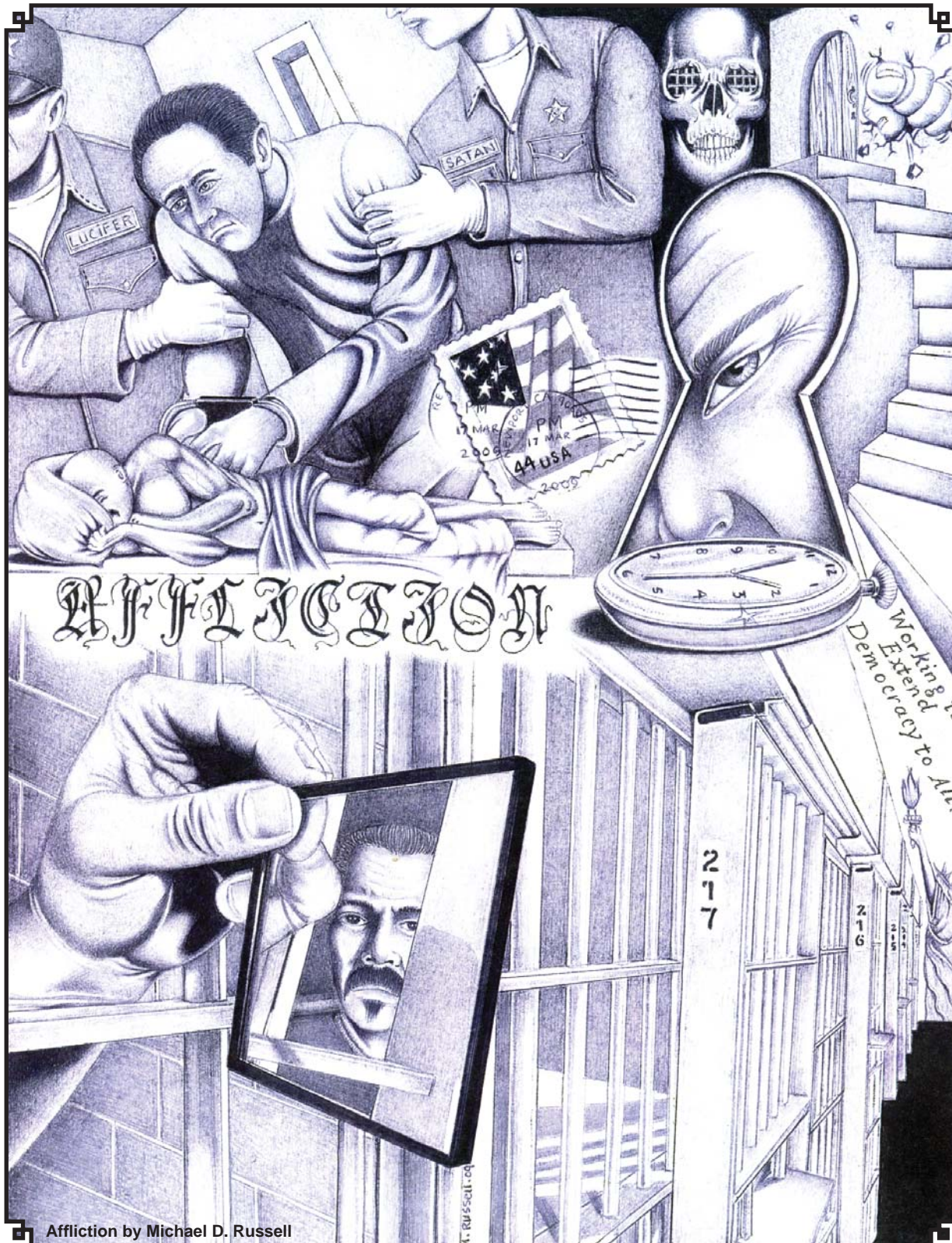




PRISON FOCUS

Number 34 ★ Spring 2010



Affliction by Michael D. Russell

LETTERS

SNY Rants on Hard Yard

Dear Prison Focus,

Thank you for your latest edition of your magazine #33 – Spring 2009. I saw the poem I sent in. I really enjoy reading your stories. But one caught me off guard by this person's ignorance of how CDC operates and the reasons for it. It was the nameless whiner who informed you on the HDSP Hunger Strike, Mr. Z Unit.

First send me his info and I'll arrange for a package of tissue. And I'll call the Whaabalance to come and get him. I am on a SNY yard, a drop out. I walked away from the main line mouth closed. I got tired of another man telling me how to do my program. And I have been doing this a very long time. Over two decades, with the "Surenos." Put in the work on the streets and in the prison system. Reality check buddy, you put yourself in the Z Unit because you could not stand on your own two feet. I got LWOP. Politics are 500 percent different than from the '80s and '90s. 18 and 19 years old kids dying for a debt—\$10. People power hungry, chasing dope.

Killing a man for a \$50 debt. That's wrong. It's routine today. But there's no longer any morals in prison. The reason why SNY feeds you guys is because "you" guys were caught peeing in our food, putting mice and other stuff in the food. So the SNY inmates were giving the duty and responsibility to do it.

Karma's bitch, huh!

Eighty percent of the SNYs are drop outs. People who left the gang live behind. It takes more heart and a bigger man to do that, than to kill a stranger based on color or where he's from.

By Robert Morgan, Sr.

[Editor's Note: *If an item was right I would still print material from SNY (Special Needs Yard or soft yard) prisoners. Even though my doing so had in the past caused such a shit storm from the hard yards that Leslie and I had to apologize for our failure to read the article in question before it was published (a lame excuse but nonetheless true). The above letter is not right. While Robert makes some valid criticisms of gang life on the hard yards, his error is rooted in his hatred. The article of which he speaks was about the March 1st*

2009 hunger strike at HDSP. That article said "150 to 170 convicts began a mass hunger strike to protest treatment and conditions." It noted that "convicts from all races participated" to protest "overcrowding, terrible medical care, torturous conditions of terrible discipline." Yes, food was also an issue. Robert's response should not have said: "Karma's bitch, huh!" Rather, it should have said something like this: "Greetings Hard Yard Comrades. Be it hereby announced that even though you contaminated our food first, we in SNY will no longer contaminate yours. Eat in health to grow strong for the struggle against our captors that lies ahead. We finally recognize that in the end we are all prisoners."]

Black August Statement

Greetings CPF!

New Afrikans deserve a Memorial Institution capable of serving the interests and special need whereby New Afrikans remember, and pay homage to our Afrikan Ancestors and the extensive procession of Revolutionary Freedom Fighters, and their many contributions and ultimate sacrifices made within our New African Nation (NAN) Liberation struggle in Amerika to obtain National Independence and Socialism.

With the creation and the establishment of our Black August Memorial concept, commencing with the first Black August Organizing Committee (B.A.O.C.) in 1979, we have such a New Afrikan Memorial institution commemorating our fallen revolutionary comrades/Ancestors who were killed for serving the interests of New Afrikan/Black people on both sides of prison walls.

As this relates to New Afrikan Prisoners of War (NAPOW) indeterminately confined and incarcerated within the Security Housing Unit (SHU) of Pelican Bay State Prison (PBSP), the commemoration of our Black August Memorial concept is being systematically, erroneously and spuriously repressed by PBSP officials.

The repression of our Black August commemorative practices/exercises is predicated upon PBSP officials' subjective reasoning utilized to falsely determine that our Black August Memorial concept constitutes prison gang activity/propaganda, exclusively and/or primarily based upon the facts Black August's origin/creation derived from conscious New African Prisoners of War trapped within California's infa-

mous prison system, whom the California Department of Corrections (CDC) and PBSP officials have deemed to be black prison gang members.

Having previously labeled any particular New African prisoner confined in PBSP SHU as a member of associate of a black prison gang, a labeling/designation more often than not inappropriately applied, any materials, writings/communications, literature, etc. received or disseminated by said New African PBSP prisoners are confiscated and disallowed as constitution prison gang propaganda, ideology, and/or activity constituting a threat to the safety and security of the prison institution.

This imposition of censorship as it relates of commemorating, receiving or disseminating accurate information pertaining to our Black August Memorial concept, is the obviously repressive measure currently and constantly employed by PBSP officials against our N.A.P.O.W. class indeterminately confined within PBSP SHU.

Our courage to resist social oppression on any and all levels which these nefarious tactics/measures are applied to adversely affect/effect our lives (N.A.P.O.W.), and the lives of our people, i.e. our New African Nation (NAN) is accurately exemplified through our concept of "Black August Resistance" (BAR), a term denoting our fighting style as illustrated by the heroic examples of such staunch revolutionary freedom fighters as George L. Jackson, Johnathan P. Jackson, and Jeffrey "Khatrari" Gaulden.

This year we reaffirm this spirit of resistance, to which we also maintain 365 days a year.

Eternal Black August Resistance!

Kamau M. Askari B/N Ralph A. Taylor

[Ed. Note: *Outside people note that black prisoners are still being validated as gang members for any hint of support for Black August. More than one prisoner did not get a copy of their subscription to issue number 31, Summer, 2008, and wrote for a replacement copy. That issue had on its cover, in bold letters, "BLACK AUGUST – WE WILL NEVER FORGET!" Their request for the replacement of an undelivered issue has been used to validate*

Continued on page 15

PRISON FOCUS

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

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Subscribe to *Prison Focus* for \$20 and receive four issues (\$5 for prisoners and free to California SHU prisoners). Upon request, you may receive a free sample in the next bulk mailing. Back issues are \$2 each (if available). For further information, phone (510) 836-7222 or fax (510) 836-7333.

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EDITOR

Ed Mead

SPECIAL THANKS

All of the art in this issue, with the exception of the great cover art done by art by Michael D. Russell, titled *Affliction*, was done by Rashid, a New African Political Prisoner doing time at the Red Onion in Virginia. He has a remarkable collection of art, but the limited space I am able to devote to his work does not do it justice.

I would like to give a special shout out to our poets and letter writers in this issue. But the biggest and greatest thanks go to the outstanding CPF volunteers and supporters who raise the money and do the hard physical labor necessary to mail out this magazine so it can be in your hands right now.

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NEWS: SOCIETY AND PRISONS

\$1M AWARDED TO 5 WASHINGTON INMATES IN SEX-ASSAULT LAWSUIT

The state Department of Corrections will pay \$1 million to settle part of a class-action lawsuit filed by current and former female inmates who allege they were sexually assaulted by prison guards.

A group of inmates at the Washington Corrections Center for Women, in Purdy near Gig Harbor, filed the lawsuit against former corrections Secretary Harold Clarke in July 2007. The women allege that sexual assaults by staff were rampant and that the Department of Corrections (DOC) failed to adequately investigate their complaints.

The money will be paid to the five inmates who allege they were assaulted multiple times.

The lawsuit, filed in Thurston County Superior Court by Columbia Legal Services and Public Interest Law Group, alleges that the inmates were repeatedly assaulted and that the assaults continued even after the DOC investigated. The money settles a portion of the lawsuit, but claims remain aimed at making widespread changes in a system they allege tolerates sexual misconduct.

“Our clients had originally requested more [money] than that, but we think it’s a really good settlement for our clients and the state,” said Beth Colgan, the Columbia Legal Services attorney handling the case. “It’s everything in respect to damages. What’s outstanding is the injunctive relief, changes the department has to make to protect women from sexual abuse and deal with sexual abuse when it does occur.”

Colgan said in a news release that five of the six guards identified by the plaintiffs have resigned or been fired.

A part of the lawsuit — seeking to change how DOC handles complaints of misconduct against staff — was filed as a class action on behalf of all women inmates in custody or on work or community release.

Between 2003 and 2007, there were at least 41 allegations of sexual misconduct by corrections employees against inmates investigated at the Pierce County women’s prison.

Inmates who complained were often subjected to lie-detector tests by prison staffers and were rarely asked to submit to a rape-kit examination, a standard procedure for sexual-assault victims outside prison walls, according to the lawsuit.

DOC spokesman Chad Lewis said there were 94 reports of sexual misconduct involving staff and offenders at all 15 state prisons in 2008. Of those, DOC investigators substantiated 23 of them.

Only the monetary portion of the lawsuit has been settled. Efforts by the inmates to change the DOC culture when it comes to investigating these incidents are ongoing and their lawyer vows that if no agreement is reached, the case will proceed to trial. ☉

By Jennifer Sullivan, Seattle Times, June 12, 2009

RAPE OF LGBT PRISONERS: A HATE CRIME

Just Detention International (JDI) welcomes the release of the 2008 report on Hate Violence against Lesbian, Gay, Bisexual, and Transgender People in the United States, published by the National Coalition of Anti-Violence Programs (NCAVP). The report provides the most recent data available on violence against lesbian, gay, bisexual, and transgender (LGBT) individuals. This year’s report also includes a section by JDI, highlighting the rampant sexual abuse of LGBT prisoners.

The FBI has defined a hate crime as “a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.” LGBT prisoners are disproportionately targeted for sexual abuse because of their sexual orientation and/or gender identity. Therefore, this form of violence constitutes a hate crime.

“Every day, the lives of countless U.S. prisoners are shattered by sexual abuse. An alarming proportion of these inmates are gay or transgender,” said Lovisa Stannow, Executive Director of JDI. “The trauma that LGBT prisoner rape survivors experience is made worse by the homophobia and

derision they frequently encounter when attempting to file a formal complaint of a sexual assault.”

The section of the NCAVP report on sexual abuse of LGBT prisoners includes personal accounts from some of the survivors who wrote to JDI in the past year. ☉

For further information or to arrange an interview with an LGBT prisoner rape survivor, please contact JDI’s Program Associate, Edward Cervantes, at (213) 384-1400 ext. 105.

SEXUAL ABUSE OF PRISONERS “DISTRESSINGLY COMMON”

Prisoner wins \$1.3 million in Denver rape case

A female inmate awarded \$1.3 million because she was sexually assaulted by a prison guard and was victimized during a period in which 197 reports of sexual misconduct were made against state prison staff.

Of the complaints logged between 2005 and 2007, 62 cases were substantiated and resulted in firings, Colorado Department of Corrections spokeswoman Katherine Sanguinetti said Thursday.

The DOC’s inspector general turned over the complaints to local prosecutors.

One, the 2006 case involving former prison Sgt. Leshawn Terrell, was an example of “horrific violence” that moved U.S. Circuit Judge David Ebel to lambaste the way the department handles sexual assault by its employees in his decision to award \$1.3 million to the inmate.

Ebel said the sexual abuse of inmates “remains distressingly common in Colorado prisons.”

“Further, the court received evidence that it is not uncommon for CDOC to have to dismiss prison staff at the Denver complex because of sexual misconduct,” he wrote.

The prisoner said Terrell coerced her into performing sex acts for five months. When she finally refused him, she says, he raped her.

In addition to the money Terrell must pay the victim, the DOC settled its case with her with a \$250,000 payment.

Corrections officials say they will use the lawsuit in employee training.

Employees who work with prisoners undergo extensive background checks, including an evaluation of their integrity and close relationships, Sanguinetti said. They also receive ongoing training.

“One of the things I guarantee will happen because of this case as we talk to our staff in our refresher trainings is that they can be liable personally if they step outside the lines of our policies and procedures,” she said. “Quite frankly, we hope it does set an example for people in these positions, not just in Colorado but across the country.”

As part of the settlement, the DOC installed cameras in the kitchen of the Denver Women’s Correctional Facility, where the assaults occurred, said the woman’s attorney, Mari Newman.

Treated as “playthings”

“This is an extraordinarily important opinion which will have a major ripple effect on prisons Colorado and nationwide,” Newman said. “This was a case in which a guard was essentially treating female inmates, including my client, as playthings for his own sexual gratification.”

The Denver Post is withholding the prisoner’s name because she is a victim of sexual assault. She is serving time on burglary, drug and escape charges and is eligible for parole in October, records show.

Terrell, 38, could not be reached for comment Thursday. He resigned from the Corrections Department in 2007 and did not respond to the lawsuit.

Court records say that on Mother’s Day 2006, Terrell approached the inmate during her shift in the prison kitchen and told her that in exchange for sex, he would “take care of her.”

After the first encounter, Terrell expected her to perform sex acts with him almost every shift, the documents say.

In October 2006, the woman refused him. Terrell got angry, raped the prisoner and left her bleeding on the floor of the bakery cooler, court records show.

“For nearly two years following the rape, (she) suffered pain and bleeding when she defecated,” Ebel wrote in his decision, handed down Wednesday. “She repeatedly attempted to get help. . . . Rather than doing an examination, the (DOC) medical staff told (her) to use stool softeners, Milk of Magnesia, or hemorrhoid cream.”

The inmate had surgery for her injuries after she filed her lawsuit.

Victim didn’t want to testify

Though the woman didn’t initially report the rape when charges were brought against Terrell, in his ruling, Ebel also criticized Denver prosecutors.

“This court is appalled that despite CDOC’s ‘zero tolerance’ and ‘aggressive prosecution’ policy — and despite the horrific violence of the Oct. 7, 2006, rape — the Denver District Attorney permitted Terrell to plead to a Class 1 misdemeanor offense that carried a 60-day term of imprisonment,” Ebel wrote.

Denver DA’s office spokeswoman Lynn Kimbrough said the victim accepted the plea agreement and did not want the case go to trial or to testify.

She said prosecutors are “100 percent” in support of a zero-tolerance policy on sexual misconduct, but they have to be able to prove the allegations beyond a reasonable doubt.

Proving the rape charge, which could have been a Class 4 felony sexual-assault charge, might have been difficult because of credibility issues with the victim, Kimbrough said.

Because of the guilty plea, Terrell is now under court supervision and registered as a sex offender. ☉

By Felisa Cardona, The Denver Post, 06/12/2009

SURVIVORS VINDICATED AFTER 13 YEAR LEGAL STRUGGLE IN MICHIGAN

The Michigan Department of Corrections to settled a class action lawsuit brought by more than 500 female prisoners who were sexually assaulted in Michigan prisons. The case has been going on for more than 10 years — with the state previously refusing to take responsibility for the rampant abuse in its facilities, even after losing two related trials. The state will pay a total of \$100 million to the women victimized in Michigan’s prisons.

Settling this case is a positive first step, but not enough to address and prevent the sexual violence that continues to plague Michigan corrections facilities. With support from the Arcus Foundation, JDI is working with the Wayne County, Michigan, jail to provide training, review policy,

and create strong partnerships with local rape crisis centers. JDI hopes that today’s settlement encourages the state prison system, as well as other county jails in Michigan, to follow Wayne County’s example and work to end sexual abuse of those in their custody.

You can read more about the case at the Detroit Free Press. ☉

For more information, please contact Melissa Rothstein at 202.580.6971 or mrothstein@justdetention.org.

PERPETRATORS AND ENABLERS OF TORTURE IN THE US

During the past 25 years I’ve spent a lot of time with survivors of torture, men and women enduring long term solitary confinement in California’s prisons. They are the most urgent victims of US mass incarceration with its overcrowded facilities and policy of incapacitation, not rehabilitation.

Those thousands held in solitary for years on end report the expected classic symptoms of psychic disturbance, mental deterioration and social disruption. As described by various penal psychiatric experts, the symptoms of this syndrome include massive free-floating anxiety, hyperresponsiveness to external stimuli, perceptual distortions and hallucinations, a feeling of unreality, difficulty with concentration and memory, acute confusional states, the emergence of primitive aggressive fantasies, persecutory ideation, motor excitement, and violent destructive or self-mutilatory outbursts. The degrading conditions produce behaviors ranging from fights among prisoners to assaults on staff, assaults by staff, excrement throwing, self mutilation and contract killings. Isolation tears apart family and friendship ties creating social dislocation.

In California there are about 4,000 men and women held in the State’s supermax facilities called Security Housing Units (including 600 serving SHU terms in Administrative Segregation). That is 2.5% of the total population of 160,000. The regime in SHU is a 23.5 hour per day lockdown in the 8’ X 10’ cell with no communal activities aside from small group exercise yards for some. There is no work, no school, no communal worship and meals are eaten in

cell. TVs and radios must be purchased, so the poor have none. Visits are noncontact, behind glass and limited to 1-2 hours on each weekend visit day. Each prisoner must submit to being handcuffed behind the back in order to exit the cell. Leg iron hobble chains are commonly used.

More than 50% of the men in SHU are assigned indeterminate terms there because of alleged gang membership or activity. The only program that the California Department of Corrections and Rehabilitation (CDCr) offers to them is to debrief. The single way offered to earn their way out of SHU is to tell departmental gang investigators everything they know about gang membership and activities including describing crimes they have committed. The Department calls it debriefing. The prisoners call it "snitch, parole or die." The only ways out are to snitch, finish the prison term or die. The protection against self incrimination is collapsed in the service of anti-gang investigation.

CDCr asserts that the lockdown and snitch policy are required for the safety and security of the institution. Having legitimate penological purpose, the SHU program is deemed worth any harm done to the prisoners. California prisons continue to have a high rate of assaultive incidents among prisoners and from prisoners to staff. There is no proof or even any study that demonstrates that these measures are effective anti-gang measures. They appear to be no more useful than previous brutalities like that unleashed at Corcoran prison more than a decade ago.

Between 1988 and 1995 CDCr ran a program at the Corcoran SHU called the Integrated Yard Policy. Rival gang members were deliberately mixed together in small group exercise yards. The prisoners had to fight, and fight well or be punished by their own gangs. When the fights occurred guards were required to fire first anti-riot guns and then assault rifles at the combatants. Seven prisoners were killed and hundreds wounded. The program of beating prisoners down into the concrete with gunfire resulted in bigger stronger gangs with new martyrs and heroes. Mayhem and violence was added to the prison social system by departmental policy. No CDCr official has ever been held accountable or even assigned responsibility for what was known at Corcoran as the gladiator days. Line staff brought to trial by the US Department of Justice avoided criminal convictions by proving that they were just following or-

ders.

There are four prisons in California with SHUs: Corcoran, Pelican Bay and Tehachapi for men and Valley State Prison for Women. Only a few women have ever been given a SHU term for gang activity. All those identified as gang members by the administrative kangaroo court serve SHU terms without end. The only way out is to debrief, to testify against oneself to prison rules violations and crimes.

Prisoners have found it very hard to attack the abuses in the SHU, even though the US is under the jurisdiction of the UN Convention Against Torture (CAT). The US states reservations to the treaty asserting that the US Constitution and body of law are all that is required to satisfy the obligations of CAT. But the 1995 Prison Litigation Reform Act (PLRA) that prohibits a prisoner bringing action for mental or emotional injury without prior showing of physical injury is one law that violates CAT. The UN Committee on Torture expressed concern that by disallowing compensation for psychic abuse the PLRA is out of compliance with CAT.



Under CAT torture includes, "...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted..." But the US 1990 reservations to CAT were designed specifically to allow solitary confinement as the reservations state that mental pain and suffering must be prolonged, be tied to infliction or threats of infliction of physical pain, the result of drugging or the result of death threats.

Despite SHU confinement without end to attempt to control gangs, prison gangs thrive in California's prisons. The gang leadership predictably uses the snitch sessions to falsely target their rivals, or just recruit new members. Just as we have seen in US anti-terror investigations, information derived from coercion is often unreliable.

Using indeterminate total lockdown to extract confessions is torture by international standards, as is the use of prolonged

solitary confinement. US prison officials order by rule the torture of prisoners. 1 in 31 adults in the US are under the supervision of the criminal detention system (jail, prison, probation or parole) with 2.5 million behind bars. Prisons dominate the lives of poor communities and communities of color and are ignored by affluent white America. 1 in 11 African-Americans and 1 in 27 Latino-Americans are under penal jurisdiction. Prisoners damaged by incarceration are returning to communities increasingly less able to absorb them. The 2005 census found that severe poverty increased 26% more than the overall growth in poverty. In 2002 43% of the nation's poor were living in severe poverty, the highest rate since 1975.

Torture has always served more to beat down a population than to extract reliable information. The unstated goal is to incapacitate and marginalize the dangerous poor who are locked out of America's opportunity and riches. The routine even banal nature of torture in US prisons enables torture to be acceptable, and informs our failing strategies of dealing with any opposition by using brute force.

A more useful way to undermine and blunt prison gangs would be to provide programs and procedures that enliven the community of prisoners with rehabilitative activity making them too busy and too hopeful to become involved. Drug and mental health treatment and education and vocational training rather than enforced idleness and despair will help change the culture of the prison yard from a battleground to a place for personal and social renewal. To be successful at a renewal behind bars, a revitalization of our poor communities is desperately needed.

I'll never forget my visit to several prisons in the United Kingdom a number of years ago. I toured one of their high security units housing eight of the forty men out of 75,000 considered too dangerous or disruptive to be in any other facility. The men were out of their cells at exercise or at a computer or with a counselor or teacher. The goal was to get them back on mainline through rehabilitation not terror. With embarrassment the host took us to the one cell holding the single individual who had to be continuously locked down and cuffed and hobbled before exit from his cell. I was equally embarrassed to tell our guide that this is how 2.5% of US prisoners are routinely treated. ©

CoreyWeinstein, MD, CCHP

CALIFORNIA KEEPS PRISON POPULATION HIGH BUT CUTS TREATMENT PROGRAMS

As California's irresponsible leaders have reduced the Golden State to issuing IOU's, one would think they would be looking to the prison budget as a place to save money. The state spends over \$10 billion a year on prisons. That's 11% of the general fund! But so far significant reforms of the CDCR have been off the table.

This is puzzling. Even "tough on crime" Texas has made dramatic changes that will reduce their prison population by punishing many offenders in the community, where they have access to treatment programs, and are close to their families and work. These reforms have allowed Texas to scrap plans to build three more prisons, saving hundreds of millions of dollars. Texas is investing one-third of the savings into these community alternative punishments and treatment. The other two-thirds will go to roads, hospitals and schools.

California on the other hand is going in the opposite direction. They have eliminated drug treatment programs, sex offender counseling and virtually every program which prepares inmates to live healthy, productive lives after they are released. These cuts allow the prisons to keep the maximum number of inmates incarcerated, but with no programs to occupy their time productively. Why? It certainly isn't making us safer.

Several other states have shown that they can save hundreds of millions by reserving costly prison beds for truly dangerous criminals, while punishing low-risk offenders in community facilities. These intelligent policies keep the public safe while also saving the taxpayers significant dollars. Maryland, Massachusetts, Nevada, New Jersey, North Carolina, and South Carolina have also reduced their prison population while reducing their crime rates. It's time for California to follow suit. Outside folks can find out more about common sense criminal justice reforms at www.justicefellowship.org ☉

http://www.huffingt onpost.com/pat-nolan/california-keeps-prison-p_b_231395.html

SUPPORT LINDA SMITH AND NORMA CUMPIAN—LONG- TERM CALIFORNIA PRISONERS

On July 3rd 2009 Governor Schwarzenegger released his decision to reverse the Board of Parole Hearings' decision to grant parole to survivor Carol Sue McInnis.

Carol Sue McInnis is a 70-year-old battered woman who has served nearly 20 years on a 15-to-life sentence for the death of her abusive and manipulative husband. Ms. McInnis uses a wheelchair and an oxygen tank full-time. She is currently at the infirmary at Valley State Prison for Women and has been diagnosed with Congestive Heart Failure, Chronic Obstructive Pulmonary Disease and Diabetes.

Ms. McInnis had a stroke shortly after she was incarcerated and was declared medically disabled in 1992. Due to extensive medical limitations, vocation, education, and group therapy have been virtually impossible for her to participate in during her incarceration. Free Battered Women joins with Ms. McInnis and her supporters in grieving over the Governor's reversal. We remain committed to supporting Ms. McInnis' freedom.

Despite this devastating news we must continue to fight for the freedom of many other survivors whose cases will be up for review before the Governor in the next few months. We are hoping to help secure the release of two survivors Norma Cumpian and Linda Lee Smith, and we need your support.



Please take a moment to send a free fax to Governor Schwarzenegger at http://www.freebatteredwomen.org/Alert_Norma.html urging him to release incarcerated domestic violence survivor Norma Cumpian. Ms.Cumpian has spent 17 years at the California Institution for Women (CIW) on a 15-to-life sentence (plus a four year gun enhancement) for the death of her abusive boyfriend. The Board of Parole Hearings found Ms. Cumpian suitable for parole and I urge you to support their decision to release her.

Ms.Cumpian is a 39-year-old woman who has had an exemplary disciplinary record while in prison. She has used her time in prison to transform herself through support groups, study, work, and service. During her incarceration, Ms. Cumpian has displayed considerable leadership skills, as well as a commitment to self-improvement and support for others' growth. She has been a leader within Convicted Women Against Abuse.

Please take a moment to send a free fax to Governor Schwarzenegger at http://www.freebatteredwomen.org/Alert_Linda.html urging him to release incarcerated domestic violence survivor Linda Lee Smith. In 1981, Ms. Smith was convicted of 2nd degree murder and sentenced to 15-years-to-life in connection with the death of her two-year-old daughter, Amy, who was beaten to death by her abusive boyfriend. Although the victim in Linda's case was not her abusive partner, the fact that she was a battered woman was significant in her inaction to stop the crime. Linda has been found suitable for parole by the Board of Parole Hearings ten times since 1989. Each time, the Governor has reversed the Board's decision, despite the fact that Amy's father and sister (who witnessed the crime) support Linda's release. Linda currently is in her 29th year in prison where she has remained disciplinary-free, earned a Bachelor's degree from the University of La Verne, and continues to work toward her Master of Theology degree from Fuller Theological Seminary.

Please add your voice to those calling for Cumpian's and Smith's freedom by sending the Governor a free fax at <http://www.freebatteredwomen.org/alerts.html>. ☉

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BEYOND ATTICA: THE UNTOLD STORY OF WOMEN'S RESISTANCE BEHIND BARS

By Hans Bennett, *AlterNet*

“When I was 15, my friends started going to jail,” says Victoria Law, a native New Yorker. “Chinatown’s gangs were recruiting in the high schools in Queens and, faced with the choice of stultifying days learning nothing in overcrowded classrooms or easy money, many of my friends had dropped out to join a gang.”

“One by one,” Law recalls, “they landed in Rikers Island, an entire island in New York City devoted to pretrial detainment for those who can not afford bail.”

Law shares this and other recollections in her new book, *Resistance Behind Bars: The Struggles of Incarcerated Women* (PM Press). At 16, she herself decided to join a gang, but was arrested for the armed robbery that she committed for her initiation into the gang. “Because it was my first arrest -- and probably because 16-year-old Chinese girls who get straight As in school did not seem particularly menacing -- I was eventually let off with probation,” she writes.

Before her release from jail, Law was held in the “Tombs” awaiting arraignment. While the adult women she met there had all been arrested for prostitution, she also met three teenagers arrested for unarmed assault. “Two of the girls were black lesbian lovers. In a scenario that would be repeated 13 years later in the case of the New Jersey Four, they had been out with friends when they encountered a cab driver who had tried to grab one of them. Her friends intervened, the cab driver called the police and the girls were arrested for assault.” Law notes that “both of my cellmates were subsequently sent to Rikers Island.”

These early experiences, coupled with her later discovery of radical politics, pushed Law “to think about who goes to prison and why.” She got involved in several projects to support prisoners, which included helping to start Books Through Bars in New York City, sending free books to prisoners. In college, she “began researching current prisoner organizing and resistance,” and upon discovering almost zero documentation of resistance from women prisoners, she began her own documentation and directly contacted women prisoners who were resisting. A college paper became a widely distributed pam-

phlet, and at the request of several women prisoners she’d corresponded with, Law helped to publish their writings in a zine called *Tenacious: Art and Writings from Women in Prison*. Law writes that the zine and pamphlet “heightened awareness not only about incarcerated women’s issues, but also women’s actions to challenge and change the injustices they faced on a daily basis.”

“This book is the result of seven and a half years of reading, writing, listening, and supporting women in prison,” Law says about *Resistance Behind Bars*, noting that each chapter in her book “focuses on an issue that women themselves have identified as important.” The chapters include topics as diverse as health care, the relationship between mothers and daughters, sexual abuse, education, and resistance among women in immigration detention. *Resistance Behind Bars* paints a picture of women prisoners resisting a deeply flawed prison system, which Law hopes will help to empower both the women held in cages and those on the outside working to support them.

Who Goes To Prison?

Since 1970, the US prison population has skyrocketed, from 300,000 to over 2.3 million. According to the US Justice Department, this staggering increase has not resulted from a rise in crime. Since 1993, the prison population has increased by over one million, but during this same period, both property offenses and serious violent crime have been steadily declining. The *New York Times* recently cited a 2008 report by the International Center for Prison Studies at King’s College London documenting that the US has more prisoners

than any other country. Furthermore, with 751 out of 100,000 people, and one out of every 100 adults in prison or jail, the US also has the highest incarceration rate in the world. With only five percent of the world’s population, the US has almost a quarter of the world’s prisoners.

While women comprise only nine percent of the U.S. prison population, their numbers have been increasing at a faster rate than men. As Law documents, “between 1990 and 2000, the number of women in prison rose 108 percent, from 44,065 to 93,234. (The male prison population grew 77 percent during that same time period.) By the end of 2006, 112,498 women were behind bars.”

Like with male incarceration rates, women behind bars are disproportionately low-income and people of color. Law writes that “only 40 percent of all incarcerated women had been employed full-time before incarceration. Of those, most had held low-paying jobs: a study of women under supervision (prison, jail, parole or probation) found that two-thirds had never held a job that paid more than \$6.50 per hour. Approximately 37 percent earned less than \$600 per month.”

A 2007 Bureau of Justice study documented that 358 of every 100,000 Black women, 152 of every 100,000 Latinas, and 94 of every 100,000 white women are incarcerated. Explaining this racial discrepancy, Law argues that inner-city Black and Latino neighborhoods are disproportionately targeted by law enforcement. She cites a 2005 U.S. Department of Justice study which concluded that Blacks and Latinos are “three times as likely as whites to be searched, arrested, threatened or subdued with force when stopped by the police.”

The so-called “War on Drugs” has played a key role in the growth of the U.S. prison population. Law writes about the impact of New York State’s Rockefeller Drug Laws passed in 1973, “which required a sentence of 15 years to life for anyone convicted of selling two ounces or possessing four ounces of a narcotic, regardless of circumstances or prior history. That year, only 400 women were imprisoned in New York State. As of January 1, 2001, there were 3,133. Over 50 percent had been convicted of a drug offense and 20 percent were convicted solely



of possession. Other states passed similar laws, causing the number of women imprisoned nationwide for drug offenses to rise 888 percent from 1986 to 1996.”

Distinguishing women prisoners from their male counterparts, Law cites a Bureau of Justice study which “found that women were three times more likely than men to have been physically or sexually abused prior to incarceration.”

Women Prisoners Don't Resist?

The central thesis of *Resistance Behind Bars* is truly profound. In clear, non-academic language, Law argues that recent scholarship documenting and radically criticizing the increased incarceration rates and mistreatment of women prisoners “largely ignores what the women themselves do to change or protest these circumstances, thus reinforcing the belief that incarcerated women do not organize.” Alongside academia, Law also harshly criticizes radical prison activists, arguing that “just as the civil rights movement of the 1960s and 1970s downplayed the role of women in favor of highlighting male spokesmen and leaders, the prisoners’ rights movement has focused and continues to focus on men to speak for the masses.”

Law gives honorable mention to two books that documented women’s resistance at Bedford Hills Correctional Facility in New York State: Juanita Diaz-Cotto’s *Gender, Ethnicity, and the State* (1996) and the collectively written *Breaking the Walls of Silence: AIDS and Women in a New York State Maximum Security Prison* (1998). Since these two books “no other book-length work has focused on incarcerated women’s activism and resistance,” writes Law. As a result, Law argues that women prisoners “lack a commonly known history of resistance. While male prisoners can draw on the examples of George Jackson, the Attica uprising and other well-publicized cases of prisoner activism, incarcerated women remain unaware of precedents relevant to them.”

Epitomizing the scholarship that Law criticizes, author Virginia High Brislin wrote that “women inmates themselves have called very little attention to their situations,” and “are hardly ever involved in violent encounters with officials (i.e. riots), nor do they initiate litigation as often as do males in prison.”

To challenge Brislin’s assertion, Law gives numerous examples of women rioting and initiating litigation, including the

“August Rebellion” in 1974 at Bedford Hills Correctional Facility in New York State. On July 2, 1974, prisoner Carol Crooks won a lawsuit against prison authorities, with the court “issuing a preliminary injunction, prohibiting the prison from placing women in segregation without 24-hour notice and a hearing of these charges,” writes Law. In response, “five male guards beat Crooks and placed her in segregation. Her fellow prisoners protested by holding seven staff members hostage for two and a half hours. However, ‘the August Rebellion’ is virtually unknown today despite that fact that male state troopers and (male) guards from men’s prisons were called to suppress the uprising, resulting in 25 women being injured and 24 women being transferred to Matteawan Complex for the Criminally Insane without the required commitment hearings.”

Law also criticizes author Karlene Faith, who acknowledges that women resist, but who wrote that in the 1970s, women prisoners “were not as politicized as the men [prisoners], and they did not engage in the kinds of protest actions that aroused media attention.” To challenge Faith’s argument, Law cites several rebellions that received significant media attention, including one that the *New York Times* wrote two stories about. As Law recounts, “in 1975, women at the North Carolina Correctional Center for Women held a sit-down demonstration to demand better medical care, improved counseling services, and the closing of the prison laundry. When prison guards attempted to end the protest by herding the women into the gymnasium and beating them, the women fought back, using volleyball net poles, chunks of concrete and hoe handles to drive the guards out of the prison. Over 100 guards from other prisons were summoned to quell the rebellion.”

In light of the many such stories documented in *Resistance Behind Bars*, Law argues that “instead of claiming that women in prison did not engage in riots and protest actions that captured media attention, scholars and researchers should examine why these acts of organizing fail to attract the same critical and scholarly attention as that given to similar male actions.”

Resisting With Media-Activism

In the chapter “Grievances, Lawsuits, and the Power of the Media,” Law observes that “gaining media attention often gains quicker results than filing lawsuits.” Among the many organizing victories that

were significantly aided by media attention, in 1999, *Nightline* focused on conditions at California’s Valley State Prison for Women. Law explains that “after prisoner after prisoner told *Nightline* anchor Ted Koppel about being given a pelvic exam as ‘part of the treatment’ for any ailment, including stomach problems or diabetes, Koppel asked the prison’s chief medical officer Dr. Anthony DiDomenico, for an explanation.”

DiDomenico was apparently so confident that he would not be held accountable for his misconduct, that he answered Koppel by saying “I’ve heard inmates tell me they would deliberately like to be examined. It’s the only male contact they get.” After this interview was aired, DiDomenico was re-assigned to a desk job, and as of 2001 he had been criminally indicted, along with a second doctor.

Demonstrating the power of this media coverage, Law notes that the “prisoner advocacy organization Legal Services for Prisoners with Children had been reporting the prisoners’ complaints about medical staff’s sexual misconduct to the CDC for four years with no result.”

Along with agitating for coverage in the mainstream media, women prisoners have also created their own media projects. The chapter titled “Breaking The Silence: Incarcerated Women’s Media” documents many important projects. Law explains that these projects are necessary because women prisoners’ “voices and stories still remain unheard by both mainstream and activist-oriented media. Articles about both prison conditions and prisoners often portray the male prisoner experience, ignoring the different issues facing women in prison.” Therefore, “women’s acts of writing -- and publishing -- often serve a dual purpose: they challenge existing stereotypes and distortions of prisoners and prison life, framing and correcting prevailing (mis) perceptions. They also boost women’s sense of self-worth and agency in a system designed to not only isolate and alienate its prisoners but also erase all traces of individuality.”

Some activist-oriented publications have been receptive and have published prisoners’ writings. From 1999 until its final issue in 2002, the radical feminist magazine *Sojourner: A Women’s Forum* featured a section on women prisoner issues which included writings from the prisoners themselves. Law writes that this section, entitled “Inside/Outside” covered many topics, including “working conditions in women’s facilities, the dehumanizing treatment of

children visiting their mothers, and prisoner suicides.

Law spotlights many different projects. From 2002 to 2006, *Perceptions* was a monthly newspaper published by and for the women at the Edna Mahan Correctional Facility for Women in New Jersey. Because of censorship from prison warden Charlotte Blackwell, *Perceptions* was forced to limit its criticism of the prison, but the women published what they could. For example, in one issue, women wrote about how they would run the prison differently if they were in charge. Law notes that “their fantasies revealed the absence of programming for older women and those in the maximum custody unit, emergency counseling and therapeutic interventions and opportunities for mother-child interactions. It also drew attention to the facility’s overcrowding and increased potentials for violence and conflict among prisoners.”

Tenacious, the zine published by Law, was initiated by women prisoners who sought the help of friends outside the prison to actually publish and distribute it. “Free from the need to seek administrative approval, incarcerated women wrote about the difficulties of parenting from prison, dangerously inadequate health care, sexual assault by prison staff and the scarcity of educational and vocational opportunities, especially in comparison to their male counterparts. Although circulation remained small, the women’s stories provoked public response,” writes Law.

“Prison officials do whatever they can to strip prisoners of their dignity and self-worth,” stated Barrilee Bannister, one of the founders of *Tenacious*. “Writing is my way to escape the confines of prison and the debilitating ailments of prison life. It’s me putting on boxing gloves and stepping into the rink of freedom of speech and opinion.”

Arguing For Prison Abolition

When Victoria Law was first introduced to radical politics, shortly after her own stint behind bars, she “discovered groups and literature espousing prison abolition.”

“These analyses -- coupled with what I had seen firsthand -- made sense, steering me to work towards the dismantling, rather than the reform, of the prison system.” Law’s subsequent research has only served to affirm her belief in the need for abolition. She states clearly that “this book should not be mistaken for a call for more humane or ‘gender responsive’ prisons.”

Some readers may view Law’s prison ab-

olitionist politics as being abstract or overly theoretical. However, to support her abolitionist viewpoint, she makes the practical argument that prisons simply don’t work to reduce crime or increase public safety. She writes that “incarceration has not decreased crime; instead, ‘tough on crime’ policies have led to the criminalization ... of more activities, leading to higher rates of arrest, prosecution and incarceration while shifting money and resources away from other public entities, such as education, housing, health care, drug treatment, and other societal supports. The growing popularity of abolitionist thought can be seen in the expansion of organizations such as Critical Resistance, an organization fighting to end the need for a prison-industrial complex, and the formation of groups working to address issues of crime and victimization without relying on the police or prisons.”

Towards the end of *Resistance Behind Bars*, Law quotes Angela Y. Davis, who is a leading activist intellectual of the prison abolitionist movement. In her recent book *Are Prisons Obsolete?*, Davis writes that “a major challenge of this movement is to do the work that will create more human, habitable environments for people in prison without bolstering the permanence of the prison system. How, then, do we accomplish this balancing act of passionately attending to the needs of prisoners -- calling for less violent conditions, an end to sexual assault, improved physical and mental health care, greater access to drug programs, better educational work opportunities, unionization of prison labor, more connections with families and communities, shorter or alternative sentencing -- and at the same time call for alternatives to sentencing altogether, no more prison construction, and abolitionist strategies that question the place of the prison in our future?”

As if answering Davis’ question, Law concludes that while striving for prison abolition “we need to also reach in, make contact with those who have been isolated by prison walls and societal indifference and listen to those who are speaking out, like many of the women who have shared their stories within this book. Because abolishing prisons will not happen tomorrow, next week or even next year, we need to break through these barriers, communicate, work with and support women who are in resistance today.” ☉

View this story online at: <http://www.alternet.org/story/141474/>

SOLEDAD PRISON, ALREADY TWICE CAPACITY, GETS MORE THAN 220 RIOT INMATES

By Maria Inezamudio

More than 220 inmates from the state prison in Chino have been moved to the Correctional Training Facility in Soledad after a racially motivated riot damaged seven housing units at the California Institution for Men in Southern California, officials said.

The inmates were transported Tuesday, a few days after the riot destroyed more than 1,300 beds in the Chino facility, said Terry Thornton of the California Department of Corrections and Rehabilitation.

Another 735 inmates were transferred to Herman G. Stark Youth Correctional Facility in Chino, and the rest were sent to other state prisons.

“You just can’t have people living in those conditions,” Thornton said.

Employees from the damaged prison are being sent to oversee inmates at the other facilities, but crowding will still occur. Soledad CTF is designed for 3,301 inmates. Its population now is 6,997.

A major factor in the Chino riot, which has left five inmates still hospitalized, was crowding, investigators said.

It will cost taxpayers as much as \$6 million to clean up and repair the Chino prison. CDCR said the department will try to find the money in its budget.

The Chino facility is one of 11 “reception centers” in the state, where prisoners are processed and then transported to another state prison for the remainder of their terms.

Typically, inmates stay at Chino about 45 days, Thornton said. ☉

Source: mzamudio@thecalifornian.com, Aug. 14, 2009



STATEMENT FROM THE CHICANO MEXICANO PRISON PROJECT ON AUGUST 10, 2009

VIOLENCE BETWEEN RAZA AND AFRICAN PRISONERS AT CALI- FORNIA STATE PRISON

Note: *The Chicano Mexicano Prison Project (CMPP) was established in 1993 by Unión del Barrio. For close to 20 years the CMPP has been the most active and consistent Mexican-Raza organization doing work around the question of prisons and their role in the oppression of poor and working class communities. On June 28th of this year (2009), the CMPP held its annual conference in East Los Angeles, where one of the issues discussed was the ongoing war between Mexican-Raza and African prisoners.*

Once again, major violence between Raza and African prisoners has erupted within the United States Concentration Camp (Prison) System, this time at Chino California State Prison. Beginning at 8:20 PM, on Saturday evening (Aug. 8, 2009), African and Raza (Latino) prisoners, in the most brutal fashion, slashing, cutting, hitting each other with anything that could get their hands on, battled against each other for more than 11 hours. Over 200 hundred were hurt, several were critically injured with severe head injuries or stab wounds. Blood was spilled everyone. Many of those involved will be scared and maimed for life, both physically and mentally.

But this latest violence is nothing new. Nor was it the worst. For years, not only in California, but also throughout the United States, Raza and African prisoners have been at each other throats. Those of us who should know better—the social activists and so-called educated—should be clear about the root causes of this horrific violence that continues, unabated, decade after decade, and how it only serves to keep both nations oppressed and colonized; and most importantly, what we must do about it.

While some refused to see or accept the truth, the reality is that the prison wars between Raza and Africans are nothing but the old strategy of divide and conquer, which the European (white) colonialist-capitalist system has successfully used against our people for more than 500 years.

The “hand of white supremacy” behind the recent hostilities should be obvious to everyone.

It is no coincidence that so few white prisoners were involved or hurt. Or, that not “one guard” suffered even a scratch. The fact is, that the racist prison system, which is responsible for the torturous and inhumane treatment of Raza and African prisoners was not the object of the prisoners’ anger. As racist as some of the white prisoners are (many belonging to groups such as the Aryan Brotherhood, Hells Angels, Skin Heads and Minutemen), they also were not the target of the riot. In fact, our carnales and brothers (and carnalas and sisters) in the prisons are so confused and disoriented by the divide and conquer tactics of the capitalists (from which white power comes from), that they don’t even see the prison system as their main enemy.

The constant blaming of Mexicans/Latinos for all the problems facing the United States, branding us “illegal aliens”, and the fact that even as the “riot” at Chino was taking place, prison officials and politicians were already blaming “Latinos” as the cause of the violence, all form part of the trickery called “divide and conquer”.

What we, Raza and Africans, and all oppressed people (including poor whites) must understand, it is that the “divide and conquer” strategy is the foundation upon which colonialism-capitalism rests. And, if we are serious about ending the vicious violence among colonized and oppressed (poor and working class) people, colonialism-capitalism must be destroyed.

It is in the question of the “destruction of capitalism” in which we find so many otherwise “educated” people acting dumb and stupid. It is here where we find some people to be “utterly lost” as to what causes violence and what is the solution—as the answer is found with them deciding on whether they want to keep their nice cars, cushy jobs, vacations, and nice homes, which capitalism provides, or do they destroy the foundations of capitalism (racism, colonialism, oppression, and destruction of our planet) and thus risk losing the materialistic lifestyle that they enjoy so much.

All of us, living inside and outside the U.S. Concentration Camp (Prison) System must realize that the violence between colonized people affects all of us, as prison wars spill out into the streets, communities, and the schools. “Race” violence occurs everyday within the United States. Most of the victims are innocent, and most are

young people. Therefore, if we care about our youth, and about peace and justice, then we have to get involved in the struggle to end prison violence.

The CMPP calls on all of us to unite against colonialism-capitalism and all its manifestations. We must struggle for a revolutionary change in society. If the CMPP has learned anything during the last 20 years, is that prisoners respect revolution. Only this type of struggle can unite Africans and Mexicans-Raza, and put an end to the antagonistic confrontations between our peoples. ☺

El Pueblo Unido, Jamas Sera Vencido!

The People United, Will Never Be Defeated!

Hasta La Victoria –Venceremos!

CALIFORNIA COURT SAYS ENOUGH IS ENOUGH: OUR PRISON POPULATION IS OUT OF CONTROL

By Sasha Abramsky

A panel of federal judges ruled that California must reduce its prisoner population by about 40,000 inmates over the next two years.

The ruling wasn’t a surprise. After all, earlier this year the same panel issued a preliminary ruling that California’s prison-overcrowding crisis was now so acute that it inevitably resulted in unconstitutionally poor levels of medical and mental health-care for inmates. The preliminary ruling had mandated that the state reduce its prisoner population, but while the state made further arguments and tried to demonstrate that it was making a good-faith effort to improve conditions, the ruling hadn’t been enforced.

On Tuesday, the judges, in a scathing ruling, declared California’s efforts had utterly failed to improve conditions. So now, absent a successful appeal by the state directly to the U.S. Supreme Court, the Golden State will have to implement one of the largest prisoner-reduction programs in American history – and at great speed.

For over a decade, I have written about California’s ballooning prisoner popula-

tion – from under 30,000 in the late 1970s to somewhere in the region of 170,000 today – and its skyrocketing imprisonment rate (the number per 100,000 of the general population that is incarcerated at any given moment).

These numbers grew not because more crimes were being committed – for most of the last 15 years, the crime rate has gone down. Yet unlike New York, where the prison population fell following crime declines, in California the relentless march toward mass incarceration continued. It did so because of ham-handed laws like Three Strikes and You're Out, mandatory minimum sentences for categories of drug offenders and a broken parole system that returns a higher percentage of parolees to prison than does any other state.

The results: more and more state dollars have been spent each year on corrections, reaching over \$10bn this past fiscal year and leading to huge reductions in the dollars available for other public expenditures, such as on the once-vaunted state university system. Year by year, California remade itself as a state that prioritized high incarceration over virtually every other social investment.

And yet, no matter how much the state spent on building and staffing new prisons -- the numbers of prisons tripled in California in the past quarter century -- it couldn't keep up with the numbers being incarcerated. And so, each year the state's prisons got more and more overcrowded, resulting in hundreds of grown men in many facilities being triple-bunked in gyms and prison dorms. This has had tangible and unpleasant consequences, from epidemics of mental illness and self-mutilation in many prisons to the spread of communicable diseases such as TB, HIV, Hepatitis C and California's own "Valley Fever".

Now the courts have finally said: enough.

Many people will read the judges' ruling and immediately fear the wholesale release of dangerous inmates and a stark decline in public safety. Done badly a prison population-reduction program could indeed have these consequences. Done well, however, it presents more of an opportunity than a threat.

After all, the current system embodies a revolving door ethos: lock 'em up, release 'em onto parole, wait for 'em to screw up and then lock 'em up again. It has become a system that measures its own success by incarceration numbers rather than by the ability to intervene in people's lives to stop

them committing new crimes.

Prisoner populations can be reduced in many ways other than simply opening cell doors behind which reside random inmates, in ways that have tangible crime reduction and addition reduction benefits rather than costs. They can be reduced by releasing certain categories of inmates -- non-violent inmates and low-level drug offenders being the obvious ones -- a few months early and placing those individuals into structured, perhaps residential, community program for the first months of their freedom.

They can be reduced by diverting these categories of inmates at the front end, placing them in treatment programs, community service work, even vocational training programs, rather than sending them to prison. They can be reduced by limiting the catch-all nature of California's parole system -- a system that places almost all released prisoners onto three years of parole and then returns huge numbers to prison not for the committing of new crimes but for "technical violations" of the terms of their parole.

These reforms have been advocated by criminal justice experts for years now. Joan Petersilia, a University of California at Irvine criminologist and probably America's leading expert on parole, has called for changes in parole for at least a decade. Jeanne Woodford, one-time head of the California Department of Corrections and Rehabilitation has long considered the current revolving-door system a recipe for disaster. The Rand Institute has advocated diverting more drug offenders into treatment instead of prison. And so on.

The templates for successful reform are out there. The challenge for California, over the coming months, will be to listen to these voices rather than simply stampede into a wholesale release frenzy.

Simply releasing random prisoners without thought as to where they ought to go or how they ought to be monitored and treated might seem cheaper -- and tempting given the broader collapse that California's state government is undergoing -- but such a move would be entirely self-defeating. It would likely result in the very spikes in crime and decreases in public safety that critics of the court ruling are already so loudly predicting. ☉

Sasha Abramsky is the author of "Conned: How Millions Went to Prison, Lost the Vote, and Helped Send George W. Bush to the White House" (The New Press, 2006).

[Editor's Note: The author of this article is a liberal, which means that person believe the criminal gang we call capitalism/imperialism can be "reformed" if we but apply yet another patch to its stinking carcass. I personally would love to see "a wholesale release frenzy." Nothing can be as bad as things are now. Besides, in difficult times such as these, limits must be exceeded.]

NEW RULE: NOT EVERYTHING IN AMERICA HAS TO MAKE A PROFIT

By Bill Maher [Excerpted version]

How about this for a New Rule: Not everything in America has to make a profit. It used to be that there were some services and institutions so vital to our nation that they were exempt from market pressures. Some things we just didn't do for money. The United States always defined capitalism, but it didn't used to define us.

Did you know, for example, that there was a time when being called a "war profiteer" was a bad thing? But now our war zones are dominated by private contractors and mercenaries who work for corporations. There are more private contractors in Iraq than American troops, and we pay them generous salaries to do jobs the troops used to do for themselves -- like laundry. War is not supposed to turn a profit, but our wars have become boondoggles for weapons manufacturers and civilian contractors.

Prisons used to be a non-profit business, too. And for good reason -- who the hell wants to own a prison? By definition you're going to have trouble with the tenants. But now prisons are big business. A company called the Corrections Corporation of America is on the New York Stock Exchange, which is convenient since that's where all the real crime is happening anyway. The CCA and similar corporations actually lobby Congress for stiffer sentencing laws so they can lock more people up and make more money. That's why America has the world's largest prison population -- because actually rehabilitating people would have a negative impact on the bottom line. ☉

Bill Maher, host of HBO's Real Time

THE JAILER HAS NO CLOTHES:

THE 2009 LIRA DECISION AND ITS IMPACT

By Charles Carbone, Esq.

It's not often enough that courts stand with SHU prisoners, and even more infrequent when the federal courts do so after a full trial on a prisoner's gang validation case. But that is exactly what recently transpired in the federal case of *Lira v. Cate*, Case No. C00-0905 SI, decided on September 30, 2009, before the Honorable Susan Illston in the U.S. District Court for the Northern District of California.

Because the case is such great significance to SHU prisoners, the details are outlined here so that each SHU prisoner understands perfectly what the case does and doesn't do.

I was a legal consultant on the legal team of attorneys on the case. So let me shed some first-hand light on the ramifications:

First off, it's important to understand a bit of the background. Ernesto Lira was a formerly validated inmate who found out CDCR considered him a validated associate of the Northern Structure only after he was arrested while on parole and sent back to CDCR custody.

There were four pieces of evidence that CDCR relied on: (1) a laundry list identification from a confidential informant; (2) a drawing which was said to contain the number "14," a "Northern Star," and a Huelga Bird; (3) an incident report from the County Jail; and (4) a confidential memorandum that was later rejected by CDCR's Special Services Unit.

Second, Lira challenged the validation and its lingering effects *after* he was released on parole.

And third, CDCR did not give Lira notice of the source items relied upon or an opportunity to be heard or to refute any of the source items.

Against, this backdrop, the U.S. District Court for the Northern District of California (which covers SHU cases out of Pelican Bay State Prison) ruled in favor of Lira after nearly ten years of litigation.

On the **positive** side, here's what the Court ruled which will undoubtedly continue to assist other validated SHU prisoners:

- The Court affirmed the "state created liberty interest" that SHU prisoners have in remaining free from SHU confinement. The Court cited *Wilkinson v. Austin* (2005) 545 U.S. 209, 223 as relevant because the U.S. Supreme Court had

ruled that an Ohio Super-max was similar enough to the deprivations at Pelican Bay endured by Lira. Therefore, SHU prisoners now have a legally recognizable liberty interest in remaining free from SHU confinement. This ensures that prisoners are afforded due process of law prior to being placed in SHU confinement.

- The Court also found that Lira had suffered post-traumatic stress disorder and a dysthymic disorder as a direct result from an eight year stint in the SHU. While the Court did not rule that these adverse mental health effects constituted cruel and unusual punishment, the Court did find that these actual injuries allowed Lira to challenge his SHU confinement and gang validation long after he was released, and indeed when he was on parole.
- The Court ruled that it was a violation of due process not to provide Lira with copies of the source items relied on in the validation, or to give Lira an opportunity to refute the items. The Court also found that validated SHU inmates are due periodic reviews of their validation and SHU confinement. Of importance, the Court concluded that periodic reviews before the ICC were insufficient because ICC had no real power or interest in reviewing the merit of the original validation, and the Court appeared to intimate that the periodic reviews had to be before an individual or entity with the actual power to review the merit of the source items.
- Many CDCR administrators testified that ICC, OCS, and SSU of CDCR were not responsible for or tasked to "make an independent investigation into the meaning or reliability of the evidence," instead "took the documents received in the validation package . . . at face value." The importance of this testimony reveals that no one other than the IGI's at the prison are conducting an investigation into the merit of the validation.
- Special Agent Ruff, who is quite prominent in the approval of validations in Sacramento's OCS, testified that upon placement in ad-seg, an inmate should be provided with copies of all non-confidential documents used to validate him, as well as a 1030 confidential disclosure

form for any confidential sources.

- CDCR officials testified that they do not review the merit of original source items during an inactive/active six year review of a validation.
- The Court affirmed that SHU inmates are given rare access to the law library including average visits of about one visit a month.
- The Court affirmed that violence was common in the SHU. This admission is important because in other proceedings/cases CDCR will often argue that SHU prisoners are safe from attack or reprisal while housed in the SHU because of the supposed limits on inmate-to-inmate interaction. The Court recognized that violence in the SHU is all too routine.
- The Court found that the number "14" is not exclusive to the Northern Structure and is also associated with Mexican Americans, and can not be credibly be said to always connote gang association with the Northern Structure. The Court also found that the Huelga Bird is also a "popular symbol widely used in Hispanic culture and by California farm workers." The Huelga Bird was determined not to exclusively indicate gang association as well. The Court also noted that, "the value of the drawing as a validation item is further called into question by the evidence demonstrating that plaintiff [Lira] did not draw it." And the Court noted how much difficulty CDCR officials had in finding the hidden gang symbols in the confiscated picture.
- The Court found that the laundry list identification was not reliable because of the nature of laundry list identifications, and the fact that the debriefer was housed in ad-seg at the time of the debrief while Lira was in the reception center.
- On the information that the confidential informant provided, the Court concluded that the debriefer did not self-incriminate himself because "in reality the debriefing process involved no risk of self-incrimination." Hence, self-incrimination could not be used as a means of establishing the reliability of the information disclosed by the informant. Furthermore, the debriefer mentioned a different inmate named Lira in the body

Continued on page 14

of the report, and only mentioned the right Lira in the laundry list.

- The Court also discounted a source item which said that Lira had been involved in a gang related fight. The Court noted that no CDC 115 was issued, and that there was no physical evidence of a fight ever occurring.

On **negative** side, the Court affirmed that validated inmates are afforded less due process versus those in SHU on determinate sentences for disciplinary reasons. The Court agreed with *Stewart v. Alameida* (N.D. Cal. 2006) 418 F. Supp. 2d 1154, 1165, which found that the amount of due process turns on whether the SHU confinement is administrative (as in the case for validated inmates) or disciplinary (as in the case for those serving determinate SHU sentences for disciplinary infractions). Ironically, even though indeterminate SHU prisoners serve longer SHU sentences, they are to be afforded less due process because their segregation is administrative in nature.

One other additional negative was that the federal Court declared that any one of the four considered source items, if true, would have constituted some evidence sufficient to support the validation. In other words, the federal court would need only one (not 3) source items to conclude that the validation was Constitutionally proper.

Ultimately, the Court ordered two forms of relief: a declaration finding that the validation was untrue; and an order requiring CDCR to expunge any mention of the validation from Lira's past prison records.

The ramifications of the victory in Lira's case are far-reaching. This is really the only "great" victory since *Castillo v. Alameida*. The case should have a particularly favorable impact for those prisoners at Pelican Bay because it is the Northern District Court which has jurisdiction over PB prisoners. We congratulate Lira on his hard-fought win, and will continue to keep you posted on the ripple effects of the case.

Every time CDCR's gang policies are shown the light of day, CDCR and its abuses of power are revealed for what they are: a haphazard sham designed to allow prison guards the unfettered power to punish inmates with indeterminate SHU sentences regardless of whether the inmate is an actual gang associate/member. These policies are built on a house of cards. Ultimately, CDCR's policies will fail because they are based on the manipulation of fear and the manipulation of fact. ©

FEDERAL JUDGE SENDS MESSAGE WITH PRISON RAPE PENALTY

By Catherine Tsai.

A federal judge was so appalled that a former Colorado prison guard accused of raping an inmate was allowed to plead guilty to a misdemeanor that he imposed \$1.3 million in damages in the inmate's civil lawsuit - a message advocates hope will pressure corrections officials nationwide to protect prisoners from sexual misconduct.

"It sends a strong message to the agency and also individual correctional officers that there's not going to be immunity to violating the constitutional rights of people they're required to safeguard," said Brenda Smith, a member of the National Prison Rape Elimination Commission.

The Denver Women's Correctional Facility inmate said the former guard coerced her into a five-month sexual relationship, and sodomized her when she began refusing his advances, according to court documents.

The former guard pleaded guilty in 2008 to misdemeanor unlawful sexual contact and was sentenced to 60 days in jail.

U.S. District Judge David Ebel (eh-BELL') in June called the plea deal "simply egregious," and said the man and some fellow corrections officers "are in need of a strong punitive award in this case to cure them of their disrespect for the law." The former guard didn't return a written message seeking comment.

The Bureau of Justice Statistics estimated in 2007 that 38,600 inmates of both genders in federal and state prisons had experienced sexual misconduct by staff. That equals about 2.9 percent of the national prison population.

Inmate advocates hope the Colorado judge's ruling, as well as Michigan's decision in July to pay \$100 million to settle claims by 500 female inmates who alleged sexual misconduct by officers, will be a deterrent.

"It'll have an impact in Colorado but also nationally," said Margaret Winter, associate director of the ACLU's National Prison Project.

Brian Lathen is a lawyer in Salem, Ore., representing four inmates who say they were victims of sexual misconduct by Or-

egon state prison staff.

"I hope that it makes all the prisons and women's facilities around the nation start to better supervise their employees," Lathen said.

At least three other female inmates in Colorado have civil lawsuits pending in federal court that allege they were forced by state Department of Corrections employees to perform sex acts. Each seeks \$150 million in damages.

The three men accused in the lawsuits received either probation or deferred sentences on criminal state charges and had to register as sex offenders. They no longer work for the department.

The Department of Corrections has "seen it happen time and time again," said Andrea Blancset, an attorney handling the cases. "When there are criminal charges, they don't go to prison."

Department spokeswoman Katherine Sanguinetti said the department can and does push for criminal charges in such cases.

As for the former employees' criminal sentences, she said, "That's the judges' and courts' decisions."

"What their sentence is has nothing to do with what the department's position is. We have a no-tolerance policy on sexual misconduct," Sanguinetti said.

The National Prison Rape Elimination Commission, created by Congress under the Prison Rape Elimination Act of 2003, recommended in June that prisoners be able to report sexual misconduct to someone outside the prison system.

They also urged Congress to change parts of the 1996 Prison Litigation Reform Act, which requires prisoners to prove they were physically injured before they can receive compensatory damages and to exhaust all internal administrative remedies before going to court.

The act was meant to discourage prisoners from filing frivolous lawsuits. But Winter said the requirements are extreme for sexually abused inmates who fear retaliation for reporting they were attacked.

The U.S. attorney general's office has a year to issue rules based on the commission's report.

"We know sexual violence is seriously underreported," said Smith, the commission member. "The scope of the problem is significant and something that should not be tolerated in civil society." ©

Associated Press

WASHINGTON STATE FELONS SHOULD HAVE VOTING RIGHTS, FEDERAL COURT RULES

The Ninth Circuit Court of appeals tossed out Washington's law banning incarcerated felons from voting, finding the state's criminal-justice system is "infected" with racial discrimination and violates the 1965 Voting Rights Act by disenfranchising minority voters.

The decision is the first in the country's federal appeals courts to equate a prohibition against voting by incarcerated felons with practices outlawed under the federal Voting Rights Act, such as poll taxes or literacy tests.

The two-judge majority was persuaded by the plaintiffs' argument that reams of social-science data filed in the case showed minorities in Washington are stopped, arrested and convicted in such disproportionate rates that the ban on voting by incarcerated felons is inherently discriminatory. The decision, written by Judge A. Wallace Tashima, said the studies "speak to a durable, sustained indifference in treatment faced by minorities in Washington's criminal justice system — systemic disparities which cannot be explained by 'factors independent of race.'" The ruling, if upheld by the U.S. Supreme Court, would apply to all 48 states that ban voting by felons in prison or on supervision.

The case was first filed in Spokane in 1996 by Muhammad Shabazz Farrakhan, who was serving a three-year sentence at the Washington State Penitentiary in Walla Walla for a series of felony-theft convictions. Ultimately, five other inmates, all members of racial minority groups, joined as plaintiffs.

The case has twice bounced between district court and the appeals court. It was built on research by University of Washington sociologists who found that blacks are 70 percent more likely — and Latinos and Native Americans 50 percent more likely — than whites to be searched in traffic stops. The research also showed that blacks are nine times more likely to be incarcerated than whites, despite the fact that the ratio of arrests for violent crime among blacks and whites is less than four-to-one. One result of that: 25 percent of black men in Washington are disenfranchised from voting.

"When this important right to vote is taken away in a manner that discriminates against a whole population, the real reason

to do it doesn't make sense anymore," said Lawrence Weiser, a Gonzaga University law professor who represented the inmates.

The National Voting Rights Act of 1965, a landmark civil-rights law, banned electoral practices that were commonly used to disenfranchise black voters. Lawsuits similar to the one in Washington have been filed around the country, but federal courts in Massachusetts in 2009, New York in 2006, and Florida in 2005 reached opposite conclusions.

Ryan Haygood of the NAACP's Legal Defense Fund said such cases are "very hard to win." But he described voting by incarcerated felons as the "best tool to reintegrate them into society."

"There is this view that there is reason to be fearful, but there is no danger of people participating in a democracy," said Haygood, who worked as co-counsel with Weiser on the case. "You don't lose when people participate in a democracy. That's especially true of people who are incarcerated."

Two law-enforcement groups and several prominent Washington officials — including two former U.S. attorneys and former Seattle Police Chief Norm Stamper — supported the plaintiffs in court, arguing that there is "no legitimate penal interest" in disenfranchising felons. Only two states — Vermont and Maine — allow prison inmates to vote.

Article IV of the Washington Constitution bans voting by people convicted of "infamous crime," described as one that merits incarceration in prison, until their civil rights are restored.

Under current law, felons cannot get their voting rights restored until they finish their prison sentences and terms of community supervision. Previously, felons also had to pay off any fines and court costs before their voting rights were restored, but the Legislature dropped that provision last year.

Secretary of State Sam Reed supported that change, but said he was "disappointed" in Tuesday's ruling because it did away with a rational consequence of committing a felony.

"If they need to deal with the law and justice system, deal with that," Reed said. "We don't think it's an appropriate remedy

to say because there is racial discrimination, we're going to solve that by allowing people to vote" in prison.

If the court's ruling is upheld, it is unclear how felons in custody would vote. Washington's Department of Corrections inspects outgoing inmate mail, and most counties with state prisons are vote-by-mail counties. But state voting laws prohibit such opening of mail-in ballots. ☉

Seattle Times, Jan. 5, 2010

TREATMENT CUTS RECIDIVISM NEARLY IN HALF

Research Summary

Criminal offenders who completed in-prison and community-based treatment were far less likely to end up back in prison than those who did not get services, according to a new report from the California Department of Corrections and Rehabilitation (CDCR).

Corrections.com reported Oct. 8 that the report -- released as the state of California planned to slash funding for prison-based treatment programs -- found that the return-to-custody rate among treatment graduates was 21.9 percent at one year and 35.3 percent after two years, compared to 39.9 percent and 54.2 percent, respectively, for all offenders.

The research showed that treatment was especially effected for female offenders, just 8.8 percent of whom reoffended within a year of release if they completed treatment. That compared to a recidivism rate of 30.1 percent overall. After two years, the recidivism rate was 16.5 percent for women who completed treatment, compared to 43.7 percent among all offenders.

The findings came from fiscal year 2005-06.

<http://www.jointogether.org/news/research/summaries/2009/report-treatment-cuts.html>

Letters *Continued from page 2*
them as gang members. Even if they had some way of knowing the text on the cover ahead of time, honoring those who fell in the struggle for justice should not be used as a means of punishment. Period! Please, won't you lend us a hand for Black August? Let's all start to prepare for Black August 2010.]

COMMENTARIES ON IMPRISONMENT

ON THE QUESTION OF INTEGRATED CELLING

Submitted by C. Landrum

Introduction: We're all aware of the 2005 court decision ordering the C.D.C. to begin implementing integrated celling of the prison's multi-ethnic population. What may not be known to many is that this policy has already been initiated.

For the most part the immediate response has essentially been that of resistance which has manifested itself in both abstract (verbal) and practical (concrete) forms.

Despite the multi-faceted origin of this resistance, it is primarily the manifestation of subjective influences, that is, a long history of our social conditioning. Furthermore it should be noted that this resistance is not exclusively limited to the prison masses but transcends them to include those correctional officers who work in close proximity to the prisoners themselves.

It is only through the understanding of something's opposite that we can fully understand that which it is we seek to understand. For us to fully comprehend the resistance of the correctional officers and place this resistance into its proper context, we must not only understand, as most already do, that the C.O.s have no desire to deal with a prison population at each other's throats. But we must also understand the opposite tendency of this equation, i.e., that neither do they wish to see prisoners on exceptionally good terms with each other, for these are the conditions necessary to redirect our energies to the improvement of our conditions—thus threatening their interests.

The first attempts at implementing this policy was initiated at Mule Creek State Prison and the Sierra Conservation Center in Ione. This was met with mixed results. Prison bureaucrats announced that the imposition of this policy went smoothly in Mule Creek. When we place this in its proper context, this is understandable considering the content of Mule Creek's population as a "drop out" yard, i.e., defeatist and passive in both essence and form.

In regards to the Sierra Conservation

Center, despite the individualism, and near total lack of unity that permeates all lower level facilities, there was nevertheless some degree of collective resistance in and effort to prevent the process of integration from proceeding.

There is a valuable lesson to be drawn from this as well. The many analysis and theories formulated around the argument that unity amongst the prisoners on the lower levels was an impossibility have now been proven wrong. Although a distinction must be made. The unity was a progressive development in itself—the motive behind it was for an essentially counterproductive purpose and against our objective interests.

The prisoners who participated engaged in a work stoppage and, although they were "temporarily" successful in prolonging this process, the C.D.C. is intent on moving forward with this integration state-wide within two to three years.

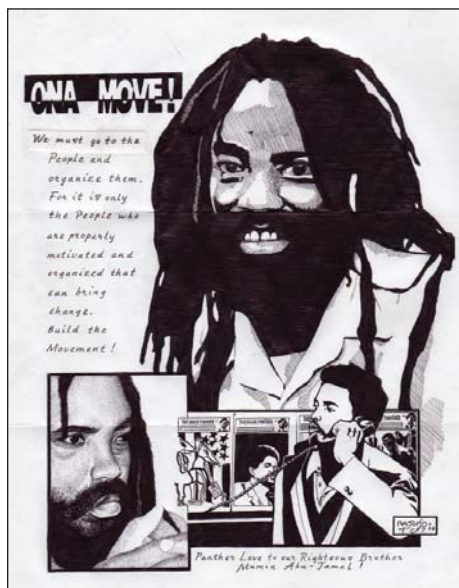
This poses numerous questions, both theoretical and practical. I would like to ask you both, S.K. and C.L., some questions more pertinent to the issue at hand. Likewise, I understand that circumstances necessitate a degree of self censorship. Nonetheless, whatever thoughts that you can share will no doubt be greatly appreciated and hopefully foster healthy dialogue that can result in action.

Question One: Do you believe that the issue of desegregation can be effectively addressed without also addressing the context in which this process develops? And why?

SK: The short answer is "No." The prison system is a microcosm of the class and racial contradictions inherent with the larger society. The segregation of prisoners was an extension of the class and racial segregation existing within society at that time. Over the years we have adopted and perpetuated these social practices as our own. This is reflected not only in our division into groups based on race, but also in the rules and regulations in which the groups operate. And despite the "official desegregation" that has formally occurred within the judicial realm some decades ago, we as prisoners have condoned and rigidly perpetuated this segregation and hostilities which have been reinforced and encouraged by the prison administration—covertly as well as overtly. The ethnic, cultural, and geographical divide that we base our separation upon can be collectively dissolved through dialogue, although we must do so on a common ground which we can rally around, and this common ground is our prison conditions and the necessity to preserve and advance our own existence and development. A common struggle would function as the vehicle to accomplish this. So, "no", desegregation and our prison conditions cannot be divorced, other than to do so artificially.

CL: This is an extremely relevant question. To expand on S.K.'s response in greater depth, I think it is necessary to understand that nothing exists in total isolation, separate, and independent of those other objects and phenomena around it which it is interconnected with, be it organic, inorganic, social development, the development of human thought and knowledge, including the developments that are in motion throughout the C.D.C. right now.

Everything without exception is interrelated (connected, interpenetrating, interdependent, etc.), and influences the direction and development of everything else around it, as it is in turned influenced by those forces around it. Keeping in mind, that in contradiction to the static and motionless "appearance" of objective reality (matter), everything, including social phenomenon is "essentially" in perpetual transformation. J. Stalin captured this well in his penetrating work *Dialectical and Historical Materialism*, when he stated:



“No phenomenon in nature can be understood if taken by itself, isolated from surrounding phenomenon.... Any phenomena in any realm in nature may become meaningless to us if it is not considered in connection with the surrounding conditions. Any phenomena can be understood and explained if considered in its inseparable connection with surrounding phenomena....”

Our concrete conditions and practical activities, such as the racial and geographical hostilities that we perpetuate between us not only gives further shape, thus molding our ideas and ways of thinking, i.e., our consciousness, that reflects and reinforces these practices. But reciprocally in turn, also influences the direction and further deterioration of our material conditions in that we give the necessary justification the C.D.C. relies upon to further strip us of our remaining “rights” and privileges.

Concrete conditions—the matter around us—and our actions influence the direction and development of our consciousness, by way of our five sense organs of sight, hearing, smell, taste, and touch. In separable interconnection, our consciousness influences the direction and transformation of our material conditions when we transform our consciousness back into matter, from ideas back into existence, and in the process of literally transform our concrete conditions. This was also summed up well in Marx’s statement, “Circumstances create man as much as man creates his circumstances.”

Unless we change our current practices and do so soon, we are going to lose everything, including our leverage and our ability to transform our situation. The transformation of our material conditions and the transformation of our consciousness (ideas, ways of thinking, concepts, emotions, etc.) is intrinsically interdependent. One process cannot occur without the other. To transform our condition is to simultaneously transform ourselves in the process, and visa versa, the opposite. Fred Engels said in explicit terms:

“Mans ideas, views, and conceptions, in one word, mans consciousness, changes with every change in the conditions of his material existence, in his social relations and in his social life.”

Historically the C.D.C. has used every major event that has arisen within the prison system to further its own objectives at our expense—be it financial or in the erosion of our “rights.” Qualitatively speaking, there has not been a break in the continuity

of this trajectory of deterioration over the last 20 years or more. This desegregation is inevitable and the sooner we grasp this intellectually, the sooner we can begin “formulate” and effective strategy that is “essentially” collective in its coordination so as not to allow the state to exploit and exacerbate the existing contradictions between us as a means to further infringe upon our remaining “rights.”

Question Two: Having read your responses, both of you not only draw essentially identical conclusions that this desegregation process is inevitable, but that some degree of collective cooperation between the prisoners themselves is needed. Would you please elaborate on this?

CL: It is important to understand that the state, in all of its forms—the military, intelligence, police, judicial system, courts, etc., including the prison system—is not only a product of class divided society, it is a tool created and used by the economically dominating classes to protect and preserve their financial and material interests, i.e., their class interests.

In his theoretical work *State and Revolution*, Lenin correctly observed:

The state is a product and manifestation of the irreconcilability of class antagonisms.... According to Marx, the state is an organ of class domination, and organ of oppression of one class by another; its aim is the creation of “order” which legalizes and perpetuates this oppression by moderating the collisions between the classes.”

And although it was not the intention of Frederick Engels, he nonetheless completed Lenin’s statement with this passage taken from his ground-breaking work, *The Origin of the Family, Private Property, and the State*, in which he says:

“Public force exists in every state; it consists not merely of armed men, but of material appendages, *prisons* (emphasis added), and repressive institutions of all kinds.”

On first appearance the above quote may seem irrelevant to the question, but it is actually essential to the question as will become apparent, as it is to our conditions and to the formulation of a correct plan of action. It allows us to place the various aspects of this issue into proper context. Not only is the prison system a tool, of the wealthy and their upper class supporters, used to perpetuate their ill gotten class privileges, the prison administration and overly paid guards belong to a social

class whose economic interests are irreconcilably opposed to our interests as prisoners. As the comrade S.K. has acknowledged, the prison system is a microcosm of the class and racial contradictions existing within society. We must not interpret this mechanically, i.e., from one side only. The prison system is not only a reflection of social contradictions and class struggle, but the prison system in turn, dialectically, reacts back on society, exerting its own degree of influence on the direction of social development, such as on social policies, laws, etc.

But more revealing of the comrade’s observation is the fact that the class struggle is an objective phenomenon that occurs regardless of our opinions, intentions, feelings, etc., just as the sun arises and sets regardless of our will.

A guard may wish you a “Buenos dias” as the tray slides through the food port in your cell door, but his has no bearing on the fact that their material conditions as a social class are sustained on our incarceration, i.e., the incarceration of society’s predominately poorest members. These same “cool” C.O.s push and vote for the harshest laws on the ballot that will keep us incarcerated for the most minor infractions, thus perpetuating their class interests at our expense and the expense of the social class from which we originate.

It must be understood that all of what we are currently surrendering without any form of resistance, spontaneous or organized, was not given to us on a silver platter, but was purchased for in the blood and sweat of those convicts of previous generations. Nor are these infringements upon our various “rights” unconnected isolated acts carried out on the part of the state. They are a connected part of a larger agenda pursued by various class forces who share a common interest in not only an incarcerated population, but in a defeatist and submissive prison population as well.

This allows us to see that any and everything that they do is diametrically opposed to our concrete interests, and despite the fact that this particular issue of desegregation was initiated by another prisoner’s law suit, the state will utilize it to further their interests—if we let them. The question is, “Will we break with continuity”? Furthermore, any and all infringements upon our “rights” affect us as a whole, not just as individuals. To challenge or resist their encroachments “solely” on an individual level by itself only insures the success of their

“divide and conquer” tactic. Not only must we challenge them on an individual level (602s, law suites, citizen complaints, etc.), we must more importantly cooperate with one another as objective conditions necessitate and resist them as a united front.

SK: The necessity for change amongst the prison population and the concrete conditions is most evident by the prisoners’ existing conditions themselves and their continuous deterioration. Reversing, or at best, changing, the current direction of this trend and the corresponding self-destructive practices that reflects this downward deterioration, requires a protracted process of mutual cooperation between us, requiring that we set aside whatever difference we might have in order to achieve our intended and agreed upon goals, whatever they may be.

Question Three: So far you have given us a general description of this cooperation, but could you describe to us in more detail how you envision this cooperation and what objectives do we intend to achieve from this cooperation?

SK: I would suggest that some form of strategic alliance be formulated by those individuals who already occupy positions of authority/influence.

There have been instances over the length of several decades of prisoner disunity in which we came together in order to achieve a common goal that improved the quality of prisoners’ conditions.

The prison system continues to grow and expand while the quality of prisoners’ material conditions and social relations continue on a downward spiral. Just under the previous two decades, prisoners have lost more than half of the gains it took decades of struggle to obtain.

The balance of forces has tipped and we are in the process of transforming into our opposite. Numerically we are nearly the minority now, and those in protective custody (SNY) are nearly the majority. Where we were once free to walk the lines while those who demanded protective custody from the state were isolated; today it is us who are now isolated under the guise of validation, i.e., indeterminate SHU, etc., and those demanding protective custody are rewarded. These rewards are temporary and a tactical move on the part of the state, used as incentive to entice those convicts who have refused to capitulate up to this point.

We have arguably lost more than we have left to lose. The balance of forces have also tipped here and as dialectics and the

struggle of opposites reveal, the C.D.C. is that much closer to achieving their grand agenda. The further day has progressed, the sooner darkness will envelope us.

CL: There are no such thing as “rights”, there are only power struggles. This captures the essence of all objective reality, i.e., it captures the transitory nature of reality’s motion, be it organic, inorganic, human thought, social phenomenon, etc. To comprehend this, is to likewise comprehend that any strategy or tactics that we formulate (assuming we adhere to a plan) would be purely abstract and only approximate with reality to a given point.

In other words, we can devise a plan based upon a thorough analysis of existing conditions, but by the time we begin to implement this plan, many aspects of the existing conditions will have already transformed, although the essential trajectory will have remained the same and this is of importance to understand.

We can formulate a general plan, i.e., a “strategy” while the particularities (tactics) of this plan must be fluid and can only be realized through concrete actions, not abstract theories and ideas divorced from practical actions.

Having said that, individualism is a tremendous obstacle. I don’t believe it possible at this stage to convince another prisoner to take up the cause of other prisoners if it does not impact him or her directly, even if it does so indirectly. Validation reform is a prime example.

Due to the low level of prisoners’ political consciousness and for practical purposes, we would have to find an issue, or a number of issues, that affect all of us in common which we could unite around.

As for integrated celling, this is an extremely complex issue, an issue that only the prison masses can decide. Do we accept it, or not? I correctly recognize that to resist it in an attempt to perpetuate the old status-quo, no matter what our “initial instincts” tell us, is in fact “reactionary” and only sets ourselves up for further infringement of our rights.

Despite our decision, we need to ask ourselves, “are we going to allow C.D.C. to manipulate and exploit our reaction” as a means to advance their agenda and deprive us further, that is, are we going to continue assisting them in keeping their boot on our necks?

No matter what our decision is, as-

suming we do organize ourselves, I strongly suggest that we not turn on one another and provide the C.D.C. with more justification, but instead unite and struggle to improve our circumstances and preserve all of that which is positive of ourselves, rather than dig our holes a little deeper than we already have.

There’s nothing more that the C.D.C. fears than to see us on good terms with each other. If we do not transform our reactionary ways into a pro-active existence, we will continue losing what remaining “solid” yards we have left, which are already becoming difficult to distinguish between.

With that said, I’m only one of 170,000 other prisoners in the CA system. I neither have the authority, nor all of the solutions to our dilemmas. Like the next man, I can only suggest and contribute my opinion, thoughts, knowledge, etc., and hope that others will be provoked to contribute their own input with the ultimate goal of reaching a consensus by those in a position to implement a plan of action.

Dialectics reveals the transitory character of all reality, i.e., the transformation that results from the struggle of opposite tendencies inherent within all reality. It’s not a question of whether or not transformation is going to come. Change—motion—is perpetual as it is inevitable. The question is, are we going to sit idly by, or are we going to harness these contradictions and influence the direction and development of these changes to serve our common interests? As Lenin correctly said in *On The Question of Dialectics*, “development is the struggle of opposites.” ☉

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HEY CALIFORNIA, IT'S NOT THE FALL THAT KILLS YOU... IT'S THAT SUDDEN STOP

By Keith Brooks

The Governor and the Legislators are going to continue on with the same mentality budget process that has continued to keep California in an economic downturn. They are borrowing money at a higher interest rate because of our reduced credit rating. They are back to their magical accounting tricks.

Finally, they absolutely refuse to make any appreciable and meaningful reform efforts in the bureaucracies that cost the most.

For example; education, prisons, transportation, health & human services. So far, this state has thrown money into those bureaucracies willy-nilly, without any plan of reform efforts. At this time, reform efforts are predicted to be absolutely impossible. Both the Legislature and the Executive branches have insured that those bureaucracies will never, ever, have to reform their policies and procedures, of how they spend money, or use the personnel that work in their departments effectively and efficiently.

They are willing to take \$780 million from rehabilitation resources, when they know that rehabilitation reduces recidivism. They are willing to destroy the success of Prop 36, by leaving the program with \$18 million, denying treatment to most low-level, non-violent drug possession offenders, yet continuing to protect them from incarceration. None of it makes any kind of sense. The legislators and the governor have continued in the philosophy that the ones they need to represent the most, are the ones who donate most to their parties and campaigns.

When the Big 5 would take a break from their negotiations in planning this year's budget, the lobbyists were right outside their doors to counsel the legislators. In that respect, how many non-donating average voters were able to advise these legislators? In all honesty, I can answer my own rhetorical question. The answer is zero.

So, in a state with approximately 38 million people, it seems that the people who receive representation, do so only because they are the big donors.

It appears that our legislators and governor believe that lobbyists with special in-

terests are used for representing the general population. When in truth, the legislators and the governor were voted into office by us, to represent us, but they consistently refuse to represent us. This is a truism. . . money talks and the poor people walk. . . and that includes the middle class.

The Halls of Government will be eternally spoiled by the halls of the lobbyists, seeking power and influence over anyone and everyone that is elected by the common folk in California politics.

The proposed 27,000 prisoners that would be released upon California streets will not happen, in my opinion, for these reasons. The Republican Party will not allow it, and though they are the minority, they are in control., with their 'Just Say No.' philosophy. The Governor will not allow it and the weak Democrats will not allow it either, because they do not remain as steadfast as the Republicans do. The best that would ever happen is that 1,500-2,000 people of extremely low end offenders with only a few months left on their sentences would be released into parole early. The Republican Party has effectively terrorized the Democrats, the Governor, and terrorized most of the state into believing that the release of these men and women would bring forth 'Hell on Earth'. . . This is a blatant lie and a fallacy.

It is in this writer's opinion that the people of California are smarter, stronger and more well equipped to handle the acceptance of these men and women back into our society, no matter whether they have completed their sentence fully or not. ☺



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PRISON CELL JAMMING BILL CLOSE TO SENATE PASSAGE

The nation's prisons are one big step closer Wednesday to being allowed to jam mobile phone signals to keep prisoners from using the phones to commit further crimes, despite strong opposition from digital rights groups that say there are better ways to fight the problem.

The bill—passed by a bi-partisan vote in the Senate Commerce committee—would create the first ever exception to the FCC's ban on jamming devices.

The measure could be voted on by the full Senate as soon as early as this, before it takes its August break, according to Texas Republican Kay Bailey Hutchinson, the bill's primary sponsor who is also running for Texas governor.

If the bill makes it to the floor, it is likely to pass. Inmates use smuggled cell phones to stay in touch with their families, run gangs outside the prison and to intimidate lawmakers. Proponents of the bill say that jamming signals is the best answer, while opponents argue the technology is easily thwarted and sets a dangerous precedent.

Instead, prisons should reduce demand for the phones by making calls to families less expensive and finding better technology to locate rogue phones within the prison, the groups argue.

California's Solano state prison found more than 2000 phones in 2008, according to San Quentin public relations officer Lt. Sam Robinson. Robinson's prison found fewer than 10 rogue devices last year, however, since there's almost no reception at the prison's remote location.

The bill, known as the Safe Prisons Communication Act, now moves for a full vote in the Senate.

If passed, the FCC would have to conduct a rulemaking and get input from technical bodies about the feasibility of current blocking technologies, before setting standards for tech that might get a waiver from the current blanket prohibition on jamming devices.

Wired magazine, Aug. 5, 2009

[Ed. Note: Phones should be available to all prisoners just as they are on the streets. This campaign is another in the long series of scare tactics used to frighten the public.]

CDC®? WHAT DOES IT STAND FOR REALLY?

By Bruce Swenson

The citizens & taxpayers of California are shareholders of each department of government in this state. Each department of state government is bound by a mission statement which describes and frames its responsibilities. The CDC® has a mission statement which is, "to protect the security and safety of the public."

Recidivism is a term used to measure the success/failure rate of individuals after their release from CDC®. This rate has been in the high 70% range for decades now, representing the highest failure rate of all the states in our country. Taxpaying citizens deserve an explanation and a remedy from this California oepartr.ent, regarding it's ongoing failure rate.

When considering this mission statement which CDC® is sworn to uphold, we can see that it is operating in defiance of it, and actually guaranteeing to the public more crime, more victims, and all at greater costs.

CDC® is a department of California seemingly intent on putting out a bad product year after year.

When Firestone Tire was found to be putting out a bad product it was put under investigation and ordered to cease production until it could guarantee a better one.

CDC® needs to be put under investigation for its defiance in complying with its mission statement to its shareholding citizens.

Not until CDC® learns to employ rehabilitation into its procedures will it, as a department, be able to honor its sworn mission statement to the citizens of California.

This will require a whole new culture of management from its administration. It also will require its rank & file to adopt a better mind-set, which will include rehabilitation!

Not until CDC® makes this transformation, from rank & file up thru its administration, will that R stand for REHABILITATION—Until then, it merely stands for RECIDIVISM! ☹

Source: July 25, 2009 Published by Barbara Brooks, *Sentencing and Justice Reform Advocacy (SJRA) Vol. 1, Issue 5.*
P.O. Box 71 Olivehurst, CA 95961 530-329-8566 YesWeCanChange3X@aol.com

MESSAGE FROM MUMIA'S ATTORNEY

October 10 was *World Day Against the Death Penalty*. I am in The Netherlands at the invitation of Amnesty International. On Friday I gave a lecture at a prestigious law school to a wonderful group of students on behalf of Mumia. Yesterday I spoke at the showing of *In Prison My Whole Life*, sponsored by Amnesty, concerning my client and the death penalty. Mumia is now a global symbol in the campaign against the death penalty.

I am presenting litigating the issue of the death penalty in the United States Supreme Court. Last year we won a new jury trial in the U.S. Court of Appeals for the Third Circuit, Philadelphia. The state has gone to to the Supreme Court seeking a reversal of that ruling and the execution of my client. We are presently litigating the matter. Next week the court will hear arguments in an older case from Ohio, *Smith v. Spisak*, which has a similar issue.

There is a new effort underway to destroy the support for Mumia, who has been on Pennsylvania's death row for nearly three decades. The government's purpose is to kill him. This is the most dangerous time for Mumia since his 1981 arrest. I am fighting for his life. The support of the movement in Germany is crucial to the fight to save and free him.

Der Spiegel magazine published an article on 24 August 2009 which contained misquotes, distortions, false facts, and outright lies. Under influence from the right wing, it was a clear effort to promote the government effort to kill Mumia. The reporter could not even get right the simple fact of where I live in San Francisco, writing stupidly that Pacific Heights is an "alternative area." It states that Mumia was a high school drop out, overlooking the fact that he finished, attended university, and now has two university degrees: a Bachelor of Arts from Goddard College; a Master of Arts from California State University. She falsely stated that Mumia was not working as a journalist at the time of his arrest. Her description of the homicide scene was wrong. In a transparent effort to destroy raising needed funds for the defense, the reporter lied in writing that one million dollars has been raised. In fact the defense has no money - we are broke and thus cannot do things needed for Mumia; the reporter was aware of this. She criticized Mumia because he must wait until a new jury trial

to explain in court what happened at the time of the shooting.

This week *Reporters Without Borders*, headquartered in Paris, published a video interview regarding Mumia's case and the latest case developments. It is in English, French and German, and can be found at: http://www.rsf.org/spip.php?page=article&id_article=34689

Finally, last spring at the Akademie der Künste I announced that we would be issuing an online petition for Mumia. He and I decided to wait until this month for its release. It will be coming soon.

You in Germany have been wonderful in the outpouring of your concern for Mumia. At this crucial time your activism is needed more than ever. ☺

By Robert R. Bryan,
Lead counsel for Mumia Abu-Jamal

AMERICA'S SUPERMAX PRISONS DO TORTURE

By Kiilu Nyasha

President Barack Obama has clearly stated, "We don't torture."
Oh, yes we do. Big time.

A myriad of studies have clearly shown that human beings are social creatures – making prolonged isolation torture. *The New Yorker* published an article March 30, 2009 by Atul Gawande titled, Hellhole: The United States holds tens of thousands of inmates in long-term solitary confinement. Is this torture?

Gawande asks, "If prolonged isolation is – as research and experience have confirmed for decades –so objectively horrifying, so intrinsically cruel, how did we end up with a prison system that may subject more of our own citizens to it than any other country in history has?"

By 2000, some 60 supermax prisons had been opened nationwide, in addition to new isolation units in nearly all maximum-security prisons.

The first such gulag was established in 1983 in Marion, Illinois. In 1989, California opened Pelican Bay State Prison near the Oregon border housing over 1,200 captives. It's been the model for dozens of other states to follow. The SHU (Security

Housing Unit) is entirely windowless, and from inside a cell with doors perforated with tiny holes, prisoners can only see the hallway. They're confined 24 hours a day, seven days a week, every day of the year with just a brief time (when permitted) in the "dog run" or outdoor enclosure for solitary exercise with no equipment, not even a ball.

But after nearly 20 years, California is now holding more people in solitary than ever; yet its gang problem is worse, and the violence rates have actually gone up. Nationwide, at least 25,000 prisoners are in solitary confinement with another 50-80,000 in segregation units, many additionally isolated but those numbers are not released.

According to The Washington Post, a spokesperson for the Bureau of Prisons reported there are 216 so-called international terrorists and 139 so-called domestic terrorists currently in federal facilities (I'm convinced the real terrorists are on Capitol Hill). No one has ever escaped from these "most secure prisons."

In a 60 Minutes segment titled, Supermax: A Clean Version of Hell (revisited), June 21, 2009, the reporters took cameras into the ADX-Florence, Colorado Supermax where there have been six wardens since it opened in 1994. It's where Imam Jalil al-Amin and Mutulu Shakur are held captive, along with myriad other political prisoners.

One former warden stated, "I don't know what hell is, but I do know the assumption would be, for a free person, it's pretty close to it."

"Supermax is the place America sends the prisoners it wants to punish the most – a place the warden described as a clean version of hell."

In a national study (Hayes and Rowan 1988) of 401 suicides in U.S. prisons—one of the largest studies of its kind—two out of every three people who committed suicide were being held in a control unit.

In one year, 2005, a record 44 prisoners killed themselves in California alone; 70 percent of those suicides occurred in segregation units.

Bret Grote is an investigator and organizer with Human Rights Coalition/Fed Up!, a prisoner rights/prison abolitionist organization based in Pittsburgh, Pennsylvania. In the Angola 3 Newsletter, Grote details how HRC/Fed Up! Documented many hundreds of human rights abuses in Pennsylvania's 27 prisons. Their investigations concluded

that Pennsylvania is "operating a sophisticated program of torture under an utterly baseless pretext of 'security,' wherein close to 3,000 people are held in conditions of solitary/control unit confinement each day."

These conditions are a flagrant violation of article 6 of the U.S. Constitution which affirms that treaty law (i.e. international law) is the "supreme law of the land." Thus, article 10 (3) of the International Covenant on Civil and Political Rights stipulates that "The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation."

The Commission on Safety and Abuse in America's Prisons, a bipartisan national task force, produced a study after a year-long investigation (2005-2006) that called for ending long-term solitary confinement of prisoners. The report found practically no benefits and plenty of harm – for prisoners and the public.

One of the most egregious cases of prolonged torture is the politically-charged isolation of Hugo Pinell still held in Pelican Bay's SHU after nearly 20 years. For his active resistance back in the 1960s and assault conviction in the San Quentin Six case (1976), my dear friend has spent a total of 40 years in hellholes – 45 of his 64 years in California prisons. (www.hugopinell.org).

Contrary to the lock-em-up-and-throw-away-the-key rhetoric of politicians, A Zogby poll released in April 2006 found 87 percent of Americans favor rehabilitative services for prisoners as opposed to punishment only.

"In much the same way that a previous generation of Americans countenanced legalized segregation," writes Gawande, "ours has countenanced legalized torture. And there is no clearer manifestation of this than our routine use of solitary confinement – on our own people, in our own communities, in a supermax prison, for example, that is a 30-minute drive from my home."

In the words of Friedrich Nietzsche, Distrust all in whom the impulse to punish is powerful!

Power to the people! ☺

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

The Bruce Seidel* Red Star Retirement Fund

When former George Jackson Brigade (GJB) member and political prisoner Mark Cook was released from prison in 2000, after having served some 25 years behind bars, Seattle's progressive community raised nearly \$8,000 in cash for him. They were also able to give him a car which he drove for years, and got him the job that he still works at today.

Now Mark wants to give some of his good fortune to other progressive political prisoners who are being released from prison. Most of these men and women have served twenty, thirty, and even 40 years or more on the inside.

The Bruce Seidel* Red Star Retirement Fund is a small step toward providing financial help to those comrades coming out of prison. Mark has placed \$10,000 into escrow, another former GJB member has donated \$3,000 to the fund. This money will initially be paid out to political prisoners and POWs being released at a rate of \$100 for every year they've been confined.

As the money in the release fund increases (if it does) so too will the amount paid out to the comrades being released.

The fund will be overseen by former imprisoned comrades of the George Jackson Brigade, including Ed Mead, Mark Cook, Bo Brown, and Janine Bertram. At this starting point a political prisoner or POW will be defined as those who have had their names listed in the book *Can't Jail The Spirit*.

The ultimate goal (one currently far beyond our reach) is to start the Red Star Retirement Home for former political prisoners and POWs. To do this we will need land, a structure near a city with medical services, and of course a whole lot more money.

*Bruce was a member of the George Jackson Brigade, killed in a shootout with police during a GJB bank expropriation on January 23, 1976.

RECENT HISTORY

Prisons official charged with DUI while in a state vehicle

A high-ranking state prisons official has been charged with driving under the influence while in a state vehicle, the California Department of Corrections and Rehabilitation has confirmed.

The California Highway Patrol arrested Corrections Undersecretary Scott Michael Kernan as he was driving on Jackson Highway near Rancho Murieta toward his home in south Sacramento County.

A CHP official did not return a call Wednesday for details, including Kernan's blood-alcohol level at the time of the arrest.

Corrections spokesman Seth Unger said Kernan was driving a state vehicle when he was stopped.

Kernan is on personal leave from the \$157,405-a-year job and is scheduled for arraignment at the Sacramento County Courthouse on July 16.

"The department will evaluate the circumstances and defer to department policy on possible disciplinary actions," Unger said.

Jon Ortiz, Bee Capitol Bureau
<http://www.sacbee.com/capitolandcalifornia/story/1936935.html>

Texas Cop Uses Taser On 72-Year-Old Great Grandmother

A Travis County Constable used his Taser gun on a 72-year-old great grandmother after she refused to sign a speeding ticket.

The cop claims he was forced to defend himself because Kathryn Winkfein "got violent" in her refusal to sign the ticket.

The cop said she also used profanity, making him fear for his life.

Winkfein told an Austin news crew in the above video that the entire report was based on lies.

A dashboard camera which recorded the incident will eventually tell the truth. It is being reviewed by the county attorney.

Regardless of what the video shows,

there is no law against refusing to sign a speeding ticket in Texas, according to Civil Liberties Examiner J.D. Tuccille.

And it is highly questionable why a deputy would resort to using a Taser on an elderly woman who has never been arrested, especially considering there is a higher risk of killing an elderly person.

Last year, Jared Massey of Utah won a \$40,000 settlement after the following video emerged showing how he was Tasered for refusing to sign a speeding ticket.

<http://carlosmiller.com/2009/06/02/texas-deputy-uses-taser-on-72-year-old-great-grandmother/>
June 2nd, 2009

Pelican Bay Prison Riot Injures 7 Prisoners, 1 Seriously

Authorities are investigating a riot at Pelican Bay State Prison in Northern California that left one inmate with serious injuries.

Officials with the maximum-security prison say officers fired pepper spray and rubber bullets to break up a riot Friday afternoon involving about 17 inmates in the prison's main exercise yard.

The inmate who was seriously injured was taken to an outside hospital for treatment. Six other inmates suffered minor stab wounds and other injuries and were treated at the prison.

A spokesman for the prison says he believes the incident was gang related. Authorities recovered seven weapons at the scene that they say were manufactured by inmates.

The names of the injured inmates have not been released.

The Associated Press, Jun. 26, 2009
http://www.sacbee.com/state_wire/story/1981363.html?mi_rss=AP%

Saudi 'Killer Chip'

Implant Would Track, Eliminate Undesirables. It could be the ultimate in political control — but it won't be patented in Germany.

German media outlets reported last week that a Saudi inventor's application to patent a "killer chip," as the Swiss tabloids put it, had been denied.

The basic model would consist of a tiny GPS transceiver placed in a capsule and inserted under a person's skin, so that authorities could track him easily.

Model B would have an extra function — a dose of cyanide to remotely kill the wearer without muss or fuss if authorities

deemed he'd become a public threat.

The inventor said the chip could be used to track terrorists, criminals, fugitives, illegal immigrants, political dissidents, domestic servants and foreigners overstaying their visas.

"The invention will probably be found to violate paragraph two of the German Patent Law — which does not allow inventions that transgress public order or good morals," German Patent and Trademark Office spokeswoman Stephanie Krüger told the English-language German-news Web site The Local.

http://www.myfoxny.com/dpp/news/scitech/Saudi_Killer_Chip_Implant_Would_Track_Eliminate_Undesirables_83264879

Schwarzenegger Rejects Inmate Health Care Plan

The Schwarzenegger administration has rejected a plan designed to end years of litigation over inmate medical care in California's prison system.

In a letter obtained Thursday by The Associated Press, Corrections Secretary Matthew Cate tells a court-appointed receiver that the state cannot afford the \$1.9 billion fix Cate agreed to last month.

It cites legislation signed by Gov. Arnold Schwarzenegger in 2007 that provides about \$8 billion for prison construction, including \$1 billion dedicated to health care improvements.

Despite legislative approval of that funding, a lawsuit and other snags have prevented the state from spending any of the money.

Cate and the court-appointed receiver, J. Clark Kelso, agreed last month to the outline of a deal intended to reform inmate medical care. The federal courts, which have ruled the care in California prisons is so poor that it violates inmates' civil rights, have threatened to take money directly from the state treasury to fix the system.

Schwarzenegger said in a statement Thursday that California cannot afford the additional cost.

By The Associated Press, Jun. 25, 2009

Con Dead After Fight With Cellmate

Solano County District Attorney investigators and officials at California Medical Facility are investigating the death of a 50-year-old inmate.

Prison officials say inmate Nexter Seditillo was found dead Tuesday after a fight with his cellmate. Prison Lt. Mary Brewer said Wednesday she could not give other

details.

Sedillo had been in the prison since December 2001, serving a 12-year burglary sentence from Santa Clara County.

The Vacaville prison provides medical and mental health care to more than 3,000 medium-security inmates.

<http://www.fresnobee.com/384/story/1579958.html>

The Associated Press, Aug. 05, 2009

Kenya's Dr Prisoners Get Life Imprisonment

More than 4,000 prisoners on death row in Kenya will have their sentences commuted to life imprisonment, President Mwai Kibaki has announced.

No death sentences have been carried out in Kenya for more than two decades.

Since then more than 4,000 people have been on death row in the country's overcrowded, underfunded prisons.

Giving reasons for commuting all these sentences to life imprisonment, President Kibaki said the law did not allow those prisoners to work. He said this had led to idleness and had affected general prison discipline. The impact on the prisoners' mental health was also given as a reason.

Human rights groups will welcome the fact that more than 4,000 prisoners are no longer on death row but will hope that this leads to the eventual scrapping of the death penalty in Kenya.

President Kibaki noted that the decision did not in any way suggest the abolition of the death penalty but said he had directed the government to assess whether the punishment was having any impact on the fight against crime.

Prisoners in Kenya and in many other African countries can spend years locked up awaiting trial.

The Kenyan government has long promised judicial and prison reform. ©

From the BBC, Aug. 4, 2009

U.S. probes Orange County's jail system

If the Justice Department sees a pattern of civil rights abuses in deputies' treatment of prisoners, U.S. oversight is possible.

"The U.S. Department of Justice is conducting an investigation into Orange County's troubled jail system, examining a decade's worth of allegations that deputies mistreated inmates and used excessive force to keep control.

Officials from the department's Civil Rights Division are seeking to determine

whether incidents of violence by jail personnel amount to a pattern of violating inmates' rights, the Sheriff's Department confirmed...."

<http://www.latimes.com/news/local/>

500-Pound Inmate Hid Gun In His Flab

An obese inmate in Texas has been charged after officials learned he had a gun hidden in his rolls of fat.

George Vera, 25, was charged with possession of a firearm in a correctional facility after he told a guard at the Harris County Jail about the unloaded 9mm pistol.

The Houston Chronicle reported Thursday that Vera was originally arrested on charges of selling illegal copies of compact discs.

An obese inmate in Texas has been charged after officials learned he had a gun hidden in his rolls of fat.

The Houston Chronicle reported Thursday that Vera was originally arrested on charges of selling illegal copies of compact discs.

Associated Press, Aug. 8, 2009

Inmate slashed in Avenal prison riot

One inmate was slashed early Monday in a riot among about two dozen prisoners at Avenal State Prison.

Prison officials believe the incident was sparked by tension between rival Hispanic gangs, said Lt. Douglas Snell, a prison spokesman. The victim was taken to an outside hospital with injuries that officials said are not life-threatening. No prison personnel were hurt.

The fracas broke out about 6 a.m. in the prison's Facility 2, a medium-security, dormitory-style unit. The violence prompted officials to close the Facility 2 yard and confine the inmates to the unit, Snell said. Restrictions also were placed on inmate visits.

The Fresno Bee, http://www.fresnobee.com/updates/story/1629500.html, Sep. 07, 2009

Cops Taser 76-year-old Man

Glenrock Police Chief Tom Sweet said two officers "probably didn't do things the best way" when they used a Taser on a 76-year-old man driving an antique tractor in a parade. Sweet spoke at a packed town hall meeting Monday, nine days after Bud Grose was hit with a Taser during the town's annual Deer Creek Days.

The officers are on paid leave while state

Division of Criminal Investigation agents investigate. Mayor Steve Cielinski and most of the Town Council apologized to residents and asked for patience. Cielinski promised the findings will be made public.

"If we have to stand up and take it on the chin, we will," Cielinski said.

State investigator Tim Hill has said the two officers contend Grose disobeyed orders. Grose hasn't commented publicly, however, and investigators have not disclosed many details of what happened.

Some at Monday's meeting called for the two officers to be fired. Several people who witnessed the event told the crowd police repeatedly shocked Grose with a taser.

"Those two were the most out-of-control officers I've ever seen in my life," said Scott McWilliams, a witness who said he was shoved by one of the officers. "These two guys got to go."

Mike Pyatt, a former Glenrock police officer, called on town leaders to make changes at the department.

"We will hold you accountable," he said.

Sweet, however, said he won't act before receiving the DCI report, expected by the beginning of next week.

"I don't want to take a knee-jerk reaction now," he said.

Information from: Casper Star-Tribune - Casper, http://trib.com, Aug 11, 2009

Calif To Cut Prison Rehab Programs, Do Layoffs

A recent budget cut is forcing California to trim \$250 million from its prison rehabilitation program and lay off hundreds of corrections workers.

The California Department of Corrections and Rehabilitation on Thursday announced it will slash academic and substance abuse programs for inmates.

The move is in response to a \$1.2 billion cut to the corrections department under the budget packaged passed by Gov. Arnold Schwarzenegger and lawmakers in July.

Corrections officials estimate between 600 and 900 state workers will be laid off under the plan that still needs to be approved by the Department of Personnel Administration.

Officials say they also will be sending out termination notices to contractors who provide substance abuse services inside the state's prisons.

The Associated Press, Sep. 17, 2009

Recent History... Continued from page 29

LEGAL ACTION ON PRISONER DISFRANCHISEMENT

On September 4, 2009, The Lawyers Committee for Civil Rights Under Law, the Sentencing Project and the American Civil Liberties Union will file a thematic request with the Inter-American Commission on Human Rights asking for a hearing to examine whether felon disenfranchisement laws violate the American Declaration of the Rights and Duties of Man. The Request discusses the discriminatory nature of felon disenfranchisement laws and limits on the deprivation of individual voting rights in international law. The Request also asks the Commission to hold hearings on related petitions before it: *Petition Alleging Violations Of The Human Rights By the United States Of America And The State Of New Jersey, With Request For An Investigation And Hearing On The Merits.*

We would like to share with the Commission the wide range of organizations in the United States that work to end felon disenfranchisement laws both on the national and state level. Therefore, we ask that you sign on in support of the Request. Please let us know by Thursday, September 3 if you would like to be listed as supporting the Request. A summary of the Request is attached below. Please feel free to pass on this request if you know of other organizations that may be interested in signing on.

Thank you for your attention to this matter. Please do not hesitate to contact any of us if you have any questions or concerns.

Sincerely,

Marcia Johnson-Blanco, Lawyers Committee

Ryan King, The Sentencing Project

Steven Watt, American Civil Liberties Union

Marcia F. Johnson-Blanco, Senior Counsel, Voting Rights Project, Lawyers' Committee for Civil Rights Under Law

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SUMMARY INTRODUCTION OF THEMATIC REQUEST ON FELON DISFRANCHISEMENT

The right to vote and the right to be free from discrimination have long been recognized in universal and regional human rights law, yet many OAS Member States deny or curtail

these rights through the operation disenfranchisement laws, policies, and practices in their respective criminal justice systems.

The United States stands out in the breadth of disenfranchisement practices but it is not alone in maintaining disenfranchisement schemes. OAS Member States including Uruguay and the Dominican Republic have laws that disenfranchise citizens even after they have left prison.

Minority and marginalized populations in many countries in the Americas are disproportionately deprived of these rights due to the harsh disenfranchisement laws and correspondingly cumbersome reinstatement procedures. For example, in the United States, nearly 2 million African Americans or 8.25 percent of the African American population are disenfranchised, a rate three times the national average.

As such, the organizations listed herein respectfully request that the Commission carry out a comprehensive review of Member State disenfranchisement schemes and assess their compliance with applicable human rights guarantees functioning to protect the right to vote and be free from discrimination recognized under the American Declaration of the Rights and Duties of Man, the American Convention, and universal and regional human rights law generally.

This Request for a Thematic Hearing will examine first, the existence of discrimination and disenfranchisement in the Americas. It will then describe the legal framework that limits felon disenfranchisement and its discriminatory effect. Finally, the Request will provide information on other international law and practices as they relate to the subject. ☺

[*Note: California Prison Focus has formally endorsed this prisoner disenfranchisement legal action.*]



WHAT PREVENTS APPLICATION OF THE THIRTEENTH AMENDMENT IN PRISON?

The title of this post is part of the title of this interesting-looking new paper on SSRN from Raja Raghunath, which is fully titled "A Promise the Nation Cannot Keep: What Prevents the Application of the Thirteenth Amendment in Prison?". Here is the abstract:

The walls of the prison are not solely physical. The doctrine of judicial deference to prison officials, which compels courts to defer to the discretion of those officials in almost all instances, obstructs the effective scrutiny of modern practices of punishment. Since its ratification, the Thirteenth Amendment - which prohibits slavery or involuntary servitude anywhere within the United States or its jurisdiction, except where imposed 'as a punishment for crime whereof the party shall have been duly convicted' - has been seen by courts as one brick in this wall. This article makes the novel argument that, properly read, the amendment should instead function as a breach in this wall - one of sufficient size to allow some needed light to shine within.

Although in some states inmates may still be sentenced to hard labor, in most systems today they labor under a more general requirement that, if they are able-bodied, they must work. Reading the word 'punishment' in the Thirteenth Amendment in a manner consistent with the way that same word is used in the Eighth Amendment, and is understood in the rest of the Constitution, reveals that only those inmates who are forced to work because they have been so sentenced - which is not the vast majority of inmates compelled to work in the present day - should be exempted from the general ban on involuntary servitude. In addition to examining the jurisprudence of the Eighth and Fifth Amendments as it relates to this question, this article also details the history of forced labor programs as punishment, and how courts' reading of the punishment exception is not supported by either the circumstances surrounding ratification of the Thirteenth Amendment, or the ways that courts have construed it as a whole since that time.

This article argues that the reason courts

have broadened of the meaning of ‘punishment’ in the Thirteenth Amendment, while simultaneously narrowing it in the Eighth Amendment, is because these directly contradictory acts of constitutional interpretation both serve the same end of judicial deference to the actions of prison officials, which has resulted in the general abdication by courts of their constitutional obligations to oversee those officials’ actions. This article also theorizes about the potential outcomes of interpreting the Thirteenth Amendment properly with respect to prison labor, and suggests that the resulting recognition of the punitive purposes that have always driven our prison labor programs may actually lead to an improvement in the overall well-being of prisoners, and perhaps of society as a whole. ☺

Source: http://sentencing.typepad.com/sentencing_law_and_policy/2009/09/what-prevents-the-application-of-the-thirteenth-amendment-in-prison.html, Sep. 12, 2009.

JUDGES APPROVE STATE’S PRISON PLAN

A panel of three federal judges has approved a court-ordered plan submitted by Gov. Arnold Schwarzenegger to reduce overcrowding in California prisons, under a decision released today.

Schwarzenegger has appealed to the U.S. Supreme Court to overturn last year’s decision by the federal judges presiding over a pair of lawsuits by inmates who said overcrowding violates their rights to adequate medical and mental healthcare.

In the meantime, the governor was required to submit a plan showing how, if the state loses, he would reduce the inmate population by up to 40,000 over two years. His first plan was rejected by the judges in October because it did not meet the required population targets or timeline.

His second, submitted in November, told the judges how the state could achieve the population reduction. Schwarzenegger said the governor would work with lawmakers to approve measures they rejected last year, including home detention with satellite tracking devices for some inmates; permitting some felony offenders to serve time in county jails instead of state prisons; and reducing sentences for property crimes.

If lawmakers refuse to go along with the plan, the judges could waive state law and order the measures implemented, Schwarzenegger said. The governor’s aides said they oppose such a solution, but would implement the orders if they lose their appeals.

The judges said they would postpone implementation of the plan pending resolution of the state’s appeal. ☺

-- Michael Rothfeld in Sacramento
January 12, 2010

US SUPREME COURT RULING MIGHT REINSTATE DEATH PENALTY FOR MUMIA

There is a strong possibility that the January 12, 2010, US Supreme Court ruling in *Spisak vs. Warden Abu-Jamal* will reinstate the death penalty for Mumia

Mumia lost his final appeal seeking a new trial for the December 1981 murder of a Philadelphia Police Officer when the justices refused to take up the issue of whether blacks were unfairly excluded from the jury. But, at the time, the justices took no action on a companion petition filed by the Philadelphia district attorney’s office demanding reinstatement of Abu-Jamal’s death sentence despite having discussed it weeks before.

The high court held the Philadelphia prosecutors’ petition in abeyance pending the outcome of *Smith v. Spisak* -- an Ohio case that raises strikingly the same issues as those in Mumia’s case.

As a result of this ruling the Supreme Court is likely to issue a one-page order in Mumia’s case that would summarily reverse the decision by the 3rd U.S. Circuit Court of Appeals and order the appellate court to reconsider whether his death sentence should be reinstated.

Mumia’s case is similar to *Spisak’s* because both were granted partial new trials limited to the penalty phase. In both cases, the federal courts’ decisions to overturn the death sentences hinged on *Mills v. Maryland* — a 1988 U.S. Supreme Court decision that governs how juries should deliberate during the penalty phase of a capital trial. ☺

QUOTE BOX

“The deterioration of every government begins with the decay of the principles on which it was founded.”

C. L. De Montesquieu, The Spirit of the Laws, VIII, 1752

“The civility of no race can be perfect whilst another race is degraded. It is a doctrine alike of the oldest and of the newest philosophy, that man is one, and that you cannot injure any member, without a sympathetic injury to all the members.”

Ralph Waldo Emerson. 1844

“I believe that any man who takes the liberty of another into his keeping is bound to become a tyrant, and that any man who yields up his liberty, in however slight the measure, is bound to become a slave.”

H. L. Mencken

“The great only appear great because we are on our knees. Let us rise.”

James Larkin, Statue, Dublin, Ireland

“The future belongs to those that prepare for it today.”

Malcolm X

“It is in the nature of imperialism that citizens of the imperial power are always among the last to know--or care--about circumstances in the colonies.”

Bertrand Russell

“The poor have sometimes objected to being governed badly; the rich have always objected to being governed at all.”

G. K. Chesterton

“*criminal*, n. A person with predatory instincts who has not sufficient capital to form a corporation.”

Howard Scott

“Unless you become more watchful in your States and check this spirit of monopoly and thirst for exclusive privileges, you will in the end find that the most important powers of Government have been given or bartered away, and the control of your dearest interests have been passed into the hands of these corporations.”

Andrew Jackson, 4 March 1837

This issue was going to be about gay, lesbian, and transgender prisoners, but I have not received any material from sexual minorities on the inside. So instead you will get the usual mish-mash of articles with out any real theme. Readers are asked to make a special effort to get copies of this magazine into the hands of gay and lesbian prisoners.

When you come across prison-related news blurbs that might be of interest to other readers, but sure to send them in to us for our Recent History section.

This issue of *Prison Focus* was also supposed to have been published several months ago, but was delayed due to a lack of money. Accordingly, you'll note that many of the articles are dated. Lastly, before I start, I trust you will forgive me if I sound as if I am preaching to you in these comments. I understand that it will do little good. Perhaps I do it because it helps me to get these things off my chest.

Rich Get Richer:

In days of old, back when money came in the form of gold coins, some less than scrupulous kings would help fund their wars by having those running the kingdom's coffers shave a little gold from the edges of each coin before it was passed back out into circulation (all the crooks are not behind bars)¹. As more and more gold was repeatedly shaved from each coin the actual value of that money became less and less. It is for this very reason that China does not want to lend the U.S. any more money as the Federal Reserve (Fed) merely prints more money to buy new debt. The result of this long-standing policy is that the dollar is now worth 4 cents in comparison to what it was worth in 1913 when the Fed was established. And while the stock market has seen a rebound since March, between then and now the dollar has lost another 12.5 percent of its value.

According to Don Monkerud writing in the *Capital Times* on July 18th, income inequality continues to grow here in the land of the free, home of the incarcerated. He

1. "Great robbers punish little ones to keep them in their obedience; but the great ones are rewarded with laurels and triumphs, because they are too big for the weak hands of justice in this world, and have the power in their own possession which should punish offenders."
John Locke - 1632-1704



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

says "Wages for most Americans didn't improve from 1979 to 1998, and the median male wage in 2000 was below the 1979 level, despite productivity increases of 44.5 percent. Between 2002 and 2004, inflation-adjusted median household income declined \$1,669 a year. To make up for lost income, credit card debt soared 315 percent between 1989 and 2006, representing 138 percent of disposable income in 2007."

On the other hand, Mr. Monkerud points out, "*Forbes* magazine, declared 2007 'the richest year ever in human history.' During eight years of the Bush administration, the 400 richest Americans, who now own more than the bottom 150 million Americans, increased their net worth by \$700 billion. In 2005, the top one percent claimed 22 percent of the national income, while the top 10 percent took half of the total income, the largest share since 1928."

But what about the good times, between 2002 and 2007, things were better then? Well, yes, if you were already rich. According to the Center on Budget and Policy Priorities, two-thirds of the nation's total income gains from 2002 to 2007 flowed to the top 1 percent of U.S. households. During those years the inflation-adjusted income of the top 1 percent of households grew more than ten times faster than the income of the bottom 90 percent.

Not only are the rich raking in more profits and paying those who actually produce things less. They are dumping more and more of the tax burden on the working class. Monkerud says, "In 1955, the rich paid an average 51.2 percent of their income in taxes under a progressive federal income tax that included loopholes. By 2006, the richest paid only 17.2 percent of their income in taxes. In 1955, the proportion of federal income from corporate

taxes was 33 percent; by 2003, it decreased to 7.4 percent."

In the mean time the "official" national unemployment rate is 9.7 percent (14.9 million), a 26-year high, and is expected to hit 10 percent by year-end. The actual rate, the one that includes those whose unemployment benefits have run out and those who have stopped looking for work, is generally considered to be around 20 percent. And this figure does not include the under-employed. By year's end 1.3 million Americans will lose their jobless benefits. And it's even worse for you on the inside. According to

Justice Journal, the publication of Legal Services for Prisoners with Children, "the unemployment rate of people with felony convictions is currently 70 percent." The USDA says the food stamp list now soars past 35 million recipients—that's up 22 percent from June of 2008. Another wave of foreclosures looms, and now there are six unemployed people for every available position (job openings down 50 percent from 2007).

But not to worry, the business of weapons is still good. The United States signed weapons agreements valued at \$37.8 billion in 2008, or 68.4 percent of all business in the global arms bazaar, up significantly from American sales of \$25.4 billion the year before. Go capitalism!

Another Call for Help:

California Prison Focus (CPF) is going to go one of two ways, either up or down, and it's already down a long ways. The fortunes of CPF are important, but not as important as its mission. There are precious few groups going inside of California's worst prisons and holding face-to-face interviews with prisoners of all races, mostly those in the Security Housing Units (SHU), and reporting to the public on the issues prisoners are trying to bring to their attention. CPF is one of them. And one of the means for reporting issues and conditions on the inside is with the *Prison Focus* magazine, a recent issue had a circulation of 7,000 copies. Our readers are primarily California prisoners and their families and loved ones on the outside. Prisoners in other states, progressive organizations, and the news media also receive copies.

As so many of you already know, we also print and send in to prisoners facing or being validated as a gang member a hun-

dred seventy plus page *Gang Validation Manual*. CPF also sends in 602 manuals to prisoners, as well as spot material for specific circumstances. The funds for printing and mailing for the most part come out of the pockets of individual CPF members.

Also note that when a major issue erupts, such as the recent cross gender pat searches, CPF not only sent out press releases, but organized community resistance to the policy of male guards placing their hands on the sensitive areas of women in their custody. CPF won that battle.

These are socially constructive works that help to give a voice to voiceless prisoners. California law already prohibits the press from conducting interviews with convicts. Let's not silence *Prison Focus* too, especially not for economic reasons. Your support is needed to continue these investigative visits and to publish the results in *Prison Focus* and press releases. Please give generously, especially now, in these hard financial times.

You on the inside can support us with stamps, by sending us more volunteers, and by having family members and friends subscribe. Rights and class conscious prisoners have a special duty to help with money and volunteers.

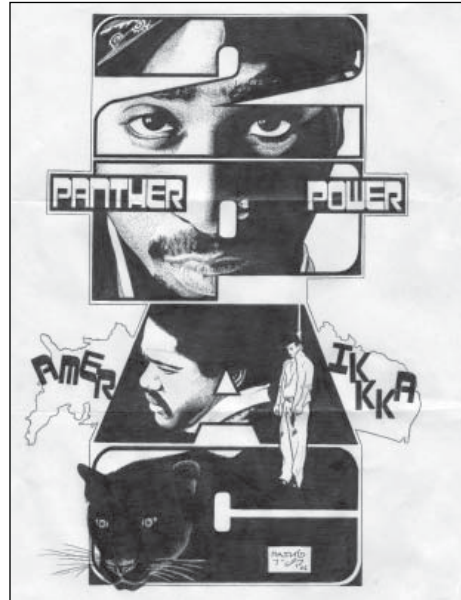
History Lesson:

As prisoners you are of course disenfranchised from participating in the bourgeois sham called an electoral process. And yes, you are being held in an inhuman and destructive state of dependency and irresponsibility. All of this is happening against your will and, if you really press for some measure of justice, it will ultimately unfold to your disadvantage at gun point. Why? Because slavery was not abolished by the 13th Amendment; at least not if you are a prisoner.

The White Panther Organization (WPO) has a good document that will give you a real history lesson. Write and ask them for "The White Panther Manifesto 2006" at the following address: WPO, P.O. Box 4362, Allentown, PA 18105. The Manifesto feels like it weighs a pound, so you should try and help out with postage if there's any way you can. If you hate the document, write and tell them why and send me a copy. I would like to print people's replies—to see what other folks have to say about setting goals and priorities. The White Panthers are friends with the prison chapter of the New Afrikan Black Panther Party (NABPP).

While I'm on the subject of reading, if

you think that life consists of more than your own immediate gratification, and if you want to better understand the world in which you live, and if you would like to make a difference in your current reality, here's something that may help you to move in that direction. It is a pamphlet from the Institute for the Critical Study of Society (ICSS), 6501 Telegraph Ave., Oakland, CA 94609, called "On the Current



Capitalist Crisis", published in April 2009. Write and get yourself a copy of this document, and when you do so send them some stamps to help out.

The Rant:

Just how bad is bourgeois justice? In a recent dissent in a 5-4 Supreme Court ruling ordering a *habeas* hearing in federal court for South Carolina death row inmate Troy Anthony Davis, a man slated to die after being convicted for the murder of an off-duty Savannah police officer, Scalia wrote, "This court has never held that the constitution forbids the execution of a convicted defendant who has had a full and fair trial but is later able to convince a habeas court that he is 'actually' innocent." It is okay to execute the innocent? When I was in school they taught us that it was better for ten guilty people to go free rather than one innocent person be imprisoned. Today the logic is that it's better to imprison ten innocents rather than let one guilty person go free. Times have indeed changed.

Yesterday's *L.A. Times* reported Governor Schwarzenegger's tour of riot-torn Chino prison, where he said the state's prison system is "collapsing under its own weight." He went on to note that California spends almost \$49,000 a year per prisoner

and yet has one of the highest recidivism rates in the nation. He said "California is quite literally losing control of our prisons." Was there ever a better time for prisoners themselves to peacefully enter on to the stage of history?

Your previous divisive behavior and lack of progressive activism on the inside are products of the '80s, but, as you some of you may have noticed, times have changed. It's time to move on. In these exceptional times it is necessary for you to raise your collective voice in unity. Outside people are listening but hearing nothing but race riot trash from you. You, the prisoners, must become a part of the national debate on the nature of and need for imprisonment, and to do that you must overcome your current divisions. In short, you must become your own liberators. The first step is for you to allow implementation of the court ruling mandating cross racial celling. You got issues about doing this? Read the article "On The Question of Integrated Celling" on page 16. The second step that must be taken is for you to stop voluntarily segregating yourselves.

I know it is difficult to be the first to do anything. The first white to eat on the black side of the mess hall; the first ongoing associations on the yard with members of another race.² The first ones to do this will have a tough row to hoe. But this is how leadership is developed. It is not how tough you are against other prisoners, but the risks you are willing to take in order to help move the overall struggle for justice forward.

At the very least there should be cross-racial discussions around the question of how to find your collective voice. If you can do that, we few out here will do our best to amplify that voice and make it louder.

California prisoners have foolishly and without meaningful resistance squandered the gains that were purchased with the blood and sweat of previous generations of convicts. It is now time to put those foolish ways behind you. You on the inside can no longer afford to let this rare opportunity pass—not only for your own sake, but for the sake of generations of prisoners who will follow you.

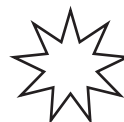
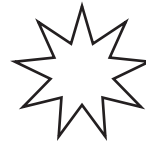
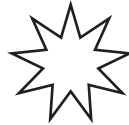
If not you, who? If not now, when? ☺

Ed Mead

2. I've done both, in places like the Brushy Mountain Prison in Tennessee (where the guards and the prisoners were largely KKK), the Arizona State Penitentiary at Florence, the U.S. Prison at Marion, IL, and many other joints.

Miss Heroin

So you've grown tired of hash and weed
L.S.D. cocaine and speed.
And someone pretending to be your friend
Says let me introduce you miss heroin.
Well before you start messing with me
Just let me inform you, on how it will be.
First I will seduce you, and make you my slave
I've sent men much stronger than you to their grave.
So you think you could never end up a disgrace?
And end up addicted to poppy seed waste?
You'll start to inhale me one afternoon
Then you'll take me into your arms very soon.
And once I've entered, deep down in your veins
The craving will nearly drive you insane.
You'll steal from your mother, and just for a buck
You'll turn into something rude and corrupt.
You'll rob and steal, for my narcotic charm
Only to find contentment, when I'm in your arm.
And the day you realize the monster you've grown
You'll solemnly promise to leave me alone.
But if you think you've got that mystical knack
Then just try to get me off your back.
The vomit, the cramps, your stomach tied in knots
Your jangling nerves screaming for just one more shot.
You will frantically run to the pusher and then
You'll welcome me back, in your arms once again.
And as you return just as I've foretold
You will give me your body and even your soul.
You will give me your conscience, your morals your heart
And you will be mine, till death do us part....



The Need for Speed

By Davie Leen

We're sick of being tired, we all want to get wired,
We just want to tweak and stay up for a week.
The lights are always on, we're constantly awake,
We go to people's houses, to see what we can take.

We scrub our carpets with a brush, our floors with a rag,
We clean our houses for hours, then go chase down the bag.
We're paranoid and schitzo, but not afraid of death,
Scandalous and dishonest, but loyal to our meth.

At times we are confused, we can't seem to understand,
What happens to our lives, why we're the outcast of the land.
At time we act crazy, people think we are insane,
Irrational thoughts are frequently running through our brain.

We all end up in prison, wondering how this hole was dug,
We blame it on society, cause we're loyal to our drug.
While in prison we build our bodies, and improve our stature,
We go out on parole, and again manufacture.

We don't care about our health, we don't care about going back,
We don't care about our lives, 'cause we're loyal to the sack.
So here I sit in prison, unable to get high,
I take it like a man, it's no time for me to cry.

Soon I'll be back out and tempted by the meth,
I'll have to be much stronger, or loyal to my death!

By Davie Leen

Shair's Corrido

Sandra Cisneros brought the Mexican
Cut in me

Someone yelled out "¡La Migra!"
And I was one of the first to flee

Instantly accusations arose
Typecast as "The Wetback"
They dress me in peasant clothes.

They let me stay though
If I sell an orange
Cut a few lawns
Always answer "Si, Señor"

They don't care that I'm "priceless"
An Deigo Rivera canvas
Abstract and original
There is only one "me" on this planet.

I'm Cuahatemoc! Bravery
In a broken spear, it's in my veins!
So the recruit me,
So I can jump on grenades

And win Medals of Honor
Pero no es nada.
They'll stick me in prison forever
If I even speak like Zapata

The Revolution was televised last night
But I missed that episode
I was working in the field
With my bare hands
And I'm too broke for TVO

Soy un Sandia.... What does that mean?
Cut open my flesh
Expose Red, White and Green
Green White and Red
Plus the Eagle and the Serpant
Taking time out of my day
To thank god for the Virgin.

Soy el llanto watch eye pup
Exit my skull in sadness....
Someone call Ramon Ayala
To sing my Blood Ballad.

Ed. Note: For some reason the envelope containing the above piece is unavailable, so for now the author is unknown. Also excuse my poor transference of this fine poem from script to print. Poets should notice that the poetry on this page, although sparse, is far superior to whining about conditions or one's "great love" (unless that loved one's name is Revolution ;-)

Riot at Folsom

Scores of inmates involved in Folsom prison fight

From Bill Lindelof:

About 120 inmates were involved in a fight at old Folsom State Prison on October 7, 2009, battling each other with fists and food trays.

Prison officials say eight inmates were hurt. In the fight that began in a dining room about 7:30 a.m. The injuries mostly were bumps and bruises and were not life threatening.

Some of the injured inmates were transported to UC Davis Medical Center. No prison employees were injured.

The melee was brought under control in 15 minutes, said corrections spokeswoman Michelle Kane. Pepper spray and gas grenades were used to quell the fighting.

After the inmates were brought under control, the dining room was cleared and the prisoners were brought out to the main yard. Inmates who were not injured are now back in their cells.

An investigation into what prompted the fighting has begun.

"As to what sparked it, we have no idea," said Kane.

ACLU Challenges California's Mandatory DNA Collection From Felony Arrestees As Unconstitutional

09 Oct 2009

The ACLU filed a lawsuit yesterday in the NDCA seeking to overturn Proposition 69, which mandates the collection of DNA samples from all persons arrested for California felony offenses. ALCU NDCA DNA Civil Complaint. Although there is no direct EDCA connection here, there is a Sacramento plaintiff who had his DNA collected when detained at the Sacramento jail. And I've blogged before about my concerns about "Trusting the Government" with pre-conviction DNA collection and the Federal Defender's pending appeal challenging the mandatory collection of DNA as a condition of pretrial release. See [FD Appeal To Mandatory DNA Collection of Pretrial Releasees](#).

With California's policy to collect DNA upon booking or soon thereafter, see California AG Memo on DNA Collection, and all EDCA federal defendants detained in local jails rather than federal detention centers, I wonder whether EDCA federal detainees are being lumped in with California inmates and having their DNA collected when booked at county jails. Anyone know

whether this is happening?

Feinstein pushes to ban prisoner cell phone use

Oct. 7, 2009

California Democratic Sen. Dianne Feinstein wants to pass a new law to ban the use of cell phones by inmates in federal prisons.

She has teamed with Republican Sen. Chuck Grassley of Iowa to introduce a bill that would do just that.

It's an attempt to prevent prisoners from committing crimes while inside prison walls. The bill would close a loophole by prohibiting the use or possession of all cell phones and wireless devices, which would be considered contraband. Any person who provided or attempted to provide an inmate with a cell phone could face a prison sentence of up to one year.

"A cell phone should never be in the hands of a prisoner," Feinstein said. "The presence of these cell phones poses a grave safety concern for staff, inmates, and the public. We know that inmates use these phones to conduct criminal business outside of prison walls, including directing gang hits, controlling drug trafficking operations and even conducting credit card fraud."

Grassley said the bill is "a common-sense solution" to make sure prisoners can't continue to commit crimes while behind bars.

Currently, the senators said, cell phones found in prisons are not defined as contraband, and guards and inmates found smuggling or possessing a cell phone in a federal prison are rarely punished, they said.

In 2008, the senators said, Federal Bureau of Prisons staff confiscated 1,519 cell phones from federal prison camps and 255 cell phones from secure federal institutions.

[Note: Sen. Feinstein's husband's company (URS Corp/) gets billions in contracts for selling military services to the government.]

By Rob Hotakainen
rhokainen@mclatchydc.com

ANGOLA 3 APPEAL DENIED

By James Ridgeway, October 9, 2009

The Louisiana State Supreme Court Friday denied an appeal from Herman Wallace, who has been held in solitary confinement for more than 37

years. Wallace and Albert Woodfox are members of what has become known as the Angola 3. Convicted of the 1972 murder of a prison guard at the notorious Louisiana State Penitentiary at Angola, both men maintain their innocence; they believe they were targeted for the crime and relegated to permanent lockdown because of their organizing work with the prison chapter of the Black Panthers. Wallace, who is now 68 years old, was recently transferred from Angola to the Hunt Correctional Center near Baton Rouge, where he continues to be held in solitary. Two days ago, Wallace descended even deeper into the hole, placed in a disciplinary unit called Beaver 5 for unknown violations of prison policy.

Herman Wallace launched the appeal of his conviction nearly a decade ago. His lawyers have introduced substantial evidence showing that the state's star witness, a fellow prisoner named Hezekiah Brown, was offered special treatment and an eventual pardon in exchange for his testimony against Wallace and Woodfox. In 2006, a judicial commissioner assigned to study the case found that there were grounds for overturning the conviction, but Wallace's application was subsequently denied--by the state district court, court of appeals, and now by the Louisiana Supreme Court.

The ruling opens the doors to a federal habeas corpus challenge, beginning with the Federal District Court for the Middle District of Louisiana at Baton Rouge. Here, if Wallace is lucky, his case will be reviewed by a fact-finding federal magistrate, and his conviction overturned by a federal judge. This is what happened to Albert Woodfox last year. Yet Woodfox, too, remains in prison--and in solitary confinement--as the state appeals the judge's decision.

Louisiana's Attorney General, James "Buddy" Caldwell, has stated that he opposes releasing the two men "with every fiber of my being," while the Warden of Angola and Hunt prisons, Burl Cain, has more than once suggested that the two men must be held in solitary because they ascribe to "Black Pantherism." In addition to their criminal appeals, Wallace and Woodfox (along with Robert King, who was released in 2001), have a case pending on constitutional grounds. They argue that the conditions and duration of their time in solitary confinement constitute cruel and unusual punishment in violation of the Eighth Amendment, and that they are being held there for their political beliefs, in violation of the First Amendment. ☺

SUNDIATA ACOLI PAROLE INFO

Sundiata Acoli is a 72 year old prisoner at FCI Otisville, NY, who is sentenced to life with the possibility of parole, afflicted with common old age infirmities and has been imprisoned 36 years to date. He was arrested for the May 2nd, 1973 NJ Turnpike shooting incident in which he shot no one but merely managed to survive but in which his passenger, Zayd Shakur, and a New Jersey trooper, Werner Foerster, were killed. Another trooper, James Harper, was wounded as was Sundiata's other passenger, Assata Shakur, who was at the time the object of a nationwide "woman hunt" and she was captured. Sundiata was also wounded, then captured 40 hrs later. Sundiata and both his passengers were members of the Black Panther Party at the time. For those reasons, and because Assata escaped prison long ago, the Parole board has twice denied Sundiata parole claiming he's likely to commit another crime.

Sundiata has endured some of the harshest treatment a prisoner could experience. Still, he maintains a favorable prison record. He is a talented painter and has written numerous published articles about the prison industrial complex. He is a beloved father, grandfather, brother and elder to many with a rich history of making invaluable contributions to his community.

In the 60's Sundiata left a promising career at NASA as a computer programmer to travel to the South to help register Blacks to vote. During his activism with the NY Chapter of the Black Panther Party, Sundiata contributed to various programs providing the city of Harlem with community control of schools, tenant control of slum housing, free breakfast for school children, free health care, legal clinics and political education classes. He also worked on community programs against drug dealers and police brutality. Numerous Panthers are still languishing in prison and have repeatedly been denied parole despite clear support for their release.

Sundiata comes up for parole hearing again in Feb. 2010 and people concerned about justice are urged to send letters, cards and signature petitions which express in effect: 36 years of imprisonment is enough. Sundiata Acoli NJ#54859/Fed#39794-066 has long ago fulfilled all requirements for parole and is too old, infirmed and is highly

unlikely to commit another crime so I urge you to release Sundiata Acoli on parole.

As the attorneys will present your letters formally and keep record of the number of letters received, please do not mail them to the Parole Board directly. Instead mail your letters to:

Atty. Florence Morgan
120-46 Queens Blvd.
Kew Gardens, NY 11415.

Letters should be addressed to:

Chairwoman Volette C. Ross
New Jersey State Parole Board
P.O. Box 862
Trenton NJ 08625 ☉

To join the Sundiata Acoli Freedom Campaign (SAFC) email list or request additional information, feel free to contact SAFC by email at TheSAFC@gmail.com

KELLY TURNER GRANTED FREEDOM

On Tuesday, September 8, 2009, after serving 13 years in prison for a low level forgery, Kelly Turner was granted her freedom. Through the dedication of her attorneys and her family, a way was found for Kelly to come home. She visited the FACTS office this week and expressed her deepest appreciation for our role in educating the public about the brutality of Three Strikes. In her, Strikers have a strong advocate in the fight for their freedom and FACTS has gained a powerful and dedicated educator and fundraiser.

Our relationship with Kelly began ten years ago when, FACTS, under the leadership of Third Striker Reggie Ellis, began to organize Strikers inside. Within a short time Inside FACTS organizers were in almost all the prisons in the State. Among these amazing men and women was Kelly Turner, a beautiful sister who came to us with optimism, creativity, hope, humor and dedication. She was a regular contributor to the Inside FACTS Striker. With each issue came new ideas to educate the public, new campaigns in the pursuit of the road to freedom.

Six years ago, Kelly wrote and self-published "The Art of Incarcerated Culinary" written in prison with recipes for those

similarly situated and/or for folks on camping trips, or those living near poverty, or below, in today's difficult economy and doing without stoves and other luxuries. The book is available for sale at www.facts1.net In the book's dedication she writes; "This book is for all California Three Strikers who are serving 25-years to life sentences for nonviolent offenses, which include stealing a piece of pizza or videotapes, and forging checks. We are on our way to a new beginning".

Look to hear more about Kelly in months to come. ☉

*Bonnie Gordon, Cause Admin
Sep. 17, 2009*

PRISON REPORT: MASS RELEASES?

By Just A Guy

Editors note: Just A Guy is an inmate in the California state prison system. His dispatches run twice a week.

Iam constantly amazed at the cowardice of the politicians who are running this state. The Legislature passed the prison bill, reducing the population by 16,000 inmates -- but this is a watered-down bill that still leaves \$200 million more for California to wrest from other areas, like education and health care.

No one wants to be seen as soft on crime -- but a lot of the crimes people are in prison for are moral crimes. Any crime in which there is not an actual victim -- that is, a person or entity -- should not be a crime, period.

Eighteen percent of the inmates in California are in for drug-related crimes -- possession or sales. That's roughly 30,000 people. Why not let all of them out, now?

Politicians seem only able to describe the decisions they make when they are accused of something -- rarely do we see a thoughtful conversation held about a topic that necessitates a dialogue. Like the California Department of Corrections and Rehabilitation, these legislators do what they want, when they want, to whom ever they want, but hide behind the veil of public safety when questioned about their actions -- which will, in the long term, harm public safety.

I don't understand how the general public keeps allowing this ridiculous spending on prisons to go on unquestioned. Are the voters so caught up in their own little worlds to not realize the long-term impact

of the terrible laws and terrible system? It must be -- because it keeps going on, unchecked.

The president's health-care reform plan has the public screaming and yelling and talking about long-term costs etc. But they can't seem the forest for the trees when it comes to prison spending. It goes to show how shortsighted people can be when it comes to their own wallets. It's akin to never getting your home checked for termites, then being surprised when the house comes crashing down around you, but the chimney still stands.

It's pretty obvious that the plan in Sacramento is really to just allow the feds to come in and take over the problem. California has until Friday to show the court its plan to replace the prison pop by 43,000 over the next two years. Right: They can't even figure out how to reduce it by 27,000 over one year. You think they'll come up with a workable plan by Friday?

The Supreme Court already denied CA's appeal to extend the deadline.

Mass releases -- coming soon, to a theater near you. ☺

http://www.sfbg.com/blogs/politics/2009/09/prison_report_mass_releases.html

LEONARD PELTIER & MUMIA ABU-JAMAL: JUSTICE BAROMETERS OF OUR SOUL

Welcome to the United States of America, the land of hypocrisy, denial, and subterfuge.

Intense economic and race war in fact continues unabated in this nation unabashedly fostered, sadly, by U.S. President Barack Obama, who is himself the aloof and blissfully oblivious target of increasing racial bigotry. What a terrible irony! It is stunning, but no accident, how the obvious is repeatedly missed by so many in 'America.' The details in the cases of U.S. political prisoners Mumia Abu-Jamal and Leonard Peltier make this abundant arrogance, hypocrisy, and dangerous obliviousness that is so prevalent in this land - crystal clear.

Leonard Peltier and Mumia Abu-Jamal however, are so much more than political prisoners in 'America.' Their three decades-long wrongful imprisonment rep-

resents the very heart and soul of ongoing hypocrisy, racism, and growing injustice in this nation. Mumia Abu-Jamal and Leonard Peltier are not simply names to banter about. As with many other political prisoners in this country, these two cases represent the collective barometer that indicate the utter and dismal failure of the judiciary and politicians of this nation to "change" their ways and come to their human senses.

Leonard Peltier, a former head of the American Indian Movement (AIM), and Mumia Abu-Jamal, a former leader in the Black Panther Party (BPP), both demonstrated the unmitigated audacity to stand up for unfettered justice - which is in reality the ultimate sin in this nation. They both were falsely accused of having killed police agents of repression and they both had enormously crucial and important evidence suppressed by government prosecutors in their skewed, so - called free and democratic trials here in the empire's corporate 'America.' They both were (and continue to be - even in prison) the targets of local, state, and federal authorities - to be discredited, kept imprisoned, and if possible - ultimately murdered.

The crux of the Leonard Peltier case is not only the government subterfuge and concomitant suppression of crucial evidence, but also the legitimate sovereignty rights of Indigenous peoples collectively on this continent. Indigenous sovereignty rights is something that the U.S. Government and much of the collective psyche of this country has studiously avoided, refusing to honestly and fairly address for over five hundred years.

Likewise, the crux of the Mumia Abu-Jamal case is not only the government subterfuge and suppression of crucial evidence, but the audacity of Mr. Abu-Jamal to, as a human rights activist in word and deed, boldly expose the economic and racist hypocrisy of the U.S. Government, in his quest on behalf of the collective human rights of people here and abroad.

For thirty years now the corporate U.S. so - called 'news' media has used, and continues to use, a combination of falsehoods, omissions, and obfuscation to perpetuate this despicable outrage against Mr. Abu-Jamal and Mr. Peltier. Thus is this outrage also continually perpetrated against us - the majority of peoples in this nation and on this planet; not only pertaining to the Leonard Peltier and Mumia Abu-Jamal cases of injustice but also as pertains to the daily corporate media onslaught of distraction

and disinformation in general both nationally and internationally. Make no mistake about this!

Leonard Peltier recently very clearly and quite correctly wrote that "now" he is Barack "Obama's political prisoner." Indeed he is, as is Mumia Abu-Jamal, just as the bloody wars in Afghanistan, Iraq, Pakistan, and elsewhere are now Obama's wars. Stop the intellectual masturbation and get real - people! These two political prisoners represent the barometers of our very souls. Indeed, until we ourselves uncompromisingly change it, we are all the emotional and information prisoners of this present economic, social, and political Republicrat [i.e. Republican and Democratic Party] nonsense on the road to certain national and global disaster.

Both [Leonard and Mumia] demonstrated the unmitigated audacity to stand up for unfettered justice - which is in reality the ultimate sin in this nation.

Whether we view our primary concern as being obtaining universal single payer health care, over-all social & economic justice, labor union busting, the environment, housing, increasing unemployment, or the ongoing U.S. bloody wars abroad, etc., the cases of Leonard Peltier and Mumia Abu-Jamal encompass all of these important concerns. Think about it! They are all linked and intertwined. We must understand this.

Our Mother Earth cannot continue to exist without social / political (including environmental) and economic justice and real change, and we cannot continue to exist without our Mother Earth. It doesn't take a rocket scientist or a Harvard graduate to understand this.

In the spirit of 'Crazy Horse' and with the determination of all justice loving people; spit out the poisonous political 'Kool' Aid and fight hard to make our hopes and dreams become reality. As we do this, let us actively remember Leonard Peltier and Mumia Abu-Jamal, for in doing so we remember and honor the very best in ourselves. Onward then sisters and brothers! Onward... There remains much work to be done. ☺

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PRISON FOCUS

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SOME GUIDELINES FOR CONTRIBUTIONS TO PRISON FOCUS

SOME SUGGESTIONS FOR SUBMISSIONS:

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

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

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

CPF'S MISSION STATEMENT

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

BECOME A VOLUNTEER

CPF depends on volunteers to do our invaluable work. We need your help answering mail, working on our newsletter, staffing our office, fund raising, and outreach. Phone (510) 836-7222 for the date of the next CPF meeting.

PRISON FOCUS 2009

The topic for *Prison Focus* #35 will be on the issues you send articles for, what ever that might be. Please send us your articles and artwork. The due date for submissions for the next issue is Feb. 1st 2010. If you have ideas for issue #36 send them in to us as well.

ABOUT CPF

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

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