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★ Working to Extend Democracy to All ★

★ Volume 3, Number 6 ★

★ June 2014 ★

USING PEPPER SPRAY ON MENTALLY ILL CONVICTS 'HORRIFIC'

By Don Thompson, Associated Press

On April 10th a federal judge ruled that California's treatment of mentally ill inmates violates constitutional safeguards against cruel and unusual punishment through excessive use of pepper spray and isolation.

U.S. District Court Judge Lawrence Karlton in Sacramento gave the corrections department time to issue updated policies on the use of both methods but did not ban them.

He offered a range of options on how officials could limit the use of pepper spray and isolation units when dealing with more than 33,000 mentally ill inmates, who account for 28 percent of the 120,000 inmates in California's major prisons.

The ruling came after the public release of videotapes made by prison guards showing them throwing chemical grenades and pumping large amounts of pepper spray

into the cells of mentally ill inmates, some of whom are heard screaming.

"Most of the videos were horrific," Karlton wrote in his 74-page order.

Corrections department spokeswoman Deborah Hoffman said prison officials are reviewing the order.

Prison officials had already promised to make some changes in how much pepper spray they use and how long mentally ill inmates can be kept in isolation, but attorneys representing inmates said those changes did not go far enough.

Karlton gave the state 60 days to work with his court-appointed special master to further revise its policy for using force against mentally ill inmates.

The inmates' attorneys and witnesses also told Karlton during recent hearings that the prolonged solitary confinement of mentally ill inmates frequently aggravates their condition, leading to a downward spiral.

Karlton agreed, ruling that placement of seriously mentally ill inmates in segregated housing causes serious psychological harm, including exacerbation of mental illness, inducement of psychosis and increased risk of suicide.

"He made findings in every area of ongoing constitutional violations," said Michael Bien, an attorney who represents mentally ill inmates in the long-running class-action lawsuit. "Despite all these years of legal efforts, he found that there needs to be more done."

Karlton ordered the Department of Corrections and Rehabilitation to develop a plan to keep mentally ill inmates out of

segregation units when there is a substantial risk that it will worsen their illness or prompt suicide attempts.

He found that keeping mentally ill inmates in isolation when they have not done anything wrong violates their rights against cruel and unusual punishment. He gave the state 60 days to stop the practice of holding mentally ill inmates in the segregation units simply because there is no room for them in more appropriate housing.

Keeping Mentally Ill Prisoners In Isolation Causes Harm

Even before the latest rulings, the hearings before Karlton spurred the department to limit the time that mentally ill inmates spend in isolation units if they have not broken prison rules.

Karlton also ruled that mentally ill inmates cannot be placed in special security housing units unless corrections officials can demonstrate that the isolation will not further harm their mental state.

The state's practice of housing inmates in the units for years, even decades, prompted a series of widespread inmate hunger strikes and led to two bills being considered in the Legislature this year that would restrict their use.

Finally, Karlton ordered the state to revise its policy for strip-searching mentally ill inmates as they enter and leave housing units.

Bien said he hopes that Karlton's decision to let the department work out the details of reforms with the court's special master will encourage the state to make improvements without appealing the order.

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Karlton praised Gov. Jerry Brown's administration for making progress, but said the continuing rights violations are proof that he acted properly a year ago when he rejected Brown's attempt to end court oversight of prison mental health programs.

The 24-year-old lawsuit over the state's treatment of its mentally ill inmates has prompted sweeping changes in the state prison system, though the latest ruling is limited to excessive use of force and the isolation of mentally ill inmates.

The mental health lawsuit, along with a separate lawsuit over poor medical care, prompted the state to spend billions of dollars for improvements while dramatically realigning its criminal justice system to keep less serious criminals in county jails instead of state prisons. •

THE TREATMENT OF PERSONS WITH MENTAL ILLNESS IN PRISONS AND JAILS

A State Survey

It has been known for almost 200 years that confining mentally ill persons in prisons and jails is inhumane and fraught with problems. The fact that we have re-adopted this practice in the United States in recent years is incomprehensible. Prison and jail officials are being asked to assume responsibility for the nation's most seriously mentally ill individuals, despite the fact that the officials did not sign up to do this job; are not trained to do it; face severe legal restrictions in their ability to provide treatment for such individuals; and yet are held responsible when things go wrong, as they inevitably do under such circumstances. This misguided public policy has no equal in the United States.

Prisons and jails have become America's "new asylums": The number of individuals with serious mental illness in prisons and jails now exceeds the number in state psychiatric hospitals tenfold. Most of the mentally ill individuals in prisons and jails would have been treated in state psychiatric hospitals in the years before the deinstitutionalization movement led to closing the hospitals, a trend that continues even today.

The treatment of mentally ill individu-

als in prisons and jails is critical, especially since such individuals are vulnerable and often abused while incarcerated. Untreated, their psychiatric illness often gets worse, and they leave prison or jail sicker than when they entered. Individuals in prison and jails have a right to receive medical care, and this right pertains to serious mental illness just as it pertains to tuberculosis, diabetes, or hypertension. This right to treatment has been affirmed by the US Supreme Court.

"The Treatment of Persons with Mental Illness in Prisons and Jails" is the first national survey of such treatment practices. It focuses on the problem of treating seriously mentally ill inmates who refuse treatment, usually because they lack awareness of their own illness and do not think they are sick. What are the treatment practices for these individuals in prisons and jails in each state? What are the consequences if such individuals are not treated?

To address these questions, an extensive survey of professionals in state and county corrections systems was undertaken. Sheriffs, jail administrators, and others who were interviewed for the survey expressed compassion for inmates with mental illness and frustration with the mental health system that is failing them. There were several other points of consensus among those interviewed:



Not only are the numbers of mentally ill in prisons and jails continuing to climb, the severity of inmates' illnesses is on the rise as well.

Many inmates with mental illness need intensive treatment, and officials in the prisons and jails feel compelled to provide the hospital-level care these inmates need.

The root cause of the problem is the continuing closure of state psychiatric hospitals and the failure of mental health officials to provide appropriate aftercare for the released patients.

Recommendations

The ultimate solution to this problem is to maintain a functioning public mental health treatment system so mentally ill persons do not end up in prisons and jails. To this end, public officials need to:

- Reform mental illness treatment laws and practices in the community to eliminate barriers to treatment for individuals too ill to recognize they need care, so they receive help before they are so disordered they commit acts that result in their arrest.
- Reform jail and prison treatment laws so inmates with mental illness can receive appropriate and necessary treatment just as inmates with medical conditions receive appropriate and necessary medical treatment.
- Implement and promote jail diversion programs such as mental health courts.
- Use court-ordered outpatient treatment (assisted outpatient treatment/AOT) to provide the support at-risk individuals need to live safely and successfully in the community.
- Encourage cost studies to compare the true cost of housing individuals with serious mental illness in prisons and jails to the cost of appropriately treating them in the community.
- Establish careful intake screening to identify medication needs, suicide danger, and other risks associated with mental illness.
- Institute mandatory release planning to provide community support and foster recovery.
- Provide appropriate mental illness treatment for inmates with serious psychiatric illness.
- A model law is proposed to authorize city and county jails to administer non-emergency involuntary medication for mentally ill inmates in need of treatment. •

ASHKER POLITICAL STATEMENT

February 24, 2014

By Todd Ashker, PBSP

As a principal representative of the PBSP-SHU Short Corridor Collective – Human Rights Movement, I begin this personal perspective update – with a shout out of solidarity and respect to all those inside, and outside, these prison walls... who have put aside divisive race/culture differences in order to unite as a prisoner class and demand long overdue, meaningful reforms to the fascist – prison industrial complex – beginning with the end of long term solitary confinement... inclusive of humane treatment, dignity, respect, and rehabilitative programs and privileges of real substance – beneficial to all prisoners, our outside loved ones, and public safety in general.

Additionally, I sincerely thank the California Assembly and Senate, Public Safety Committee Members for holding the joint public hearings October 9, 2013 and February 11, 2014, in order to further examine the CDCR's use/abuse of long term – punitive – solitary confinement as a general purpose “status” based, gang management policy... resulting in the torture of thousands of people over the course of more than three decades!

These hearings were in response to our third peaceful hunger strike protest in two years... wherein more than 40 prisoners fasted for 60 days, and, at its' peak, more than 30,000 prisoners joined in solidarity, to protest decades of personal subjection to policies amounting to state sanctioned torture! Prisoner Billy Sell's death was directly related to our collective protest issues, and others have yet to fully recover!

There can be no doubt that the Legislator's courageous act of publicly acknowledging our protest issues in late August 2013 saved many lives... and gave many people real hope that substantive changes will be forthcoming. And now that there has been additional public exposure – via the two public hearings – demonstrating CDCR's refusal to institute real, meaningful changes, on its' own – people are relying on the legislature to do all in their power to pass legislation, reigning in CDCR's gross abuse of power, this year...

This is of critical importance in light of CDCR's push to have their “Security Threat Group – Step Down Program” formally adopted into the rules and regula-

tions... in spite of repeated – point specific objections to such by those affected by it... the prisoner class (including outside loved ones, and people of conscience); there are many red flags within the STG-SDP policy, as well as related actions(s), demonstrative of our point that this policy is simply a repackaged – new twist – on the policy(s) in place for the past 30 years, as briefly illustrated below:

1. The new Disciplinary Matrix changes nothing – it merely codifies all the innocent, associational type acts used to keep us in SHU indefinitely for the past 30 years – into the regulations, as formal rule violations – requiring a rule violation report; being found guilty of such is a slam dunk resulting in placement/retention in SHU for an indefinite term of 4 years to life...

Additionally it instructs staff to issue rule violations based on confidential prisoner informant/debriefing reports meeting reliability criteria per CCR Title 15, Section 3321... Those inside know how IGI (Institutional Gang Investigations) et al manipulate this – thus people can expect lots of write ups based solely on confidential prisoner informant claims... which will result in being found guilty, and once the determinate SHU term assessed for such is completed – it's all about beginning the 4 year to life SDP!

All actions are accountable at some point, and people need to do their best to be wise and reasonably diplomatic!

2. Since we suspended our hunger strike on September 5, 2013, the CDCR has conducted 12 case by case reviews of PBSP Short Corridor prisoners classified as members – that's 12 over the past six months! Additionally, the statistics show that while CDCR claims to have released more than 400 prisoners from solitary confinement - to general prison population per STG-SDP case by case reviews – the numbers of prisoners in solitary confinement cells has increased! This is what we stated would happen way back in March 2012 in our public opposition to the STG-SDP proposal!!

3. The CDCR has kept their word about providing us with a bit more SHU privileges... responsive to our core demand #5, and related supplemental demands. These are all things former CDCR Undersecretary Kernan admitted we should have had 20 years ago... when we met with him in 2011! And most were only recently authorized a few weeks before the February 11th, 2014 legislative hearing. Of course such are a plus – but, they don't go far enough (e.g. we should be able to have contact visits, and weekly phone calls etc. etc.) and a real concern is that providing additional privileges is the prisoncrats way of improving SHU/Ad Seg conditions with the intent such will make it acceptable to keep us here forever...

Our remaining demands (#1-4) remain unresolved!!

4. Many people recognize that there is an element within CDCR's rank and file – Administrators, Office of Correctional Safety (OCS), California Peace Officers Association (CCPOA – guards union), etc. whose underlying agenda is to maintain and promote the expansion of the prison industrial complex – related to the growing fascist police state agenda in this nation.

One of the prisoncrats tactics under CDCR Secretary Beard's leadership is the increase in propagandist demonetization of SHU prisoners as the “worst of the worst”... in order to try and justify, and expand on, the policies and practices condemned by the world as violating long-standing human rights treaty law banning torture... A recent example is Secretary Beard's *LA Times*' Op Ed (of 8-6-13) wherein, he claimed the massive – peaceful – protestation was... “A gang power play, intended to regain control of the prison system” Secretary Beard's support for this obvious lie? Reliance on 25 to 40 year old events – taken out of context... and, stories by two prisoners who broke down after years of enduring torturous SHU conditions, “debriefed” and were quickly recruited as state propagandist collaborators! In order to “successfully debrief”, one must support CDCR – OCS agenda... Notably, prior to these torture victims agreement to become state agent collaborators they were in the PBSP-SHU, Short Corridor, labelled

the worst of the worst – each of whom are serving life terms for murder convictions outside prison and, issued many serious rule violation charges while in prison – landing them in SHU – wherein, one was accused of strangling his SHU cell mate... Yet, as soon as they agreed to become state collaborators against our cause – their past misdeeds are forgotten, and their words become “good as gold” while CDCR parade them before the public... used by CDCR to try and distract the world’s focus away from our exposure of state sanctioned torture – this is how fascists operate!!

For their part, these two collaborators now enjoy special general prison population perks, at the “sensitive needs” prison of their choice!

Also notable is the fact that the prisoncrats refused to allow Senator Hancock to personally meet with us in late September 2013... As well as refusing to allow a couple of us to personally participate in the February 11th hearing! CDCR’s intent being to try and prevent us from being seen and heard as human beings... while simultaneously propagating the alleged greatness of their Security Threat Group – Step Down Program!

From my perspective, the above points are ongoing examples demonstrating CDCR’s lack of respect for our human rights and dignity – as well as intent to continue to abuse their power with impunity, if allowed to do so!! It’s especially concerning the way they tried to marginalize us out of the legislative hearing process, and I believe it could be a major mistake for us to allow them to do so without even a token response – a reminder of our resistance and refusal to accept having our voices silenced, so they can maintain the status quo of indefinite solitary confinement and thereby condemning us to the long, slow death such entails, while they profit... Thousands passing on a day or two of food is a strong reminder and showing of solidarity!!

I mistakenly thought there was a consensus, and put out a statement in early January... The prisoncrats have hindered the dialogue, creating confusion, thus, as soon as I found out the consensus wasn’t there, I immediately moved to change the statement to reflect my personal views – this too was stymied!! Now, Ed’s irked, and I can relate... shit happens – we move forward!!

The important thing is – CDCR’s moves to marginalize us from February 11th have failed... Our people outside did a great job

of educating the legislators about the sham aspects of CDCR’s STG-SDP (including Dolores’ requests for prisoners here to send letters to Senator Hancock) and, based on my commitment, a few of us went on a three day hunger strike from February 3rd to 5th – it all helped ensure that our humanity was not forgotten on February 11th!! I still believe a crucial part of our struggle for real reform requires us to do our part in here – failing that, we can’t ask for, nor expect, people outside to support us!!!

While I’m at it, I’ll also address/clarify a few recurrent points raised, related to our collective cause – from my perspective, as an individual and, principal representative, as follows:

The Subject of Criticism/Obstructionism

Historically, no social movement has proceeded without criticism. Constructive criticism is a good thing and everyone’s entitled to their opinion... Naturally there’s obvious reasons why we’re not able or willing to discuss the basis for our collective decisions – suffice it to say most people understood from the gate that this effort would be a protracted struggle, and we agreed to do all we could to be smarter than our adversary, recognizing this is a constantly evolving process, similar to a chess game of moves and counter moves, responsive to circumstances... And we’ve done an excellent job of this!

Most participants have done so on the basis of faith and solidarity, recognizing something has to be done to put CDCR’s abuse of power in check... Not everyone gets the point of a concept at the same time – some take a while to get it, and some nev-



er do, that’s human nature.

Generally, our goal is the same, and for those who do get it – onward in struggle and solidarity...

As for obstructionism - differences of opinion are always going to happen, and such are not obstructionist in my view. I see obstructionism as, one who actively attempts to hinder an action of resistance – I’m sure everyone recognizes it when they see it!

The bottom line is, our combined, unified efforts, inside and out, have been very effective to date – we’ve gained a lot of ground in a relatively short time... against a powerful entity!

We need to remain on top of things, and continue to do our part, and we will prevail... We can’t become complacent based on CDCR’s psychological tactics (like false hope).

On Agreement to End Racial Group Hostilities

People need to be mindful that this 2012 agreement was made and based on the consensus we came to here in the Short Corridor, and we encouraged prisoners state-wide to follow suit – for their own benefits – as summarized in the agreement! This is an adult system, and we need to be mindful of what we all have in common behind these walls, and who our common adversary is... And be smart about achieving positive gains beneficial to all prisoners. As expected, CDCR has refused to allow us to promote our agreement, and there’s always going to be those who seek to derail it! All actions are accountable at some point, and people need to do their best to be wise and reasonably diplomatic!! Airing perceived breaches in public is not appropriate, and looks real bad on those who do so; it perpetuates divisiveness!

On Proposed Legislation

There’s a small opening for getting legislation passed this year – therefore, it has to be a collective effort, focused on the one or two key points, which have the best chance of success – beneficial to the largest number of prisoners! It’s a mistake to put forward a bunch of proposals which have no chance of passing this year, because, such takes away the focus from the one or two with the best chance of passing. An illustrative example is a criminal appeal... When you throw 30 issues at the court, it can hurt your chance of prevailing on the one or two strongest issues!! And result in losing the

entire appeal!

I've thought a lot about this, and have come up with the two issues I believe have the best chance of passing.

The main issue of contention between us and CDCR is the definition of "behavior" resulting in SHU placement/retention.

The CDCR's Security Threat Group-Step Down Program merely seeks to require "formal rule violations" to place/retain us in SHU, based on the same things they've used for 30 years (without writing us up), via the creation of the STG-SDP "Disciplinary Matrix" wherein, CDCR codifies minor association type activity into the regulations as formal – serious, and/or administrative rule violations. As well as instruction on formal charges based solely on confidential prisoner informant allegations, when the reliability criteria per Title 15, Section 2231 is met.

Thus, we need to obtain legislation that limits such abuse of power, by:

- In August 2011, Governor Brown signed into law California Penal Code Section 1111.5, re: guidelines for "the use of in custody informants in criminal cases"... Thus, legislators are aware of problems with abuse involving informants, and I believe a unified push can successfully expand the scope of this penal code section to include the use of confidential informant/debriefing reports in the CDCR rule violation process... A big plus for prisoners!!
- Push to end the use of minor prison rule violations – that are not even misdemeanors per penal code (see those listed in the STG – SDP Disciplinary Matrix for categories 6 and 8) – for SHU placement and retention... (The way to push it is to focus on the fact that such

aren't even misdemeanors, yet CDCR uses them to place/retain people in SHU cells for a minimum of 4 years to life – at a cost of at least \$20,000 more per year than a general population cell.)

And, this will potentially result in approximately 85,000 prisoners – who currently meet STG criteria – being subject to these costly SHU cells – for 4 years to life (of torture!)

On Step Down Program Participation

Our position has not changed – we are 100% opposed to this! However, if people refuse to participate... then, how do we obtain the proof necessary to support our position that it's a sham program? The journals are a problem – we've been told they don't leave our possession – the facilitators just thumb through it in front of you to be sure you've written something... Naturally, participation is an individual decision, and any abuse need to be documented!!

On Class Action Certification

We're still waiting on the judge's written ruling – formally certifying the case as a class action! However, at the oral arguments – all present agreed – the judge indicated such certification would be allowed... The issue is just more complicated since the CDCR came out with their alleged "new" gang management policy per STG-SDP - and this is why we believe it's taking a while to issue the order on paper!

Based on our own experiences here – we know CDCR – OCS/IGI are already abusing the STG Disciplinary Matrix, and issuing a lot of "serious" rule violations for minor things - using CCR, Title 15, Section 3023 "Promotion of Gang Activity" – without any evidence of "promotion" etc. And, any documentation relating to this – or any other abuse re: STG-SDP issues... needs to be sent to the class action attorneys asap!!!

With Solidarity and Respect.... •

[Ed's Note: This document reached my e-mail in-box on April 18th, the same day Mark and I were mailing out the May newsletter, and therefore too late to get into that issue. Why it took nearly two months for this article to reach me is a problem that needs to be resolved. It could have also gone into Prison Focus #42 if received sooner. The person who did the keyboarding said she typed it up and mailed it to me the same day she received it. So the problem lies elsewhere.]

BAD CHANGES TO CDCR OBSCENITY REGULATIONS

Is Rock "Obscene Material"?

By Ed Mead

After more than twenty years of persistent litigation by prisoners the federal courts grudgingly required a very small amount of due process for those being validated as gang members or associates. How small an amount? Well, one of the points used to validate you could be something as simple as having a newspaper in your cell that contained the name of George Jackson, or a drawing depicting some aspect of Aztec culture. But even that low bar, that miniscule burden of proof, was too much for CDCR. So they pulled the rabbit of Security Threat Group (STG) out of their asses. Now some level of gang affiliation was no longer an issue, as a Security Threat Group could be anything they said it was, and if prisoners wanted to challenge an allegation that they belonged to such a group, well, you got it, another twenty plus years of litigation.

But then something happened, prisoners started to communicate with the outside world. This was not easy as CDCR has rules against even the news media interviewing prisoners. The very place where the government does its worst to the most downtrodden people of America, is also the one place where that government prevents the public from seeing what's going on.

In CDCR's eyes, any news that comes out about prison system must come out of the mouth (or most often the ass) of CDCR. Reporters still have no right to interview prisoners, and recently even a state legislator was prevented from meeting with Pelican Bay prisoners. Yet prisoners are a patient and resourceful bunch, and so communicate they did. Three massive hunger strikes later, and with some help from the outside community, communication is slowly happening.

What is CDCR's response to this growing effort by their slaves simply seeking to communicate with the outside world about their deplorable conditions of existence? Well, you know the answer. Repression, of course. Always more repression. Buried in the depths of some obscure proposed regulation change on pornography, the CDCR is attempting to create the means by which

Obscenity Continued on page 6



Art by F. Bermudez

EDITORIAL 3-6

Prisoners provided us with enough stamps to do the whole April mailing. In May we were a mere five stamps short of completing the job. This is far better than it was during the first months of the year, when we had to pay for both stamps and printing. We are, however, still paying for printing.

This newsletter is kind of like a public radio station. If you use it, you pay for it. If you don't, get off the damn mailing list. In the April issue I announced that come May I'd cut off anyone who had received the newsletter for over two years and yet had not contributed a single stamp. Well, I didn't do it (yeah, I'm weak). The rest of you can continue to support these freeloaders for a while longer. But when money or stamps get tight, and they will, those who have not helped will be the first ones tossed overboard. We are talking about 124 California prisoners who have never given even one stamp, and then there is a smaller number who have only given between one and ten stamps. This publication is not aimed at those looking to "get over" or who just want to receive some mail.

Yesterday Mark and I attended a conference on prison issues at the Evergreen State College in Olympia. We were on a panel discussing hunger strikes. There was a representative from Palestine talking about Palestinian prisoners of the Zionists. There was also a representative of "Not 1 More" anti-deportation movement that is supporting hunger strikers in detention against the deportation of Mexican nationals. And then there was Mark and me; we talked about the California hunger strikes. We all agreed that our mission out here is to amplify the voice of heretofore voiceless prisoners.

The PAC: Mark and I have been giving a lot of thought to the PAC (Political Action Committee) and yet not really seeing any movement taking place in the direction of making such a thing happen.

To refresh the memory of those who may not be keeping up with this discussion, or for new readers, in the *Citizens United* case (and another even more recent one) the U.S. Supreme Court held that money was "speech" and thus protected by the first amendment. Accordingly, PACs and rich individuals could donate as much money to politicians as they wanted.

Some California convicts came up with the idea of a prisoners' PAC, whereby prisoners contribute small amounts of money

to the PAC and that money is used to buy influence and to otherwise further the convict cause. Here's the current situation as I see it: Many prisoners have expressed support for the idea of a PAC, none have come out against it. The Reps have not yet spoken on the issue, and, as far as I know, there are no concrete steps being taken by anyone toward creating a prisoners' PAC.

It would seem to me that before anything solid is done in terms of a PAC, the Reps must first endorse (or reject) the concept. If endorsed, the reps can ask lawyers to do the work of creating the PAC and take it from there. Yet the lawyers are often too busy or otherwise unwilling to take on the additional workload.

Mark and I have discussed this and, both of us being former jailhouse lawyers, we've agreed in principle to doing the state and federal paperwork necessary create a PAC, which we've tentatively named the Prisoners' Action Committee (yeah, PAC). Once established, prisoners would make small donations to the PAC and records would be kept of the names and addresses of every donor.

Since money is speech that is protected by the constitution, so too must be the process of collecting and disbursing said speech. Needless to say, there would be strict rules on what the money was to be spent for, and of course total transparency so that any member would have free access to all PAC records.

It may be that the Reps have other fish to fry, in which case they should shoot down or postpone the notion of a PAC.

Homophobia: On the inside the sexism and homophobia is so thick you can cut it with a dull knife. The worse thing you can call another prisoners, for example, is a cunt, bitch, pussy or anything else of a feminine nature. These are clear examples of misogyny (the hatred of women). Homophobia has its roots in the same kind of hatred. Because of this the majority of gays did not participate in the hunger strikes or give us the support of the powerful gay community on the outside. By not putting an end to these forms of discrimination you are shooting yourselves in the foot. Those who perpetuate such discrimination are doing the struggle a great disservice. They are not only on the wrong side of history, they are alienating powerful sources of both inside and outside support. Think about it!

Propaganda: Propaganda is information that only presents one side of an issue. *Rock* prints the prisoners' side of the story, just

as the information put out by CDCR prints only their version of reality. They call our version "deviant." Yet It's all propaganda.

What about the bourgeois media outlets? They do the same thing. You get the CIA's liberal and conservative views, but you are always getting information from a ruling class perspective. Take the situation in the Ukraine, for example. The U.S. financed groups that overthrew the democratically elected government are "freedom fighters", while those who object to the overthrow are called "Moscow directed terrorists." And of course the Russians print the story from their perspective. To get closer to the truth you need to study both sides of any story.

In the case of CDCR, however, prisoners already know the state's position on things; it's backed up with guard towers and armed thugs. This newsletter is propaganda because it does not provide readers with the CDCR's version of reality.

The state has free access to all media outlets, and they've made it illegal for the prisoners to tell their side of the story (no reporters can interview prisoners). Not satisfied with the near total media saturation the state enjoys, it now wants to shut down your access to tiny little voices, like *PHSS News*, the *S.F. Bayview*, and *Rock*.

Please read the article on the proposed new Obscenity regulations on page five. ●

Obscenity Continued from page 5

political publications such as *Rock* can be barred from all of the state's prisons. They are going to create a "Centralized List of Disapproved Publications." One of the things said list will contain is "STG recruitment material", and of course, in the eyes of CDCR, anything from a PAC to a publication seeking to extend democracy to all represents a threat, as such groups "are deviant in nature, opposed to authority and society."

CDCR says [t]hese changes are necessary to preserve the safety and security of the institution by disallowing publications containing propaganda of groups deviant in nature, [and] opposed to authority...."

Now one might get the idea that these proposed changes are designed to prevent you from realizing your human rights. But CDCR makes it clear that the "change is necessary to ensure inmates' rights...." So you see, this censorship is for the purpose of protecting your rights. See proposed amendments to CCR, Title 15, Div. 3, 3134.1(e), 3135(c)(14) and 3135(d)(7). ●

LETTERS

LETTERS

STAMPS ARE FREE SPEECH

You raised a good issue about needing some more support from us who this whole thing is about. About all the information on what's going on around the country and the CDCR. This whole newsletter is for us and it's truly a blessing to have good people who care about us concerning medical treatment and inhuman conditions for all of us. I wish people (prisoners) were more concerned and aware so that some of these issues we raise could be dealt with. But sadly some people (prisoners) either just don't care or have too many problems of their own. I myself, well I do care. I have to live here; sadly this is my home for life so I like to be up on what's going on in the prison system around the country. I hope that more people will wake up and realize that it's important to be aware what's going on in criminal law and the prison system so that we will be quick to act, whether it's in habeas corpus inn district court or community support around the country to better our living conditions. Any ways I just want to thank you there at *Rock* for all your support and time you put facilitating our right to free speech. *The United States Supreme Court says money is free speech* so I'm sending some stamps too. I will send more later when I can.

Hector Gill --- Pelican Bay

PELICAN BAY'S RELUCTANCE TO FOLLOW SACRAMENTO RULES

I am currently incarcerated at Pelican Bay State Prison is ASU ... and am one of many SHU inmates being housed here waiting on a SHU bed to become available. I was taken from a SHU along with many others and sent here for the so-called step down program. Upon my arrival I find that Pelican Bay does not allow inmates to have their TV's or radios, that we were denied all our food items, coffee, etc.... Which over time goes bad as these are perishable items. When we ask about this we're told that Pelican Bay and I quote "does not follow normal prison procedures due to security issues and that even though we are SHU inmates we're being housed in Ad Seg and therefore fall under Ad Seg rules." In our attempt to 602 such issues when we go to the Title 15, we're overridden with the D.O.M. When we use the D.O.M.

we're told there is a supplemental D.O.M. and our efforts are rebuffed. Some us sit here for 6 to 8 months or longer with nothing in our cells accept the 2 books a week we "might" get if the library fills the order and all the while waiting on a SHU bed. Also, I'd like to address the fact that Pelican Bay Ad Seg Walk Alone is still without any electronic appliances. While here that most of the other Ad Segs Statewide have kept their word and allow us electronics Pelican Bay is still dragging its feet. We're told they are putting in shelves etc.... Well I've been here 6 months and I know of no shelf that takes 6 months to install. Again, I wonder at Pelican Bay's reluctance to get on board with what's so obvious—a step in a better direction. Before I close I would just like to thank you and *Rock* for publishing our newsletter and the support of all the California prisoners, their family and friends, for being a voice for us incarcerated individuals. We here in F-row and E-row of the Pelican Bay Ad Seg Walk Alone send you our thanks, appreciation, and the enclosed 74 stamps.

Johhny Rameriz, Pelican Bay

WAKE UP HOT DAMN IT

I am not a subscriber to your (our) newsletter but I am a fan. Over the years I've always been fortunate enough to be doing time with someone who is a subscriber. In "our" March 2014 *Rock* you let it be known that in order for *Rock* to continue, we need stamps. Well I respect you do and I've enclosed 8 stamps for your use. I am not a rich man but I am blessed to have family that look out for me so I felt it only right to send you a few of my stamps. Sorry, it ain't a lot but if everyone puts in a drop of water, we will have a gallon in no time. I hope every prisoner that reads *Rock* wakes up *hot damn it* and send you those much need stamps because what you do is needed and respected.

Rigoberto Ganceda, Kern Valley

ROCK SUPPORT SPEAKS TO A FUTURE SUPPORT FOR A PAC

Enclosed is a stamp donation. As every month we will do our part here in Corcoran's 4B-3L. It is troubling that we are having such difficulty finding donations (stamp/money) to run a simple newsletter—OUR newsletter! Think for a very brief moment—what will we do without the *Rock*? Our donations are a monthly event—let's get it together—no one needs

to hold my hand—there's no need for the publishers of this newsletter to be asking for donations. *Rock is the forerunner of the prisoner PAC everyone is talking about. If we cannot keep it together and strong for Rock, what is the future for a PAC?*

Carlos Robledo, Corcoran

General Concerns

Enclosed are sixty stamps as a donation. I hope it helps. Barely receiving the *Rock* (March issue) this week.¹ So it's obvious the newsletter is on its last leg.² Which is a shame. Especially when the purpose of the *Rock* has always been to inform us prisoners on the important facts that are so dire to those incarcerated in the sham that is the CDC (and no rehabilitation). I've been reading the *Rock* for over two years and have been donating stamps whenever I can. I really look forward to each and every issue.

I personally know what it's like to be held in solitary confinement here at the dungeon called PBSP-SHU. Being up here since 2006 and have done almost six years of solitary confinement time since being transferred here from the Corcoran SHU. So all informative information on solitary confinement and possible changes on the draconian validation racial profiling process really hits home. Hence the continuous stamp donations. Being the way the prison system is going with this step down bullshit and bogus gang labels CDCR so readily hands out, it's only a matter of time before everyone is stuck in a cement box with no hope of ever getting out unless they parole, die, or debrief.

CDCR now recognizes gangs on the new SNY yards with the general population slowly becoming a thing of the past, with us mainliners no longer being the majority anymore. Since the mainline has and will always be suppressed, with the prime example being us prisoners here on PBSP B-Yard as this GP yard has been programming continuously for almost three years now without once racial incident. But that does not stop the administration from tak-

Letters Continued on page 8

1. This letter was written on April 14th and he had only then received the March issue. By then he should have had the April issue as well. His captors are the problem.
2. Mark and I might be limping a little bit, but we aint on our last leg yet.

ing and taking from us, running this yard like an Ad Seg program with at least three down days a week due to so-called staff shortages.... [The portion of letter detailing abuses, no showers, yard time, packages, etc., has been omitted.] No amount of 602s will ever change PBSP as they will always do as they please.

So I really hope that those who have never donated to the *Rock* realize that newsletters, where communication is our right, are not a given. It takes time, effort, and commitment to print and mail out over 600 copies of a newsletter to prisoners. And to do it for prisoners in an effort to shut down the SHUs, and not just make them a more semi-comfortable place to live for the rest of one's life. It's still the SHU. For those of you who believe all these newsletters and advocates can be taken for granted, thinking you'll never end up in the SHU, life is a long time. With the way things are now, just think what they will be like in decades to come if each of us does not become involved in the process of change. Everyone should try and do their part, no matter how small. This stuff affects us all, and only in solidarity will we ever hope to prosper. Thanking Ed and all the other advocates for everything they do. It's much appreciated.

Gonzalo Gonzalez, PBSP

Input on Bad Regulations

May I suggest you expand your request for donations to include artwork, which you could resell on your website? Additionally, you could let prisoners know they have the option, if they are short on stamps or being obstructed, to send you a small check drawn on their trust account, or have a family send 5 or 10 bucks on their behalf. Tonight, I am sending a pre-addressed envelope to a family member asking they enclose ten dollars on my behalf to support your vital newsletter.

On another note, I would like to encourage your readers to exercise their right to file written objections to any proposed regulations they disagree with. CDCR is required to respond in writing to all comments on proposed regulations that are submitted during the public comment period. However, CDCR does not send a response to individuals, but opts to publish their responses. A copy of the responses can be obtained by contacting CDCR's Regulation And Policy Management Branch, or by directing a public records request to the litigation Coordinator at any prison, or by having an outside supporter download

a copy from CDCR's website. Your outside supporters may also comment on the proposed regulation by letter, e-mail, or in person at the public hearing. I recommend you write a draft for your supporter and ask them to submit it by e-mail.

The benefit of commenting on the regulations is, CDCR occasionally, modifies the regulation or adds clarifying language in response to comments. Additionally, CDCR often states the interpretation of regulations in defending the regulation, and their interpretation can be used in future litigation or other venues to demonstrate that CDCR is straying from the regulations intent and applying it arbitrarily.

It is most effective to divide and number each point a person is making when submitting a comment. I use plain language and try to point out any other regulations or laws the proposed regulation conflicts with. I will also emphasize if the language is vague (leading to arbitrary enforcement), or if the language used does not carry out the intent expressed in the Initial Statement Of Reasons accompanying the regulations. In sum, if you feel the regulation is unfair in any manner, let CDCR know. You may see something someone else does not. You may be the difference-maker.

You may have noticed that CDCR has been attempting to codify a number of new punitive regulations that will be used in the near future to oppress prisoner activism and peaceful protests, as well as censor activist publications which feature our voices.

For example, in a sly but not unexpected move, CDCR included a new severe disciplinary punishment with the newly authorized personal property items. ASU and SHU inmates will be required to dispose of all their appliances if they receive two serious rule violation reports in a six month period. This will be done by designating the prisoner a "program failure", (see Notice Of Change To Regulations (NOTCR), No. 14-01, section 3315(f)(5)(L)). Classic CDCR; give with one hand, take with the other.

To ensure it will be easy to deem inmates a program failure, as well as keep as many prisoners as possible in solitary confinement, CDCR has created dozens of new rule violations contained in their freshly trotted out gang regulations (see NOTCR, No. 14-02, section 3378.4(a)). Now not only will CDCR be labeling prisoners as gang affiliates for frivolous conduct like possession of artwork or greeting cards deemed gang-related and tossing them in severe

isolation, but will be permanently disposing of the inmates' appliances. Which will intensify the sensory deprivation.

Then there are the new rule violations aimed at our peaceful human rights movement and our exercise of free speech. The following regulation will likely be used to try to penalize hunger strike participants or other peaceful protestors:

'Active Participation In Or Attempting To Cause Conditions Likely To Threaten Security' (NOTCR, 14-02, section 3378.4(a), Sec. 4). Then there is one rule violation that places CDCR's crosshairs on those inmates who act as spokespersons or representatives in peaceful protests: 'Acting In A Leadership Role Displaying Behavior To Organize And Control Others' (section 3378.4(a)).

Finally, there is the current attempt to legitimize CDCR's questionable practices of censoring books and publications voicing opposition to abuses of authority and inhumane conditions of confinement perpetuated by CDCR. This is always carried out under the guise of suppressing gang activity. The regulation prohibits anything sent through the mail which: 'Contains Written Materials Or Photographs That Indicate An Association With STG (gang) Members Or Associates', (see NOTCR, No. 14-05, section 3135(a)(14)). Their intent to abuse this regulation is manifested by their use of the language "...an association with...". Also the Initial Statement Of Reasons mentions "recruitment materials". Really? Since when do gangs pass out recruitment flyers like they are the Marines? Sounds like a catch-all term that may be used to suppress publications carrying prisoners' opinions criticizing CDCR.

Given CDCR's well documented propensity for abusing regulations, it would behoove us to vigilantly review and object/comment on all unfair or oppressive regulations as a first step in our ongoing campaign to be treated humanely. Peace and solidarity to all my black, brown and white brothahs.

Vincent Bruce, PBSP-SHU

Silent Censorship

For some reason they are withholding our *Rock* newsletters. As pointed out in my last letter, I haven't received an issue of *Rock* since December. In your letter you said that all of the issues had been mailed to me. You also wrote that at the same time your letter was being sent, you were also mailing me the March and April issues of

the *Rock*. Well, I did receive your letter, but none of the issues of *Rock* came with it. So it definitely seems that they are being withheld.

There is a notice of change of regulations floating around here (Notice of Change of Regulations #14-05, publication date 4-4-14) which mostly speaks of disallowing any written text of obscene material, but there is also a couple paragraphs stating that any written material associated with STG behavior, or any articles written by or promoted by validated STG members or associates will be disallowed.

Now I don't know if this is why they are disallowing us to receive our *Rock* newsletters, but even a few people here who usually receive the *Rock* have not been getting theirs either. So it's not just an "accident" by the mailroom here. I just wanted to inform you of this so these of us here at CCI SHU Facility A can also be addressed in the Civil Rights complaint you are drafting. It is clear that our First Amendment rights are being violated along with other state and federal laws regarding mail. They don't even issue us CDCR 1819 forms (notification of disapproval of mail-packages and publications) which we are supposed to receive if any kind of mail is withheld from us. This is in violation of their own Title 15.

On another note, I wanted to bring something to your attention and to the attention of your readers. This new validation policy they are implementing is supposed to be "behavior" based, *not* "information" based. I have personally been validated as an associate of the AB for well over three years. I recently received a one fifteen (Rules Violation Report) for gang activity, "being in a leadership role" (that's how the one fifteen was written up). They say they received confidential information from a confidential informant saying I was in control of housing units 1 through 4 and that this information was deemed reliable because this confidential informant has given them reliable information in the past. Well, not only is this information not true, but it was not corroborated by any reasonable facts. Yet I was still found guilty of this write up! Which will keep me from getting kicked out at my DRB review, and will most likely put me at step 1 of this farce they call the Step Down Program.

They say they changed the rules regarding information based validation source points to where its behavior based, but then made it where turds-rats and liars can give them confidential information and they will

call it a behavior based write up against us and use that to keep us in these SHUs—without any proof or real corroborating evidence whatsoever.

Danny Boy "Maniac"
Cisneros, Tehachapi

[Ed's Response: I've placed completion of the Civil Rights complaint on a back burner. Now I'll move it to the front. Prisons have been rejecting Rock for such frivolous reasons as "No Address Labels Allowed" without ever bothering with a 1819 form. Or in the case of the above letter writer, the prison administration just tosses them into the trash without any due process for those who paid money, and thus have a property interest, in these publications. I will redraft the complaint and send it in to the legal beagles for review before filing.

As for the behavior-based versus information-based validation procedures, rest assured that anything the state says they are doing in your favor will most often result in your getting screwed over. It is a mistake to put your faith in the promises of CDCR, the state legislature, etc., rather than your own unity as the real source of change.]

SDP is Great?

When the pilot program and STG Step Down Program was implemented and put into black and white for all to see, it was stipulated that those participating in the SDP would in fact have to sign some sort of contract and signatures were required along with doing a specific journal which was a biography journal of your history and things in your past. This was the requirement. What need to be printed and put out there is that there is no longer any form of contracts/signatures or biography journals. [He then lists the "'self-help' pamphlets called journals" that are given to them.]

In these pamphlets there are no gang admissions, gang questions or anything in that nature that incriminates one, and journals are kept in cell and can easily be destroyed or kept. These same journals are the ones used in the BMU [Behavior Modification Unit] in PBSP.... CDCR is not properly informing all inmates because they don't want people (inmates) taking advantage of these privileges, such as phone calls, 3 packages.

The above needs to be printed in newsletters and sent out for comments. Most of us here if not all have been around for years, some from Corcoran SHU, PBSP SHU, who are here and would not jeopardize

our integrity if there were negative things to point out and negative aspects. We ourselves would not condone, encourage, nor participate. Our brothers in solidarity need to know the truth and facts of what is being done here.

We attend three different groups through the week. AA Meetings, Purpose driven biblical conversation, and talks about topics in journals. All groups take place in individual cages. That concludes all facts that are related to step 4, of SDP here in Tehachapi SHU, 8 Block, C Section. I do not want my name or information printed.

Name (reluctantly) Withheld

[Ed's Response: You've drank the state's Kool Aid and now it seems you want others to do the same? You want to legitimize participating in the state's behavior modification program?

Just for pretend, let's say you were a soldier in someplace like wartime Vietnam or Iraq and, on a gut level, you felt it was wrong to go over to someone else's country and kill those who resisted the foreign invader's occupation of their nation (not to mention the killing of a lot of women and children).

You might talk to your chaplain, your commanding officer, the unit psychologist, etc., and they would all tell you that the problem is your wrong way of thinking—that you are the problem, not war crimes you are engaged in. They will give you mind-numbing drugs and put you in programs to modify your bad way of thinking. But in fact your way of thinking was right, it was the war and not you that was wrong.

Dude, you are a slave of the state, disenfranchised from the political process, kept in a cage, and in a state of irresponsibility and dependency, etc. There is indeed something wrong with your thinking if you believe adjustment oriented behavior modification is in your best interest. It is not you that is the problem, it is the conditions and environment in which you are being held. Behavior modification only aims to have you passively accept those intolerable conditions.] •

SHOUT OUT BOX
A hearty shout out to
Gonzalo Gonzalez at PBSP for
donating sixty forever stamps.
Rock on!

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.

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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