

# ROCK

## ★ Working to Extend Democracy to All ★

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### MORE ON “END TO HOSTILITIES” PAPER

I'm one of the PBSP-SU-prisoner representatives. I write this to touch on a couple of issues of immediate importance.

First, we have received a lot of questions regarding the 'End to All Hostilities' paper, via prison publications, attorneys, etc. I will answer the most important ones here. "No," it was never meant to be a call for a hunger strike on October 10<sup>th</sup>. Those that did go on one, no biggie. I'm sure it was good practice. "Yes," it's also between all groups (all good solid southern, northern, eastern, western, up and down, back and forward). And since it involves all CDCR and county jails, it also involves all Youth Authority, Y.T.S., and all Juvenile Halls, Camps, etc. across the state.

We hope that this now clarifies the document to everyone's satisfaction. Of course there are always going to be groups and individuals who feel that it does not apply

to them, and act accordingly in an adverse manner under that false belief. Well, the only thing that we can say to those, is to repeat an old convict/prisoner/common sense saying, "don't ever falsely assume one's hands are tied, where one expects all others to just stand still and take it." Therefore, it's vital that this End to Hostilities holds for all races and groups, as I will briefly explain.

The documents the Short Corridor Collective have been putting out since our March 2012 rejection of CDCR's STG-SDP 5.5 Program, and will continue to put out, are in the following order.

1. The open letter to the Governor
2. The Agreement to End Hostilities between all races and groups
3. Our Rejection/Response to CDCR's STG-SDP 7.0
4. Our Demands/Notice giving CDCR a "Deadline" to meet all of the demands, or else we are going to resume our peaceful hunger strike (HS) and work stoppage (WS) starting on July 8<sup>th</sup>, 2013.

Note that we only agreed to "temporarily" suspend the July and October 2011 Hunger Strike after CDCR agreed to change a lot of SHU policies and practices, etc., etc., in a positive manner. Since then, CDCR has failed to honor their end of our prior agreements. Instead, they gave us STG-SDP 7.0 that will only put a lot more in SHU.

July 8<sup>th</sup> 2013, will be two years. That's CDCR's deadline. Stay tuned for the last two documents. The last document should be out on the web at the end of this year. And we will also serve a copy of it on all CDCR officials. But I will give a sneak preview here in a couple of paragraphs.

Since July 2011, we have read in prison publications how prisoners all across the

state and the U.S. are also being deprived and tortured in different ways, including women prisoners. We knew we were not alone in this. So our Demands/Notice will contain, among others, the list of Orders/Demands listed in the *Rock* newsletter, Volume 1, #10, October 2012 (which are a part of our original 5 core demands); as well as our statement about how CDCR must abolish "intelligence" based SHU/AD-Seg confinement, as stated in the *Rock* newsletter Volume 1, #9, September 2012.

We will also call on GP; AD-Seg; death row; and SHU representatives, including women (I'm also personally including here all YA and YTS) to draft up their own demands tailored to their own individual institutional needs, to be served on CDCR and their prison wardens (I would get started on them now). As well as a call for all prisoners across the U.S., state and federal, and to join us July 8<sup>th</sup>, 2013 for a national hunger strike/work stoppage to protest solitary confinement and the continued deprivations and conditions in their individual state prison systems.

We will also encourage reps from each U.S. prison to formulate their own separate demands, now tailored for their individual state and institutional needs, also setting July 8<sup>th</sup> 2013 as their deadline to meet their demands or else they will also go on Hunger Strike/Work Stoppage, which we will support. And for those interested as to acceptable strategies, have family/friends send you free download copies of the *Rock* newsletter Volume 1, #7, July 2012 from this website ([www.prisonart.org](http://www.prisonart.org)).

In closing, we know a lot of prisoners are wondering why we did come up with a date so far away. As individuals from each

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group we are always itching and ready to act, however because this involves many different groups, ideas, opinions, as a collective we had to restrain our urges of going at it now, and instead we had to exercise patience in order to obtain a mutual agreement between all of our groups which we now have. That was the most important aspect of our own negotiations, to set a deadline for CDCR that we all agreed on. And to fully understand that our vision, where we are not only thinking of our state, one must stand back and see the big picture of this upcoming main event, where all US prisoners are asked to pick up the flag of solidarity and also volunteer and join us on that national HS/WS starting on July 8<sup>th</sup> 2013.

We are basically also opening the door and giving all U.S. prisoners a forum to put forward their own demands for change. This all takes a lot of time to do, plus, it's less than a year away which is nothing for those of us who have already spent decades in SHU. And for those who do not wish to participate, that's fine with us. Just like all the past ones, this is going to be on a pure voluntary basis, however, it is now time to stand up on July 8<sup>th</sup>, 2013 and be counted, among those standing on the line that we have already drawn on the sand! Always in Solidarity! •

*Arturo Castellanos, C17275  
PBSP-SHU Prisoner Representative  
[put no date with this article]*



Artwork by Carlitos Galindo

## PRISONERS' RIGHTS MUST BE PROTECTED

*By Sarah Cueva, Daily Trojan,  
Oct. 21, 2012*

Last week marked the one-year anniversary of the end of a Northern California prison's hunger strikes and a consequent deal struck between prisoners and the California Department of Corrections and Rehabilitation. At Pelican Bay State Prison in Crescent City, Calif., prisoners observed the anniversary by writing an open letter to Gov. Jerry Brown expressing their frustration at a lack of change in the last year and calling on him to end the indiscriminate placement of inmates in solitary confinement for years on end.

Though it is undoubtedly necessary for some inmates to be placed in solitary confinement to protect the safety of prison officials and other inmates, the policy is flawed in that it leaves prisoners undeserving of such punishment in solitary confinement for years. This is not just a problem at Pelican Bay, but at prisons across the state. Brown must take action to reform Pelican Bay to set a precedent that further prevents the violation of basic civil liberties in all U.S. prisons, especially in those in Los Angeles.

The letter written by the prisoners in Pelican Bay's Security Housing Unit, or SHU, expresses their frustrations with the slow progress on prison reform. The changes they requested are not unreasonable, and a failure to implement these changes represents the state's failure to protect two constitutional rights: due process of law and the right to not be subjected to cruel and unusual punishment.

One of the prisoners' core requests is that no individual should be placed in solitary confinement without extensive administrative review, and that those who are sent there must be given a fixed sentence. The Center for Constitutional Rights claims that anything less than these requests amounts to a violation of the Eighth Amendment, which grants protection against cruel and unusual punishment, and the Fifth Amendment, which promises the right to due process of law.

According to the CCR, which filed a federal class-action lawsuit on behalf of the prisoners last May, SHU inmates spend 22 ½ to 24 hours a day in a tiny windowless cell without access to basic human contact.

Such conditions have proven to have a devastating psychological impact on individuals held in such conditions for a prolonged period, and at Pelican Bay, some inmates have been held in this way for more than 20 years.

This is not a problem contained only within Pelican Bay State Prison. Solitary confinement conditions are also far from perfect in L.A. County jails — one ex-lawyer, for example, was held in solitary confinement in the L.A. County Men's Central Jail for 14 months without being charged for a crime.

Even more disturbingly, many SHU prisoners have not broken prison rules and therefore do not deserve to be held in such a manner. For example, prison officials can take even the most basic actions and turn them into a solitary confinement sentence for affiliation with a prison gang. Shane Bauer, an observer of Pelican Bay's SHU who has experienced solitary confinement, told the Los Angeles Times that some "evidence" of prison gang activity includes pictures of Malcolm X, possession of Niccolo Machiavelli's *The Prince* and the use of the words "tio" and "hermano," according to the Los Angeles Times.

It is one thing to place an inmate who has killed another inmate or assaulted a guard into solitary confinement for the safety of others, but arbitrarily locking an inmate away without judicial oversight for possessing a book remains a glaring inconsistency within California's prison system that has largely been ignored up to this point.

Unfair solitary confinement also draws attention to a larger problem in California prisons: abuse by prison guards. The L.A. County Sheriff's Department, for one, was sued in January by the American Civil Liberties Union for inmate abuse, and the case has yet to be decided. The fact that such a prominent city's sheriff's department has been sued multiple times by the ACLU and investigated by the FBI should be a source of enormous public outrage. But the issue remains at the margins of the media and public consciousness, further eroding the ideals all Americans' constitutional rights are founded upon.

There is no doubt that solitary confinement is necessary for some inmates for safety reasons, and most of the time those inmates are far from model citizens. But if a nation so dedicated to constitutional rights and civil liberties does not protect the rights of all its citizens, no matter how morally defunct they are, it loses its cred-



ibility to a certain extent.

Because of this, it is vital that grievances made by people like the prisoners in solitary at Pelican Bay and the allegedly abused inmates in L.A. County jails are addressed, if not for their sake then for the sake of being regarded as a civilized society. •

[Sarah Cueva is junior majoring in Middle East studies and political science. Her ...column "Leaning Toward Liberty" runs Mondays.]

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## SOLITARY CONFINEMENT ABUSE RAMPANT IN CALIFORNIA PRISONS

By Rachel Moran, Reason.com

Ricky Gray has been in solitary confinement since 2006, despite having a violence-free prison record and no major disciplinary infractions.

Shane Bauer's excellent Mother Jones article on solitary confinement—which tells Gray's story—is the latest addition to a long line of depressing indictments of the draconian methods practiced in California prison system. Bauer's research suggests that nearly 12,000 Californian inmates are currently housed in some form of isolation, with 3,809 of these serving an indeterminate sentence. David Barneburg, the institutional gang investigator for California's Pelican Bay prison, claims that segregating gang members through solitary confinement is the only way to keep prisons from being overrun by racial conflict and killings. Despite this the rate of violent incidents in California prisons has risen almost 20 percent in the 23 years Pelican Bay has been in operation.

In 2006 Ricky Gray was validated as a member of the Black Guerrilla Family (a gang classified as a 'security threat group' that, according to Californian prison officials, operates within the state's prisons.) In order to make the official classification the state of California requires at least three pieces of evidence pointing towards gang membership with at least one of these showing a 'direct link' between the prisoner in question and a validated gang member.

But the state doesn't seem to have met this standard in Gray's case. A review ordered by a sympathetic warden found that many of the informants in Gray's case

didn't even know Gray. Two alleged informants signed sworn affidavits documenting that they were never interviewed about Gray and hadn't even met the guard who compiled the original statements.

But before action could be taken, the sympathetic warden in charge of Gray's review moved on, leaving it up to the initial gang investigator to choose to overturn the validation status. After he refused to do so, Gray took the case to court where it was ruled that "A prisoner has no constitutionally guaranteed immunity from being falsely or wrongfully accused of conduct which may result in the deprivation of a protected liberty interest."

Bauer suggests that this is merely another way of saying that "it is not illegal for prison authorities to lie in order to lock somebody away in solitary." •

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## SPEECH MUST BE FREE

A shoutout of solidarity and respect to all who continue to resist the CDCR, OCS/IGI illegal policies and practices via our collective efforts on the inside and outside of these prison walls! For the past few months I've read articles in the *Bay View*, the *Rock*, and *PHSS News* about CDCR/IGI staff punishing people who talk about non-violent, peaceful protest activities—such as hunger strike/work strike (e.g., responding to such speech with punitive action in the form of confiscating incoming and outgoing mail, issuing serious rule violation reports, cancelling visits in the middle of the visit, etc.).

I'm not a lawyer, but I believe such acts of suppression are a clear violation of one's First Amendment free speech rights! An example of legal support for this position is the Ninth Circuit's ruling in *McCoy v. Steward*, 2002, D.J. DAR 2173, wherein the court held "...Former gang member's conviction for speaking to other gang members violated the First Amendment" (he was alleged to have advised some Arizona gang affiliates about various ways to structure their gang based on his gang experience in California. The basis for the court's ruling was that McCoy's conviction was unconstitutional because, at worst, his words to the gang were abstract advocacy of lawlessness not directed to inciting imminent lawless action. Thus, they were protected under *Brandenburg v. Ohio*, 395 U.S. 444 (1969) and its progeny.

In *Brandenburg*, its seminal advocacy case, the Supreme Court held that the "mere abstract teaching" of "the moral propriety or even moral necessity for a resort to force and violence" is protected by the First Amendment unless such speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action." 395 U.S. 444-448 (1969). Under *Brandenburg* timing is crucial, because speech must incite imminent lawless action to be constitutionally prosecutable. Thus, several years later, in *Hess v. Indiana*, the Court made explicit what was implicit in *Brandenburg*: a state cannot constitutionally sanction "advocacy of illegal action at some indefinite future time." 414 U.S. 105, at 108 (1973).

The above principles apply to the subject matter at issue because CDCR, *et al.*, have sought to criminalize and punitively sanction people for what amounts to "abstract advocacy" regarding non-violent, peaceful protest types of activity that does not present an imminent threat to safety or security. Also notable is the California Appellate Court's implicit recognition of a mentally competent prisoner's right to peacefully protest issues of personal/moral importance to the individual. See: *In re Conservatorship of Burton*, 170 Cal. App. 4th 1016 (2009).

These can be further researched, expanded upon, and used to challenge CDCR's ongoing efforts to suppress our speech—so they can keep us silent while they continue to torture and oppress us under the guise of their "worst of the worst" propaganda. Their ability to do so depends upon our complacent cooperation! •

Onward in Struggle and Solidarity

Todd Ashker, PBSP-SHU

[Note: The above article was printed in the November issue of *Rock*, but that issue was censored at Pelican Bay guards so I am reprinting it here for those readers.]



# FREEDOM – JUSTICE – AND HUMYN RIGHTS

## Investigations, Monitoring, & Reporting on CDCR's "CSW" (Potty Watch)

### Abuses & Human/Civil/Constitutional Rights Violations

News Update, September 3, 2012

"TORTURE and other Cruel, Inhumane, or Degrading, Malicious, Sadistic treatment or punishments" are prohibited under Article of the Universal Declaration of Human Rights. (Art 7 and 10.1, United Nations International Convention Against Torture, states "...All persons deprived of their liberty shall be treated with respect for the inherent dignity of the Human person." Even the Eighth Amendment of the U.S. Constitution prohibits "cruel, unusual punishment," which the U.S. signed.

#### INTRODUCTION

In 1990, when we prisoners were transferred here to Pelican Bay SHU, it was common practice (just as previously at Corcoran SHU) for the goon guards to greet us, with their black leather gloves, and seven/twenty-three ("7/23") hand-signs representing their "Green Wall" (GW) gang. They would be standing there as the Welcoming Party, some dressed in shielded helmets and all wielding batons. About four of them would board the CDC transportation bus and randomly snatch someone off, force him to the concrete cement ground and commence to beating him right there outside the bus windows; so we all could see it, as if they were trying to say, "We're the big gang up here in the North Coast Pelican Bay gulag area."

These fellow imprisoned persons were dragged off through the doorway into the SHU torture facilities and forced into these small, closet-sized Holding Cells that were lined up and down "C" and "D" SHU corridor hallways, where the goons chained our ankles up to the handcuffs behind our backs and left us lying in a puddle of blood in what became known as a Hog tied position for days! (see *Madrid v. Gomez*, U.S., District Court, North Cal. Class Action Trial, case no. 90-3094 the/889 F. Si [1146])

Welcome to the birth of CDCR's "Pelican Bay SHU indefinite isolation Torture Chamber! (see <http://pelicanbayunderstrike.org/wordpress> "Formal Complaint-Five Core Demands"); and <http://ccrjustice.org/pelican-bay>; also, the Class Action

lawsuit against the CDCR, filed May 31, 2012, *Ruiz* amended complaint

FLASH forward twenty-two (22) years later to today. Walk down the same Pelican Bay SHU hallway corridors right now and you will see the same eight (or so) Holding Cages located directly in front of the "C" and "D" facilities SHU "Corridor Control" booths, and you will find them regularly filled with men dressed in orange or pink jumpsuits, duct taped around the bottom legs and upper waist, restricting their breathing and blood flow. (see *Cases in Point – Mr. S. Perez*, below). The conditions in the CSW holding cells are deplorable, filthy, very cold, urine and fecal waste matter spread on the plastic (Lex-an) glass covering the front, perforated steel door. They are denied all basic personal hygiene care items, such as soap, toothbrush, toothpaste, clean clothing, a shower, razor to shave with, and not allowed to exercise.

Current practice is for the goons to take them out of the cell, down the corridor, into the hallway to the SHU Law Library, where they remove the duct tape from around the waist, pull down the jumpsuit and boxer shorts; so the person can sit down on the portable potty and take a shit (if possible). He's sitting right there in full view of the other staff and inmates attending the Classification Committee Hearing held right across from the front entrance where other guards and escorted prisoners pass by to and from short corridor units, including those of us being escorted to the Law Library; at that time (like this author), by guards R. Reich and others who tried to order us to walk down past the fellow-prisoners sitting there on that potty, already degraded, dehumanized, and humiliated.

But I immediately stopped and backed out of the hallway, ignoring the threats to "write us up" by the escort guards. The prisoner behind me, also backed up and waited so we could allow the fellow human being whatever little dignity he still had left!

#### FREEDOM? JUSTICE? AND HUMYN RIGHTS!

##### CASES IN POINT

There are at least four (4) instances that come immediately to the attention of our project, each illustrating clear examples of CDCR guards at PBSP SHU Facility abusing their authority targeting the following innocent persons for subjection to the CSW

sadistic and malicious games: Salvador Perez, James Harvey, Daryl Burnet and (his celly) Kenneth Carter, and Paul Jones, and James Williamson.

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#### S. Perez, J47812, D-4-205.

Facility SHU Sergeant appeared in front of his cell and ordered him to "cuff up because he is going down to be wanded with the Metal Detector." When he asked, "What for?" they gave him the excuse that he was supposed to "have a cell phone." So when they went to wand Mr. Perez with the metal detector, they intentionally kept moving the wand close to their uniform that had metal keys and chain hanging on it, which made it sound off. Mr. Perez was then ordered to be placed in strange "plastic tube devices" (which a Pelican Bay guard had created at home in his garage, waiting for CDCR's official approval for mass-production) The PVC pipe, about 7" in diameter, was pulled over Mr. Perez's hands and lower arms area. He was then placed in a jumpsuit with duct tape wound around at the bottom and top (ankles & waist) therefore restricting his breathing and blood flow and causing pain. He was placed in a CSW cell, in conditions that were deplorable, filthy, very cold, urine and feces-ridden. The cell is encased in Lex-an glass with a perforated steel door. There was no running water or sanitary provisions in the cell. Perez was kept in those inhumane conditions and restraints for a total of four (4) days, without any basic personal hygiene materials such as soap, toothbrush, toothpaste, clean clothing, a shower, razor to shave with, and was not allowed to exercise. Although he told medical staff and other correctional staff about the pain caused by the restraints and PVC devices, and that he wanted to submit to an x-ray to prove he didn't have anything concealed, he was ignored. During those four days of torture in the CSW cell, Perez was made to defecate in a bucket in front of staff and other inmates walking by, while still in restraints. The Staff members (aka Green Wall gang) would just cut the tape off and pull down his pants/boxer shorts, exposing him to the most humiliating and degrading condition, as they shouted obscene comments and laughter. No contraband was ever produced. For further information check out Mr. Perez's complaint filed in the U.S. District Court of Northern California, in the case of: Salvador Perez,



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**J. Harvey, C48884, D-4-102.**

Next, is the case of Mr. Harvey, who was forced to go over to the Pelican Bay SHU CSW holding cage when he would not let some guard try to make him go through unnecessary body movements while Mr. Harvey was getting dressed to be returned from the SHU Law Library back to the Housing Unit. Mr. Harvey explained to the goon that his medical condition prevents him from moving his body certain ways without causing severe pain, but the guard (Scott) was stuck on stupid and would not allow Mr. Harvey to return to the Unit. He called the "D" Facility Program Sergeant, who also did not seem to care about Harvey's medical condition, ordering him to do the extra squat motions that his fellow green wall gang guard Scott wanted to see him do. Refusing to go through the pain caused by such movements, Mr. Harvey was ordered escorted down the hall to the CSW cages located in front of the D-SHU Corridor Control. Once there, he demanded his right to see their Captain and the Doctor to confirm and verify that he does suffer from a painful medical condition. It took hours for the higher SHU dungeon administrators and keepers to finally allow Mr. Harvey to be returned to his assigned Housing Unit, even though the prison's medical staff had verified his serious medical condition in the records.

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**Cases of D. Burnett, B-60892 and K. Carter, R52119, D-4-103.**

Then there is the game these same Pelican Bay dungeon keepers/supervisor operatives played in Mr. Burnett and Mr. Carter's case. When the guards first appeared at their assigned cage telling Mr. Carter to "cuff up," he asked "for What?" They said, "he's going down to be wanded with the metal detector," because they had been told by a prisoner at another prison somewhere that Carter was supposed to have a cell phone. He was cuffed up and taken to the D-SHU program office.

Then the guards returned to remove Mr. Burnett from off the Unit's so-called "yard" and escorted him also down to the program office. They completed wanding Mr. Carter with negative results and returned him back to his assigned cell. But they kept Mr. Burnett for days, because when they wanded him, that guard kept moving the device past

the metal handcuffs on Burnett's wrists, as well as next to the key chain on the guard's uniform, making the detector sound off. So he was ordered placed inside their CSW cage and forced to endure the same pain and suffering that is described above. (See Mr. Perez's case.)

Ultimately, after taking more shits on the portable potty than they normally require, the goons had to admit that Mr. Burnett never did possess any contraband. But they still refused to immediately return him to his assigned cell right away, saying that being that it was the weekend, they would wait and get their boss's permission later. Eventually, Mr. Burnett was escorted back to the Unit's cell.

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**Case of P. Jones, B26077 & J. Williamson, D34288, D-4-107**

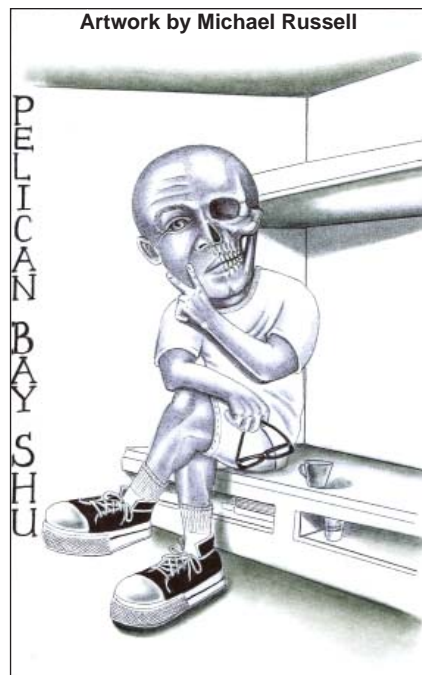
Finally, this last instance, involving Mr. Jones and Mr. Williamson, started out similar to the Burnett/Carter case, where the goons were sent to their cell (three day after they went for Burnett/Carter) and ordered Jones & Williamson to cuff-up. "We were told to escort both of you down to the program office." Once there, they began investigation into who and for what reason were they there. From the first, the program administration were playing their games, giving runaround excuses.

However, being that these two men were informed of the games played in the previous fellows' cases, they knew what to do. So when the dungeon administrators (Sgt. R. Moore, Lt. J. Diggle, Capt. T.A. Wood and Assoc. Warden K. McGuyer) would

pass by, they stopped them, noted their names and specifically asked them: 1) Why are we here? (2) Who ordered it?, etc. First, the guards claimed, "Jones just returned from out to Court and we believe he has a cell phone." But when Mr. Jones pointed out the indisputable fact that, "Look at your own prison records and you will see that I have not been nowhere out of this SHU, including out to Court for decades!" they each started stuttering and fumbling over their words, and finally said, "Just let's wand you and get this over with!"

Then they called the Institutional Service Unit (ISU) goons to the SHU, and took us down the hall. We first identified each CDCR employee present (Sgt. Moore, D-SHU Program; Guards Schrewberry, Martinez) We next asked, "What exactly will this procedure consist of? What kind of device(s) will you be using?" After they explained that, we followed up asking them to first run a test to ensure that the wand and metal detector devices were functioning properly, which they did by first conducting a "Battery charge" check and made sure that it worked. Then they ran the wand over metal, and it worked correctly. We asked that the guard with the wand to make sure it was kept clear of any metals on his uniform and our handcuffs, which caught them off guard, and they not only tried to ensure us that they would not play games, but actually carried it out professionally without making the metal detector sound off.

We were then taken back over to the program office to wait to be returned to the unit. But before we left, we again stopped and jammed Capt. Wood and Lt. Diggle about the whole ordeal. Letting them know that we recognize this game they're playing, which is clearly harassment, because all that week they had been pulling New Afrikan prisoners out of our cells, bringing us down there, which is clearly institutionalized racism. They again started stuttering and fumbling their words, when PJ asked them did they check their records and see that he did not just "return from Court"? Then at about 6 PM that night they came to Unit D-4 and pulled out everyone from their cells. We later learned that the Dungeon Administrators (Wood, Diggle, etc.) staged the whole "Pod Raid" to cover up their initial week-long targeting New Afrikan prisoners in those dragnet CSW metal detector wanding games. And sure enough, when we filed our formal complaints, the first thing they used in their de-



fense was that they also had searched others that evening of April 23rd, 2011.

One thing is for sure, they have not been back to target us since we called them on the inherently racist green wall gang actions, that their tactics prove to be.

Update Note: Recently, there have not been regular sightings of the CSW cages being filled here in the SHU. It's possible that this is due to either or both of the "Perez" lawsuit (mentioned above) and the outside Concerned Public Citizenry investigating by the Calif. Senate Research Team. Laura Magnani, at AFSC, has brought exposure of this prison's CSW Human Rights Violations. Whatever may be the case, it's important for all CDCR imprisoned-persons to Know Your Rights!

**KNOW YOUR LEGAL RIGHTS**

It is a fact that CDCR has committed itself to allow its employees to establish and continue such dehumanizing, unsafe, and illegal policies, actions, decisions, and practices, and overall mistreatment, under their "Contraband Surveillance Watch" (CSW) scheme. So it's important for those inside CDCR's gulag to learn, know, and exercise your legal rights in case it becomes necessary to file in the court, like Mr. Perez has done. (see cases in point, below "S. Perez" v. Matthew Cate. et al)

1. BE INFORMED! Read and educate yourself to the laws, rules, regulations, operation procedures, etc, involving being placed on the prison's Contraband Surveillance Watch (CSW) or "Potty Watch" mistreatment program practices, by requesting to following legal material from the library.

- a) CDCR's Title 15, Division 3, Section 3004 ("RIGHTS& RESPECT OF OTHERS") & 3991. Department operations Manual, Section 529.23 (1 through 8);
- b) Case(s) Laws like ours;
- c) Health & Safety codes: Cal. Penal Code Sections 173, 2650-2653; etc.

2. Next, when approached by Staff ordering you to be "wanded" with their "Metal Detector", immediately do the following:

- a) Request the names of each and every one of the staff around you Some guards wear name tags on their uniforms for you to see, also. Everyone around you; the guards ordering you, their Supervisor, Sgt./Lt., and all other "possible witnesses" including fellow inmates;
- b) Ask specifically, "Why are you wanding me with the metal detector?"

- c) Ask that they put their reason in writing and who ordered it.
  - d) Ask that the metal detector's wand be tested to ensure it is functioning properly. Watch carefully how the guard holding the wand operates it to make sure he keeps it far away and clear from any metal items attached to his uniform like keys, chains, cuffs, etc., which can and has wrongly set off the Metal Detector, including on occasions when the guards are believed to have done this deliberately with the intent of falsely accusing the targeted person of possessing "contraband". (see example "Cases-in-Point")
3. If the Metal Detector does go off and staff wrongly accuses you of testing positive for possessing contraband, or for whatever other reason that they use to put you in the CSW Cage, immediately take the following actions to create a written record and secure your rights to take their asses to Courts later if you decide to:
- a) First, make a verbal complaint and ask to speak with their higher authorities (eg., Captain, Associate Warden, etc) who has the authority to order them to stop what they're doing to you.
  - b) Demand to be "X-Rayed" to prove you do not possess any contraband
  - c) Ask to speak with the Medical Doctor (any reason, if necessary), and when the Nurse arrives, have them write down your Medical complaints such as Medical Health problems you already suffer from and the harm that being duct taped, cuffed, and in the CSW is having on your health, such as the difficulty to breath, poor blood circulation, back pains, feet/ankle/leg pains for having to stand up all day/afternoon/evening (until night time when they bring the mattress) and any/all other problems that are causing you physical/mental pain, suffering, distress, anguish, etc. Keep demanding to SEE A DOCTOR, or to BE X-RAYED, and make sure they write everything down! And get the Medical staff's names.
  - d) Request both Custody guards and Medical Staff to provide you with your BASIC Necessities, guaranteed to all CDCR State Prisoners, so that you can take care of your Personal Hygiene care, such as: soap, toothbrush, toothpaste, towel, shower/ and shave supplies, clean clothing, etc. Insist on regular access to soap and water before and after each meal-time you eat and defecate. Also,

- it's important that you look around the CSW Cage you're in and take notice of the condition it is in, and tell the Sgt./Lt./Capt/Medical Staff, it's too filthy and unhealthy for them to keep you in there.
  - e) Finally, repeatedly ask to be provided a CDC 602 & 602-A (attachment) "Inmate Appeal" form and a "Rights & Responsibility" Complaint Form to go have with you, so that you can exercise your right to file a complaint; both a Staff Complaint & Excessive Force Punishment Complaint, (per Title 15, Sections 3004, 3004.1) and demand you be given something to write with - with ink, pen filler, pencil - that will allow you to write down all the information on your situation and send it out of the prison for safe keeping and notifying the outside world to:
  - f) Send your reports to: The California State Senate Research Team, Attn. Senator Darrell Steinberg, Room 205, State Capitol, Sacramento CA 94248 [Confidential and Legal Mail]
  - and to:
  - Marilyn S. McMahon, Attorney at Law, PO Box 5187, Berkeley CA 94705 [Confidential and Legal Mail] •
- [Submitted by The Freedom & Justice Project, Pelican Bay SP, James Williamson, Salvador Perez, Paul Jones, James Harvey, Daryel Burnett, Kenneth Carter.]*

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**Rock Newsletter**  
**P.O. Box 47439**  
**Seattle, WA 98146-7439**

# LETTERS

# LETTERS

[*Note: Names of letter writers will be withheld unless the author of the letter explicitly approves printing of their name.*]

## Group Stamps

First and foremost, I hope to find you and your staff in the very best of all aspects. I am detained in Corcoran SHU and I am writing on behalf of the inmates in my unit to submit a contribution from us all. Please find enclosed a total of 62 forever stamps to assist you in your efforts. This stamp contribution is on behalf of inmates in 4B-3R. We certainly appreciate your support for our struggle. Thanks you for your time and consideration.

*Juan Radillo.*

## Stamps And More

Just stopping by to let you know I received the October newsletter of *Rock* and I read you needed more stamps. Us here in Corcoran SHU 4B-3R will continue to send you monthly contributions being that asking friends around us to individually contribute 1 stamp each is an easy goal to reach. We'll rotate the donations to have some sort of transparency in the process, but you should receive about 65 stamps again this month.

My hope is that you can print the letters I sent you on 9/10 and 9/30 so fellow readers of your newsletter can do the same collecting 1 stamp per month from friends around them. This information benefits a lot of us (actually all of us) and a collective effort can and will go a long way in assisting *Rock*, CPF, and PHHS.

Also, so you and your readers are aware, the administration here has recently advised us that: "Due to information received that inmates on facility 4A and 4B plan to protest the step down program, inmates who are double celled must attend yard 'together' or forfeit their yard if both inmates are unwilling to go out." So, when yard comes around to your cell, if your cellmate is sick or simply wants some time alone, you will be denied yard because "both" of you aren't going out.

As far as I know, we have "individual" constitutional rights to yard and I find it ironic that this is being implemented and I find it ironic that this is being implemented as some sort of security measure (to alleg-

edly protest the "compatibility" within the cells) when in effect it will only cause incompatibility! As it is now, people who are double celled spend 24 hours a day confined in a small cell and their only chance to have some privacy is to alternate the yard access within cellmates. For those who have cellies who are elderly or simply don't enjoy yard and choose not to go, I doubt there'll be much harmony within that cell when I'm continuously denied yard based on my cellmate's decisions.

You know, someone once mentioned "the bottom line" when it comes to CDCD and apparently "housing" is an important part of that. From what I've seen in the last few years, the SHU continues to grow and I wonder how long we'll continue to accommodate them?! The administration continues to use "single cell" status as an administrative tool rather than actual security reasons while others are being forced to compact in what they claim is "solitary confinement"??

Ok. Now Ed, just wanted to share my own personal thoughts with you and let you know we'll continue to support your newsletter as best as we can. Thanks for your help.

*Pascua Gosselin #E80407  
4B-3R-15/SHU, PO BOX 3481  
Corcoran, CA 93212*

## A Word of Thanks

Please accept a solid handshake from all of us in this struggle. I can't thank you enough for the work you do in the streets as well as keeping us informed in here. I am new to the political arena and I am still learning. Thanks for exposing CDCR and prisons across the country. This new 7.0 version is a joke. But what did I expect from my captors? To give up all this exploitations at the first sign of resistance? I think not. But it's okay. What can they take from man that has nothing to lose and everything to gain? It gives me great joy to hear we are all uniting and putting our differences aside for the greater cause I could feel a storm brewing. So everybody hold on and enjoy the ride. Well Mr. Mead, thank you for all your wisdom.

*Raul Cuahtli*

## Exercise Yard Trouble

I've placed an "SASE" inside for the upcoming November issue of *Rock*. Page 2 (of this letter) are my exact words used on CDCR 22 form, and I sent them to the war-

den. Question: What about my rights to go to "exercise" yard, like inmates who not have cellmates? I was advised by CDCR personnel why this action was taken. The administration was told inmates with cell-mates, once on exercise yard, were gonna strike and refuse to accept and/or go back to double ceiling. This is discrimination?

(Letter to warden)

"On Friday, 10-19-12, in unit 4B3L, morning yard release, I was advised by floor officers I could not go to exercise yard in my cell-mate did not go to yard also. My cell-mate is elderly, he is 70 years old. He never goes to yard. My cell-mate has various ailments that prevent him from being on his FRRT of exposed to the elements for 5 hours. This action is unacceptable and arbitrary."

*Michael Hawkins*

## Media Presence?

I'd like to pass along my heart felt greeting to all in Solidarity. One of the questions asked was: do we have any suggestions? My response to this open invitation is if the main SHU reps haven't considered this idea already, others and myself should like to bring a potentially viable idea to them for consideration. If we ever protest again, we could demand the media be present during any negotiations, the denial would make them out to be culprits in the public's eye. Such a stand off has the potential to garner a lot of favorable media attention. If the media is granted access to the negotiations they could end up being more vocal in holding CDCR accountable to any agreement reached. Also, the media's presence during negotiations would give them a better understanding of our issues to convey to the public. Such a demand seems to us to be a win-win.

*Name Withheld, PBSP SHU*

[**Ed' Note:** The above letter arrived from the streets, printed on a laser printer, with no return address.]

## Punishing Our Families

There are a couple of things that I would like to share with you. Just personal thoughts in regards to your recent newsletter concerning the hunger strike etc...here in California

*Letters ..... Continued on page 8*



As you can see by my address, I'm housed as a prisoner here in Corcoran SHU. I have been here for five years only. As I read your last newsletter I began to review the requests now being made and I'm uncertain if there was a solicitation for ideas or not. Here goes anyway: currently the restitution rate is fixed at 55% of any funds to a prisoners account. Since I've been incarcerated I've seen it go from 22% to 55%. I can understand if not agree with the concept/ideals at work here. That making restitution apart of responsibility upon the offender and part of their rehabilitation. My understanding is this is to have a positive effect upon the offender; by them repaying victims from their own wages or earnings. I don't know how much is actually known of "prison-life" (so to speak) to many outside of the system. However there are little to no jobs within California's prison system and even less with a pay number where one earns payment for services. Therefore, most of a prisoners restitution, if any is paid at all, does not come from the offender himself but from their family or friends that may send them money. This process fails to instill the noble ideas of responsibility to one's victim (and I can honestly laugh at any attempt to use rehabilitation within the current prison system). This process honestly teaches nothing but contempt and disdain from the point of view of the prisoner; because they are not held accountable but their family and friends are.

This is only a discussion, I'm not asking that you champion this idea. Maybe right now isn't the right moment. I get that. However, if we are truly sincere that prison and its primary function is rehabilitation; and that us prisoners are going to bring forth a collective effort to promote these positive qualities; I believe this fits in here. Where the system no longer needs the victim to file for restitution but still claims it on their behalf. Doesn't that sound odd to you? And this won't go away, that's not what's being stated. Only follow what was originally intended by holding the offender accountable. Give them jobs to help rehabilitation and pay to allow THEM to pay for their restitution and only from their earnings, not gifts from family or friends.

Last, as a result of the discussion within your newsletter on how to go about creating change and getting our voices heard, a new policy has just been implemented here where if your cellie refuses yard they will

not let you go out even if you want to go. They knowingly and willfully deny you your right. A lot can be put down on how and why this is wrong; short and sweet, there is abuse of power here, point blank.

*Billy M. Sell*

### Update from Calipatria ASU

We got our cable and it's a big difference. Lots of people here in segregation haven't had this type of stimulation in years. It allows us to see what's going on in the world and to actually see beyond these walls. We have 7 channels (not including the institutional channels). We get Telefutara, Tel-emundo (both spanish), FOX, NBC, ABC, CBS, CW. Then there's 3 Christian channels and there's the institutional channels where they show us "PG-13" movies and play music. I don't mean to sound ungrateful but it's a lot more than what we had.

The warden said that by next year each prison will establish their own committee to review our cases and determine whether we get kicked out to the mainline. People have been getting validated still but it has slowed down.... The unity here is strong and us of the like mind and heart are in solidarity with the struggle. We haven't forgot about the Short Corridor and our support from here is in full. Better days are ahead for us all but most importantly for those who've endured these torture chambers for decades and on.

*Robbie Riva CDC# T-49359 ASU - 130  
P.O. Box 5008, Calipatria, CA 92233*

## CHANGE AT THE TOP

*By Ed Mead*

**O**n October 26th Matt Cate, the head of California's draconian prison system quit. Who knows why he left. We can only guess. My first thought was that he must have seen the handwriting on the wall, and it isn't good for his team. The winds of change are starting to blow.

Cate will now become the executive director of the State Association of Counties (which sounds to me like a step down). Martin Hoshino has been appointed acting secretary of CDCR in the wake of Cate's leaving. Here is what one support activist, a member of the Life Support Alliance, had to say about Hoshino: "This would be a disastrous appointment if it is serious and goes through. Hoshino was, until about a year ago, Ex. Dir. of the BPH and was one

rotten troll. LSA fought him tooth and nail until he left. Under Hoshino's regime we had to pay to LOOK at public records—not get copies, just to look at them. He constantly allowed the board to violate the Bagley-Keene Open Meeting Act, leaving many meetings that should have been open to public closed, only for BPH commissioners. He will be awful as Sec at CDCR and a real disaster for any cooperation between IFCs., families, and stakeholders. Two-faced troll is the nicest thing I can say about him. Since he left BPH the board has come a long way—their meetings are now more open, public records are available, we have developed a real working relationship with the officials there and they are soliciting opinions and input from stakeholders. The thought of Hoshino running CDC as whole is chilling. Don't know if this is just a temporary place-holder or if he is under serious consideration as a replacement but think we need to let the governor know this is a mistake." •

## EDITORIAL 1-12

**T**hose in government who so heavily glorify concepts such as liberty, justice, democracy, and freedom have little inkling of what such terms actually mean. They put these sacred words on everything, even your postage stamps, yet use their power to hold people in cages so small the law would forbid them to house primates, they will lock people up without access to *habeas corpus*, and even murder their own citizens in the name of freedom.

Like most of you reading this, I too have been denied both liberty and justice, and I also have a stronger sense of what these terms really mean. Democracy is more than merely voting for pig A or pig B, justice is not the same as punishment, and freedom...., well, we slaves know better than most the real meaning of freedom.

There are no versions of the truth; it is absolute. And the truth is that you are being held in conditions of slavery, a condition sanctioned by the thirteenth amendment of the constitution. You are kept in a perpetual state of irresponsibility and dependency, worse than dogs, and totally disenfranchised from the political process that supposedly would allow you the means to bring about change.

You may well ask yourself, but what can I as a lone individual do—I am but a drop in a huge ocean? But what is the ocean if



not a vast collection of drops? Each of us can do something. Albert Einstein wrote that “The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing.” There can be no doubt that what is being done to prisoners is evil. And the ultimate error would be in refusing to look this evil in the face.

And speaking of evil, the Pelican Bay censors banned the November issue of this newsletter due to an article on page four. It was only at Pelican Bay that the issue violated state prison rules. It was just fine and routinely delivered to readers in every other prison in the state.

In the process of getting rid of the offending article they also had to censor a piece by PBSP prisoner Todd Ashker titled “Speech Must Be Free” (printed in this issue on page 3). Page three of that issue also contained the continuation of an article from page two titled “Students Hold Demonstration to Protest Solitary Confinement Conditions”, and the start of a piece that was continued on page four titled “Opposition to Elements of Proposed Security Threat Group Policy. But none of that is what brought down the wrath of the prison-crat censors; what seems to have enraged them is an article entitled “Once hostilities Have Ended.”

This was a six page hand written article by PBSP-SHU prisoner Jose Villarreal that I edited down to about one and a half newsletter pages. In this article Mr. Villarreal pointed out that captured members of groups such as Germany’s Red Army Faction and Italy’s Red Brigades, groups that had bombed and killed government leaders, were able to overcome their solitary confinement through peaceful means of struggle. He said “My main thrust here is that if those who were assassinating government officials, judges, etc., in an attempt to overthrow the government, were able to [successfully] overturn their isolation and draconian treatment, [then] surely we can as well.” Do you see anything here that would warrant censorship? I don’t.

The state of California paid *Prison Legal News* (a publication I founded but am no longer a part of) nearly \$500,000 for wrongly censoring that paper. The overzealous censors have evidently failed to learn their lesson from that loss. Accordingly, anyone impacted by the censorship of *Rock*, particularly those who are familiar with filing Title 42 Sec. 1983 complaints in federal court, should get in touch with

me. All prisoners who were victims of this censorship should file 602s and otherwise exhaust their administrative remedies so as to be co-plaintiffs on this upcoming First Amendment litigation.

My understanding of the applicable case law is that your captors must remove the offensive portions of the publication and send in the rest of it to prisoner-subscribers, and they are to notify the publisher of the rejection and the specific passages that violate prison rules. None of this was done. Instead your captors merely cited some legal mumbo-jumbo subscribers could not use to appeal because it lacked sufficient information as to what content was offensive. Please note that this upcoming litigation is a side issue and has nothing to do with the larger peaceful struggle for justice that lies before us all.

In newsletter related stuff, let me once again urge readers not to send materials you want printed in *Rock* to third parties with a request that such documents be forwarded to me. The September 3<sup>rd</sup> Freedom, Justice, and Humyn Right piece (printed on page 5), for example, reached me more than two months later. Another prisoner sent me a document on for publication by way of a third party on October 8<sup>th</sup> and I did not receive it for two days short of a month. If your stuff comes in late there is a good chance it won’t get printed.

In other business, I’m told that word has come down from on-high (shot callers) that no SHU prisoner should participate in the CDCR’s step down sham. I have no problem with that. But word is also that these same “fellas” have put out the dictate that nobody should take an interracial cellie. If true, I do have a problem with that.

Are we making all of these sacrifices to go back to business as usual inside California prisons? Is your individual power or position more important than the cause of justice we are all fighting for? Is there anyone in this struggle that does not see racial or regional equality as an essential and necessary prerequisite for victory?

If this struggle is only about releasing the shot callers so they can go back to doing business as usual, the drug dealing and murder, then I am outta here. I’m not doing all of this for a bunch of predatory dope fiends.

It is you shot callers of all races and regions who created the need for SNY, who said nothing as prisoner rights and privileges were repeatedly attacked, and who were responsible for the maiming and killing of

so many of your fellow prisoners.

I don’t want to further those sick trips. I want to see the prisons in this state integrated, both in the mess halls and the cellblocks. This is not only because it’s the right thing to do, but also because without such a demonstration of real prisoner unity we will not be able to win this struggle for justice—and the object *is* to win!

Now the liberals in some of these outside support organizations may be okay with what you say. I’m not. I want to see what you do. If it’s true that word has come down from on-high that there is to be no inter-racial ceiling, then you are going to lose a lot of support—including mine.

If this is not true, then the shot callers should quickly and openly say so, loud and clear, so we can all hear you. By race and by region, let us hear you on this important question.

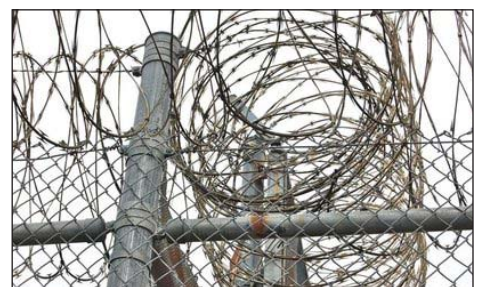
I can’t speak for anyone else, but I’m not doing all this so you can go back to business as usual—the business that put California prisons in the sorry mess they are in today.

This train will be moving forward with or without you or me. Peaceful mass struggle with racial and regional unity on all levels are the tracks that train will run on. The five core demands are first and foremost, but they are only first rung on the ladder of progress. This train is also headed for abolition of the 13<sup>th</sup> Amendment’s provision that permits slavery for prisoners, for fully enfranchising prisoners to vote, and to build a national prisoners’ movement rooted in a peaceful yet revolutionary ideology and practice.

Lastly, I’m working on the next issue of *Prison Focus* now. At this point, given the money situation, it will probably be in the same format and length as *Rock* (five pages printed on both sides). That’s how poor CPF is. It should go out in December.

Bye for now. Take care in there and continue to stay strong. And remember, justice, right, and the course of history are on our side. Or, as my friend Bill Dunne is fond of saying, “The future holds promise.” ●

*Ed Mead*



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### Message Box

“You stand with the belligerent, the surly, and the badly behaved until bad behavior is recognized for the language it is: The vocabulary of the deeply wounded and of those whose burdens are more than they can bear.”

*Gregory Boyle,  
Tattoos on the Heart*

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