

!ROCK!

★ Working to Extend Democracy to All ★

★Volume 4, Number 10★

★October 2015★

HUGO IS DEAD

COPS CELEBRATE THE NEWS WITH HIGH FIVES

Regular readers may remember the articles I've written about the murder of Fey Stender, a Bay Area attorney and prisoner rights activist, who was killed by an ex-con who figured she was not doing enough for the prisoners' movement.

That act killed, no murdered, the national prisoner support community on the outside. I was a prisoner rights activist in Washington State Penitentiary at the time, and our outside support evaporated after the Stender killing. Some members of Seattle's political community wrote anti-prisoner diatribes which in effect, and actually did say, "Supporting prisoners equals death."

I don't know how the murder of Hugo Pinell happened, but in political and moral terms it's along the same vein as the Stender thing—we are stupidly killing our best.

Who were the killers? Way up here in Seattle I don't know their names, race, or anything else about them. Were they lowly cowards, sneaking up behind Hugo and stabbing him in the back, as I suspect? Or did they give him a shank and do the dance of death with him one-on-one, like a man, like someone with integrity and honor?

Please feel free to correct me if I'm wrong. And while you are telling me how it happened, any information on why would be appreciated as well. Please do this in a way that avoids the eyes of the state, and no names. I would simply like to know what Hugo's "crime" was that got him killed. It is hard to get my head around a prisoner killing Hugo for the pigs. But I see no other viable explanation. Feel free to set me straight.

In 1970, after Stender edited and arranged for George Jackson's prison letters to be published as *Soledad Brother: The Prison Letters of George Jackson*, he became a celebrity. She persuaded French intellectual Jean Genet to write an introduction, propelling the book to a best seller. The substantial proceeds from the book went to a legal defense fund that she set up for George, and other clients such as Huey Newton. She was killed because she did not want to smuggle explosives into the prison.

Needless to say, we out here in minimum custody decide our own level of involvement in the prison struggle. If that level does not meet some fool's expectations, that's their problem, not ours out here on the streets.

As prisoners you should be opposed to the state murdering us—opposed to the death penalty. Yet you do it to each other? That you don't "get this" is a measure of your alienation, confusion, and absence of any level of class consciousness.

You in there are for the most part what we commies call the lumpenproletariat, also known as the dregs of society. Yet you don't need to be there. All you must do is a little study and some internal discipline and you too can become a member of the international working class. It is quite simply a matter of elevating your class consciousness—a rudimentary sense of which you already possess.

Maybe you are one of those prisoners who are quite satisfied with their current level of class consciousness—which in most cases equals zero. You rob, rape, and

kill your fellow prisoners in the name of who, Hitler? Zapata? Malcolm X?

It was the will of the pigs that Hugo be murdered on his first day into the general population after decades in the SHU. Hugo was convicted of killing a prison guard and slammed down. Those who killed him were either working for the CCOPA or CDCR, or were so stupid as to be unable to see how this act served the interests of the state. Indeed, news reports say the pigs were cheering and celebrating at the news of Hugo's death—high fives all the way around!

Let me take one more wild guess. I'll bet Hugo's killers never did anything for the prisoners' struggle while they were on the streets. Am I right?

Was a gang responsible for this green light? If so, that gang is a bunch of collaborators who do the will of the pigs, they act as a brake on prisoners' struggle for progress. Now let's see how the pigs "thank you for your service" to their cause.

It pains me to the deepest levels of my being to say this, and I know I'm not a tough guy or anyone who calls any shots. That said, please. No retaliation. No violence. Honor the Agreement to End All Hostilities.

Prisoners cannot allow the pigs to trick them into backsliding into the old ways of being. Let the cronies of the inmates who killed Hugo be shunned, not killed. To kill the killers is to put yet another knife in the back of what has been accomplished so far, and the forward progress yet to be made. Peace out! •

Ed Mead

WE ARE SADDENED BY THE NEWS OF HUGO PINELL'S DEATH.

Hugo Pinell always expressed a strong spirit of resistance. He worked tirelessly as an educator and activist to build racial solidarity inside of California's prison system.

Incarcerated in 1965, like so many others, Hugo became politicized inside the California prison system.

In addition to exploring his Nicaraguan heritage, Hugo was influenced by civil rights activists and thinkers such as Malcolm X, Martin Luther King as well as his comrades inside including George Jackson. His leadership in combating the virulent racism of the prison guards and officials made him a prime target for retribution and Hugo soon found himself confined in the San Quentin Adjustment Center.

While at San Quentin, Hugo and five other politically conscious prisoners were charged with participating in an August 21, 1971 rebellion and alleged escape attempt, which resulted in the assassination of George Jackson by prison guards. Hugo Pinell, Willie Tate, Johnny Larry Spain, David Johnson, Fleeta Drumgo and Luis Talamantez became known as the San Quentin Six. Their subsequent 16-month trial was the longest in the state's history at the time. The San Quentin Six became a global symbol of unyielding resistance against the prison system and its violent, racist design.

As the California Prisons began to lock people up in long-term isolation and control unit facilities, Hugo was placed inside of the SHU (Secure Housing Unit) in prisons including Tehachapi, Corcoran and Pelican Bay. There, despite being locked in a cell for 23 hours a day, he continued to work for racial unity and an end to the torturous conditions and racially and politically motivated placement of people into the SHU. This work included his participation in the California Prison Hunger Strikes as well as supporting the Agreement to End Racial Hostilities in 2011.

At the time of his death, Hugo had been locked behind bars for 50 years yet his spirit was unbroken.

We would like to share this brief poem by Luis 'Bato' Talamantez:

Hasta Siempre Hugo
Solidarity forever
And we are saddened
Solidarity left

You when (it) should have
Counted for something and
What your long imprisoned
Life stood for
Now all your struggles
To be free have failed
And only death a
Inglorious and violent
Death has
Claimed you
At the hands of the
Cruel prison system
La Luta Continua

-Bato and the San Quentin 3

and a short poem written by Hugo Pinell from a publication issued in 1995.

No
Matter
How long it takes,
Real Changes will come,
And the greatest personal reward
Lies in our involvement and contributions,
Even if it may appear that nothing significant
Or of impact really happened
During our times,
But it did,
Because
Every sincere effort
Is as special as every human life •

-Hugo Pinell (1995)



DEATH AND LIFE OF HUGO PINELL

It was with true sadness that, on August 13th, I received the news that legendary California prison activist Hugo Pinell, was killed in a California prison. This is Jaan Laaman, your political prisoner voice and let me share a few thoughts about the life and death of this extraordinary man.

I never personally knew Hugo Pinell. The simple reason for that is because Hugo Pinell was locked up in California state prisons for 50 years! That is insane. It is hard to wrap your mind around the reality of someone being held captive for 50 years. Even more insane, for most of those years he was held in isolation-segregation cells.

Hugo was just released from segregation and it is being reported that he was killed by two white prisoners. There was a serious uprising or riot that also took place at this time.

Hugo Pinell spent decades teaching, advocating and struggling for Human Rights, justice and dignity for prisoners. He taught and fought for racial and revolutionary unity among all prisoners. Locked up in 1965, like many other prisoners at that time, Hugo became politicized inside the California prison system. In addition to exploring his Nicaraguan heritage, Hugo was influenced by activists like Malcolm X, Martin Luther King, as well as his comrades inside, including George Jackson. His leadership in combating the racism and brutality of prison officials made him a prime target for retribution and Hugo soon found himself in the notorious San Quentin Adjustment Center.

While in San Quentin, Hugo and five other politically conscious prisoners were charged with participating in the August 21, 1971 rebellion, which resulted in the assassination of George Jackson by prison guards on that day. Hugo Pinell, Willie Tate, Johnny Spain, David Johnson, Fleeta Drumgo and Luis Talamantez became known as the San Quentin Six. They had a very public 16 month trial. The San Quentin Six became a global symbol of unyielding resistance against the prison system and its violent, racist design. Hugo spent decades in segregation, but continued to work for racial unity and human rights for prisoners.

Personally, I am of course upset that a brother like Hugo was killed, by what I have to assume were some reactionary

fascist minded prisoners. But truly what I mainly feel is sadness, profound sadness at this news.

Hugo Pinell is gone. His bid, his sentence is now ended. After 50 years of captivity, that is not a bad thing. Even as an elderly person, in his 70's, Hugo Pinell died in the struggle. The hands that struck him down, it is reported, were prisoners, but the actual force that killed him was the capitalist police state prison system that holds 2.2 million men, women and children in captivity.

Hugo Pinell, we will remember you brother and your strong lifelong example of resistance. We will continue this resistance and this struggle for Freedom. ●

This is Jaan Laaman.

“I don’t ever regret speaking out and standing up for our people in here. I regret not being able to give more.” *Hugo L.A. Pinell (Yogi Bear)*

FROM A COMRADE

Hugo...although we never met in the flesh, for over four decades i've known who YOU are :The fearless and tireless Warrior...one who dedicated and gave his ALL in the struggle for a better life for our People---a better world. i've always envisioned you as an unmovable Mountain.

Sooo, the State, in its impotent arrogance, *gave* you two life sentences...and an ignorant and depraved assassin *took* your life. But, what neither wicked and doomed force can never ever understand is that YOU were the Captain of your own ship...YOU had already given YOUR LIFE to the People.

Rest in Peace, my Comrade, knowing that the trick is on them. YOU can never die...for in death you have gained true immortality. YOU will always be remembered wherever people gather who love and fight for Freedom.

Hugh Pinell, Hugo Pinell, Hugo Pinell, Hugo Pinell...i will always remember to whisper your name upon the WIND. YOU fought the good fight ! We thank YOU! ●

Comrade

HUGO PINELL, MY COMRADE

“If ever I should break my stride
Or falter at my comrade’s side
this oath shall kill me...”

— from Ulysses’ Oath

Last night (8/29/2015) a comrade called me on the phone and he was drunk out of his skull. Larry, an anarchist former political prisoner I did time with in the federal system, was lamenting the decades of confinement his comrade Bill Dunne was still doing time for the 1976 conviction he was imprisoned for.

He wanted to know why Bill wasn’t out (our histories by the way were similar - - gunfights with the police). I told him police agencies would prefer our deaths but life without is an acceptable alternative for them. I told him, Bill is a scapegoat, a cover boy if not their centerfold for their ‘Police Killer’ magazine.

Hugo Pinell was one of many scapegoats the pigs want dead or doing life without. Hugo of the San Quentin Six was an inspiration for me. When my comrade Clemen Blanchey and I formed the first prison chapter of the Black Panther Party for Self Defense it was George Jackson and the San Quentin Six who gave us that political direction unique to the prison movement. In prison and after my release, I have never broken that stride. And it is the ROCK that draws me back like a moth to the flame when I see the current efforts of the California prisoners. Hugo in his resilience withstanding the decades of isolation in the hole was a symbol for all prisoners. His words of encouragement to struggle are not forgotten.

As for those two ass-holes to did the dirty deed, they represent the malice of counter-revolutionaries and lackeys of the pigs? In you name Hugo, I will continue my resilience until death!

If ever I should break my stride
Or falter at my comrade’s side
This oath shall kill me.

If ever my word should prove untrue
should I betray the many or the few
This oath shall kill me.

If ever I withhold my hand
Or show fear before the hangman
This oath shall surely kill me. ●

Mark Cook

DOCS SUGGEST HUNGER STRIKES SPARKED SEG REFORMS?

By Sal Rodriguez

How influential were the three hunger strikes held by California prisoners in spurring the sweeping changes to solitary confinement policies that were announced yesterday?

The California Department of Corrections and Rehabilitation has repeatedly stated that they were already planning to reform long-term solitary confinement before the hunger strikes of 2011 and 2013. But internal documents obtained by Solitary Watch dispute that narrative, showing the hunger strikes did in fact directly spark the first movements toward reform.

On Tuesday morning, in announcing the settlement of Ashker v. Brown, a class-action lawsuit seeking the end of long-term solitary confinement in California, CDCR Secretary Jeffrey Beard told reporters that the settlement was only made possible by the department’s proactive efforts to reform segregation policies. Beard explained that the department began looking into reforms of solitary confinement in 2007 and later worked to create a Step Down Program. Without that program, Beard said, the settlement would not have been resolved.

CDCR spokesperson Jeffrey Callison later clarified Beard’s remarks as saying that “the effect of the hunger strikes and the Ashker lawsuit may well have influenced some of the details of today’s settlement, but that the general direction had already started.”

It is understandable that corrections officials want to avoid giving too much credit to the hunger strike leaders, who were also the plaintiffs in the lawsuit, as doing so might empower future actions against perceived ills.

In downplaying the power of the prisoner protests, the CDCR has proclaimed that they were already working to reform solitary confinement before the July 2011 hunger strike, which was subsequently followed by another in September-October of that year and a third, massive strike in the summer of 2013.

In a press release put out by the department in August 2013, at the conclusion

Strikes Continued on page 7

CALIFORNIA'S SOLITARY CONFINEMENT UNITS: A RESPONSE TO C.D.C.R.'S PROPAGANDA!

By: *Kijana Tashiri Askari, Moja Kutendo Askari, and Sitawa Nantamu Jamaa*

“Hide nothing from the masses of our people. Tell no lies. Expose lies, whenever they are told. Mask of no difficulties, mistakes, failures. Claim no easy victories.”

—By *Amilcar Cabral*.

On June 19, 2015, C.D.C.R. issued a “Notice of Change to Regulations” (N.C.R.), that took effect on June 1, 2015, and specifically deals with the various reforms being made to their Segregated Housing (e.g. “solitary confinement”).

Policies and practices, interestingly enough, concealed in this “Notice of Change to Regulations” (N.C.R.), is a bold attempt to misinform the public, about the concrete reality, that we prisoners have been subjugated to for the past 10 to 40+ years!! (On page 2 of the N.C.R., C.D.C.R. states in part): “There is no ‘Solitary Confinement’ in California prisons and the S.H.U. is not ‘Solitary Confinement’. Many S.H.U. inmates in fact have cellmates....”

My people, it is this type of sick, twisted, and illogical thinking that has made it necessary, for us to respond to C.D.C.R.’s propaganda. As it is line of thinking, that makes C.D.C.R. complicit in the deaths of Johnny Owen Vick, Christian Gomez, Hozel Alanzo Blanchard, and others via their systemic torture practices and policies of confining prisoners in their ‘Solitary Confinement’ Units, for the past half-century!! Having a cellmate doesn’t eliminate the level of “Isolation” that we prisoners endure. I mean, think about it, if you put [2] people on a ‘deserted island’, and completely cut them off from the worlds they came from, this would regulate these peoples’ existence to complete isolation. Our living conditions in ‘Solitary Confinement’ are a mirror – image of this ‘deserted island.’

The construct and purpose of Solitary Confinement, is to isolate the individual and/or individuals from all social activity. Regardless of the euphemisms that C.D.C.R. tends to utilize, whether it be: Administrative Segregation (Ad-Seg.); The Hole; Behavior Modification Unit (C.M.U.); Communication Management Unit (C.M.U.); Security Housing Unit

(S.H.U.); or any other title. The end result is still a form of ‘torture-based isolation.’ Especially, when you factor in the number of deprivations contained in our living conditions, such as: entertainment; recreation; vocational training; literature; language; art; intellectual and spiritual thought; economics; political, religious, and cultural expressions, etc.

C.D.C.R. is attempting to take the position, that by placing [2] prisoners in a small cramped cell, that is either extremely cold or too hot, depending on the seasonal weather and prison location, that this somehow eliminates the crucible of ‘Solitary Confinement.’ But what C.D.C.R. fails to recognize is two-fold. On the one hand, prisons are a microcosm of society, meaning there are prisoners from all walks of life in prison, with various religious, social, cultural, and political orientations. While on the other hand, C.D.C.R. also fails to recognize, that all human relations is materialized through the arenas of: Education; Entertainment; Labor; Politics; Law; War; Religion; Sex; and Economics. Therefore, it is fundamentally impossible for any interaction to be taking place between [2] caged human - beings (prisoners), when there simply isn’t any programming for this type of social activity to become manifest. On top of this, outdoor exercise is essentially non-existent (1.), thus leaving [2] prisoners cooped-up in the cell all day, every day. Which can be a very stressful circumstance, when the [2] prisoners don’t know each other.

However, if you can afford it, C.D.C.R. makes a few college courses available through correspondence. But inside of this policy, is C.C.R. Title 15 Section 3192,

which prohibits prisoners from sharing reading materials (i.e. ‘college books’) with each other. And the state-based T.V. stations are so heavily controlled (e.g. ‘NBC, CBS, FOX, ABC, and Univision’) which is fundamentally impossible to call this a form of entertainment, that is capable of neutralizing the basis of our isolation.

It must be understood, not every prisoner in C.D.C.R.’s ‘Solitary Confinement’ Units, have a cellmate, and in some instances, they have been restricted in having a cellmate altogether, for various subjective reasons. Prior, to any prisoner being allowed to double-cell with each other, we must, first sign a ‘double-cell chrono’, which is nothing more than a punitive –based bidding contract. For example, the language in the ‘double-cell chrono’ state:

“1.) You request to double-cell with (name); 2.) You agree that the [2] of you are compatible; and 3.) You absolve C.D.C.R. of all liability in the event that any conflict should occur between the [2] of you.”

If the prisoner refuses to accept a cellmate of the prison guard’s choosing 2.), we’re then subjected to being issued a CDC 115, Rules Violation Report (RVR) for “Disobeying a direct order,” and then deprived of the relative few privileges (e.g. “No Canteen, Time Credit Loss, and/or T.V. Restriction”) that we’re accorded.

Notice that, none of the questions asked, via the ‘double-cell chrono’, is designed to determine the character of the person you’re about to be housed with, such as: “What is their political/religious orientation, etc.?” This speaks to the ‘coercive nature,’ of how [2] human beings are forced to co-exist under some already stressful living conditions. And this is exactly why, the court in *Madrid v. Gomez*, 3.) have already factually determined:

“Having [2] persons occupy a cell, with only enough space for (1) person. Doesn’t eliminate the course of which Solitary Confinement violently assaults the human psyche.”

We would like to challenge any [2] C.D.C.R. administrators to use their I-Phones to record and post the live feed of them being confined to their bathroom for at least (6) months, with the various deprivations that they’ve subjected us to, and allow the people to bear witness to how the

**Which Minority is
Destroying
America?**

The Rich

political rhetoric of Solitary Confinement not existing in the California Prison System be thoroughly Negated!! We encourage the people to support our challenge, by writing to Jeffrey Beard, Susan Hubbard, George Giurbino, Scott Kernan, and other C.D.C.R. administrators 4.) and urge them to take on this challenge!! •

For more information, contact us at:

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Tehachapi, CA. 93581
PRISONER'S HUMAN RIGHTS
MOVEMENT!!!

CALIFORNIA SOLITARY
CONFINEMENT UNITS:

Reference Notes:

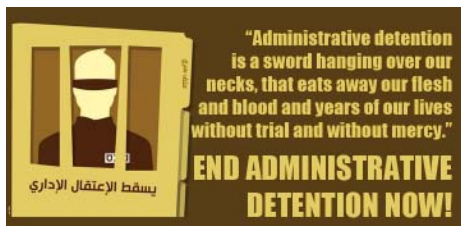
1.) We housed at C.C.I.-Tehachapi S.H.U. is considered fortunate to get outdoor exercise more than once a week via the 'individual caged' yards.

2.) C.C.R Title 15, Section 3269 states in relevant part: "Inmates shall accept Inmate Housing Assignments (IHA) as directed by staff...Inmates are not entitled to Single-Cell Assignment, Housing Location of choice, or to a Cellmate of their choice."

3.) Madrid v. Gomez, 889 F. Supp. 1146, 1229-30 (N.D. cal. 1995).

4.) Members of the community can support our challenge to C.D.C.R. administrators by writing to them at:

Attn: C.D.C.R. Headquarters,
In re: 'Solitary Confinement Challenge',
1515 S-Street,
Sacramento, CA. 95814



WE DON'T NEED TO KEEP CRIMINALS IN PRISON TO PUNISH THEM

By Mark A.R. Kleiman, Angela Hawken, & Ross Halperin

America's prison state is a disaster. One percent of the adult population is behind bars, and corrections is squeezing higher education out of state budgets. We have five times as many people in prison as we ever had before 1980, and five times as many (per capita) as any other advanced democracy.

What's worse is that it is, in this era, a completely unnecessary disaster. It's simply not true that to punish someone and control his behavior you need to lock him up and pay for his room and board.

While it lasts, prison is horrible for the prisoner and expensive for the state. And things often don't get better when it ends: of the people released from prison today, about 60 percent will be back inside within three years.

The transition from prison to the "free world" can be very tough, both for the offender and for the neighborhood he returns to. In the month after getting out, a person released from prison has about a dozen times the mortality rate of people of the same age, race, and sex in the same neighborhood, with the leading causes of death among former inmates being drug overdose, cardiovascular disease, homicide, and suicide.

To get back to our historic level of incarceration, we'd have to reduce the prisoner headcount by 80 percent

This shouldn't be a surprise. Consider someone whose conduct earned him (much more rarely "her") a prison cell. Typically, that person went into prison with poor impulse control, weak if any attachment to the legal labor market, few marketable skills, and subpar work habits. More often than not, he's returning to a high-crime neighborhood. Many of his friends on the outside are also criminally active. Maybe, if he's lucky and has been diligent, he's learned something useful in prison. Perhaps he's even picked up a GED. But he hasn't learned much about how to manage himself in freedom because he hasn't had any freedom in the recent past. And he hasn't learned to provide for himself because he's been fed, clothed, and housed at public expense.

Now let him out with \$40 in his pocket, sketchy if any identification documents,

and no enrollment for basic income support, housing, or health insurance. Even if he has family or friends who can tide him over during the immediate transition, his chances of finding legitimate work in a hurry aren't very good. If he's not working, he has lots of free time to get into trouble and no legal way of supporting himself.

Altogether, it's a formula for failure — and failure is, too often, what it produces. But there is a better way. The current system never made sense, and it makes less sense every day. The cost of buildings and staff goes up every year; the cost of information collection goes down. We need to learn to substitute effective supervision for physical confinement. That's the idea behind "graduated re-entry."

Graduated re-entry: giving prisoners a little freedom at a time

To get back to our historic level of incarceration, we would have to reduce the prisoner head-count by 80 percent. We can't get from where we are to where we need to be just by releasing the innocent and harmless. More than half of today's prisoners are serving time for violent offenses, and even those now in prison for nonviolent crimes often have violent histories. Solving mass incarceration requires releasing some seriously guilty and dangerous people. The problem is how to do that while also protecting public safety by turning ex-criminals into productive, free citizens.

For the transition from prison to life outside to be successful, it needs to be gradual. If someone needed to be locked up yesterday, he shouldn't be completely at liberty today. And he shouldn't be asked to go from utter dependency to total self-sufficiency in one flying leap. He needs both more control and more support. Neither alone is likely to do the job.

Of course, both control and support cost money. But so does prison. The trick is to start the re-entry process before what would otherwise have been the release date, so the money you spend in the community is balanced by the money you're not spending on a cell. The average cost of holding a prisoner comes to about \$2,600 per month. At the same time, even very intrusive supervision leaves a released offender freer than he would have been on the inside. So even a program that looks expensive and

intrusive compared with ordinary re-entry or parole is cheap and liberating compared with a cellblock.

For the transition from prison to life outside to be successful, it needs to be gradual

Start with housing. A substantial fraction of prison releases go from a cellblock to living under a bridge: not a good way to start free life. Spend some of the money that would otherwise have financed a prison cell to rent a small, sparsely furnished efficiency apartment. In some ways, that apartment is still a cell and the offender still a prisoner. He can't leave it or have visitors except as specifically permitted. The unit has cameras inside and is subject to search. But he doesn't need guards, and doesn't have to worry about prison gangs or inmate-on-inmate assault.

Drug testing and sanctions can avoid relapse to problem drug use; GPS monitoring can show where the re-entrant is all the time, which in turn makes it easy to know whether he's at work when he's supposed to be at work and at home when he's supposed to be at home. This makes curfews enforceable and keeps him away from personal "no-go" zones (the street corner where he used to deal, the vicinity of his victim's residence). GPS would also place him at the scene of any new crime he might commit, thus drastically reducing his chances of getting away with it and therefore his willingness to take the gamble.

The apartment functions as a prison without bars.

In some ways, it's a fairly grim existence, especially at the beginning: the offender starts off under a strict curfew, allowed out only for work, job hunting, and necessary personal business (food shopping, medical care, service appointments), as well as to meet the correctional officer in charge of his supervision. And he's required to work full-time at a public-service job, earning a little less than the minimum wage. On top of that, he has to spend time looking for an ordinary paying job (being supplied with appropriate clothing and some coaching in how to do a job search). He never touches money except for small change; he makes purchases as needed with an EBT or debit card, and only for approved items. The "no-cash" rule both makes it harder to buy drugs or a gun and reduces the benefits of criminal activity. Since he's eating at home, he needs food, some minimal kitchen

equipment, and perhaps some simple cooking lessons. (Whether groceries are delivered or whether he's expected to shop for his own food right away is another detail to work out.)

Minor violations — staying out beyond curfew, using alcohol or other drugs, missing work or misbehaving at work, missing appointments — can be sanctioned by temporary tightening of restrictions, or even a couple of days back behind bars, in addition to slowing the offender's progress toward liberty. Major violations — serious new offenses, attempts to avoid supervision by removing position-monitoring gear — lead to immediate termination from the program and return to prison. Not, on the whole, an easy life. But it's much simpler than the challenge of a sudden transition from prison to the street.

Moreover, if you were to ask a prisoner who has now served two years of a five-year sentence (for drug dealing, say, or burglary), "Would you like to get out of prison right now and into the situation I just described?" the odds of his saying "Yes" would be excellent. And if he didn't, his cellmate would. Indeed, entry to the program could be offered as a reward for good behavior in prison, improving matters for those still "inside" — and those guarding them — as well as those released.

And — this is the central point — the offender's freedom increases over time, as long as he does what he's supposed to do. Yes, violations of the rules are sanctioned. But compliance and achievement are rewarded with increased freedom. Every sustained period of compliance with the rules — at first, even a couple of days — leads to some relaxation of the rules. Successful completion of the first 48 hours out of prison might earn a few hours' freedom to leave the unit other than for work or other necessary business. Further relaxation might change the rule from "out only as allowed" to a curfew ("not out after 6 pm"), which then could be made later and later as the offender builds up a history of compliance. All of those transitions would be by formula, not at the whim of the supervisor, so that the subject knows the exact timing of his next milestone and exactly how much freedom he will obtain if he hits it. That tight coupling between behavior and results is the best way to gradually build the habits that will allow the ex-offender to stay out of trouble.

From the viewpoint of the system, the whole process is graduated re-entry. From

the former prisoner's viewpoint, it looks like a chance to earn his freedom.

The goal: finding and keeping a job

The ex-prisoner's biggest accomplishment would be finding (and holding) a "real" job, whether private or nonprofit. From the program's viewpoint, an employed subject should be virtually cost-neutral other than the cost of monitoring. In most housing markets, even a minimum-wage job can pay the rent on an efficiency apartment plus the grocery bill. That means every re-entrant who finds a job would allow for the release of another prisoner; that's the way such a program could grow to a scale big enough to noticeably change the incarceration rate. Better yet, once a former prisoner has become self-supporting, and developed the habits necessary to hold a job, his risk of recidivism plunges.

For a re-entrant who gets and holds a real job, life would become much less prison-like. He would still be subject to drug testing and position monitoring, but employment would earn him considerably more freedom of movement, including the right to visit his family (until then closely rationed) and to have approved visitors in what is now regarded as his apartment.

For a re-entrant who gets and holds a real job, life would become much less prison-like

Some of his paycheck would go toward his rent; some, perhaps, toward child support or restitution; and some to a bank account in his name but still under official control while he remains, legally, a prisoner. But some of it — an increasing amount over time — would be his to spend, though still not in cash (and therefore not on anything he's not allowed to have). If he gets fired for cause, he loses those privileges until he gets a new one. If he gets laid off, he has some amount of time to find a new position before he steps back. But the price of sustained liberty is sustained employment.

Given the lamentable record of offender employment programs (including the transition from supported work to the regular economy), finding and holding a job might seem out of reach for most offenders. But the success of some job-oriented, incentive-based programs — federal probation in St. Louis, the Montgomery County Pre-Release Center in Rockville, Maryland, and the Alternatives to Incarceration program in Georgia — seems to indicate that

if supervision can make offenders genuinely interested in getting and holding jobs, many of them are capable of doing so. For a low-wage employer, a worker who will show up sober, on time, and strongly motivated (by the gain in freedom he gets from holding a job) might well represent a reasonable bet, despite a prison record. And of course someone who has succeeded for a while in maintaining on-the-books employment has a much better chance of finding another job when he needs to or wants to.

We can't predict how successful this will be, but it's essential to try

Eventually the transition from a prisoner in a cell to a person with a job and an apartment is complete. (How long "eventually" lasts is another crucial detail to be determined largely by experience, and might well vary from offender to offender based on sex, age, and criminal history.) At that point, the ex-offender (and we can hope, with some basis, that he is now truly an ex-offender) could be released from his legal role as a "prisoner" and put on parole or other post-release supervision, or even given unconditional liberty.

There's no way to guess in advance how many prisoners would succeed in making the transition: for all the statistical work on risk assessment, looking into the soul remains hard, and looking into the future impossible. It's not even obvious whether the success rate would be higher with men or with women, with younger or older offenders, with those convicted of nonviolent crimes or of violent ones. But there's good reason to think the success rate would be higher for graduated release than for the current approach, and that the costs of the program could be more than recouped from the savings in reduced incarceration, now and in the future. But budget savings aren't the main goal: the greatest benefits would flow to the offenders, to their families, to their neighborhoods, and to those who otherwise would have been the victims of their future crimes.

Can we really get back to a civilized level of incarceration while continuing to push crime rates down? We can't know until we try. Graduated re-entry might work. That's more than can be said for any other proposal now on the table. If we find a version of it that works somewhere, expand it there and try it elsewhere. If not, go back to the drawing board. But sticking with the existing system, and accepting its disastrous results, is not a reasonable choice. ●

Strikes Continued from page 3

of the last hunger strike, CDCR issued a public response to the demands of hunger strikers. "In May 2011, prior to two hunger strikes that year, the California Department of Corrections and Rehabilitation (CDCR) began revising its gang validation and Security Housing Unit (SHU) confinement policies and procedures," the statement read.

In October 2013, CDCR released a fact sheet providing background information on the hunger strikes which explained that the July 2011 hunger strike ended "after Pelican Bay strike leaders better understood the...plans already in progress to review and change policies regarding SHU confinement and gang management."

Most recently, this narrative surfaced in response to a July 1 piece on Solitary Watch, when CDCR sent an email requesting a correction. They said that the Warden's Advisory Group which proposed reforms to the SHU and prison gang management, was formed two months before the July 2011 hunger strike, not afterwards, as we reported.

The truth, however, is that the first hunger strike directly served as a catalyst for change, and CDCR's own documents verify that.

In a special review dated October 17, 2011, the Office of the Inspector General informed State Sen. Darrell Steinberg of its findings reviewing CDCR's response to the July hunger strike. "As a result of the July 2011 hunger strike, the department formed a Warden's Advisory Group (WAG) to review the current gang management program and to develop recommendations for improvement," the OIG reported. An internal CDCR memo further clarifies that the WAG was formed in October 2011.

In other words, the WAG wasn't formed before the July 2011 hunger strike, but "as a result" of it.

In September 2011, the hunger strike leaders issued a statement clarifying why the July hunger strike ended, and why they were set to resume strike activity. According to the strike leaders, CDCR Undersecretary of Operations Scott Kernan repeatedly promised the department intended to address their demands. While there was "vague" talk of a step-down program, nothing concrete was presented, prompting an additional hunger strike.

As it turned out, the objectives of the WAG closely mirrored the demands of the

hunger strikers: "On October 11 and 12, 2011, the group met to begin development of an improved, meaningful gang management strategy that is consistent with national standards, including: a review of validation and debriefing policies; SHU inmate programming; criteria for SHU placement, retention and release; and the improvement of inmates' due process protections in relation to gang validation and SHU placement."

Presented with this evidence, CDCR responded by email to Solitary Watch a brief statement reading, "The OIG's characterization is accurate."

As explained in a previous post, in 2007 CDCR did commission a report by staff from California State University, Sacramento to review segregation policies in other states and jurisdictions. But the report went unused until the formation of the WAG. The WAG ended up bringing the "vague" talk of a step-down program into reality, and led to the ongoing process of case-by-case reviews of all individuals in the SHU to determine the appropriateness of their isolation.

The stance by CDCR that the hunger strikes did not directly influence the department's actions doesn't surprise Taeva Shefler of California Prison Focus, a group working to end long-term isolation in California prisons.

"For them to acknowledge in any form that they did something because interracial, interfaith people from the deepest depths called for changes and 30,000 people responded...that shows there's still power from within and any admission would be a sign of weakness," said Shefler.

"On the outside, in tandem with what seems to be a developing movement against mass incarceration, we see a greater focus on torture," Shefler continued. "You see a lot of groups getting increasingly involved. You see media being created by independent groups. You see legislators taking interest."

While it may be true that, in the years before the hunger strikes, CDCR did invest some resources in considering SHU alternatives, it is also true that CDCR did not actually do anything with this information until after the hunger strikes began. What this means for dynamics between prison officials and prisoners is an interesting question, but it remains the case that the hunger strikes are what prompted reforms, not the unforced will of CDCR. ●

<http://solitarywatch.com/>

LANDMARK AGREEMENT ENDS INDETERMINATE LONG-TERM SOLITARY CONFINEMENT IN CALIFORNIA

Settlement Reached in California Class Action Suit Moves Out of SHU Those There 10 Years or Longer, Ends Solitary Purely Due to Gang Validation

On September 1, 2015, the parties have agreed on a landmark settlement in the federal class action *Ashker v. Governor of California* that will effectively end indeterminate, long-term solitary confinement in all California state prisons. Subject to court approval, the agreement will result in a dramatic reduction in the number of people in solitary across the state and a new program that could be a model for other states going forward. The class action was brought in 2012 on behalf of prisoners held in solitary confinement at the Pelican Bay prison, often without any violent conduct or serious rule infractions, often for more than a decade, and all without any meaningful process for transfer out of isolation and back to the general prison population. *Ashker* argued that California's use of prolonged solitary confinement constitutes cruel and unusual punishment and denies prisoners the right to due process.

"This settlement represents a monumental victory for prisoners and an important step toward our goal of ending solitary confinement in California, and across the country," the plaintiffs said in a joint statement. "California's agreement to abandon indeterminate SHU confinement based on gang affiliation demonstrates the power of unity and collective action. This victory was achieved by the efforts of people in prison, their families and loved ones, lawyers, and outside supporters."

"Today's victories are the result of the extraordinary organizing the prisoners managed to accomplish despite extreme conditions," said Center for Constitutional Rights President and lead attorney Jules Lobel. "This far-reaching settlement represents a major change in California's cruel and unconstitutional solitary confinement system. There is a mounting awareness across the nation of the devastating consequences of solitary – some key reforms California agreed to will hopefully be a model for other states."

When the case was filed in 2012, more than 500 prisoners had been isolated in the Security Housing Unit (SHU) at Pelican Bay for over 10 years, and 78 had been there for more than 20 years. They spent 22 ½ to 24 hours every day in a cramped,

concrete, windowless cell, and were denied telephone calls, physical contact with visitors, and vocational, recreational, and educational programming. Hundreds of other prisoners throughout California have been held in similar SHU conditions.

Today's settlement transforms California's use of solitary confinement from a status-based system to a behavior-based system; prisoners will no longer be sent to solitary based solely on gang affiliation, but rather based on infraction of specific serious rules violations. It also limits the amount of time a prisoner can spend in the Pelican Bay SHU and provides a two-year step-down program for transfer from SHU to general population.

The agreement creates a new non-solitary but high-security unit for the minority of prisoners who have been held in any SHU for more than 10 years and who have a recent serious rule violation. They will be able to interact with other prisoners, have small-group recreation and educational and vocational programming, and contact visits.

Extensive expert evidence in the case established severe physical and psychological harm among California SHU prisoners as a result of prolonged solitary confinement. Plaintiffs worked with 10 experts in the fields of psychology, neuroscience, medicine, prison security and classification, and international human rights law. The resulting reports provide an unprecedented and holistic analysis of the impact of prolonged solitary confinement on human beings and provided guidance in the construction of

the settlement reforms.

Federal Magistrate Judge Nandor Vadas will oversee these reforms for two years, a term that may be extended if the California Department of Corrections and Rehabilitation is found to be violating prisoners' constitutional rights.

Representatives of the prisoners who brought this lawsuit and plaintiffs' counsel will meet with CDCR regularly to ensure compliance. Plaintiffs' counsel will receive extensive documentation of the new policies and practices and will meet frequently with Judge Vadas to oversee the agreement.

"The seeds of this victory are in the unity of the prisoners in their peaceful hunger strike of 2011. That courageous and principled protest galvanized support on both sides of the prison walls for a legal challenge to California's use of solitary confinement," said Carol Strickman, staff attorney at Legal Services for Prisoners with Children, which is co-counsel in the case.

Ashker v. Governor of California amended an earlier lawsuit filed by Pelican Bay SHU prisoners Todd Ashker and Danny Troxell representing themselves. In addition to Legal Services for Prisoners with Children, co-counsel in the case are California Prison Focus, Siegel & Yee, Weil Gotshal & Manges LLP, Christensen O'Connor Johnson Kindness PLLC, Ellenberg & Hull, and the Law Offices of Charles Carbone. The case is before Judge Claudia Wilken in the United States District Court for the Northern District of California.

Read the settlement submission here, and a comprehensive summary of the settlement terms here. All documents in the case are on CCR's case page. Since they cannot speak from prison, CCR is making downloadable video clips from the plaintiffs' depositions available here. [URL or links not provided.]

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. ●



LETTERS

Social Activists?

So Julian, I agree with your position 100% and have no arguments at all (Rock, September Page 6). I think it's important to add though, that in evaluating the prison societies, and doing so in relation to general society, it's necessary to realize that prison communities are indeed a direct reflection of general society, as you clearly pointed out. But it's also very critical to have a good grasp of the interdependencies between all of the different social, political, economic elements of that greater social construct. The prison system itself is only one of those several elements. So it's also being able to have a more geometric understanding of the entire structure and the prisons place within it. We called prisons "institutions" and I think the definition gets lost on a lot of people. An institution is not just a building. The working definition of an "institution is "an established custom, practice, or relationship in a society." Marriage is also an institution. So is drug addiction and religion. Each is relevant only in how it affects, supports, lubricates the functionality of the entire society.

The institution of prisons in our society however, is unique in many ways, which makes the social contradictions surrounding it unique as well. Still, coming to see the system for what it is, two things should become clear. 1) As the prison system itself is a functioning part of our greater society, prison activism should be applied in direct relation to other motions in society. This was me obvious by the way things went in California (and still going in California?) The fact that the program strikes in Oregon's SHU are going on silently and ineffectively only drives this point home. 2) Any fundamental changes made in the prison system will affect some type of change in general society itself. And accepting this truth, prisoners' rights activism in motion should be designed in such a way to leverage the most impact as possible. Not only for prison societies, but in the relationship between prison societies and greater society as a whole.

"Prison activists" - even prisoners ourselves - are by route, "social activists". And as such, we shouldn't limit our scope and involvement to present issues. It's inter-relational. If prisoner movements can

find ways to incorporate environmentalism for example, into our list of concerns, it will solidify our common footings -our relevance- to the world outside of our isolated little petri dishes.

Personally, I'm only interested in prison activism in so far as the leverage it provides to affect a greater change in our larger sociopolitical construct. I'm a revolutionary first, the prisoner second, only involved in prison rights activism by default. I'm just in one. It's where I'm most effective.

Which brings me to the other point. Julian, you're absolutely right that the subject of horrors of confinement are a direct product of the objective conditions of the system. And you make a really good point about mobilizing people around those subjective needs - tedious as it is. So because of those things I suppose I'm willing to (grudgingly) forgive other people for "giving a shit" about their "subjective homers". But personally, I'm sticking to my guns. I don't give a shit. And the reason why is because I find that those who tend to let their own personal little situations get to 'em - Be they agreeable or "horrific" - usually wind up limiting themselves and their political development and involvement. Those "subject of horrors" begin to take presidents over pragmatic objectivism in the resolve to resist begins to break down.

Being a revolutionary is an inherently selfless occupation. And personally I'm a revolutionary in the most extreme sense of the word. Those are only focus on their own subjective situations tend to engage themselves only as far as their engagement affects them directly.

It's my opinion that there is no such thing as a soft or moderate revolutionary. When either is, or is not. And as such, the subject of horrors are an expected routine matter of course. A revolutionary is an agent of change under the employment of conflict. Any overwriting desire for comfort or freedom from the inflictions of one's adversary can cripple the will to keep up the struggle, especially here in the heart of the imperialist beast where some of the best among us have a constitution about as hard as a rotten banana. I've seen people break because they are sick of not having a TV. Not me my friend. Discomfort, pain, misery, even death are all perfectly natural side effects of struggle. Or to quote some book I read, "if you live by the sword, you must learn to love the sting of being cut". Nah man, I

still don't give a shit.

Joshua (Zero) Cartrette),

Whither the DRB?

I am one of the people that was sent from the Tehachapi SHU up here to the Pelican Bay SHU (with a month or so layover in Corcoran). We were supposedly sent up here to see DRB, yet thus far none of us have. In Fact there are people that have been here for many years that still haven't seen DRB and continue to be skipped over and over again on the DRB list.

I was told at my classification committee hearing that I will most likely go to my six year inactive review next year, long before I see the DRB on the case-by-case review for the SDP. So CDC is definitely not trying to get everyone's DRB reviews done in a timely fashion ... no surprise there.

We are hearing that the solitary confinement for those of us who are validated could be lowered to two years in a deal with CDCR regarding the class action lawsuit filed by the short corridor reps. So if that is true, that's a big step in our struggle, but definitely not an end to it

On another note, I wrote you over a year ago letting you know that the *Rock* newsletters you were sending me while I was at Tehachapi were not getting to me. I 602ed it and won an appeal. Tehachapi claimed they would allow them in and were not keeping them from me. They also claimed none were ever kept from me. Yet I know from your letter to me that you were indeed sending them to me. Well, I have been here in the Bay for almost five months now, and recently got two *Rock* newsletters (July and August issues) that were re-routed to me here from Tehachapi and still had my old Tehachapi address on them, so it's obvious you were sending the *Rock* to me in Tehachapi and they were just not giving them to me. The last issue of the *Rock* I received in Tehachapi was December of 2013. So they kept a lot of them from me and were doing the same thing to others there as well.

Anyways, I am glad to receive the *Rock* again and hope to continue to do so. I am enclosing a few more stamps and will send more when I can. You and Mark keep the *Rock* rollin'. We appreciate it. You guys take care and to hell with this fake ass step down program sham!

Danny Boy Cisneros

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 *Rock* mail to this newsletter's return address (below). Anything for publication in *Prison Focus* can be sent either to me or to CPF in Oakland.

Shout Out Box

Shouting out to
Manuel Martinez
at PBSP who donated
60 forever stamps.

Rock On Manuel!

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On Jailhouse Lawyers

"...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.

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