

# ROCK

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## THE SOLITARY STRUGGLE IN CALIFORNIA PRISONS

**Until recent protests, California locked ‘validated’ gang members in concrete boxes for years on end. So what’s changed?**

*By Sadhbh Walsh*

For the past three decades or so, the California Department of Corrections and Rehabilitation (CDCR) has attempted to suppress gang violence in its prisons by segregating anyone thought to have gang affiliations in their notorious secure housing units (SHUs) – and leaving them there for years or even decades. Last summer, two state-wide hunger strikes protesting SHU conditions shed an uncomfortable spotlight on these policies and the CDCR was obliged to rethink its approach.

Recently, it issued an outline of its revised strategy, including details of the much-anticipated step-down program. While the new strategy has been welcomed by stakeholders in an “anything is better than nothing” kind of way, it falls far short of addressing the grievances that forced it into being.

The four-year step-down program (SDP), will at least provide SHU inmates with a mechanism to earn their way back to the general prison population. That’s reasonably good news for new SHU inmates, who, until now, would have had to resign themselves to spending a minimum of six years in an 8x10ft concrete box, with no window and no human contact, before their case even came up for review. But for those who have been in one for years or decades already, the SDP appears to offer little more than a guarantee of at least three and a half more years of almost total isolation.

In year one, for instance, the only change SHU inmates can expect is to partake in

“in-cell studies designed to enhance life skills”. Year two is more of the same, with a few carrots thrown in, namely a deck of playing cards, one phone call per year and the ability to spend an additional \$11 per month (of their own money) in the canteen. Year three allows for two phone calls per year, and a few other random perks that include “a plastic tumbler, a plastic bowl, a pair of seasonal tennis shoes, a combination of 10 books, newspapers or magazines, and a domino game”. Year four adds a chess set to the mix.

It’s not until year three that actual group meetings are permitted, and only in the latter half of year four will the inmates get to have some level of “yard interaction”. It’s little wonder that both the inmates and their advocates are less than enthused about a supposed reform program that barely goes further in the first two years than allowing them to wear seasonal tennis shoes as they play solitaire in their cells.

Naturally, the CDCR doesn’t want to rush things, as the program could suffer serious setbacks if anything goes wrong, but the mediation team who negotiated on behalf of the prisoners during the hunger strikes has pointed out to the CDCR that the Connecticut Department of Correction (credited with establishing a national model for gang management) managed to do in five and a half months what the CDCR is hoping to achieve in four years.

Still, at least there a glimmer of light at the end of the tunnel, which is no small thing for prisoners who have spent decades

without normal access to sunlight. If they manage to refrain from all future gang-related activity, they will eventually be released from the SHU.

This is not as easy as it sounds, however, as what constitutes gang activity is so broadly defined that it’s next to impossible for inmates to remain violation-free. This was highlighted for me by one of my SHU correspondents in a recent letter:

“I was given a retaliatory 115 (a write-up) because I said ‘Hey, Abdul’ on my way to the clinic and ‘All right, Vitani’, on my way back. Again, I’ve been accused of ‘promotion of gang activity’. This is an attempt to ensure that when the step-down program is enacted, I won’t be allowed to participate.”

Terry Thornton, the CDCR spokeswoman, assured me that no inmate will be precluded from participating in the SDP for prior write-ups, but this inmate and others are right to worry that they may have trouble staying violation-free and graduating from the program. If the language in the proposal is so broad that just saying hello to a fellow inmate may be interpreted as gang activity, then their concern seems justified.

One element of the new strategy that is very welcome is a change to the gang validation process that allowed inmates be sent to the SHU in the first place. Most people assume (I certainly did) that SHU placements are reserved for inmates who are violent or dangerous. Yet the fact is that

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*Solitary Struggle.....Continued on page 7*

# INTERVIEW WITH VO NGUYEN GIAP VIET MINH COMMANDER

**Q:** Was Diên Bìn Phũ a conventional military victory or was it a victory for military warfare?

**Giap:** The victory at Diên Bìn Phũ was a victory for the people. But then, of course, while the concept of a people's war and guerrilla warfare are not entirely separate, they are separate nonetheless. In this case, it was the people's war that was victorious. And guerrilla warfare was one aspect of that people's war. It's all quite complicated.... What is the people's war? Well, in a word, it's a war fought for the people by the people, whereas guerrilla warfare is simply a combat method. The people's war is more global in concept. It's a synthesized concept. A war which is simultaneously military, economic and political, and is what we in France would call "synthesized." There's guerrilla warfare and there's large-scale tactical warfare, fought by large units.

**Q:** What was new about the idea of the "People's War"?

**Giap:** It was a war for the people by the people. FOR the people because the war's goals are the people's goals—goals such as independence, a unified country, and the happiness of its people.... And BY the people -- well that means ordinary people—not just the army but all people.

We know it's the human factor, and not material resources, which decide the outcome of war. That's why our people's war, led by Ho Chi Minh, was on such a large scale. It took in the whole population.

**Q:** What do you think about the significance of Diên Bìn Phũ for the world?

**Giap:** The history of the Vietnamese people goes back thousands of years. During that time we've repelled thousands of invaders. Only, in former times the countries that tried to invade us were on the same economic level as we were. Theirs, like ours, was a feudal society. That was the case, for example, when we fought the Chinese in the 13th century. But Diên Bìn

Phũ was a victory in another era. What I mean is that in the latter half of the 19th century, when western imperialism divided the world into colonies, a new problem emerged. How could a weak, economically backwards people ever hope to regain its freedom? How could it hope to take on a modern western army, backed by the resources of a modern capitalist state? And that's why it took us 100 years to fight off the French and French imperialism. Diên Bìn Phũ was the first great decisive victory after 100 years of war against French imperialism and U.S. interventionism. That victory that put an end to the war and marked the end of French aggression. From an international point of view, it was the first great victory for a weak, colonized people struggling against the full strength of modern Western forces. This is why it was the first great defeat for the West. It shook the foundations of colonialism and called on people to fight for their freedom -- it was the beginning of international civilization.

**Q:** Was Diên Bìn Phũ an easy victory because the French made so many mistakes?

**Giap:** It's not as simple as that. We believed that in the French camp, French general staff and the military chiefs were well informed. They'd weighed up the pros and cons, and according to their forecasts, Diên Bìn Phũ was impregnable. It has to be said that at the beginning of the autumn of '53, for example, when our political headquarters were planning our autumn and winter campaigns, there was no mention of Diên Bìn Phũ. Why? Because, the Navarre plan didn't mention it either. They had a whole series of maneuvers planned.

For us, the problem was that Navarre wanted to retain the initiative whereas we wanted to seize it. There is a contradiction that exists in a war of aggression whereby you have to disperse your forces to occupy a territory but rally your mobile forces for offensive action. We took advantage of this contradiction and forced Navarre to disperse his forces. That's how it all started. We ordered our troops to advance in a number of directions, directions of key importance to the enemy although their presence wasn't significant. So the enemy had no choice but to disperse their troops. We sent divisions north, northwest, toward the center, towards Laos; other divisions went in other directions. So to safeguard

Laos and the northwest, Navarre had to parachute troops into Diên Bìn Phũ, and that's what happened at Diên Bìn Phũ. Before then, no one had heard of Diên Bìn Phũ. But afterwards, well that's history, isn't it? French General Staff only planned to parachute in sufficient troops to stop us advancing on the northwest and Laos. Little by little, they planned to transform Diên Bìn Phũ into an enormous concentration camp, a fortified camp, the most powerful in Indochina. They planned to draw our forces, break us, crush us, but the opposite took place. They'd wanted a decisive battle and that's exactly what they got at Diên Bìn Phũ -- except that it was decisive for the Vietnamese and not for the French.

**Q:** Before Diên Bìn Phũ, do you think the French ever imagined you could defeat them?

**Giap:** Well, everyone at Diên Bìn Phũ, from the French generals and representatives of the French government to the American generals and the commanding admiral of the Pacific Fleet, agreed that Diên Bìn Phũ was impregnable. Everyone agreed that it was impossible to take. The French and then the Americans underestimated our strength. They had better weapons and enormous military and economic potential. They never doubted that victory would be theirs. And yet, just when the French believed themselves to be on the verge of victory, everything collapsed around them. The same happened to the Americans in the Spring of '65. Just when Washington was about to proclaim victory in the South, the Americans saw their expectations crumble. Why? Because it wasn't just an army they were up against but an entire people -- an entire people.

So the lesson is that however great the military and economic potential of your adversary, it will never be great enough to defeat a people united in the struggle for their fundamental rights. That's what we've learned from all this.

**Q:** Why was the National Liberation Front so successful in expanding the areas it controlled between 1960 and 1965?

**Giap:** Throughout our long history, whenever we've felt ourselves to be threatened by the enemy, our people have closed in the ranks. Millions of people, united, have called for "Unification above all," for "Victory above all".... The National

Liberation Front was victorious because it managed to unite most of the people and because its politics were just.

**Q:** Did you change your tactics at all when the American troops began to arrive after 1965?

**Giap:** Of course, but even so, it was still a people's war. And, a people's war is characterized by a strategy that is more than simply military. There's always a synthesized aspect to the strategy, too. Our strategy was at once military, political, economic, and diplomatic, although it was the military component which was the most important one.

In a time of war, you have to take your lead from the enemy. You have to know your enemy well. When your enemy changes his strategy or tactics, you have to do the same. In every war, a strategy is always made up of a number of tactics that are considered to be of great strategic importance, so you have to try to smash those tactics. If we took on the cavalry, for example, we'd do everything we could to smash that particular tactic. It was the same when the enemy made use of strategic weapons.... And, when the Americans tried to apply their "seek and destroy" tactic, we responded with our own particular tactic that was to make their objective unattainable and destroy them instead. We had to...force the enemy to fight the way we wanted them to fight. We had to force the enemy to fight on unfamiliar territory.

**Q:** Was your Têt offensive in 1968 a failure?

**Giap:** As far as we're concerned, there's no such thing as a purely military strategy. So it would be wrong to speak of Têt in purely military terms. The offensive was three things at the same time: military, political, and diplomatic. The goal of the war was de-escalation. We were looking to de-escalate the war. Thus, it would have been impossible to separate our political strategy from our military strategy. The truth is that we saw things in their entirety and knew that in the end, we had to de-escalate the war. At that point, the goal of the offensive was to try to de-escalate the war.

**Q:** And did the de-escalation succeed?

**Giap:** Your objective in war can either be to wipe out the enemy altogether or to

leave their forces partly intact but their will to fight destroyed. It was the American policy to try and escalate the war. Our goal in the '68 offensive was to force them to de-escalate, to break the American will to remain in the war....

We did this by confronting them with repeated military, as well as political and diplomatic victories. By bringing the war to practically all the occupied towns, we aimed to show the Americans and the American people that it would be impossible for them to continue with the war. Essentially, that's how we did it.

**Q:** You are familiar with those famous pictures of April 1975, of American helicopters flying away from the American Embassy. What do those pictures mean to you?

**Giap:** It was as we expected. It marked the end of the American neo-colonial presence in our country. And, it proved that when a people are united in their fight for freedom, they will always be victorious.

When I was young, I had a dream that one day I'd see my country free and united. That day, my dream came true. When the political bureau reunited Hanoi with Laos, there were first reports of evacuation. Then the Saigon government capitulated. It was like turning the page on a chapter of history. The streets in Hanoi were full of people.

The pictures of the helicopters were, in one way, a concrete symbol of the victory of the People's war against American aggression. But, looked at another way, it's proof that the Pentagon could not possibly predict what would happen. It revealed the sheer impossibility for the Americans to forecast the outcome. Otherwise, they would have planned things better, wouldn't they.

The reality of history teaches us that not even the most powerful economic and military force can overcome a resistance of a united people, a people united in their struggle for their international rights. There is a limit to power. I think the Americans and great superpowers would do well to remember that while their power may be great, it is inevitably limited.... Since the beginning of time, whether in a socialist or a capitalist country, the things you do in the interests of the people stand you in good stead, while those which go against the interest of the people will eventually turn against you. History bears out what I say.

We were the ones who won the war and

the Americans were the ones who were defeated, but let's be precise about this. What constitutes victory? The Vietnamese people never wanted war; they wanted peace. Did the Americans want war? No, they wanted peace, too. So, the victory was a victory for those people in Vietnam and in the USA who wanted peace. Who, then, were the ones defeated? Those who were after aggression at any price. And that's why we're still friends with the people of France and why we've never felt any enmity for the people of America....

**Q:** Who invented the idea of People's war? Whose idea was it originally?

**Giap:** It was originally a product of the creative spirit of the people. Let me tell you the legend of Phu Dong...which everyone here knows well. It's a legend set in prehistoric times. The enemy was set to invade, and there was a three-year-old boy called Phu Dong who was growing visibly bigger by the minute. He climbed on to an iron horse and, brandishing bamboo canes as weapons, rallied the people. The peasants, the fisherman, everyone answered his call, and they won the war. It's just a legend and like popular literature, the content is legendary, but it still reflects the essence of the people's thinking. So, popular warfare existed even in legends, and it remained with us over the centuries.

**Q:** Why do you think Vietnam is almost the only country in the world that has defeated America? Why only Vietnam?

**Giap:** Speaking as a historian, I'd say that Vietnam is rare. As a nation, Vietnam was formed very early on. It is said that, in theory, a nation can only be formed after the arrival of Capitalism -- according to Stalin's theory of the formation of nations, for instance. But, our nation was formed very early, before the Christian era. Why? Because the risk of aggression from outside forces led all the various tribes to band together. And then there was the constant battle against the elements, against the harsh winter conditions that prevail here. In our legends, this struggle against the elements is seen as a unifying factor, a force for national cohesion. This, combined with the constant risk of invasion, made for greater cohesion and created a tradition -- a tradition that gave us strength.

The Vietnamese people in general tend to be optimistic. Why? Because they've been



facing up to vicissitudes for thousands of years, and for thousands of years they've been overcoming them.

**Q:** What was the contribution of Marxism and Leninism to your theory of a People's War?

**Giap:** The People's War in Vietnam predated the arrival of Marxism and Leninism, both of which contributed something when they did arrive, of course.

When the USSR collapsed, we predicted that 60 to 80 percent of our imports and exports budget would be eliminated because we depended upon aid from the USSR and other socialist countries. So people predicted the collapse of Vietnam. Well, we're still hanging on and slowly making progress. I was asked what I thought of Perestroika, so I answered that I agreed with the change and thought it was necessary in political relations. But Perestroika is a Russian word, made for the Russians. Here we do things the Vietnamese way. And we make the most of our hopes and the hopes of those in Russia, China, the USA, Japan, Great Britain -- but we try to assimilate them all.

As I mentioned, the Vietnamese people have an independent spirit, stubborn people, I suppose, who do things the Vietnamese way. So now the plan is to mobilize the entire population in the fight against backwardness and misery. While there are the problems of war and the problems of peace, there are also concrete laws, social laws, great laws, which retain their value whether in peace or war. You have to be realistic. You have to have a goal. You have to be a realist and use reality as a means of analyzing the object laws which govern things. To win, you have to act according to these laws. If you do the opposite, you're being subjective and you're bound to lose. So, we learn from the experience, both good and bad, of Capitalism. But, we have our own Vietnamese idea on things. I'd like to add that we are still for independence, that we still follow the path shown us by Ho Chi Minh, the path of independence and Socialism. I'm still a Socialist but what is Socialism? It's independence and unity for the country. It's the freedom and well-being of the people who live there. And, it's peace and friendship between all people.

*From the: Freedom Archives  
San Francisco, CA 94110  
www.Freedomarchives.org*

## TIDBITS

### From HS Support

SB-1363 sought to remedy current deficiencies in law regarding the use of solitary confinement in juvenile facilities and to curb its overuse and abuse. The California State Senate Standing Committee on Public Safety voted on SB-1363 on April 17, 2012. Senators Hancock, Liu, and Steinberg voted in favor of the bill, but unfortunately the bill was defeated by Senators Anderson, Calderon, Harman, and Price, who voted in opposition.

### From S.F. Bay View

As you may know, the hunger strike leaders at Pelican Bay are planning to resume their statewide strike July 1 unless CDCR substantially complies with their five core demands. So far, CDCR is getting worse, not better. The prisoners are mentally preparing themselves to fast to the death this time. If their lives can't improve, they'll give their lives to save others.

I hope we can come up with some dramatic ways to drive home the seriousness and urgency of the situation. We need to win in the court of public opinion -- your trial and this letter are major steps -- so as to put far more pressure on CDCR and Gov. Jerry Brown, who could end solitary confinement in California with a stroke of his pen.

### From Critical Resistance

In the past week, the Oakland Police Department (OPD) and the California Department of Corrections and Rehabilitation (CDCR) released strategic plans they claim would have thoroughgoing and sustainable impacts on public safety. These reports join the Obama administration's National Drug Control Strategy which makes many of the same claims. What is interesting about all three of these plans are their attempts to subsume the language, ideas, and struggles of organizations and communities who have indeed worked tirelessly and too often thanklessly against the destructive policies and programs of these very institutions that purport to have all the answers and solutions.

But we shouldn't, and needn't, get it twisted. The institutions that make up, push forward, and extend the prison industrial complex will continue to do just that, however they might shuffle spending, overhaul management, incorporate new technology, reorganize personnel, subsume peoples' demands, or call old things by new names.

Surely it is significant that these agencies and institutions are shaken and bowed by the fights put to them. Strategies certainly do change, but as long as the priority remains containment and control the impact will be continued state violence on local, national, and international levels.

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### ACLU Challenges Debate About Prison Privatization

The American Civil Liberties Union today challenged the chief executive officer of the nation's largest private prison company to a public debate on the merits of prison privatization.

"We would welcome the opportunity to defend our views on for-profit incarceration in a public debate -- one that also gives you a full and fair opportunity to express your views," reads the ACLU's letter, delivered today to CCA's CEO Damon Hininger.

Exempted from the Freedom of Information Act, CCA and other private prison companies are shielded from public scrutiny by a veil of secrecy, despite locking up nearly 130,000 prisoners and an additional 15,000 immigration detainees each year while receiving billions of taxpayer dollars.

CCA in recent years has voted down shareholder resolutions demanding financial accountability and for greater transparency in efforts to curb prison rape.

In March, CCA sent a letter to officials in 48 states announcing what it called a "corrections investment initiative," in which CCA offered to purchase prisons from states.

A report released by the ACLU last year revealed how private prison companies have capitalized on the nation's addiction to incarceration to achieve gigantic profits. The report also found that despite serious questions about the wisdom of privatizing prison systems, some members of the for-profit prison industry use shrewd tactics, including extensive lobbying, lavish campaign contributions and efforts to control information, to garner more and more government contracts and lock up ever-increasing numbers of people.

"We believe that the taxpayers who finance private prisons; the families whose mothers, fathers, sons, and daughters are incarcerated in these facilities; and the communities where for-profit prisons are situated deserve more than sound bites," the ACLU's letter to Hininger reads. "They deserve a full, fair, and public examination of for profit incarceration."

# LETTERS

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

## To whom it may concern:

I'm one of the four principal negotiators who represent PBSP-SHU prisoners. I find myself writing this short not to all our outside supporters to clear up a "rumor" that has been spread around that we are declaring another Hunger Strike (H.S.) on June 26, 2012. That is absolutely not true. There will be no H.S. here at PBSP-SHU on June 26, 2012. And, if any H.S. is to take place in the future, us four would follow the same protocol we followed in the last two H.S. We would "serve" a copy of the reasons for it on the Administration here and in Sacramento months prior to any H.S. And we would have sent all our supporters (you) a copy of it and joint statement from us four. It's counter-productive to keep any H.S. secret. Therefore, if you don't receive our intentions as mentioned above, then you'll know it's not true for PBSP-SHU. I hope this rumor is now cleared up. Thank you.

*Sincerely yours,*

Arturo Castellanos, C-17275  
PBSP SHU D1-121  
PO Box 7500  
Crescent City, CA 95532

PS: Please send a copy of this to Ed Mead—because the letter in his May "Rock" is not true—none of us sent it. That letter's author's name was "withheld"—we would have printed our names.

**[Ed's Response:** I looked through the May issue of *Rock* and could not find the reference to a renewed HS in any of the letters. But a check of the "TidBits" column did find what might be the item that talked about "the third and final hunger strike" [*Rock*, Vol. 1, No. 4, p. 9] It did not come from a prisoner, but from an outside person, who had posted it on the Internet. I trusted that source for accurate information. I'll be more careful in the future.

I have put out a correction and self-criticism to the HS list for assuming what I had read on the list and elsewhere was factual. I agree that I should have verified the information rather than merely assuming that any discussion of a third strike had come from SHU prisoners. I won't make that mistake again. My apologies to everyone

for causing this confusion. I should have known better.]

## Quantity into quality

In a recent issue of *Rock*, volume 1, number 3, you said the following: "Your financial help in keeping this newsletter going is not only essential, it is also the yardstick by which I measure the importance of this effort. If it is not important enough to readers to materially support, then I would prefer to spend my 'golden years' doing something a little more fun. Two or three stamps a month from each reader will help to keep this newsletter going." I could not agree with you more, so, I concur with your position and that is why I seek to do my part. Please find my stamps enclosed with this mailing. I also encourage others to pay attention to this request.

Thank you for promptly sending me Mao's essay "On Contradictions" that I asked for. I seek to learn from everybody who is willing to teach. I find it admirable that people of elder status still continue to push forward and seek to provide guidance in this great effort. As you know, by understanding the laws of contradiction will help us to remain at a principled level the unity and struggle of opposites with the secondary features of materialist dialectics are still taking root. Quantity into quality, negation of the negation. I won't tire you out with what you already understand, I'm utilizing these tools as a teaching methodology to help people grasp the fundamental laws of contradictions using simplicity for the laity.

You've been of commendable service, and I would not have a problem if you were doing something more fun in your elder years. You most certainly earned it.

*[A Pelican Bay SHU prisoner]*

## How To Send Support

Are there other ways to subscribe to *Rock* other than stamps? Checks, money orders? Candy bars, cigarettes (LOL). For now I'll send stamps. Thank you for all your time in service for all of us, I hope you put some good resource addresses in the newsletter. I'm going to write back soon with some fundraising ideas you may or may not like. Many people have fallen asleep and lost hope and the hunger strike kind of woke up some, but someone needs to kick this movement into high gear.

*[A PB SHU prisoner]*

**[Ed's Response:** yes, there are other ways in which prisoners can materially

support this newsletter. Even candy bars and cigarettes (that's a joke). Rather than duplicate the efforts of others by printing resources in this small publication, write to the Prison Activist Resource Center, PO Box 70447, Oakland, CA 94612, and asked for their Prisoners Resource Directory. It was just updated in January 2012.]

## Form a PAC?

Thanks for your sincere response to my predicament. When initially wrote I'd hoped CPF intended to call for nationwide in prison work strike. However, as I can see by the demands of the California hunger strikers, the issues are not nationwide.

The shame of it is that we've all failed to rally around the heart of the matter, which is the rampant overuse of imprisonment as the panacea for all social conflicts. The time for such a nationwide strike is now, especially with the boost by the worldwide struggles for human rights.

Someone needs to unify all the national and state prisoner focus groups into one PAC, and from there push the overuse issue. Given the right leadership that could be done.

*Name Withheld, Waupun Prison, WI*

## The Power of Law?

I read several prison related media outlets and they all say the same thing. Well, it's time some once said something different and brought a cold dose of reality and not so common sense to the front.

Many letters to editors encourage inmates to file 602s and Sue. People have been suing for decades and prison just keeps getting worse. And reality some workaday correctional officer doesn't care (or most times even know) what a prisoner's rights are. And the administration doesn't care what court decisions or regulations say 95% of the time. Suing usually only gains relief for the individual, if any.

For a prime example, here I am in CC I-Tehachapi SHU. Now the CCR T-15 section 3343(g) has said for years (over a decade) that we are supposed to get 10 hours of yard minimum per week. And three cases off the top of my head which ban deprivation of exercise are: 1) *Wilson v. Seiter*, 501 U.S. 294, 304; 2) *Spain v. Pro-cunier*, 600 F2d 189, 199 (9th Cir. 1979); and 3) *Toussaint v. McCarthy*, 597 F. Supp. 1388 (N.D. Cal. 1984). You know what, no

one has received 10 hours in any week here since I arrived in March of 2011. We are lucky if we get five hours a week. The 602 I filed did nothing, letter to Raylyn Conner (ombudsman), nothing. Lawsuit being filed, nothing. Having a federal court decision in my favor, worth about as much as toilet paper.

The true power of law is and those who enforce it. Those who are in law enforcement and in CDCR only apply the law which oppresses inmates. As Lieutenant “friendly” (let’s call him that) said to me as a vein popped out in his forehead, and as he slammed his fist on the desk (really) during a 602 hearing, I am “the kind of guy you’d like to sock right in the mouth”; I am “acting like a SNY” for filing 602 (I’m *not* an SNY); I “act like [I] got everything coming, but don’t because [I’m] just a piece of shit inmate.

And that is the respect the CDCR as for litigation. This is coming from accomplished jailhouse lawyer—litigation is not the answer! And in fact makes things worse many times. I miss tobacco (thanks lawsuit!). Interracial cell compactions are eventually going to force me into a conflict of interest (thanks lawsuit). SNY yards are taking over the yardiverse (thanks to a lawsuit by a dropout). No more transfat in our diet (man I miss my Honey Buns, thanks to a lawsuit).

The redress of grievances is a whimsical affair at best and the age of litigation and this Marxist class struggle is over. Furthermore, since the courts (and societies ‘law’) in general refused to uphold a standard of human courtesy and decency for prisoners (some of which are truly innocent let’s remember), and since CDCR has successfully divided and conquered the prisoners, I and my peers are left to suffer the fate of the pre-Civil War Negroes and just take it like a man wants to give it to us until some group of real citizens get tired of seeing us get abused like a child porn star and finally says two wrongs don’t make a right, until they say quit punishing the prisoners so badly.

*Buck, Tehachapi SHU*

**[Ed’s Response:** If you plan to wait for citizens to get tired of seeing you abused, your abuse will never end. You must be your own liberators. Nobody on the streets is going to fight this fight for you. We can support your struggle, amplify your voice, but the struggle itself, the struggle against these persistent abuses, against your status as slaves of the state, is all yours.

As for litigation, it is a defensive tactic, to be used when your back is against the wall. Litigation is not a mechanism for substantial change. At best it serves as a pressure relief valve, whose purpose is to dribble out some small reforms in order to diffuse a growing movement for positive social change.

We saw this process unfold during the height of the prisoners’ rights movement back in the 1970s, when the courts granted prisoners some long-overdue reforms. Once that movement was placated, however, the courts immediately began a process of rolling back those advances.

Relying on the courts or the promises of prisoncrats is a dead end street. Only the strength of a peaceful struggle for justice by prisoners can win *and enforce* meaningful change.

As for “at best the age of ... Marxist class struggle is over”, let’s agree to allow unfolding history to make or break that assessment. Still, you might note that the only prisoners movement this nation ever known was led by communists. Just as it was communists in the labor movement who brought you the eight hour day, etc. When the government drove the communists from the unions, that was the time the unions stopped working to advance the labor movement, that was when union bosses became partners with capitalism. It was all down hill from there, all the way down to the sorry state of labor unionism in the U.S. today.]

### **Combat Homophobia**

I saw your ad in *Prison Focus* and would like to check out your Rock newsletter. I’m enclosing two stamps. I know a lot about diversity in prison as I am a transgender inmate who is on hormone therapy. People discriminate and hate on me daily. You do know what I’m saying.

*Name Withheld*

**[Ed’s Response:** Sex is biologically determined, while gender is a social construct. Let’s agree to allow each other to choose our own gender, and to do so without oppressing each other. While I’m on this general subject, let me remind readers that homophobia is a form of sexism that works to divide us and thus serves the interests of the class enemy. It the duty of men to combat sexism within their ranks. When someone makes a homophobic or sexist joke or comment, call them on it. Only then will it stop.]

### **Yeah! Money!**

Here you go, forty stamps enclosed to help with the *Rock*, or in any way you see fit. I’ve also been trying to send a few dollars off my trust account but I’m getting the run around. Hopefully many others are contributing as well.

*Name Withheld*

**[Ed’s Response:** Prisoners are indeed responding with donations of cash and stamps, so far I’ve received enough to cover the cost of the printer toner, paper, and stamps necessary to produce and mail out this issue. This month there has been one \$25 donation and 242 stamps received.]

### **Issue Damaged**

Thank you for your newsletter. Unfortunately this is all I received! As you see, it’s been damaged and they took pages out!! I only got pages 1 & 2 and 9 & 10. I’ve enclosed them so you’ll see what CAL-ASU mailroom is doing to your newsletter. I would still love to read vol. 1, #4 if possible [it has been sent to him]. I got to read the Tidbits section continuing from page three. I guess CAL-ASU doesn’t want us to read the article since they’ve been giving everyone their TVs. Your TV is on the floor and you’ve got nowhere to plug in the cable ... a static box. “We don’t care. Yeah! We won!”

*Name Withheld*

### **Another Bad Validation**

I am writing to request an issue of *Rock* so that I can be more informed about news and analysis around prison related issues.

I’ve been incarcerated since 1995 on a sentence of 25 years to life under the 3-Strikes law for the crime of being in possession of zero point zero four grams of rock cocaine.

Since 2007 I’ve been in solitary confinement, validated as an associate of the Black Guerrilla Family after literature, a photocopied picture of a dragon and a photocopied book that had in it the name of someone said to be a gang member, was found in my property.

Falling into the web of the 3-Strikes law and the validation process put me in a position to wake up from a submissive, hypnotic state of mind, and now my consciousness has risen to a level where I can see and understand the true mission of the powers that be. It is my hope that the newsletter *Rock* will contribute to my education.

*Name Withheld*



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***Solitary Struggle.. Continued from page 1***

many men who have ended up in California's SHUs are there simply because they have been "validated" as a gang member or associate. Until now, the validation system has been arbitrary and capricious, with no due process and no external review: X says Y is a gang member, so Y gets sent to the SHU. CDCR's own former undersecretary, Scott Kernan (who retired shortly after the hunger strikes), admitted in an interview that the department was guilty of "over-validating" inmates, and that their SHU policies had "gone too far".

Most people have little sympathy for these men: they are criminals, after all, who at one point in their lives mistreated and abused other citizens. But when the state that is charged with correcting these criminals goes on to abuse and mistreat them, in turn – and I'd say mistreatment and abuse are gentle terms for locking a person in a concrete box for 10-20 years – they lose the moral high ground.

With its new gang management strategy, the CDCR has taken a step towards regaining some of that terrain, but right now, it looks like there's still a steep climb ahead.

*Interested parties can write to:*

*Sadhbh Walshe,  
PO Box 1466,  
New York, NY 10150*

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## **A COURSE ADJUSTMENT?**

*By C. Landrum*

**D**ispleased with the direction in which all is developing, I've pretty much taken a backseat. I find no pleasure anticipating that all is inevitably doomed to fail—even success in the context of our existing demands will be a failure. It is more disappointing that there are others who know this yet manufacture excuses for keeping quiet and supporting the current trajectory.

There is no justification for remaining quiet, or neutral. Neutrality does not in fact exist. This is not philosophic speculation, but philosophic materialism backed by scientific fact. Inaction is in itself action that facilitates both the existing status quo and its direction of development, for even that which appears motionless in its outward manifestation is in fact in a continuing state of perpetual transformation. Simply said, neutrality is an abstract concept devoid of substance.

Our current tactics are idealistic in content and therefore incorrect. The focus on the "form" and "manifestations" is incorrect in that it fails to address the "essential" source of our perpetual isolation—the SHU.

Does an oncologist treat a cancer patient solely by addressing the side effects of cancer? That is, does the doctor treat the cancer patient simply by providing him or her with a wig? Of course not. The patient is given chemo, radiation, and, if it is a viable option, surgery to remove the cancerous tumors.

To reform the validation process, even to eliminate it and other formal manifestations of it, while leaving the SHU facilities intact, is to treat the outward manifestations while leaving the cancer intact. We need to refocus our struggle from primarily the various expressions and side effects of the existence of the SHU. Otherwise the Pelican Bay State Prison officials, the California Department of Corrections, and its army of bureaucrats, will manufacture other pseudo-justifications and excuses to permanently isolate us to indefinite sensory deprivation (social extermination).

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### **Our current tactics are idealistic in content and therefore incorrect.**

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To eliminate the SHU as we know it to exist, or to even reduce its isolation, is to effectively deprive CDCR of its current and future excuses for subjecting us to indefinite dehumanization. So long as the SHU exists, however, even within the elimination of the validation process, the state will achieve the same thing by other means. We need to eliminate the SHU internally, as we know it.

Without changing the fundamental five demands, we can incorporate "Association" into demand number three. The demand for Association is a tactic that has been pursued and achieved by various other prisoner rights groups with effectiveness in the past. It garnered significant support internationally, and resulted in group Association of prisoners held in strict isolation, allowing anywhere from 8 to 14 prisoners to spend time together for social intercourse, to develop socially and prevent "social-extermination."

These tactics were pursued with various degrees of success by the IRA and INLA of Ireland, The Red Brigades of Italy, Ger-

many's Red Army Faction, ETA of Spain, etc. These are examples we can study and incorporate with our own ingenuity and apply to our own conditions.

We can demand, peripheral to our demand for Association, installation of two (4-man) tables, and a phone in each pod for dayroom time. One tier at a time; total of eight men. Pull up/set up/dip bar for each yard. All of which is accompanied with 10 hours a week time for social intercourse. Potentially other social development fostering aspects, like in general population, the opportunity to check out board games, etc.

What makes a SHU and SHU? Isolation. The goal is to transform the "essential" existence and function of the SHU as it currently exists—a tool of social repression that dehumanizes and socially exterminates the individual identity.

To merely alter the side effects and formal expressions of the SHU while simultaneously leaving the SHU intact in its essence is ultimately to fail. Even in the context of what "appears" as a success will ultimately be a failure.

A distinction between strategy and tactics, essence and form, are of absolute necessity for success. This requires a dialectical comprehension of reality, and although centrality of decisions are of necessity, it is also necessary that when we put our ear to the floor, we hear more than our own voices. How effective are centralized decisions when they are not the concentrated expressions of the best ideas and knowledge? Such exclusive methods in themselves are isolating and causes mass support to be replaced with resentment, even if not expressed openly. Such circumstances create the conditions in which right opportunism is bred.

#### **Notice**

This issue of *Rock* (June) is going out to readers a little early. I have a medical issue to deal with shortly and need to get this newsletter and the next issue of the *PHSS News* finished before I address that problem. I'll be out of commission for short awhile, but should be in good enough shape to have the July issue of both newsletters out on schedule.

Unless there are some dramatic changes, the next issue of *Prison Focus* probably won't be out until late summer at best.

Ed

# EDITORIAL

## The Money

Let's start off with the important stuff—money. Back in 1991, another prisoner and I started a small monthly newsletter we called *Prison Legal News*. Like this one, *PLN* began life as five sheets of paper copied on both sides (ten pages). The initial mailing list was about 75 people (smaller than this one). My *PLN* editorials often contained pleas for money from readers. And readers responded to the extent that the newsletter became successful and continues to be published to this day (although without me).

In my comments section of the last issue of *Rock* I said, “[t]his issue of *Rock*, as well as the next one, will go out to everyone on the current mailing list. After that only those who have contributed something will get the paper. If at that point the list is too small I’ll stop doing this.” Well, that next issue is here already. It’s time to turn quantity into quality, and in this case that quality is measured by a demonstrated willingness to materially support this newsletter, or at least a letter saying you want to continue getting it but have no money.

Your ongoing material support for prison-related news and progressive opinions is the yardstick by which the need for this publication is measured. So, for all of you who have donated only two stamps, your subscriptions are now up for renewal.

In asking for your financial support, you should know this newsletter is not beholden to, or a part of, any other organization, group, gang, faction, or party. *Rock* is a totally independent publication aimed at progressive prisoners but supported by all who seek peaceful, constructive change.

For those of you who have not contributed at all since the first of the year, or who have never contributed to any newspaper for prisoners, this will be your last issue. To continue will cost two stamps per issue, three if you can afford it. It’s cheaper to send more than two stamps at a time, but I know it’s hard to get by in there. I’m easy.

In the last issue of *Rock* I reported receiving a total of 130 stamps since the first of the year. Since then prisoners have sent 242 more stamps and a \$25 donation. The last issue was mailed out to 125 people; this one is going to 136 readers. Congratulations! You have paid for the postage of this issue plus \$72 towards paper (\$8.50/ream) and laser printer toner (\$154 each). This is exactly what it takes to keep this publication going. Thank you.

## The Rant

Today I read that Americans are “the most totally disinformed and ignorant people on earth.” I agree. I make it a point to review both sides of what’s going on in the world. For example, I have no use for religion in general and in Islamic fundamentalism in particular. They are homophobic, sexist, anti-communist, and generally reactionary. Yet I read the communiqués of al-Qaeda in order to better understand the nature of their struggle—to learn the material basis for the conflicts taking place today.

Former President G.W. Bush and the likes of Dan Rather said these people fly airplanes into our buildings and strap on suicide vests because “they are jealous of our abundance.” But do people really give up their lives over something as petty as jealousy? No. Al-Qaeda actually has two demands to end the war; 1) remove your bases from our lands, and 2) stop killing us. Really not that unreasonable for a nation that was founded through the struggle against (British) imperialism.

At root it’s all pretty simple and can be reduced to a single word—oil. The US, Saudi Arabia, and Israel funded and have backed regional army of Sunni terrorists since 2007 specifically to overthrow Syria and Iran. Before we can get our hands on Iran’s oil we have to cripple Syria, who is Iran’s ally and a staunch supporter of Hezbollah (the Party of God) in Lebanon. Hezbollah would attack Israel if the U.S. attacked Iran. All of this is aimed at China. The US wants to control the oil spigot that limits China’s economy to grow. This of course a recipe for world war.

I can’t blame prisoners for their ignorance as their only source of information is the bourgeois media outlets, who feed us all a steady diet of lies and half truths. And while most Americans have access to the Internet and thus the means to learn more about the actions of their government, they are too busy earning a living and watching some kind of ball game. Yeah, bread and circuses.

## The Lesson

The one power every human being has is to peacefully withhold his or her labor. The factories can’t run, the store shelves can’t be stocked, and the prisons cannot function without the labor of workers.

Yet we are so steeped in the individualism at the core of the American culture of greed and self-interest that we can’t see ourselves as anything other than a collec-

tion of atomized individuals. We are never able to realize that end result of this process are people who contribute labor to an unjust enterprise, and thus to become complicit in that injustice—they become accomplices in the crimes of that enterprise.

Well, that’s fine I suppose if one is satisfied with his or her conditions of existence on this path we all travel. Yet for those who think there is something wrong with being a literal slave in the 21<sup>st</sup> century, and who would like to peacefully and lawfully<sup>1</sup> speak out to the world—thanks to the heroic sacrifices of the California hunger strikers and their allies on the streets—the world is now listening. Speak!

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1. Just what does “peacefully and lawfully” mean, especially coming from a guy who’s been in shoot outs with police, an armed bank robber, mad bomber, etc.? The cops have all the guns, thus violence is a dead end within the prison setting. The use of violence will only reinforce the general stereotype of prisoners as dangerous thugs who must be segregated. Lawful means to not break any state or federal laws during the struggle for justice, as to do so will only result in getting people more prison time.

A prison rule, on the other hand, is not a law. It is against the rules to engage in peaceful mass struggle, such as the recent hunger strikes, or to unionize on the inside.

Yet there is a higher law than prison rules. 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 such things as freedom of expression, and the freedom to work and form labor unions; to freedom from slavery, forced labor, torture, cruel, inhuman or degrading treatment; to a standard of living adequate for health and well-being; and to be recognized as a person before the law.

Under the Thirteenth Amendment prisoners are not persons, but slaves. This must change, and only a national organization of prisoners and their allies can bring about that change.

There are 2.3 million people in America in some sort of government custody (federal, state, or local), 7.3 million more people in the U.S. who are under some form of judicial supervision (probation, parole, etc.), and that there are 14 million ex-convicts in the U.S. That’s almost 25 million people! Count the friends, family members, and supporters of those 25 million and you are getting a sizeable number of impacted citizens—enough for a strong movement.



# FOR IMMEDIATE RELEASE:

## Ohio Super Max Hunger Strike Continues and Expands

**T**hursday, May 3. According to a level 5 prisoner participating in the hunger strike at Ohio State Penitentiary (OSP) there are forty-eight (48) prisoners who have refused nine meals and should be officially recognized as on hunger strike. Warden Bobby refused to comment or return calls requesting information about the hunger strike.

The prisoner's demands include the following:

1. Lower commissary prices. One striker writes: "Commissary items are permitted to be marked up to 35% above retail, while many of us receive only \$8 a month."
2. No more indefinite terms. Prisoners on the highest security level at OSP (level 5) currently have little prospects for reducing their security level and increasing privileges. "We are taken in front of a privilege review board every 90 days, yet can expect no [increase in] privilege for a year or longer" the hunger striker says of prisoners on Level 5B. Men on Level 5A have a privilege level review every six months, but there has been no increase in their privileges in recognition of good conduct for some time.
3. Healthy and nutritious food. According to the hunger striker, "austerity cuts have allowed our food portions to be shortened."
4. Access to educational and enrichment materials. "There has recently been a major ban on books and music" the hunger striker said.

The hunger strike started on April 30th and was timed to coordinate in solidarity with May Day demonstrations and celebrations happening outside of prison. May Day is an international worker's day, commemorating the 1886 Haymarket affair in Chicago. The hunger strikers are asking supporters to call Warden David Bobby (330 743-0700) and ODRC director Gary Mohr (614-752-1164). They say they intend to continue on their hunger strike until their demands are met.

This is the second hunger strike at OSP this year. The first occurred on Feb 20th-23rd in solidarity with the Occupy movement's call for an "Occupy for Prisoners"

day of action. That hunger strike ended with Warden Bobby, as well as officials from Central Office in Columbus, promising to increase recreation time to the court-mandated minimum as well as improve enrichment programming, food quality and commissary practices. Until recently Ohio State Penitentiary housed death row as well as the highest security level prisoners. When all but 6 death row prisoners were moved to Chillicothe, the number of Level 4 and 5 prisoners at OSP increased from 270 to over 400, and rec time was reduced to 3 or 4 hours per week. The court required minimum is 5 hours per week.

Yesterday, OSP officials confirmed that rec time has been increased. According to a unit manager and Warden Bobby's secretary, after recent changes, Level 4A prisoners receive 5 hours a day congregating with up to 8 other prisoners at a time. Most level 4B prisoners are allowed to rec in pairs, for 5 one hour and forty-five minute periods a week. All level 5 prisoners rec alone, most receive 5 one hour and fifteen minute periods per week. The four exceptions to this rule are Level 5 prisoners sentenced to death for alleged involvement in the Lucasville Uprising. These men are allowed 7 hours a week due to an agreement following a twelve day hunger strike they staged in January 2011. Recreation is the only time when any of the prisoners are allowed out of their 7' x 11' isolation cells.

Updated information about the hunger strike can be found at [RedBirdPrisonAbolition.org](http://RedBirdPrisonAbolition.org) and [LucasvilleAmnesty.org](http://LucasvilleAmnesty.org)

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## PALESTINIAN HUNGER STRIKE DRAWING TO AN END?

**Egyptian official says Israel agreed to proposal that would end hunger strike. Deal will see Israel move prisoners from solitary confinement to regular cells, soften its 'administrative detention' policy**

*By Elior Levy*

**A**fter 26 days, a hunger strike conducted by some 1,550 Palestinian prisoners may be drawing to an end.

An Egyptian official said Israel has agreed to a proposal that would end the

hunger strike in Israeli jails.

The official says the Egyptian-drafted proposal still needs to be approved by the prisoners.

The official, who spoke on condition of anonymity because of the sensitivity of the issue, said Sunday that under the deal Israel will move prisoners currently in solitary confinement to regular cells.

Israel also will soften its "administrative detention" policy, under which prisoners deemed a security risk can be held without charges.

Earlier on Sunday, Kadura Fars, the head of the Palestinian Prisoner's Club told Ynet that the Israel Prison Service is likely to give its answer on the inmates' demands on Monday.

According to Fares, the IPS has already formed a response. He estimated that a proposal to end the strike will be raised during a formal meeting between representatives of the IPS and the prisoners likely to be held on Monday.

Fares said that if the prisoners see that their demands are being met, they will immediately freeze the strike. The strike will officially be stopped when the prisoners see that the agreements are being implemented.

Palestinian President Mahmoud Abbas's envoy to Egypt, Azaam al-Ahmad is currently in Cairo discussing the matter with senior intelligence officials. He estimated that the IPS and the prisoners will sign an agreement "very soon" adding that the "final points" are now being finalized.

Among the strikers, 15 are hospitalized at the IPS medical center where they are getting treatment. Three security prisoners are hospitalized at the Assaf Harofeh Medical Center. The rest have been transferred to separate prison wings away from the other inmates. The hunger strikers are now being denied such privileges as access to a TV, the canteen, family visits and more.

Last week, a hearing was held following a petition demanding to hospitalize all hunger strikers currently held at the medical center in civilian hospitals. The court ruled that the IPS is responsible for the prisoners' health. The IPS is set to file its response to the petition on Tuesday.

The Palestinian prisoners are demanding to abolish solitary confinement, allow family visits from Gaza, allow studies in prison, abolish administrative detention, add TV channels and increase monthly allowance for the prison canteen.

*Source: <http://www.ynetnews.com/articles/0,7340,L-4228624,00.html>*

# PRISON LAW WRITING CONTEST

**T**he Yale Law Journal welcomes submissions for our first Prison Law Writing Contest. If you are or recently have been in jail or prison, we invite you to write a short essay about your experiences with the law. The three top submissions will win cash prizes, and we hope to publish the best work.

**Background:** The Journal is one of the world's most respected and widely read scholarly publications about the law. Our authors and readers include law professors and students, practicing attorneys, and judges. The Contest offers people in prison the chance to share their stories with people who shape the law and to explain how the law affects their lives. Where permitted by state law, the authors of the winning essays will receive prizes: \$250 for first place, \$100 for second place, and \$50 for third place.

**Topics:** Please write an essay addressing one of the following questions: What does fair treatment look like in prison? How does your institution deal with inmates who are violent or disruptive? Are

people sent to solitary confinement? Is the disciplinary system fair, and does it help to maintain order?

Tell us about a notable or surprising experience you've had with another person in the legal system—whether a judge, a lawyer, a guard, or anyone else. What did you learn from it?

The goals of criminal punishment include retribution (giving people what they deserve), deterrence (discouraging future crimes), and rehabilitation (improving behavior). What purpose, if any, has your time in prison served? Should one of these purposes be emphasized more?

Have you ever filed a grievance with jail or prison authorities to complain about conditions? Tell us about it, and explain how the grievance process works. Are grievances effective? How do prison authorities respond to them? How do you feel about federal law's requirement that prisoners file grievances before suing about prison conditions in court?

If you have been released from prison, what challenges did you face in reentering society? How, if at all, do you maintain relationships with your family while in prison? Describe the prison rules that govern

how much contact you can have with your family. How has being in prison affected your family relationships?

Please do not discuss your innocence or guilt or ask for legal assistance with your case. Submissions are not confidential. Whatever you write will not be protected by attorney-client privilege. If you have an attorney, please speak with your attorney before submitting your work.

**Rules:** You may submit an essay if you have been an inmate in a prison or jail at any point from January 1, 2010 through September 30, 2012. We welcome essays of about 1000-5000 words, or roughly 4-20 pages. Please type your submission if possible. If you must write by hand, please be sure your writing is readable. Feel free to work together with others, but your essay should be in your own voice.

Essays must be received by October 1, 2012. Email submission to [YLJprison-law@gmail.com](mailto:YLJprison-law@gmail.com). If you do not have email, mail your work to: *The Yale Law Journal*, ATTN: Prison Law, P.O. Box 208215, New Haven, CT 06520-8215. Please include your name and the name of the institution where you are or were imprisoned, and tell us the best way to reach you now.

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**FIRST CLASS MAIL**