

# !ROCK!

★ Working to Extend Democracy to All ★

★ Volume 2, Number 7 ★

★ July 2013 ★

## PRISONER REFLECTIONS ON THE UPCOMING STRIKES

Compiled by Kim Pollak of California  
*Prison Focus*

While some feel like rolling participation is sufficient, there are others who are adamant that there must be no part-timers, but rather full time participation straight through to the end. In the end each individual has to take their own mental and physical health into consideration when making this personal decision.

Some individuals believe a Hunger Strike is too passive. Others feels that a non peaceful approach is harmful to the movement. Hunger Strikers are encouraging men who are angry and wanting a more

aggressive approach of protest to remain peaceful. Otherwise, one man emphasized, the system will use the violent protest to justify more violence and oppression.

One of the reps, despite his reservations, agreed to support the HS in order to maintain solidarity with the other reps. Among other things, he is worried about the health of older participants. He stated that the main emphasis should be on "sentiment, perception & maintenance of SOLIDARITY." Other prisoners also stressed the importance of having a common vision and solidarity on the way they address the issues.

One of the men we spoke with explained that he is participating on behalf of the youth coming behind. He does not want kids who are the street right now to end up going through this stuff. "I'm dying a slow death," he said. "I don't want anyone else to be up here." "We're in the 8th inning," he continued, "The 9th inning is in July."

Another stated, "I am not trying to be here with the 'worst of the worst'. What does that mean? Define it." Why, he asked rhetorically, are there men who have been in the SHU for 15 years who have *never* received any violations?!" Therefore, he explained that he is 100% behind the upcoming protest and feels that it's been a long time coming. Despite everything, he explained, "we all keep a cool head and move forward with the peaceful."

.....One man with whom we spoke expressed confidence that the Hunger Strike will be successful. In 2011 they were directed to do anything to end the Hunger Strike, and they did, primarily with false

promises. This time, this particular inmate believes that CDC will have to sign the decree (agree to the 5 demands) and will not be able to stop the strike without doing so. He believes this will happen before the end of August.

It has been reported that the Pelican Bay mainline is preparing for a work strike, as well as those at Corcoran. Prisoners from the San Quentin Adjustment Center also plan to participate, as well as prisoners all over California. One man spoke of the impact it would have if prisoners all over the country make their demands and participated in hunger strikes simultaneously.

Men are reporting that people are more determined to go for 30 days this time. One man stated a potentially sad truth, "people will die, and that may be the only way."

Several prisoners have expressed their feeling that "Potty Watch" is one of CDC's worst practices and thinks it should be addressed in the HS demands.

One man with whom we spoke stated his sentiment that the men need to push even further and go for longer. He told us that he knows men who, despite poor health, are getting ready to participate. "If these guys die, it's important people know it because CDC won't change." He feels there needs to be non - CDC oversight, ensuring that each prison meets its responsibilities throughout the protest.

One man stated that they have been receiving some small privileges (ie: pull-up bars). He continued to explain with disgust that the CDC acts like that is what they want. But rather, he stated emphatically, "we want out of the here; to shut down the

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SHU.” *“You can’t better a place that is specifically built to break people.”*

One inmate explained that he is anxious for the HS to begin. He wants it to happen and be done with, but, he explained, he made peace with it awhile back. Another plans to approach the HS as a spiritual fast. He will observe Ramadan, which begins July 8 this year.

About six months ago, a man who’d had a quadruple bypass was being denied his meds, Michael tells me. This man eventually went on a one-man hunger strike because of the denial of his meds. While at COR, one man reported that he did not eat for five extra days after the strike had officially ended because no one told him the strike had been called. He ended up spending time in ICU

In regards to the HS one of the reps saw a memo stating that inmates who drink ensure will be off of the HS. People need to be aware that **ensure is not a liquid** and consuming it will end one’s participation in the HS. This is a no solid-food strike. Vitamins, kool Aid, hot chocolate are liquids. Ensure is nutritional and considered a food. C/O’s should not be allowed to confiscate vitamins or beverages. During the last HS the medical receiver actually provided vitamins to some HS participants. There is concern about the confiscation of vitamins and kool aid. “If they [c/o’s] are taking these items, the medical receiver should be provided with a reason as to why.”

Men are consistently reporting that harassment and repressive tactics have intensified. C/Os are being increasingly “creative with their write-ups”. Men are being threatened with, and sometimes receiving, 115’s for “talking loud”. Prior to the HS in 2011, they didn’t “sweat the small stuff”. On the contrary, sergeants are currently pressuring c/os to issue write-up for anything.

Men report that CDC is changing rules and increasing regulations in preparation for the Hunger Strike. They are, for example, cutting the space permitted for personal property down to 6 cubic feet. He explained that when the HS begins they can inventory property and store the property that they confiscate more easily as it will take less space. At Pelican Bay the prisoners who participated in the 2011 hunger strikes received 115s for doing so. Those who plan to participate in future peaceful protests expect to receive 115s for their involvement and endure other forms of retaliation by prison staff. Many prisoners

are still moving their 602s through the first three refusals. One man submitted 602 petition challenging a 115 from the previous HS, however after his 602 was filed they changed it to a different 115, reporting that he incited a riot. One prisoner with whom we visited stated that he has filed many 602s since the 2011 Hunger Strike because “nothing has changed.”

It was reported that staff tried to validate 2011 Hunger Strike participants from the mainline as retaliation for their participation.

Cell raids have reportedly increased dramatically. They are now commonplace. The 6-square-foot rule which was essentially ignored in the past, is now being strictly enforced. Food and other items are frequently confiscated. The men have been told, “We know you guys are stacking up for the Hunger Strike.” The men at Pelican Bay expect guards to take away canteen items during the protest. One inmate explained that the escalated tactics of intimidation is due to the fact that CDC is “worried about losing their grip.”

Prisoners have been told by the c/os that they (CDC) “is not going to do anything” and that the Hunger Strikers “will die here.” In response to that attitude, one of the reps at Pelican Bay emphasized the need for those on the outside to apply pressure to prison officials and federal receiver regarding policies and responsibilities that CDR are required to follow. They must be held accountable for meeting medical requirements. CDC, he stated, has a responsibility to every prisoner.

The overall consent seem to be that The Agreement to End Hostilities has been effective. Tactics used to separate the men from their communities are deliberate. However, prisoners are consistently expressing optimism and enthusiasm about the agreement. They attribute the c/os’ escalated tactics to its efficacy. Men are making statements such as, “people are abiding by it, they put their differences aside for everyone.”

One rep stated that “Individual differences may still come up. It is important to be careful of the ‘knuckleheads’ and watch out because c/o’s will use other inmates to stir up dissension.” He emphasized that “violence is not the way in 2013. It is not our first option. [We must] litigate and be smart; only nonviolent peaceful protests... The Agreement to End Hostilities is concrete. All racial entities are sincere about it... and want to see success.” ●

## Quote Box

“No experiment can be more interesting than that we are now trying, and which we trust will end in establishing the fact, that man may be governed by reason and truth. Our first object should therefore be, to leave open to him all the avenues to truth. The most effectual hitherto found, is the freedom of the press. It is, therefore, the first shut up by those who fear the investigation of their actions.”

*Thomas Jefferson to John Tyler*

“My kind of loyalty was to one’s country, not to its institutions or its officeholders. The country is the real thing, the substantial thing, the eternal thing; it is the thing to watch over, and care for, and be loyal to; institutions are extraneous, they are its mere clothing, and clothing can wear out, become ragged, cease to be comfortable, cease to protect the body from winter, disease, and death”

*Mark Twain*

“A new fascism promises security from the terror of crime. All that is required is that we take away the criminals’ rights-which, of course, are our own. Out of our desperation and fear we begin to feel a sense of security from the new totalitarian state.”

*Gerry Spence, lawyer and author,  
source: Give Me Liberty, 1998*

“Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals.”

*Martin Luther King, Jr.*

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has”

*Margaret Mead,  
American cultural anthropologist*

“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*

# LET'S ROCK!

## The musings – or mental fog – of a hunger striker

By Gabriel A. Huerta, July 17, 2011

Sitting here on my 17th day of a hunger strike in protest of the inhumane and torturous treatment of our confinement in the SHU of Pelican Bay State Prison, my heart races at 126 beats per minute – at rest! Am I soon going to have a heart attack? Am I mad for risking my health – my life! – or am I just “fed up” with having spent 25 years of my life in SHU for non-disciplinary reasons?

My mind is racing just as fast if not faster as my heart. A fog has settled in on my thoughts; everything seems hazy and I'm not sure if I'm even thinking logically anymore.



This morning I was dozing in and out of a dream. I usually don't remember my dreams any more, so I'm not even sure if I was actually dreaming or if I was awake just thinking in the fog. But this is what I remember: I was in this big ol' boat along with a whole lot of other guys and we were rowing this boat. It was hard work – and maybe that's what got my heart pumping so hard – and if any of us slowed down or fell out of sync, these overseers would come over and whip us something awful. So we all had an incentive to keep rowing.

Then an old man a few rows in front of me stopped rowing. He started to sway from side to side as the overseers whipped him. Regardless of the pain, the old man just continued to sway from side to side and all he would say is “rock.” Everyone thought the guy was mad, that he had lost his mind or something.

Then another guy, a few rows back, threw his oar down and began to sway in the same way as the old man. Everyone was confused. Then a few more people started throwing down their oars and swaying in sync to each other. Nothing was said except “rock!”

The boat started to sway just a little from side to side and the overseers were frantic to stop the swaying. They were whipping guys viciously, but no one would pick up the oars. In fact more and more people were refusing to row, and the boat was rocking dangerously close to capsizing.

The overseers were terrified and all that was heard was “rock!” The oars, with the words “industries,” “shirt factory,” “wood products,” “shoe factory,” “dairy,” “kitchen workers,” “cooks” engraved into them, were all just lying there, idle, and we told the overseers, “You want this boat rowed, then YOU do the rowing.”

About this time I either woke up or I snapped out of the fog I was in. My heart was racing. Am I mad? Is that really such a crazy, irrational thought? Or is it the most sane, common sense thing that should have taken place years ago?

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**“You want this boat rowed, then YOU do the rowing.”**

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I thought about this as I drank my tea and the C/Os (correctional officers) passed out breakfast. “Are you gonna eat?” the C/O asked. “No,” I replied. And with my heart still racing, I thought to myself, crazy or not, I say, “Let's rock!” •

*Source: The San Francisco Bay View  
<http://sfbayview.com/2011/lets-rock-the-musings-or-mental-fog-of-a-hunger-striker/>*

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## CONTRABAND WATCH, AKA POTTY WATCH

For those of you on the outside who are not familiar with the practice called “potty watch” here is a brief explanation: Prisoners are put into very small cells for a minimum of 72 hours, in which a prisoner's excrement is examined for items perceived to be “contraband.” Hands and feet are shackled and their hands are encased in PVC tubes up to the elbows on the grounds that they must be prevented from interfering with any objects that could be excreted. Prisoners are under observation for the entire time they are there, including and especially while they are defecating.


They do so into a bag while being closely watched by the guards, who later examine it closely for contraband.

Men who have experienced Contraband Watch and lived to tell the tale, explain that it is very taxing both physically and emotionally. The guards are there when you make a bowel movement and often times the door is left open. Men have reported walking by the contraband watch cell and the door to where the CO sits to watch the person defecate into a bag, being wide open. If the guard decides that the bowel movement is not of “sufficient size” it does not count toward the three poos which are required before one can be released from Potty Watch. That may result in an additional 24-36 hours, beyond the required 72 hours. And even if the three required bowel movements occur before three days have passed, the prisoner is still kept under Potty Watch to comply with the 72 hour minimum.

Men report that they do not get a mattress, sheets or a blanket. They are stripped down to their undergarments and the floor is hard and cold. That alongside the uncomfortable and painful contraptions they are forced to wear make it nearly or completely impossible to sleep. The men are not given toilet paper, nor are showers are not permitted.

Though CDC claims that they have limited Contraband Watch, many inmates deny this, as they have witnessed otherwise. Some of the men visited by California Prison Focus volunteers who have endured Contraband Watch were traumatized and in fact scarred by the experience. This offensive practice is degrading and humiliating and considered by many to be both physical and mental torture. •

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# LETTERS

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

## Righteous Cause

As an upright activist, you are to be commended for your great work by us all who appreciate your righteous purpose. Your publication brings light to some of the darkest corners of the CDC, such as these SHU and ASU units. As an inmate [you are prisoners, not inmates] enduring this current struggle, it is of great support to be enlightened with such clarity.

It is interesting to be apprised that the same understanding is developing at other SHUs. With the time now ticking, the administration is scrambling to install pull up bars here at Tehachapi. Why now? Because it is only when we, residents of this CDC enduring tyranny, stand up and move forward, that they will listen and that they will hear our call for an end to these arbitrary practices of this system.

For a righteous cause... And may history be made.

*Ramon Dominguez*

## Future Candidate for SHU or IMU?

My name is Dylan and I have been locked up not only physically but also mentally since the age of 8 years old. I was sent to foster care when I was 8 – that's when my behaviors made a dramatic change. I was a very abusive person. I used to get into a lot of fights once I was a ward of the state. I remember when I was in foster care I would run away, go to my brother's foster home, and get him so we could run away back to our house to see our parents. It was very stressful for me and I became a very dangerous person. I got locked up for assaults, run aways, theft, and home invasions. I eventually got sent up or did a lengthy amount of time in a juvenile prison at the age of 12.

When I was released, I was back in the state's hands and resorting back to my old ways. While I was incarcerated I didn't really do anything that helped me when I was released. I was in school but that didn't help me change my behaviors – in fact, I think it made them worse because I am around more people that did the same things as me – so I was still fighting and stealing things.

The way I see it, it actually put me in an environment that was even worse than the one I was in while I was in the community.

So after I was back home in the state's custody I got locked back up at the age of 15. I got sent to another juvenile facility in Chehalis, WA called Green Hill School where I am currently residing, doing 4 ½ years. So, obviously, my first time being incarcerated didn't help but I thought about it when I first got here at GHS. I thought that it was my own fault for not trying to help myself. This time I was more motivated to get all the help I could because when I got out I would be 19 turning 20, and I would go to DOC if I got into any trouble with the law. So I got my high school diploma which was one of the things that I knew was going to make a major impact in my life upon my release.

The next thing I wanted to do was get into as many treatment groups as I could in the 4 ½ years that I would be here. So I got into ART – or anger management therapy. While I was in it I thought it was kinda dumb, because everything they taught you was basically that it's all your fault no matter what happens in any situation because "it takes two to tango." If you ever got into a problematic situation with staff, it's also your fault, even if the staff is the real one at fault. Either way you are bound to get into trouble no matter what happens. These staff that work here, well, at least most, which is about 80% of them, have a mindset of "the staff are always right, even when wrong." We are a bunch of convicts, so we are never going to tell the truth or do the right thing – at least that's the way these staff see us as a whole.

I was just in a DBT skills group, which teaches the same things as ART. "You are always going to be the one at fault." Well anyways, right when I got in they were talking about how we need to know these skills so we can pass a test to get more privileges. That might not make sense to you as the reader but maybe this will. These groups should be designed to help you learn how to put them to use so when you do get released you can understand what you need to do in any given situation, but no, they want you to study these skills for tests to get more privileges. These "treatment" groups aren't helping anyone to do better. It's really stupid and I really think these staff are stupid because obviously if they wanted us to do good in the community one we are released they would provide adequate treatment.

So you see, this place is of no benefit to me and other juvenile offenders. The only thing that is helping is the educational opportunities which JRA is not providing – the Chehalis school district are the ones providing the educational and vocational trainings, which in a way are not so helpful because they give us the easiest stuff to graduate. Pretty much everyone is on an individualized education plan.

But anyway, like I was saying, these staff are really useless. If you heard the things they say and saw the things they do you would be surprised how they still work here. These staff aren't at all the good, easygoing treatment providers their community portrays them to be. These staff sexually harass us daily by saying things like, "now here comes the fun part," or "it's not the smallest one I've seen" while doing strip searches or UAs on us. Some times they will even physically sexually harass us. There have been numerous occasions where the certain staff will bend over, look back at his own ass, and smile at us mischievously.

Tell me - how we are supposed to enter an environment to change our ways when the staff aren't helping us, only making our situations and circumstances worse?!

*Dylan Webb, An inmate at Green Hill School, Chehalis WA*

## First Oregon Prisoner Punished for CA Hunger/Work Strikes

How's this for an eye opener. I have recently been informed about the ongoing efforts of the prisoners in California to stand together in peaceful protest against solitary confinement and the End of Hostilities Agreement. It is this type of unity and personal solidarity that has the power to change the mentality and raise the awareness of the outside community as to the conditions we are subjected to, often under vague pretenses.

It is after being inspired by the actions taken and the call to unity in peaceful protest across state lines that I decided to personally educate and inform others I know within the Oregon DOC about the upcoming opportunity for us to demonstrate our support for ending the long-term placement in solitary confinement.

I am housed in the Oregon IMU [Intensive Management Unit or SHU] and have

been for a long time. Recently I completed my transition packet for release from IMU to the mainline the following week. Well, when my time came, the Special Investigations Inspector [name omitted] and STM Captain [name omitted] reversed my release to GP and reassigned me to and isolation cell in solitary confinement indefinitely. This was simply for expressing my admiration for the dedication, sacrifice, and unity of you guys in California kennels.

It was simply because I mentioned in a letter that the hunger strikes and work stoppages in California was taking place that I was written up for and found guilty of both unauthorized organization and creating a disturbance so they could justify this indefinite placement. This overly aggressive action has only served to steal my resolve and strengthen my commitment to the struggle and inspire me to expose them for what they really are—oppressors!

David Carr 11818286  
777 Stanton Blvd.  
Ontario, OR 97924

#### Letter from CCWF

Please excuse the delay in writing. Not only am I committed to the hunger strike movement, I also have to file grievances on all the corruption going on in this place.

I must say my spirits were lifted when I received the *PHSS Newsletter* consisting of the many updates. I am also aware of how some prisons have not been allowing *Rock* or *Prison Focus* to reach in to the prisons. Luckily I've been able to receive mine. I was a bit thrown off by the issue of *Rock* that said it was "watered down" in an effort of avoid censorship. I am wondering how the progress of getting the newsletters into the prisons without being snatched by those who oppress us. This foolishness, along with the other violations of our constitutional right to freedom of speech is a slap in the fact to the constitution.

I see how a lot was omitted in the last *Rock* issue that was in reference to our struggles. CDCR is on the attack, they know that we are committed to the upcoming events. We in solidarity bring awareness not only to us directly affected by CDCR's corruptness, but also to the families and public that read this newsletter in order to stay informed about their loved ones on the inside. I am dumbfounded by the reasons our oppressors have stated in order to justify censoring our articles. The terms "safety and security" is used out of context, when their real agenda is to shut us up.

We will continue to get the word out and we will continue to unite in peace, expressing our views and exposing CDCR for it really is. For years we prisoners have been subjected to the wantonness of the system, and to those who think some of them green suits are "cool" remember they are the very ones who vote to keep us in these degrading torturous conditions. Draw the line. We have to step up in order to prevail. I truly hope to see our newsletter reach beyond the bricks and that our Reps and supporters freely be allowed to express our views.

Diane Mirabal, CCWF  
A/K/A Spider, San Jose

[**Ed's Response:** *The only censorship was at Pelican Bay. There were two watered down issues of Rock before word reached me from Pelican Bay to ignore the censors there. My job with Rock, and that of Prison Focus and the PHSS News, is simply to amplify the voices of those of you on the inside—the voiceless. The enemies of democracy and the lovers of slavery will seek to shut you up, but so long as we out here are able we'll do our best to transmit your collective voice.*]

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## OVERCOMING PRISON OFFICIALS' OBSTRUCTION OF GRIEVANCE FILING

For the last two years prison officials at Pelican Bay State Prison have taken a blatantly adversarial and obstructionist approach to the processing of prisoners' grievances (inmate appeals). Staff assigned to the Inmate Appeals Office, with the support of the Warden and CDCR headquarters, have been rejecting a staggering amount of inmate appeals. Many inmates complain that fifty to sixty percent of their grievances are being rejected for a variety of petty reasons, most of which are pretextual.

A favorite tactic of the Inmate Appeals Office is to reject the inmate appeal claiming the inmate failed to attach 'supporting documentation', even when no such documentation exists. For example, one inmate submitted a grievance alleging he was assaulted by a guard. Although the guard did not report the use of force, the grievance was rejected for failing to attach non-existent documentation showing the assault

took place. The prisoner's description of the incident was not considered evidence by Pelican Bay officials.

Another tactic employed by Pelican Bay officials to conceal staff misconduct is the refusal to process prisoners' grievances as 'staff complaints'.

Prisoners have a right to have their grievances processed as a staff complaint when it involves unprofessional, irresponsible or unethical staff behavior, see California Code of Regulations, Title 15 ("CCR") sections

3084.9 (i) and 3391 (a). Pelican Bay rejects these staff complaints so the grievance will not be placed in the personnel file of the accused staff member as required by Penal Code section 832.5. This prevents discovery of the staff member's involvement in similar misconduct.

The Inmate Appeals Office has also created an illegal defacto informal appeal process in which inmates' grievances are rejected for failing to pursue informal remedies such as utilizing the CDCR 22 Form 'Request for Interview' process. Obtaining responses from prison officials through a Request for Interview can take weeks or months substantially delaying the filing of the inmate appeal or guaranteeing the appeal will not be submitted within time limits (30 days). This practice constitutes an abuse of authority as CDCR amended its inmate appeal regulations in 2011 to eliminate the requirement that inmates must pursue informal remedies.

Prisoners confronted with such obstruction should keep in mind, the goal of such practices is to: (1) impede the filing of grievances and conceal staff misconduct; (2) discourage inmates from filing grievances and (3) make it easier for CDCR to have prisoners' lawsuits and other legal actions thrown out of court for failure to exhaust administrative remedies. Both state and federal courts require prisoners to exhaust grievances through all available levels.

While such abuse of authority can be frustrating and discouraging, such abuse can only exist to the extent prisoners allow it. The struggle for us prisoners to be treated humanely is an ongoing endeavor that requires patience and firm resolve. Transform any frustration into constructive action. Steel yourself to not be deterred from documenting staff misconduct and abuses of authority. Eventually the weight of our combined efforts in the face of adversity

**Overcoming ..... Continued on page 10**

# CORCORAN SHU STAFF TOLD TO IGNORE LEGAL MANDATE TO PROTECT LIVES OF HUNGER STRIKERS

By J. Heshima Denham, (Reprinted from April 22nd issue of the S.F. Bay View Newspaper)

On Monday, April 8, they ran no yard on the 4B Facility in the Corcoran SHU (Security Housing Unit). We of course investigated as to why we were, yet again, denied yard access without explanation and discovered staff had all gone to some sort of “training.”

By chance, or design, one of the NCTT-Cor-SHU coordinators was under escort by two officers who, by happenstance or design, began discussing the nature of this training that would take another two days of additional training to complete:

In preparation for the July 8 peaceful protest action (hunger strike, work stoppage etc.), Corcoran SHU administrators are directing staff to dispense with California law and state procedures and policy regarding mass hunger strikes and instead institute a policy designed to raise the potential for maximum casualties (deaths) amongst prisoner participants, while negating the existence of input data or any health care services monitoring information.

DCR staff at Corcoran have been directed that there will be no weigh-ins, blood pressure checks or other medical monitoring of hunger strike participants for the duration of the July 8 peaceful protest. Instead, a single officer will be given a video camera to “monitor” participants every few days or so.

The facility will be locked down, a state of emergency enacted and all yard, visits and medical ducats will be suspended. No one will leave the cells. No medical intervention of any kind, including health care services, daily nursing observations and weekly primary care provider evaluations as mandated by California Correctional Health Care Services Policy Manual Inmate Medical Services Policies and Procedures (IMSP&P) Volume 4, Chapter 22.2, will be allowed. [That chapter, “Mass Organized Hunger Strike,” can be read at <http://www.cphcs.ca.gov/docs/imspp/IM-SPP-v04-ch22.2.pdf>.]

Once a participant loses consciousness, if he is discovered by staff before he expires (dies), he will then receive medical intervention in the form of force feeding (physician’s order for life sustaining treat-

ment). Once this occurs the participant will be considered no longer on “hunger strike.”

[Editor’s note: According to the IMSP&P hunger strike regulations cited above, health care staff “shall not force feed” a prisoner unless he refuses to say whether he wants to be force fed or is unable to give informed consent. In addition, forced feeding “shall not take place except in a licensed health care facility by licensed clinical staff.” The regulations contradict all the “training” the officers described.]

Many of you may see the obvious contradiction in prison staff being trained by Warden Gipson to intentionally violate the law and health care policy, with the complicity of prison doctors, nurses and technicians, to intentionally jeopardize the lives of peaceful protestors.

But what’s not obvious, and in our opinion most insidious, by willfully preventing input data to even be collected, eliminating visits and confining any proof of the hunger strike to correctional officer videography, CDCR can control the narrative completely.

With plausible deniability pre-structured, this approach allows CDCR to under-report actual hunger strike participant numbers, claim those on hunger strike are actually eating by recording on video non-participants who are eating, releasing the videos to the press characterizing them as hunger strikers who are not actually striking, and do all of this while denying protestors access to mandated health care evaluation and clinical monitoring, ensuring serious injury or death befalls at least some protestors.

When it does, just like with Christian Gomez, they can claim the victim was only hunger striking a day or so and instead died of a “pre-existing medical condition unrelated to the hunger strike.”

That this premeditated violation of their own policy is both illegal and immoral is a given, and in fact of secondary concern. That they are doing so to maintain this domestic torture program, with all its inhumane and arbitrary components intact, at the expense of your tax dollars, our minds, bodies and very souls is what should outrage us all.

Our cause is a righteous cause, our peaceful protest to realize the Five Core Demands just and fair. We cannot allow the

state to undermine the purpose and impact of these sacrifices.

We are prepared to die to end great injustice. Should we not be allowed the dignity of these sacrifices being accorded the state’s policy and our opposition acting within the guidelines of their own law?

Criminals are defined not by what they are called, but by what they do. Who are the criminals in this case? The answer is as obvious as the question. All that’s left to be decided is if you will stand idly by as this crime is committed. ●

A luta continua.

*Below, quote from portions of a letter by an attorney on behalf of the SF Bay View newspaper to Warden Luis at Pelican Bay State Prison:*

We also find it interesting that the letters explaining the disallowance that went directly to the Bay View newspaper focused not on gang activity, but on your claim that the newspaper is contraband according to 15 CCR § 3006, and disturbing correspondence according to 15 CCR § 3135. Neither of these claims is true. A hunger strike is not a plan to disrupt the order or security of the facility, as defined by law. Prisoners retain the right to make health care decisions on their own behalf, even while incarcerated, unless they lack sufficient mental capacity. The decision of a prisoner not to eat is a medical decision as understood by the probate code. See *In re Conservatorship of Burton*, 170 Cal. App. 4th 1016 (2009) and *Thor v. Superior Court*, 5 Cal. 4th 725 (1993). Since mentally competent prisoners have the right to not eat, reporting on the collective decision to exercise this right cannot “disrupt the order” of a facility, just like the collective exercise of other rights (such as filing grievance petitions) does not disrupt the order of the facility.

Since the paper neither facilitates gang activity nor disrupts the order of the facility, there is no legitimate penological interest in suppressing the newspaper’s rights to distribute to its subscribers. Instead, what you are doing is trampling on core political speech, in violation of the first amendment of the United States Constitution. See *Turner v. Safley*, 482 U.S. 78 (1987), and *Hrdlicka v. Reniff*, 631 F.3d 1044 (2011). ●

# GREEN HILL JUVENILE JOINT DEMANDS

1. **BAN THE BOX:** Stop branding felons as criminals for life. Stop discrimination against felons for Pell Grants, food stamps, welfare, public housing, or job applications. If the box on job applications denies us real work, how can we make money legally?

2. **TREATMENT PROGRAMS:** Bring sex offender treatment back to JRA/DOC beyond the ART/DBT programs. Make a reduction to sex offender treatment payments on parole to affordable prices. This applies as well to drug and alcohol treatment payments.

3. **EDUCATION:** Provide relevant and specialized educational programs to all residents even after they have graduated from High School. These could include cosmetology, music/multimedia production, library access, law training, culinary arts, and more. There are plenty of rooms that are currently not being used for anything but storage. They should be used.

4. **LEGAL ACCESS:** Access to updated legal material, updated each year. This should include:

- A well-stocked law library in the school available to all, updated regularly.
- Books and resources available at any time
- Access to internet sites with relevant legal material available at all times
- Access to resources detailing available legal counsel
- Copies of JRA/DOC employee policy handbooks in every single wing for residents to read. These must be updated each year.

5. **WAGES:** All residents must be paid minimum wage for all positions. Residents should be free to organize their jobs without punishment. New jobs should be created that provide real technical training. Change the 13th amendment allowing prison slavery!

5. **TRANSITIONAL HELP:** Provide free clothing upon exiting any facility (DOC/JRA). These clothes must be brand new. We need guaranteed housing 3 months before leaving a facility. JRA and DOC need to help provide jobs or training to every exiting resident and help provide treatment programs. This needs to extend to parolees.

6. **PHONE CALLS & VISITATION:** Increase time limit for calls to 15 minutes. These phones must be fixed and functional. Visitation and phone calls should be available for more than just family and mentors.

7. **HEALTH:** Surgeries must be provided by JRA and DOC immediately even if not an emergency situation. If a surgery is needed, it must be provided in at most 3 months' time. Showers must be available each day. If parents can provide aids such as glasses they should be allowed inside instead of relying on state supplies.

8. **FOOD:** Residents should have input on the menu within reason. Current portions need to be doubled as they are currently too small. Religious and vegetarian/vegan diets must be respected.

9. **SPENDING PRIVILEGES:** Food and hygiene materials must be more readily available from outside of the facility. The current limits on how much we can spend are too small, and should be expanded to over \$40.

10. **FREEDOM OF SPEECH:** The 1st amendment must be respected in JRA/DOC facilities. We have a right to speak our mind and express ourselves with whatever language we choose as long it does not threaten others. We must also be free to organize without punishment. ●

[*Editor's Note: Green Hill is a juvenile prison in Washington State. The prisoners there have just had one hunger strike and will be initiating another on July 8th.*]

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# GUANTANAMO: FEAR & HUNGER

By Mumia Abu-Jamal

The word Guantanamo has become a watchword for the world.

It is a temple of stated terror, of Imperial fear and American hypocrisy.

Since 2002, it has been transformed from a US Naval Base on Cuban soil (against the wishes of the Cuban government, it must be said), to a global torture chamber and an interrogation center.

## Today, 166 men remain languishing there – with dozens on a hunger strike – an act of sheer desperation after a decade in Guantanamo without charges.

Opened under Bush/Cheney and maintained under Obama, it has been a detention center designed for perpetual detention – to hundreds of men – and boys.

An international outcry forced the government to release over 500 men back to half a dozen countries.

Today, 166 men remain languishing there – with dozens on a hunger strike – an act of sheer desperation after a decade in Guantanamo without charges.

Eighty-six men have been cleared for release but remain in chains – years later.

President Barack Obama campaigned on Guantanamo's promised closure, but 5 years later, and it remains. In the last few months the Obama administration began seizing family letters and photos – the only connection to their loved ones as they can't receive family visitors.

In desperation, dozens of men have launched the hunger strike – a desperate measure for a desperate situation.

The government's response? To lower cell temperatures – and to force-feed them – by stuffing a filthy tube down their throats to fill aching stomachs.

Thus, they are torturing men by force-feeding them, so that they can live in the torture of indefinite detention.

America boasts to the world of its human rights – and its "values" – but the world can't hear them over the cries and moans of the Guantanamo detainees.

Demand that Guantanamo be closed immediately.

Free the Guantanamo detainees and return them to their home countries. ●

## EDITORIAL 2-7

### The Lay of the Law

In my day I was a decent jailhouse lawyer. I won two cases in the United States Supreme Court, broke new ground around prisoner rights issues, and earned the release of a substantial number of prisoners on post-conviction relief petitions. I even had a federal judge come to the prison to try a case I filed against the paucity of law books in the prison law library. The annex to the visiting room was turned into a federal courtroom where the trial was held. I had two other jailhouse lawyers assisting me at trial. We won that case. In fact, I rarely filed a law suit I did not win. Which brings me to the present day situation.

The censorship lawsuit against Pelican Bay prison officials has been drafted, sent inside for corrections, and rewritten again. Prisoner victims of the banning of last issue of *Prison Focus* at the PBSP SHU have filed their 602s, appealed them all the way to the third and final level, thus exhausting all available administrative remedies. The litigation is ready to be filed in federal court, except for one final step—fully understanding the applicable law.

When I was a jailhouse lawyer *Procurier v. Martinez* - 416 U.S. 396 (1974) was the law of the land when it came to prison censorship. The *Procurier* court held that restrictions on the right to free speech of both prisoners and their correspondents, is justified if the following criteria are met: (1) it must further one or more of the important and substantial governmental interests of security, order, and the rehabilitation of inmates, and (2) it must be no greater than is necessary to further the legitimate governmental interest involved. (Pp. 416 U. S. 404-414)

### **Labor unions in the U.S. learned this lesson back in the 1930s. At the time it was against the law for workers to organize into unions, they called it criminal syndicalism...**

*Procurier* was decided during a high point in the national prisoners' movement. You see, here's how it works. The courts act as a sort of social pressure relieve valve; when there is an active movement making demands on the state, rights are handed down by the courts in an effort to defuse

the potential threat. When the movement dies down, however, the rights are then taken away. You can see this very clearly in the case of the struggle of prisoners for their rights. In short, it is only the existence of an active movement for change that will ensure enforcement of the rights of prisoners—not the mere promises of prisoncrats nor the mood of the courts.

### **“...nothing in this law ... shall be construed so as either to interfere with or impede or diminish in any way the right to strike.”**

After *Procurier* came *Turner v. Safley*, 482 U.S. 78 (1987), which effectively gutted the burden prison officials had to establish in order to justify the denial of a prisoner's constitutional rights. *Turner* set out four hurdles a prisoner must overcome in order to establish a successful claim of constitutional proportions. I won't bore you by detailing the four of them; suffice it to say they are substantial barriers.

But it gets worse. The more recent decision in *Beard v. Banks*, 548 U.S. 521 (2006), in which U.S. Supreme Court upheld the constitutionality of the Pennsylvania Department of Corrections policy of denying access to all written material such as newspapers and magazines, to violent (read SHU) inmates. The court essentially held that the policy was not a violation of First Amendment rights, including freedom of speech, because the plaintiff was housed in the Long Term Segregation Unit (LTSU) to segregate a small number of its most violent and unmanageable inmates. The defendants claimed that the total ban of all publications was to further their behavior modification program and was thus “reasonably related to legitimate penological interests.” The court agreed. I'm sure you can see the parallel between the LTSU and the SHU (or for you people in Washington and Oregon, the IMU).

There is a lesson here, and that is if the rights of prisoners are to be expanded it will require a strong and united national prisoners' movement. Prisoners will have to organize a peaceful struggle to abolish state sanctioned slavery and the democratic rights guaranteed to all citizens, including the right to vote. Those are the two big issues around which everyone can unite; the smaller issues are conditions of confinement, which will vary from prison to prison. When such a movement exists, the

courts will listen. Until we are united we are nothing but dust in the wind.

Today I received a letter from a prisoner in the Washington State Penitentiary. Enclosed with that letter was an article listing what the legislature of that state could do to reduce prison costs. He wanted me to print the article in *Rock*. His suggestions for change were all valid. Yet I will not print his article. Why? Because it is not through begging the legislature, the courts, or the executive branches that will bring about constructive change.

For those who want to keep inventing the wheel, look at the hundreds of years of steady failure in this regard. This long history of failure should clearly demonstrate the futility of merely asking the state to do the right thing. Rather, it will come from the organized strength of prisoners. The prisons cannot function without the labor of prisoners. Prisoners have the power; they need only develop the unity necessary to exercise it. As Fredrick Douglas pointed out, “Power concedes nothing without demand, it never has and it never will.”

Labor unions in the U.S. learned this lesson back in the 1930s. At the time it was against the law for workers to organize into unions, they called it criminal syndicalism or some such thing. Yet workers went ahead and organized themselves anyway, and in doing so won the eight hour day, paid vacations, etc. Yes, in subsequent years they've become lazy and corrupt, and ended up sleeping in the same bed with management. But that does not detract from those early years of progress.

The struggle waged by prisoners is somewhat different. It must be totally peaceful. Anyone who says otherwise is knowingly or unknowingly serving the interests of the state. The object is to win. And protracted peaceful struggle is the only path available to prisoners to achieve that victory.

The Universal Declaration of Human Rights, a treaty the constitution says is the “law of the land”, proclaims that all humans have the inherent right to freedom from slavery, *forced labor*, torture, cruel, inhuman or degrading treatment and to be recognized as a person before the law. In the National Labor Relations Act (NLRA); 29 U.S.C. §§ 151-169, Congress thought it important to repeat in Section 13 that nothing in the law “except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike.” You have the right. It need only be exercised. ●



# ON UNITY OF PURPOSE WITHIN THE PROTEST MOVEMENT

*“A Small Body of Determined Spirits Fired by an Unquenchable Faith in Their Mission Can Alter The Course of History”*

*Gandhi*

Greetings Brothers and Sisters,

History teaches us that unity is strength; that the collective will of a people expressed toward a common goal often results in that goal being realized. This should indicate to us all the vital nature of preserving unity of purpose within the protest movement, and within the movement to abolish domestic torture units in particular (solitary confinement units, SHUs, super-maxes, etc). Protest movements in the U.S. are often formed out of necessity because the U.S. state and the oppressive, exploitive methods it uses against the people who stand in opposition to, are one and the same, sharing a mutual interest in repressing a specific segment of society or reaping some material benefit from their exploitation. In the case of indefinite sensory deprivation confinement and mass incarceration in general, we find both an oppressive and exploitive dynamic.

The unemployed area, a necessary component of surplus labor value expropriation in the U.S. capitalist arrangement (wage slave system) is key to a process we can call underdevelopment. In the U.S. such underdevelopment is targeted and contained, for the most part, in poor and minority communities, where no viable place in the mainstream economy is available to these segments of the population. They must resort to the underground economy to survive. These survival activities, be they service based (narcotics, prostitution, illegal gambling, etc), or predatory (robbery, extortion, identity theft, etc) are all “against the law.” Exposing those forced into the underground economy to imprisonment being the predatory capitalist state that the U.S. is, corporate and political interests from across the industrial spectrum, saw an opportunity in this, reminiscent of the old southern prison bond system, only in this case it was not the profit that could be made from exploiting prisoner labor, but the profit that could be made from each prisoner representing a portion of the public’s tax dollars which could be expropriated (taken) by a new joint venture of industry and labor aristocracy (prison guard unions and administrators) on an ever-expanding industrial scale.

With the cooperation of the politicians,

who overnight created a new and powerful constituency which only required them to parrot the ‘tough on crime’ rhetoric to harness such powerful lobbying and polling resources, law enforcement and judiciaries who would, of course, see an expansion of power and privilege of their own, as legislators enacted ever more intrusive laws broadening the net and widening the gavel for potential citizens daily lives to be intruded upon by the ‘rule of law’ - and more of their tax dollars. The prison industrial complex was born, forming a sixty four billion dollar oligarchy of corporations, and the state that tendrils extend well beyond that meager dollar amount annually.

As the U.S. became the most populous prison population on earth, those subjected to those contradictions, prisoners, resisted, some becoming advanced socio-economic and political activists, who sought to actively resist the social evil of the P.I.C. The state and its corporate masters saw no distinction between these and other groups of prisoners that formed within these environments, and when pitting them against each other did not work the concept of the supermax was born, a place where those who would not submit to the prescribed role of oppressed man would be sent to, subjected to, experimental psychological torture techniques until they “paroled, debriefed or died.” These units were even more lucrative than the expanded prison yards sprouting up like mushrooms across the rural areas of the nation, their very concept and purpose requiring a more robust infusion of tax payer dollars, and giving rise to an interest to manufacture the fantasy of the “worst of the worst,” while simultaneously media access and independent oversight, but capitalism, with its imperative of “unending growth” is, as always, unsustainable, and the prison industrial complex is no different.

As contradictions of its own explosive expansion collided with the limits of U.S. socio-economic capacity, the prospect of eternal damnation in these torture units finally burned away the miasma of disunity affecting the thousands of men and women consigned to these torture units, leaving only their mutual interests behind. Finding its organizational expression within the Pelican Bay D-Short Corridor collective and its unity of purpose in the historic “Agreement To End Hostilities” the movement to these torture units which began so

many years ago when the U.S. government replaced Alcatraz with Marion, has not reached its highest form with this national coalition.

But, as most may realize, the unity of our coalition and thus its’ very purpose is under constant assault, everything from political immaturity to cointelpro-style attacks, challenge our resolve every day. As such, we feel it important to have a discussion about the most fundamental aspects of unity and how adhering to them will not only preserve our purpose, but ensure our circuit. Unity is based on dialogue and commitment; dialogue which is egalitarian and open in its inclusion, yet productive and efficient in its outcome. We should dialogue regularly at all levels around those points which we seek to unify on and from that common ground, commit to those actions and ideas which will most effectively realize our purpose.

Unity does not require uniformity. Coalition building is all about people from different walks of life, politically, socially, sexually, culturally, economically, educationally and geographically coming together to realize a shared value. In this case, the very basic human right that we should all be allowed is to live free of torture. Unity is a broad enough concept to encompass differing opinions and perspectives without it fracturing into a factualism which can be exploited by our collective opposition. This is why dialogue is such a vital component of unity. The views and perspective of those we are waging struggle with are important, and bilateral communication is the cornerstone of conflict resolution. If unity is based on its purpose, it will be difficult to encounter a dispute which cannot be resolved through dialogue. Commitment to a course of action, and to one another, is often as powerful as the unity itself.

Power concedes nothing without demand and actively seeks to destroy opposition to its authoritarian dictates. Commitment to remain unified is a form of unilateral political discourse all its own, which demands that he oppressive power bend - or break.

As July 8th approaches and principled people across this nation and abroad prepare to take up this struggle with us, we should all be comforted by the victorious win underlying our unity of purpose. As we speak, hunger strikes in Guantanamo Bay have gripped international attention, yet right here on U.S. shores, over 80,000

men, women and yes children, are languishing in identical conditions, in SHUs, supermaxs and Ad Seg units, from Pelican Bay, Corcoran and Tehachapi to ADX and Oregon State Prison - solitary confinement.

There is only one force which has any hope of abolishing this inhumanity in the U.S. once and for all: The Unity of Purpose of Principled People Like You and Us. Be amazed and inspired! ●

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**Overcoming ..... Continued from page 5**

will result in the exposure and rectification of such abuses and corruption.

Here are a few examples for dealing with obstruction in the filing of inmate appeals.

One: Thoroughly familiarize yourself with inmate appeal regulations (i.e. CCR, sec. 3084).

Two: Utilize a neutral, professional tone in your appeal and responses, especially if it could be a court exhibit one day.

Three: Do utilize the CDCR 22 Inmate Request for Interview process. It is not often you will get an opportunity to document the involved staff member's response.

Four: Follow all Inmate Appeals Office instructions to the best of your ability even if you disagree with them. If you are unable to comply with the instructions explain why.

Five: If your grievance is canceled, submit a grievance on the cancellation.

If appropriate, you may wish to point out any arbitrariness or other improprieties in-

involved in the rejection of your appeal.

Six: If the obstruction continues, consider writing letters of complaint to appropriate state law makers informing them the prison is refusing to process your inmate appeals. Include your appeal log number and ask for an investigation. Keep your letter brief and to the point. Long letters are not read by busy people.

Seven: Write letters of complaint to the CDCR Secretary and Director and to the California Inspector General's office.

Eight: Ask your outside supporters to also write the afore-mentioned officials. If the abuse is blatant, ask your supporters to file a citizen's complaint with CDCR's Internal Affairs Unit especially if there is a pattern of rejection or your staff complaints are not being processed.

These counter measures will eventually bear fruit, especially when multiple prisoners take action. In Unity We Prevail. ●

*Respectfully,  
Legal Eagle & Associates*

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