

(But, there is a third, more insidious angle, and that is that the appeals process represents the normalization of incarceration. The contradiction or paradox of reforming the appeals process is that it says that incarceration can be fine if certain conditions are met. But the relationships engendered by incarceration, particularly those between the keepers and the kept inhibit the development of conditions that would give incarceration a human face.³)

The appeals process cannot get around the power that a total institution has over individuals.⁴ Clearly, the appeals process could work better to serve the needs of prisoners, particularly those with pressing medical needs. A functioning appeals process would also reduce the number of civil suits brought by prisoners, as PRAC notes. However, the appeals process already has a function in its failure to address prisoner grievances in a timely manner. It functions in its failure to provide any resolution at the level of the institution or the level of the courts.

It is ludicrous to believe that relationships grounded in conflict can produce an effective model for conflict resolution. The numerous violations in the responses demonstrate the sentiment that the staff and the institutions have toward the process and its effectiveness—they do not believe in it, they do not take the complaints of prisoners seriously, so the process has become a ritual task that need not be done well, soon or at all.

Those calling for the reform of administrative appeals or grievance processes say that independent oversight is necessary if the process is to be effective.⁵ This is because the structure of incarceration produces antagonism and conflict between staff and prisoners. Outside/independent oversight cannot abolish these antagonisms through objective investigations of

complaints, though it maybe able to rationalize the appeals process and allow for the timely resolution of problems. It could also allow prisoners to exhaust and seek remedies in court.

CPF will continue investigating the irregularities and violations within the appeals process. CPF will also continue publishing the results of these investigations in future editions of the newsletter. Thanks to all who have participated in this investigation, particularly those who spent many hours, pouring over the log for violations.

CPF, through LIP has a second year MSW student from the San Francisco State University School of Social Work. This is the second year in a row that CPF has had an intern from SFSU. Charles Carbone is the field supervisor for the intern. The Corcoran Committee has been able to grow because of the relationship the organization has with the school of social work. Corcoran, LIP and CPF get consistent competent work from the intern (they are required to put in 24 hours a week). This has led to a huge correspondence with Corcoran and CSATF. It has also allowed us to increase our responsiveness to the problems that prisoners face in these institutions. However, as we increase our responsiveness, the mail at the office increases, and though we now have consistency, there are still not enough resources to handle the volume in a timely manner.

The Corcoran Committee has corresponded with over 80 prisoners in the Corcoran SHU. We are conducting an investigation of the appeals process. A prisoner has analyzed data that we received from the institution through the Public Records Request Act. We are also interviewing prisoners about their experiences with the process. A few prisoners have exhausted their administrative remedies and we are helping them write their writs challenging the institutions policies and procedures.

The Corcoran Committee has communicated with over forty prisoners from the California Substance Abuse Treatment Facility, also in Corcoran. Right now we are investigating allegations of gladiator fights and staff misconduct around incidents of prisoner on prisoner violence. The Corcoran Committee visited CSATF for the first time this August.

Developing the Social Work Field

Placement around Corcoran has given the social work interns skills in community organizing, legal advocacy, ethnographic interviewing, social research, grant writing, program development and evaluation. The two institutions and their relationship to each other, give the intern the chance to examine Department policies and how they differ between institutions. Organizing investigative visits is an opportunity to deal with extremely bureaucratic state institutions. The location of Corcoran makes it more accessible than the other institutions that have SHUs (CCI and PBSP—however, VSWP is conveniently located).

Having a contact at one of the universities in the city provides numerous outreach opportunities for all of CPF. The Social Work Field Placement has brought new volunteers to CPF, who are working on different projects and programs within the organization. Maintaining and continuing LIP's relationship with the school of social work is not only critical for the development and growth of the work CPF does in Corcoran, it is also important for the rest of CPF for the possibilities it opens up for the organization to come into contact with competent, skilled and professional people who can work with communities impacted by incarceration.

1. CSP-Corcoran Appeals Criteria Report, 1/01/01-1/07/03. Analysis prepared in Corcoran SHU.
2. Prison Reform Advocacy Center (PRAC) 617 Vine Street, Suite #1301, Cincinnati, OH 45202-2416
3. Zimbaro, P. G., Haney, C., Banks, W. C., and Jaffe, D. (1974). The psychology of imprisonment: Privation, power and pathology. In Z. Rubin (Ed.), *Doing unto others: Explorations in social behavior* (pp. 61-73). Englewood Cliffs, NJ: Prentice-Hall. See also www.prisonexp.org for more information on the Stanford prison study.
4. See Goffman, Erving (1984) "Characteristics of Total Institutions" Pp. 464-77 in Delos Kelly, *Deviant Behavior*, New York: St. Martin's Press.
5. See "Inmate Grievance Systems: Overview and Controlling Law," *Correctional Law Reporter* (June/July 2000) and "Inmate Grievance Systems: How to Make the Process Really Work," *Correctional Law Reporter* (August/September 2000).

Valley State... *Continued from page*

the face with the irony that while all of their rehabilitative programming has been cut, the California Correctional Peace Officers Association (CCPOA) has secured an increase in their budget. This is a stark demonstration that the CDoC has a vested interest in not rehabilitating or educating prisoners so that they may one day be free of these institutions. Instead they create the capacity to increase the prison population and therefore keep up the demand for their employees.

At Valley State the vocational and educational classes have been cut, even though the Board of Prison Terms mandates that to be eligible for parole, the women must take these classes. Secondly, the Hobby Shop, a shop in the waiting room that sells anything from jewelry to paintings to ceramics that have been made by the prisoners, is being closed. This has been a source of money as well as a creative outlet for many of the women.

Supply orders are being cut in half for toilet paper, hygiene supplies, disinfectants and napkins. Some units have had to make emergency orders each month just to have enough supplies to take care of the cleaning and personal hygiene. Yes money is tight, but this is ridiculous. The administration needs to understand that these are necessities, not optional supplies.

LACK OF CARE

It has been reported by many women that they are routinely taken off all of their medications regardless of diagnosis when entering the SHU. Some of the women need to be on this medication for various psychiatric issues and it is dangerous to remove them. This only creates a chaotic and anxious environment due to the mental anguish. For instance, removing a chronically depressed person from medications could lead to deterioration in that person's will to get out of bed to take care of themselves and possibly to live. It is unclear why people are being removed from their medications, but what is clear is that prisoners are being denied psychiatric care inappropriately.

SELLING BABIES?

There have been reports that lawyers have been coming to the prison to meet

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WE MOURN THE LOSS OF SAFIYA BUKHARI

By Sally O'Brien, co-producer, co-host,
Where We Live WBAI, August 24, 2003

Dedicated, nationally known Black liberation fighter and longtime WBAI producer Safiya Bukhari (*Where We Live*, Thursdays, 8-9 pm) died in the early hours of the morning from complications due to prolonged illness. She was 53. Safiya joined the Black Panther Party in 1969 after witnessing a vicious police beating of another Panther standing on a Harlem street corner selling the Party's newspaper. "I tell people straight up that it was the New York Police Department that made me decide to join the Black Panther Party." She said, "In college I supported the war in Vietnam. I was so far to the right it was ridiculous. But by the time the summer of 1969 was over, in November, I was in the Party."

A disciplined and dedicated revolutionary, Safiya went on to join the Black Liberation Army. She spent close to nine years in prison for clandestine actions on behalf of the BLA. After her release, Safiya dedicated her life to the freedom of her comrades she left behind, and used every means at her disposal. She wrote prolifically about individual cases, designed and made political prisoner T-shirts, buttons, bumper stickers, and mouse pads, wrote fact sheets on each individual case and in 1992 cofounded the New York Free Mumia Abu-Jamal Coalition which she co-chaired until her death. She also served as Vice President in the Provisional Government of the Republic of New Afrika, an organization working towards the formation of a separate Black nation comprised of five states -- South Carolina, Georgia, Alabama, Mississippi, and Louisiana, states built on the backs of enslaved Africans. In 1998, Safiya became the cochair of the Jericho Movement to Free U.S. Political Prisoners and Prisoners of War. She established a website and traveled throughout the country organizing people to the cause of those behind the walls. Coming from a strong family spiritual tradition, Safiya came to embrace Islam.

Safiya Asia Bukhari, Revolutionary, Mother, Grandmother, singer, writer, comrade, sister and friend. Our loss reverberates throughout the ages.

FROM JALIL MUNTAQIM ON SAFIYA

Thanks for the kind words concerning Safiya's passing. Indeed for weeks I have been in tears, and felt a part of my own body has been ripped away from me. With the passing of Nuh, the Jah, and now Safiya...in many ways I feel shipwrecked and adrift in turbulent seas on the verge of drowning. While this may seem rather dramatic, when you consider the enormous vacuum that has been created with Safiya's passing, and knowing with every progressive step I took, she took two to stay one step ahead of me. You have some sense of my loss. There are too many stories I have in my heart concerning her.

When she was doing time in Goochland, I made a leather band-bracelet for her with her name on it, and in return she took cloth material she was using as a prayer rug and made a shirt out of it for me. However, when she made the shirt, she forgot it was for a man, and put the button holes and buttons on the wrong side of the shirt, but I wore it proudly anyway.

Unlike so many others, after her release, she never faltered or failed. She immediately put together the NY-3 Freedom Campaign and had been our most ardent supporter from day one. I remember when she came to visit me, after having visited Nuh, she asked if she could be relieved from doing a lot of work for us to begin working on Mumia's case because he was facing the death penalty. Of course we told her to take care of business for Mumia. But even then, she never left our side, never abandoned the initiatives to have us released.

I can go on and on about Safiya's commitment, dedication, determination and loyalty, but I believe many people will begin to realize the extent of her work in the weeks to come when the vacuum becomes increasingly apparent. At any rate, I am glad to hear that Jericho is sponsoring a commemoration for Safiya. I am of the opinion that is something that should be done across the country, especially by Jericho chapters. I will close this here, extending my very best regards to

the righteous at heart. I will probably write something more extensive at a later time. It is still not easy to write about her...

-Revolutionary love & unity - Jalil Muntaqim, September 2, 2003

THE STRUGGLE CONTINUES - FOR ALL OF US OR NONE!

Over 30 million adults have been convicted of a felony in the United States – 17 million of us have been locked up, along with hundreds of thousands of juveniles. Most of us are Black or Latino – nearly all of us are poor. Most of us are parents, and 80 percent of the women inside prison are single mothers who will lose custody of our children because of a felony conviction.

What does it mean to walk around with a felony conviction, even once you manage to get released from prison? Basically it means you are looked down on and punished the rest of your life. A drug felony conviction means you can't collect welfare or food stamps ever again, can't get a college loan, can't get public housing and are likely to get your whole family kicked out if you try to go home when you get out of prison. Most places you won't be able to vote until you're off parole, and in some states you'll never vote – this undermines the political power of our communities. If you've been in prison longer than 15 months, in most states you'll lose custody of your kids forever. You're automatically excluded from most jobs just as soon as you check that box on the job application that says "Have you ever been arrested?" Accessing basic survival needs when people are released from prison has become nearly impossible.

The lack of basic survival needs not only restricts the quality of life for former prisoners, it also dramatically impacts the quality of life for our families and communities. The mental and medical health care problems of people coming back from prison pose a public health crisis for our communities. Our children suffer life-

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RECENT HISTORY

LANCASTER LOCKS DOWN TO SAVE MONEY

In response to California's budget crisis, administrators at CSPLA (Lancaster) put all prisoners on lockdown in order to save on the cost of staff salaries.

The CDoC, when it appeared that they would be overspending their budget allocation by \$70 million, ordered wardens to take appropriate action to save money by cutting guard overtime, which has been the majority of their budget overrun for the last few years. Only Lancaster decided on permanent lockdown as their money-saving technique.

After public exposure of the lockdown and criticism from Sen. Gloria Romero, Lancaster officials restored privileges for two days out of every three. CDoC officials denied reports that lockdowns at other prisons, Salinas Valley State Prison and the Substance Abuse Treatment Facility in Corcoran, were driven by financial concerns.

-*Los Angeles Times*, June 5 & 6, 2003

OVER 2 MILLION BEHIND BARS IN U.S.

According to a new Justice Department report, 2,166,260 people are locked up in the United States. Last year the prison and jail population rose 3.7 percent, maintaining the U.S. position as the largest jailer in the world. The increase amounts to the addition of 700 prisoners to the system each week. "The prison population and budget figures, taken together, should be setting off alarm bells in state capitols," says Jason Zidenberg, Director of Policy and Research for the Justice Policy Institute.

The New York Times editorialized that "Congress and state legislatures should find ways to reduce the number of people behind bars. Locking the door and throwing away the key may make for good campaign sound bites, but it is a costly and inhumane crime policy."

-*Justice Policy Institute*, Jul. 25, 2003 & *New York Times*, Aug. 1, 2003

1 IN 37 HAS HAD "PRISON EXPERIENCE" AND CRIME RATES DROP

The Justice Department announced that one of every 37 people in the U.S. was either in prison or had been imprisoned at one time. The study projects that, by 2010, about 3.4 percent of the adult U.S. population will have had served time in prison.

The study estimates that 11.3 percent of men and 1.8 percent of women born in 2001 will go to prison during their lifetimes. For black males, that translates into a one in three chance of doing time, compared with one in six for Hispanic males and one in 17 for white males, according to the projections.

At the same time another Justice Department report shows that crime rates in the U.S. have dropped to the lowest point since the department began collecting data 30 years ago and in the last 10 years crime rates are down by half.

Attorney General John Ashcroft warned, "Lower crime rates must not lead to complacency. We must continue our vigilance."

-*San Francisco Chronicle*, Aug. 18, 2003 & *Los Angeles Times*, Aug. 25, 2003

CALIFORNIA PRISON EDUCATION GETS SMALLER CUT THAN FEARED

During the public posturing surrounding resolving California's \$38 billion budget deficit, the Davis administration asked all departments to submit plans for a 10 percent cut in their budgets. Predictably Corrections submitted a plan which slashed all education, counseling, arts and other prisoner services.

Representatives of the California State Employees Association (CSEA), who represent teachers in the state prisons, resumed a steady campaign aimed to educate the legislators rather than prisoners. Legislators were reminded that teachers' salaries save the state money by producing credits which reduce the amount of time served. They also presented studies from across the country showing that prison education can cut recidivism rates by one third.

Caught between those facts (and the CSEA, a part of SEIU, the biggest union in the state), the CCPOA, and the need to make some cuts in prison spending, the

legislators chose to cut vocational programs. In July 330 vocational teachers received layoff notices. But it now appears, according to Andy Hsia-Coron, chairman of CSEA Bargaining Unit 3, that "Some may have to be moved around, but they wouldn't be losing their jobs."

-*Sacramento Bee*, August 3, 2003

COURT UPHOLDS LIMITED PRISON SEGREGATION

A panel of the 9th Circuit Court of Appeals ruled that the CDoC can properly segregate incoming prisoners by race in order to alleviate "anti-social" behavior.

The decision by a three judge panel was attacked in a dissenting opinion signed by four other judges on the 9th Circuit Court. "Over thirty years ago, the Supreme Court sought to end officially sanctioned racial segregation in our prison system by striking down statutes requiring 'segregation of the races in prisons and jails' as violating the Fourteenth Amendment," Judge Warren Ferguson wrote in the dissenting opinion. "The panel's opinion threatens to undo that achievement by altogether removing the burden on prison officials to justify fundamentally suspect policies classifying prisoners on the basis of race..."

"The panel's decision gives carte blanche to prison officials to impose their own notions of racial hatred and conflict upon prisons, regardless of whether these notions are based in fact or deeply held stereotypes."

-<http://www.cnn.com/2003/LAW/07/28/crime.prisons.reut/> Jul. 7, 2003

THREE DEATHS FROM MEDICAL NEGLIGENCE AT CCWF

In July 2003, three prisoners at CCWF died. Two were denied timely compassionate release and the other one allegedly died from medical neglect, according to Justice Now.

Marina Ramirez was 51 years old when she died on July 26 of a complication from multiple myeloma, a type of bone cancer. Despite the seriousness of her illness, prison staff unnecessarily delayed issuing bed-ridden Ms. Ramirez a compassionate release recommendation until about 20 days before she died. Ms. Ramirez remained in critical condition shackled on a ventilator and handcuffed to her hospital bed until her release.

"This delay meant that she was out of custody for only hours and died in the hospital near the prison instead of at home in the care of her family," said Courtney Wilson, a Justice Now legal advocate working on Ms. Ramirez' case.

Melody Osburn, who died in prison on July 19 at 46 years of age, had been battling lung cancer since 1998. In the last few months, although Ms. Osburn had reported increasing pain and discomfort, doctors at CCWF insisted that her cancer was in remission and took her off all pain medication. She didn't get any medical attention until she threw up blood all over her cell on June 30 and was rushed to Madera Community Hospital.

"They knew she was terminally ill, but didn't want to start a compassionate release process. So they told her the cancer was in remission even though it wasn't," said Patti Hagen, a friend of Ms. Osburn. "Worst yet, they made her suffer enormously by taking away her pain medication while the cancer ate away her lungs."

The most recent death was that of 44-year-old Jeanette LaPlat who was in the Skilled Nursing Facility (SNF) at CCWF. Ms. LaPlat, who suffered from Hepatitis C and who was overmedicated with Lactulose, a medication for constipation, was said to have died of liver failure. Although Ms. LaPlat's condition deteriorated rapidly, a prison doctor told a Justice Now Legal Advocate that Ms. LaPlat "would be fine."

Ms. LaPlat's one fear was that she would die in prison before her release next year. "Even when they knew she was going to die they didn't recommend her for early release because they didn't want to admit how sick she became in their care," said Darci Byrd, Jeanette's sister.

-Justice Now, July 30, 2003 [Justice Now, 1322 Webster Street, Suite 210, Oakland, CA 94612; Phone (510) 839-7654; Fax (510) 839-7615.]

BUDGET PROBLEMS ALLOW SENTENCING REFORMS IN CT

"It's not like the liberals are taking over," said Connecticut state Rep. Michael Lawler. Taking over or not, Connecticut, like dozens of other states facing budget shortfalls, is looking at how much two decades of tough-on-crime legislation is costing the state's taxpayers.

"A lot of this is driven by fiscal conservatives. We're shifting gears from the philosophical to the practical point of view. At some point, you're going to run out of money," continued Lawler.

Across the country states have increased work and education credits, released elderly and/or non-violent prisoners early, pushed drug users into treatment rather than prison and taken up a number of other reforms aimed to reduce the prisoner population.

"The way to reduce prison spending is to reduce the number of people in prison and the number of prisons, like some states across the country have done," said Rose Braz of Critical Resistance.

-USA Today, Aug.12, 2003

JUSTICE KENNEDY ATTACKS MANDATORY MINIMUMS

Supreme Court Justice Anthony Kennedy told the American Bar Association that, "[he] can accept neither the wisdom, the justice nor the necessity of mandatory minimums. In all too many cases, they are unjust."

Kennedy, generally part of the Court's conservative majority, voted to uphold California's 3-Strikes law, but pushed the nation's lawyers to overturn mandatory minimums and restore judicial discretion.

"Every day in prison is much longer than any day you've ever spent," he reminded the Association during its annual convention in San Francisco.

In response, ABA President Dennis Archer announced that the Association would study the question of abolishing mandatory minimums and federal sentencing guidelines.

-San Francisco Chronicle, Aug. 10 & 11, 2003

AMNESTY UNCOVERS TORTURE OF U.S. 'TERROR' PRISONERS

Prisoners at Guantanamo Bay and Bagram prisons are being tortured by the U.S., according to a new report from Amnesty International.

"The record is shameful: hooding, blindfolding and shackling of prisoners, together with arbitrary arrests, prolonged incommunicado detention, ill treatment and interrogations without legal counsel," said Alexandra Arriaga, director of government relations for Amnesty International USA.

The report, "Threat of a Bad Example," is based on interviews with 60 men captured during the U.S. invasion of Afghanistan, detained at Guantanamo and subsequently released.

Another Amnesty report on conditions of Iraqi prisoners showed similar abuses, especially in two Baghdad prisons: Camp Cropper and Abu Ghraib prison. Amnesty reports that the U.S. is using prolonged sleep deprivation, restraint in painful positions, loud music and bright lights, and the use of tight hoods over prisoners' heads at those prisons.

-Washington Post, Aug. 19, 2003 & San Francisco Chronicle Jul. 29, 2003

KATHY BOUDIN PAROLED

After serving 22 years in prison, former Weather Underground member Kathy Boudin was granted parole. Her attorney Leonard Weinglass announced that she plans to settle in New York and continue the AIDS work she had done inside.

The announcement of parole generated an immediate backlash. The *New York Post* and other conservative media called for the state parole board to reconsider her release.

-Associated Press, Aug. 20 & 21, 2003
Editor's note: Kathy Boudin was released on September 17.

FEDERAL PRISON RAPE BILL PASSES

The Senate and House of Representatives both unanimously voted to enact the Prison Rape Elimination Act of 2003.

The bill calls for the gathering of national statistics about the problem; the development of guidelines for states about how to address prisoner rape; the creation of a review panel to hold annual hearings; and the provision of grants to states to combat the problem.

"Unfortunately, in many facilities throughout the country sexual abuse continues virtually unchecked," said Lara Stemple of Stop Prisoner Rape. "Too often, corrections officers turn a blind eye, or in the case of women inmates, actually perpetrate the abuse. We hope federal legislation will not only create incentives for states to take this problem seriously, but also give facilities the tools and information they need to prevent it."

-<http://www.spr.org/> Jul. 25, 2003

ORANGE COUNTY TO DOUBLE JAIL SIZE?

The Orange County, CA grand jury has recommended that the county double the size of its jail by 2010. The current 4,133-bed capacity will be inadequate to meet county needs and state standards they say.

The grand jury charged that lack of jail bed capacity forced the county to release thousands of criminals early. But Assistant Sheriff Rocky Hewitt, chief of jail operations, said that the 'early releases' were an average of 3 days cut off sentences and did nothing to threaten public safety.

-Los Angeles Times, May 13, 2003

ATWATER PRISONERS SPARED TOXIC RECYCLING

Prisoners at the Federal pen at Atwater, CA will no longer be exposed to toxic computer waste. Dell Computers, the nation's largest manufacturers of personal computers, used prison labor at Atwater for their recycling program.

But a report by the Silicon Valley Toxics Coalition revealed that the methods used exposed prisoners to dangerous levels of toxic materials.

UNICOR, the federal contractor for prison labor, used manual labor rather than more expensive mechanical means to destroy and recycle computers, putting the prisoner-workers at great risk. "I blow out black mucus from my nose every day," one prison laborer later wrote. "The black particles in my nose and throat look as if I am a heavy smoker."

The report concluded that prison labor is particularly vulnerable to such toxic abuse. Lack of OSHA coverage, lack of union representation and other factors make prisoners a pool of extremely vulnerable workers.

Within a week of the release of the Silicon Valley Toxics Coalition report, Dell announced that they had cancelled their UNICOR contract and would use free-world workers for recycling. Soon thereafter, the state of California announced that they would send no more computer recycling to Atwater. The state had sent 370 tons of computer equipment to UNICOR in the previous 12 months.

-Associated Press, Jul. 3, 2003 & Los Angeles Times, Aug. 6, 2003

CCPOA ACCUSED OF BLOCKING INVESTIGATION

Two long-time investigators in the CDoC have accused the CCPOA of blocking their investigation of prisoner beatings at Chino.

Investigators Robert Maldonado and Richard Feaster claim that the head of the Department of Corrections, Edward Almeida, was pressured to turn over copies of their taped interviews with prisoner witnesses to the beatings to the CCPOA. The investigation was sent to the Attorney General's office, where, they claim, little was done to push forward their investigation or prosecute the guards involved.

DEATH MUST WAIT

Conspiratorially and unannounced death arrived with a tempestuous beckoning-death must wait

The seed for the struggle has only yet been sown-death must wait

Dutifully I shed my blood, quench your thirst and reap oh people of revolutionary life!-until then-death must wait.

-S. Castillo, 7/28/03

In addition, while their investigation was still underway, the CCPOA presented a set of possible budget cuts to the Legislature that included eliminating the field office out of which Maldonado and Feaster work.

-Los Angeles Times, Jun. 3, 2003

3 COLORADO COWBOYS CONVICTED

Three guards at a federal pen in Florence, CO were convicted of assaulting prisoners. Each faces up to ten years in prison. [See "Cowboy Justice in Colorado's SHU," *Prison Focus* #14]

The indictment listed 52 acts of criminal behavior against 20 prisoners, including kicking shackled prisoners, smashing their heads into walls and mixing human waste into their food.

-Associated Press, Jun. 25, 2003

MULE CREEK HUNGER STRIKE

California prisoners might not be able to vote, but 15 Mule Creek prisoners are trying to influence the California gubernatorial recall election.

Trying to get recall candidates to take a stance on California's 3-Strikes law, 15 prisoners have been engaged in a hunger strike. Prisoners claim that California voters were misled during the 3-Strikes Initiative campaign. Many voters believe still that the law requires that all convictions be for violent crimes. The Mule Creek prisoners are pushing for a change in the law that would require three convictions for violent crimes for 3-Strikes sentence enhancements.

James Covert, one of the hunger strikers, says that voters thought they were putting violent criminals behind bars. "That's wasn't me. My mom voted for this law," he said. Covert is serving 76 years to life for possession of a stolen car.

Another striker, Gary Harrold is serving 26 to life for petty theft with a prior, shoplifting 2 steaks worth \$17.43. At the time of his arrest, he was homeless and jobless. "I was pretty hungry and kind of desperate," he said. "This is costing everybody a lot of money," said Harrold. "I've had three major operations in here in the last five years."

[Only Peter Camejo and Arianna Huffington, among the major candidates who ran for governor, had pledged to change the state's 3-Strikes law.]

-Sacramento Bee, Sept. 1, 2003



*Donny
Life of a Lifer*

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SENATE SELECT COMMITTEE ON SECURITY HOUSING UNITS

On Sept 15 Georgia and I went to the Senate Committee meeting on Security Housing Units in Los Angeles. This is my perspective of the hearing.

Although there was a small turn out a lot of important issues were brought up.

Senator Gloria Romero and her staff had done their research and knew what SHU was all about. In her opening statement she covered important facts about SHU such as the determinate and indeterminate sentences, the reasons for being validated, the debriefing process, the lack of physical contact and the visiting on a phone behind the glass. Thank you Senator Romero and staff for taking the time to learn of these inhumane and archaic practices of the CDoC. She had a thoughtful agenda and some of the main issues she brought up with the CDoC representatives were the reasons for validation such as tattoos, signing cards or having particular pictures. Senator Romero discussed this at length with Ed Alameida the Director of CDoC, the IGI of Pelican Bay, and David Tristan. She did not seem in favor of these policies. The CDoC representatives were as defensive as ever, and were there to defend the CDoC's thuggish system.

Don Spector spoke very well and had some good suggestions concerning other alternatives to SHU. He particularly spoke about Connecticut's success in not using extreme lockup like the SHU.

Charles Carbone from CPF who has been working with the Senate Select Committee on SHU for some time spoke eloquently. He discussed ways to be validated, the extremely long sentences, the lack of physical contact, and the determinant and indeterminate sentences given. He spoke of Steve Castillo's continued work on the illegality of the SHU process, and the importance of SHU limits. Charles also spoke of the cost of SHU. He was invited by Senator Romero to continue to work with her committee on these issues.

Former Warden Daniel Vasquez said he appreciated the work the CDoC is doing but SHU is wrong. He thinks the CDoC

should not have CO's reviewing write-ups and investigations. When he was a warden they had lieutenants and higher-ranking officials doing this type of work because the CO's don't have the training or the experience to do this properly. He and Charles Carbone agree that prison staff should have more training and education.

The families and loved ones of SHU prisoners including the Catholic Archdiocese of Los Angeles only had two minutes each to speak, but spoke compellingly. One of the things mentioned was visiting behind glass on a telephone. Other things included the long distances families have to drive to visit and the changing visiting rules from day to day, and because the visiting process often takes so long visitors never get their full time to visit. Why do we have to make an appointment? One mother spoke of trying to get her son housed in a prison closer to Los Angeles because she has cancer and the trip makes her ill, but the prison told her it wasn't a relevant reason at this time. Why are prisoner's placed so far from their families? It was pointed out that visiting as well as education and books should be a right, not a privilege.

Also mentioned were the unending indeterminate sentences, the bogus 602 process, and the limited means prisoners have with legal prison issues and the unforgiving nature of the appeals process. Also mentioned was the social isolation and psychological deprivation. All public comment speakers mentioned that the SHU is cruel and inhumane treatment. The U.S. has no right to criticize other countries for inhumane treatment as long as we have SHUs.

For all you SHU prisoners please have confidence that we will continue this struggle to shut down the SHUs. You are not forgotten. We will not let the CDoC entomb you forever. To my son and all the sons and loved ones in SHU please know that we love you, and we will win because we are right, and the SHU process is an affront to humanity. They are wrong and this struggle will continue until we right this wrong.

-Helen Grimes

All of Us or None..

Continued

long scars when more and more of their mothers are imprisoned for longer amounts of time. Grandparents and other family members are taking care of millions of children with incarcerated parents, but still many of our children end up in the hands of an often-abusive foster care system. Restrictions on visits with incarcerated family members are breaking up more families, leaving prisoners without the family ties that are so crucial for re-entry into the community.

With so many of us facing so much discrimination, we know it's time to organize to fight for our rights. All of Us or None is a national organizing initiative started by people who have been in prison, to fight against the discrimination that we face every day. Our goal is to build political power in the communities most affected by mass incarceration and the growth of the prison-industrial complex. Together we can make changes in public policy and fight for prisoners' rights. This is an effort supported by many organizations around the country, a way for us to unite nationally around a common strategy and common goals, to be more effective in the ways we fight for our human and civil rights. We are committed to a process of democratic decision-making, where everyone has equal access to information and where we are accountable to each other. We want to build a movement that is egalitarian, where women's and young people's voices are respected and where our ideas are supported and implemented.

All of Us or None will also strengthen the voices of people currently incarcerated so they can speak about the horrendous conditions that we face while we are in custody of juveniles jails, INS detention centers, and prisons. So often our pain and suffering go unchecked. Too often people leave jail or prison and fail to help those we left behind speak about issues that were terribly important to us when we were prisoners. We must fight to establish a family bill of rights that will stop telephone companies from exploiting our loved ones. We must fight so that our family members have contact visiting, including domestic partners as well as husbands, wives, children, grandchild-

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PRISON DESEGREGATION RULING ISSUED BY JUDGE IN RE: PELICAN BAY PRISON: THE JUDGE HAS SPOKEN

December 2002.

Judge Robert Weir in Del Norte County, California, ruled via *Escalera* (case no: HCPB 00-5164) wherein the final Order states that, “*confining prisoners to their cell because of race or ethnicity is unconstitutional.*” The particular “lockdown” that initially brought the judges’ summon for state officials to ‘*Show Cause*’ referred to the prison’s A facility, where hundreds of *Hispanics* (mostly southern Mexicans) were kept confined to their cells from May 10 to June 20, 2000, in the aftermath, of California’s biggest prison riot Feb. 23, 2000 in B-Yard Facility.

The “preferential lockdown,” of southern *Hispanics* only, is based on a flawed classification practice that the court found had created a “culture of separation.” Classifying/profiling/gang-tagging prisoners into regional as well as ethnic groupings was conceded by state officials testifying before judge Weir as, “having been a mistake and breeds violence among inmates.” Similar classification and discriminatory lockdown procedures have been in place at San Quentin prison since 1985, against southern Mexicans, as well as, off-an-on, at several other California prisons where “preferential lockdown” operations, aimed mostly at southern *Hispanics* is the standard correctional mismanagement modus operandi.

California prison administrators statewide have long been deliberate in the odious practice of creating racial and group strife among the prison population, and then have reacted, zealously, by implementing costly “lockdown” conditions which can and have lasted years.

The general rule for prison administrators has been that racial segregation is (impermissible) in prison, *Lee vs. Washington* 390 US 333 (1968). But prison officials, acting in good faith, and in particularized circumstances, may take

into account racial tensions in maintaining security, discipline and good order, *Lee, supra; Cruz vs. Beto*, 405 US 319 (1972). The judge also added that: Respondent may not manage race relations within the prison system in such a way as to create an emergency, and then use the emergency to justify what would otherwise be clearly unconstitutional practices.

On the day of the riot cited, it was reported later to CPF while conducting interviews of the so-called ‘rioters,’ that the then associate warden, captain and other expectant brass, had all stood by observing the prisoners being let out onto B-Yard. And while the melee had broken out almost immediately, officials had not acted to halt the riot but instead, had continued to let more prisoners out into the rioting yard—involving more than 300 prisoners and lasting half-hour—so as to create, the administrative emergency needed to justify imposing further ‘lockdowns.’ Sixteen prisoners were shot, one fatally, that morning by sharpshooter guards earlier positioned for ‘the riot.’ More than 30 prisoners were stabbed. The prison’s supply of gas canisters were exhausted. A month or so later, an honorary fete was staged by the CDoC on the same yard, congratulating the guards’ heroism that day and dept. medals-of-valor were given out profusely.

The arbitrary imposition of indefinite isolation status on human beings...under lock and key...without any semblance of due process has occurred repeatedly since 1989 when PBSP went online. The treatment and illegal practices at “the bay” had previously, not only been found unconstitutional but found to be excessive, unusual and cruel punishment (see *Madrid vs. Gomez* 1995. *Federal District Court for Northern California.*) In 1996 the Human Rights Commission for the United Nations found Pelican Bay State Prison to be one of the nation’s top transgressors of basic human rights. The legal precedents are

there as part of the official record and should serve to remind the courts that they are dealing with ongoing criminal activity by state agents acting under color of law, to circumvent the law, obstruct justice and deny the Constitution to persons because of their incarcerated status as prisoners. *Orale.*

Thank you judge for doing your judicial duty, but as indicated, it was way overdue, as the situation is not new to your jurisdiction and...*continues as before.* Pelican Bay prisoner’s petitions continue to inundate your Crescent City courthouse with similar claims of indefinite lockdowns and basic denial of sunlight. Staff violations of the letter of the Law is pervasive throughout the CDoC, as part of a flawed discriminatory classification system that you lack the clout to change or the will to abolish as recognized in your 10 page order stating...*after two years, eight months, the situation can no longer be considered an emergency, but rather, the routine way things are done.* Inmates have been transferred to PBSP by CDoC with knowledge that they would be locked down under a system that relied upon ethnic classification for administrative determination of whether they could be released to the yard to program like other inmates.

The 90 days given by the county’s noted realtor-judge, to the current warden to submit a plan, in writing, *to implement the foregoing order*, remains in limbo. It just might be asking much too much of state bureaucrats who have long operated outside constitutional borders since nobody outside, knows, what they do in secret inside their solitary realm of absolute power over human beings they view *per se* as sub-human and deserving of no constitutional benefits. Absolute power corrupts... etc.,

Judge, the ball is still in your court.

—Bato Talamantez
September 2003

BOOK REVIEW

A PRISONER'S COOKBOOK: RECIPES FROM INSIDE THE BIG HOUSE

Compiled by The Iron Ghetto Gourmet and illustrated by Kevin Zettner

Review by Leslie DiBenedetto

A *Prisoner's Cookbook* is a fun and unconventional collection of recipes, sketches and stories created and written by prisoners in U.S. penitentiaries. Unlike other cookbooks, the artwork is not sketches of beautifully prepared dishes or fresh ingredients but of a greasy-looking guy boiling an unknown concoction or eating a mouse sandwich, or of a hairy bug guiding us through the sections. And the stories do not reflect on a lovely trip and food extravaganza in Tuscany, Italy for example, but of the rare occasion of burgers for dinner with the sneaking suspicion that they had been made from the meat of a recently dead horse.

About the food – I have to tell you I did not test any of the recipes. (Often, neither do other cookbook reviewers to my surprise.) But many were intriguing such as prison cell ice cream made with snow, peanut butter gravy and Tahitian tuna. The range of recipes begins at breakfast and continues with beverages, snacks, gravies, main meals and dessert and close with “strange and unusual recipes” that include rodent stew and Puerto Rican pigeon soup. (You read me right.) Common items used in many recipes are dry soups, dry milk, and canned foods – items people can often buy through the canteen. For the more restricted prisoners in high security lockdown who usually lack access to fresh foods and hotpots (for extended cooking), some of the recipes may not work though likely could be adapted. A disclaimer by the editors state that to the best of their knowledge the recipes are

correct but they do not guarantee the outcome, and caution anyone with special diet needs to consult their doctor before consuming any new foods—good advice.

Hey, why not get the book? - its humorous, inspiring for budding cooks and part of the proceeds go to help abolish the death penalty.

Bluehorn Publishing; 2002; 76 pages; \$12. For ordering send check or money order Bluehorn Publishing, PO Box 2364, Humble, TX 77347. (Texas residents add 8.25% state sales tax.)

Contact: (281) 319-0192; bluehornpub@aol.com. (NOTE: Do contact the publisher before ordering.)



All of Us or None..

Continued

dren, parents and grandparents. We must fight to insure that we have the support we need to reunify our families, and we must fight against the deportation of juveniles away from their families, and parents away from their children.

How'd All of Us or None get started?

In November 2002, Dorsey Nunn (Program Director of Legal Services for Prisoners with Children in San Francisco) wrote a document called “Save Our Selves.” This document was modified by many other former prisoners and finally re-named All of Us or None to honor Nate Harrington. Nate was a San Francisco man who earned his GED inside prison, and went on to become a lawyer and director of Prison Legal Services in the San Francisco County Jail. When Nate died in 1999, the law library in the jail was named after him, and a memorial to him was created in the lobby. Some of his favorite things were in the memorial case: a Snickers bar, the book *Wretched of the Earth* by Franz Fanon, and the poem “All of Us or None” written by Bertolt Brecht.

Several of us who had been in prison in California were already planning a state-wide strategy session for former prisoners, to develop effective ways to organize to change criminal justice policy, support each others' work, and fight to eradicate the legal obstacles that prevent successful re-entry when people come out of prison. The strategy session happened on March 14-16 in Oakland, with over 40 former prisoners participating – one-third young people under the age of 23, one-half women, and 90 percent people of color. We made agreements to organize state-wide across race, class, gender, age, and geographic boundaries. This organizing work is continuing as All of Us or None in California.

Three weeks later, we organized a national meeting, an Exploratory Committee to discuss the idea of convening a national strategy session called All of Us or None. We brought over 50 former prisoners from 16 states together for a planning meeting just prior to the

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PRISON IS GROUND ZERO: THE BREAK THE CHAINS CONFERENCE

In August I attended an intense three-day weekend at the Break the Chains Conference in Eugene, Oregon. If only all of our gatherings could be organized this well, have this great an attendance, and contain as much solid content as this one. A big hats off to Lydia, Brenton and the whole Break The Chains gang of hard workers who put this event together. Each day there were workshops held at the University of Oregon, and each evening there were off-campus events where activists in the prison abolition movement gave talks. Here is the preamble to the conference:

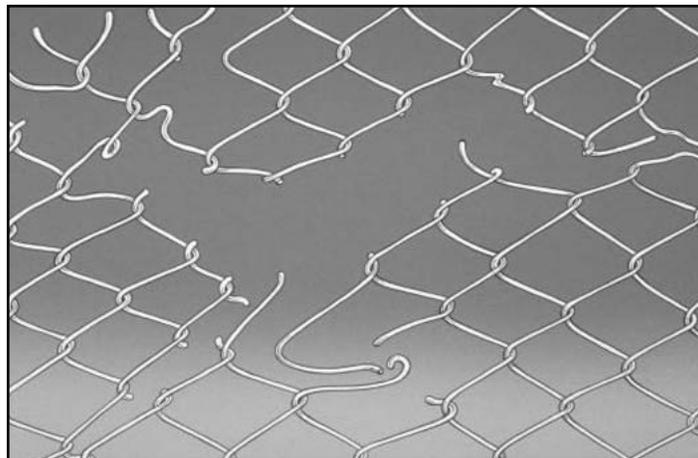
"Perhaps no other single issue so convincingly illustrates the inter connectedness of the struggle for total liberation as does the prison industrial complex. Resisting prisons is resisting state repression and blatant social control; it is resisting the most terrifying examples of racism, sexism, and homophobia, the criminalization of the poor and capitalist exploitation of labor. For this reason, the Break the Chains Conference

hopes to exemplify the need for continued and heightened prisoner support with our ultimate goal being prison abolition. Prison abolition is a political vision that seeks to eliminate prisons and acknowledges the devastating effects that prisons have on poor, marginalized, and politicized communities. Prisoner support, for both social and political prisoners, means learning from the incarcerated, making their voices heard and their existence visible and meaningful.

"The Break The Chains Conference is dedicated to fighting repression, supporting prisoners, and eliminating prisons altogether. By providing anti-prison education, building on existing prisoner support efforts, learning from veteran prison activists, and initiating new campaigns against the prison industrial complex, we want to use this conference to initiate a new era of heightened prisoner support and anti-prison activism.

"We feel that the prisoner support and prisoner resistance movements, by virtue of their broad-based nature, offer one of the best starting to points to begin to dismantle the webs of power."

On the opening night of the Break The Chains Conference, there was a lecture by Ward Churchill, Native American author. Ward is a former chairperson of the Leonard Peltier Defense Committee, veteran American Indian Movement (AIM) activist, and author, co-author or editor of over a dozen books about Native American struggles for liberation, move-



ment strategy, and the politics of imprisonment. Safiya Bukhari was scheduled to speak but came down with what was to become a terminal illness.

On Saturday night there were presentations by Chrystos, a writer and artist. Her work as a Native land and treaty rights activist has been widely recognized and the political aspect is an essential part of her writing - even though she refuses to be taken as a "voice" of Native women or as a "spiritual leader." Also speaking was Leslie Bull, an activist, writer, speaker, photographer, poet, and performer living in Portland, Oregon. She shared her experiences as a white girl, street hooker, homeless junkie, prisoner family member, survivor, and now graduate student in fine arts at Antioch University. Leslie calls herself a compulsive truth teller in her writing.

On Sunday night Laura Whitehorn took the stage. Laura is a revolutionary anti-

imperialist who spent over fourteen years in federal prison, charged with a series of property bombings that protested police brutality and U.S. foreign policy. Released in August 1999, she currently lives in New York City and works toward the release of political prisoners incarcerated in the United States. Ed Mead, this writer, followed Laura. What the literature said about me was that I was a "former political prisoner of the George Jackson Brigade, the co-founder of Prison Legal News, organizer of Men Against Sexism (a group that militantly opposed sexism, racism, homophobia and rape) inside the walls of the Washington State Penitentiary at Walla Walla" etc. Laura and I were billed as "Enemies Of The State."

Almost every night there was a great musical performance with Jim Page. Jim has been on the scene for more than twenty years and his reputation continues to grow. Often cited for his biting political pieces he is in constant demand by the social movements of the day.

The crown jewel of this event was not the nightly speechifying by movement luminaries, however, but by the daily workshops on all aspects of the prison experience. I did one on the history of Men Against Sexism, other workshops included The Struggle Against Prison, Repression, and Social Control; The Jericho Movement and the Struggle to Free Political Prisoners; Women In Prison/Free Battered Women Now; The Prisonification of Indigenous Women; Connecting the Dots: From COINTELPRO to the Patriot Act; Support Prisoners: Make your own tattoo gun; Chemical Prison: The Merger of the Psychiatric and Prison Industries, and many, many more. All of the workshops were well attended. (There were four or five others going on at the same time mine was scheduled. I thought sure I would be alone in that big room, but it was full, with people sitting on the floor. The others were all full too.)

Let me close this off with a quote from the Manifesto for the Break The Chains Conference. It does a better job of laying it on the line than I could have done:

"To struggle against the prison system is to struggle against capitalism. Both are dependent upon prejudice and hierarchal power relations, which serve to keep people divided and to rationalize and legitimate the oppression and exploitation of a given group of people.

"Capitalism cannot exist without the existence of a massive prison complex for several reasons. The first reason being that a system such as capitalism, with its dependency on exploitation and imperialism, needs to create an effective deterrent to opposition; prisons serve to terrorize and intimidate the opponents of capitalist brutality with the threat of imprisonment, and all the suffering that implies. Prisons are used as efficient tools of class society (capitalism) in other ways; prisons can be and all too often are used to warehouse oppressed peoples and those deemed undesirable by the capitalist system. These imprisoned "undesirables" make ideal workers for capitalist enterprises because they have little or no rights - they're forced to be obedient providers of cheap labor.

"The anti-prisons movement is increasingly anti-capitalist precisely because prison growth is the logical outcome of the capitalist system. Likewise, the anti-capitalist movement is increasingly focused on prison issues because within prison walls are masses of dissatisfied people who have become politically conscious and are searching for resistance movements to become part of. If the anti-capitalist movement can form alliances with politicized prisoners, its likelihood of succeeding is far greater.

"We are organizing this conference to educate people about the bleak reality of the prison crisis, to mobilize people from the anti-repression, prisoner-support, anti-authoritarian, and anti-capitalist movements, to humbly host like-minded activists from other regions in what we hope is to be an extremely powerful and productive convergence, to learn from survivors of the prison system and gain from them invaluable lessons about the nature

of the beast we are up against, and to begin the difficult task of developing a cohesive, organized, diverse, and effective movement against state repression and the politics of mass imprisonment. As the ruling elite intensifies its repression more and more broadly, such a movement becomes necessary now more than ever before."

You on the inside should know that there are those of us out here working to crush the worst manifestation of the state's apparatus of repression - the prisons. We can support you, but ultimately you must be your own liberators.

-Ed Mead

CPF HAS A RADIO SHOW

California Prison Focus has hit the airwaves!!! That's right...now we have our own radio show on 89.5 FM KPOO in San Francisco on Thursday mornings from 11am to 12noon. The title of the show is that of our newsletter: Prison Focus. Our goal with the radio program is to reach out to the community and educate people about what is really going on inside of the CDC as well as the continuing police state that is present in our local communities. This includes bringing the voices of people who are currently or formerly incarcerated, either via phone line or through letters. If you are interested in being live on the show, taped, or having some of your thoughts read on the air, please contact Tuere Anderson, Media/Events Coordinator at CPF. Additionally, we are always looking for information and stories that are important to our audience. The station's reach is limited to the San Francisco area, but is available on streaming radio at <mms://66.134.90.174:8080>. Thanks for your continued support in the struggle for prisoners' rights. Tune in soon!!!

NOTICE: SETTLEMENT OF CLASS ACTION - MEDICAL CARE

Plata, et al., v. Davis, et al., N.D. Cal.
No. C-01-1351

A federal judge has approved a settlement in the civil rights lawsuit about medical care in all California prisons except Pelican Bay (which is already covered by another lawsuit). All California state prisoners with serious medical conditions are members of the plaintiff class in this lawsuit (except Pelican Bay prisoners). A copy of the settlement agreement, called

"Stipulation For Injunctive Relief," is available in your law library.

The settlement requires the California Department of Corrections to make major improvements to prisoner medical care. These improvements will be made through new medical care policies and procedures. The new policies and procedures should be available in your law library.

Under the settlement, the CDoC must make certain changes at every prison starting on January 1, 2003. In addition, each year several prisons will be required to start using the new medical care policies and procedures, under the following schedule:

2003: NCWF, VSPW, CIW, CCWF, COR, HDSP, SAC, and SVSP; 2004: CCI, MCSP, SQ, SATF, and CSP-Solano; 2005: CEN, CIM, CMC, CMF, and NKSP-II; 2006: CRC, DVI, FOL, LAC, and PVSP; 2007: CCC, CAL, CVSP, NKSP, and RJD; 2008: Avenal, CTF, ISP, SCC, and Wasco.

Court-appointed independent experts and lawyers for the prisoners will monitor the improvements made at each prison. This monitoring will end only when the prison substantially complies with the new medical care policies and procedures.

If you have an emergency medical problem, tell a correctional officer, who will contact medical staff. All other medical concerns should be brought to the attention of medical staff by the "sick call" process (fill out and submit a Health Care Service Request Form, CDC Form 7362(A)).

Under the settlement agreement, the lawyers who represent the prisoners in this case can bring a medical care concern to the attention of the CDoC if the prisoner: (1) has received a Director's level response to a 602; (2) has filed a 602 to the Director's Level but not received a response within 30 days; or (3) has a condition that requires urgent medical care.

Here is the address for the lawyers who represent prisoners in this case: Prison Law Office, General Delivery, San Quentin, CA 94964. Any letters to the lawyers will be processed as confidential legal mail. **YOU SHOULD NOT WRITE TO THE JUDGE.** Any questions or concerns about the settlement should be sent to the lawyers at the address listed above.

Letters...

continued

HUMANE TREATMENT FOR ALL IMPRISONED

Dear CPF,

I recently viewed #17 of your publication. I personally believe your expressed mission goal is one that is in truth needed sorely not just for those housed in a SHU, but all people whom have had the misfortune to find themselves incarcerated, especially those of California-as this state is very much a precedence setter with regard to punitive detention facilities. With the Wilson administration we all learned that crime pays and employs a very large number of the state populace. And what better way to get the greatest benefit by using the underprivileged to achieve a very lucrative venture for the elite whom govern? While the underprivileged were harvested along with the lawless and used like human cattle to be warehoused in order to generate jobs and income for the mid-to-upper- middle class of the state, multiple goals were enjoyed by those who hid behind the mantle of implementing a tough stand on crime and the need for supporting facilities. Sure this may sound like the ranting of a cheap paranoid conspiracy novel, but I direct your attention to the very real fact of the number of people incarcerated in this state, along with the number of facilities in which they are housed. Most of the imprisoned come from the lower class.

My reason for pointing these facts out are not solely to vent my own personal discontent, but to call attention to the gross miscarriages of justice many people now suffer in the name of righteousness as a system we are all taught to believe in, even though not perfect and is misused to commit crimes of the utmost grievous in nature.

Now I for one ask you seriously, what about human rights abuses? I mean, if you're going to fight a thing that's worth fighting then go for the source of the problem. (You do want the people you can motivate to be the most effective.) There's always going to be laws and rules in place as there must be in a society, and there will always be facilities to place those who wantonly infract those laws and rules. But let these mediums exist and be used correctly. A society of human beings who claim to be so knowledgeable owes itself the greatest

obligation to keep its' social matrix healthy, and it can in no way accomplish this if it abuses the humans in its realm.

-Gary G. Cook, Vacaville, CA

LETTER TO THE EDITOR

This is an excerpt of a letter was sent to The Bakersfield Californian by long-time member Jesse Boyar who has a son in prison.

When Governor Gray Davis lost his political vision he used the dark side of capitalism. He saw prisoners as object and prisons as profits. He went partners with California's drug mongers and prison industrialists. The 5 to 4 decision made by the Supreme Court was a wake-up call that 3-Strikes for non-violence was not OK. Of the 26 states [with a 3-Strikes law], California stands alone, striking the hardest, putting away [more than] 4,000 inmates for non-violent [offenses].

The law and other factors have made California a third-rate state creating an underclass in the barrios and ghettos. Terrorizing entire families with prisoners educated in barrio warfare-the American way, drive-by shootings-is this any different than our soldiers being shot?

LETTER TO THE EDITOR, SF BAY GUARDIAN

The recent release from California prison(s) of two inmates Antoine Goff, and JJ Tennison as reported in Sept 10-16 2003 BAY GUARDIAN as well as Rick Walker (see SF CHRON. Sept. 11) is but a mere ice chip off the iceberg in what we at CALIFORNIA PRISON FOCUS believe to be hundreds if not tens-of "thousands of wrongly convicted prisoners languishing in today's PIC. Our admiration goes out to the likes of reporter AC Thompsom for staying on this story since first reporting on it January 2001 (for the SFBG) as well as thanking the gutsy attorneys willing to pursue what would otherwise seem like a lost cause for prisoners out of sight and mind once swallowed up by the mammoth prison industrial complex here in Californicate (the prison state). Not once have we seen or will we see state prosecutors of these exposed frame-ups come forward to admit their prosecutorial misconduct and self serving application of the so-called justice system here in America. There is no justice, only further encroachment of the police state.

Once again we at CPF urge all convicted felons serving time to not quit on themselves in redressing injustices they have suffered. Never will there be enough attorneys willing to go pro bono, or able, to represent all the wretched imprisoned underclass. On the whole, prisoners must learn to do for themselves. Justice wins out but only with a dedicated fight. Power to the imprisoned class.

-Bato Talamantez, 415-821-6545

COP RUNS FEMALE CHAINGANG

Sheriff Joe Arpaio boasts that he runs the only all-female chain gang in history. For the chief lawman of Maricopa County, which includes the 3 million residents of Phoenix and suburbs, presiding over the chain gang fits his self-declared image of being a tough sheriff.

Under Arpaio, the 8,000 inmates of the county jail system work seven days a week, are fed only twice a day, get no coffee, no cigarettes, no salt, pepper or ketchup and no organized recreation. They have to pay \$10 every time they need to see a nurse. If they want to write to their families, they have to use special postcards with the sheriff's picture on them. If their loved ones visit, they see them through thick plate glass or over a video link.

"I got meal costs down to 40 cents a day per inmate," Arpaio said. It costs \$1.15 a day to feed the department's dogs.

At 6 a.m., 15 women are assembled for chain gang duty. They are padlocked together by the ankle and marched out to their work site -- a local county cemetery.

The women had to bury the bodies of indigents who had died in the streets or in the hospital without family or money to pay for a proper funeral. Altogether, the women laid to rest six people.

Jamie Fellner of Human Rights Watch said Arpaio did not care about international treaties that set human rights standards binding on all U.S. officials. "These laws prohibit cruel and degrading treatment, yet Arpaio takes pride in subjecting prisoners," she said.

(source: Reuters)

Cecil Robert Moody II

September 19, 1945-July 27, 2003

C. Robert Moody, "Moody" has died after a difficult battle with liver failure. Among his accomplishments, he was an activist, philanthropist and musician. He was well known as a leader in the Bay Area African American community, and he improved and touched the lives of everyone he knew. At his memorial service, this was obvious by the diversity of mourners, and how every speaker expressed the deep, personal connection they felt with him.

Moody was born in Louisville, Kentucky and when he was two, he and his family moved to Oakland. He spent most of his life in North Oakland, where after a childhood in which his community embraced him and gave him enriching, diverse experiences, he returned the love tenfold. His funeral was held in the church that knew him since he was a boy.

Moody received numerous tributes and awards for his civic contributions, including the AVANT! Award for community service. He had a spirit of personal generosity and caring-out of his own pocket, he would help people who were homeless or down on their luck. He was known to have put people up in hotels or motels for several months at a time, lend people money, or offer jobs to people just getting out of prison. He understood the importance of putting energy and hope into every single person and not giving up on anybody.

Moody was chairman of the board of directors at OPTIONS, a non-profit organization that assists people in sharpening their job skills and finding employment. Another local activist organization to which Moody was instrumental was TIMERS, a group of former Black Panthers, activists and former prisoners. Each summer since 1999, TIMERS has organized a Black Family Reunion Day in West Oakland with food, speakers and a bicycle give-away.

Moody's musical repertory included a collection of more than two hundred original songs. He wrote and produced in a variety of genres including love ballads, gospel, hip-hop and rap. His most recent venture was to create U\$Z Nation, an intra-generational group of hip-hop and rap artists. For the Tenth Anniversary party of California Prison Focus, Moody generously donated his time and talent to perform some of his songs.

In the progressive community, to his loving family and to prisoner activists, he will be missed.

THE PRISON INDEX: TAKING THE PULSE OF THE CRIME CONTROL INDUSTRY

The Prison Index: Taking the Pulse of the Crime Control Industry is the first index of statistics about our nation's criminal justice system ever published.

Containing 611 facts and 17 graphs and charts, this 48-page volume presents, in black-and-white, the state of crime control in America. *The Prison Index* reports on such topics as crime and public perception, police and public confidence, the roots of crime, families of prisoners as well as crime control and the economy. Included within the index are statistics such as:

- 43.1% of state prisoners in 1997 did not have a high school diploma or a GED

Although African Americans make up 12.3% of the U.S. population, they make up 45.6% of the state prison population · California's budget for each prisoner's meal has remained unchanged for the past 14 years

· Between 1984 and 1994 California built one state university and 21 state prisons

· The incarceration population on the planet is 8,750,000 with 22% of prisoners incarcerated in the U.S even though the U.S. population is only 4.6% of the global population

Written by Peter Wagner and co-produced by the Prison Policy Initiative and the Western Prison Project, the index can be ordered by writing: Western Prison Project, P.O. Box 40085 Portland, OR 97240; (503) 335-8449.

Valley State... Continued from page

with pregnant women and arranging the adoption of their children. Afterwards, the women get new TV's and radios. Is there a baby selling operation working out of Valley State?

SEXUAL HARASSMENT INCREASES

A training video was shown to custodial staff that taught a new way of doing pat searches. It was apparently shot at CCWF. The officers have been instructed to include touching of the breast area, and "fanning" of the genital area as a routine part of the "clothed body" search. The women object to it as fondling and sexual harassment and are particularly outraged because so many women have a history of sexual abuse. Some guards conduct the new searches as appropriately as possible, while others make comments, talk loudly and use the experience as a tool for further degradation and harassment.

It seems as though the institution sanctions the sexual harassment of female prisoners. It is no secret that women are the victims of rape, domestic violence and harassment in their communities and workplaces. These social conditions are a direct reason why many women are currently in prison. So not only do they lose their freedom as a result of being systematically abused their whole lives, but they are then subjected to the same abuse by "peace" officers that are supposed to create a safe living environment. Many of the women that have been sexually assaulted are reminded of these horrible experiences due to the unlimited access of male guards to their units, which allows for opportunities for groping and harassment.

In a recent survey on SHU conditions conducted by CPF, we have learned that most of the women housed there feel violated by having male staff as guards. This is because the women are not allowed to cover their window so that they are forced to strip, shower and use the bathroom in direct sight of the male guards. Though female guards strip them out, male guards are permitted to watch and comment on their bodies. Male guards often want to flirted with and coerce women to give them peep shows for small things like food, toiletries or candy.

The CDC feels justified in having male

guards that have direct access to the women prisoners at all times because in August 2001 the U.S. Equal Employment Opportunity Commission claimed that excluding “male officers for any assignment” guarding female inmates “based solely on their sex” was a violation of the 1964 Civil Rights Act. However, we are the only country in the world that makes this exception. The United Nations’ Standard Minimum Rules for the Treatment of Prisoners, Rule 53 states that women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women. Rule 53 requires that no male member of the staff have a key to a women’s unit and that no male staff enter a women’s unit unless accompanied by a woman officer.

There is no reason for male custodial staff to have access to a women’s unit except to create a degrading and embarrassing environment that is meant to maintain total physical and psychological control over female prisoners. CPF is working to change this.

COMMITTEE NEWS

The Valley State Committee would like to thank Maria Telesco for her compassionate and steadfast support of the women through visiting and letter writing and Corey Weinstein for his critical analysis of the unique issues incarcerated women face, as well as arranging the prison visits. The committee would like to welcome its newest member, Tonya from San Francisco. She went on the last trip in June and is excited to continue working with the women. Finally, as always, we would like to thank Charles Carbone and Catherine Campbell, our attorneys for the investigative trips.



All of Us or None..

Critical Resistance South conference in New Orleans, April 4-6. These 50 people decided to initiate a national organizing drive to mobilize former prisoners, felons, and our family members, and to reach into the prisons to include our brothers and sisters inside. Collectively we agreed to call this organizing initiative All of Us or None. Legal Services for Prisoners with Children is coordinating the effort, mailing news and contact information to everyone, keeping up a unified national database of prisoners, former prisoners, felons, and family members, and providing support for organizing All of Us or None around the country.

Local organizing for All of Us or None is taking place in many areas, based on the unity built in the New Orleans meeting. In Southern California, former prisoners and our allies have been building unity and plan a regional strategy session for late summer. Northern California folks have been meeting regularly and mobilized people for a May 8 rally and lobby day in Sacramento, demanding “Education not Incarceration.” They are also working on a jobs initiative in East Oakland and to create peer training sessions about how to seal juvenile records and expunge criminal records. Former prisoners and family members in Oklahoma have begun working groups to strategize around specific issues that most affect them. Local organizing is starting in New York, Boston, Tennessee, Ohio, and Pennsylvania.

Recently in East Palo Alto, All of Us or None started a grassroots organizing initiative to reach people in 12 step programs. At the community-based re-recovery center Free at Last, almost 100 people gave testimony about the many ways felony convictions have affected their lives, despite their own struggle to stay clean and sober. Person after person recounted how they had been discriminated against in the job market, in training programs, trying to go to college, in child custody fights. Many of them pledged that they would take All of Us or None brochures to the World Convention of Narcotics Anonymous (July 3-6 in San Diego), recruiting other former felons in recovery to join the fight for our rights.

Continued

We want people currently in prison to have an active part in this organizing initiative, and we welcome your comments and ideas. We are creating a platform of action to achieve the following goals:

1. To overcome the fear and heal the shame associated with being a convicted felon or formerly incarcerated;
2. To change the public perception of who we are; to show our successes instead of allowing the media and others to focus only on our failures;
3. To eliminate the lifelong punishment that is the result of felony convictions;
4. To develop a Family Bill of Rights that will guarantee prison visiting rights, stop profiteering from telephone surcharges, stop one-strike evictions from public housing, end fast-track adoptions, and stop the deportation of juveniles and parents away from their families;
5. To pressure local, state and federal governments to develop policies and to make resources and services available to formerly incarcerated persons, in order to insure the greatest likelihood of success upon release;
6. To effectively advocate for alternatives to incarceration, both for young people and for adults; to encourage mother-and-child alternatives to incarceration for women;
7. To change society’s over-reliance on incarceration and stop the expansion of the Prison Industrial Complex;
8. To stop politicians and others from using crime rates and parole to advance their careers;
9. To advocate against human right abuses for our sisters and brothers behind the walls;
10. To develop a national movement of formerly incarcerated persons and felons so we can build political power for our communities.

For more information, please write Legal Services for Prisoners with Children, 1540 Market St., #490, San Francisco, CA 94102. 415-255-7036 x 337 (Dorsey Nunn, Yvonne Cooks or Linda Evans). Our website is www.allofusornone.org. We will be successful when people realize that we are not just victims of the system, that we can act together to change it. Our goal is to ensure that people with felony convictions can unite to regain our rights – for All of Us or None.

PRISON FOCUS

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OUR MISSION

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

CPF GOALS

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

SOME GUIDELINE FOR CONTRIBUTIONS TO PRISON FOCUS

Some suggestions for submissions:

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

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

Sorry, we cannot return your submissions unless a prior arrangement is made,

Submissions are not guaranteed to be published.

Please consider them a contribution to the work.

PF welcomes all submissions!

CONTACT US - WE'VE MOVED DOWNSTAIRS

California Prison Focus, 2940 16th Street, Suite B-5, San Francisco, CA 94103; Phone: (415) 252-9211; Fax: (415) 252-9311; E-mail: info@prisons.org; Website: www.prisons.org.

NEXT PRISON FOCUS TOPIC

Cuts and Cutbacks.....Submissions due 1/15/04

ABOUT CPF

California Prison Focus is a non-profit community-based human rights organization working with and for California prisoners. Our two main issue areas are fighting against the long term isolation, torture and abuse of Security Housing Units (SHU) and demanding an end to the medical neglect and abuse of prisoners with HIV, hepatitis C and other life-threatening diseases. The focus of our work is our investigative trips to women and men's prisons with SHU facilities and/or medical units. We make at least one visit per month. We work to build strong bridges between the prisoners and the community, and to bring forth the voice of the prisoners through our newsletter, Prison Focus, and our ongoing educational outreach and community forums. Central to our work is training ourselves, prisoners and their loved ones in self-advocacy through public protest, networking, coalition building, letter writing and contacting prison officials and policymakers.

Founded in 1991 (as Pelican Bay Information Project) we have made nearly 100 prison visits and conducted 3,000 interviews with prisoners. Our membership is comprised of prisoners, activists, family members of prisoners, former prisoners, human rights advocates, attorneys, and prison visitors.

ATTEND MEETINGS

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

BECOME A VOLUNTEER

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

MAKE A DONATION - WISH LIST

Your donations make all this possible. Send your tax deductible contributions to CPF at the address listed below or via our website. We are in a new office space (same building) and are looking for items to improve our space. Please contact us if you can donate a computer/laptop, couch, bookshelves, office furniture.