

# iROCK!

★ Working to Extend Democracy to All ★

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## VOICES FROM SOLITARY: PLAYING “THE CON GAME” AT PELICAN BAY

*In Fall 2012, California Department of Corrections and Rehabilitation (CDCR) unveiled its “Step Down” program to evaluate prisoners with indefinite terms in its notorious Security Housing Units (SHUs) for release to general population. The program immediately drew criticism from both prisoners and their advocates, who charged that even those who have spent years in the SHU may not be released under this program.*

*In February 2014, shortly before legislative hearings around solitary confinement, CDCR released new proposed regulations around its gang policies. Former hunger strikers and their outside allies continue to decry the program. Among their concerns is the requirement that SHU prisoners fill out a sequence of journals as part of completing the programming.*

*Lorenzo Benton is one of those who has voiced outrage about the proposed Step Down program. Benton is currently in the SHU at Pelican Bay State Prison, participated in both 2011 hunger strikes as well as the 2013 hunger strike. He describes the problematic nature of The Con Game, the first of the journals that SHU prisoners in Step Three are required to fill out. Other individuals in California’s SHUs have expressed similar concerns about the coercive content found in the journals.*

*These critiques comes at a time when California’s solitary confinement policies are being debated in both houses of the state legislature, where bills have been introduced, as well as in the federal courts, which have granted class status to men in long-term isolation at Pelican Bay in a lawsuit against the state. In addition, the CDCR recently proposed new rules that would expand the definition of contraband to include any publications and correspondence it deems unsavory—perhaps leaving some individuals in solitary with little to read other than the likes of The Con Game.*

*—Victoria Law*

in accordance with the SDP. This program, as currently structured, requires its participants, at the initial stage of the SDP, to take part in the completion of a total of fourteen self-directed journals in a 26-week period, subject to review and evaluation by prison officials, the same institutional classification committee officials who have held us in SHU all these years and who will now be responsible for continuing to make arbitrary decisions on whether or not one’s responses in these journals are satisfactory enough for advancement within this program as one works towards general population release.

Now as for my own observations and analysis of the first self-directed journal that I was introduced to (titled *The Con Game*), it does not embody and/or address the needs of the majority of us in SHU, of what and who we are nor is it indicative of what’s in our best interest. This journal is comprised of a series of questions that are designed to elicit a response more so of one who continues to hold true to a criminal conviction as opposed to one who has risen above that and now lives one’s life in accordance with a more humane existence.

I am of the opinion that anyone with even an inkling of integrity would not respond in the affirmative to the majority of these questions (if not all) given that just about all of these questions are centered around one answering in the affirmative (yes) to a negative character trait, further acknowledging such a trait within oneself (whether one has it or not) and as an explanation of it. For example, “Do you have a problem when people correct you, even

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Recently, I had the (un)fortunate opportunity to peruse what is being presented as the initial stage of the CDCR (California Department of Corrections and Rehabilitation) tentatively approved/implemented Security Threat Group (STG) Step Down Program (SDP) for those who have been classified by prison officials as being affiliated with such a group, meriting a SHU (Security Housing Unit) placement for an indeterminate period of time

if they do it in a supportive way? Yes/No. Give an example of how you might think and/or act in this way.” “Do you ever play the ‘Con Game’? Yes/No. Explain.” And so on. All of the questions in this journal follow a similar pattern and one can’t help but believe, if one does not respond in the affirmative to said questions, that the reviewers/ evaluators of said responses would deem one a program failure, not suited for advancement within said-program because the overseers of this SDP view us all as flawed in character with no social or moral compass.

Furthermore, when I read *The Con Game*, I just about responded in the negative to each question except for one, so can reasonably conclude by doing so that I will be viewed as a program failure, stuck in purgatory (precluded from advancing forward to the next level) until one succumbs to the program, which is a form of brainwashing that is not in one’s best interest.

As one looks into the minute details and its overbroad effects, one can also reasonably conclude that this Step Down Program in its current form is some type of Machiavellian debriefer tactic with a one-to-five year installment plan, designed to break one’s spirit and then turn one into informants for the prison system. Now with the CDCR catapulting this program to the forefront while knowing full well that the majority, if not all, of us on indeterminate SHU status would not be receptive to its introduction nor of the mindset to participate in it as a result of us seeing it for what it is surely a sign of the CDCR’s attempt to undermine any foreseeable real change in response to our five core demands. This attempt to thwart our forward motion and break our spirits will be futile because, as real men and women seeking humane and just treatment, we refuse to play their game (a “con game”). We are not debriefers and should not be treated as such!!!

Now as for those of us who survive the CDCR’s policies of torture and control, it has not always been an easy task, but through fortification of will and understanding, many of us have been able to keep our priorities intact (life, liberty and the pursuit of happiness).

It should also be noted, as one now takes an intense look into what’s being instituted, via this Step Down Program, that it will be utilized as a means of institutionalized abuse and distrust as the CDCR carries out its latest gang management policies. These policies can subject one to a STG classi-

fication with a SHU assignment of one to four years or more for those who fall under its classification. Many of us who have already been in SHU on indeterminate status for the last five, ten, twenty, thirty years of more, who fall victim to this program, should be afforded time served and all prisoners who have spent the last four years held in SHU/Ad-Seg should and shall be released to the General Population forthwith if they have not received a SHU determinate term!!!

In conclusion, with the STG Step Down program now before us, in contrast to the previous six years’ policy whereby one only had to remain allegedly gang-activity free for six years to be eligible for release to General Population, this SDP requires only four years. But these four years can be just as long as the previous six years in practice because advancement in the Step Down program is not guaranteed, leaving one stuck in the SHU indeterminately. Assigning people to SHU under STG Step Down program under the illusion that one is eligible to get out of the SHU sooner, as opposed to later, is something we stand in opposition to, so with this glimpse into the imperial effects of the CDCR’s gang management policy, one can expect for them to be duplicated if they are not successfully challenged and/or deterred in their attempts to circumvent real change (today).

End all solitary confinement!!!

End all indeterminate SHUs!!!

Restore a determinate SHU to all!!!

*Solitary Watch, June 9, 2014*

## YURI KOCHIYAMA

### A Life in Struggle

*By Mumia Abu-Jamal*

**H**er name was Yuri, a Japanese woman born in the United States. I hesitate to call her a Japanese-American, for to do so suggests she was a citizen.

In light of how she, her family and her community were treated during World War II, especially after the bombing of Pearl Harbor in 1941, to call any of them citizens would be an exaggeration.

Yuri was barely 20 when she, her parents, her brothers and the Japanese living on the West Coast – some 110,000 children, women and men – were forced to leave their homes, their schools, their jobs and businesses, and were transported to concentra-

tion camps in the nation’s interior.

Two-thirds of these people (like Yuri) were born in the United States, and thus American citizens according to the Constitution.

This meant nothing. They were Japanese—that was enough.

She remembered her experiences in those camps as a naïve banana (yellow on the outside, white on the inside). She recounted to oral historians:

I was red, white, and blue when I was growing up. I taught Sunday school, and was very, very American. But I was also provincial. We were just kids rooting for our high school.....

Everything changed for me on the day Pearl Harbor was bombed. On that very day—December 7th, the FBI came and took my father. He had just come home from the hospital the day before. For several days we didn’t know where they had taken him. Then we found out that he was taken to the Federal prison at Terminal Island. Overnight, things changed for us. \*

In December, 1944, the U.S. Supreme Court ruled that “military necessity” was the basis of the mass evacuation and detention of tens of thousands of in the Korematsu case.

Yuri would later become a strong supporter of Malcolm X, and the Black Freedom Movement. She joined and worked in various liberation organizations and grew to become an icon of the Black Freedom and Asian-American rights movements.

Born Yuri Nakahara on May 19, 1921 (4 years to the date before Malcolm was born), she married Bill Kochiyama. The Kochiyamas moved to Harlem in 1960, where they worked for the civil rights movement, in education and fair housing practices.

Yuri Kochiyama, freedom fighter, after 93 summers, has become an ancestor. ☸

*\*Zinn, Howard and Anthony Arnove, Voices of a People’s History of the United States, 2nd ed. (NY, 7 Stories Press, 2009)*



Artist unknown

# GUANTÁNAMO DETAINEE REVEALS ESCALATING, BRUTAL PUNISHMENT OF HUNGER STRIKERS

A prisoner in Guantánamo Bay has revealed to his lawyers the increasingly brutal punishment meted out to detainees peacefully protesting their indefinite detention via hunger strike. Emad Hassan wrote in a letter to his lawyers:

“One Yemeni is 80 pounds and he was brought to his feeding by the Forced Cell Extraction (FCE) team, Guantánamo’s official riot police. Yesterday the F.C.E team beat him when they came into and out of his cell. He is 80 pounds with one broken arm. He cannot walk, just crawl from his bed to the faucet or toilet once he needs to use it! How can someone with this condition fight 8 armored guards?”

Emad, himself a Yemeni who has been on hunger strike since 2007 and cleared for release from the prison since 2007, has never been charged with a crime. He said in another letter:

“As I write now, [a detainee] is vomiting on the torture chair, having been brought there by the Forced Cell Extraction (FCE) team. The nurse and corpsman have refused to stop the feed, or to slow the acceleration of the liquids.”

In a renewed challenge to brutal force-feeding practices in federal court, Emad and other detainees have recounted speeds of force-feeding that grossly exceed accepted medical procedures. Medical expert Professor Steven Miles, MD has submitted an affidavit in which he describes the reported rates of force-feeding at Guantánamo as “an extraordinary departure from customary medical practice” reminiscent of “a practice of torture called ‘Water Cure’ that has been practiced since the Middle Ages.”

Emad’s letter continues: “The culmination of six or seven years of force-feeding is now taking its toll. A couple of months ago I had been given a kind of feeding formula...The formula made me vomit from 10 pm to 7 am - pieces of fat kept coming out whenever I vomited... they have begun this cruel process with [another detainee] - at 6 am he was holding a cup with vomit in it after six brutal hours of feeding. Every day is like that. If this isn’t torture...surely this is what normal people call it? By normal, I mean the normal people outside the prison, because there is no normality here.”

The most recent estimate of the number

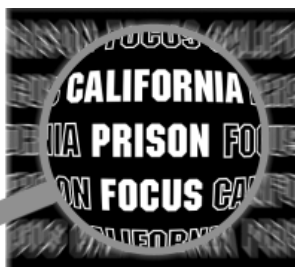
of men still on hunger strike in the prison is approximately 17. The authorities at Guantánamo stopped releasing official figures towards the end of last year, while detainees’ access to lawyers has been increasingly restricted - reducing the availability of accurate information on the strike. The World Medical Association is unequivocal in its denunciation of force-feeding, stating in the Declaration of Malta (2006) that the practice is “unjustifiable”, “never ethically acceptable” and “a form of inhuman and degrading treatment” when the patient is able to make an informed and voluntary refusal of food.

**...cleared for release in 2007, [he] has never been charged with a crime.**

Emad’s brother, Mohammed Abdallah, said: “Since my brother was rounded up and taken to Guantánamo on false pretenses, despite never having done anything wrong, our family has been devastated without him. When we read his letters describing the dreadful torture and horrific treatment that Guantamo authorities subject him to it breaks our hearts. There is no reason at all that Emad can’t come home to us in Yemen or anywhere we can see him. Please, Pres. Obama, let him return to us.”

Cori Crider, attorney for men in Guantamo, said: “Although the authorities are trying to cover it up, the hunger strike at Gitmo is still going on and the military’s effort to suppress it as savage as ever. We are fighting this brutality in federal court, but there is one man who has the power to end this pain. Obama must send cleared men like Emad home to their families at once. ☸

<http://www.enewspf.com/latest-news/latest-national/latest-national-news/52869-guantanamo-detainee-reveals-escalating-brutal-punishment-of-hunger-strikers.html>



# KILLER LAWYERS GET REWARDED

**They paved the way for drone strike assassinations, oh hell, just call it murder.**

*By Medea Benjamin*

If you think that as a United States citizen you’re entitled to a trial by jury before the government can decide to kill you—you’re wrong. During his stint as a lawyer at the Department of Justice, David Barron was able to manipulate constitutional law so as to legally justify killing American citizens with drone strikes. If you’re wondering what the justification for that is, that’s just too bad – the legal memos are classified. Sounds a little suspicious, doesn’t it? What’s even more suspicious is that now the Obama Administration wants to appoint the lawyer who wrote that legal memos to become a high-ranking judge for life.

The Attorney General has conceded that four Americans located outside the United States have been killed by drone strikes since 2011. One of those killed was Anwar Al-Awlaki, who was attacked while in a tribal region of Yemen in September 2011. Then Al-Awlaki’s 16-year-old son, also an American citizen, was shamefully killed in a drone strike in rural Yemen two weeks later [he was in Yemen to try and find his dad. He and everyone in his car was murdered].

Disturbingly, this is not the first time that the president has rewarded a high-level lawyer for paving the legal way for drone strike assassinations. Jeh Johnson, former lawyer at the Department of Defense, penned the memos that give the “okay” to target non-US citizen foreign combatants with drones. His reward? He’s now the Secretary of the Department of Homeland Security. These Obama nominations are eerily reminiscent of the Bush-era appointment of torture memo author Jay Bybee to a lifetime position of a federal judge.

Barron, a Harvard law professor and former legal counsel at the Department of Justice, was recently nominated by President Obama to the lifetime position of a judge on the First Circuit Court of Appeals—just one step below the Supreme Court. While at the Department of Justice, Barron wrote at least 2 secret legal memos justifying the use of lethal drones to kill Americans suspected of involvement in terrorist activities. ☸

# FEDERAL APPEALS COURT FINDS FAULT IN LONGTIME, UNREVIEWED SOLITARY CONFINEMENT

By Nicole Flatow

Joshua Robert Brown was held in solitary confinement for 27 months in an Oregon state prison. Eight times, he requested review of his status as an inmate subject to more than 23 hours a day of isolation in a windowless cell the size of a bathroom. Each time, his requests were denied without review.

A federal appeals court held last week that his “lengthy confinement” was an “atypical and significant hardship.” That he was held without meaningful opportunity to challenge his isolation was potentially a violation of his constitutional due process rights that implicates “a protected liberty interest under any plausible baseline,” the three-judge panel wrote. But there is no recourse for Brown, because the state corrections department and officials are entitled to immunity.

Brown lost his ultimate claim for money damages in part for procedural reasons — he was suing a state entity in federal court, and he had already been released by the time of the appeals court ruling.

But he also lost because one of the criteria for overcoming what is known as “qualified” immunity of state officials is that the right must have been clearly “established at the time of the alleged violation.” As the court writes, “Although we conclude that a lengthy confinement without meaningful review may constitute atypical and significant hardship, our case law has not previously so held, and we cannot hold defendants liable for the violation of a right that was not clearly established at the time the violation occurred.”

Now, the federal appeals court has recognized that holding inmates for long periods of time in conditions that have been called a “living death” and “torture” has constitutional implications. This could be particularly significant because the U.S. Court of Appeals for the Ninth Circuit also covers neighboring California, where more than 500 inmates have been reportedly held in

solitary confinement for between 10 and 28 years, and the review process for seeking release in at least the most notorious facilities constitutes a secret 20-minute meeting that involves the inmate, a gang investigator, and no witnesses.

In January, a Virginia federal judge held ruled that indefinite, unreviewed confinement of even death row inmates was unconstitutional. And last year, the Massachusetts high court invalidated that state’s prolonged solitary confinement as a due process violation. ☸

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## SUPERMAX INMATE HELD IN SOLITARY CONFINEMENT FOR 30 YEARS LOSES APPEAL

By John Ingold, *The Denver Post*

An inmate at the federal Supermax prison in southern Colorado who has been held in solitary confinement longer than any other federal prisoner has lost his latest appeal.

The Denver-based 10th U.S. Circuit Court of Appeals on Thursday ruled that the 30-year solitary confinement of Thomas Silverstein — who has been convicted in three murders, including one of a corrections officer — does not violate Silverstein’s constitutional rights. The three-judge panel that heard the case concluded that Silverstein’s claimed mental-health problems — such as anxiety, depression and memory loss — are “mild” and not proved to be caused by his prolonged isolation.

The judges also noted that Silverstein has been implicated in two other killings and was reputed to once be a leader of a white supremacist prison gang. Those factors make it reasonable to keep Silverstein in solitary confinement, the judges ruled, not just for the safety of others but also for his own safety.

“In this case, the risk of death and physical or psychological injury to those exposed to Mr. Silverstein must be balanced with the psychological risk he may face if left in administrative segregation,” the ruling states.

The Supermax prison in Florence is the most restrictive federal prison in America.

Its roughly 450 inmates include gang leaders, terrorists and other noted criminals.

According to the ruling, Silverstein “eats alone and has no face-to-face interaction with others unfettered by glass, bars, chains, or other restraints, and his contact with others is minimal, lasting only a minute or so.” ☸

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## JUDGE SAYS EX-CONS UNDER SUPERVISION HAVE THE RIGHT TO VOTE

By Page St. John

Alameda County judge has ruled that Secretary of State Debra Bowen erred when she told California election officials to forbid some 42,000 former prisoners and other felons from registering to vote.

Superior Court Judge Evelio Grillo’s decision Wednesday likely comes too late to permit former state inmates and others put under community supervision because of the state’s prison overcrowding to register in time to vote in the state’s primary elections.

The deadline to register for that election is May 19, and Grillo has given Bowen and civil rights lawyers for former inmates until late May to come up with a remedy. He’ll hold his own hearing on those solutions June 4, the day after the primary.

The case centers on Gov. Jerry Brown’s decision in 2011 to make room in the state’s crowded prisons by creating new classes of offenders -- low-level felons who serve their sentences in county jail instead of state prison and felons released from prison who are supervised by county probation departments instead of state parole agents.

Under current California law, those who remain within the state prison system or under parole are ineligible to vote. Bowen took the position that community probation was “akin to parole” and carried the same civil rights restrictions.

However, Grillo cited rulings by other California judges who have found community supervision is distinct. In one case, for instance, a judge ruled that those on community supervision could not be charged parole revocation fees.

Grillo also noted that the legislative history of the prison shift “states that a Legis-

lative goal was to reintroduce felons into the community, which is consistent with restoring their right to vote.”

Bowen may yet appeal Grillo’s order, which likely would trigger a stay keeping things as they are now.

The American Civil Liberties Union of Northern California, which along with the League of Women Voters of California and other groups filed the lawsuit on behalf of three former state inmates, is hoping she does not.

“People who vote are less likely to commit crimes,” said ACLU attorney Michael Risher. Encouraging them to register “is just good public policy.”

There was no immediate response from Bowen’s office. ☸

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## JUDGE ORDERS US TO HALT FORCE-FEEDING OF GUANTÁNAMO PRISONER

**D**istrict Court Judge Gladys Kessler has for the first time ordered the US government to suspend force-feeding of a hunger-striking prisoner in Guantánamo Bay.

The same order requires the Obama Administration to halt ‘forcible cell extractions’ of a prisoner, in which a team of guard in riot gear storms a prisoner’s cell to move him by force to feedings if he refuses to go.

Judge Kessler also stated that the government must preserve all videotaped evidence of cleared Syrian Abu Wa’el Dhiab’s force-feedings and forcible cell extractions, the existence of which Justice Department attorneys admitted only this week.

Reprieve attorney for Abu Wa’el Dhiab, Cori Crider, said:

“This is a major crack in Guantanamo’s years-long effort to oppress prisoners and to exercise total control over information about the prison. Dhiab is cleared for release and should have been returned to his family years ago. He is on hunger strike because he feels he has no other option left. I am glad Judge Kessler has taken this seriously, and we look forward to our full day in court to expose the appalling way Dhiab and others have been treated.”

Jon Eisenberg, attorney for Abu Wa’el Dhiab, said:

“We are very grateful to Judge Kessler for recognizing the urgent need for judicial relief. The force feeding that has been happening at Guantanamo Bay is a stain on our country and must end.” ☸

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## EDITORIAL COMMENTS 3-7

**The Newsletter:** The August issue of *Rock* may be delayed as I’m going in for partial shoulder replacement surgery on my right arm. It will most likely be sometime in July. There are tests that need to be done before the operation. (It’s June 10th as I write this.)

Mark and I have received enough stamps to mail this issue, but of course we will need more in order to get the August issue mailed out. So keep those stamps coming. It costs 25 cents to print each copy of *Rock*, then let’s say a penny for sealing dots and address labels, and 49 cents for the stamp—that’s a cost of 75 cents for each newsletter.

For the first two years prisoners paid all of the costs for both duplicating and mailing each issue. But entering into year three contributions really slowed down. For the past two months we’ve pretty much had enough stamps from you. If you can keep that up Mark and I will foot the bill for the ongoing shortfalls in printing costs, at least for awhile.

I wrote about CDCR’s proposed new censorship regs in the last issue. These need to be defeated. Doing so will require a struggle by both inside and out. The state, which includes all branches, cannot be seen to give in to prisoner demands, at least not in any meaningful way.

CDCR thinks they can buy prisoners off with some crappy legislation (or maybe strawberry shortcake?), and maybe they can. Only time will tell. So while they have us arguing over this or that version of said legislation, CDCR is fixing to cut the communication between outside and inside. In my view, that’s the real battle. The movement that has been built so far may well stand or fall on the question of whether communication, as set out in *Procunier v. Martinez*, 416 U.S. 396 (1974), is a human right. For without support from the streets.... Well, you know the rest.

**My Rant:** John Pilger wrote that “since 1945, the US has tried to overthrow more than 50 governments, many of them dem-

### Quote Box

"Democracy is when the indigent, and not the men of property, are the rulers."

*Aristotle*

"The two greatest obstacles to democracy in the United States are, first, the widespread delusion among the poor that we have a democracy, and second, the chronic terror among the rich, lest we get it."

*Edward Dowling*

"Our greatest glory is not in never falling, but in rising every time we fall."

*Confucius*

"If we were to judge the U.S. by its penal policies we would perceive a strange beast: a Christian society that believes in neither forgiveness nor redemption."

*George Monbiot*

"Any so-called material thing that you want is merely a symbol: you want it not for itself, but because it will content your spirit for the moment."

*Mark Twain*

"Mighty little force is needed to control a man whose mind has been hoodwinked; contrariwise, no amount of force can control a free man, a man whose mind is free. No, not the rack, not fission bombs, not anything-you can't conquer a free man; the most you can do is kill him."

*Robert A. Heinlein, If This Goes On*

"Try as I may I cannot escape the sound of suffering. Perhaps as an old man I will accept suffering with insouciance. But not now; men in their prime, if they have convictions are tasked to act on them."

*Julian Assange, 2007*

"Truth is coming, and it cannot be stopped"

*Edward Snowden, NSA whistleblower*

"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*

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*Editorial..... Continued on page 6*

ocratically elected; grossly interfered in elections in 30 countries; bombed the civilian populations of 30 countries; used chemical and biological weapons; and attempted to assassinate foreign leaders." He goes on to note that "[t]he leaders of these obstructive nations are usually violently shoved aside, such as the democrats Muhammad Mossedeq in Iran, Arbenz in Guatemala and Salvador Allende in Chile, or they are murdered like Patrice Lumumba in the Democratic Republic of Congo. All are subjected to a western media campaign of vilification—think Fidel Castro, Hugo Chávez, and now Vladimir Putin."

What about areas that the U.S. has liberated, such as Iraq (between 30 and 50 people a day are killed there, today it was 115) or Libya? In April the US state department noted that, following NATO's campaign in 2011, "Libya has become a terrorist safe haven." Indeed, in today's news we are told "[A]t least 13 people were killed and around 100 wounded in fierce clashes in eastern Libya...."

Everything is upside down these days. The U.S. demanded that Afghanistan's Taliban government turn over Osama Bin Laden, they say sure, just as soon as you produce some proof of guilt as required by international extradition laws. The U.S. responded with B-52 and an invasion force. Fast forward to today, where the Taliban is on the U.S. list of terrorist organizations. I have no love for the women hating homophobes and anti-communists that make up the Taliban. But here's the deal, we invade a nation that has done nothing to us, when the people who now live under U.S. military invasion and occupation of their lands resist, they are called "terrorists." International law guarantees citizens of such a foreign military invasion and occupation to resist "by any means necessary." The U.S. does not follow its own laws, treaties, or constitution, so why would it honor international law? Still, it is a little much for us to call those who resist our occupation terrorists. Although how would it sound if our news media referred to those resisting the foreign invaders as freedom fighters?

But hey, it's not all bad news. According to the Bloomberg Billionaires Index, the world's 300 wealthiest individuals, increased their wealth last year by 524 billion dollars - more than the combined revenues of Denmark, Finland, Greece and Portugal. Go capitalism! ☺

## WHY IS CALIFORNIA TRYING TO BUILD MORE JAILS?

**W**hen we first saw this year's proposed corrections budget included \$500 million for new jail expansion, we had to double-check the document to see what year it was.

In December, at the campus of the University of Phoenix in Sacramento, an obscure new government body called the Board of State and Community Corrections sat in a room with members of 36 sheriff's departments. Also present were a hundred people from across the state, all trying to prevent jails from being built in their communities.

The occasion that brought them together was last year's offering of \$500 million in lease-revenue bonds to fund county jail expansion - offered on top of \$1.2 billion in jail expansion funds from the years prior.

If you were to imagine the people in that room with big perms, fades and mullets, or wearing more acid-washed pants, leggings and camouflage, it could have been any time in the last 30 years of prison expansion in California. These were communities that had been deeply harmed by having so many people locked up - mostly black, brown and/or poor. They were once again standing together to demand that the resources instead go to keeping people out of jail by funding education, mental health care, rehab programs and re-entry.

While California has built 24 new prisons in the last 30 years, what was different this time was that on top of the planned expansion of three state prisons, California was also offering state money to expand county jail systems and clamoring sheriffs were there to compete. Due to the specifications of the application process, none of the sheriffs were up in front of the room talking about "the worst of the worst" criminals in their jail systems. They were talking about how their jail systems were warehousing people and how they wanted to build new jails or expand old ones to offer more programs.

In a frighteningly honest moment, Deputy Sheriff Terri McDonald of Los Angeles even said she wanted more space so that "women and children could serve their time together." With the recent approval of a \$2.3 billion L.A. jail plan, McDonald seems to be moving toward her distorted vision.

To some in the audience, the idea that we would solve the issue of family separa-

ration through the imprisonment of children instead of supporting parents to stay in the community was shocking. Those of us who have been experiencing "prison" or "jail" transforming into the answer to social problems over the last decades were appalled, but not surprised. We knew that the deep cuts to social programs for people outside prison over the years had been replaced by a parallel expansion of prison hospitals, mental-health jails, re-entry prisons and gender-responsive jails.

While we hope every person in jail and prison has access to quality programming, we also know that people are best served out of lockup. So when the 2014-15 budget contained another \$500 million for jail expansion, we asked why.

Due to organizing across the state, some county jail systems are trying to reduce the number of people held pre-trial, who make up about 60 percent of the jail population in every county.

And at the state level, this year's proposed budget contains a directive for counties to use "split sentencing," where people spend up to half of their sentence in the community instead of in jail. There is also a proposal in the budget for counties to use an alternative custody program, so that women who are primary caregivers could serve their time in a community-based organization or in their home under electronic monitoring with their children instead of going to jail.

So why would California choose to fund even more jail expansion when there are so many clear ways to safely reduce jail populations? Why would California prioritize jails that are more expensive to construct and operate than community-based programs? We can only hope that with our continued pressure, our legislators will be bold enough to ask the same questions. Without it, more and more people across the state will be swept into our jail system, breaking up families and destabilizing communities while guaranteeing future cuts to the programs Californian's value most.

We hope that next year, when we come to Sacramento with our new hairstyles and fashion choices, county leaders are there to receive money to expand community-based mental health services, re-entry support, adult education and drug rehab programs, instead of new jails. ☺

*Emily Harris*

# LETTERS

## Looking Out For Us

Please discontinue my subscription to *Rock* as I am situated with another prisoner who receives the newsletter and I can read his copy. It is up to us to keep *Rock* in circulation and each of us must play a role. By not receiving *Rock* this one small gesture can be repeated in numerous sectors (Pelican Bay SHU) thus saving stamp resources. You should not have to constantly remind prisoners of the need for stamps or payment.

Why should two or three prisoners situated in the same pod community receive the same info when they can simply pass around one informational newsletter? You've finally taking a firm and practical stand, which I commend you for. No stamps—no *Rock*. Enclosed you will find a book of Forever stamps.

Akintunde Oding Jamma  
(s/n Kevin Cannon)

[**Ed's Note:** The above subscriber has in the past contributed both money and stamps to this newsletter. And no, I don't like begging for money each month. When I was doing *Prison Legal News* my co-editor did almost all of the begging for money while editorialized on other matters related to the struggle of prisoners. Yet today, if I'm not constantly hounding readers for money and stamps, there won't be any coming in.]

## Observations From Oregon

I enjoy reading your newsletters very much; they're informative and uplifting. It connects me to others and reminds me I am not alone that I am not alone in this struggle against injustice and inequality within the prison industrial complex. Here I sit in the Oregon SHU under "Administrative Investigation." I am technically not an Oregon prisoner, but am here on an interstate compact from New Mexico. I'm awaiting transfer back to New Mexico as I write.

There are many injustices that are imposed upon the inmates in all prisons across America, however there are many more injustices inflicted and perpetrated against convicts by other convicts. To me, it seems this makes it so much easier for the administration to create systems like the SHU and other harsh and inhumane conditions for the punishment of the convict. There is no excuse for the deplorable treatment of

prisoners across the nation, but I believe we need to address a little more in detail the racism, intolerance, gang warfare and other abuses that go on within these walls. If not, publications like *Rock* will continue to educate us and make advances on our behalf, while the ignorant and misinformed will continue to sabotage your work.

I was a part of the gang mentality, being a feared and much respected Blood member in the New Mexico system, which was one of the reasons I have been sent to prisons in four different states, so I know prison politics and the tribal mindset that prevails behind these walls. The administration loves to play upon our fears and prejudices by creating dissension and disharmony. They fear us uniting, period!

I have hung up my red flag for the universal flag of the Nation of Gods and Earths, and now my mind has been awakened to education and politics. I am a staunch supporter of socialism, or rather neo-socialism, who has now become a revolutionary in place of a reactionary.

Name Withheld, SRCI, Oregon

## A Criticism of Rock

I have a criticism for you. I think the *Rock* should give more space to exploring strategic thoughts and ideas as pertains to our specific environments. I do realize that *Rock* does do that to some extent already. But to be honest I think there's a lot of unanswered questions that are probably unanswered because they are unasked.

We get a lot of information through these pages and a sort of general idea of certain practices in the motions of resistance we carry out. But more new questions need to be asked and explored and I just think *Rock* has sort of been taking on a more of a "news" role.

To be honest, I don't have much interest in hearing about the deplorable injustices suffered by pretty much anyone. I'm going through it myself, and quite honestly I don't even care to describe the particulars of my own gripes. Fuck yer problems people. The problems are only symptoms of the overall structure.

I can only speak for Oregon, but here we need to start defining exactly what that structure looks like. We need to understand it and the fact that it's constantly changing. We need to keep a keen eye on it and start asking questions. How can we gain a better leverage against it? How can we shape and reshape our structure? What are our road

blocks in doing it? How can we manipulate and exploit those weaknesses?

I don't care about anyone's toothache. I don't even give a shit about my own. Pain in any form is only a symptom and by focusing our attention on that pain we're only distracting ourselves from the ultimate cause of it. That truth applies across the board and I'd just like to see *Rock* dedicate more space to asking/exploring/answering those more strategic questions.

Much love to everyone, and keep thinking harder today than you did yesterday.

Zero, Pendleton, OR

[**Ed's Note:** I am in complete agreement with your criticism that *Rock* should focus more on strategic matters and questions confronting our peaceful movement for positive change. Leadership comes from inside of California's prison system. That leadership consists of a coalition of prisoners who were previously divided by race<sup>1</sup> or region. This coalition also has disparate political beliefs, ranging from the Aryan Brotherhood to Muslim fundamentalists to communists, etc. I merely work to raise political consciousness on the inside; to make social prisoners<sup>2</sup> rights conscious, and rights conscious prisoners class conscious.

Secondly, I think the news role is important. Prisoners have a right to know what's going on in other prisons. That is not to say *Rock* is a gripe sheet, where prisoners can complain about such things as not getting enough peanut butter on the mainline. In short, I try not to print the ongoing assaults on your dignity that everyone in prison already understands.

How about a little contest? Participating prisoners can write about solutions to the twin problems of crime and punishment. Maybe a contest asking something to the effect of what would prisons (or what they might be called in the future) look like if they were run by prisoners? How should

1. In my opinion there is only one race, and that's the human race.

2. "Social prisoners" are those who are imprisoned for crimes that were not politically motivated, as opposed to political prisoners, such as Native American leader Leonard Peltier, who was convicted of killing several FBI agents while defending the Pine Ridge reservation from a federal assault.



things be done differently in a way that protects society from predators? What should prisons be like? Write about that. Then see yourself as an agent of that change.

To know our collective future, you'll need to know our past. I wonder, how many readers really know the history of prisons. So anyway, here's the deal, a hundred bucks on the books of the prisoner who wins, as well as having his or her document printed in *Rock and Prison Focus*. The two runners-up will get \$50 each. I'll keep this contest going until Attica Day, September 9th. On that date I will be in Buffalo NY speaking on the forty third anniversary of the historic Attica Uprising.<sup>3</sup> Submissions can be no longer than eight hand written pages. Mark and I will be the contest judges.

The courts and the legislature are most likely going to stall for as long as possible, then offer prisoners just enough to divide you. You settle, albeit with reservations. Some years later, after the movement has died down, they will reverse even those minor gains. Here's just one example, this one from the Monroe prison in Washington State. Back when the prisoners movement was strong, a consent decree between prisoners and the administration was made binding by the federal court. This decree limited cell occupancy at that facility to one person per cell. Some twenty years later, once the movement had died down, the state reneged on that agreement (with the collusion of the federal court, of course).<sup>4</sup> But let me bring it a bit closer to home. Re-

3. In 1974 I flew from Seattle to Buffalo NY where I volunteered with the Attica Brothers Legal Defense (ABALD), and helped to organize the first national demonstration in support of those charged with the crime of participating in the 1971 prison uprising. Being broke, when it was all over, I hitchhiked from Buffalo to San Francisco, then back up to Seattle.

4. The consent decree was ten years old when the state started to attack it. I was a Monroe prisoner when that attack started. We fought them off with work strikes, litigation, and more than once it was necessary to write a broadsheet against the administration's lackeys in the population, inmates who would sell prisoners out for some special favors (trinkets). The administration's first line of defense has always been prisoners, those who have been given some material benefit for their collaboration with the slave masters.

The attacks always happen when prisoners quit standing up for what little they have left. Anyway, within a few months of my subsequent transfer to federal custody, Monroe again became double celled.

member *Procunier v. Martinez*, where at the height of the prisoners' movement the U.S. Supreme Court gave prisoners what was then far reaching first amendment rights? The movement subsequently died, and now where are those rights today? They're gone, taken. And now the CDCR has proposed new "obscenity" regulations that will prohibit you from reading political publications such as this, the PHSS News or S.F. Bay View, The Abolitionist etc.

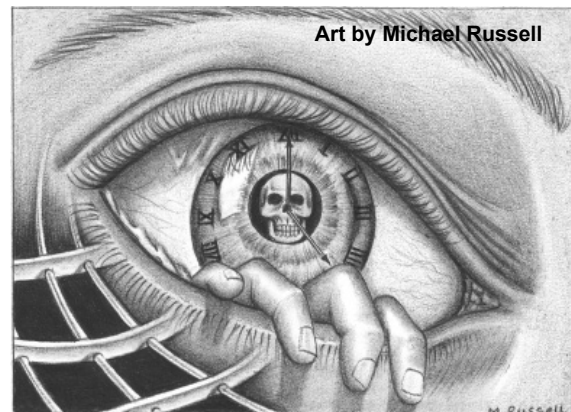
Let me give some background for our 25 new readers, mostly in Texas. I've done 35 years behind bars, starting at the age of 13 in the Utah State Industrial School for Boys in Ogden, Utah. State raised. I did one ten year bit for a crime I was completely innocent of committing. First it made this pissed off white boy a jailhouse lawyer, then finally coming to the realization that the courts were a part of the problem, not the solution, I drifted into politics, first as an anarchist and then a communist. Mark's story is similar to mine—state raised. He's served 40 years behind bars, having done 24 years on his last bit for shooting a police officer while successfully freeing a comrade from custody.

What the government is doing to millions of locked down people, and to their families. Our mission is to change the prison system and the social order that feeds it. Mark is 76 and I'm 72 years old. Neither of us will live long enough to see the end of this glorious journey, but we are both proud to have lived to see 30,000 prisoners stand up and act as one, even if only for a day. As my friend Bill Dunne is fond of saying: "the future holds promise."

### Read Between The Walls

I want to talk about a new project that's starting here in Oregon that some of your Northwest readers might be interested in. I don't want to go too far into the ideology or structural details of the organization other than to say the organizers are extreme left, the anarcho-communist area, and that materials in the project will reflect that.

The project is called "Read Between The Walls" (RBTW). RBTW is brand new. I and a few other prisoners up here have just basically sent in our first submissions to be included in the initial issue. In one breath we're calling it a study group. In the next we're calling it a newsletter. I'm beginning



Art by Michael Russell

to think of it as simply a forum where we prisoners can our allies and comrades out there in minimum custody can communicate, exchange ideas and build revolutionary praxis within the confines of the prison complex. I imagine it will have certain similarities to the *Rock*. It will also have emphasis on breaking down certain divisive social institutions, like racism, sexism, etc. and in developing skills amongst ideological points derived from essays and articles that the organizers will be sending to us imprisoned participants.

Ultimately, the project's aim is to develop functional organization in response to our overzealous slavers. The bottom line is that shit has gotten so out of control that everything else must come secondary to correcting the balance of power to the benefit of the powerless. That's what we ultimately intend to do through the pages of RBTW.

I would encourage anyone up here in our neck of the woods who is rev. minded to get involved. I am only participant, but I've been investing myself in RBTW from its beginning and we've got some massive potential in this to fill a role that has been non-existent in the Northwest and specifically Oregon for too long.

RBTW's organizers face similar concerns as *Rock* as far a financing, production/distribution, time, energy, etc. So I hope only those who are serious and willing to learn and participate pro-actively will step up. These types of things tend to accumulate enough dead weight to bog them down entirely, and I think we'd like to avoid that this go around.

The organizers of RBTW have specific ideological driving points. Oregon is a notoriously white state and that truth is also reflected within the prison system. I've ran into many rev. minded individuals along the way, but when it comes to considering certain ideological principles—even from strategic perspectives—a lot of people tend to just shut down. It shouldn't need



saying that practical revolutionary motion can only be achieved through a solid, functional unification of our social forces. So as *RBTW* will have a lot of focus on overcoming our most pressing divisive social and collective predispositions. We'd like to see a more diverse array of participants—women, P.O.C., LGBT folks and so on.

Anyone interested can write to Read Between The Walls, P.O. Box 11468, Portland, OR 97211. I think they would be interested in learning anything anyone can tell them about the environments of the particular institutions we're warehoused in. If you can, send 'em a S.A.S.E to help out with postage.

*Name Withheld*

### **Blowing (nice) Smoke**

I extend my deepest appreciation for all of the long hours of hard work both you and Mark consistently put out for us prisoners here in California. Through this newsletter we have been able to exercise our first Amendment rights. I've read countless articles and opinions from all who receive this newsletter, and I believe that no matter what one has said, our voices have and do make a difference. I can personally give thanks to much of the information printed because I have been able to take things said and use it to the good of our movement. I'll be the first to admit that I strongly rely on receiving the *Rock* each month. It is important that we as a collective remember that this newsletter and the people that put it together, such as Ed and Mark, take our voices from within these torture units called SHUs and amplifies all that we say for the better of our peaceful movement. I know I am not alone when I say how much I appreciate *Rock*. Therefore let's keep it alive. I am enclosing seventy stamps. I need no praise as I do this from my heart. I am one of those kept locked up in horrible conditions. I deserve to be treated as a human being. I have a voice. I want to shout. I will not lay down and say nothing. And with my loved ones and family members I stand in solidarity. Again, thank you always. Please keep my much awaited *Rock* newsletters coming.

*Diane Mirabal, CCWF, Chowchilla*

### **Letter to CPF**

Please be duly advised that after spending 41 straight years in the SHU in Calif., the IGI have locked me back up in my cell, and claimed that a black inmate on the main line did not feel safe with my release

from the SHU in Pelican Bay. Mind you, I only went to the yard on 2 occasions, and I talked to NO blacks, but upon my return to my cell, the IGI were there to escort me.

All prisoners being released from the short corridor will indeed experience this.

I'm waiting to go back to committee on 5-20-14 to see what they plan to do to me. I did not receive any CDC 115, just empty hearsay from a faint hearted Negro who did not feel safe!

PS: They moved me to B Facility and stated that I posed a threat to 2 blacks.

And mind you, I am only 5'6" and weigh 135 (They did not want to (have) mainly blacks from Pelican Bay SHU, Short Corridor in the same spot.) This is my opinion, after 41 years. Oh Well.

*Warren Jordan*

*[Letter opened and typed by Penny Schoner, 6/4/14.]*

### **This May Be Moot**

After reading the June issue of *Rock* I wanted to supply some information to assist those individuals being written up for "STG Behavior" on the numerous and petty 115 RVRs. First you want to look at the CCR Title 15 subsection written on the 115 itself, not the words such as "being in a leadership role", but the Title 15 section itself. It has come to my attention that the Title 15 section cited are from the *new* Title 15 regulations contained in the "Notice of Rule Change (Title 15) Number 14-02" that was passed out. The problem is that these regulations are not effective yet. Under "Effective Date" it says "To be announced" and as of last week (5-28-14) they have *not* been effective yet. This means they are *without* legal effect. Thus it is illegal for them to be used in a rules violation report as they are not officially rules yet.

A prisoner next to me was written up recently for one of these petty rules, but of course the hearing officer didn't want to hear anything he had to say. To get around this, you submit an appeal challenging the *exact* Title 15 section you were written up for. Now here's the important part, *do not* mention anything about you being written up, your 115 or anything. Here's an example: Suppose you were written up for having a validated inmate's contact information under *new* title 15 sec. 3378.4(a) sec. (8)(g). As soon as you receive your 115/RVR, you file an appeal stating:

Appellant is challenging C.C.R. Title 15 sec. 3378.4(a) sec. (8)(g), as it violates appellant's First Amendment

rights to free speech and is overly broad, etc...." (It does not matter what you say as long as you don't mention the IIS/RVR at all. But do attach the new Title 15 if you have it.)

Once you send the appeal to the Appeals Coordinator they will cancel the appeal and send it back to you, stating something along the lines of your appeal is cancelled as you cannot appeal C.C.R. Title 15 sec. 3378.4(a) sec. (8)(g) as it does not have an adverse effect on you as the new Title 15 section is *not* effective yet.

Then when you go to your IIS/RVR hearing, give the senior hearing officer the appeals coordinator's screen out from and say "This Title 15 section is not effective yet and therefore without force of law." The IIS/RVR should be dismissed. If you get a dick SHO, put it in your appeal. You will eventually get it dropped. If you are past this point already, bring it up when you send your 602 to Sacramento. You can also raise it in a state habeas corpus, as long as you appealed the IIS/RVR.

*Thomas "Klumzy" Goolsby*

### **Calipatria Update**

A quick update here at Calipatria C-Yard general population. Practices that I'm so familiar with at Pelican Bay State Prison are starting to make their way down here at Calipatria. Such as RDO Yard. If you work or go to school you will not go to yard unless you have an RDO. Now this is a conflict, based on case law of our mandated 10 hours a week. So if we are not receiving our mandated hours for yard, we will have a 602 along with an injunction to the courts to receive our mandated hours for yard. If other institutions are experiencing such practices, I can only suggest to you to push 602s. Keep in mind you may feel like 602s are not going anywhere at an institutional level, but remember those denials give you a paper trail to why your prison is not complying with the mandated hours of yard we are entitled to.

We all know it's just another CDCR power play to try and control who they want on the yards. We must continue to honor the "End of Hostilities Agreement. By the continuance of such an agreement I believe that it does benefit us as a class. CDCR sees it and will continue their tactics to disrupt our agreement. We must stay strong, and not feed into those tactics. Thank you for all the support inside and outside. Keep up the spirit. Take care.

*Johnny Aguilar, Calipatria*

## Prisoner Artists!

Prison Art is a nonprofit website. It charges a 10 percent fee if your art or craft sells. Send SASE for a free brochure. No SASE, no brochure. This offer void where prohibited by prison rules.

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“...jailhouse lawyers often unwittingly serve the interests of the state by propagating the illusion of ‘justice’ and ‘equity’ in a system devoted to neither.” They create “illusions of legal options as pathways to both individual and collective liberation.”

*Mumia Abu-Jamal,  
JAILHOUSE LAWYERS: Prisoners  
Defending Prisoners v. The U.S.A.*

### Important Notice

Articles and letters sent to the *Rock* newsletter for publication are currently being delivered and received in a timely manner. Please do not send such materials to third parties to be forwarded to *Rock* as it only delays receiving them and adds to the workload of those asked to do the forwarding.

Letters sent to *Rock* (located in Seattle) in care of *Prison Focus* (located in Oakland) can take over a month to reach us. Send mail to this newsletter's return address.

### Free Electronic Copy

Outside folks can also have a free electronic copy of the newsletter sent to them each month by way of e-mail. Have them send requests for a digital copy of the newsletter to [ed@rocknewsletter.com](mailto:ed@rocknewsletter.com).

Back issues can be read once the Prison Art website is up and running again.

## Subscription Form

Subscribe to the monthly *Rock* newsletter for \$15 or 30 forever stamps per year.

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