



# PRISON FOCUS

Number 62

A Belated Black August 2021

A Collective Curriculum

## FROM GEORGE JACKSON TO GEORGE FLOYD POLICE BRUTALITY INSIDE & OUT

Emancipate yourselves from mental slavery.  
None but ourselves can free our mind.  
How long shall they kill our prophets  
While we stand aside and look?

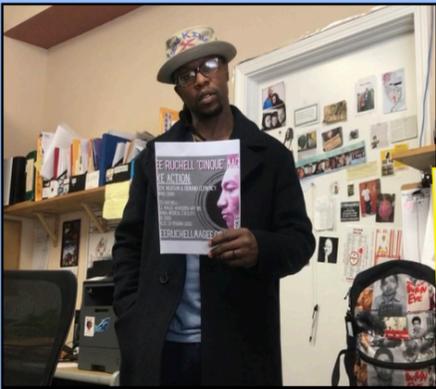


**A Culture of Violence  
Coming from the Top Down**  
In 2017, an FBI Intelligence Assessment titled **"Black Identity Extremists Likely Motivated to Target Law Enforcement Officers"** was disseminated to 18,000 law enforcement agencies across the country. When you know the facts, it's not a mystery. pg. 13

Won't you help to sing  
These songs of FREEDOM? Bob

**George Jackson of RAPP Locked Up For His Opinion. But They Couldn't Stop Black August**

In July he was exercising his First Amendment Rights. Two weeks later he was in jail for it, then fighting for his life. Today, he's been vaccinated and he tells his family, friends and fellow activists to **KEEP ON FIGHTING!**" pg. 11



Extremeley Pye Pg. 14

HUNGER STRIKING FOR TRUE FREEDOM TOUR PRESENTS:  
**REMEMBERING GEORGE JACKSON ARTS AND CULTURE DEMO** AUGUST 21, 2021  
MEET AT LARKSPUR FERRY TERMINAL AT 10AM  
ENDORSED BY: K.A.S.E. Cousin P

CALIFORNIA MEDICAL FACILITY INVESTIGATIVE SERVICES UNIT  
NATURE OF INVESTIGATION: Extremism & Radicalization Activity: Protest of CMF Inmate  
INVESTIGATING OFFICER(S): [REDACTED]  
SUSPECT NAME: [REDACTED]  
MAGEE, RUCHELL  
RECEIVED IN-CASE: 8/31/1965  
RECEIVED AT CMF: 01/09/2020  
COMMITMENT OFFENSE: Kidnap/Robbery/Ransom (Life)  
CINQUE

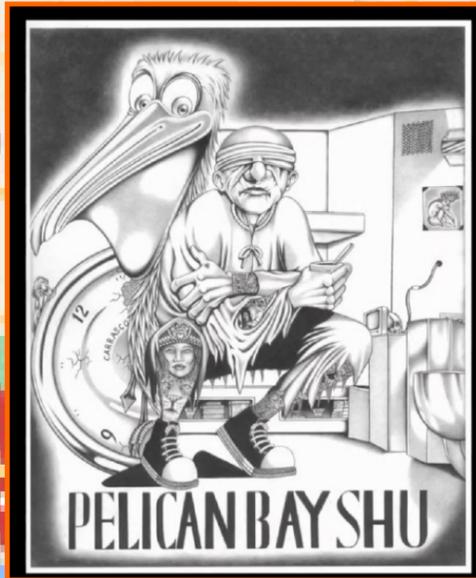
**"Black Identity Extremism"**

**"Security Threat Group II Black Panther Party..."**

Images of Ruchell Magree and Louis Powell. Text: "It Puts Food on Their Table. And It Is Wrong. Pg. 14"



"It's is for all of us. If you've harmed someone, you have to do things to become healthy and whole. That's what the case for reparations, for me, is all about - it's about how a society heals from injustice." Bryan Stevenson, Equal Justice Initiative



Excessive use of force has brutal consequences for Southern Hispanics at Pelican Bay State Prison. PBSP Incident Report, May 24, 2017: The Aftermath pg. 2

**A Petition for Institutional Restitution pg. 6**

Challenge the BPH at every turn. Pg. 29

# Excessive Use of Force has Brutal Consequences for Southern Hispanics Confined at PBSP

## California Prison Incident Report • Pelican Bay State Prison, May 24, 2017

### Introduction

On the morning of May 24, 2017, a fistfight took place between two men in the B Facility maximum-security general population yard #3 at Pelican Bay State Prison (PBSP). Correctional officers responded with force, which triggered a reaction by incarcerated men and a counter-reaction by other officers, including the use of firearms. Seven prisoners and eight staff members were sent to outside hospitals. Shortly after the incident, 107 men<sup>1</sup> were transferred from general population to Administrative Segregation Units, a type of solitary confinement, where many remained for months or years. This number ultimately reached 130 detained prisoners, all of whom were charged administratively with attempted murder. All 130 were also referred to the local District Attorney's office for consideration of criminal prosecution for attempted murder. Ultimately, in 2019 and 2020, the DA's office elected to charge only 11 men, and they were charged with felony torture, mayhem, assault and/or battery.

In the weeks after the incident, California Prison Focus received multiple letters from men who were on B Yard at the time of the incident. In response, CPF conducted an investigative prison visit five months later, interviewing eight men at PBSP who were present on B yard at the time of the incident. Legal Services for Prisoners with Children also received letters and conducted interviews. In November 2019 and May 2021, CPF and LSPC sent a 12-question survey to 97 men who had been put in restrictive housing. 21 completed surveys were returned.

The prisoner accounts of this incident concur with each other regarding the basic facts of the incident, and together contradict the official narrative put out by CDCR. This incident and its aftermath are significant, not because it is unusually egregious, but because it exemplifies guard brutality, overuse of segregation and propagation of false narratives by CDCR.

While CDCR<sup>2</sup> initially outwardly<sup>3</sup> speculated<sup>4</sup> about whether the attack was planned, it eventually confirmed what the incarcerated men were saying all along -- that the incident was not premeditated. However, it is their original messaging that got the media attention, and which ultimately impacts public opinion, as well as voting and legislative outcomes. That the incident lasted a mere two minutes has largely been unreported.

This report provides further details and analysis of that incident. The names of interviewees, survey participants and correspondents have been withheld to safeguard them against retaliation by prison authorities.

### Pelican Bay State Prison

Pelican Bay State Prison (PBSP) opened in 1989. It is a maximum-security facility located in Del Norte County, California. About half of the prison was designed to hold Level IV (maximum security) inmates in a General Population (GP) environment with outside group exercise yards (A and B Facilities). The other half of the prison contains an X-shaped cluster of buildings designated as the Security Housing Unit, or SHU, designed to isolate individuals from the rest of the prison population in 8-by-10-foot windowless cells for 23 hours a day (C and D Facilities).

In 2011, and again in 2013, statewide prisoner hunger strikes originating from the PB SHU protested long-term indefinite solitary confinement. The strikes led to prison reforms and a lawsuit settlement, which resulted in the release of around 2500 prisoners from SHUs to General Population. Half of the PBSP SHU was emptied and abandoned - at least temporarily.

### The Incident

#### A. Initial media reports

While several media outlets reported on the incident, coverage was one-sided and light. The LA Times article was less than 200 words. Stories relied entirely on statements from CDCR officials, boosting their narrative that the people locked up at Pelican Bay State Prison are the "worse of the worst" -- violent, irredeemable men who present an ongoing threat to CDCR officials, justifying increased employee compensation and annual budget increases.

Published accounts of the incident focused on the injuries suffered by guards and on prisoner violence. Stories included catch phrases like, "attack on guards" and "prisoner riot."

1 Los Angeles Times, California Guards and Inmates are Recovering After a Mass Attack, May 25, 2017. <https://www.latimes.com/local/lanow/la-me-prison-violence-20170525-story.html>

2 CDCR, Pelican Bay State Prison Investigating Attack on Officers, May 24, 2017. <https://web.archive.org/web/20200830052134/https://www.cdcr.ca.gov/news/2017/05/24/pelican-bay-state-prison-investigating-attack-on-officers/>

3 The Press Democrat, Mass Attack Injures 8 Guards, 7 Inmates at Pelican Bay State Prison, <https://www.pressdemocrat.com/article/news/mass-attack-injures-8-guards-7-inmates-at-pelican-bay-state-prison/?sba=AAS>

4 See footnote 1.



Art by Jason Lopez

Outlets repeated CDCR's unsubstantiated speculation that the incident may have been gang-related or premeditated, implying that the prisoners initiated the incident. ABC promoted that narrative, stating that the guards had been "ambushed."

LA Times, May 24, 2017: "A fight between two inmates quickly raged out of control and required live ammunition to stop, correctional officers said."

ABC News, May 24, 2017: "Officials tell us... guards were forced to use their guns to gain control."

Northcoast Journal, May 24, 2017 [headline]: "Pelican Bay Inmates Shot After Attacking Staff."

"We're unsure of what sparked the riot. We're still trying to put the pieces together. We're not sure yet if it was premeditated or gang-related. It was very scary." Lieutenant Jessica Berg from Pelican Bay State Prison, speaking to ABC News.

While CDCR floated speculations of premeditation to the media, it ultimately concluded that there was no evidence of premeditation related to any aspect of the May 2017 incident at PBSP, a fact that did not make it into media reports.

#### B. CDCR's version of the incident

The press release, disciplinary reports (RVRs), and officer witness statements document CDCR's version of this incident. In a nutshell, they emphasize the injuries suffered by eight correctional officers and offer no reason why this assault on officers occurred.

RVRs briefly describe the initial fist fight and the officers' response. Without identifying which officer did what, the RVR states: "Chemical agents were deployed, followed by baton strikes and then physical force, ultimately pulling the inmates apart." Later court testimony reveals that the initial use of force against these two men was to shoot one of them in the leg with a hard foam round. Court testimony described the specific acts performed by the first six officers (Avila, Chavez, Franz, Hicks, Molina, and Mount) who got involved in breaking up the fight. This part of the incident lasted 30 seconds, according to video footage.

Then, "for approximately two full minutes, from the time [they] rose up until they finally got down," a large number of other prisoners ran from nearby yards 1 and 2 towards the area of the fight. Some of them assaulted these and other officers. The press release reported that officers in armed posts fired a total of 19 .223 caliber rounds from their mini-14 semi-automatic Ruger rifles. A fourth officer fired a total of three 40-millimeter direct impact rounds of hard plastic-like foam. In court and in disciplinary hearings, authorities have asserted that the men who were shot were the intentional targets of the gunners, who aimed into groups of ten to 20 incarcerated men who were physically attacking an officer.

The injuries suffered by the officers are well documented in the reports and court testimony. In stark contrast, the details about injuries to the incarcerated men are obscured. The press release stated that seven prisoners were taken to outside hospitals, and that five of them had gunshot wounds. CDCR justifies these injuries as being necessary to protect officers' lives.

Following a Security Threat Group (STG) investigation, CDCR determined that "the attack was an unplanned event without the formal authorization of the Mexican Mafia members. Instead, the attack was an un-orchestrated reaction by the Sureño/Southern Hispanic/Paisa population to a perceived excessive use of force."

Nevertheless, CDCR considered the assaults to have a nexus (connection) with an STG (formerly called prison

gangs) based on its view that the incarcerated Sureños/Southern Hispanics/Paisas "operated as a single entity." From this observation, it concluded that "simply moving toward the officers constituted behavior that 'promotes, furthers, or assists an STG.'"

Although CDCR concluded that the assault was a reaction to a "perceived excessive use of force" by its staff, nowhere does CDCR acknowledge that excessive force was used, or that it accepts any responsibility for the injuries to the officers or the prisoners that day.

#### C. Reports of the Incarcerated Men

The prisoners highlight the excessive violence C/Os used against the two original combatants. This brutality caused a spontaneous reaction among many Southerners on B yard to run towards the abusive conduct in an attempt to stop it. The targeted shootings were indiscriminate and reckless. CDCR elected to prosecute all Southerners, whether involved or not, and for trivial movements. Some from other ethnicities took comparable minor actions but were not held accountable. CDCR intentionally characterized this incident as gang-related for its own strategic purposes.

##### 1. Excessive use of force on the two fighters

Across the board, survey respondents and interviewees described in detail guards' excessive use of force in breaking up the initial fight:

"I heard the alarm, looked around, heard a teargas bomb go off, saw 2 guys fighting in the smoke. I proned out and saw the 2 guys fall to the ground, wrestling. No weapons, just a fist fight. 3 officers came up, took out their batons, and began to beat the men on the ground violently. A 4th officer told them to stop, to use pepper spray and physically separate them. He said, 'Stop! Spray 'em and pull 'em apart!' One officer started to drag on the arm of one of the guys. The other 2 C/O's kept beating them." Correspondent.

"Two inmates were wrestling. Guards battered them inmates." Survey Respondent.

"I was at yard exercising when I heard the alarm. I prone out and saw officers approach two inmates who appeared to be fighting. They threw one gas grenade; then pulled batons and hit the inmates repeatedly." Survey Respondent.

"On the #3 yard, two inmates engaged in a scuffle. Immediately the yard was ordered to prone out, which all noninvolved complied. As we proned out, Housing Unit #5 discharged a rubber round and almost simultaneously two OC grenades were tossed at them from quite a distance by staff who were responding to the incident at full speed. The two inmates were not throwing punches; rather had a hold of each other's arms. They stumbled to the floor as white OC smoke engulfed them and the responders. As the C/Os (five to six) closed in without hesitation, [they] didn't attempt to pull these two apart, they began using powerful downward strikes.... Numerous inmates began rising to their feet, especially on the other yards (#1 and #2). The tower(s) shouted through the intercom system to get down and, instead of the C/Os battering the two inmates pausing to see what was going on, they just continued." Correspondent.

"I'd like to be perfectly clear, these inmates didn't possess any weapons.... The officers aggressively and unnecessarily began beating with CDCR's standard-issued metal batons, which the guards refer to as 'Nigger Sticks.'" Correspondent.

In summary, one officer shot one of the initial combatants with a rubber bullet in the leg. Then multiple other officers deployed chemical agents (tear gas and/or pepper spray) on the two men. Next, the officers beat the men with their Monadnock expandable batons. Only after these measures failed did the officers pull the men apart. Still, CDCR refused to acknowledge the excessiveness of this response to a weaponless brawl between two prisoners.

"I was once involved in a fistfight with another inmate. Correctional officers did not use physical force on us... and that was the end of it." Survey Respondent.

##### 2. Spontaneous response

The prisoners' reports all indicate that prisoners acted in response to the beatings being inflicted on the initial two prisoners. It was an unplanned spontaneous reaction.

"The C/Os were repeatedly striking the one who was already on the ground.... As the seconds passed there was the realization that if this assault by the C/Os was not stopped, the inmate might not survive, which resulted in many inmates rising to defend [him]...." Survey Respondent.

"We seen from afar. The C/Os were striking the two inmates with their batons with force. After we seen them strike several times, inmates did go over there to try and stop or prevent the C/Os from striking anymore." Survey Respondent.

# REBOOT

Dear Prison Focus,

I hope you are all safe and healthy. We all now live with covid-19 and ongoing social unrest, with a lot of uncertainty and unanswered questions.

Personally, I believe that this will lead to a shift in our global perspective and long overdue changes in the way we all live and treat others. As a lifer (LWOP), who has always lived with hope, maybe we can use this time to rebuild, rethink, and reboot our entire way of interacting with all. Take care, Scotty D. (Corcoran State Prison)

## A massive shift is happening

...I think that despite the behavior of the loud and the ignorant, white supremacy is on the decline. Patriarchy has had its day. I believe we are in a transition period to how things are going to be moving forward. We are experiencing a massive shift between how our world was and how it could be. 'Politik Girl' on TikTok

## END Life and Death Sentences in California

End Indeterminate Sentencing  
DROP LWOP

### CA PRISON POPULATION ON THE RISE AGAIN

"While overcrowding has lessened in the past year and a half due to a large decline in the prison population, it is still a widespread problem. All but two prisons were at or over capacity in March 2020. Last month (June 2021), 21 prisons were at or over capacity, with five near 150% capacity. And although California's prison population is still historically low, it has begun to rebound, with 5,600 more people incarcerated today than in January." Heather Harris, Joseph Hayes, Public Policy Institute of California, July 15, 2021 Blog Post.

**Incarcerated people and their loved ones and advocates outside the walls plea with members of the public to speak call their legislators, pay attention to relevant legislation and vote!**

- Lifers pose less than 1% risk of recidivism<sup>1</sup>
- California's 3-year recidivism rate is at 66%<sup>2</sup>.
- Black and Brown people make up approximately 42% of California's population, but account for more than 70% of prisoners serving life sentences. ("Lifers")<sup>3</sup>
- Why was lifer Ruchelle MaGee denied parole?  
(Read more about it in PF Issue 63)

1 April 30, 2020, *New Study Finds 1% Recidivism Rate Among Released Philly Juvenile Lifers*, Montclair State University Press

2 September 2013, "Development of the CSRA: Recidivism Risk Prediction in the CDCR", UCIrvine: Ctr for Ev.-Based Corrections

3. Californians United for a Responsible Budget, The People's Plan for Prison Closure.

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ISSUE NO. 62

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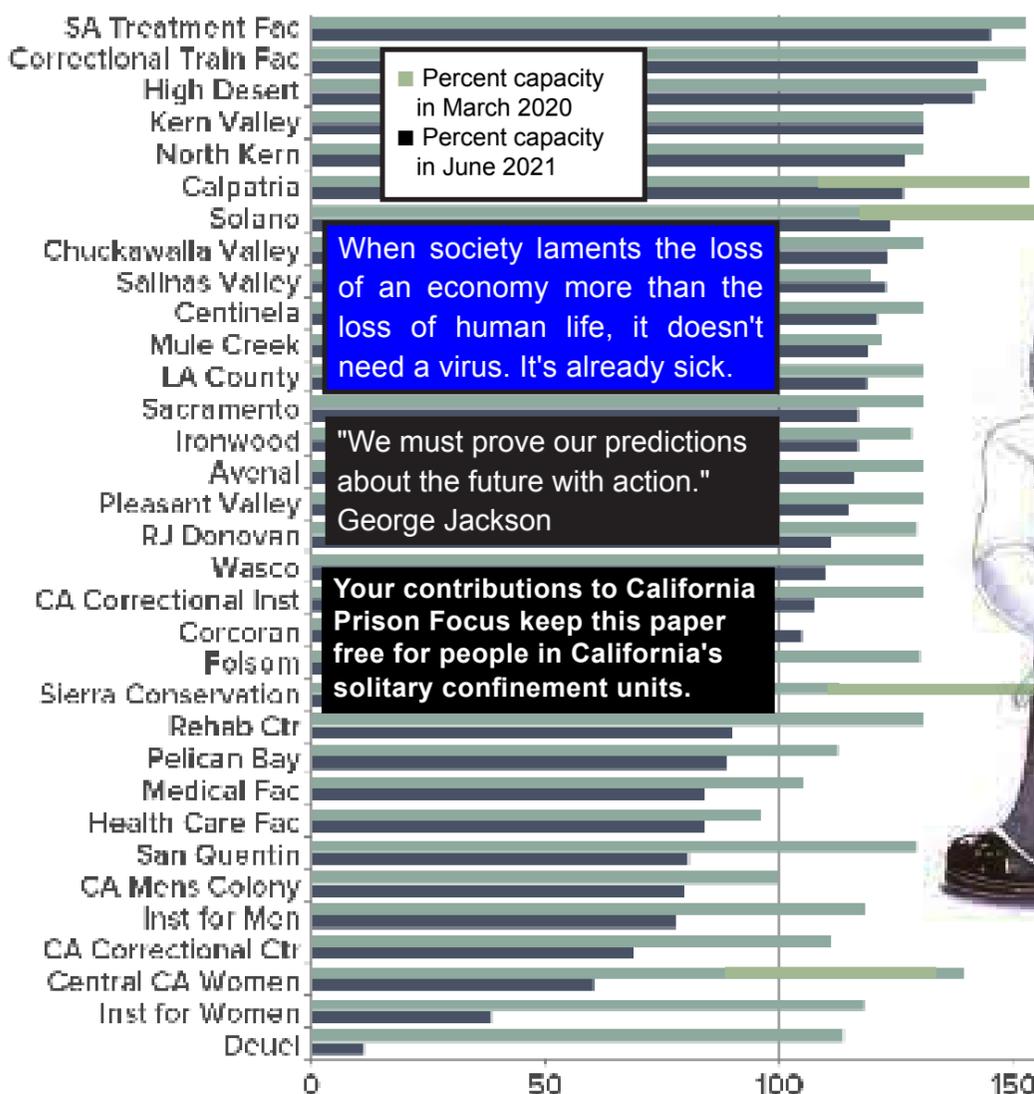
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## LIFE AND DEATH SENTENCES ARE EXTREME. END THEM

The likelihood a person will commit serious crimes declines with age yet in 2015, over 16,826 people in California state prisons were over 55 years old, and the number remains high today. Older adults are at greater risk for complications from COVID-19, which threatens to turn their prison sentences into death sentences.

### Liberate Our Caged Elders!

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Chief Edi



When society laments the loss of an economy more than the loss of human life, it doesn't need a virus. It's already sick.

"We must prove our predictions about the future with action."  
George Jackson

Your contributions to California Prison Focus keep this paper free for people in California's solitary confinement units.

# INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

## A War Against the People

Insight by Todd Ashker

*"In the fell clutch of circumstance I have not winced nor cried aloud under the bludgeonings of chance. My head is bloody, but unbowed..."* William Ernest

November 2020

Greetings of solidarity and respect to all who continue to 'fight for what's right,' actively participating in the Prisoner Human Rights Movement. We each do our part to keep our movement moving forwards in progressive ways, for the benefit of the Whole. Taking heart from the knowledge that even on the darkest days we are never alone, nor powerless. Our demonstrated power has been, and remains, in our collective unity - fighting for human rights, dignity, and freedom. And, there's no doubt in my mind that all who are committed to the cause remain strong in the ways that matter.

I was a member of the "PBSP-SHU, Short Corridor ...Collective" ...leading the three non-violent, peaceful Mass Hunger Strike protests - by our 'participatory' examples; and authoring numerous articles for the express purpose of helping to educate and expose CDCr's subjection of thousands of prisoners to decades of state sanctioned torture via indefinite solitary confinement.

I am also one of the co-authors and co-signees of the historic August 2012, Agreement To End Hostilities - resulting in a decline of Statewide CDCr violence, despite of prisonrats refusal to acknowledge, or assist in such positive reform efforts.

CDCr, acting in league with the The California Correctional Peace Officers Association (CCPOA), has a history of seeing prisoners as the 'enemy' in the 'War against The People.' Demonizing prisoners as 'less than human' thereby enabling prisonrats to act with impunity when it comes to the treatment of prisoners. There are ample examples of the state using prisoners as experimental test subjects, without our knowledge or consent.

### **CDCr fails to comply with its legislative mandate - which is that of public safety; safe & secure institutions, and rehabilitation of prisoners**

I am referring here to the 'evidence based' fact that 30-40 years of consistently high recidivism rates, prove CDCr's policies & practices are a failure. Following are some examples of human rights violations committed by CDCr:

- Subjected thousands of prisoners to more than three decades of state sanctioned torture based on 'status' based "Indefinite Solitary Confinement (SHU),"... until "you parole, die, or debrief."

### **The intent being to break people - period.**

During an October 2017, 60 Minutes interview, former CDC Secretary Kernan, publically acknowledged that this policy "was a mistake" because "solitary confinement drives men mad." Despite of this public admission, the State has persisted in fighting any/all reform measures related to the *Ashker, et al., v Newsom, et al.*, September 2015, Settlement Agreement.

- California lawmakers ride on the rethorical "Tough-On-Crime" propoganda band wagon, Inclusive of the billions of dollars for CDCr to build 23+ prisons, between 1983 and 2005, amounting to tens-of-thousands of cells, in what remain, to this day, as massive human warehouses of pain. Demonstrated by the lack of adequate space for the majority of prisoners to be able to participate in meaningful activity such as (work, education, vocation, and rehabilitation);

- CDCr has operated its entire system with Constitutionally deficient medical and mental health care for decades, at the cost of hundreds (or thousands) of lives from preventable deaths, caused by medical neglect and suicides. In the landmark Federal Court Rulings, and related U.S. Supreme Court ruling issued on May, 2011, in case, *Brown, Gov of California, et. al v. Plata*, which includes the fact that the Federal Courts were compelled to intervene in response to CDCr's blatant violations of more than 70 Federal Court Remedial Orders, between 1990 and 2006.

- CDCr's policy and practice of subjecting countless women prisoners seeking contraception, and other types of medical care to permanent sterilization without their knowledge, or consent.

*"Torturers must never be allowed to get away with their crimes, and systems that enable torture should be dismantled or transformed."*

UN Secretary-General  
António Guterres

**The U.S. Prison System is a Crime Against Humanity.**

## CDCR has Blood on its hands

The United Nations International Day in Support of Victims of Torture is an international observance held annually, on June 26, to speak out against the crime of torture and to honour and support victims and survivors throughout the world. The United Nations has repeatedly acknowledged the important role played by non-governmental organizations (NGOs) in the fight against torture.

In November 2014, California Prison Focus (CPF), Center for Constitutional Rights (CCR) and Legal Services for Prisoners with Children (LSPC) submitted a report to the United Nations Committee on the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

In addition, CCR and the Ashker Litigation Team which included members from both CPF and LSPC, filed the federal class action lawsuit, *Ashker et al. v. Brown*, which is still being litigated (See pg. 7). The lawsuit challenges the constitutionality of prolonged solitary confinement at California's Pelican Bay Security Housing Unit (SHU). Class members include hundreds of prisoners who had been held in solitary confinement for a decade or more, and who had been placed into indefinite SHU confinement as a result of allegations of gang membership or association.

The UN's definition of torture, adopted in 1984, includes: "Any act by which severe pain or suffering, whether physical or mental is intentionally inflicted on a person, for such purposes as obtaining information, punishing him or intimidating him." UN standard minimum rules for treatment of prisoners states that corporal punishment, and all inhumane, and degrading punishments shall be completely prohibited, and that restraint and prolonged solitary confinement shall never be applied as punishment." The Mandela Rules, updated in 2015, are a revised minimum standard of UN rules that defines solitary confinement as "the confinement of prisoners for 22 hours or more a day without meaningful human contact" and that "solitary confinement of more than 15 consecutive days is regarded as a form of torture. That is the international standard which California continues to violate.

### **CPF supports prisoners' calls for the acknowledgement, redress and reparation of the torture against the individuals who were held in prolonged solitary confinement in California SHU for decades, starting with the California Prison Hunger Strikers.**

Survivors should receive, first and foremost, the opportunity to demonstrate their readiness to return to their families and communities, in an expedited fashion that reflects the gravity of the human rights violations that have been committed against them while in custody of California Department of Corrections and Rehabilitation.

## Who really is the Worse of the Worst?

By Alfred Sandoval

For years I was labeled as one of the CDCr's worse of the worst. I was housed in Security Units, Ad-Seg's and even among mentally ill prisoners for isolation purposes.

Now that I have been out in the general population for almost five years, I decided to write this and ask the question, Who really is the worse of the worst?

In April 2016, I was released to the General Population (GP) at Pelican Bay State Prison (PBSP) after more than 30 years in a SHU (solitary confinement). One of the first things that I noticed was the blatant disrespect and dehumanizing treatment of prisoners by the correctional officers (COs) - members of the California Correctional Peace Officers Association (CCPOA).

Within the first few days I was told that when an alarm goes off all the prisoners must "prone out" on the ground. To prone out you must lay face down with your arms out above your head. It doesn't matter if it's muddy or crap on the ground, you must get down.

About a month later, I was on my way to school when an alarm went off. Luckily I was on a piece of concrete so I proned out and saw a youngster that had just arrived still standing, looking around not knowing what to do. A sergeant began running toward the youngster and yelling from approximately 10 yards away to "get the fuck down!" which the youngster did. When the guard reached the youngster, he stood over him looking as if he were going to piss on him. He continued yelling at the top of his lungs cussing out the young man out, who asked "what did I do?"

The sergeant yelled, "When you hear an alarm, you get down on your belly!"

When the youngster asked why, he was told, "Because that's what maggots do!"

### **That mentality is still how prisoners at Pelican Bay State Prison are treated to this day. We are not considered human beings, we are hearded like animals and disrespected by the good ol' boys that have always been here.**

Despite the progressive Warden who wants more positive and productive programs, the ol' school bigots are still here. When prisoners try to program and have functions with free people, there are CCPOA members (the guard's union) openly calling the prisoners "pussies" for programming.

I was trying to figure out how to write a fair piece about this place because there are some decent respectable guards, but those ones are routinely ridiculed and called "inmate lovers" by their fellow employee's and those in charge.

Lately some of the CCPOA members have been commenting on how PBSP should "get back to the way it used to be". I find that amusing because many of them were not even born when I came into the system. So I have to ask, how far back do these correctional officers want to go? Back to the days when a Black mentally ill prisoner could get his skin boiled off and the good ol' boys would not report it? Or maybe they want to go back to the days of Flowers and Garcia, who were convicted of orchestrating murders and assaults of prisoners.

Of course the Union put out statements saving these were rogue CCPOA members, calling them "isolated incidents". The Gladiator Fights, the hundreds of beatings of handcuffed prisoners, the orchestrated riots... Were all these isolated incidents of rogue CCPOA members? Or maybe, just maybe, you have some strange flowers in your garden. As the saying goes, the apple does not fall far from the tree. Everyone of these guards were "professionally trained" at your academy.

**So who really is the 'Worse of the Worst'?**

• CDCr's January 1987, combined policies known as the, "No warning shot policy" and the intergration of prison yards, after nearly 15 years of segregation due to deadly violence amongst rival groups; (See Prison Focus archives) These policies predictably resulted in deadly violence, exacerbated by CDCr's rank and file's set-ups. They resulted in at least 39 murders of prisoners by guards using highpower assault rifles; and permanent - severely disabling injuries to hundreds of additional prisoners. (this occurred between 1987 and 1995; and is notable for the admission by a top CDCr Administrator that they knew these policies were going to result in dealy violence and deaths, but they believed their 'experiment' might work because, if prisoners wanted to enjoy their only opportunity for outside exercise without being shot, they would learn to get along. (Diggs' testimony was that "this was a failed experiment." U.S.D.C.-E.D. Cal., Sacramento Trial, 1994.

All of the above support the p&osition the state and CDCr system lacks accountability when it comes to Prisoners Human Rights Violations. Their policies endanger public safety. CDCr's policies and practices make the institutions unsafe/unsecure and rehabilitation impossible. Their policies endanger public safety. There is no possibility for CDCR to successfully carry out the public safety mandate.

For what it's worth, with all of the above in mind, I am hoping that the Covid-19 pandemic crisis will be recognized for being a prime opportunity to do some major good deeds - beneficial to all involved....

**Editors Note:** Todd remains in solitary confinement at Kern Valley State Prison and has a still-active lawsuit challenging that placement. He has been incarcerated since 1985 and eligible for parole since 2005.

## WE AIN'T WAIT YOU KEEP SAYING



*They say they convict you for a crime but they don't. They enslave you. "I just want to help people. I've been here so long they don't even want me to help people.*

*I did something good. I helped stop the violence in prison. When we filed that suit there was three major people. I represented Blacks.*

***"We stopped racial violence. CDC couldn't do it. The Board couldn't do it. We did it ourselves. So they should recognize that. We put our lives on the line when we did that hunger strike just to prove a point, that we ain't about what you all keep on saying."***

People want to warehouse us and not look at the person. I'm a person too. Just a perfect example. I've been in here so long they don't even want me to help people.

The Community Release Board is the best thing going. Instead we got a godlike board. Gov. Newsom should merge that into society."

**Sitawa Nantambu Jamaa (Survived 34 yrs of torture in solitary confinement)**



San Quentin, Sisia's Survival Day, November 11, 1979

## HUNGER STRIKING FOR TRUE FREEDOM

By Louis Powell

**O**n this Tenth Anniversary, when I look back at the historical hunger strike of July 2011, I think about the question that was on the minds of the California Hunger Strike representative body. Will the sacrifice by starvation lead to death for some? What was known for certain, the indefinite solitary confinement class were in desperate circumstances. Years and decades of sensory isolation had led to numerous deprivations with no relief beside parole, debrief or die. Parole was out of play, the California paroling authority had never in its long history ever found a single prisoner suitable for parole while under solitary confinement. Hundreds of prisoners had succumbed to debriefing for relief, and many others went into temporary or permanent insanity, and too many died as a result of untreated chronic health problems.

Prisoners inside the solitary confinement units at Pelican Bay and Corcoran State Prisons had become the residue of the last standing of the mental/physical/tetttutkel mental & physical torture. The entire solitary confinement class throughout California's prisons and jails were push beyond their human limits of endurance. It was decided, and it was understood that hunger striking for true freedom require a struggle to the death under our own terms.

Inside the solitary confinement unit of Pelican Bay State Prison. I was preparing myself for a long protractive hunger strike. I was one of four representative for the black racial class (each racial class had a team of four representative). I was selected to the representative team for having a social conscious as well as foresight in understanding the coming phenomenon. I was designated for strategic reason in not engaging in starvation. I would be the observer of the physiological needs and the psychological effects of that starvation may have on the main representative who would lead the negotiation. While they where in a state of starvation, of course there would be a slow down of the thought process of some or all, resulting in the loss of concrete thinking. I wouldn't be under the effects of starvation, I would remain in a clear state of awareness in order to intervene, if it became necessary to protect the class interest. I did bear witness to the effects of starvation of the representative body. All of the rep's were under fatigue, severe weight loss, they had died up the dried up appearance as their skeleton was becoming visible. Many were suffering from thought deprivation, and some had become susceptible to disease that would eventually shorten their longevity.

I believed that a protractive well-organized hunger strike would naturally incite the voluntary participation of an unimaginable number of prisoners at each step of the way. There would be three historical step forward. The first historical step taken, it started off with the participation of six thousand hunger strikers, and the second historical step taken would double to twelve thousand hunger strikers.

Even with twelve thousand hunger striker at play, the hardline prisoncrats wouldn't negotiate under good faith. They really didn't have a clue about the hunger strike being well organized with contingency plans in place that would bring prison commerce to a complete standstill by prisoners in the thousand refusing to eat, the prisoncrats would use an out dated 1960's playbook that called for putting on the appearance of negotiation while using tactics of attrition to weaken resistance by way of:

\* Agree to the demands in which to stop the hunger strike from going forward, and then renege on the promises made.

\* Utilizing racial divide and conquer tactics.

\* Bad jacketing the reputation of honorable individuals of the representative body.

\* The relocating the representative body to another isolated section of the prison.

\* To feed the media disinformation and about the hunger strike.

\* To keep the representative body in a state of incommunicado. (A news blackout, all incoming mail including legal mail to be withheld, no television or radio.)

Prevent the rep's from receiving any information regarding the status of the hunger strike.

\* Manipulating opportunistic prisoners in an attempt to usurp control away from the representative body while they are under incommunicado status.

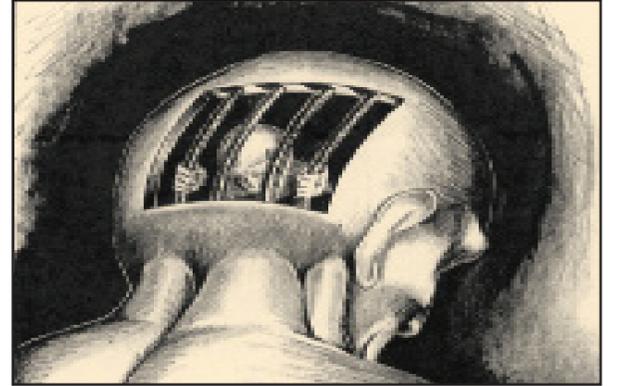
During the preparation stage for the massive hunger strike, the representative body strategized around countering the CDCR 1960's playbook to break resistance. Even at the onset of the hunger strike planning, a secondard representative body was prepared to step in to protect the class interest.

Just prior to taking the historical third step of the hunger strike. It was agreed upon that this final step, that the representative body was mentally prepared to undergo the forced feeding tube if the CDCR wish to save lives. Thirty thousand California prisoners would take the third step forward into hunger striking, it was phenomenal. The

prisoncrats were under pressure from public sentiment to enter into a settlement with the hunger strikers. Numerous of other state prisoncrats wanted California prisoncrats to resolve the matter of the hunger strike because a domino effect had occurred leading to prisoners throughout the United States to wage hunger strike resistance against inhuman prison condition.

The California prisoncrats agreed to end indefinite solitary confinement, and other amenities was forthcoming. Within several years of leaving solitary confinement, a number of prisoners were found suitable for parole, Thousand of prisoners were placed in the general population of prisons, and of course hundreds of participants of the hunger strike are still reaping retaliatory treatment from paroling authority. And too many have die from health problems that went untreated for years.

The struggle for true freedom continues, Forward Forever.



## Just Imagine...

By Paul Sangu Jones, October 2011

**"The SHU causes physical and psychological trauma whose end result is a hammer blow to the mind and to the body." Paul Sangu Jones**

**I** imagine what it's like to be in PBSP SHU short corridor where conditions are considered ghastly, sordid, horrible, and depressing in the extreme. But not a violation of prisoners' constitutional rights by the courts because such conditions are deemed necessary for security reasons. Imagine what other abuses of our rights are possible when security is the highest priority, and you can start to figure out what it means to be a prisoner in PBSP SHU short corridor, an area whose very existence violates principles of international law and human rights.

Prison officials prefer prisoners who act like mindless idiots instead of conscious individuals and they go out of their way to harass or even mentally torture those who resist. Meanwhile SHU prisoners who have been locked up for ten to forty years administratively do not have access to good education or mental stimulation, are separated from our families and loved ones, and in a dehumanizing environment do not receive emotional support. We aren't allowed phone calls, can't take pictures, no contact.

Short corridor prisoners are constantly bombarded with the message that we are prisoners and gang members, but we do not receive resources to rehabilitate ourselves.

**SHU prisoners who experience personal growth while in the short corridor do it despite SHU, not because of it.**

We want you to realize that we are human beings who are being oppressed at Pelican Bay State Prison. Prison guards go all out to destroy politicized conscious groups, [yet] they allow racist gangs to thrive...

**They lock up so-called gang leaders but the gang structure itself, and the racist microcosm of culture that gives rise to it, are left in tact.**



PJ, exactly where he should be. With his family.

# A PETITION FOR INSTITUTIONAL-RESTITUTION



**Acknowledge the Harm Done**

*"When we commit ourselves to a cycle of repair in America, we build a healing society in real time... We have a shared stake in repair"* Liberation Ventures

**Give them the opportunity to go Home**

## Preamble

We understand that Prisoners from all racial/cultural backgrounds were victimized by the California Department of Corrections (CDCr) long term Solitary Confinement/Isolation campaign, and by no means will we ever diminish their unjust suffering, but we represent a class of New Afrikan political Prisoners who have been fighting this fight since the 1960s when no one else was, and they have sacrificed more to this prison struggle than anyone. Their leading roles in the Hunger Strikes and Campaign to shut down the Control Unit Prison/Security Housing Unit (SHU) (i.e. solitary Confinement) is just another example of their collective effort and consistent dedication and commitment towards combatting racial oppression/persecution, not to mention fascism. We ask of you to understand our campaign, and the integrity of our intentions. This Petition for Institutional Restitution is designed to bring Justice to those New Afrikan imprisoned activists who have been persecuted and tortured for their political beliefs and activities since the 1960s, if they don't deserve to be compensated, then who does? These Brothers have sacrificed their lives to this just cause for the last 60 years.

**This Petition for Institutional-Restitution is designed to bring justice to those New Afrikan imprisoned activists who have been persecuted for their political beliefs and activities since the 1960s,**

## SUPPORT OUR CALL FOR JUSTICE

The following is what we believe to be a just, fair, and reasonable request for the inhumane treatment that many New Afrikan Politically Active Prisoners were subjected to on a regular basis while they were being held in Solitary Confinement/Isolation both at Pelican Bay and Corcoran State Prisons.

The Amerikan Judicial System strongly claims that they believe in the full restoration of those who have been victimized unjustly, and being in prison does not negate the rights of Prisoners to receive restorative justice from a system that has (and continues to) commit crimes against

them (us) under the manufactured cloak of combatting prison-gangs. Via the Ashker v. Government settlement the Prisoner-Class proved their case beyond a reasonable doubt; even the Judge in this matter had strongly recommended that the CDCr and Government settle this matter out-of-court.

### Restorative Justice Request

1. While spending decades in Solitary Confinement/Isolation. i.e. The Security Housing Unit (SHU), this Class of New Afrikan Political Prisoners for the most part were not allowed to participate in a number of Educational/Vocational, and/or Self-Help programs, and as a result many of them were unable to attain the necessary criteria to become suitable for parole. These New Afrikan Prisoners that fall under this class should not be held to the same standards of the general population, especially since the CDCr illegally denied them that opportunity to attain their suitability by keeping them in Solitary Confinement/Isolation for decades.

2. It is Restorative Justice that the New Afrikan Political-Prisoners Class be determined suitable for parole based on the following criteria:

- How much time they have served on their sentences.
- Family Support.
- A source of legitimate and legal financial support.
- Job opportunity if applicable.

\*Those who do not meet these criteria should be entitled to be housed in a prison such as San Quentin State Prison where programs are available that will help them become suitable for parole.

3. Many of the New Afrikan Prisoners who fell under the above stated class while in Solitary Confinement received a number of questionable Rules Violation Reports (RVRs: Disciplinary Reports) for allegedly engaging in promoting prison-gang activities, when in fact the CDCr had reduced Black History Books/Literature to gang material and gang political activities to justify keeping them in Isolation. Many of these New Afrikan Political Prisoners received additional time in Solitary, more time in prison, as well as denied parole as a direct result of the CDCr's illegal scheme of transforming Black History/Literature to gang-activity, which made having possession a serious rule violation.

**They were subjected to decades of both psychological and physical torture, which included decades of sensory deprivation, and not to mention a deliberate campaign to destroy and sabotage their family ties.**

4. The above stated New Afrikan Class of Prisoners had served 20 to 50 years in Solitary Confinement/Isolation. They were released into general population without any consideration for the damage the CDCr caused them, and then they were treated like all other Prisoners. They are not like just any other Prisoner; they are a rare and unique Class of Prisoners: They were subjected to decades of both psychological and physical torture, which includes sensory deprivation: they should have the option to serve their time in a prison like San Quentin State Prison, providing them with the opportunity to heal.

Note: We understand that many Prisoners had served long-term confinement in Solitary/Isolation within the CDCr, but this Class of Prisoners was the only Class specifically targeted for their Political beliefs and activities, not to mention their race.

5. We are requesting a hearing before a panel that is made up of the following proposed individuals:

- A Federal Magistrate.
- CDCr Secretary or Director.
- Board of Parole Hearing Commissioner.
- Prisoner Rights Attorney.
- Civil Rights Attorney.
- NAACP-Rep.
- Black Community Activist.

People, this is only a proposal, it is not set in concrete. The proposed panel should not consist entirely of government or law enforcement officials. Each New Afrikan Political Prisoner will be provided an opportunity to tell their personal experience and why they should be released/or given a parole date. This will not be required. Each affected Prisoner who represents this particular Class will have the option to speak to this panel. We believe the opportunity should/must be made available; a public hearing tends to discourage the Government from covering up Human Injustices that are being committed in their name.

**Our class for the past 30 years have developed solutions as well as programs that are designed to serve our communities**

6. This small Class of New Afrikan Political Prisoners meets both the state and federal low-risk assessment. For example:

- They are all above the age of 50
- They all have served over 30 years of imprisonment.
- They all have outside support.

We request their immediate release!

Abdul olugbala Shakur  
32 1/2 Years in Solitary Confinement

Abdul Olugbala Shakur  
aka: James Harvey C48884  
P.O. Box 5102 / B-2-128  
Delano, CA 93216

"If you dare to sing  
I have the song  
If you dare to dance  
I have the Rhythm  
If you dare to speak  
I have the words  
If you dare to be free  
I know the way"

Abdul olugbala Shakur



## A strong reparations program achieves the following outcomes

- INSTITUTIONS TELL THE TRUTH:** No one has to become woke" because we learn the truth about our history through school, the media, museums, monuments, and more.
- THERE IS NO RACIAL WEALTH GAP:** Black Americans start from equal financial footing, instead of from behind.
- THE FEDERAL GOVERNMENT APOLOGIZES AND SETS THE COUNTRY ON A NEW PATH FORWARD.** Politicians depoliticize race, and we build a multiracial democracy - of, by, and for the people.

## A strong reparations program includes four components which create a cycle of repair:

**ACKNOWLEDGMENT:** admission that harm has been done; commitment to non-repetition

**Success looks like:** transparency about findings of reckoning process, public apologies.

**ACCOUNTABILITY:** ownership and willingness to take responsibility for harmful actions

**Success looks like:** financial resources committed, seeing oneself as an accomplice, institutional capacity bldg.

**RECKONING:** understanding or grappling with the wet, how, and why are the actions that have contributed to harm.

**REDRESS:** acts of restitution, compensation and rehabilitation. Proactive steps taken to embed racial justice into systems and "heal the wound"

**Success looks like:** financial compensation, meaningful transfers of power, strengthened democracy, individual congruence.

Cycling between these four components is the journey and the destination. Without this, our culture is one of disrepair, which further institutionalizes oppression.

Source: Liberation Ventures: Building a Culture of Repair. Winning reparations, 2021

Liberation Ventures is a Black-led organization that fuels the Black-led movement for racial repair in the US. Their goal is to build public will for a comprehensive federal reparations program. Through mobilizing resources and field building, they support the ecosystem of organizations working toward truth, reconciliation, and reparations.

"Mistakes from our collective past are like any other: they require intervention—a remedy—to correct. They don't erase themselves over time." Jonathan R. Miller

"To this day, the only Americans who have ever received government restitution for slavery were white enslavers in Washington D.C., who were compensated for their loss of human property." Nokole Hannah-Jones, NY Times

◀ Source: Builds from concepts in the UN Human Rights Basic Principles and Guidelines on the Right to Remedy and Reparation, the M4BL Reparations Toolkit, the National African American Reparations Commission 10-Point Plan, the National Coalition of Blacks for Reparations in America 5 Injury Areas, and From Here to Equality, by William Darity Jr. and A. Kirsten Mullen



# Ongoing Constitutional Violations

## Warrant Continued monitoring

Extending Oversight of Ashker Settlement Upheld, Then Denied, Now Waiting on Appeal



By Center for Constitutional Rights, April 9, 2021

Today, a federal court ruled that California's ongoing violations of the rights of prisoners, including systemic fabrication of information supposedly provided by confidential sources, should be subject to extended judicial monitoring.

The ruling against the California Department of Corrections and Rehabilitation (CDCR) came in connection with a settlement agreement meant to end the state's unconstitutional practices. The settlement included a two-year period of monitoring by the court, but when the violations continued, the prisoners, represented by the Center for Constitutional Rights and co-counsel, asked for a one-year extension, which was initially granted by a magistrate judge. Today, Federal District Court Judge Claudia Wilken denied CDCR's objections to that ruling, ordering that an additional year of monitoring must go forward.

Filings in the case – some of which have been filed under seal, but which include public summaries of constitutional violations – detail CDCR's abuse of confidential information to return men to solitary confinement. They report CDCR's systemic fabrication of information supposedly provided by confidential sources – as well as fabrication of the sources themselves. At times, the filings document, this information has been fabricated to replace exculpatory information actually provided by an informant. Information has been altered to appear more damning than it is, and CDCR conclusions have been portrayed as statements of informants, according to the filings. Improper information – such as the constitutionally invalid “gang validations” that were at the heart of the underlying lawsuit – have been transmitted to the parole board, and the court found that such validations have, in fact, been a factor in denying parole. All of these, Judge Wilken said in today's ruling, violate due process and demonstrate the need for the initial extension of the monitoring period.

“This ruling is a major victory for the class of prisoners like me who suffered in long-term indefinite solitary confinement,” said Paul Redd, a plaintiff in the case recently released from prison. “It's so important that the court acknowledged the harms from abuse and misuse of confidential informants. In many cases, false information led to denial of parole and people being returned to security housing units. This ruling validates what prisoners have been claiming for decades. I myself have been directly affected by this abuse.” Mr. Redd is also a former hunger strike representative and a signer of the End of Hostilities, which was instrumental in bringing together 30,000 California prisoners supporting the hunger strike. He provided important testimony in support of the bill SB 1064, addressing the flagrant abuse and misuse of confidential information.

Plaintiffs had also sought additional monitoring based on a third systemic constitutional violation. Under the Ashker settlement agreement, people whose safety would be at risk in the general prison population were to be moved from solitary confinement to a “Restricted Custody General Population Unit” (RCGP). Today Judge Wilken agreed that the men placed in the RCGP were denied due process protections.

*“This is a huge victory for the Prisoners Human Rights Movement, who have been organizing from behind bars for decades to bring attention to California's inhumane treatment of people in prison,”* said Center for Constitutional Rights Senior Staff Attorney Rachel Meeropol. *“For years our clients explained that they were being sent to solitary confinement based on fabricated confidential evidence, but no one believed them. Just this year, Governor Gavin Newsom vetoed the bill SB 1064, which passed both houses of the California legislature and would have significantly curtailed CDCR's ability to use confidential information in order to return people to solitary confinement. It is time for the governor and the legislature to act to end this abusive practice and to provide some relief to the men who spent years in isolation as a result.”*

The settlement agreement explicitly provides for a 12-month extension of the judicial monitoring period if due process violations alleged in the initial complaint are shown to be continuing and systemic, or if such violations arise as a result of CDCR reforms required by the agreement. Today's ruling that the first extension was warranted comes amidst a pending request for a second extension of the monitoring period, based on evidence that constitutional violations are still ongoing, as well as for remedies for the continued violations. The motion for a second extension of the monitoring period argues that, at this point – five years after the agreement was reached – those imprisoned are entitled not only to an extension of the monitoring period, but also remedies for the underlying, ongoing violations of their constitutional rights.

Ashker v. Governor of California amended an earlier lawsuit filed by then-Pelican Bay SHU prisoners Todd Ashker and Danny Troxell representing themselves. Co-counsel in the case with the Center for Constitutional Rights are Legal Services for Prisoners with Children, California Prison Focus, Siegel & Yee, Weil Gotshal & Manges LLP, Bremer Law Group PLLC, Ellenberg & Hull, the Law Offices of Charles Carbone, and the Law Office of Matthew Strugar.

\* On October 28, 2021 the District Court Judge held a hearing on de novo motion regarding the magistrate judge's report and recommendations on plaintiffs' second extension motion

## Revolutionary Philanthropy CJI Stands in Support of Victims of Torture

Despite the global ban, torture persists around the world, but also right here in the United States, infamously exhibited in 1972-1991 by the Chicago Police Department, whose victims received justice only in 2015 under the Reparations for Burge Torture Victims ordinance by the Chicago City Council. Our draconian criminal legal system also permits and utilizes solitary confinement, which the United Nations Standard Minimum Rules for the Treatment of Prisoners—also known as the “Nelson Mandela Rules”—expressly bans and classifies as a means of torture.

Victims of torture must be freed but they must also receive restitution along with medical, psychological, social, and other forms of rehabilitation. On this day, CJI remembers all victims of torture, and specifically those who have been subjected to it by and within our criminal legal system.

[Let's keep] working together to defend basic human rights and foster true justice by dismantling and reimagining state and federal systems of criminalization, imprisonment, and perpetual punishment. We acknowledge all the work that is being done to ensure that all forms of torture come to an end. In Solidarity,

Aleah Bacquie Vaughn, Executive Director

\* Circle for Innovative Justice (CJI) You are supporting the work of groups like California Prison Focus when you support foundations like CJI!

## HUGO PINELL REMEMBERED

March 10, 1945 - August 12, 201

[Source: “CDCR Lackeys Assassinate Leader of Prison Movement”, MIM (Prisons) August 2015]

Hugo Pinell, who immigrated to the United States from Nicaragua as a 12 year old, was initially sentenced to life in prison in 1965 for the alleged rape of a white woman, which he refuted. 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. He received two more life sentence for his involvement in an incident that occurred in Soledad, and another incident soon after at San Quentin, when his comrade George Jackson, who was considered by some, “the spirit of the movement,” lost his life. Hugo, along with five other charismatic revolutionaries who had been involved, became known from then on as the San Quentin Six.

Hugo was ultimately tortured with almost ½ century of solitary confinement in the concrete tombs of Pelican Bay SHU for being a free thinker who inspired and educated those around him. He was denied parole 10 times during the era that people with life sentences in California prisons knew that the only way they would leave would be in a pine box. Sadly, this was the case for Hugo.

The incident that took place on August 21, 1971, and the murder of George Jackson in particular, triggered the [uprising] of the Attica Correctional Facility in New York. It was also in response to the horrible conditions they had faced there for years. Hugo and Jackson had always promoted unity and the interests of the prisoners as a group versus as individuals.

Following the incidents of August and September 1971, the Black Panther Party published an article on Hugo Pinell. Following is a brief excerpt:

*[Prisoners across the United States] began to realize as Comrade George Jackson would say, that they were all a part of the prisoner class. They began to realize that there was no way to survive that special brand of fascism particular to California prison camps, except by beginning to work and struggle together. Divisions, such as this one, like family feuds, often take time to resolve. The common goal of liberation and the desire for freedom helps to make the division itself disappear, and the reason for its existence become clearer and clearer. The prisoner class, especially in California, began to understand that if you can divide, you can conquer.*

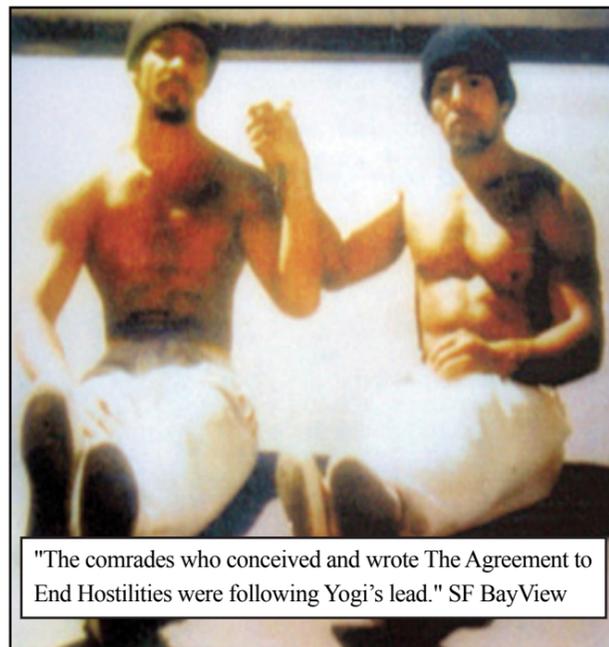
*There are two men who were chiefly responsible for bringing this idea to the forefront. They helped other comrade inmates to transform the ideas of self-hatred and division into unity and love common to all people fighting to survive and retain dignity. These two Brothers not only set this example in words, but in practice. Comrade*

*George Jackson and Comrade Hugo Pinell, one Black and one Latino, were the living examples of the unity that can and must exist among the prisoner class. These two men were well-known to other inmates as strong defenders of their people. Everyone knew of their love for the people; a love that astounded especially the prison officials of the State. It astounded them so thoroughly that these pigs had to try and portray them as animals, pervers, madmen and criminals, in order to justify their plans to eventually get rid of such men. For when Comrades George and Hugo walked and talked together, the prisoners began to get the message too well.”*

His leadership in combating the virulent racism of the prison guards and officials made him a prime target for retribution. In fact, Pelican Bay State Prison was built to confine people like Hugo, who were respected by their peers. Even while 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 included his participation in the California Prison Hunger Strikes as well as supporting the Agreement to End Racial Hostilities in 2011.

Yogi was stabbed to death, in what most presume was a set-up by guards, on the three year anniversary of the announcement of the plans to end all hostilities across the California prisons system. Those who want to maintain the status quo,

It is critical that people in California prisons today continue to respect and abide by the Agreement to End Hostilities to protect the lives of prisoners throughout the state and to maintain a united front in challenging the injustice and corruption that continues to thrive in California prisons today. We must expand the Agreement to End Hostilities to realize the visions of our elders like Hugo “Yogi Bear” Pinell, and to support the release of the SHU survivors who are still fighting for their lives and freedom today.



Khatori Gaulden and Hugo Pinell at San Quentin, 1976.

THE CELL  
by Hugo LA Pinell

While I am confined to this cell I find it to be a perpetual hell. There are few things that I can do... Read, Write, & Exercise I DO!

Fight, struggle, resist for I am not alive, but only exist in Amerika's abyss of corruption under filthy conditions which precipitate human destruction.

Dominated by a system which perpetuates discrimination & segregation. A force that has turned Amerika into a welfare nation, ghetto dwellings are everywhere, foul smells fill the air, oppressed people are kept in destitution & despair...

Poverty & addiction are not our only afflictions. There are multitudes of contradictions that sharpens the present conditions. Sometimes I want to cry, but tears won't come, there is no time for there is a job to be done.

Push on my beautiful ones, dark days are here and we have only just begun. I love the people with every fiber of my body. I am poor and have little but the breath in me, while is life I offer so that others way live.

Blood has been shed for many years, now we must do what this system fears, take a stand destroying this monster, which has caused so many tears.

RIP Daddy aka Yogi

# A CALIFORNIA LEGACY: SELF DETERMINATION DESPITE ALL ODDS

"Many Black organizers and activists have been targeted and vilified in attempts to dissuade the movement for Black liberation. Many of them have lost their freedoms for speaking out against white supremacy and state violence. Some leaders who fought hard for a future in defense of Black lives have spent decades in prison. We have not been deterred in our efforts to achieve Black liberation, but as we continue the fight to free ourselves, we must uplift our comrades' sacrifice and struggle." goodmenproject



**Equality is the soul of liberty; there is, in fact, no liberty without it. Frances Wright**

## Racial Identity as a Vehicle for Emancipation

Excerpt from "'We Are the Revolutionaries': Visibility, Protest, and Racial Formation in 1970s Prison Radicalism" by Dan Berger, 2010

George Jackson wrote that the height of political consciousness was to recognize oneself as being trapped in a system of slavery yet to reject being a slave. Black prisoners challenged the prison as a mechanism of social control that tried to coercively induce consent to the prevailing rules of society....These prisoners drew, if somewhat anachronistically, on slavery as an uninterrupted fact of black life in the United States. They upheld political consciousness and racial solidarity as an ideological counterpoint to the reach of imprisonment. They found personal strength and ultimately collective power in understanding their bondage.

[They] saw **racism** as a site of confinement but **racial identity** as a vehicle for emancipation. Trying to force the country to see its sites of punishment as discriminatory locations of repression, ...epitomizing American inequality.

## UNDERSTANDING JIM CROW

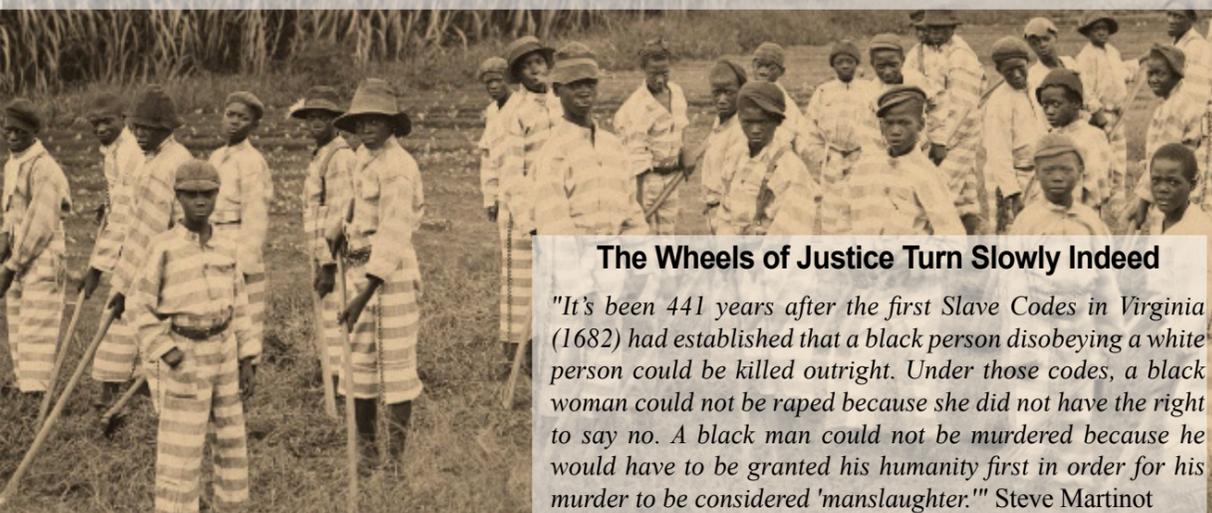
"... Angela Davis adds that the large growth of prisons, followed directly on the heels of the black-led democratic - and completely legal - revolution known as **Black Reconstruction** (1863 - 1877). Incarcerating black people was a way to overthrow the promise of this revolution. In 1877, the US government sent troops to crush Black Reconstruction. to protect the nascent factory system in the North and solidify white control of the Southern planter class.

**After the troops left, the prison system functioned as a means of counterrevolution, enforcing Jim Crow.**

Just as Southern prisons worked to repress Black Reconstruction, Today's mass incarceration plays a similar role, and followed a similar historical pattern." Laura Whitehorn (Black Power Incarcerated: Political Prisoners, Genocide, and the State)

## Genocide is Evident

"Even the most racist ignoramus cannot genuinely and logically deny clear evidence of state-sanctioned genocide. People of color are the definite and deliberate targets of White supremacist destructive policies and repressive programs. Economic motives and the dictates of predatory capitalism all play a substantial role in the overall process." Joe A'Jene Valentine

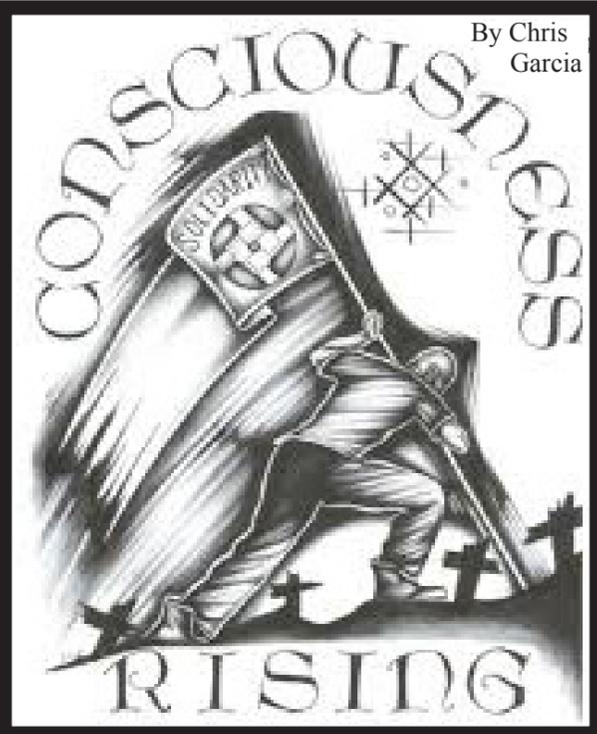


## The Wheels of Justice Turn Slowly Indeed

"It's been 441 years after the first Slave Codes in Virginia (1682) had established that a black person disobeying a white person could be killed outright. Under those codes, a black woman could not be raped because she did not have the right to say no. A black man could not be murdered because he would have to be granted his humanity first in order for his murder to be considered 'manslaughter.'" Steve Martinot



**Imprisoned activists created study groups to educate themselves and each other. Paralleling the sentiments of slave owners, as prisoners became educated the prison administration began to perceive them as a threat.**



"The fate of the black prisoner has always been intrically [sic] tied up with the fate of the imprisoned black nation and vice versa. In each instance, gaining our freedom' remains the primary concern..." Sundiata Acoli

## MERELY A PIECE OF PROPERTY

"I spent the day gathering flowers and weaving them into festoons while the dead body of my father was lying within a mile of me. What cared my owners for that? He was merely a piece of property. Moreover, they thought he had spoiled his children by teaching them to feel that they were human beings. This was blasphemous doctrine for a slave to teach. Presumptuous in him. And dangerous to the masters. You never knew what it is to be a slave. To be entirely unprotected by law or custom. To have the laws reduce you to the condition of a chattel. Entirely subject to the will of another." Harriet Jacobs (author, former slave)

## How Liberating their Minds Lead to Decades of Torture for many of California's Top Scholars

KAGE Universal Phone Interview with James 'Baridi' Williamson, one of the principal thinkers of the CA Mass Hunger Strikes.

**Min King X:** A lot of people in California don't recognized that we have political prisoners here. What is your idea of who is a political prisoner?

**Baridi:** Poverty and oppression leads to what Comrade George Jackson called survival activities, crimes of passion. In his analysis, what he was pointing out, was that the conditions are set up -- the policies of oppression, the systems of oppressions, the institutions of oppression -- and the enforcement of oppressive policies.

Looking at California prison history, you got those who, as Malcolm X said, "woke up" or as Comrade George said "liberated their minds." So you find those who came into the prison system and began to learn and educate themselves. They began to resist and stand up for what's right, as well as point out and expose what's happening in America: The policing and the oppression. And that's when you seen them create these torture chambers that they call "SHU" -- Pelican Bay, Corcoran, etc.

**They put these type of prisoners - that they knew would educate other prisoners - away in the SHU.**

They put us in isolation and tried to throw away the key. Some of us are still here and still fighting for our freedom. If you want to learn more about that, Sundiata Acoli wrote a book called A Brief History of the New Afrikan Prison Struggle. And that's a historical analysis of what I was just talking about.

In Four Years, 1918-1921, Twenty-Eight People were publicly  
BURNED BY AMERICAN MOBS  
**3436 People Lynched, 1889 to 1922**

## The 13th Amendment, Exclusion Clause

"Neither slavery nor involuntary servitude, **except as a punishment for crime** whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."



**"They will never count me among the broken men." George Jackson**

"The ancestors, Kunta Kinte and Muhammad Ali, had it absolutely right by their stern resistance. Each understood that "he whom defines reality, has the power!" Let us, thus, define for ourselves the reality in which we exist and which best represents for our interests, as it is there alone, whence our basis of effective power resides..." Joe (A'Jene) Valentine

## U.S. Political Prisoners

Angela Davis, in a 2007 interview with Prison Focus, explains that imprisoned activists "were analyzing the conditions of their lives in prison, and came up with new ideas of how to engage in struggle around prison issues and relate these issues to the larger construct of racism and economic exploitation."

**Those who continued to agitate for social change - educating themselves and those around them have, Davis went on to explain, have "been subjected to another layer of repression precisely because of their politics"**

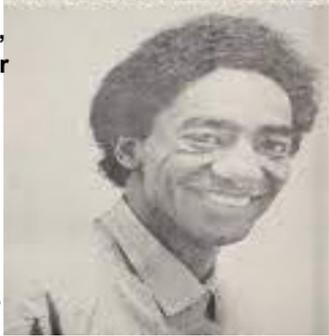
# Who is Ruchell Magee

and why has he been in prison 58 years?

By Judy Greenspan, July 27, 2021

Reprinted from Workers World

**Ruchell Cinque Magee, a U.S. political prisoner who has served over 58 years in California prisons, was again denied parole July 15 by the state's Board of Parole Hearings. Why won't the state of California allow Magee to go free?**



His story begins as a Black man from Louisiana, who since 1955 has had to deal with this racist injustice system. Magee remains in prison today because he participated in a bold, heroic action in an attempt to free political prisoners George Jackson, John Clutchette and Fleeta Drumgo, known as the Soledad Brothers, over 50 years ago.

Magee grew up in Louisiana; and at the age of 16, he faced a racist conviction in 1955 for "attempted aggravated rape" for having a relationship with a white girl in an area dominated by the Ku Klux Klan.

His conviction occurred at the same time that Emmett Till was lynched in Money, Miss., for supposedly whistling at a white woman. Magee was sentenced to eight years in Angola State Prison. He was legally ordered to leave Louisiana in 1962; and when finally released from Angola in 1963, Magee went to LA.

Magee was arrested that same year after a disagreement with someone about a \$10 bag of marijuana. After his arrest, he was beaten so badly he had to be hospitalized for three days. He was then railroaded by the Superior Court of Los Angeles County, via extreme malpractice by both prosecution and defense attorneys, and sentenced to seven years to life in prison for a bogus charge of attempting to kidnap someone to commit robbery for \$10.

California built its vast prison system and exponentially increased its prison population of poor Black, Brown and Indigenous peoples by sentencing them to indeterminate sentences for petty theft and drug-related crimes. Magee was one of the victims of this racist and outrageous sentencing system. Once convicted, it was almost impossible to get parole during these years.

## Becoming politicized

Like George Jackson and so many other incarcerated Black people, Magee became politicized while inside, adding the middle name of "Cinque" after the African freedom fighter Cinqué, who led a rebellion on the slave ship La Amistad. Magee believed and stated, "Slavery 400 years ago, slavery today — it's the same but with a new name."

He became known throughout the prison as a jailhouse lawyer. He filed a wrongful death lawsuit and helped win a big settlement for the family of Fred Billingsly, who was tear-gassed and beaten to death by San Quentin guards while in his cell in February 1970.

On August 7, 1970, Jonathan Jackson, the 17-year-old brother of George Jackson, burst into a Marin County courtroom armed with guns with the intention of taking over the courtroom to demand the release of the Soledad Brothers. They were charged with killing a white guard at Soledad State Prison, notoriously known for racist murders and brutality against Black and Brown prisoners. Three prisoners, William Christmas, James McClain and Magee, who were in the courtroom that day, joined the escape attempt. Magee and Christmas were in court to testify in support of McClain, who was facing charges for assaulting a guard at Soledad after the Billingsly murder. Jackson and the three prisoners took several hostages, including Judge Harold Haley, Deputy District Attorney Gary Thomas and three jurors, and attempted to escape in a van. The San Quentin guards fired into the van, killing everyone but Magee and the prosecutor, who were both badly wounded.

This August 7 will mark the 51st anniversary of Jonathan Jackson's heroic effort to free his brother and two other political prisoners.

Magee wrote, "Once the facts can be clearly established and shown to the people, where these dogs are practicing slavery under the color of law, then this automatically requires a special investigation by the people to look for themselves. They will find that these judges are criminals." Magee wanted to conduct a very political trial that challenged the validity of the prison system and recognized

his right like Cinque's to fight for his freedom against slavery.

The legal team of Magee's co-defendant Angela Davis, who was facing charges for supposedly purchasing the weapons used in the courthouse action, had a different legal strategy and separated the cases. Magee went on alone in his legal defense battle, eventually defending himself pro se.

Fortunately the murder charges were dropped, but he was convicted of "simple kidnap." The verdict in the more serious kidnapping charge was disputed, and Magee believes he was acquitted of that charge.

Magee was sentenced in 1975 to life in prison and has gone before the parole board many times since then. Each time, he has been denied parole. He is now 82 years old, having served over 58 years in prison, and is now incarcerated at the California Medical Facility. Free Ruchell Magee! Free them all!

The Coalition to Free Ruchell Magee, the Jericho Movement and other groups organized a groundswell of support for Magee during his last parole effort July 15. A current petition to California Governor Gavin Newsom to grant clemency for Magee states: "As an elder, he faces constant mental and physical health risks every day from nearly six decades of incarceration. With the COVID-19 pandemic raging across California's prisons throughout 2020 and 2021, Ruchell has been in significant danger of falling ill."

Incarcerated people in California's prisons have suffered high COVID infection rates and deaths due to the prison system's refusal to stop transfers and cell extractions and to provide adequate medical care to people inside.

The Jericho Movement, Campaign to Bring Mumia Home, Incarcerated Workers Organizing Committee and International Leonard Peltier Defense Committee have launched a coalition called "The Spirit of Mandela" to organize the international campaign to free all U.S. political prisoners, most of whom are elderly, ill and facing death inside. ([spiritofmandela.org/](http://spiritofmandela.org/))

Magee, Sundiata Acoli, Mutulu Shakur, Russell Maroon Shoatz, Mumia Abu-Jamal, David Gilbert and Leonard Peltier are some of the aging political prisoners who have served decades of time for their bold defiance of racist murder and injustice. This year, 2021, has been designated the Year of the Political Prisoner.

It's time to free Ruchell Cinque Magee and free them all!

## BLACK AUGUST 2021: FIGHTING FOR FREEDOM FROM THE INSIDE

Black August honors the freedom fighters, especially those inside the walls of our sprawling prison-industrial complex, who, with their vision, tenacity, and deep love for our communities, are leading us toward the horizon of abolition. This year, we celebrate the jailhouse lawyers, who protect and promote the rights of people incarcerated and have been the driving force behind key legal victories that have mitigated the power of the state to cause harm. As they work to secure freedom for all, jailhouse lawyers have improved prison conditions, intervened to stop mistreatment, and used the law to expose the inherent violence and racism of incarceration. The Center for Constitutional Rights is proud to be part of a rich legacy of inside-outside organizing to transform material conditions and build a world of collective safety without prisons, surveillance, and police.

This Black August, we launched the Sixth Edition of our Jailhouse Lawyer's Handbook, a free resource designed to help incarcerated people assert their constitutional rights and hold prison officials accountable.

Center for Constitutional Rights

666 Broadway, 7th Floor New York, NY 10012

*"Many Black organizers and activists have been targeted and vilified in attempts to dissuade the movement for Black liberation. Many of them have lost their freedoms for speaking out against white supremacy and state violence. Some leaders who fought hard for a future in defense of Black lives have spent decades in prison. We have not been deterred in our efforts to achieve Black liberation, but as we continue the fight to free ourselves, we must uplift our comrades' sacrifice and struggle."* goodmenproject

# Revolutionary CHIP ROMAINE FITZGERALD



On Behalf of the Family & Committee to Free Chip On Sunday, March 28, 2021, at 3:04 p.m., our brother, uncle, cousin, comrade and friend, Romaine "Chip" Fitzgerald, joined the ancestors. For a week, he lay barely conscious in a Los Angeles hospital as he struggled to extend his life after suffering a massive stroke in California's gulag known as Lancaster. Chip's strength and dedication to life remained intact as he defied those doctors who said he would not make it through the night in the hours after his initial arrival at the hospital. A stalwart soldier, he fought until his very last breath. Chip died as he had lived: fighting.

Chip was a member of the Black Panther Party in Los Angeles. Like millions of Black youth during the sixties, Chip, at the age of 17, joined the freedom struggle as the social justice movement rapidly expanded to include massive numbers of urban youth. He was incarcerated in 1969, became disabled by an earlier stroke and proceeded to grow old in prison. He was disabled many years ago by an earlier stroke.

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**The government's conduct towards Chip proves that important elements of our society are guided by an irrational tradition that values vengeance over justice or reconciliation.**

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Others convicted of comparable crimes have served significantly less time, demonstrating the nation's unwillingness to fully acknowledge historic wrongs perpetrated against Black American..

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**A closer look reveals the only differences between those serving shorter sentences and those serving longer ones are the political beliefs and affiliations some had with social justice groups like the Black Panther Party.**

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Chip never compromised, though he continued to the end to seek redress for this egregious wrong by working with his lawyer, family and defense committees to end his half century nightmare of a slow death behind bars. For us the living, Chip's passing is a lesson to keep fighting the good fight. To give when perhaps it's hard to give. And to live when perhaps life seems so empty. Chip's life did not leave us without a clear message. During his final days in the hospital, the authorities felt the need to chain and shackle Chip to his bed. Despite the fact that he was hardly conscious, they saw this demeaning action as necessary. What they failed to understand is that you can neither jail nor shackle the spirit of liberation. May we all aspire to leave this same impression of daring to struggle until our last breath. And may Chip's stalwart example give us the courage to dare to win.

**All Power to the People! Free All Political Prisoners!**

**"A national act of procrastination does not eliminate the debt." William A. Darity Jr.**

# George L. Jackson

September 23, 1941- August 21, 1971

In 1960, at the age of eighteen, George Jackson was accused of stealing \$70 from a gas station in Los Angeles. Though there was evidence of his innocence, his court-appointed lawyer maintained that because Jackson had a record (two previous instances of petty crime), he should plead guilty in exchange for a light sentence in the county jail. He did, and received an indeterminate sentence of one year to life.

Jackson spent the next ten years in Soledad Prison, seven and a half of them in solitary confinement. Instead of succumbing to the dehumanization of prison existence, he transformed himself into the leading theoretician of the prison movement and a brilliant writer.

## George L. Jackson University **It's About a Love for the People**

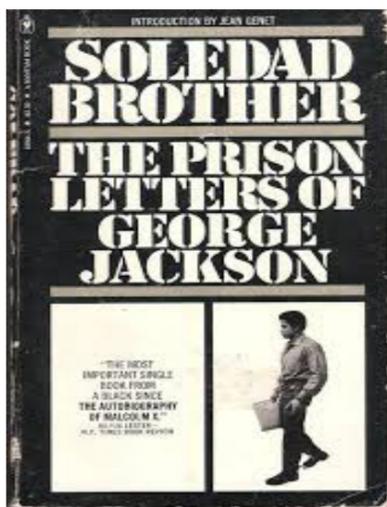
In 2003, Abdul Olugbala Shakur, Sitawa Nantambu Jamaa, Hodari Kambon, Abasi Ganda, Yafeu I-yapo, Dr. Donald R. Evans, and Dr. Rashad Ali developed the concept of transforming the entire U.S. Prison Industrial Slave-Complex (P.I.S.C.) into the largest university in the country. The initial name for the project was University of the Mind, but under this title we received very minimum feedback, so by Summer of 2003 we decided to name our university—The George Jackson University (GJU), within six (6) months we received over 20,000 applications for enrollment into our GJU from new Afrikan (Afrikan Amerikan) prisoners across the country, we even received applications from as far as Brazil, London, and Canada, brothas and sistas trying to connect. The massive responses we received also put fear in our captors, and they immediately went to work on developing a plan to sabotage, and the efforts, were compromised. By 2005, I (Abdul Olugbala Shakur) was not allowed to correspond with no addresses associated with the GJU. The Institutional Gang Investigation Unit (IGI) even sabotaged my marriage. This was a deliberate act. During multiple federal law-suits IGI was not able to provide the courts with evidence to support their fraudulent allegations, and as a result we have received multiple out of court settlements.

We are re-instituting the concept of transforming the entire U.S. prison industrial slave complex into the largest progressive educational institution in the country with emphasis on Afro-centric and Pan-Afrikan studies and New Afrikan political education.

### PRIMARY OBJECTIVES

- To eradicate functional illiteracy among New Afrikan (Black) prisoners.
- To eradicate cultural ignorance among New Afrikan prisoners.
- To transform the criminal mentality to the New Afrikan mentality.
- To assist in the rebuilding and stabilization of the New Afrikan communities.
- To prepare New Afrikan prisoners for release – reducing New Afrikan recidivism.

## STUDYING TO STRUGGLE: JACKSON AS A GUERRILLA INTELLECTUAL



*From the Rebel Archives*

On October 15, 1970, George Jackson made one of his most lasting contributions to the struggle for freedom with the publication of *Soledad Brother*. The book, a series of letters he wrote from prison, reflects his status as an influential teacher behind prison walls... Jackson analyzed the racist violence at the heart of the policing and prison system in hopes of building a global revolution... Jackson emphasized the humanity, intellect, strength, and revolutionary potential of incarcerated people with searing eloquence: *"There are still some blacks here who consider themselves criminals-but not*

*many. Believe me, my friend, with the time and incentive that these brothers have to read, study, and think, you will find no class or category more aware, more embittered, desperate, or dedicated to the ultimate remedy: revolution. The most dedicated, the best of our kind-you'll find them in the Folsoms, San Quintins, and Soledads. They live like there was no tomorrow. And for most of them there isn't."*

The legacy and impact of Jackson's ideas continue to pose such a significant threat to the CDCR and their control of the prisons that even the very possession of George Jackson's writings is criteria for gang validation, and until 2015, could - and did for many - result in indefinite solitary confinement (ie: decades).

## A LEGACY OF LESSONS:

### The Realities of State Violence

*Published May 1st 2005 by Routledge (Excerpt)*

In sum, the conditions of poor and racially oppressed people in the United States today are objectively worse than those which gave rise to the Black Panther Party and affiliated groups a third of a century ago. It requires no great leap of intellect or understanding to appreciate that it was the destruction of the BPP and its allies which allowed this degenerative process of socioeconomic decay to set in, or that the best and perhaps only antidote resides in a reconstitution of something very Panther-like in its essence.

By this, I mean an organization or movement which is truly multinational/multiracial in both orientation and composition, committed to the attainment of practical self-determination on the part of the subjugated, and willing to defend its achievements by every necessary means.

Approaches that might at some point demonstrate a capacity to compel fundamental alterations in the bedrock of social order will be suppressed with essentially the same systematic and sustained resort to lethal force that was once visited upon the BPP.

Real change rather than cosmetic tweakings of the existing system are thus left with no viable alternative but to include the realities of state violence as an integral part of our political calculus.

### Self-Determination is Rehabilitation

Transcribed from a recorded interview conducted by Kilaika Baruti with George Jackson University student, Brother Darius incarcerated in Mississippi.

[www.georgejacksonuniversity.com/exit-the-dragon](http://www.georgejacksonuniversity.com/exit-the-dragon)

So I come through the system. I was young, running wild and I still had the same mentality that I had before I left the streets. I wasn't willing to change or nothing. As the years went on, ya' know I done stabbed people, got to fightin' with the police... But during that time that I was on STG I sat back in my cell and I analyzed everything that I did in this penitentiary and on the streets. And since then I've made a change. Because if I don't change this life that I'm living, they'll land me for the rest of my life - I'll spend the rest of my dying days - in this cell here.

So this older man was next door to me and he said, "Young man, what type of reading material do you have over there?" I said, "I don't have nothing over here."

**He said, "That's your problem, young man." He said, "They say, if they want to hide something from a Black man or a Black woman, put it inside a book."**

So at that very moment, I put it in my mind, I say, "I'm gonna prove them wrong. I'm gonna show them that every Black person don't think like that. That some Black people want to educate themselves."

So I started to collect all kinds of books from the library. But this one particular book opened my eyes up to a lot of things and it was called *Soledad Brothers*, by Brother George Jackson, may he rest in peace. He opened my eyes up to a lot of things.

**He [Jackson] did the majority of his time on lock down [in solitary confinement] but his favoright saying was, "They may lock my body down, but they can't take my mind away." So I always kept that in mind. Because if they take your mind away, they take your soul away, And if they take your soul away, you're just a walking zombie really. So I educated myself.**

But during that time we were on STG we were around real live racists - caucasian people. They used to tell us, "We don't like you all niggers." They'd spit in our food. They'll take our bread and rub it on their private parts. Throw it to the other officer. He'll rub it on his private parts, and then they'll put it back on the tray. Spit in the juice and stuff that we drink.

Kilaika : You talked about *Soledad Brother* and *Blood in my Eye*. What did you think when you first got them?

Darius: Well, to be honest, I just thought these were just some regular old books, because at the present time, I had read some urban novels and things, like fiction or whatever.

The first one I read was *Soledad Brother*. And see, *Soledad Brother*, it ain't the type of book that you can just take up and read and be through with it. You gotta sit back and analyze everything that's being said, because this brother's speaking from his soul. You know, he's speaking on things that are actually happening. That's why I salute that brother, and he's taught me a whole lot.

He taught himself self-discipline, self-control and everything, because like I said, he did the majority of his time locked down in confinement.

## EQUALITY DOESN'T COME SERVED ON A SILVER PLATTER

*"Imprisonment is an aspect of class struggle from the outset. It is the creation of a closed society which attempts to isolate those individuals who disregard the structures of a hypocritical establishment, as well as those who attempt to challenge it on a mass basis. Throughout its history, the United States has used its prisons to suppress any organized efforts to challenge its legitimacy - from its attempts to break up the early Working Men's Benevolent Association, to the banning of the Communist Party during what I regard as the fascist takeover of this country, to the attempts to destroy the Black Panther Party." George Jackson, Blood in my Eye*

At that time, I was in confinement also for years. [George Jackson] taught me how to [survive]. Even though they had my body locked down, it still wouldn't stop me from educating myself.

They want to see you broken-hearted and everything. They don't wanna see you with a smile on your face even though you're locked down like a caged animal. So, the book has taught me a lot. Even though that brother George Jackson was going through all that, he never let them steal his pride.

See, that was something that was installed in Black peoples during the slavery days... It came from breaking horses in West India. They use these tactics to break Black people. They used their chains to destroy Black peoples, you know, break the man down in front of the woman, and you kill the woman's spirit and all this type of stuff right here. And as of today, that's still going on.

I'm talking about the Black peoples, you know. That's why we really can't come together as a whole, because some people still have that slave mentality.

... you got a Black man come on his own, don't nobody know this man from the man on the moon. [And you got another Black man saying] "I don't like the way he look." "I don't like the way he talk." You don't even know this brother, how can you say you don't like this brother when you don't even know him?

... Just like I said, it's been installed in us for years. That's why I say George Jackson University shed a lot of light on Mississippi...

## I am an Extremist

*"I am an extremist, a communist (not communistic, a communist)... freedom means warmth and protection against harsh exposure to the elements. It means food, not garbage. It means truth, harmony, and the social relations that spring from these. It means the best medical attention whenever it's needed. It means employment that is reasonable, that coincides with the individual necessities and feelings" George Jackson.*

## He Was Brave, Dignified & Unselfish until the Day he was Shot in the Back

*"The way in which a man accepts his fate and all the suffering it entails, the way in which he takes up his cross, gives him ample opportunity—even under the most difficult circumstances—to add a deeper meaning to his life. It may remain brave, dignified and unselfish. Or in the bitter fight for self-preservation he may forget his human dignity and become no more than an animal." Viktor Emil Frankl*

*"Rarely do we find men who willingly engage in hard, solid thinking. There is an almost universal quest for easy answers and half-baked solutions. Nothing pains some people more than having to think." Martin Luther King Jr.*

**POSTPONED**

# UNCAGE CALIFORNIA!

In honor of the California Prison Hunger Strikers

## THE HUNGER STRIKING FOR TRUE FREEDOM TOUR & CARAVAN



A Caravan of Artists Shining light on California's Prison Industrial Complex while inspiring meaningful discourse nation-wide...

A cadre of artists will soon be traveling over 2000 miles throughout California passing by every state prison as we go - plus many of California's jails, youth and ICE detention facilities. We will amplify the voices of the people detained in California and around the country, by disseminating CPF publications throughout the state, and reading our letters from the Prison Focus Mailbox over loud speakers at pop ups and rallies organized along the way. In addition, at both organized and impromptu community dialogues, we will discuss community concerns and explore solutions, and concrete steps to end mass incarceration. We will use our "collective curriculum" [aka Prison Focus] as a tool to inspire and facilitate discourse.

CPF publications presents solutions developed by imprisoned scholars and activists, including the Prisoner Human Rights Movement Blueprint, Strategic Release and the "Autonomous Infrastructure" of the Abolish Legal Slavery in Amerika Movement.

In commemoration of freedom fighters everywhere, the final rally of the tour will take place at San Quentin on August 21st, the day George Jackson lost his life.

### CPF and the California Hunger Strikes

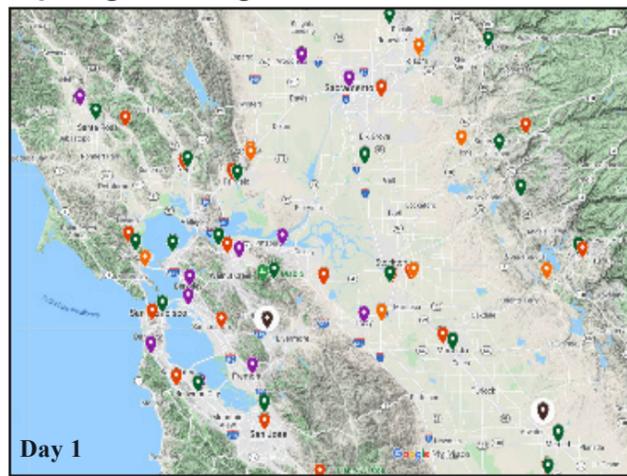
The California Prison Hunger Strikes, which consisted of two strikes in 2011 followed up by a massive strike in 2013 were organized by the same politically active individuals at Pelican Bay State Prison who were instrumental in the development of California Prison Focus - initially Pelican Bay Information Project - back in 1989, subsequent to the opening of Pelican Bay State Prison (PBSP). Men who became our close allies were tortured for decades with "sensory deprivation, sleep deprivation, thought deprivation, social deprivation and cultural deprivation". At the time of the hunger strikes, approximately 500 strikers had been tortured in the SHU for more than ten years and 78 for more than 20 years. Many of those individuals continue to endure retaliation today in the form of bogus violations and parole denials.

California Prison Focus played an instrumental role in the development and success of the California Prisoner Hunger Strikes and the *Ashker v. Governor of California* class action lawsuit, starting with over 20 years of impact on the public at large, challenging the false narratives created and sustained by CDCR propaganda. We did this via direct actions, investigative legal prison visits, Prison Focus Radio and the publication of our quarterly prison reports and Prison Focus.

Over 30,000 people participated in the 3rd hunger strike in July and August of 2013, including prisoners and activists from all over the world who joined in solidarity. Between the hunger strikes and the *Ashker v. Governor* class action settlement, CDCR was finally forced to release the men from solitary confinement. In 2015, the practice of indeterminate solitary confinement ended in California and led to the release of more than 1,500 people from California SHU. While limits now exist, the practice of solitary confinement in California still violates the UN's Mandela Rules (See pg. 4).

Ashker class action members continue to suffer from the long term effects of prolonged torture. (See "Post-Traumatic Stress Disorder Solitary Confinement" by Sitawa Nantambu Jamaa and Baridi J. Williamson, PF, Spring 2018, Issue 55 or "Pathology of the SHU" by Ifoma Modibo Kambon, PF, Summer 2017, Issue 52) Many are still unable to begin the healing process because they remain imprisoned, despite posing little-to-no public safety risk.

The California Hunger Strikers did NOT starve themselves only to be moved from one unit to another within the prisons. They did so to gain TRUE FREEDOM for themselves, for their children, their families and communities, and for all of us.



Day 1

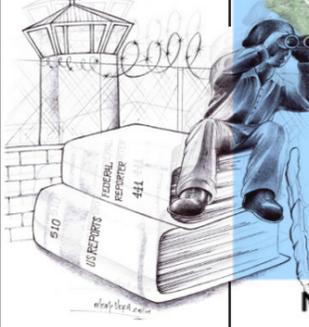
Detention Facilities in the Bay Area ↑



Southern Portion

California continues to lock people up at more than double the rates of our closest international allies.

\* Wagner, Peter and Wendy Sawyer. "States Of Incarceration: The Global Context", 2018.



Northern Portion



Uncage California Bumper Stickers

housed (due to his advanced age and poor health).

Magee - imprisoned since 1966 - is one of many long-imprisoned victims of systemic racism, enabled by propaganda and a numbing of the masses - or a victim of what I call 'sociopathic extremism'. (Read more about MaGee on Pg. 9)

The protest was peaceful and not much different than dozens of other peaceful protests and gatherings that activists had organized throughout the Summer, which Min King X had organized or participated in. Yet had you witnessed what took place a couple weeks later on the morning of August 9 you might think otherwise.

Min King X had come early that day to the California Prison Focus office, housed in the Legal Services for Prisoners with Children's (LSPC) Freedom and Movement Center in Oakland, California. He was preparing for the final event of Uncage California: Hunger Striking for True Freedom Tour and Caravan. The final event of the tour - The Remembering George Jackson Arts & Culture Demo - was scheduled to take place on August 21st, in honor and remembrance of Black freedom fighters of the California prison movement past and present, and to highlight resistance against racial oppression everywhere. Flyers for the event had been posted all over CPF and KAGE Universal social media, and Black August was being featured on KPOO Prison Focus Radio, with Nube Brown.

In light of the rampant racism that these men were contending with inside CDCR in the 70s, we wanted to ensure that the lives of people like Romaine 'Chip' Fitzgerald, George Jackson, W. L. Nolen, Jeffrey 'Khatari' Gauden and others are not lost to the black hole that is fake history, fake news, fake science and fake narratives. And that neither are the lives of still living Ruchelle 'Cinque' Magee, Louis Powell, James 'Baridi' Williamson, Michael 'Zah' Dorrough, Abdul Olugbal Narcisco Shakur (J. Harvey), Joka Heshima Jinsai, Mutope Duguma (s/n J. Crawford), Sitawa and so many other great men, women, elders, artists, prophets, mentors and principal thinkers

### Arrested while taking care of business

This drive to bring justice to living freedom fighters is what brought Min King X/George Jackson of RAPP to CPF

## George Jackson of RAPP Locked Up for His Opinion

Hunger Striking for True Freedom Tour and Caravan Postponed. But They Couldn't Stop Black August

By Kim Pollak

On July 15, 2021, despite what many are calling an act of prison brutality - the 15th parole denial of octogenarian Ruchelle 'Cinque' MaGee - the streets of America did not fill up with pandy protesters. Traffic was not stopped, store fronts were not bashed in and businesses were not shut down. After the parole denial, MaGee was quietly returned to his cell for another 100 years of solitude. Nobody blinked an eye. Well... almost nobody. MaGee may have. Who would know.

But when Minister King X of California Prison Focus and of KAGE Universal heard about the denial through the grapevine, he could not quietly accept the news. Min King X, who goes by many names - one of those being George Jackson of RAPP - decided to go exercise his First Amendment rights outside California Medical Facility (CMF), in Solano County, where MaGee is currently

Watani Stiner and Kim Pollak, holding up the artwork of Donald C-Note Hooker, getting ready for the Hunger Striking for True Freedom Tour [Day 1] around the SF Bay.

and is what keeps him going every day, facing the struggles of surviving life in the big yard - out here in the streets of Oakland.

The sun was out on the morning of August 9th. It was quiet outside except for the birds who were singing up a storm. Min King X was enjoying his "freedom" that day, taking in the sunshine and whistling with the birds outside on the sidewalk in front of the building, where he was emptying the office recycling.

Suddenly six US Marshall vehicles surrounded the Freedom and Movement Center. Armed and vested marshals jumped from the vehicles and rushed George Jackson of RAPP. Within minutes they had arrested the CPF Activist and KAGE Universal founder and whisked him away. Within minutes all was quiet again, except for the birds.

It was a sobering reminder of how far the California Department of Corrections and Rehabilitation (CDCR), - the state and the feds - will go to silence those who dare to challenge the system and align themselves instead with the self-empowering ideals of cultural pride and self-determination.

Prisoner-rights activist Dorsey Nunn, Executive Director of LSPC -- CPF's neighbor, ally, landlord and now hero -- immediately assigned an LSPC staff attorney, to represent Min King X. We were also grateful for the immediate legal support of an allied attorney and activist, Richard Tan. We soon learned that Min King X had been charged with a felony, under a law forbidding anyone with a former felony conviction from entering the grounds of a California state prison. This 80-year-old law is so rarely enforced that many activists, including Min King X, were unaware of it.

**(California Penal Code, § 4571.)**  
"Every person who, having been previously convicted of a felony and confined in any State prison in this State, without the consent of the warden or other officer in charge of any State prison or prison road camp, or prison forestry camp, or other prison camp or prison farm or any other place where prisoners of the State prison are located under the custody of prison officials, officers or employees, or any jail or any county road camp in this State, comes upon the grounds of any such institution, or lands belonging or adjacent thereto, is guilty of a felony."

**He's Hard to Ignore**

It is not surprising that Min King X would have attracted the attention of state and federal authorities. He is a vocal critic of the Prison Industrial Complex in general, and CDCR specifically (or "CDC 'little r'" as some refer to it, due to the lack of actual rehabilitation). In addition, Min King X expresses a strong sense of pride and determination, which CDCR apparently finds threatening, despite those qualities being at the very core of Min King X's personal growth and maturation, which he achieved in spite of a lifetime of obstacles, including over a quarter century in custody behind the walls of what makes up California's multi-billion dollar Prison Industrial Complex.

As a delegate for the elders still languishing behind bars today, Min King X disseminates their voices via a variety of platforms, including his Unkage'd Slave: 24 Hours Ago Zine, via social media and via the theater and arts.

Soon Min King X, aka Pyeface, aka George Jackson of RAPP will be releasing hip hop audio tracks from his "political musical" inspired by the California Prisoner Hunger Strikes, in which he participated, with titles such as "End All Hostilities," "San Quentin X," "Dirty Politics," "My Opinion," "New African" and "Abolish It."

**What the Police Report Reveals**

The redacted police report that led to Min King X's arrest was shared with fellow artists soon after the incident. The reporter revealed how CDCR/FBI is using and applying the politically/socially/racially-charged "STG" and "BIE" labels, implying that Min King X and others mentioned in the report pose a terrorist threat to domestic security. The report links Min King X with Ruchelle MaGee, as well as with signer of the Agreement to End Hostilities, Louis Powell, who endured more than three decades of solitary-confinement



Jose Villarreal, holding his book, *Chicano Power and the Struggle for Aztlan*, survived over a decade in SHU and participated in all three California Prisoner Hunger Strikes.

SHU torture at Pelican Bay State Prison. Powell and MaGee are both "lifers" - sentenced to indeterminate prison terms, until determined suitable for parole by the Board of Parole Hearings (BPH). Contrary to false narratives, they men do *not* demonstrate a "criminal mentality" and statistically pose less than 1% risk of returning to prison. Both have been eligible, and repeatedly denied parole for decades while the state claims we are challenged with a 66% 3-year recidivism rate.

**Nature of the investigation: "Extremism & Radicalization Activity: Protest of CMF Inmate"**

Min King X's arrest was triggered by CDCR's Investigative Services Unit (ISU). The police report states that on March 17 the ISU "was surveilling activists on Instagram as part of an investigation to gather intelligence on any upcoming protest activity involving California Medical Facility" (CMF). The investigator reports that he "discovered posts regarding upcoming protests at CMF regarding the parole denial of Ruchelle Magee," who is described as "associated with STG-I BGF (Security Threat Group I - Black Guerilla Family) and STG-II BPP (Black Panther Party)."

A Security Threat Group, or STG, is CDCR terminology for "prison gang" - language that attempts to link Black prison activists with domestic terrorism, a reflection of CDCR's partnership with the FBI. Most individuals who identify with the Black Panther Party and/or Black Guerilla Family consider themselves to be members of a political group, not a terrorist group or prison gang. Their mentality tends to be more "revolutionary" than "criminal." Many of these self-determined freedom fighters have experienced state violence and corruption in its most concentrated form, yet continue to challenge the injustice amidst a long trail of blood, sweat and tears. These individuals are nothing less than optimists and a great source of hope and inspiration in these dark times. [See Strategic Release, pg. 38

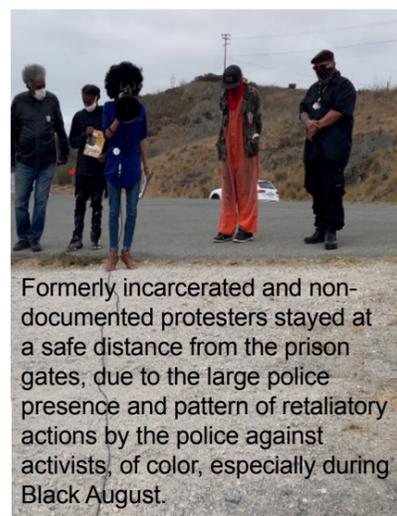
**Victims of Pathological Extremism**

In a 2020 analysis titled "The Invisible Hand of the State: A Critical Historical Analysis of Prison Gangs in California," Robert D. Weide of the Department of Sociology at California State University L.A. explores the role of the formal policies and informal practices implemented by CDCR prison staff and/or administration.

The report concludes, among other things, that "prisoners are subject to constant manipulation and provocation by prison staff, and that administration has created an environment which encourages the emergence and proliferation of prison gangs and the conflicts between



The San Quentin event was a success thanks to CPF artists and allies who organized and showed up, including Workers World, Poor Magazine, Taz Foundation, SF Bay View, Brown Berets, No Justice Under Capitalism, Empact, The Village Advocates of Sacramento and others.



Formerly incarcerated and non-documented protesters stayed at a safe distance from the prison gates; due to the large police presence and pattern of retaliatory actions by the police against activists, of color, especially during Black August.

Allegra Taylor knows the pain of growing up without a Dad. Hers was tortured for 46 years.

LSPC/AOUON saves lives by addressing vaccine hesitancy head on in Bobby Hutton Park in West Oakland on August 21st, 2021, reflecting the same fundamental sense of self-preservation and self-determination that inspired George Jackson, as well as the likes of Ruchelle Magee and Louis Powell who are all still carrying on Jackson's legacy today.

them." Weide RD. *The Invisible Hand of the State: A Critical Historical Analysis of Prison Gangs in California.* The Prison Journal, May 1, 2020.

Provocations by racist staff coincided with the political activism that was suddenly taking place inside of California prisons, since so many individuals from the Black Power Movement had been in the 1960s and 1970s - if not killed - incarcerated. The expansion of self-led educational programming in the CDCR system in the 1960s motivated a political consciousness among CDCR prisoners, the likes of which has never known before or since.

**REVOLUTIONARY**  
[ rev-uh-loo-shuh-ner-ee ]  
**Adjective:**  
involving or causing a complete or dramatic change. radically new or innovative; outside or beyond established procedure, principles, etc.: A revolutionary discovery.  
of or relating to the American Revolution or to the period contemporaneous with it in U.S. history: Revolutionary heroes; Revolutionary weapons.

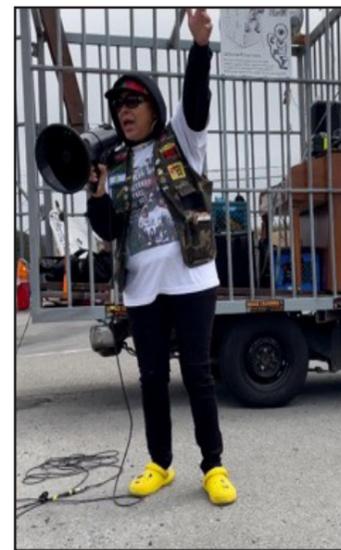
**The Police Report, continued...**

The ISU officer (name redacted) states that he recognized Brown by his alias "Minister Kage X" from the YouTube channel KAGE Universal. It also includes a screen shot of the YouTube video - or Prison Focus Talking Zine - titled "They Still Use 1030s to Jam the Door," which was co-produced by Min King X and myself, as his California Prison Focus colleague, over a year ago. The YouTube video consists of a very non-political phone interview conducted with Louis Powell (see a transcription on page 14). In it Powell describes the more than 30 years he spent in solitary confinement, as well as CDCR and IGI's Cointelpro-style debriefing policy, and other injustices he continues to face, including his 2017 parole denial.

The ISU investigator describes this video as an example of "Black Supremacist Extremist" (BIE) ideology - essentially the same basis used to "justify" their holding of this man, and many others, in solitary confinement for more than 30 years. While our government will most likely try to sweep this travesty under the rug, CPF holds the truth within its archives, in the form of more than 3,000 letters documenting the practice of prolonged torture in US prisons, which have been safely stored and are currently being digitalized and processed for further analysis.

In regards to Black August, Powell recently told me that he was involved in the development of Black August at San

Quentin in the 1970s and that at that time he warned his brothers that if they introduced Black August from within the prison (rather than have it come from the churches, for example) prison authorities would do everything they could



**THANK YOU!**  
Shout Out to Arizmendi Bakery in Oakland for the pizzas donated in support of the California Prison Hunger Strikers. We are inspired by your worker-owned cooperative business model and we love your pizza!



to keep it from reaching the public. His prediction still rings true today. The suppression of Black August for over thirty years is documented in the CPF archives.

### **A Culture of Violence Coming from the Top Down**

On October 6, 2017, Foreign Policy, published an article disclosing the existence of an FBI Intelligence Assessment titled “Black Identity Extremists Likely Motivated to Target Law Enforcement Officers”.

"The FBI assesses it is very likely Black Identity Extremist (BIE) perceptions of police brutality against African Americans spurred an increase in premeditated, retaliatory lethal violence against law enforcement and will very likely serve as justification for such violence," reads the report obtained by Foreign Policy, which was marked for official use only. The Intelligence Assessment had been disseminated to 18,000 law enforcement agencies across the country.<sup>1</sup> In that same time period, TASER International, the global leader in law enforcement technologies, had launched a new program to equip America's 18,000 law enforcement agencies with upgraded tasers, body cameras and supporting hardware, software advertised "to manage all of your digital data from any source and easily build cases".<sup>2</sup> [It was a highly profitable decision for Axon shareholders and convenient for the FBI, but not so much for African Americans who disproportionately die in police Taser confrontations.]<sup>3</sup> (See pg. 25)

The FBI has singled out and targeted individuals and organizations representing Black people, Muslims and migrants for decades. Historically, when their discriminatory practices have been exposed, subsequent congressional investigations and reports are quickly and quietly swept under the rug.

In March 2018 there was a congressional hearing to discuss FBI's designation of “Black Identity Extremist” (BIE). California's Representative Karen Bass expressed concern at that time that the designation was being applied to protesters - like Min King X - who were demonstrating for an end to police brutality against Black people.<sup>4</sup> In May 2019, members of the Senate Judiciary Committee raised these concerns regarding the BIE designation, in a letter to the FBI. On June 4, 2019, Michael C. McGarrity, assistant director of the FBI's Counterterrorism Division, testified to the House Oversight Subcommittee on Civil Rights and Civil Liberties, that the BIE term was no longer being used by the FBI.<sup>5</sup>

But in August 2019, more leaked documents revealed that the FBI had merely created new designations that obscured the extent to which it continues to target and surveil Black activists. Min King X's police report further proves that the FBI continues to use the BEI designation, and to treat the Black Panther Party as a domestic terrorist threat.

### **The List**

The ISU investigator included a list of 30 individuals, 26 organizations and 6 media platforms that they say endorsed the Free Ruchelle Magee website, and thus have "ties to STGs and other Extremist Groups". These groups are likely being targeted as well.

After researching the majority of them, I could find little evidence that they shared or demonstrated “extreme” or “supremist” ideology, nor did any seem to display a pattern or history of unprovoked violence.

Among those listed were LSPC, Black Lives Matter and San Francisco Bay View. LSPC's mission is to organize communities impacted by the criminal justice system and advocate to release incarcerated people, to restore human and civil rights, and to reunify families and communities. Black Lives Matter was founded in 2013 in response to the acquittal of Trayvon Martin's murder. Its mission is to eradicate white supremacy and build local power to intervene in violence inflicted on Black communities by the state and vigilantes. The San Francisco Bay View describes itself as a “National Black Newspaper.” It covers events from an African-American perspective, with a focus on Black liberation and worldwide racial inequality and political repression.

### **Failed Efforts to Stop Black August**

During the period when the ISU investigator confessed to having been surveilling Min King X, the latter's social-media platforms were plastered with flyers of the Hunger Striking for True Freedom Tour and Caravan, and the Remembering George Jackson Arts and Culture Demo event. I'll leave it up to the reader to believe or not believe that Min King X was targeted in a concerted effort to ‘disrupt, discredit and

1 Kate Irby, White and Far-Right Extremists Kill More Cops, But FBI Tracks Black Extremists More Closely, Many Worry, McClatchy (Jan. 25, 2018), <https://www.mcclatchydc.com/news/nationworld/national/article196423174.html>.

2 Axon, 2021, <https://www.multivu.com/players/English/8012851-taser-rebrand-axon-free-body-cameras/>.

3 Linda so, "Black Americans disproportionately die in police Taser confrontations", Reuters, June 15, 2020.

4 "U.S. Legislators Worried by FBI Term 'Black Identity Extremists'", Al Jazeera, March 20, 2018.

5 Michael Harriot, "The FBI Admits Black Lives Matter was Never a Threat", The Root, June 11, 2019

destroy' CPF's efforts to shine light on California's massive Prison Industrial Complex, on the plight of the organizers and participants of the California Prison Hunger Strikes and on the commemoration of Black August.

But like the real George Jackson, George Jackson of RAPP also empowers and moves people, and on both sides of the prison walls. Within days of Min King X's arrest, individuals from the many parts of Min King X's life came together to form the Free Min King X Defense Committee.

Within days a press release with the following headline was released: “Black Community Organizer, Journalist and Musician Min King X Racially Profiled and Jailed for Reporting on Prison Abuse, Now Faces Prison Time.” A rally was organized for the day of Min King X's hearing, August 20, 2021, the day before the Remembering George Jackson Arts and Culture Demo. The rally which was being organized would have drawn attention not only to Min King X, but also to the parole denial of Ruchelle Magee, to the California Prison Hunger Strikers and to the still captive New African freedom fighters advocating for Strategic Release.

Not surprisingly, the day before the rally and two days before the Black August 2021 event, all charges were suddenly dropped based on and a stated technicality, Min King X was permitted to go.

### **Remembering George Jackson Arts and Culture Demo went on as planned**

On August 21, allied organizers came together to support California Prison Focus and KAGE Universal, and to pick up where Min King X had left off. While the rest of the California Prison Focus Hunger Striking for True Freedom Tour and Caravan were postponed, thanks to a powerful group of activists, from California Prison Focus, Workers World, Poor Magazine, Taz Foundation, No Justice Under Capitalism, All of Us or None, San Francisco BayView and others, the Remembering George Jackson Arts and Culture Demo went on as planned.

While Min King X was not able to attend the event - and others at risk remained at a safe distance - Min King X was there in more than just spirit. Tracks from his Political Musical, along with the voices of his elders, were played throughout the event. Speakers included Allegra Pinell from The Village Advocates and AOUON of Sacramento and Leia Schenk, founder of the nonprofit EMPACT which “fights for the community's voiceless and often unseen”, as well as live streamed voices from behind the bars, and readings over the loud speaker from the Prison Focus Mailbox.

The fact that CDCR so blatantly tried to obstruct the Remembering George Jackson Arts & Culture Demo crystallized the significance of Black August, and highlighted how important it was for us to be there - and to never stop organizing. It is our goal for there to be 4 times as many people next year, featuring Ruchelle Magee, Louis Powell, as well as the voices of other unsung heroes and long-time correspondents of California Prison Focus, including Todd Ashker, Baridi J. Williamson, Jaime Carranza, Cesar Villa, Abdul Olugbala Shakur, Michael ‘Zaharibu’ Dorough, Sitawa, Joka Heshima Jinsai, Mutope Duguma (James Crawford), Ifoma Modibo Kambon (Daryel Burnett), Kijana Tashiri Askari (Marcus Harrison) Crawford, Sitawa Nantambu Jamaa, Narcisco Medina, Joe Ajene Valentine, Alfred Sandoval, Francisco Gonzales, and so, so many others.

### **We almost lost him. George Jackson of RAPP bounces back with another message.**

Mistrust in the system led Min King X to make the choice to not get vaccinated earlier in the pandemic. His fears are based on his experiences and understanding that the systems in which he grew up, were not created to serve him. His outlook was reaffirmed when, in the middle of a deadly pandemic, Min King X was not tested for Covid upon his arrival nor release, to or from Santa Rita and Solano County Jail, where he was forced to be in a small space with other individuals. Social distancing was physically impossible, he later explained.

About ten days after his release, Min King X began to feel ill, and soon after, his will to survive overcame his fears and he finally allowed himself to be admitted to the hospital. With the ambulance on their way, Min King X insisted on recording a short labored message for his friends and social media followers. Between breaths, this is what he had to say: “I want to tell the people, at the end of the day you can fight, and you can fight hard... around the world for the inside and outside issues... systemically... environmentally... but one thing you gotta fight hardest for... is your family.”

Min King X remained on a ventilator for over a week. His many fans, as well as friends and family waited patiently, embracing Min King X with their silent love and prayers. We almost lost him, but Min King X was raised by CDCR. He is a survivor by nature or he wouldn't be here today, telling the people, “Get vaccinated and Don't Stop Fighting.”

Demand mass releases and an end to mass incarceration for once and for all!

# Sweeping History Under the Rug

By Kim Pollak

*“I'm going to ease some of this tension by telling the black man not to fight himself. That's all part of the white man's big maneuver to keep us fighting among ourselves, against each other.” Malcolm X*

It was just over half a century ago - in 1965 - that 39 year old Malcolm X was assassinated in New York City, as he was about to give a speech at the Audubon Ballroom on his newly formed Organization of Afro-American Unity. Many African Americans and others who believed that the FBI had orchestrated the murder, were discredited as conspiracy theorists. On February 22nd however, lawyers and family members of Malcom X released new evidence showing that the NYPD and FBI had in fact conspired in the assassination.

The deathbed letter of a former undercover NYPD officer, Raymond Wood was recently read at a press conference attended by three of Malcom X's daughters and members of Wood's family. The letter explained that Wood was pressured by supervisors to lure two of Malcolm X's security men into committing crimes a few days before the assassination, keeping the two men from managing door security at the Audubon Ballroom on the day of the shooting.

Malcolm X had been aware that he he was being targeted. He was under surveillance by the FBI at that time, and his home in Queens, NY had been firebombed just a week earlier, while Malcom X, his pregnant wife and children were asleep in the house. [It is unknown whether there will be a new investigation on the firebombing of Malcom X's home.]

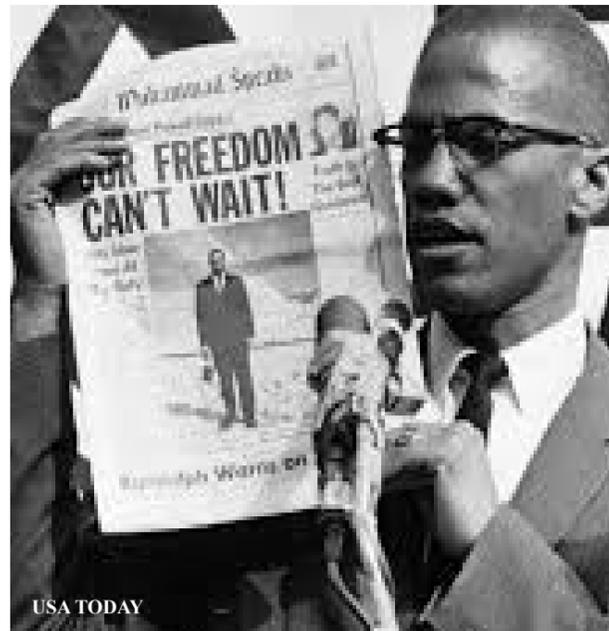
## **Aziz and Islam will be exonerated. Will those who were responsible be held accountable?**

Muhammad A. Aziz and Khalil Islam, were set up and falsely convicted. Prosecutors alleged that Aziz and Islam were part of a trio including Thomas Hayer. Hayer, who was 22 years old at the time of the assassination, testified at both the trial and later at parole hearings, that Muhammad Abdul Aziz and Khalil Islam were innocent. Nevertheless, Aziz, and Islam - who died in 2009, were each locked up for over 20 years, just recently joining over 2400 other people who have been exonerated for wrongful convictions in the United States just since 1989.

Aziz and Islam were held responsible for a homicide that they did not commit for over 50 years. Will the agency and people who were *actually* responsible for the murder be held accountable?

Mainstream, corporate media has diluted and downplayed the significance of what has been exposed, under the guise of “That was then, this is now.” But we know that FBI continue to surveil and target Black activists today, who they label as domestic terrorists, or “Black Identity Extremists”. In essence, Cointelpro lives on, especially inside California prisons, where there's even less visibility. Without a concerted effort of public and congressional action, the FBI will continue to act outside of the law, to implement it's Cointelpro tactics and to successfully evade all accountability, based on their claim of “National Security”.

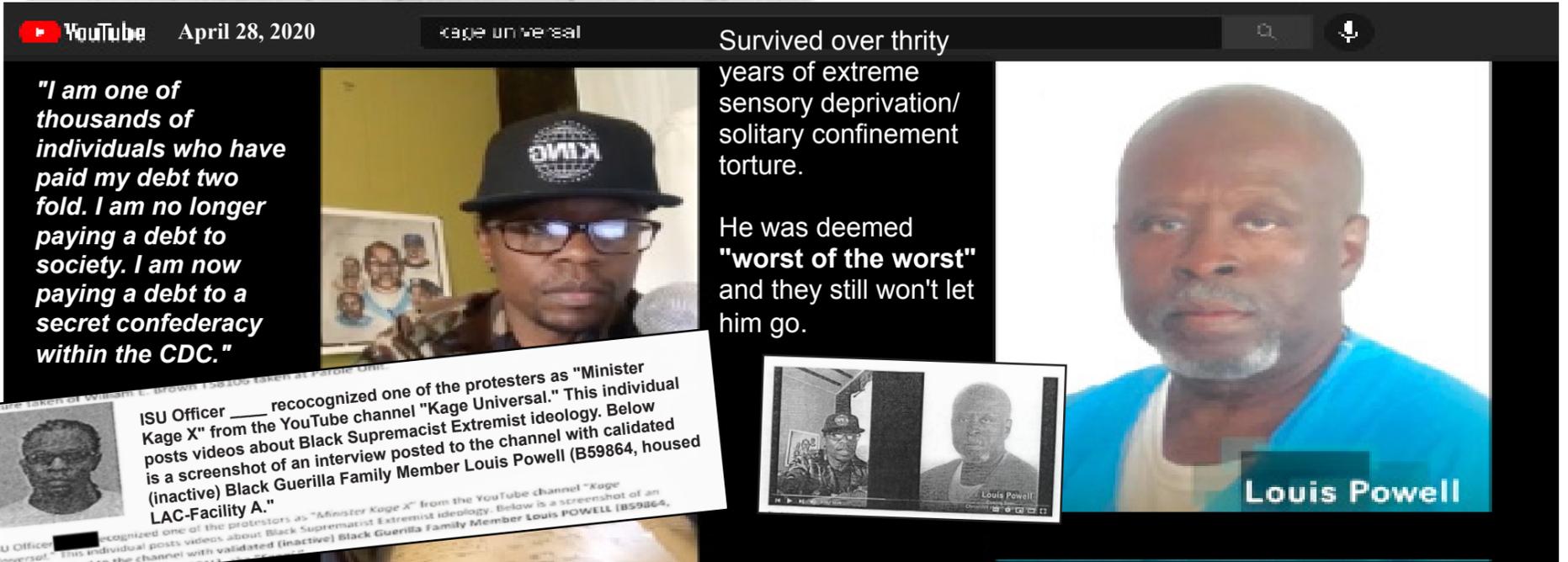
Editors Note: On November 22, 2021 in what media sources are reporting as “apparently unrelated”, the youngest daughter of Malcolm X, Malika Shabazz, born soon after her father's assassination, was found dead in her Brooklyn apartment. Omar Suleiman, founder of the Muslim research group, the Yaqeen Institute, wrote: “I pray he [her father] will be waiting to embrace her there. May Allah have mercy on them and make it easy for her remaining family on earth.”



# IT PUTS FOOD ON THEIR TABLE. AND IT IS WRONG.

MORE FROM THE POLICE REPORT OF MIN KING X

ISU Officer \_\_\_\_\_ recognized one of the protestors as "Minister Kage X" from the YouTube channel "Kage Universal." This individual posts videos about Black Supremacist Extremist ideology. Below is a screenshot of an interview posted to the channel with validated (inactive) Black Guerilla Family Member Louis POWELL



## Louis Powell, Principal Thinker and signer of the Agreement to End Hostilities is Just One of Thousands of California's Imprisoned Elders who languishes in prison for no apparent reason except to sustain a job for his "keepers"

CPF/KAGE Talking Zine - They Still Use 1030s to Jam The Door

### KAGE Universal Phone Interview

(transcription from Youtube video)

**Youtube:** <https://www.youtube.com/watch?v=zxtbkVas8wQ&list=PLoYEgdOiuerCfjNMqe467NF3Ti-EUXJHA>, Recorded April 28, 2020.

**Automated Voice:** This is Global Tel Link. You have a prepaid card from...

Voice on the other end of the line: Louis Powell

Automated Voice: Thank you for using Global Tel Link.

**Min King X:** Ladies and gentlemen, calling from state prison, we have one of the principal thinkers here, and I'd like him to weigh in on our subject right now.

California is dealing with the COVID virus. It has landed in the prison system. The California Hunger Strikers and members of the Ashker class settlement have suffered enough while in custody of CDCR. These individual had their constitutional rights violated under the 8th Amendment ban under cruel and unusual punishment. Their illegally enhanced sentences must not be allowed to become death sentences...Would you like to weigh in sir?

**Louis Powell:** Yes, yes. I heard most of it. Ya' know, because of being in long time solitary confinement, my hearing is deteriorating. I do have hearing aids but I can't get batteries. I am one of the reps of the

- this telephone number will be monitored and recorded um, I am one of the reps of the Pelican Bay Short Corridor that led the 30,000 California prisoners on a hunger strike. And for that reason only, they are retaliating and they are retaliating though the Board of Prison Terms.

I've spent over 30 years in solitary confinement. I've seen hundreds of individuals go insane, seen individuals commit suicide, so many individuals just drop dead. Everybody thinks in terms of physical torture being worsen than mental torture. Well it's not. Mental torure is vicious.

Like I said I'm suffering from sensory deprivation, sleep deprivation, thought deprivation, social, culture and so on and I'm still suffering from it.

And even though I left solitary confinement in 2015, we recreated the hunger strike to seek release from solitary confinement. We knew at the end CDC was going to state that they couldn't release us to GP because of all of the fighting and assault that would occur. So we came up with the Agreement to End Hostilities. And it worked. We succeeded in beating the CDC propaganda against us. There hasn't been a single incident since our release from solitary confinement.

Well you see need the strong social activists community out there. And um need the not only the getting at the governor, but getting a different ward, getting at the border prison term. The Board of Prison Term is the main factor. They choose Confidential Information/1030s to deny us. We do not have due process once an individual puts a 1030 on you. You can't fight it. There is no due process to it. You can't say like I want people to board and uh a week before we went to the board I received

25 1030 confidential informant forms and um, and they stated they believed every one of them is true. I received no right ups. Like I say I can't fight it there is no due process.

And so the whole thing is to, they try to break me into debriefing. And so that's what it comes down to, they all, everybody, political prisoners or whoever progressive minded individual, the wore them down, it's prison features. It's as simple as that.

For the people that don't know what debriefing is can you explain, go a little bit into the detail what debriefing is?

Ok debriefing is, they want you to tell everything you know about your associates, about your associates, your family members. First they led you to be a prison gang member. So in order to meet suitability, you have to debrief, you have to become a prison informant. You have to tell everything you know and if you don't know nothing on a particularly individual, you got to make up some good tales. And long as you go on record as a snitch, then they find you suitable. That's all that's required they want you on record as a snitch.

And as long as you go on record and snitch, they'll find you suitable. And right now I'm doing a history, writing a

piece on the history of solitary confinement. And I should be finished in about a week is the history of California prison solitary confinement union, from 1970 to 1990. And it's going to talk about the history of the Debriefing Program

I would like to state this real quick. 1000s of individual debriefed. They broke. They shouldn't be seen as prison snitches. They are victims of torture. We will acknowledge and recognize they are victims of torture. And individual spent 20 minutes in the hole, he couldn't take it no more. It was either lose his mind, go insane, or make up some story to get out of solitary confinement. **Min King X interjects:** Parole, smith or die.

"I'm just one of 1000s of individuals who have paid my debt two fold. I'm no longer paying my debt to society. I am now paying a debt to a secret confederacy within the CDC."

They make some money... They started with the SHU and then they came up with the IGI and then the ISU and the OCS and the predominant individuals that they got affiliated with gangs are prisoners of color, mostly Blacks and Mexicans.... And all the guys running these gang units are white male. So it puts food on the table, sends their kids through college, they're able to buy homes and this and that.

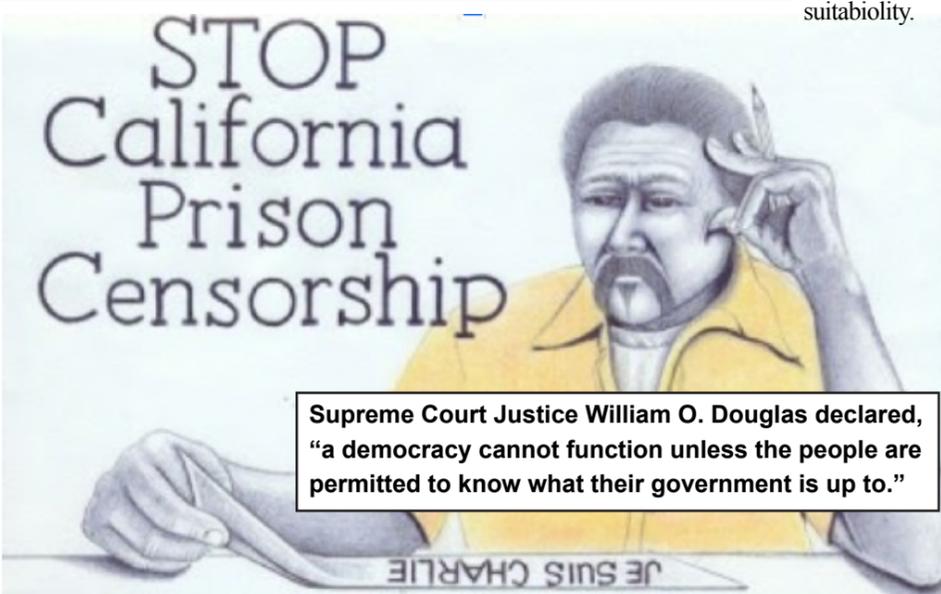
Anybody that is for reform or an abolitionist they'll put the tag on 'em of a prison gang member. I have never been a member of a prison gang. I have never been a member of a street gang. But because of my association and affiliation with prisoners from all strides, I'm considered an associate or a gang member. And it is wrong.

I went to a parole hearing in 2017. They told me to get my GED and lower my custody level. I have a GED from 1967 from Arizona. They said they don't recognize other states.

So in December I should have my GED and I'm a level 3 now. But the board (BOH) will find some other reason to deny me. suitability.

**They make some money... They started with the SHU and then they came up with the IGI and then the ISU and the OCS and the predominant individuals that they got affiliated with gangs are prisoners of color, mostly Blacks and Mexicans.... And all the guys running these gang units are white male. So it puts food on the table, sends their kids through college, they're able to buy homes and this and that.**

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We depend 100% on community support.  
Visit us online at prisons.org/donate.

# BLACK ACTIVISM AND BLACK AUGUST UNDER ATTACK

## Extremely Pye

The police report called him a **Black Identity Extremist? He is a bit Extreme.**

- Extremely committed to his brothers & .sisters still behind the walls
- Extremely committed to the uplift of his community
- Extremely proud of being 75% African
- Extremely committed to the youth.
- Extremely committed to standing up for what's right
- Extremely adamant about challenging what is wrong.



"We who know King know he is a humanitarian and outspoken peace advocate. King works on behalf of all races and all people." C-Note

Min King X speaks with a classroom full of 13 year olds during the Covid lockdown, asking them, "What does freedom mean to you?" →

**C-Note's voice: It's not in our nature to be criminal!**

And these [younger brothers on the yard] are the people, these are the very individuals that can contribute to society. [In prison] We need lawyers, we need teachers, we need feasible programs.... We need things that's going to empower them through trade, through vocation, make sure they got all the tools and the resources they need. You know this isn't just an individual thing. This is a collective....

Inside I was performing with No Joke Theater. And No Joke Theater taught me how to be a stage manager, how to be a director, how to be a better writer, a better actor. And I want to give back what I learned to the youth. I want to teach them.

With the skill set that I learned in prison, I was able to bring it out here and utilize it. Now that I'm the codirector of Prison Focus, I utilize the plays to tell the stories to stop mass incarceration, solitary confinement, etc.. And it's profound, because people are receptive to it.... I performed at the anniversary of Oscar Grant, [and] for Black History Month...

Now I could bring it in with all these hip hop artists, and make it a better day. Music...



## It's Nothing Of That Nature

Excerpt from the Intercept, By Alice Speri. March 23, 2019  
 "Anybody that knows a little bit about the history of black activism would know that once you become politically involved as a black person, especially as somebody who counters popular politics, that you will be watched," he told The Intercept months after a judge ordered his release...

**"The thing about it is, a lot of mature black nationalists, militants, are not into the concept of going to war with the police or the state or anything of that nature"**

...noting that he espouses what he called "scientific revolutionary socialism," and that he believes in an individual's right to self-defense. "Their plan was for me to ... feel guilty for being a black activist who promotes a culture of self-defense and self-preservation in a white nation. ... That's really the crime," he told The Intercept.

**being a black activist who promotes a culture of self-defense and self-preservation in a white nation. ... That's really the crime"**

## CPF ARCHIVES DOCUMENT DECADES OF CDCR'S ATTEMPT TO SUPPRESS BLACK AUGUST

From the Prison Focus Archives PF 34, 2010 (Excerpt)

**New Afrikan Prisoners of War indeterminately confined and incarcerated within the SHU of Pelican Bay State Prison**

With the creation and the establishment of our Black August Memorial concept, commencing with the 1st Black August Organizing Committee (BAOC) in 1979, we commemorate our fallen revolutionary comrades/ancestors who were killed serving the interests of New Afrikan/Black people on both sides of the prison walls.

**"The Black August Memorial concept is being systematically and spuriously repressed by PBSP officials."**

Having previously labeled any particular New African prisoner confined in PBSP SHU as a member or associate of a black prison gang, a labeling/designation more often than not inappropriately applied, any materials, writings/communications, literature, etc received or disseminated by said New African PBSP prisoners are confiscated and disallowed as constituting prison gang propaganda, ideology and/or activity constituting a threat to the safety and security of the prison institution.

**"This imposition of censorship as it relates of commemorating, receiving or disseminating accurate information pertaining to our Black August Memorial concept, is the obviously repressive measure currently and constantly employed by PBSP officials."**

Original Ed. Note: Outside people note that Black prisoners are still being validated as gang members for any hint of support for Black August. More than one prisoner did not receive Prison Focus Issue 31, Summer 2008. It had on its cover, in bold letters:

**"BLACK AUGUST-WE WILL NEVER FORGET!"**

## A Peace of Pye from the Talking Zine, 2020

Transcription from Youtube: Peace of Pye #1, with bonus unreleased soundtrack from the play, "I Stand 2 Vote"

**M**y name is Minister King X. I was born and raised in Oakland, California. I was down for the last 18 years in the state. I did time in High Desert State Prison, Corcoran State Prison and Pelican Bay...In 2011 I had went to the SHU. You're stuck inside of a cage for 23 hours a day. No windows. It was torture.

I fell right into the hunger strike. All the races came together. Everybody was promoting peace. I was having dialogue with elders, and they was giving me advice as far as looking into the law books. Not only that, but reading and finding out more about self.

I started writing articles for SF Bay View, and Prison Focus, and others alike. And that's when I realized and crystalized, "OK, I found my voice. It's time to get involved, especially with the younger brothers on the yard. They really didn't have no aim.

## Self-Determination is NOT Extreme



Cultural pride is NOT extreme.

Advocating for ones' rights is NOT extreme.

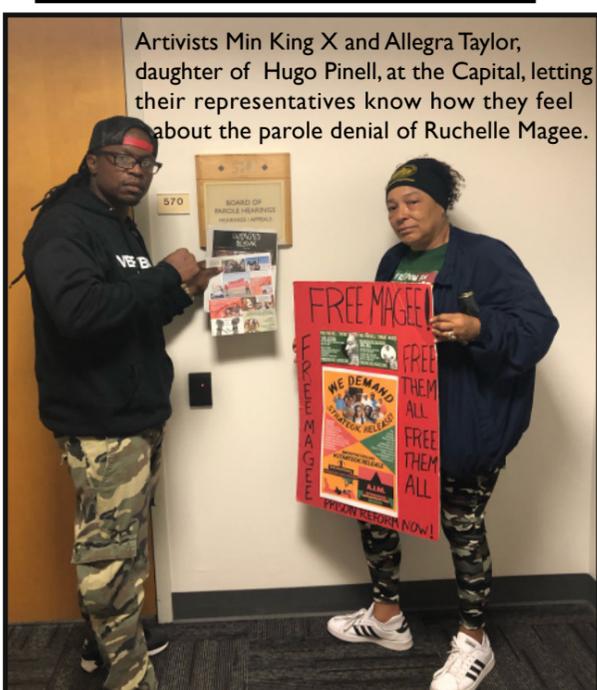
Feeding one's community is NOT extreme.

Locking somebody in a small concrete box for over almost half a century is EXTREME.

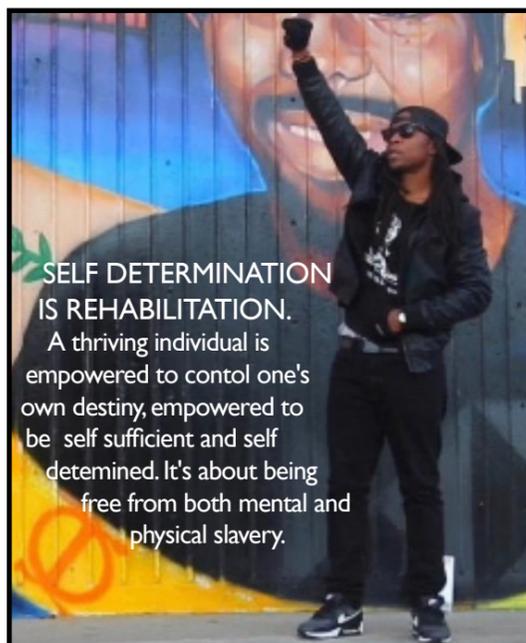
"People shouldn't be afraid of their government. Governments should be afraid of their people." Alan Moore

**One of the things that we did in Pelican Bay, under the Agreement to End Hostilities, we put together a self-help group, a peace program, to teach Culture Genocide, so we could understand what it means to be objectively subjected to institutionalized racism.**

**"The FBI is linking the people... based only on them being black, rather than on any sort of larger ideological connection, the official said. "The race card is being played here deliberately." former homeland security official**



Artists Min King X and Allegra Taylor, daughter of Hugo Pinell, at the Capital, letting their representatives know how they feel about the parole denial of Ruchelle Magee.



Min King X takes a stand against police brutality in the streets, at an Oscar Grant Memorial event.



Clothing drive, Oakland, CA, 2021



People's Free Food Program, Palo Alto, CA, 1972

# PRAGMATICS OF WHITE SUPREMACY

By Keelon Jenkins

Hi my name is Keelo G of the #freekeelogmovement and a member of KAGE Universal. A legal travesty is upon us. For years prisoners have been prejudiced against for their political practices and beliefs. Please take notice that there were despicable racial practices aimed at black prisoners in the early 60's and far before. Black prisoners was subjected to abuses beyond the scope of humanity, just like the civil mistreatment of Black citizens in the streets of Jim Crow America.

Due to this malfesance, black prisoners understood the need to unify. During this time of Construction a beloved Brother named W.L.Nolan trailblazed a movement of Black unity and the need for a transformation of the black mentality from the slave mindset - of criminality and self-destruction - to a revolutionary mindset, entailing historic Afrikan curriculum designed to educate old man gangsterism to new man moral principles. Through this development black men were able to re-culturalize themselves through political science and philosophy. Nolan held classes teaching Marxism, Leninism and Maoism. He believed that exploitive capitalism was the catalyst to Afrikan enslavement and the chattel treatment of Black African Slaves.

Nolan's most notable student was George Jackson himself! These reputable historic figures along with many other notable figures structured a black nationalist movement in the late 1960's.

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## With this newly renovated consciousness, black inmates started to fight against the racist systemic pragmatics of white supremacy.

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This leads us to the subject matter in discussion. On July 16, 2021 at Ruchell Cinque Magee's suitability hearing for parole, after serving over 50 years and being 83 years old, community organizers assembled "in front" of California Medical Facility State Prison rallying to call for the freedom of Magee.

On January 13, 1970, while going to the recreation yard in Soledad State prison's O Wing, a collusion between white supremacists correctional officers and their inmate comrades plotted an attack against W.L. Nolan, Alvin "Juggs" Miller, and Cleveland Edwards as well as other black unknowing inmates. But the plot was thwarted when Nolan, who was a prize prison champion boxer, and the other Black prisoners overpowered their attackers.

Upon seeing their plot go up in flames, a tactical marksman was in O Wing gun tower. This marksman saw Nolan and took his opportunity. In a matter of minutes, three Black inmates are shot and killed; W.L. Nolan, Alvin "Juggs" Miller and Cleveland Edwards.

This tragedy changed and shaped history as we know it. This incident led to George Jackson and other Black prisoners being charged for the killing of a prison guard, which in turn dubbed them \*THE SOLIDAD BROTHERS\*. The chain of events stemming from this incident led to the August 7, 1970 Marin County Superior Court in which George Jackson's beloved little brother Jonathan Jackson attempted to free his brother for the unsubstantiated charges that was made against George and the Black Nationalists.

Payback for the guard's killing (minus them having probable cause to charge these men). This manchild's bravery and love for his big brother resulted in the kidnapping of a judge as a hostage in order to free the captives from their illegal bondage. Sadly, young Jonathan Jackson's life was taken, along with William Christmas, and James McClain and Judge Haley. Fortunately, Ruchell Cinque Magee survived the barrage of bullets hailed at the Freedom Fighters.

Regardless of one's opinion or feelings about the incident on August 7, 1970, an elderly man in his 80's that served well over 50 years is not a threat to society. Lifer's have a below 5% recidivism rate. Thus the people's fight for his life is a reasonable one.

KAGE Universal's, Min King X - also organizing with California Prison Focus - was recently arrested and charged with being an ex-felon on prison grounds. This charge was erroneous and trumped up to discourage the organized event scheduled for August 21, 1971 in which Min King X aka Pyeface planned to bring attention to Black August and hence commemorate the death of our historic figures. It was a given that this event would also bring attention to the plight of Ruchelle MaGee.

CDCr is antagonistic when it comes to Black August because of the events that led to it. But like the Black Lives Matter recent events, the magnitude of Black Lives being wrongly persecuted, lynched, dragged, shot, hung, subjugated, imprisoned, wrongly convicted, discriminated, gentrified, marginalized, and inhumanely treated gives precedence to why we have to fight relentlessly.

This is why Min X aka Pyeface is freedom fighting - along

with other heroic organizers who have placed their lives, liberty, and right to the pursuit of happiness on the line in a relentless battle for humanity. Many have been placed in jail, and often in solitary confinement, as Min King X did for 3 consecutive years between 2011 and 2013 in Pelican Bay State Prison, for being overly verbal in standing up for his rights and the rights of others, or as he puts it in Hunger Striking for True Freedom, his political musical, for "having an opinion" or for wishing for equality and or the right to be treated as human!

On August 21, 1971 George Jackson fought for freedom and was killed. Events that had widespread impact far beyond San Quentin. This pain ignited a chain of events which led to the prison takeover in New York at Attica prison on September 9, 1971.

Help us in our fight to free Min King X, and join in commemorating the many historical lives that were lost during August in 1971, as well as before and since then, to both police, prison and systemic brutality. Let's NOT let Min King X aka Pyeface aka George Jackson of RAPP be another casualty to the system. Speak up and be heard. We pledge to eternally commemorate...

**-POWER TO THE PEOPLE!-**

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## PRIVATE PRISONS AREN'T UNIQUELY HEINOUS. ALL PRISONS ARE ABUSIVE

By John Pfaff

Reprinted from the Washington Post, February 3, 2021

Ending the use of private prisons has become a major criminal justice reform talking point. In 2020, nearly everyone vying to become the Democratic presidential nominee cited the issue as a significant step toward confronting the racial inequities of our criminal justice system. Banks, pension funds, universities and other institutional investors, facing mounting pressure, have dropped private prison firms from their investment portfolios.

So it was not surprising that one of President Biden's first actions upon assuming office was to sign an executive order instructing the Justice Department to terminate federal private prison contracts. Yet the order contains fairly little to celebrate. In fact, it may be a setback in efforts to create a more equitable criminal justice system.

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### It's good Biden is ending for-profit federal prisons. Detained immigrants deserve no less.

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First, the scope of the order is quite minor. It applies only to the federal prison system, which holds about 11 percent of all people in prisons nationwide. Of those, about 15 percent are in private facilities. This means the order affects only about 1.5 percent of the U.S. prison population.

Moreover, the order does not apply to the Department of Homeland Security, and so not to the numerous private immigration facilities run by Immigration and Customs Enforcement.

The order is not likely to lead to any actual change in the total U.S. prison population. The Federal Bureau of Prisons has seen its prison populations shrink by about 42,000 people since peaking in 2012, and the system surely has enough excess capacity to transfer the 27,000 people currently in private institutions to publicly run facilities. Tellingly, the union representing the correctional officers in public federal prisons cheered the order: The group understands that this order is more about transfer than reduction.

On top of all this, the order does not even close the private facilities immediately, but rather instructs the Justice Department not to renew any contracts with firms such as CoreCivic and Geo Group that manage the Federal Bureau of Prisons' correctional facilities. It is unclear when these contracts are up for renewal, but any that would renew after 2024 may avoid closure altogether if the Democrats lose the White House. Regardless, most closures are probably years off.

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### Biden said the order was part of an effort to address racial inequality, but targeting private prisons does little to nothing on this front. Disparities in punishment do not arise from where we send the people we've convicted, but from whom we choose to arrest, whom we choose to charge, what we choose to charge them with and the sentences we impose on them.

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Biden has the ability to shape all of these factors: Federal law enforcement agencies all report (ultimately) to him, and he will eventually appoint the nation's 93 chief federal prosecutors. Simply changing the "where" — private vs. public — does not change who we are locking up in the first place and for how long.

These critiques basically add up to a symbolic order, which it is. And if it were merely that, my concerns with it might appear a bit nit-picky. Unfortunately, I fear the executive order is a symbolic act that may undermine efforts to reform our prison system more significantly. It's not so much that the order does little, it's that it might actually do harm.

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## To see this, we have to disabuse ourselves of perhaps our biggest misconception about private prisons, which is that they are somehow uniquely pernicious. At the end of the day, the public prisons are... close to identical.

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The tendency to single out the private ones risks obscuring the similarities between the two institutions, which in turn means that we are likely to overlook their similar problems — and the problems of public prisons occur on a much greater scale.

The standard distinction people try to draw between public and private prisons is that there is something fundamentally wrong about profiting from putting people in cages. The catch? Public prisons are "profiting," too, and offer benefits to the people responsible for running them and the communities where they are located in ways that may not be as immediately obvious but are often even more significant. And, like the private firms, those who benefit from public prisons will aggressively lobby for punitive policies that will keep the prisons open.

To start, of the \$50 billion that state governments spend on prisons, more than two-thirds — over \$35 billion — goes just to the wages and benefits of those who work in the facilities. It's about the same for the Federal Bureau of Prisons' \$7 billion budget. Prisons tend to be located in relatively rural, economically vulnerable communities. However miserable prisons are to work in, they are often among the few decent-paying jobs in those areas, and the wages of prison employees in turn prop up all sorts of other businesses in those communities. This presents a huge financial incentive for public-sector unions and state representatives to lobby to keep prisons open.

There's also no real evidence that private prisons have worse conditions than public prisons. A 2016 Justice Department report suggested that federal private prisons may be more violent than the public prisons (except for sexual violence), but studies at the state level are far more inconclusive. Again, incentives are relatively similar despite superficial differences. The private systems cut back on programming and safety because we pay them per prisoner, not per success. In many ways, recidivism works to their benefit. But so, too, for public systems: The people released from public prisons usually return to places far from those institutions, so those public correctional officers don't bear the costs of recidivism — and, as with the private ones, recidivism ensures (public) prisons stay full and thus (public) jobs stay safe.

In 39 states, inmates "count" as living in the prison when states draw up legislative districts, even though they cannot vote. (In two states, people in prison can vote, and in the remaining nine states people in prison count as living at their last known address.) Given that people in prison disproportionately come from Democratic-leaning, racially diverse urban areas and that prisons are increasingly located in more-conservative-leaning White rural communities, this "prison gerrymander" effectively transfers political power to the state Republican Party. Even though most budget models are smart enough to avoid allocating funding based on the gerrymander, this system of representation ultimately results in state policies that favor whiter, more rural and more suburban areas. This clearly creates a strong financial incentive for local (public) officials to push their (public) legislators to keep prisons full, even in states with no private prisons. (This, too, is a racist policy that Biden can address without Congress by instructing the Census Bureau to change its internal rules.)

When we shift our attention from state prisons to county jails, public actors start to look even more like private ones. Counties across the United States have built new jails or expanded jail capacity in hopes of securing contracts with state or federal agencies, especially ICE — jail expansion by the public sector driven by hopes of making a profit off other public-sector agencies. Note, too, that these capital projects are often funded by municipal bonds, which are underwritten by large banks (including some that publicly divested from private prisons to avoid the optics of profiting off incarceration) and which effectively transfer public tax revenue to their (private) holders when locking people up (in public institutions).

It is laudable that Biden began his term by explicitly targeting the racial inequities that permeate our criminal justice system. They are very real, and there are actions he can take to confront them. Unfortunately, shuttering private prisons at some future date is not just a small step, but one that suggests — incorrectly — that private prisons are somehow uniquely harmful, and thus risks stymieing deeper reforms targeting public prisons.

# HOW LONG WILL WE PLAY THIS SONG?

## Prison guards promote violence

From the SF Bay Guardian Archives, June 21, 2000  
By Michelle Foy and Leslie Dibenedetto of CPF

"Today, the jury proved us right," gloated Don Novey of the California Correctional Peace Officers Association after a federal jury acquitted eight Corcoran prison guards of violating the civil rights of prisoners in the Security Housing Unit at Corcoran. According to Novey, the government prosecutors attempted "to make [the guards] out to be the criminals and the criminals the heroes."

But despite the legal exoneration of these eight prison guards, all of whom were involved in the maiming and death of unarmed prisoners at Corcoran State Prison, the character of the men on trial and particularly the system that they work within remains in question.

The California Department of Corrections' integrated yard policy, which mandated that members of rival prison groups be placed in the exercise yard at the same time, was discontinued in November of 1996, two years after the killing of Preston Tate at Corcoran. However, a de facto policy remains that results in prisoners being set up for fights by guards and administrators at Corcoran and other prisons and jails across the state.

Stories of guards orchestrating fights between prisoners have seeped out of the walls of Pelican Bay, New Folsom, High Desert, Youth Authority lockups, and the L.A. County Jail. On Feb. 23, after many months of prisoners being locked down, a massive yard fight broke out at Pelican Bay, resulting in guards shooting 16 prisoners. Dozens of prisoners were injured. The majority of the 25 Pelican Bay prisoners interviewed by San Francisco nonprofit California Prison Focus unequivocally stated that staff were fully aware of plans for the impending melee.

According to the *San Francisco Chronicle*, last month, Armando Lopez, a former California Youth Authority prisoner who now works for the parole office, testified to a Senate committee that incarcerated youth are pitted against one another. "You prepare yourself for what I consider battle," he said. "You have to fight. You must survive."

Additionally, a lawsuit was recently filed by black prisoners against the Los Angeles County

San Francisco Bay Guardian • June 21, 2000 •

## A Concerted Effort to Uphold Violence

KAGE

CDCr is merging incarcerated people together who are not compatible. And even when somebody puts a formal complaint out there that they are not compatible with their cellmates, they still force them in there and threaten them with an RVR, Rule Violation Report. And if they still say that they're not compatible, they're going to try to put them with another celly that they may not be compatible with. People are dying this way. See, prison is an asylum and it's being an asylum for years. It's nothing new.

They hide all this, then at the end of the day they want to report this violence that they instigated, so they can go and ask Sacramento for more money for "Safety and Security".

But the biggest threat that CDC has is the guards themselves. They collaborate with free staff - nurses, psych techs - and falsify documents.

So that's what the Inspector General is saying...But the thing is, this is not a new finding. What happened in San Quentin ain't new; what's been going on in Pelican Bay, this is not new. The four Reps and stikers brought it out in the hunger strikes with the Five Core demands. And the Supplemental Demands.

We were talking about it but they don't listen to our complaints, because we're just prisoners. Now the Inspector General is basically saying that what we've been saying is true -- staff falsifying documents, collaborating with each other, etc..

**They are not reporting the truth -- that there's less race riots, due to these Principal Thinkers from the California Hunger Strikes. They did anything that they could to sabotage the Agreement to End Hostilities because CDCr knew with that being upheld, it would sandcastle their concerted effort to uphold violence.**

You can go back into the appeals coordinators for the first, second, and third level and find documents from myself, from Sitawa, from Paul Redd, from Todd Ashker, from other prisoners that didn't participate in the hunger strikes. You can find documentation, documentary evidence, of people making these claims. Like, Edward Furnace; he did lawsuits and won. California Prison Focus has years of prison reports and letters, just like the report coming out about the corporate malfeasance in the Excessive Use of Force and and and false reporting at Pelican Bay.

Sheriff's Department, after a three-day dormitory fight broke out in the L.A. County Jail that resulted in 80 injuries and one coma. More than 200 plaintiffs allege that deputies purposefully placed rival groups of prisoners together in the same area.

From time to time the California Department of Corrections publicly reveals its true intentions of maintaining and-encouraging violence between prisoners. Ken Hurdle, an ombud for the CDC, told the *Sacramento Bee* in December that if prisoners who are at peace with one another were to be allowed on the yard together "[t]hen you'd have two groups normally aligned on the yard at the same time. They would only have staff as their enemy."

Early investigations, conducted by reporters and other analysts, of the killings at Corcoran revealed that an increase in prisoner fights led to more incident reports being filed against prisoners, more lockdowns, fewer programs, the hiring of more staff -- and consequently more funding for the fast-growing prison system. When administrators and staff successfully foment and inflame racial and gang divisions, they in effect further their pursuit of secure funding for their jobs and the structure that is necessary for those jobs.

They also redirect righteous anger of many prisoners away from the system, away from conditions in prisons and jails and from larger issues of criminalization and racist state policies.

A well-organized resistance on both sides of the walls is necessary in the face of the strength of the California Correctional Peace Officers Association and those pulling the strings in Sacramento. We must choose to challenge the divide-and-conquer strategies of the prison industrial complex or usher in the police state that California is rapidly becoming. ♦

## Ex-Soledad Con Describes Racial Hatred At Prison

SAN FRANCISCO (AP) — A former white inmate at Soledad provided graphic testimony about the racial hatred and violence in the prison before the shooting deaths of three black convicts in 1970.

Robert Wendekier, 27, also testified Tuesday in federal court that he saw convicts Alvin Miller, Cleveland Edwards and W.L. Nolen shot by a tower guard Jan. 13, 1970.

The dead convicts' families are suing 10 Soledad Prison officials and guards for \$1.2 mil-

## CDCR OBSTRUCTS THE AGREEMENT TO END HOSTILITIES UNTIL IT MAKES THEM LOOK GOOD

while those who created it continue to face lethal conditions, retaliation and parole denial

By Kim Pollak

One would think that CDCR would embrace prisoner efforts to end hostilities between different prison groups. However, as incarcerated organizers attempted to disseminate and promote The Agreement to End Hostilities throughout the prisons, CDCr obstructed their efforts.

PF Issue 45, Spring 2015:

Staff members refused to hang the statement throughout the prison as the collective had hoped, claiming that the Agreement to End Hostilities qualifies as third-party communication.

A prisoner-led anti-hostility group [KAGE Universal] was initiated by an individual in general population... The chaplain had permitted him to sponsor the initiative but the staff are not supportive...

Some guards have been known to place "disruptive" people on the yard to instigate fights and break the peace promoted by the anti-hostility group and the Agreement to End Hostilities. Like the agreement, the anti-hostility group discourages men from participating in violence, challenging officers' apparent attempts to incite hostilities and violence among the men.

PBSP Prison Report, PF Issue 48, Winter 2016

On the 23rd of each month, people in GP walk around the yard with someone from a different race, taking a stand with The Agreement. Mr. Y stated that some people try to sabotage it, namely the C/Os, who continue to try to trick the general population with their anti-solidarity games...

Mr. Q said that he believes the solidarity of the hunger strike made the gang-investigation team think it is losing power....The men inside understand that... violence doesn't work anymore cause it can be used against them.

Pelican Bay Prison Report, PF Issue 49, Spring 2016

Several individuals who have left the SHU and are now in GP promote the AEH with others and try to live the values of the agreement by refusing to play by the race game.

Prison Focus issue 50, pg. 7, Fall 2016

Mr. U noted that the Agreement has benefited everyone, because instead of the prison staff having excuses to take things away from them, now there is more access to programming and educational courses [and thereby parole grants and freedom].

Mr. G stated that thanks to the Agreement, it has been peaceful the Pelican Bay yard for nearly a year straight.

Mr. O talked about a basketball tournament the other day on the yard that included groups that wouldn't have previously been peaceful towards each other.

## So despite implying gang violence for incidents like the one on May 24, 2017 at Pelican Bay State Prison, CDCR actively obstructs the Agreement to End Hostilities' full potential as a tool to end violence in California prisons.

To add insult to injury, after years of trying to squash prisoners' pacemaking efforts, CDCr boosts PBSP's image by publicizing the positive impact made by The Agreement to End Hostilities, while failing to acknowledge that 13 of the 16 elders who authored it continue to languish in prison today.

The news story below gives a false account of events, stating at the AEH was created after the men were released from SHU, failing to acknowledge that it was created as a strategy to be released from the SHU, and that if it weren't for the unity built from the AEH, those men would still be suffering in solitary confinement today.

...Before the hunger strikes and the formation of the P.E.A.C.E. Group, Woods said "there was no unity among prisoners and everyone distrusted each other... Pelican Bay isn't even the same place," Woods said. "There was so much division [before the AEH]. You had every faction separated and there was no re-crossing."

Then in a May 2020 article published on the CDCR website, CDCR employee Capt. Marlaina Dernoncourt declares, "Positive attitudes can improve the atmosphere in an institution... Giving inmates positive and productive ways to express themselves and focus on others and also encouraging them to set the example and be positive role models themselves has started to really change the culture within the prison system."

So while CDCR employees congratulate themselves for promoting a positive attitude in California prisons, the elders who created the AEH are still not being recognized for their historic role in improving race-relations behind the walls, nor acknowledged as principle thinkers (problem solvers, strategists, scholars, humanitarians) who are badly needed in their communities. These men had to starve themselves for two months in order to be heard.

Despite the monumental accomplishments of these men, despite the excessive "tough on crime" sentencing laws that sanctioned CDCR to confine and torture them for decades, despite good behavior and their participation in programming and community building and activism inside prisons and out, and now despite the threat of COVID-19, these elders remain locked up for more than 20, 30, or even 40 years, under the pretense of their being the "worst of the worst."

Yet manufactured violence enables CDCR to get away with it. If guards were not triggering violence through their excessive use of force, provocation of racial tensions, or policies such as the forced yard merging of "enemy" groups, thousands of people could go home. So perhaps it's time to stop and ask ourselves, who is really the worst of the worst?

CDCR claimed that the signers of the Agreement to End Hostilities presented a major threat to the safety of the general prison population and held some of those men in solitary confinement for more than 30 years, and none for fewer than ten.

You Tube: End All Hostilities Talking Zine  
<https://tinyurl.com/yufbwtdtm>

## End All Hostilities

"It's only because of The Agreement to End Hostilities that I am now home, after 18 years. It's because the Agreement created a positive self-help environment where each group can now safely engage in the cultural exchange of materials, tools and ideas, in unity. It is because of these Principal Thinkers that there are no more mass race wars within California prisons, despite the false propaganda orchestrated by CDC small r, that these men are violent, dangerous ongoing threats to public safety. We must liberate the elders." Min. King X

# Prisoners' Agreement to End Hostilities as the basis for the abolition of 'legal' slavery

December 25, 2014

by Michael Zaharibu Dorough, J. Heshima Denham and Kambui Robinson, NCTT Corcoran SHU

(From the Prison Focus Archives, Issue 45, Pg. 17)

*"When bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle."* George Berkeley

*"Slavery is nearly as old as human civilization itself, but (in) 1698 ...the construct of 'race' was hardly formulated. This racialization of American slavery was rooted in economic calculation and psychological anxieties ... In fact, the human family was carved into modern 'racial' pigeonholes – white, black, red, brown, yellow – in order to control, confine, discipline and dishonor ... Racialized persons and racist practices were systemized and canonized principally owing to the financial interests and psychic needs that sustained the slave trade and New World slavery."* Dr. Cornel West

**"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States." – Amendment XIII, U.S. Constitution**

Greetings, Sisters and Brothers. There are moments in human history when doors to genuine human freedom are opened. This does not mean we, as a species, always take advantage of the opportunity to walk through those doors – but every once in a while, the true potential for our liberation arises. Often, we fail to take advantage of those opportunities because we genuinely don't know they exist; in such cases, a lesson in dialectics is learned.

However, more often than not, it's because there is some social force standing in our way – be it unprogressive attitudes, backwards ideas, old style tendencies, or the very real fear of freedom that's been deeply imbedded into so many of us. Something acts to bar us from entering that new world of unrealized promise.

On Oct. 10, 2012, the Pelican Bay D-Short Corridor Collective, men from various cultural groups and walks of life, put into effect the historic "Agreement to End Hostilities," perhaps the single most significant "door to genuine freedom" opened in American society in recent human history. What makes it so significant is not simply its motive force but, more importantly, its true potential for our collective liberation as a society.

On this second anniversary of this historic agreement, we'd like to give you all a glimpse through the door the Agreement to End Hostilities has opened for us all. For us to appreciate the path the Agreement to End Hostilities has paved for our futures, we must look back at the "road" we traveled thus far and understand its interconnections to both those forces which have historically opposed progress and those which foster it.

Owing its origins to the primitive accumulation of capital within the chattel slave system and the extermination of the Native Americans, the very concept of race was manufactured by European colonial slavers and business interests to develop a "legal" and ideological foundation for establishing the socio-economic hierarchy and dehumanization of various cultural groups – an ideology of superiority and inferiority which reflected the European capitalist world view of economic, political and military domination and exploitation of the Earth.

This system of global white supremacy was forged on the dehumanization of the remainder of humanity by embedding the artificial ideology of "racism" in its every institution. The correlation between the chattel slave system and Native American genocide in the "New World," the development of the "race" ideology and "racial" antagonisms in American society, the slavery provisions of the 13th Amendment for convicted felons, and the years of "race"-based hostilities among U.S. prisoners – and the communities they hail from – cannot be accounted for simply through the macrocosmic-microcosmic reflection of society and prisons.

No. It is much deeper and more disturbing than this, and it is why the Agreement to End Hostilities is so potentially devastating to the pillars of American capitalist exploitation.

"(We) always agree that "race" is invented, but are then required to defer to its embeddedness in the world." Paul Gilroy

The system of American capitalism has always used the fictitious construct of race as the central means to maintain the fluid functioning of the class system and in turn the dominance of the ruling class. It is woven into the base and superstructure of American Society.

As James Yaki Sayles observed, race has come to function on the superstructure; it's become part of our distinct way of life and cultural existence. The interests of race – as a characteristic of the peculiar class and national social relations of capitalist and colonial exploitation – have become part of the group interests that we share and which stand as antagonistic to the interests of other groups of people, classes and nations.

It's part of the collective consciousness which informs the

creation of the organizations and institutions we use in pursuit of our aims. Now all this is really less about race than about class and national formation and consciousness. It's not about race, since that's a fiction.

As we've observed, racism developed as an ideological concept to sustain slavery and as a justification for the extermination of First Nations people. It was anchored in the economic deliberation, financial interests and the panic of Europeans of the age over their numeric inferiority in relation to the remaining human cultures of the world.

Conveniently, the same socio-economic and political motivations – slavery and population containment – which "codified" racism as an ideology and institution then are the same interests which maintain and maximize them in the prison industry today.

The same socio-economic and political motivations – slavery and population containment – which "codified" racism as an ideology and institution then are the same interests which maintain and maximize them in the prison industry today.

This intentional warping of man's social being – forcing the false construct of "race" to be manifested as a social force in U.S. capitalist economics – has been so thorough that it has allowed dehumanization to not only be codified in the supreme law of land, the slavery provision of the 13th Amendment, but "normalized" it. Now tens of millions of people in America accept dehumanization – disenfranchisement, third and fourth class citizenship, "civil death" and diminished constitutional and human rights – as a natural outgrowth of their economic position in relation to the productive system.

There was a time when questioning a people's humanity was tantamount to a declaration of war. Yet millions so affected simply accept it – as does American society as a whole. EVERY PRISONER in the U.S., including parolees, regardless of cultural identity, religious or organizational affiliation, is considered by the state to be a slave and is viewed no differently from Afrikans in Amerika in the early 1800s.

"The slave went free, stood a brief moment in the sun, then moved back again towards slavery." – W.E.B. Du Bois

The chattel slave system in the U.S. required Euro-Amerikans – and not simply those engaged in the slave trade – to dehumanize the subjects of the brutal practice: slaves. They went so far as to develop baseless, pseudo-scientific rationales for phenotypical human variation, a product of human evolutionary adaptation, and to connect these to a stratification of the human species.

Their rationale reflected the irrational world view of the European proto-capitalist: The European male was the only "true" human and the creator of civilization; the rest of humanity was reduced to various retrograde sub-human phenotypes with the Afrikan being the hindmost – a mere "three-fifths of a man."

When the Prison Industrial Complex erected the "new Jim Crow" on the backs of the poor nationally, the "legal," ideological and political structures already existed to extend this dehumanization to those who refused to accept the status quo of property relations and the dictates of the ruling elite: the felon, the outlaw, the prisoner.

When we speak of America being a locked, anti-poor society, we are speaking of the conscious dehumanization of the underclass and the lumpen. Just as a quack "science" sought, and failed miserably, to create some scientific justification for "racial" ideology and racist dehumanization so as to legitimize its material force in society, so has modern quack "science" sought to create justifications for criminalization ideology and "criminal" dehumanization to legitimize the disproportionate policing and imprisonment of "citizens" from poor, non-European and underclass communities.

"Doctors" like Stanton Samenow and Dr. Yochelson have produced a body of pseudo-science based on the eugenicist premise that "criminals" are "born bad" and "genetically different from other humans" and the "only solution is to separate them from society." That every objective sociological, physiological and psychological study refutes such baseless claims as hokum is not what's relevant.

What's relevant is authoritarian powers want to believe them and penal institutions across the U.S. have latched on to this tripe and transformed it into a material force, building an entirely new sub-industry of the PIC: cognitive restructuring. Their hope is to brainwash hundreds of thousands of the imprisoned poor to absolve the nature and structure of capitalist society of all culpability in the lack of viable choices available to them and for the existence of social automation technology and instead accept their innate criminality and that they were born social degenerates.

Instead of moving away from the "Bell Curve" [a 1994 book by that name arguing that racial differences in intelligence are genetic and immutable], Samenow, Yochelson and their ilk have simply expanded it to encompass anyone convicted of a crime – almost exclusively non-Europeans, the poor and the underclass – an absurd notion in a nation where the average person violates several "laws" daily that they are unaware even exist. In the case of cognitive restructuring, it's just the latest

way to monetize social control and add an air of "scientific" legitimacy to dehumanization.

"For every system of state and law, and the capitalist system above all, exists in the last analysis because its survival, and the validity of its statutes, are simply accepted (by the colonized) ... And these laws retain their validity even when personal motives or the force of circumstances have induced him to violate them." – George Lukacs

The truly disturbing aspect of all this is so many of us for so long accepted this, even acted in accordance with it – much as slaves did in the 1600s, 1700s and 1800s. The system of slavery was NOT maintained for so long because of the lash, the noose or the guns of the slavers. One can only be a slave master if the subjugated accept their roles as slaves.

No. It lasted so long due to the way slaves were orientated and divided. It was the science of "man breaking and slave making." They pit the male slave against the female slave,

the dark skinned slave against the light skinned slave, the young slave against the old slave, the field slave against the house slave – none would trust the other, yet ironically they all "trusted" the slave master.

Prisoners, parolees and those under other forms of social control are the only remaining "legal" slaves of the day and the new "slave master" is the state. The state is the primary tool and weapon of the ruling class. The state's interests are the ruling class' interests, period. It is their chief weapon of dominance over the remainder of society.

There was a time in American history when that weapon was always pointed at the Native American, the Afrikan slave, the unruly Mexican or the European indentured servant. Now that weapon is always aimed at us – the lumpen, the underclass, the convicted felon, the prisoner – because we, like the Native, slave or indentured before us have no interest in upholding and perpetuating a system which declares its imperative to dehumanize and repress us. Again, see the U.S. Constitution's 13th Amendment.

There is an entire body of law which articulates the "legitimacy" of the "civil death" of prisoners and the "appropriateness" of the absolute despotism of the state in their lives. We tacitly support it by accepting our dehumanization, though it runs contrary to our interests.

As a wise man once said, "The question I've asked myself over the years runs this way: Who has done most of the dying? Most of the work? Most of the time in prison (on max row)? Who is the hindmost in every aspect of social, political and economic life? Who has the least short term interest or no interest at all in the survival of the present state? In this condition, how could we believe in the possibility of a new generation of enlightened fascists who would dismantle the base of their hierarchy?"

The modern Prison Industrial Complex has picked up right where the "Peculiar Institution" [of slavery] left off, only substituting the long standing cultural divisions of "race" ideology for traditional slavery's labor and social function-based divisions. They intentionally pit the New Afrikan prisoner against the Mexican prisoner, the prisoner from the North against the prisoner from the South, the European prisoner against the New Afrikan prisoner, the young prisoner against the old prisoner, the Kiwe against the Damu, the folks against the people, the European have-nots from one group against the European have-nots from another – and for decades WE ALLOWED them to do this to us.

They used our antagonisms, antagonisms born of this system they created, as a basis to erect torture units – Security Housing Units (SHUs) – and a system of mass incarceration which continues to devastate the working class and the poor. They broadcast our conflicts and contradictions to an uninformed public to secure ever larger portions of the social product (taxes), further enriching themselves, their industry and their labor aristocracy – as we were further dehumanized and despised.

Just like the slaves of the chattel era, many of us helped them out by embracing this fiction, these manufactured categorizations, and fought each other with delusional gusto, as they built a monolith of money and political power in pools of our blood ... until the Agreement to End Hostilities was announced; and just like that – hundreds of years of capitalist institutional exploitation was immediately put in jeopardy.

"Only social practice can be the criterion of truth ... Marxist philosophy holds that the most important problem does not lie in understanding laws of the objective world and thus being able to explain it, but in applying the knowledge of these laws actively to change the world." – Mao Tse Tung

Correct ideas come only from social practice. In two short years since the Agreement to End Hostilities was enacted by a relatively small population of prisoners, it has manifested itself into a social force which has accomplished the liberation from SHU of some of the most severely tortured prisoners in the history of modern imprisonment.

There are few among the entire population of prisoners and their family members who, just five years ago, would have

*Agreement to End Hostilities .....Continued on pg. 20*

# George Jackson to George Floyd

By Kevin D. Sawyer

Reprinted from the SF BayView, December 2020

Nearly 50 years ago the national discourse on state-sanctioned police violence against a Black man rallied around a man named George. That history can't repeat itself because it has not ended. It continues where the point of focus is typically centered on local law enforcement who feign the assignment of judge, jury and executioner.

A cop's bullet – or knee – can, and often does, render a clinical death. But their pen, if used maliciously to write a false police report, arrest warrant or search warrant fastened to perjured testimony, effectuates a civil death through imprisonment. Pen or the sword or in many cases the gun is not an unimaginable leap for a rogue cop. The evil trinity of police, prosecutor and prison that Black men face all begins with a cop....

## **They should not be allowed to hide, out of sight, behind prison walls because their violence is also real.**

The California Department of Corrections and Rehabilitation's officers have "peace officer" status similar to city police, sheriff's deputies and the highway patrol. If anyone believes CDCR officers don't kill with impunity, then turn your attention to San Quentin Prison on Aug. 21, 1971, when George Jackson was assassinated for an alleged escape attempt.

## **As demonstrations and protests bring greater awareness to police violence in America, it is important to realize that while an officer's misdeeds may flourish within carceral environments, they do not end at the prison gate. Too often what happens there is overlooked, until it bleeds back into our communities.**

In 2019, the CDCR had 9,692 use-of-force incidents, according to a July 2020 report by California's Office of the Inspector General (OIG). Of those, 2,296 were monitored by the OIG.

*"In 51 of the 2,296 incidents (2.2 percent), officers did not adequately articulate an imminent*

*threat, leading us to question whether the force was necessary,"* the OIG report stated. *"It represents an increase compared with our last report,"* which reflected 1.5 percent of the incidents.

## **Half a century after George Jackson was murdered, with so many Black lives slain since then, it's wise to remember that everyone is a potential George until wanton police violence against all people is stopped.**

If the culture of so-called "blue lives" is ever going to change, then officers employed with the CDCR can't be let off the hook.

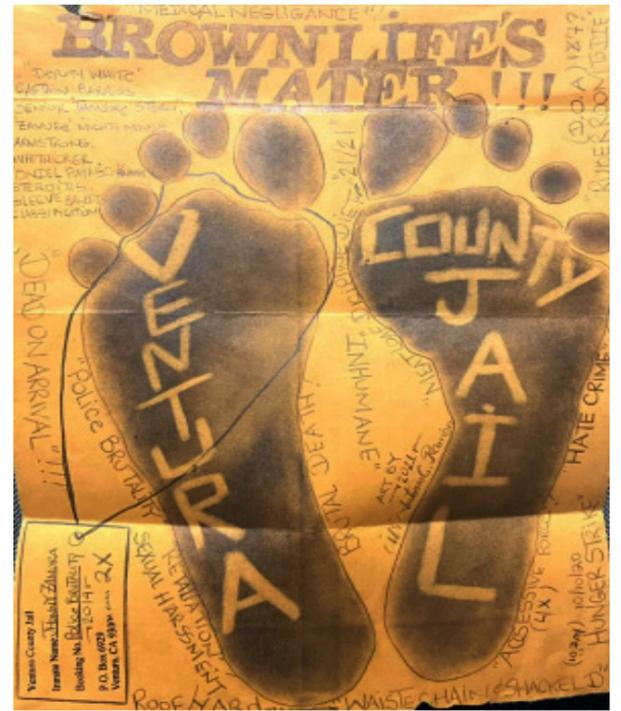
They should not be allowed to hide, out of sight, behind prison walls because their violence is also real.

As demonstrations and protests bring greater awareness to police violence in America, it is important to realize that while an officer's misdeeds may flourish within carceral environments, they do not end at the prison gate. Too often what happens there is overlooked, until it bleeds back into our communities.

Source: Opinion, news accounts, facts known from history and "Blood in the Water," by Heather Ann Thompson, pp. 164, 179-80, 180 and 187. See also Office of the Inspector General ([www.oig.ca.gov](http://www.oig.ca.gov)) report, "Monitoring the Use-of-Force Review Process of the California Department of Corrections and Rehabilitation," July 2020.

**About the Author** Kevin D. Sawyer is an African American native of San Francisco, California. He is the associate editor for San Quentin News and a member of the Society of Professional Journalists. Among other things, Sawyer holds a Bachelor of Arts degree in mass communication and a paralegal/legal assistant Diploma from Blackstone Career Institute. He is currently working on a novel.

**"Where else could a red-blooded American boy lie, kill, cheat, steal, rape, and pillage with the sanction and the blessing of the All-Highest."**  
George White, Federal Bureau of Narcotics & CIA



## **Keep Your Head To The Sky**

*From a devoted reader of Prison Focus and solid activist*

This is dedicated to all those who died for our cause and our struggle. I myself was a victim of this circumstance. I am a Strong Survivor of police brutality. I was shot, allegedly "one shot, one kill" meaning "one bullet". It broke my servical spine, punctured two lungs, broke three right ribs, three left ribs and my left shoulder. Not only did I lose a great friend, one of my best comrades, in 2019 my last cell mate in Ventura county jail solitary confinement - Ad-Seg Dungeon F#02, the cell I reside in now - Diego Vala Montalvo died in my arms as I shared my vientre to keep him alive (CPR) after fatally being shot, like myself, by police brutality. Johnny Zamora was brutally beaten, according to the the Governor's classification, two times. The second time they killed him. It doesn't matter if you are in juvenie hall, CYA, county jail or state or federal prison. Brown Pride Matters! A devoted reader of prison focus and salad activist, yours truly Mr. Antonio Casteneda Ramon #J69101

*"I was gang validated and thrown into the SHU indefinitely for having Aztec art in my cell." CPF Correspondent, 2011*

## **Title VI of the Civil Rights Act of 1964**

### **NAACP Legal Defense and Educational Fund Issues Statement on the Failure to Advance the George Floyd Justice in Policing Act of 2021**

Today, members of the U.S. Senate failed to reach an agreement on the George Floyd Justice in Policing Act of 2021. In response, Sherrilyn Ifill, President and Director-Counsel of LDF, issued the following statement:

"Last summer's global protests were the culmination of decades of frustration and pain resulting from the death and brutality exacted upon Black and Brown people by law enforcement in this country. Meaningful federal legislation to broadly transform policing should have been swiftly enacted in response. Instead, despite the passage of the George Floyd Justice in Policing Act by the House of Representatives last year and again this year, the bill

has now officially stalled in the Senate. The failure of this legislation to move forward is a failure for our democracy. The people spoke by the millions, and their demand has not been met. At the core of the demand were measures designed to remove barriers to holding law enforcement officers accountable for police brutality. These included addressing qualified immunity — the judge-made doctrine that has been interpreted by courts in ways that have created near-impunity for police officers engaged in unconstitutional policing; an amendment to the federal statute that would strengthen the ability of the Department of Justice to bring criminal civil rights actions against officers; and a national database of sustained findings of serious police misconduct and a process for decertifying problem officers. We hoped there would be bipartisan agreement on these measures — all of which were part of the bill passed by the House of Representatives last year and again earlier this year. All of these measures were ultimately rejected in the Senate negotiations. And police violence and discriminatory policing have continued unabated in far too many jurisdictions around the country.

### **Fortunately, despite the refusal of too many members of Congress to confront the truths of our current system of policing, a number of states and localities have recognized the urgency of this moment and have taken steps to address police violence and egregious misconduct through landmark accountability legislation, and bold, creative interventions**

"We want to be clear about what we observed in this process. Congresswoman Karen Bass (D-CA) and Senator Cory Booker (D-NJ) worked tirelessly, creatively, with determination and in good faith to enact meaningful legislation that would meet the moment. They engaged with Republican members of the House and of the Senate — offering key concessions and even engaging with law enforcement — in an effort to enact this legislation. It became clear through the process that their good faith efforts were not met in kind. The decision by negotiators like Sen. Tim Scott (R-SC) that addressing the issue of qualified immunity — a key demand of those seeking to

ensure a chance to obtain accountability for unconstitutional policing — was a "red line" he would not cross, doomed the effort to craft a bill that would be responsive to the demand and meet the moment. Dates set for completion of the negotiations were moved repeatedly. After a year of negotiations, this effort has now ended in failure.

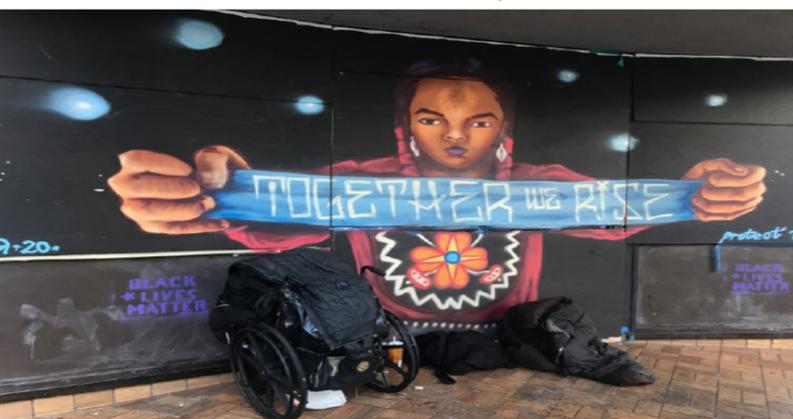
"Fortunately, despite the refusal of too many members of Congress to confront the truths of our current system of policing, a number of states and localities have recognized the urgency of this moment and have taken steps to address police violence and egregious misconduct through landmark accountability legislation, and bold, creative interventions to transform public safety, such as in Maryland, Colorado, and San Francisco. We will be leaning into those efforts at the state and local level, even as we renew our demand for federal legislation.

### **Title VI of the Civil Rights Act of 1964, which prohibits federal funding to programs engaged in racial discrimination.**

"We are also gratified that the Department of Justice under Attorney General Garland has agreed to open pattern-and-practice investigations of police departments in multiple jurisdictions. The Associate Attorney General has also announced a review of grant funding of police departments to ensure that the DOJ's grant programs are in compliance with Title VI of the Civil Rights Act of 1964, which prohibits federal funding to programs engaged in racial discrimination. We will continue our advocacy and demand for legislation that will end the regime of impunity that protects law enforcement officers from accountability for unconstitutional policing."



Downtown Oakland, California



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### ***Agreement to End Hostilities ..... Continued from pg. 18***

believed this possible. That in just two short years of social cooperation which defied the ideology of “race” antagonism and the “civil death” of the prisoner-slave status could produce such a result.

Though this victory, in actuality, simply exposed the fact that the state has housed hundreds of men in torture units who should have never been there, it does not mean the struggle has approached its logical conclusion. On the contrary, the struggle has only begun.

Just like the slaves of the chattel era, many of us helped them out by embracing this fiction, these manufactured categorizations, and fought each other with delusional gusto, as they built a monolith of money and political power in pools of our blood ...

The next logical step is to move to reclaim our humanity and reorganize the social life of ourselves and our communities in such a way that it serves our interests.

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## **The Agreement to End Hostilities has provided us with the impetus to organize ourselves to abolish not only indefinite SHU torture, but the “slavery” provision of the 13th Amendment upon which the civil basis of our dehumanization rests.**

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Doing so would ensure we reclaim our humanity and become self-actualized human beings with the right to influence our world and participate in the social processes of life. To do this we must not only ensure the Agreement to End Hostilities succeeds here in the kamps, but we must extend the Agreement to End Hostilities to the streets.

It is within our communities where the “school to prison pipeline” opens its jaws to consume our youth and subjugate our collective future to the role of slaves, powerless to do little more than poison, pimp and slaughter one another on our way to the concentration kamps of the state. The Agreement to End Hostilities offers our communities the opportunity to confront and overcome our own internal contradictions while forging new areas of social cooperation from which closer and more harmonious relationships may emerge.

We must not only ensure the Agreement to End Hostilities succeeds here in the kamps, but we must extend the Agreement to End Hostilities to the streets.

*“This new humanity cannot do otherwise than define a new humanism both for itself and for others. It is prefigured in the objectives and methods of the conflict. A struggle which mobilizes all classes of the people and which expresses their aims and their impatience, which is not afraid to count almost exclusively on the people’s support, will of necessity triumph.”*  
Frantz Fanon

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## **When social cooperation is strengthened, state power and oppression is always weakened.**

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Our capacity to manufacture and mobilize underclass political power – not to validate the bourgeois political process but to expose its contradictions, truly democratize its mechanisms and reclaim our human right to influence society – will determine if we are collectively capable of conquering our rights. Abolition of the slavery provision of the 13th Amendment means the abolition of prisoner disenfranchisement, instantly transforming the prisoner class into a constituency.

A recent Pew poll showed how new authorization, right-wing backed voter registration and ID laws have reduced voter access to underclass, nationally oppressed and youth voters by 30 percent. Direct access to the political process for the prisoner class would push back against this trend of legislative disenfranchisement.

These “legal” attacks on the people’s democratic rights are designed to further marginalize the underclass into a solely labor and surplus labor role – to work, be chained by debt, submit to exploitation, accept criminalization and not be heard.

Abolition of the slavery provision of the 13th Amendment would mean the end of compulsory and uncompensated prison labor. Involuntary servitude is fundamentally inhumane and only serves to reinforce the essential condition of oppressed man as the laborer whose production is appropriated by his “masters.” It would create new spheres of social cooperation to decriminalize prison unions and provide the underclass and other affected communities with the political will to defend and expand organized labor unions in their communities.

Abolition of the slavery provision of the 13th Amendment would mean the end of compulsory and uncompensated prison labor.

Abolition of the slavery provision of the 13th Amendment would reinforce our human right to peacefully protest torture and other state sponsored brutality without it being also branded a crime. Brothers and Sisters, do you not see the correlations?

As Michelle Alexander observed in the section of “The New Jim Crow” titled “The Birth of Mass Incarceration,” “conservatives systematically and strategically linked opposition to civil rights legislation to calls for law and order, arguing that Martin Luther King Jr.’s philosophy of civil disobedience was a leading cause of crime.”

In classic irrational fascist reasoning, it was not the inhumanity of Jim Crow law which was criminal; it was protesting against that inhumanity which was criminalized. Identically, it is not the inhumanity of systematic torture in indefinite SHU confinement which is deemed criminal; it is our protesting against the inhumane practice which is criminalized.

*“One function of the entire cultural apparatus at any given period has been to internalize in men of subordinate position the idea of a necessary domination of some men over others, as determined by the course of history... As a result and as a continually renewed condition of this cultural apparatus, the belief in authority is one of the driving forces, sometimes, productive, sometimes obstructive, of human history.”* – Max Horkheimer

Restoration of our humanity by abolishing the basis for our dehumanization is the first step in us all reclaiming our rightful voice in social affairs. Intentional underdevelopment in the chattel slave epoch and intentional underdevelopment in the modern Prison Industrial Complex – enforced idleness, all-encompassing dependency, repression of political expression, retardation of socio-economic self-determination etc. – are both social control mechanisms reliant on legalized dehumanization to accomplish that end.

They point to our intra-cultural (“racial”) antagonisms and conflicts as “proof” of our sub-human nature, while simultaneously reinforcing the ideology of racism as a material force in every aspect of human activity – though not for the reasons many of you may believe.

“Race” serves the base by hiding its true nature and core contradictions, such as the contradiction between workers and the relations of production – specifically the trends of ownership of the means of production and the appropriation of labor’s surplus value. The ideology of race antagonisms obscures the origin, the source, of social contradictions and hinders the progressive development of humanity as a whole.

“Race” obscures “class,” so we cannot locate and understand the source of social contradictions or the foundation of social development, which are primarily the province of “class” relations.

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## **The Agreement to End Hostilities clears away this “fog” and provides a basis for broad class cooperation. Without the divisional dynamic of racial antagonism, the truth of our human suffering of both its source and our own unwitting participation in it is revealed – allowing us to move against it.**

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To be sure, already the Agreement to End Hostilities eats away at two of the many pillars of modern solitary confinement: political and cultural isolation. Men whose ideas and ways of life once kept them from even talking to one another are now finding common cause, shared social and political aims, and realizing that they may not be so different after all. A more dangerous portent for the current nature and structure of capitalist society does not exist.

Men whose ideas and ways of life once kept them from even talking to one another are now finding common cause, shared social and political aims, and realizing that they may not be so different after all.

*“Instead of the ritual indignation and despair at the cultural condition of ‘the masses,’ it is necessary to break through to the central fact that most of our cultural institutions are in the hands of speculators, interested not in the health and growth of society, but the quick profits that can be made ... The real question is whether society can afford to leave its cultural apparatus in such irresponsible hands ... We should be much clearer about these cultural questions if we saw them as a consequence of a basically capitalist organization, and I at least know no better reason for capitalism to end.”* Raymond Williams

We, ALL OF US, are under assault at every point of human activity. Even the food we eat is governed by industrial interests that intentionally structured the modes of production to maximize profits, minimize food safety, increase the intake of unhealthy corn based, genetically modified, sugary, sodium packed processed foods by the underclass – while ensuring healthy and/or organic produce is cost prohibitive. This in turn ensures a steady influx of chronically ill, low income patients whose health care costs and debt will ensure the profiteering of the pharmaceutical, health care and debt based industries.

All of these industries in turn legally bribe your “elected” officials by lobbying them into maintaining these modes of production. Meanwhile, high blood pressure, diabetes,

obesity, heart disease and ever increasing incidences of ecoli contamination disproportionately ravage the underclass and threaten the entire food supply – turning workers not merely into paupers, but sick paupers.

By extending the Agreement to End Hostilities to our communities, we establish the foundation upon which we can build Sustainable Agricultural Communes, Closed Circuit Economic Initiatives, Health Care Co-ops and Community Clinics, Block-Vote Democratic Initiatives and Youth-Community Action Programs [described in “A discussion on strategy for the Occupy Movement from behind enemy lines.”] We can finally begin to re-organize social, political and economic life (transfer culture) so we can actually live and not simply exist.

Every one of you who are reading our words right now, regardless of culture, class or social standing, are by your inaction supporting the maintenance of slavery and dehumanization in America. All of us subject to social control institutions, by our failure to support the extension of the Agreement to End Hostilities to the streets, are actually supporting our own slavery and dehumanization and enriching the very class which has organized and structured the apparatus of our collective human misery: the bourgeois authorization, the capitalist, the ruling class.

From Ferguson to destabilizing imperialist adventurism in the Middle East, from the e coli factories of the U.S. beef industry to the maintenance of the U.S. domestic torture program in supermax prisons across the U.S., the greed, hate and hypocrisy of the ruling class has demonstrated in every area of human activity – particularly in the codification of dehumanization for prisoners and the poor – that it is unfit to dictate social life.

At almost this same time of year in 1847, Karl Marx and Frederick Engels observed: “The modern laborer ... becomes a pauper, and pauperism develops more rapidly than population and wealth. And here it becomes evident that the bourgeoisie is unfit any longer to be the ruling class in society and to impose its conditions of existence upon society as an over-riding law. It is unfit to rule because it is incompetent to assure an existence to its slave within his slavery, because it cannot help letting him sink into such a state that it has to feed him, instead of being fed by him. Society can no longer live under this bourgeoisie; in other words, its existence is no longer compatible with society.”

“At the end of this massive collective struggle, we will uncover our new man (woman), the unpredictable culmination of the revolutionary process. He (She) will be better equipped to wage the real struggle, the permanent struggle after the revolution – the one for new relationships between men (women).” – A Wise Man

Finally it is here in this observation as relevant and accurate today as it was in 1847 wherein lies the great significance of the Agreement to End Hostilities. It has the potential to topple the Ruling Class by transforming the nature and structure of the human relationships upon which the capitalist system is based. The “race” caste system and economic class systems are interconnected and mutually reinforcing.

Without cultural antagonisms – especially within the underclasses of society – the system cannot function as designed. To end hostilities among cultural groups, to engage in social cooperation which serves our collective interests – in both society and prison – erodes the very purpose of the race caste system.

It ceases to perform its function to bar broad class cooperation and uphold European male dominance. Thus the core contradictions, the “face(s)” of our true enemy, are revealed and together we have moved and can continue to move against it – until we win or don’t lose.

Our futures – and the future of humanity itself – is in our hands. Will we be equal to the demands of history, or will we buckle under the weight of our collective contradictions and descend once again into the miasma of the mass psychology of fascism?

Our confidence is as ever with YOU, the people. We would like to thank the Pelican Bay Short Corridor Collective Human Rights Movement for giving us all the opportunity the Agreement to End Hostilities represents.

We would like to encourage you all to support the Agreement to End Hostilities in YOUR communities. Support the New Afrikan Prisoners Rights Coalition Movement and, most importantly, support one another. Our love and solidarity are with you all always. Until we win or don’t lose. •

**Our movement rests on a foundation of unity: our Without cultural antagonisms – especially within the underclasses of society – the system cannot function as designed. To end hostilities among cultural groups, to engage in social cooperation which serves our collective interests – in both society and prison – erodes the very purpose of the race caste system.**



## Systemic Racism Got Hate In It

Revolutionary Salutations to to whoever may be reading this piece of correspondence I write to you from behind the walls of Pelican Bay. I'm feeling compelled to do so by the current atmosphere our nation finds itself in with the protests behind the killing of George Floyd and after reading Issue #57 Fall of 2018 it saddens me that those who take on the oath to serve and protect us had turned a blind eye on the real issues that plague our community and police with prejudice and cause more harm than food. Police Brutality is not the only issue here nor is this the first incident where a life was taken by over zealous enforcement of the law in any form overt or covert day after day our rights are being violated and our peoples' efforts to stand up or speak out about these abuses are being suppressed by the rampant abuse and misuse of authority that exists within the California Penal system as I myself was a victim of such and was manipulated into taking 20 years.

The article that sparked this fire inside of me was in Issue 57 "Reflection on this thing called Equality" as the abuses spoken about happened to me I was made a victim of this system. I only seek to tell my story in hopes my story somehow changes things as the chain of events that led to my incarceration are a slue of complex situations that I will make simple and clear.

I'm 27 years old and have been doing time since I was 15. This is the second time I was ever locked up. As a youth growing up in Hanford, Kings County, I went through a lot of things that led me to become suicidal and violent and ran the streets. In 2009 I caught my first case for assault with a deadly weapon. I did not understand nothing that was happening and after about a year or so I plead to 5 years. 3 for assault and 2 for GBI (Great Bodily Injury) with no strikes. I went to CYA then prison where I ended up catching more time and did 6 years. I was in the SHU and AD Seg for the Prisoner Hunger Strikes of 2013 and when I got kicked out the SHU/ASU to High Desert C Yard after the strike, I got to be part of the first self-help group that was given to us and the first class to graduate from AVP (Alternatives to Violence) project at High Desert State Prison.

In 2014 at the age of 21, I was paroled and here's where my story starts. I was thrown into a world I was not prepared for and had not seen since I was 15 years old. I had trouble adjusting and being social; feeling anxiety in large crowds and when people would walk up behind me.\* I was still functioning, as if I was in prison.

I realized the problem and its potential to cause me to come back to prison, so I asked my parole officer for help and was told there is nothing he can do for me. The only thing they got is a drug program and I don't have a drug problem. I don't use at all, but decided that it's better than doing nothing and better than running the streets.

At this program I explained my situation and was able to use the resources they provided. I got myself a job and even got enrolled in college. But with all my efforts to raise a better standard of living for myself. I was met with push back. I was constantly being harassed by the police. I would walk to get to my program all the way across town which started at 8 am. I was waking up at 5:30 every morning working out and showering as if I was still in my prison program. I would show up before the facilitators got there.

But every day a police car there was a police car parked on my street and follow me. At times they would pull up by me, and tell me they were watching me; that they don't want my kind in the streets and will eventually catch me for something bigger. Then one day I got stopped out of my college class with my baby momma and our car was searched. I will never forget what the cop told me. They accused me of hiding guns and drugs in my baby mama's car; told her not to let me lie to her. I'm a loser gang member and she should leave me and told me: **"If you think that for once we buy this college shit you are doing, you're fucking stupid; we all know this is a front. We don't want you out here, you piece of shit. As long as you're in my streets we will get you and lock you up."**

They did not find nothing on me or in the car but took my text books under assumption I stole them from the school. After talking to my teacher they returned them and let me go. They said they were just making sure I was really going to college.

I made it 10 months free without not one single violation. No dirty tests - nothing. I had a job went to school had my own spot and a baby on the way. One day me and my baby momma were shopping at an outdoor shopping center and

got into an argument over me checking out another girl's butt. I'm not a liar so I said I was and it escalated. From there, I said I'd walk home so we wouldn't make a scene. As I was walking down the street a police car passed me then makes a U-turn hops out and pulls a gun.

He tells me to get down so I complied and asked what was going on. He said I shouldn't play stupid, then took me to a store back at the mall where there was a 15-year-old kid that was in cuffs, who I don't know and never seen before. It turns out they said one of them had assaulted and robbed someone. The kid told the police he don't know me and I wasn't with him.

I got blamed because the suspect was wearing a red shirt and also because I lot of tattoos. The suspect had four dots on his face. The tattoo on my face was supposed to be A.K. with a tear drop by it for a friend that passed, but the ink had faded and now it looked like six dots. [So they claimed it was a gang thing.] Also I did not talk/snitch - since I did not do anything nor was involved in anything - so they took me in. It was one week before my first daughter was born.

The person who had done the robbery had a weapon and all they found on me was a phone.

### I explained everything to my attorney, but he did not want to listen, and he said they won't believe me even if it was true. I'm on parole and am labeled Northern Hispanic.

After a few months waiting for my trial, I caught a jail fight case. My lawyer told me my first deal is 14 years, 7 doubled up [meaning served concurrently] because of my strike. But if I "drop out" [leave the gang he was allegedly a part of] they will give me 3 years with time served. I told him I do not have a strike and that I'm not in anything to drop out of, and my baby momma was willing to testify. I had evidence - my tattoos were no what they said - but they did not let me present it. In none of my hearings was I allowed to speak. Police falsified reports. I kept trying to fire my lawyer, but was not allowed, even after my baby momma recorded a conversation of him telling her they better hire an attorney because he's not doing nothing for me if I don't ["drop out"] - meaning that I'm going to prison for a long time.

### While in jail I was targeted by staff because I would file grievances and stand up for my rights, and advocated for others.

One day a raid occurred and they went straight to my door, handcuffed me and my celly. I was taken and patted down. Then the officer yelled out that I had something in my mouth and started to choke me and tell me to open my mouth. I seen a bigger CO come at me with a fist and I attempted to block it. I was spun around and my head was slammed on the window then slammed the ground. I'm 5'7". At the time I weighed 150. The COs were a good 6 ft, 200 pounds. They beat me up, found nothing in my mouth, and left me in a holding cell all day, handcuffed and refusing to give me medical. Then they charge me for assaulting them.

I was going to plea to 11 years for just the fight at the county jail, if they dropped the charge for the robbery that I did not do. They took that plea back and told me 38 years to life. They said that my shoe was a deadly weapon and the CO hurt his knee. They were telling me to take 38 w/ life 35 w/ life 25 w/ life 20 w/ life. They scared me said if I go to trial I'm going to lose all three cases. Even though I did not plead out to a strike, it still counts as a strike because it was a 6BI case (Great Boldily Injustry).

I wanted to go to trial because they will not let me plead out to just one case and fight the others. I tried to present paper work to show them that I do not have a prior strike, but was told that if Kings County says it was a strike there was nothing I can do; that either way I would get Life Without Parole (LWOP) or something with life.

I had already missed out on my daughter's birth. Now they told me to take 20 years with 1 strike. The others in my case got 5 years. The 15 year old that I got busted with [that day at the mall] didn't even get charged. They told me to appeal it at my sentencing.

I was not allowed to retract my plea, which I had taken because i was pressured to. My fiance left me. I had noone there. What was worse was the DA was laughing and high

fiving people congratulating people on a job well done. I lost my life. I did not cry or anything. I got up and shook my lawyer's hand and thanked him for his help and maintained what little dignity I had left.

### All I had wanted to do was raise a better standard of living for myself and my family but because of these injustices and a prejudiced system, the dream was crushed. Instead of pursuing justice, us minorities are used as pawns to advance someone's career or to meet a quota.

It is not just police brutality in the streets the whole system is broken. They abuse and misuse their authority and use the law to help them do it. They do not care about right or wrong. They want us in prisons killing each other, so they can pass more laws. They will continue to beat us up and falsify reports to cover up the truth, for as long as they can get away with it.

It's rampant throughout all law enforcement agencies and this needs to change. We are all human and yes we make mistakes and deserve to do our times. But we also deserve a chance to rehabilitate ourselves and better our situations. We deserve to be given a chance at life and be treated with dignity and respect on all levels; to be given a chance to grow and become an inspiration to others in our same situation; to break these cycles of self destructive behaviors. We do not deserve to be thrown into an isolated cell for 30 plus years to be dehumanized labeled and treated worse than animals.

We need change on all levels. We need more effort [and resources!] to be put into minority communities and at-risk youth. This does not only affect African Americans but all people of color: black, brown, yellow, red - hell even some whites. I hope that my voice is heard You can use my story and I hope my voice is heard.

I stand with all those oppressed and mistreated by the system in solidarity as a brother in the struggle I protest. In this way I too can't breathe! Get your knee off my neck! Mi lucha tu lucha! Black and Brown united!

Respectfully submitted, Marco Antonio Garcia

**Editor's Note:** \*This sort of hypervigilance is related to past trauma, that people who spend extended periods of time in California's highly dangerous carceral environments often experience upon release.

### From the political musical soundtrack of Min King X aka Pyeface, Hunger Striking for True Freedom:

#### End All Hostilities

From The Political Musical  
Hunger Striking for True Freedom



Intro:Voice of Paul Redd: I don't think no human being

should have to live in the SHU, as long as we have lived in the SHU.

Min King X's: Okay, Sister Marie, my sister, Sitawa here. I just wanted to ask you what is your point of view of the agreement to end all hostilities?

Sister Marie: My point of view of the agreement in all hostilities is all racial groups come together and working together as one. When the agreement first came out, that's what was all about. It's not one race over. Each race is significant in itself and by itself. And each race is significant as a group. So no one group is above another. And as for community, both in prison as well as on the outside, as far as community, we soared. My suggestion years ago when the agreement was first written up, was for that to go on the billboards. To put the Agreement in every neighborhood.

Gil Scott Heron: ... And if they really knew the truth, why would they tell you? The first time there's peace, tell all them gun totin' young brothers that the man is glad to see us out there killing one another.

Systematic, pistol addict, Black on Black is so pathetic. Idiosyncratic. There goes Sally Bystraff, advocating, cussing at it. Harmonize a better image, plus we win it, you know I'm in it. You know I'm in it. KAGE. Unkage'd.

**Min King X:** Multi cultural. 33 years in Skeleton - Bay brought multi vultures.

Recognize the movement that transports lawyers....

August Cryyyyyyyy.

Parole, Snitch or Die.

Spirit of the unbroken warrior.

Blood in my eye for Hugo.

The new cool is judo.

Principal thinkers.

We promote peace like the new cool. No guns.

Self-defense.

Self-determination.

Put up the slave money.

talk talk about Birth of a Nation.

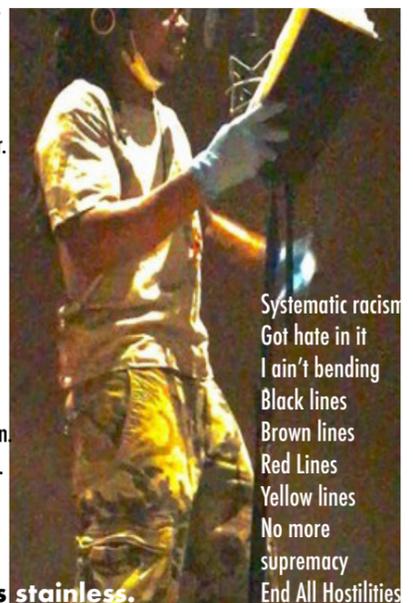
Subjected to Sabotage Nation.

New Afrikan. Our image

ain't never been tainted.

As to the Aztecs, 12/22/15,

**that Agreement is stainless.**



Systematic racism  
Got hate in it  
I ain't bending  
Black lines  
Brown lines  
Red Lines  
Yellow lines  
No more  
supremacy  
End All Hostilities

### The Move to Be Free

**"I'm writing this letter in full support of the campaign to liberate us from the continuous cycle of inhumane captivity. "**

Greetings Ms. Kim Pollak & Min. King X,  
I've been incarcerated since 1989, and for 27 of the 31 years I was held in California State prison Pelican Bay SHU and in California State prison Corcoran's SHU (security housing units/solitary confinement).

I must admit, and be honest, I am not angry or mad about the decades I spent in solitary confinement/isolation, the cruel and unusual punishment. I discovered my humanity, for brotherhoods with good men that were subjected to the same hell. Under some very inhumane conditions, I grew up in Pelican Bay and realized my mistakes in the life... I worked to cultivate a better me, and change the person I was. I'm much stronger at being a good man, more cognitive in my thinking now, and will be an asset to my community.

#### I believe I've paid my debt to society.

I've developed a youth program (YNAP: Youth Navigational Assistance Program) and I have earned many certificates in self-help and the computer literacy. I was diagnosed with type 1 diabetes back in 1993 while in Pelican Bay. I've suffered many years of inadequate treatment! I'm vision impaired, have COPD, asthma, high blood pressure, and a severe diabetic neuropathy. I am 57.

**As one of the many dynamic activists in the NCTT\* and one of the representatives during the California Hunger Strikes and having made contributions to the cause of freedom, justice, equality, and human rights, I fully support the move to be free of this long term hell.**

Thank you to CPF and the many beautiful people who've stood by us in this struggle!  
Love & solidarity! Kambui Nantambu Jamaa  
AKA, Tyrone Robinson

**\* NARN-COLLECTIVE THINK TANK (NCTT)** "Our mission is to create, develop, review and implement programs, initiatives and concepts with, and for, individuals, groups, community activists across the U.S. to realize 10 Core Objectives for Progress and Social Transformation as articulated by the N.A.R.N. Collective Think Tank." [narncollective.wordpress.com](http://narncollective.wordpress.com)  
We have written up several pilot programs to help communities prosper and sustain themselves.  
N.A.R.N.: New Afrikan Revolutionary Nationalism – C.T.T.: Collective Think Tank.

### Respectfully, Let Them Go

Dear Prison Focus  
I am writing to let you know I was transferred to San Quentin prison. I did receive Unkage'd Slave April 2021 before I left Pelican Bay. Thank you for that issue. It was very informative. At San Quentin I was placed on quarantine for 14 days, as all new arrivals coming in are placed on Quarantine.

It appears SQ does have Covid 19 security under control. All masks are mandatory after all the death which occurred here. Still only the 1/2 population received shots in SQ. I already had my 2 shots from PB - but still I need to be cautious at my age; 68. Plus I'm high risk medical.

On another note, I'm very happy to finally get out of Pelican Bay State Prison. I thank Prison Focus for all the work they did as a team putting issues in CPF of the prison's wrongdoings - such as what occurred in with the Ashker case no. 09-CU-05796-CW session of April 9th 2021. Claudia Wilkin Federal Court judge United States District Court for the Northern District Oakland California.

And the outdated confidential prison files that had been used to deny parole to prisoners. Also, 1030 disclosures confidential prison informant information being fabricated also used to deny parole.

Well in Dec 17 2020, when I recently went to my BPH both of those above issues were used to deny me parole - not only in my last parole hearing but the last 3 BPH [parole hearings]. Even though the parole board knows that two prison administrations - both Pelican Bay and Corcoran Prison - found me NOT to be a gang member.

So I wrote a long letter to BPH Headquarters in Sacramento explaining all this as well as the other ruling by California Supreme Court Judge in Re Palmer II 2021 Jan 28th 2021 on BPH excessive time due to BPH denials. Which also

affects my summons. So will see if I can finally get a release date after 36 years.

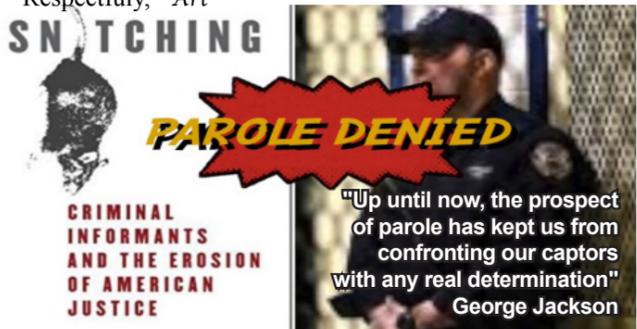
Next Friday another ruling will come out of the federal court on San Quentin to being releasing inmates who completed 25 years or more and are 60 and over which, again - I fit. I completed my sentence October 2004.

I will tell you, there have been a lot of activists involved in getting these laws passed. So I personally thank you all at Prison Focus for throughout years helping me with materials, directory, resources, giving me updates, etc.

I plan to open an independent paralegal contracts and consultant service in SF when I get out and work with the people who provided resources to me.

I will close here. Take care, and well I am cautious of Covid 19 in SQ. Only 1/2 are vaccinated. I have my 2 shots but will not take that for granted. Thank you.

Respectfully, Art



Parole, Snitch or Die. What does it mean? Visit Prison Focus archives at [prisons.org](http://prisons.org)

### FRANKLY SPEAKING, IT'S A SHITHOLE

Peaceful Greetings, First and foremost, I want to thank you for printing my article in Issue 61. You and CPF are vital to the struggle and I truly appreciate all you represent.

As for the latest on this yard... more violence and the usual shit!! CSP-LAC is a straight shithole! I recently heard there was some kind of protest in front of this prison but I don't even know if it's real. They keep us in the dark. There is no transparency in this prison.

The unprecedented pandemic has everybody on edge. The Medical is a Disaster. Nobody seems to care. The Quarantine is phony Baloney here. They do not care and they are letting us walk to the chowline not six-feet apart.

About 80 Staff members got sick. They were acting stubborn by still going to work with knowledge of being ill.

As you know we had an outbreak of Corona during the first wave of the pandemic. The mainstream media did not pay any attention to the problem even though we were hard-hit.

The vaccine process has been started for mostly critical workers. It's clear that the shortage of vaccine is affecting everybody.

The Mental Health Department is still doing 15-minute hit-jobs/appointments. And yard has been sporadic at best. Also, recently, it was discovered that the Mental Health System is abusing the Penal Code 2-602 (involuntary medication). The whole process is coming into question as more and more prisoners are left on "involuntary medication" for years at a time. The clinicians/psychologists refuse to speak up for their clients/patients. The lack of regular services such as the Law Library seems to be a problem that needs attention. They don't do outgoing legal mailouts to the courts and the processing of an "Informal Pauperis" is a maze of obstacles.

#### By the Prison Poet

After the flush of dawn,  
there is "a transfer" not far from the grave.  
200 CDCR inmates  
hailed through the backdoors,  
fresh from Chino's prison,  
the epicenter of the deadliest outbreak,  
arrive on schedule.

"Why weren't they tented first?" -  
The San Francisco Chronicle

I never saw so many.  
Pale like denizens of Din  
In Dante they swarm me:  
Green tongues of threat and cracking coughs,  
Thousands infected at facilities  
That for months  
Had beaten back the virus.  
Cages open like carnivals for crows.

--rushed, "Staff familiar with the situation say the move was rushed and careless in execution." - Whistleblower to the Chronicle.

Somewhere in the dawn, painted in  
Degrees of red, the fingerprint  
Drips until wet, exposing patterns  
Of murderous mismanagement.

### A PERVERSIVE CULTURE OF VIOLENCE

My name is Antonio Castaneda Ramon. I'm 44 years old. I'm of Mexican American descent from a small town in Oxnard, California, in "Ventura County..." I would like to take a brief moment of your time to extend my regards and I also would like to know if your "News Crew" would like to have the honor and the privilege to cover some police brutality issues and casualties of death. Due to police brutality and retaliation, I've lost several of Brown Lives That Matter. "Noel Perez" and Johnny Zamora both died of brutal deaths in Ventura County Jail. One elderly man lost his leg here in Ventura County. Multiple inmates are getting their arms and legs broken by excessive force. I, myself, have received four concurrent violent sessions of excessive force while handcuffed and shackled; or waist chained. Also lost a good friend and neighbor to a fatal shooting in Montalvo Ventura, California. I had to sprint into action and perform medical "C.P.R." until the dispatch arrived 45 minutes later. Diego Vala from the Monta Gang passed away in my arms. I had to give a direct order to a police officer to "help me" do "C.P.R." due to the fire department and Red Cross not arriving on time. I, myself, am a survivor of the circumstances. All I know when I was shot on Dec. 17, 2017, was I woke up and the Oxnard P.D. was handcuffing me while I was gasping for "air."

**"Growing numbers of blacks are openly passed over when paroles are considered." George Jackson**

### DROP LWOP LIFE WITHOUT PAROLE IS CRUEL AND UNUSUAL

Dear California Prison Focus,

My name is David. I am a prisoner currently housed in CSP Corcoran, and I'm serving 4 Life Without Parole sentences (LWOP). I'm 50 years old and I've been incarcerated since July 1990. I was 19 years old when I committed my offense. Since my time in prison, I've participated in self-help groups and continue to do so. I've earned the needed credits and am awaiting my high school diploma. I'm most proud of a program I've been in called R.E.A.C.H. - Rehabilitate, Educate, and Create Hope - where a selected group of guys are allowed to speak to troubled youths. My family and I are interested in being a part of everything Prison Focus stands for, specifically DROP LWOP. Thank You, David

### It Sure Would Be Nice... Not To Be Deported

I am a lifer serving a 20 years to life. I came back from a 2014 denial with a ten year denial. I was able to lower it to 7 yrs via a Petition to Advance. I prevailed and receive parole suitability!

Unfortunately, I have an ICE hold and in regards to that, do you know how ICE is dealing with immigrants in my situation? I At the end of the day it doesn't matter freedom is freedom. But, it sure would be nice not to be deported, since most of my family resides here in the USA. (California).

### Because I Don't Have a Hired Attorney, I'm Still Here

The powers that be are pushing my release date back. My punishment for being a strong COVID-19 advocate. The only other thing that holds me captive now are enhancements... Because I don't have a hired attorney—even by way of pro bono, I'm still here!

**"The treatment these prisoners were subjected to would shock the conscience of any civilized society." CPF Correspondant**

### Madness

"What is ghastly and really almost hopeless in our racial situation now is that the crimes we have committed are so great and so unspeakable that the acceptance of this knowledge would lead, literally, to madness," James Bladwin wrote in 1964, in response to the murder of Emmett Till. "The human being, then, in order to protect himself, closes his eyes, compulsively repeats his crimes." James Baldwin

## SLOW DEATH IN A CAGE

Dear Prison Focus,

I have been incarcerated since 1979 for a crime I did not commit. Your Issue 60 May 2020 DROP LWOP was and is on point. It is a civil death sentence by an indeterminate sentence. I was 21 years of age at the time. Now I am about to be 64 years of age. 1979 to 2021. You do the math.

I have not gone home, but have been to Hell and back, through CDC - Now CDCR.

**I have seen the changes, but never any changes in the brutality of what I have seen or been through physically and mentally, torture and inhumane treatment.**

There is no relief. Only a slow death in a cage.

It's not about what you are doing now that is positive. Wayne

## PRISON HAS WORN ME OUT!

Prison has worn me out! I'm not that old but, I'm burned out after 41 years on this sentence. I have done more than 50 years of my life in prisons! All for bull! I should have learned long ago.

I just hate people that are corrupt and earn all this money and cheat the public. They want us to be honest yet they are crooks. Everyone hates everyone, now after all that's happened out there. No Peace! I just don't know if I'm safer in here! There are too many haters...Just be careful.

## No Accountability

"The truth is that CDCR just wants to be exempt from any scrutiny and criticism. CDCR wants absolute power as it allows ineptness, incompetence and cruelty to prevail in the absence of any transparency, accountability or responsibility to the prison population. The only reason for this is that prisoners are criminals. There is no other sector of private or public industry that enjoys the level of immunity that CDCR has. This is abhorrent, and contrary to the fundamental principles of democracy that is America's system of check and balances.

... Instead of addressing underlying issues of the system operates, CDCR takes any grievance made against it as a challenge to their authority... CDCR's reaction to grievances leaves prisoners without a voice, and ripe for exploitation."

Rafael A. Godinez



## Treating Mental Illness as a Crime is Cruel and Unusual

What I am about to share with you is an instance of gross negligence in the criminal justice system as well as the "California Department of Corrections and Rehabilitation" (CDCR) of a person suffering from a mental health disability. On April 10, 2002, [my father] was apprehended by Los Angeles police officers while walking nude on Figueroa Street. Antron suffers from bipolar disorder, and allegedly committed a homicide while under the influence of Phencyclidine (PCP). My father was been sentenced to Life without the Possibility of Parole (LWOP) and has been subjected to endless abuse including harassment, assault, and violence incited by the guards - at Lancaster State Prison, he suffered a broken leg and knocked out teeth at the hands, feet, and batons of prison guards.

## SAN QUENTIN: A YEAR AFTER COVID-19

Excerpt from an article written by Kevin Sawyer

The governor declared a state of emergency in California during the pandemic, but not once during the year did San Quentin do the same at the prison. On May 5, 2021 the prison went back to normal program. However, the Daily Program Status Report before that still stated "modified program," after we spent 416 days in our cells 22 1/2 to 24 hours a day, even when housing units were on medical quarantine. I'm not quite sure what the technical or legal implication of a state of emergency at the prison would mean these days. But with 28 prisoners dead inside of a year due to the coronavirus, I'm not certain if anyone knows what's an emergency.

In a recent report, the Office of the Inspector General wrote: "San Quentin State Prison was not equipped to properly quarantine or isolate incarcerated persons with suspected and confirmed cases of COVID-19, and the prison failed to take actions that could have mitigated the resulting

## Chained to Their Lies

Top of the game fam. First off, I hope that you and your family are navigating these murky waters with the grace and strength I know you are capable of. From the ashes and dirt - and walk away from it all, without a stain on your shirt!

In 2017, I was 4 yrs clean (no write ups) and in every group imaginable. Then, I ruptured my achilles playing basketball. They still had me housed on the top tier and I ended up falling down the stairs and had to have surgery. I ended up suing them and they subsequently backdoored me out of there, illegally making me EOP and sending me all the way to San Diego.

I have been stuck here ever since. They screwed me out of my level 3, then gave me 5 115's (rule violations) for substance abuse for the very same meds they were giving me, finding dirty bottles (from years ago) in my property, then giving me the write-ups a year--even two years later. I go to the Board in November. I'm looking at a 5 year denial.

**I don't know what will happen, but let's be honest. These people don't look for reasons to grant you parole, just reasons to give you another sentence. The BPT has been chaining niggas to their lies forever, counting them as felonies.**

Especially when any c/o, sergeant, nurse, free staff, or hell, a janitor can write you up and they honor it. Even if you beat the write up, they book you for supposedly minimalizing it.

Anyway bro, I am super proud of you out there on the front lines, pushing for changes. I will join you one day. Nati da Poet

## Ongoing Corruption at RJD

From the Prison focus Mailbox

Ever since prison officials at the Richard J. Donovan Correctional Facility (RJD) were made, by a federal court order, to wear body cameras and to cease their terrorist practices and abuses upon the most vulnerable prisoners, the disabled and elderly, (See, *ARMSTRONG VS. et al.* Case No. C94-CV-02307 CW).

RJD prison has been dealing with lock-downs, modified programs, and other programming restrictions which impede or otherwise undermine ones opportunities to earn sentence reducing credits and to perform in a manner expected from/by the Board of Prison Terms, in order to parole. Especially on the weekends, when the Warden and other dept. correction administrators are unavailable to mandate corrective actions.

RJD ranking officials will tell you that this is due to a staff shortage, training mandates, etc.. The truth may be something more sinister indeed; that these are calculated and coordinated efforts. A union coordinated boycott.

The California Correctional Peace Officers Association (CCPOA) at RJD is, apparently unhappy with the fact that years and years of beating, false reportings, lying, cover ups and even murder, yes.....M-U-R-D-E-R, has resulted in a federal court order in the Armstrong case, requiring staff to wear body cameras...

The actions and omissions of RJD's sworn officers and others (CCPOA members) is organized, is timed, is planned for maximum neglect and snubbing of their proverbial noses at the RJD Warden and other Administrators. [It's their way to] protest and boycott the lawful orders of a Federal Court Judge.

If you're doing what you are paid to do by the public, and if your tactics and demeanor are not disturbing or offensive, why worry about body-worn cameras? They are allowed to turn them off in the bathrooms.

Through a sophisticated scheme, these prison officials organize and conduct mass strikes via fraud and the misuse of sick and other leave, holding prisoners' access to programs and such hostage. Knowing that, without access to programs or [the ability] to complete them [often within a set time frame], the prisoners will suffer by not being able to benefit from good time sentence reduction for successful completions.

Instead of taking its direction from the federal court, RJD corrections officers turn their ire on their employers, the CDCR and RJD'S warden. Under injunction, the very correction officers who so blatantly demonstrate a propensity for criminal thought processes, activities, brutality upon disabled and other prisoners, and other such criminal misconduct, now employ further, separate and additionally questionable practices intended to undermine, and to otherwise circumvent the lawful processes of the Federal court and the Honorable Claudia Wilken, United States Federal District Court Judge.

**GIVE THEM WHAT THEY WANT AND IT'LL ALL GO AWAY, RIGHT?**

That is called black male where I come from. It is illegal, is immoral, and is being done in the name in the CDCR. Whether by approval, or turning a blind eye thereto. It is still an unlawful and therefore illegal violation of a Federal Court order in *ARMSTRONG V. NEWSON*, C94-02307 CW

In fact, a recent order in the above case acknowledges that many RJD'S correctional officers have assumed a gang-like culture and behavior. The CDCR does not contest these assertions and the federal court has openly acknowledged the veracity of same.

This is anything but the first time. (Read: *THE GREEN WALL*, by: Correctional Investigator, D.J. Vodicka, ISBN NO. 978-1-4401 - 4057-0) *RACKETEERING*: Today, racketeering often has the broad sense "the practice of engaging in a fraudulent scheme or enterprise". (Dictionary of Modern Legal usage, 2d Ed. by: Bryan A. Garner)

## A Creative Mind Waiting to Bloom

To Whom It May Concern:

I am incarcerated at Marin County Jail. I have been waiting for my trial for almost two years. I am 19 years old. I have a high school diploma but I want a college education. I was wondering if you could help?

I don't have any money and I would appreciate any support you could give me. I am interested in business education and psychology. I also enjoy writing.

I don't know who to ask for help. Prisoner Services says they will only help me get a high school diploma, which I already have. I feel like my life is wasting away here in the county jail. Thank you.

Sincerely, Daniel Diaz

## DISCRIMINATION AND PRISON BRUTALITY GO HAND IN HAND

After many of the 200 black inmates were violently dragged off their bunks, under the guise of gang affiliation, regardless of good behavior and lack of any documented gang affiliation, they were further assaulted by unidentified prison officials dressed in full riot gear.

California prison officials have essentially allowed CTF-Central to be ran like internment camps with the prisoners being subjected to violence and harm by abusive, novice

officers, with total disregard for the prisoners' health and safety. I have assisted many of these prisoners with submitting an initial inmate grievance, but I acknowledge more needs to be done.

In closing, I am asking that an inquiry, investigation, or any other forms of assistance be rendered to those vulnerable prisoners who were brutalized at the hands of prison officials, acting under the color of law. Respectfully...

## FBI'S "BLACK IDENTITY EXTREMISTS" LABEL WAS ILL-ADVISED

By Aaron Morrison, November 27, 2017

In the United States, Black Identity Extremists was a designation used by the FBI from August 2017 to July 2019. The label — “black identity extremists” — became public when Foreign Policy published a leaked copy of an FBI intelligence assessment. The assessment created shockwaves among black civil rights leaders, black legislators and through grassroots movements like Black Lives Matter.

It first appeared in a counterterrorism report dated August 3, 2017 sent to thousands of American police departments and described safety concerns about allegedly violent African-American activists. The term “black identity extremism” drew scrutiny from civil rights leaders and others over concerns that it delegitimized activism against police violence and drew a false equivalence with white supremacy.

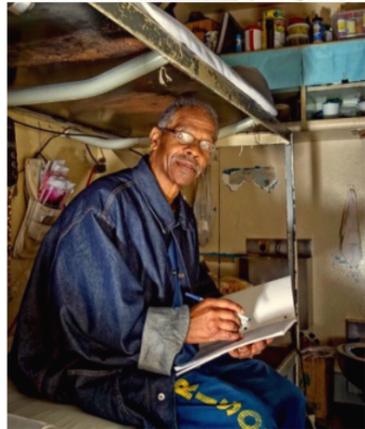
The FBI has been unable to provide convincing rationale for the label to exist at all, and it was ultimately label was found to be damaging to the black community, according to the nation’s largest group of black law enforcement leaders, NOBLE. The Congressional Black Caucus and the NAACP were among groups to ask for the designation to be dropped.

Before the label was terminated, BLM movement, say they had already received visits from the FBI about their organizing and protests against police brutality. Concerns over this type of profiling and surveillance in the black community aren’t unfounded. During the FBI’s J. Edgar Hoover era, the agency actively targeted black civil rights activists such as the Rev. Martin Luther King and members of the Black Panther Party under COINTELPRO — a program that often resulted in deadly consequences. The program also created insurmountable trust issues within organizations and, in some cases, slowed the movement’s momentum.

“I didn’t feel that this BIE intelligence was healthy for the conscience of our country and, particularly, of African-Americans,” Cox said in the phone interview. “It reminds me so much of what we went through as African-Americans, or what civil rights leaders went through, when they were unconstitutionally targeted by state, federal and local agencies.”

Black lawmakers — namely Representatives Karen Bass of California and Sheila Jackson Lee of Texas — took Sessions to task over the FBI’s counterterrorism assessment. Bass and Lee, echoing the concerns of BLM movement activists, said the label is a pretext for high-tech surveillance, criminalization and brutality against today’s black organizers. The term was discontinued when the FBI merged several classifications under the umbrella term of “racially motivated violent extremism”

## COINTELPRO SURVIVOR, WATANI STINER IS FAMILIAR WITH FBI TACTICS



Cointelpro survivor Watani Stiner, and his brother Ali Stiner, were targeted by the FBI in the late 60s along with hundreds if not thousands of other young Black activists who were part of the Black Power Movement. Stiner had become involved in organizing efforts soon after the Watts uprising.

Like many of his peers, Stiner’s life was forever changed when the FBI’s Cointelpro got involved and fed into tensions between the US and the Black Panther organizations at UCLA. Ultimately, Stiner spent 26 years in California prison and over 20 years in exile for something he did not do. He remains as committed to the struggle to uplift his community and end all forms of state brutality today, as he was when he was first arrested at 21 years old.

\*Read more about Stiner’s story in his book, coming soon: **Something More Precious than Freedom.**

# NOW HIRING

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## Welcome Home to Revolutionary Artist David Gilbert

“Gilbert adds heart and bone to the stuff of history.” Mumia Abu-Jamal

Anti-imperialist political prisoner, David Gilbert, founder of Students for a Democratic Society (SDS) and former member of the Weather Underground Organization and others.

Gilbert was imprisoned for his role in the fatal 1981 Brink’s robbery in New York state, in an action organized by a Black Liberation Army (BLA) cell that targeted an armored Brinks truck in 1981. The action was one of a series of expropriations undertaken at that time for the Black liberation struggle. Unfortunately, the action went awry and led to the deaths of several people.

At the trial Gilbert, along with Judith Clark and Kuwasi Balagoon, represented themselves as anti-racist freedom fighters involved in a necessary struggle against US imperialism.

After 40 years, Gilbert has been released, welcome news for Gilbert’s son, San Francisco District Attorney Chesa Boudin, and for revolutionaries and activists nation-wide.

Gilbert is the author of several books, including *Love and Struggle: My Time in SDS*, *the Weather Underground*, and *Beyond; No Surrender: Writings from an Anti-Imperialist Political Prisoner*; and *Looking at the US White Working Class Historically*.

*“I couldn’t expect to simply anoint myself a “good guy” and miraculously be 100 percent pure from then on. What was required instead—the essential challenge of being a revolutionary—was an honest, ongoing process that involved both serious introspection and constructive collective discussions. It’s not like we’re adrift on a featureless, turbulent sea. We’re deeply rooted in the solid ground of the needs and aspirations of the oppressed.”*

David Gilbert



David Gilbert at the Columbia University strike against war and racism, 1968. Credit: Love and Struggle/PM Press.

## Alvaro Luna Hernandez (Xinachitli); Another U.S. Political Prisoner

Chicano anarchist communist political prisoner serving a 50-year sentence in the Texas prison system Xinchitli was sentenced to 50 years in prison for aggravated assault, a charge he vehemently denies. While imprisoned, Xinchitli continues to write frequently, has helped to organize multiple prison strikes, and has been held in solitary confinement for the last 19 years and counting. Xinchitli is a prolific jailhouse lawyer, as referenced by Mumia Abu Jamal in his book *Jailhouse Lawyers: Prisoners Defending Prisoners v the USA*. Xinchitli assists many prisoners in seeking new trials, and filing suits against the repressive, inhumane Texas prison system, currently one of the nation’s COVID-19 virus’ ‘hotspots’.

Alvaro Luna Hernandez #255735 W.G. McConnell Unit, 3001 Emily Drive, Beeville, Texas 78102

## THIS IS NOT REHABILITATION AND IT'S BEYOND PUNISHMENT. IT'S CALLED PRISON BRUTALITY

Dear California Prison Focus,

I'm currently housed and ASU/Segregation due to my safety concerns & retaliation of constant harassment by guards, plus I'm being shown Deliberate Indifference to my situation ever since I started writing 602s about the misconduct. It seems to me they are trying to entrap me by constantly fabricate 115s (rule violations).

A few years back I was coming out to yard when the metal-detector started going off. The COs told me to go through again so I do but I feel like they are deliberately make'n it go off on purpose so they can have a reason to fuck with me. After that walked me back to me my unit to do a unclothed body search on me. Thats when I told the COs I'm not stripping out they can take me in place me on the body scanner or do what they got to do cause I knew they was just fucking with me.

So they take me to a room where they walk me to the back wall and tell me to face the back wall while the COs get the scanner ready. Then all of a sudden officer tries to tell me to strip again. I try to look back to tell him No and that's the whole reason why I'm there is because I'm not stripping out, and they was going to run me thru the bodyscanner. Right when I get ready to tell him all that he grabbed me by the back of my dreadlocks and slammed my face into the wall, busted my mouth & chipped my tooth, then slammed me to the ground.

Then him and the rest of the COs started assaulting me. When they were done, the officers had fractured my jaw & chipped my tooth. My hand was fractured, plus my shoulder dislocated. And I have deep cuts in my hands from the handcuffs. That's when the games started being played. Then right after that, I get put in ASU (isolation/segregation) for a fabricated staff assault and deadly weapon possession. They hit me with those charges just to justify their false claims. Once I wrote my Administrative about my injuries & staff misconduct; excessive use of force that was done to me.

Once I did that that's when all retaliation started happening first it was my mail, then when it was time for me to get my property it came up missing then right before I was released back to the mainline. I was wrote up for a fabricated 115 that was then dropped.

But before it was dropped I was sent back to the SHU (isolation/segregation) for the false charge....[Later] I was attacked by a couple inmates. .... The attacks eventually stopped cause inmates knew that the COs were harassing me and it was nothing more then the COs with a vendetta against me because I keep writing them up with 602s documenting everything they were doing.... Once the COs see I wasn't being attacked by other prisoners anymore the guards started back fucking with my mail and property, and food.

After being back on the yard for like a month I started the trial for the fake staff assault and weapon case. The jury found me not guilty.

On the last day of my trial I told the psych that I had safety concerns because the COs is fucking with me and now that I beat my case plus my civil case is still in the courts, they're really going to be fucking with me. So the psych tells me she is going to get the lieutenant. Well the lieutenant never comes. Instead the COs come take me. Well by the time I reach the yard it was count time, so they place me back in the room where I started having a asthma panick attack and my breathing became hard for me. So they went in got a R.N but at that time I was unresponsive because I was breathing hard so the two R.N told the COs to pick me up so they can get my vital signs in that's when the COs picked me up in slamed me to the ground put hand cuffs & shackles on my feet just so the R.N can get a good vital sign on me. After that I had a mental breakdown and was taken away again.

Now I'm back in ASU (isolation) pending an investigation, without my property or my paperwork, I don't have access to my contact or my legal documents or case # to write the judge that's on my case or my lawyer. I want to amend my lawsuit to add Retaliatory & Deliberate Indifference. I need help for this constant retaliation and harassment I been going through. Please give me any assistance however you can cause I need it. thank you.

**The use of terms like "black identity extremists" is part of a long-standing FBI attempt to define a movement where none exists. "Basically, it's black people who scare them," Michael German (former FBI Agent)**

## Amend The 13th: The Need for New Afrikan Self-Sufficiency in Amerika

By Joka Heshima Hinsai, executive Director, Amend The 13th Greetings Sisters and Brothers,

When the Amend the 13th: Abolish Legal Slavery in Amerika Movement was first conceived of in the bowels of Corcoran SHU, it was a direct outgrowth of our analysis of the origin of crime and criminality – the 'gateway' to modern slavery in Amerika.

It is an inescapable order of operation: violation of the law, or 'crime,' invokes the legal slavery provision of the 13th Amendment once the subject is convicted of an offense. Crime and criminality originate in the disproportionate distribution of wealth, privilege and opportunity in society; a fundamental component of the race-class arrangement in capitalist Amerikkka.

The only way to end the modern-day slave industry is to reverse (to the greatest possible extent) the poverty, social containment and economic disenfranchisement of those communities disproportionately impacted by this scheme. New Afrikan communities.

To that end, the Initiatives of the Autonomous Infrastructure Mission, or A.I.M., were developed.

The disproportionate impact of the COVID-19 pandemic on New Afrikan communities across Amerikkka, and the gross inability of U.S. capitalism to meet the people's needs, underscores the absolute need for the implementation of the A.I.M. in our communities – now more than ever.

The primary function of the A.I.M. is to provide for the basic needs of the people without having to rely on the inadequate institutions of capitalism, government or any force outside that of the community and people themselves.

Across this nation, the inability of our people to earn a living wage (due to necessary stay-at-home and social distancing guidelines) has resulted in miles-long lines at foodbanks, rapidly depleting such resources.

Simultaneously, the lack of logistics capable of moving corn and other staple crops from the fields to stores and other food distributors has created a situation where these vital commodities cannot be replenished. Ironically, farmers with bumper crops of the very food stuffs we all need are being forced to plow these crops under rather than allow them to rot on the stalk (source: NBC Nightly News 4/13/20).

The widespread establishment of Sustainable Agricultural Communes (S.A.C.'s) could not only meet the need for fresh produce right in the communities where food is now so sorely needed, but surpluses (usually sold to raise additional income for the community) could be now retasked to replenish foodbanks in and around the communities where these S.A.C.'s are organized.

The Emergency Response Network, specifically designed to meet the needs of the people in case of disaster, in concert with the New Afrikan Math and Science Centers Initiative, could have ensured that our communities not only had sufficient PPE stockpiles, but also the manufacturing capability to produce additional PPE resources, and training medically competent personel in our communities capable of acting as reserve nursing and home care staff.

Closed-Circuit Economic Initiatives (C.C.E.I.) organized in our communities could be retasked to provide supplemental income grants to community members from the C.C.E.I. Fund, to ease the burden of unemployment. While the Community Safe-Zones Initiative could be retasked to ensure enforcement of social distancing guidelines and members of our communities have ready access to masks when they must venture into the public.

I could go on, but my point should be glaringly apparent: our continued inability to meet our basic needs in a society which has historically oppressed and socially contained New Afrikans has left us vulnerable, yet again, to

### THE BIDEN ADMINISTRATION IS FACED WITH A CHOICE

ACLU, [www.aclusocal.org](http://www.aclusocal.org)

Today, the Biden administration is faced with a choice. It can follow in the footsteps of the Trump administration and refill the now-empty jail cells. Or it can acknowledge what government studies have shown for years and what the experience of the past year has proven beyond doubt — that in the vast majority of cases, detention is not only cruel, but unnecessary to ensure immigrants' presence at civil immigration proceedings. Humane, community-based alternatives to detention are more than capable of securing their presence while preserving individual liberty and dignity, and keeping families together.

So far, however, the signs from Washington are not good. Immigration detention numbers are rising, and the Biden administration persists in defending ICE's cruelty in court. The government has yet to commit to protect people who were released due to COVID-19 from re-detention. It is not too late, but we need to act now.

Those of us who believe in a world without unjust immigrant detention must raise our voices and call on Department of Homeland Security Secretary Mayorkas to shut down ICE facilities immediately, before their cruelty wreaks havoc on yet another generation.

disproportionate human misery and death. Political pundits and so-called experts have put forth incomplete or overtly baseless theory after theory as to why our people continue to be disproportionately impacted by one social ill after another, when in truth the origin of our woes is simplistic:

We have failed to organize ourselves and our communities to meet our basic needs, and we continue to look upon our own interests as some secondary consideration as we blindly and blithely compete against one another in this capitalist arena, languishing under the same fascist authoritarian mass psychology responsible for our collective oppression.

The A.I.M., and other organized self-sufficiency initiatives, are purposely designed to eradicate this flaw in our national character. Make no mistake, when I speak of 'national character,' I am speaking of our New Afrikan national character.

U.S. capitalism and its national interests have woefully and criminally mismanaged the development of our communities to the point of intentional underdevelopment. Any argument or analysis which fails to acknowledge this concrete fact is either suffering under a capitalist delusion or being intentionally dishonest. We cannot continue to act as though someone else is going to save us, generation after generation. No one is going to rescue us from our national oppression but us. We are our own Liberators.

The A.I.M. serves as a foundation for that collective liberation; a way to meet our own collective work and responsibility. The Autonomous Infrastructure Mission (A.I.M.) consists of:

- The Sustainable Agricultural Commune (S.A.C.)
- Closed-Circuit Economic Initiative (C.C.E.I.)
- Youth Community Action Program (Y-CAP)
- New Afrikan Math+Science Centers Initiative (N.A.M.S. Centers Initiative)
- Emergency Response Network (E.R.N.)
- Community Safe-Zones Initiative (C.S.Z.I.)
- Secure Communities Mandate (S.C.M.)

Upon these 7 initiatives the basic building blocks of a new culture of self-sufficiency and self-determination can be built. I encourage all of you who would see us shake off the yoke of dependence upon which our national oppression is based, to join us.

No one is going to rescue us from our national oppression but us. We are our own Liberators.

Become not only an advocate of the A.I.M., but an active member. Become a local coordinator for one or more of its initiatives. Find like minds and kindred spirits in your community, come together and let us seize our destiny with the strength of our minds, our backs and our dedication to purpose.

We have it within us to be mighty again and to transform our communities and our people into what we truly are: strong, self-sufficient and free men and women.

Go to Amendthe13th.org and review the 7 initiatives of the A.I.M. Join the Amend the 13th Working group on Facebook, direct-message us or write me directly and we can begin the vital work of organizing our Communities to serve our own interests.

The alternative is that our communities continue to suffer, beg and die in a system which can not, and will not, meet the needs of our people because doing so is simply not in their interests.

Think on these things, they are cause for great meditation.

**"HATE CANNOT DRIVE OUT HATE; ONLY LOVE CAN DO THAT."**

Martin L. King Jr.

**DEMAND STRATEGIC RELEASE!**



"In fear that [the inmates'] lives were in danger, [the guards] were told to stop by different inmates, but [they] would not listen to our pleas. As people started to get up in protest of the abuse of power, they began to strike other inmates and that's when things got out of control. People fought back in self-defense." Survey Respondent.

"Someone yelled out, 'Fuck that, they're beating the homies!' . . . . [A] group of 40 or so guys got up and ran towards the officers. The officers backed off and the inmates stopped and pruned out. . . . Officers came to inmates that were slow to prone out and began beating, kicking, and spraying them. Again, the Southern Hispanic inmates got up. . . ." Correspondent.

Many men ran towards the incident, but then stopped and got down when the officers stopped beating the two initial combatants. Then, another act of officer violence would re-activate them.

"[C]ountless inmates sprinted towards the incident from the #1 and #2 yards. The nearest inmate charging would have been approximately 40 yards away. HU tower 3 and the yard observation tower began unloading their clips. . . . C/Os began shouting at their partners, 'Stop hitting the inmates!' prior to anyone reaching the vehicle gate (#2/#3) [where the fist fight had occurred]. . . . [N]umerous inmates arrived, all squatted after noticing the guards battering the two individuals had momentarily stopped. The yard became quiet. Then the observation tower began discharging another clip into the crowd . . . which is when the C/Os continued with their batons and HU 3's tower began shooting at the rear of the crowd. . . . Inmates from all 3 yards were now involved. The attacks would cease temporarily up until the C/Os will strike individuals, OC spray, and/or shoot inmates while pruned out." Correspondent.

"... Southern Hispanic inmates got up off the floor [ground] and ran towards the incident and started attacking the Correction Officers for beating on their fellow inmates. C/Os started shooting with everything they got: block guns, mini 14s and pepper spray. Inmates started getting shot. . . . One officer said, 'Shut the fuck up or we'll shoot you in your fucking face.' After an inmate alerted others that an inmate was shot in the chin, all the inmates said, 'Fuck you' and got back up and attacked the C/Os once again." Survey Respondent.

"The last surge was a direct response to their refusal to aid the individual shot in the mouth who was choking on his blood, teeth, and bone, in which they had stated, 'Shut the fuck up!'" Correspondent.

"Numerous C/Os have told us this incident would not have occurred if those guards were more professional in the way they handled the matter and the choices they made were incorrect and unethical. Nonetheless, they won't put it in writing. The Code of Silence remains a part of the Department of Corrections." Correspondent.

As noted above, CDCR eventually admitted that the prisoners' response was a spontaneous reaction to perceived officer brutality. It is noteworthy that some prisoners believe that the incident was preplanned by correctional officers to provoke a riot.

"Before the riot happened, I worked as part of the yard crew for C/O Avila and I remember him having a conversation with the other C/Os about how their salary kept getting lower because this prison was no longer being seen as one of the most violent. Upon reflection, I can't help thinking it may be a reason why they felt a need to intentionally provoke a riot." Correspondent.

"We even predicted an incident as the one on 5/24/17 would eventually materialize as a 'state created danger' behind the harsh treatment and conditions we are subjected to. C/Os were instructed to torment inmates in order to get a reaction. This was more visible when inmates began integrating recreational activities which 'enraged' the C/Os, leading to them making comments like, 'I can't wait til a riot happens!', 'This stunt won't keep them out of the SHU!', and/or they'd ask us bluntly, 'When is something big going to jump off. We need entertainment!' We didn't budge amongst us prisoners. Therefore, they caused a mass disturbance by utilizing excessive and unnecessary force to provoke inmates to respond to that threat." Correspondent.

We have received reports from formerly incarcerated people that a common pattern in the spring and before December holidays is for CDCR officers to fabricate a reason for staff overtime, such as a missing kitchen knife. Staging "gladiator fights" between groups of enemies or setting up individual enemies for confrontations is another known form of staff misconduct by manipulating prisoners. While we cannot confirm that officers staged this incident, we can identify benefits and detriments that resulted.

In hindsight, the prisoners suffered greatly from this incident (along with the injured officers). So did the forces of reform within CDCR which had implemented the release of many hundreds of prisoners from SHUs in 2013-2017. Beneficiaries were the Pelican Bay officers who subsequently received substantial pay raises due to increased SHU assignments. Also benefitting was the CCPOA, the prison guards' union, which had fought the SHU releases and predicted resulting violence.

### **3. Non-involvement of many men**

Although 130 prisoners were administratively charged with violence on the officers, the majority were not involved in officer assaults.

"I was in the morning yard working out when I heard the officers yelling 'get down' and seen a lot of commotion everywhere and, within seconds, I heard gunshots being fired. . . . I tried moving out of the way and seen inmates that were already prone out getting shot by the main tower officer, and those inmates were not involved in anything. I got charged for participation in a riot when I didn't do anything, just moved out of the way because I didn't want to get shot." Survey Respondent.

"I got to my feet, but a bottleneck of bodies effectively kept me about 35-40 yards from the actual fighting. I never physically touched an officer or got anywhere near." Correspondent.

"Mr. A, who is currently serving a SHU sentence, explained that he was shot in the arm even though he was more than 50 yards away from the incident. He said he did not know where the shots were coming from and describes complete chaos as everyone was ducking and running around trying to dodge the bullets and figure out what was going on." CPF Pelican Bay Prison Report, 2017.

### **4. Indiscriminate Shooting**

Many prisoners recounted indiscriminate shooting by officers.

"The tower gunner began shooting the Mini-14 into the crowd (not the crowd actually attacking officers, but the crowd milling around the yard, where no officers were). He shot indiscriminately." Correspondent.

"Every other inmate shot was on the yard #2 anywhere from 30-50 yards away from the incident on yard #3." Correspondent.

"We then started getting shot at by the mini 14, live rounds even after when we were all on the ground. Several inmates got shot, hit with the batons, or sprayed by pepper spray. They were constantly screaming at us, disrespecting us, and continued spraying and shooting even after the fight ended." Survey Respondent.

"One inmate was simply standing and was shot in the jaw. He didn't fall. Just looked around in shock." Correspondent.

"I have actual proof that [] not only did I have my back towards officers, but I was more than 20-30 feet away from any of them. . . . Prior to me getting shot with such deadly force, I never showed any assaultive/aggressive behavior toward anybody. . . . All I was guilty of prior to getting shot was disregarding a lawful order to get down, because I was trying to avoid lethal/deadly gunfire caused by PBSP staff toward any Southern Hispanic inmates." Survey Respondent.

This man has filed a civil suit against the officer who shot him.

One prisoner pointed out that it is against CDCR policy to shoot near an officer:

"For the record, none of the guys that got shot were near officers. CDCR policy will not allow for firing of lethal ammunition when C/Os could possibly be hit. It's a lie that they fired into crowds with C/Os in the middle." Correspondent.

The officers who fired shots at prisoners that day have inconsistently claimed that (1) they were aiming at prisoners who were very close to fellow officers and (2) they refrained from shooting at prisoners who were close to fellow officers, for fear of hitting an officer.

Some of the men who were shot may have been hit with a bullet that had ricocheted. It does not appear that CDCR investigated that possibility, apparently preferring to rely on the theory that anyone shot was an intentional target because he was actively assaulting an officer.

### **5. Injuries and delayed medical care for the incarcerated men**

CDCR reported that, of the seven prisoners who were hospitalized, five had been shot. The man who was shot in the chin was airlifted to another hospital for surgery at a higher level of care. The other four had been shot in the arms and legs. Other injuries were reported, as well as inadequate and negligent care in response.

There was an individual standing furthest to the rear of a group assaulting staff. This individual was not participating, had his back towards the area of the incident. Like many uninvolved persons, he was swept by the surge primarily to not wanting to be trampled and was affected by the chemical agents dispersed. The observation tower seen an easy target and shot him in the lower jaw, blowing half of it off. . . . He was cuffed, forced to his feet, then escorted on foot to the clinic." Correspondent.

"One individual was shot three times while on the ground. . . . [H]e was taken [to the clinic] not after inmates on that #2 yard were plexi-cuffed, but when ISU/IGI felt he needed to be taken, disregarding his request for medical aid." Correspondent.

One man who received a gunshot wound was not taken to the outside hospital, nor was his injury reported to the media or documented in his RVR as a gunshot wound.

"I was standing in cuffs when the officer was checking for any wounds, and when he came upon the wound on my left forearm, he took out a piece of bullet fragment and sent me to the [prison] hospital to suture the wound." Correspondent.

"... ISU/IGI staff grabbed hold of his arms and one of them stuck his finger into the wound. . . . physically extracting a fragment of a bullet without medical personnel permission or providing anesthesia. Correspondent.

"Upon receiving my RVR report, I noticed it was not reported that I had been struck by a bullet, nor was it reported to the media. . . . Upon receiving my personal medical file (copies), I discovered that . . . the yard officers had indeed advised the medical personnel that I had suffered a gunshot wound." Declaration.

Other men suffered different types of injuries during the incident:

"One person's skull was cracked; one person's skin scalp was split; one had a dislocated shoulder; one was beaten and had a seizure – he fell off a gurney and dislocated his arm and knee." Interviewee.

This latter injury was also misreported:

"An individual had no injuries listed during his [initial] evaluation. He had a seizure and was taken off the yard, where he (according to medical personnel) fell off a gurney during convulsion after they forgot to strap him down, causing broken bone(s), bruising. They didn't document that and wrote it as if he was wounded as a result of the incident with C/Os." Correspondent.

Injured men reported delays in obtaining medical treatment:

"A couple of inmates shot were seated on hot asphalt reclined against the serrated chain link fence behind the yard's clinic for an hour or longer." Correspondent.

"I did not get proper medical treatment [after the incident] because it was a form of retaliation towards me for being involved in [the] alleged event." Survey Respondent.

"I was shot during the event at Pelican Bay on 5.24.17. I suffered permanent damage to my ankle because I did not get proper medical treatment for the gunshot wound." Survey Respondent.

"Mr. X described having to lay on the ground for up to twenty minutes before being handcuffed and taken for medical care, despite having his bone shattered." CPF Pelican Bay Prison Report, 2017.

"They left us all on the ground for quite a while. People hurting, injured and getting no type of acknowledgment." Survey Respondent.

"During the riot, I sustained an injury to the top of my head. I was bleeding out nonstop for over an hour without any proper medical attention in a holding cell where only a counsellor . . . put pressure on my wound with a gauze. Eventually, a doctor came to look at my injuries and said I needed to go to the hospital." Correspondent.

One RVR report asserted that, "Delaying medical treatment to individuals severely injured is intolerable, as gunshot wounds, puncture wounds, and broken bones are all severe traumas that need immediate medical care." Yet, CDCR responded more promptly to aid the injured officers than injured prisoners.

"They kept provoking us by making statements like . . . 'let them suffer' (referring to individuals who were shot and medical aid was being requested). All injured (even those with minor injuries), if you were a guard, received immediate attention. With [one] exception. . . all injured (including critically) were forced to remain where they were until pictures were taken of them. Numerous inmates were not decontaminated from oleoresin capicum/OC pepper spray. They were left in the sun while guards continued making insulting comments." Correspondent.

CDCR owed the same duty of care to incarcerated people as to staff.

### **6. CDCR attempt to characterize the incident as gang-related**

CDCR went to great lengths to attempt to show that the prisoners' response to guard brutality was gang related.

(a) Only Southerners received RVRs.

On the day of the incident, CDCR staff immediately targeted only prisoners previously identified as Southerners for detention, and later for administrative charges and criminal prosecution. ("Southerners" and "Northerners" fall within CDCR's racial/ethnic category called "Latino/Hispanic." Typically, a Southerner is someone from Southern California, who may have ancestry from Mexico or other Latin or South American country, and who may be affiliated in some way with a prison gang such as the Mexican Mafia or a street gang.)

"After the incident, the guards collected only inmates who were Southern Mexicans or Mexican nationals and placed us

against the pepper sprayed serrated chain-link fence. Later that was used against us to indicate we had been pepper sprayed by guards as a result of our involvement.” Survey Respondent.

“Every single inmate on the yard that identified as Mexican was presumed guilty, including those who were dozens of yards away and did not even witness the incident.” Survey Respondent.

“All Mexicans are being punished.... Some were seventy yards away, and even one who was just passing through to another building. If you were Mexican, you have also been charged.” Survey Respondent.

“One man picked up after the incident stated that he was using the restroom 100s of yards away from where the incident took place. He described seeing a rogue officer shooting from the tower and trying to figure out what was going on.” CPF Pelican Bay Prison Report, 2017.

“Enclosed you’ll find a report of Northern inmates getting up, and some of them moving toward the incident. In the video, 4 of them actually get involved, then disengage before responding staff comes. The Bloods and the Whites also get up and move towards the incident initially, then prone out again. Yet, none of them came to the Hole. Only Southerners. If they charged other factions, it’d ruin the STG nexus and gang charges.” Correspondent.

An RVR Supplemental Report states that more than 300 men were in the exercise yard that day, including prisoners affiliated with the Aryan Brotherhood, Northern Structure/ Nuestra Familia, Crips, Bloods, Woods, Skinheads, Neo Nazis and Norteño groups. The report states that none of the groups or sets participated in the attack on officers. It does not address or acknowledge that some individuals in those groups took the same actions (such as getting up or taking a few steps toward it) that were used to prove that Southerners participated.

In preparation for his RVR hearing, one man asked:

“You stated, ‘all inmates that did not get down when ordered . . . are equally responsible for attempted murder on staff,’ according to Sgt. Stout’s report. The northerners refused such order and remained standing, which made safe passage impossible and impeded responding staff .... Video footage of the incident also showed several other ethnicities also refusing to get down. Yet only inmates which custody staff labeled Southern Hispanics/paisas were placed in ad-seg and charged. Why weren’t other individuals/groups charged?” This question was found “not relevant” by the Senior Hearing Officer. Correspondent’s document.

Thus, CDCR cherry-picked which prisoners it believed were involved based on their perceived affiliation, not on their actions. Before 2014, when an incident would occur at a prison that involved a particular race, all members of that race would be put on lock down. However, in 2014, after a nine-year lawsuit (*Mitchell v. Cate*), race-based lockdowns were prohibited in California. CDCR can no longer impose a blanket lockup order on a particular race. While CDCR can lock up a particular gang, its response in this case was race/ethnicity-based, not a targeted lock-up of people affiliated with a particular STG or gang.

**(b) CDCR pressured prisoners to say that the riot was a gang order.**

During the first month following the incident, investigative officers pressured prisoners to tell them that a shot had been called (a gang leader’s directive). They suggested that the initial fight had been staged.

“The first wave of inmates that came back here were inmates who were on the yard . . . that day; the second wave only some, but the 3rd and possibly 4th wave were individuals who were either in their cells or in a building, housing unit that took absolutely no part in this. So from 93 inmates it rose to 120+. This was the result of inmates refusing to lie for the guards in which they’ve been trying to force us to state the ones at fault was the Mexican Mafia and to say they ordered this. The reason: the prison administration told the news this was a preplanned hit on guards which [it] wasn’t and the [footage] shows otherwise. There were guards telling the three officers assaulting the inmates to “stop.” So now they need for us to help them get out of this one.” Correspondent.

Apparently, no prisoners went along with their scenario and, ultimately, the investigators abandoned it.

**(c) CDCR’s ultimate theory was weak.**

A CDCR investigator ultimately alleged that the incident was for the benefit of the Mexican Mafia on dubious grounds. Hearing officers then sustained this theory, despite evidence to the contrary: that the incident was spontaneous, that the Mexican Mafia apparently had a new policy to keep “hands-off” the C/Os, that such an incident would inevitably cause physical and disciplinary harm to Southerners, and that the investigator used inherently unreliable interviews with debriefers and distorted evidence of prisoner involvement to form his opinion.

## Aftermath of the incident

### A. Solitary confinement

Following the incident, CDCR immediately moved 97 men to administrative segregation housing, re-opening a SHU facility with windowless cells for this purpose. Within days, roughly 130 men were in Ad-Seg housing while the prison conducted its investigation of the incident. Administrative Segregation housing is simply a term for one of the many forms of solitary confinement within CDCR. Their placement in Ad-Seg dragged on for months or years.

The least amount of time reported by survey respondents for being in solitary because of the brawl on May 24, 2017, was eight months. Only two out of the 21 respondents served less than a year, and eleven spent two or more years in such confinement. Seven people were still being held in solitary at the time they responded to the survey (at least 30 months).

The Mandela Rules<sup>5</sup>, updated by the U.N. General Assembly in 2015, define solitary confinement as “the confinement of prisoners for 22 hours or more a day without meaningful human contact.” They stipulate that solitary confinement may only be imposed in exceptional circumstances, and “prolonged” solitary confinement of more than 15 consecutive days is regarded as a form of torture. CDCR denies that it holds prisoners in solitary confinement and does not follow the Mandela Rules.

Individuals subjected to this form of prolonged solitary confinement have higher risks of suicide, mental-health breakdown, and drug overdose, as well as heart attack, stroke, and other physical ailments, even after they’ve been released.<sup>6</sup> The confinement of these men, especially done so indiscriminately and for such extreme lengths of time, is unconscionable.

### B. Immediate and long-term retaliation

In addition to solitary confinement, correspondents reported that significant retaliation took place by prison staff.

“Custody staff placed 93 inmates in the SHU (overflow Ad-Seg) with everything we had on, maced or not, and failed to supply dozens of inmates with appropriate wear, hygiene, linen, towels, writing material. A lot of us were barefooted for four or more days. The administration has refused to issue us the remainder of our sheets (to exchange during laundry) and additional blankets (it’s required-policy) especially back here where there’s no windows in the cell for sunlight and the staff lower the thermostat deliberately.” Correspondent.

“More than two dozen prisoners lost their glasses. They were either broken or left on the yard after the incident.” Interviewee.

“While being evaluated, guards destroyed and/or stole approximately 30 prescription glasses right off each inmate.” Correspondent.

“They are taking people’s medical appliances away. Prescription glasses...canes and walkers for mobility impaired, and even they guys that were shot in the legs/feet, they’re taking crutches after only a couple of weeks and expecting them to walk the more than 250 yards from the housing unit to the clinic.” Correspondent.

“After they brought everybody to the ASU/SHU overflow we did not have anything. They did not provide us with any type of state soaps or hygiene in general. It was a horrible time.” Survey Respondent.

“After the riot, C/O ... broke my TV and mixed up mine and my celly’s property also... I filed my 602 and eventually got it granted at the second level two months later. I got my TV replaced and my property issues straightened, but I know there are still many others that still haven’t gotten their TVs replaced or their missing property [six months later]. I’ve been through the same situation before... When I got to Ad Seg [after an incident with a C/O at a different prison], my TV was broken in a clear retaliatory manner. It’s a common occurrence throughout CDC.” Correspondent.

“They are withholding personal property. ... Many of us are doing legal work and our papers are in our property. Dozens of people have missed filing deadlines because they don’t have their legal work. ... We are not issued legal paperwork from our property absent an active/imminent court date. But those of us that have them cannot prove it, as the documentation is in our property.” Correspondent.

“The guards have said the warden is telling/ordering/instructing them to punish us deliberately, so we’d learn our lesson not to mess w/the C/Os. They’ve begun messing with our mail, refuse to provide a humane environment.” Correspondent.

“I have not been receiving my mail from my wife and family since the event occurred... I truly believe PBSP is messing with my mail because of the event that took place, as retaliation... My wife sent complaints to Sacramento... They don’t respond.” Survey Respondent.

“The C/Os at that time even until now after 2 ½ years still

<sup>5</sup> United Nations, Resolution adopted by the General Assembly on 17 December 2015, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), January 8, 2016, <https://undocs.org/A/RES/70/175>

<sup>6</sup> Unlock the Box, Solitary is Never the Answer, June 2020, <https://www.unlocktheboxcampaign.org/solitary-covid-report>.

seem to mess with us, either with mail, cell moves, and, in any way they can retaliate, they will.” Survey Respondent.

“Prior to transferring from the Bay, I had a package sent in and they deliberately gave it to an inmate in protective custody.” Correspondent.

While these forms of harassment may seem petty to some, for people in indeterminate solitary confinement, the emotional impact can be great.

### C. 115 hearings, timing and results, dead-end appeals

#### 1. Rule violations (115s) and impact of DA referrals

Usually, CDCR must give a prisoner notice that it is charging a prisoner with a serious rules violation within 15 days of CDCR’s discovery of that violation. The notice is given on a Rules Violation Report (RVR) form. Notice may be delayed up to 30 days more if the misconduct could be prosecuted as murder, attempted murder, or an assault/battery on staff and investigation is on-going to identify other people involved. Cal. Penal Code section 2932(c)(1).

In this case, individual RVRs were completed over time, between June and August 2017, and perhaps beyond. Each prisoner’s RVR consisted of identical overviews of the incident followed by a brief statement as to that prisoner’s alleged involvement.

Each prisoner was charged with violating Title 15 Cal. Code of Regulations section 3005(d)(1) [“Inmates shall not willfully commit or assist another person in the commission of an assault or battery to any person or persons, nor attempt or threaten the use of force or violence upon another person”], with the specific act of “attempted murder.” RVRs indicated that there was no connection to a prison gang [“no STG nexus”]. However, the STG allegation was later added to all RVRs. The RVRs also gave notice that felony prosecution was likely.

While prisoners have the right to a hearing within 30 days of being served with an RVR, prisoners facing possible criminal prosecution often exercise their right to postpone their RVR hearing until criminal proceedings are over. Cal. Penal Code section 2932(c)(2); Title 15, section 3316(c).

CDCR referred all 130 prisoners to the Del Norte County District Attorney’s Office for criminal prosecution for attempted murder with a criminal street gang clause. This referral was not made until January 8, 2018, more than seven months after the incident. California regulations require CDCR to ask the DA’s office “to provide the institution with written notification within ten working days advising if prosecution shall be initiated.” It is unknown whether CDCR made such a request here.

In any event, the DA’s office did not respond until mid-April, over three months later, when it notified CDCR that it had declined to prosecution 77 of the 130 prisoners referred to it.

Thus, *all 130 prisoners* were left in solitary confinement for almost a year not knowing whether or not they would be criminally prosecuted on a serious felony for this incident; 53 were still left hanging. Many waived their right to a speedy RVR hearing while authorities slow-walked the cases.

#### 2. Unfairness of RVR hearings

Mainstream news reports and prisoner testimonials indicate that staff had drawn conclusions as to who was guilty before the investigation even began. In a same-day statement made to reporters, CDCR spokesperson Terry Thornton stated<sup>7</sup>, “The fact the 97 inmates were rehoused indicates that they had some level of involvement.”

“We were told we’d be found guilty from the gate. So far, true.” Survey Respondent.

“They’ve told us they’ve been instructed to find everyone guilty of the attempted murder. We’ve been told we’ll be railroaded, point blank.” Correspondent.

##### (a) Poor quality video evidence.

A survey respondent explained that, while PBSP did have videos rolling on the yard during the incident, the recordings were of such poor quality that they were essentially useless. They were only able to identify seven or eight people by name in the videos.

Officers informed us that . . . they cannot individually identify us in the video because the quality is poor. So, anyone ‘in the area’ will be charged and referred to the DA for prosecution, so the DA’s office can do the hard part of trying to figure out who did what. . . . They freely admit they can’t definitively identify anyone.” Correspondent.

“Anon. reported that he had an RVR hearing where he was unable to present a defense. He was shown video of the incident but said he was nowhere in the video.” CPF Pelican Bay Prison Report, 2017.

##### (b) Tainted or dubious evidence of injuries.

Because individual prisoners could not be identified, CDCR resorted to tainted, weak and/or ambiguous evidence at the hearings. CDCR tried to connect being shot, or having blood

<sup>7</sup> Associated Press, 8 California guards, 7 inmates sent to hospital after brawl, May 24, 2017, <https://apnews.com/article/2a33632e2c7b4168b67f5f0bfe5fac36>.

on clothing, as proving direct participation in the assault of an officer. However, this logic did not hold.

As noted above, officers shot at men who were not near the officers and some may have been hit with bullets that ricocheted.

“The only evidence of any kind upon these individuals is the bullet wounds and/or bullet fragments. None or most of these individuals don’t have marks upon their hands from the alleged assaults, no OC pepper spray – although every officer indicated that they sprayed individuals who were assaulting staff. No block gun marks or baton marks – although officers also stated they shot block guns and struck inmates with batons who were assaulting officers.” Correspondent.

Further, uninjured prisoners were contaminated with the blood of those who were injured.

“ISU/IGI staff deliberately placed blood on inmates that they had come in contact with after handling assaulted guards. They move[d] inmates through contaminated areas to contaminate them, then had sat every inmate on either side of the fencing dividing the #2 and #3 yards with their backs against the serrated hot OC sprayed fence. Most inmates suffered injuries during this process, especially on their knees, when [they] had to get up, as staff pressed down on their shoulders intentionally. These post injuries were video recorded and photographs were taken which have been used to find us guilty and/or charge us with attempt murder on peace officers. Many inmates came in contact with blood from assisting wounded inmates. These acts of benevolence are being used against us as C/Os allege the blood belongs to their partners.” Correspondent.

One man’s written and illustrated medical exam report prepared by a prison nurse states that he had no injuries. However, he was found guilty at his hearing:

“I was found guilty of attempted murder . . . based on the Hearing Officer saying he saw evidence of an injury on me in a video. However, this video evidence doesn’t exist. I saw the video he spoke of and you can’t see any injuries.” Correspondent.

Similarly, a man whose medical report states that he was shot was unable to convince his Hearing Officer of that fact:

“Upon receiving my RVR 115 Report, I noticed it was not reported that I had been struck by a bullet nor was it reported to the media. [At] the disciplinary hearing, I made [it apparent] that my wounds were the result of gunshot wound. However, the hearing officials refused to acknowledge that fact.” Correspondent.

Other physical evidence may have been tampered with:

“No weapons were used, yet a weapon they allegedly recovered was taken to ISU building where the tip was bent and blood added. One report was filed . . . indicating he discovered a stab wound on one C/O. Another report alleged he was stabbed with so much force it bent the tip of the weapon; however, there’s absolutely no indication/proof. That C/O supposedly stabbed didn’t even mention being stabbed.” Correspondent.

The accuracy of the ballistics evidence is also in question.

#### **(c) Minimal evidence of participation.**

“In one case, a man got to the ground when the yard was ordered to get down. According to the RVR: “When inmates began to rise up, [he] stayed on the ground. Many inmates ran by him but [he] did not move. Approximately 13 seconds later, [he] did get up and reach his feet and take two steps towards the incident. Getting up during an incident, and moving toward an incident, is considered participation. [Three seconds later, he] laid back down . . . and remained there . . . for the duration of the video.” Based on these three seconds of behavior, he was one of the first people charged with attempted murder.

Another prisoner’s connection to the assaults was based solely on the fact that, after the incident was over, he was photographed on the roadway of the #2 yard, some distance from the gate which was the epicenter of the assaults.

“Other inmates noticed and reacted to protect the inmates being beaten... I stood up in order to ensure my personal safety, but [I] did not physically attack staff.” Survey Respondent.

In another:

“I clearly walked the hearing officer through the incident and showed him that I was never in the same area where the C/Os were involved in altercation[s]. . . . The hearing officer said he would not make it that easy for me. Correspondent.

In the above case, the Investigative Employee reported that he “confirmed [the prisoner’s] allegation that he did indeed assist an inmate up on the 2 yard who had blood on his person.” The IE concluded that “it is possible that the blood on [him] was transferred to his person while assisting another inmate.” The IE also noted the paucity of other evidence: “I cannot with certainty retrace [his] movements prior to his assisting an inmate to his feet on the 2 yard, due to the quality of the video and the mass of inmates moving

almost in unison.” Nevertheless, this prisoner was found guilty of assault with great bodily injury due to his admitted movement from 1 yard to 2 yard, and his admitted standing up and getting down a couple of times.

#### **(d) Unfair procedures.**

“When many tried to place a defense by questioning their accuser, staff diverted to answer questions utilizing penal code language as reasons they did not answer, stating irrelevant information. At the end everyone was charged and found guilty...” Survey Respondent.

“[S]eeing that my hearing was done at the same prison by a senior hearing officer who already had a tight bond with the fellow officers who got hurt that day, my verdict came as no surprise.” Survey Respondent.

To our knowledge, every prisoner was found guilty of attempted murder or other violent offense with a gang nexus at their RVR hearing.

#### **(e) Overcharging.**

These guilty findings were contrary to the evidence presented and to logic itself. Attempted murder requires an intent to kill or aiding someone else knowing that they intend to kill another person. According to the officers’ reports, this incident was a spontaneous chaotic scene that lasted only two minutes. Due process requires that prisoners be notified in advance of what constitutes a rules violation. No one would have known in advance that their own minor involvement in a spontaneous prison riot in which some prisoners commit a serious assault would subject them to attempted murder charges.

Even as to those prisoners physically assaulting the officers, attempted murder charges were a stretch.

“The correctional officers got battered/assaulted, but there were no injuries that could sustain an attempted murder charge.... If the Southerners really wanted correctional officer Hicks dead, there was ample opportunity to continue stabbing him while he was unconscious . . . in the neck or other fatal places on his body. But he had only one puncture wound on his elbow.” Survey Respondent.

To be sure, eight officers were injured, some quite seriously. However, alleging and sustaining an attempted murder charge against 130 people was a significant overreach, in both the level and numbers of people charged.

As we write this article, the U.S. Department of Justice department is weighing the evidence and making charging decisions from this year’s January 6 riot in the Capitol, at which scores of police officers were injured. The prosecutors are not simply charging the hundreds of protesters present that day with attempted murder based on their presence and actions in concert. The nation would be outraged if they did. Incarcerated people are entitled to no less individual consideration of their personal culpability, if any.

#### **3. Reduction of administrative findings yet permanent harm**

When the Hunger Strike Mediation Team met with then-Secretary Ralph Diaz and expressed concerns about the way the situation on May 24th was handled and the subsequent RVRs, Diaz responded, “Just be patient. Just let it play it itself out.” He was foreshadowing that charges would be reduced, which suggested a predetermined policy. In fact, as these guilty findings were reviewed administratively, either by CDCR officials in Sacramento or the warden, many prisoners’ charges or penalties were reduced.

“The warden is independently reviewing the 115s, and if the person wasn’t proven directly involved (meaning they don’t have injuries, pepper spray or marks), he’s reducing the charges to “att. battery” [or threat] and giving one-year SHUs instead of 60 months.” Correspondent.

Eight of the 21 survey respondents reported violation reductions. Their administrative findings were reduced from attempted murder to assault on a peace officer with intent to cause great bodily injury, battery on a peace officer, and/or participation in a riot. The high percentage of violation reductions by CDCR and low criminal prosecution rate by the DA support what the prisoners said from Day One, that they were unfairly targeted en masse and charged for offenses they were not guilty of.

Even where RVRs were reduced and criminal charges were not filed, people spent excessive periods of time in solitary confinement, which in itself can bring great harm.

Whether reduced or not, serious RVRs have severe, long-term, and devastating consequences on people in CDCR’s custody who are trying to attain their freedom. These people lose good time credits, so their sentences are longer. While in solitary confinement, they lose access to programs which can prepare them for release as well as earning credits off their sentences. RVRs remain on one’s record and influence how a prisoner is treated later and at other prisons.

“Once I arrived to this prison [from PBSP], I was sent to be classified by Correctional Counselors and a Captain. They clearly expressed I was a threat to them because of the attempt murder charges against their own, so they made sure

I didn’t receive a job nor be enrolled in self-help programs. They told me [to] give them a year clean of write-ups. I did, and they told me the same thing, adding I shouldn’t be assaulting staff when I protested.” Correspondent.

And for those with indeterminate sentences who must be granted parole by a parole board, a serious rules violation can be a major setback.

#### **4. Negative consequences of STG findings**

An administrative finding that a prisoner is guilty of a rules violation with an STG nexus can have serious administrative consequences. Such a finding can be used as evidence to validate (label) a prisoner as a member or associate of a Security Threat Group (prison gang). Such a validation can, in turn, limit programming availability. If the prisoner has already been validated, such a finding can result in an additional 24 months in the SHU (solitary confinement) if the rules violation was for a SHU-able offense. It can also negatively impact one’s prospects for parole.

#### **5. Dead end administrative appeals (602s)**

Filing 602 appeals through CDCR is a notoriously slow and unreliable process. Of the 12 survey respondents who reported appealing their guilt findings from their RVR hearings, one was rejected for consideration, and seven were considered, then denied. One respondent informed us that his appeal was cancelled/rejected at the 3rd level (Secretary’s level) due to his being transferred twice during the appeal period, and mail delays. He appealed the cancellation and lost.

“Pelican Bay continues to try and obstruct my ability to use the 602 appeals process by holding my mail or any other way they can.” Survey Respondent.

“At the end of the hearing, I was found guilty of assault with great bodily injury. I submitted a 602 and, to this date [in 2021], I never received a notice to inform me of a log # or anything to show me I was awaiting a response.” Correspondent.

“Appealing the guilty conviction of attempted murder resulted in just a lesser charge of assault on a peace officer, which was held up despite my appeal.” Survey Respondent.

“Most everyone has filed 602s for this and got the runaround.” Survey Respondent.

For example, at least one man was told that he could not file either a subsequent or a second appeal after his first appeal became moot when his charge and penalty were reduced “because the log number was the same.”

#### **D. Negative impact on parole**

CDCR’s outsized response to the May 2017 incident was unusually sweeping, with long-term consequences. Placement in SHU severely limits a prisoner’s access to educational and self-help opportunities and prison job assignments are not available. Guilt findings and loss of programming have negative ramifications for those with indeterminate life sentences, whose freedom can only be gained through the Board of Parole Hearings (BPH) approval. Mandatory psychological risk assessments consider rules violations in assessing future risk, and generally, the BPH relies heavily on RVRs to deny parole. Serious RVRs within five years before a hearing make approval very challenging, and some would say virtually impossible. Parole denials can be particularly devastating in California, where a person can be denied up to 15 years (with 10, 7, 5, and 3 years also possible). The BPH can also use a SHU term against those who are eligible for early release consideration under Prop 57’s “Nonviolent Offender” provisions.

Of our 21 survey respondents, only two were scheduled for a regular parole hearing since May 2017. The man whose hearing was held received a ten-year denial. The other man postponed or waived his hearing several times. Three of our survey respondents are incarcerated on non-violent convictions and were eligible for consideration early release under Prop 57. Two of the three were denied such relief; the third man’s case has inexplicably not been reviewed yet. Eight of our respondents are eligible for youth offender consideration; none of those cases have been heard yet. The other respondents are either serving determinate (fixed) sentences or life without parole. Thus, of the three men whose cases were reviewed by the Board of Parole Hearings, all three were denied parole. None of the three were prosecuted by the District Attorney.

Over the last four years, many prisoners found guilty of a rules violation from this event who had determinate (fixed) sentences have been released from prison when their sentences were up. However, 107 of the 130 remain in prison where they continue to suffer the ramifications of their RVR findings.

#### **E. DA prosecutions**

In April 2018, the DA’s office issued notices that it had declined to prosecute 77 people, leaving open the possibility that up to 53 would be prosecuted for this incident. This meant that 130 people were in limbo for almost a year, and that up to 53 of them continued in limbo for much longer. It is unknown how many of the 53 received decline-to-prosecute notifications later.

# Take Them to Court

## The BPH and Confidential Information

By Keith Chandler, J.D.

Most of the experience that I possess in litigation came not from the free world, but the more than 10 year fight, working with inmate litigators at other institutions, to change the life prisoner parole process. We developed a selfless statewide strategy where we flooded the courts with hundreds of habeas corpus petitions seeking to

educate judges on an injustice that they were ignoring. Slowly, we got a judge to nibble here and there, and we began to win major court victories soon, thereafter, culminating with In re Lawrence in 2008.

Today, that same type of fight is needed to address BPH misuse of confidential information. Beyond the political fight required, a war needs to be waged in the courts, using the petition for writ of habeas corpus as your weapon. The following are some pointers for those facing this problem.

Use the habeas corpus form in the law library. Just attach pages to it. Do not craft your own form. If you leave out information the petition could be rejected.

Next, understand the basic procedure and law that your petition will be judged under. Penal Code section 3041 presumes you are suitable for parole at the initial hearing. An inmate shall be released unless he is found to be an "unreasonable risk of danger." (15 CCR 2402.) In re Lawrence (2008) 44 Cal.4th. 1181, 1212 explains it this way: "The circumstances of the commitment offense (or any other of the factors listed related to unsuitability) establish unsuitability if, and only if, those circumstances are probative to the determination that a prisoner remains a danger to the public. It is not the existence or non-existence of suitability or unsuitability factors that forms the crux of the parole decision; the significant circumstance is how these factors support a conclusion of current dangerousness to the public."

The court reviews a challenge to a BPH decision under the "some evidence rule." (Superintendent v. Hill (1985) 472 U.S. 445, 455.) The "some evidence" utilized must be reliable. (15 CCR 2402; Powell v. Gomez, 33 F.3d. 39, 40 (9th Cir., 1994).)

The standard is highly deferential to the government, but its weakness is the requirement for reliable information. The former Warden of D.V.I. testified that 90% of all confidential information is unreliable. (In re Jackson (1987) 43 Cal.3d. 511, n.9.) Yet the BPH will find it reliable to be sure. You must fight this. We need to educate the court's on what they are doing.

As you write your petition, remember that the court must assume all facts alleged are true as it considers your case in the first instance, and determines whether to issue an order to show cause (an order requiring the government to respond). (People v Duvall (1995) 9 Cal.4th 464, 474-475.) Ask for an attorney, as if you get an order to show cause they will appoint one for you. (California Rules of Court, Rule 4.551(c)(2), People v Barton (1978) 21 Cal.3d. 513, 519 n. 3, Charlton v Superior Court (1979) 93 Cal.App.3d. 858, 862.)

As to what to put in your petition, that is a question based on the individual facts of your case that I can't possibly address. What I can tell you is that you should understand the difference between confidential information CDCR has acted upon and that which it hasn't. If the confidential information did not result in a 114 or 115 at the time the prison documented it, or in the immediate aftermath, then you should allege the information is unreliable. It's the distinction between actionable and unactionable intelligence. In my view this is where the parole board makes a critical error. They are unable to grasp that if CDCR didn't act on confidential information then they determined it unreliable. BPH acts like CDCR didn't investigate the crap they received in real time. But they did. And they let it go. How the BPH purports to act in this information as reliable, when CDCR did not in many cases years ago, is problematic from a due process perspective. Many judges would take a look at this issue if inmates would pound the courts with habeas corpus petitions and educate them on this wrong.

Challenge the BPH at every turn. It's how we went from being ignored by the courts in the late 1990's to winning the Lawrence decision by 2008. Take them to court!

**About the author:** Keith Chandler, J.D. is a former life prisoner who served 21 years before winning his freedom against the BPH in federal court acting as his own attorney. He went on to finish law school, pass the bar exam, and wrote a habeas corpus petition without an attorney that ultimately exonerated a man 34 years wrongfully

convicted of murder, as well as helped hundreds of other inmates to their freedom or reduced terms. He can be reached via confidential legal mail by writing him in care of the attorney he works for, Kristina L. Fox, P.O. Box 1199, Colfax, CA 95713.

### Other Tactics to Gain Your Freedom

I am aware of another CPF ally who just came home, who succeeded in gaining his release by filing a State Writ of Habeas Corpus, claiming this his time was disproportionate to the crime. He cited following California cases: In Re: Rodriguez, In Re: Wingo, In Re: Palmer, In Re: Fosse, In Re: Lynch, In Re: Cooper Supr.

You may also want to mention that your sentence is longer than sentences imposed for more serious crimes.

Another man who gained his freedom feels like he gained his freedom through the BPH simply by having dropped the use of "revolutionary" language in his letters home and in front of the BPH. (As he put it, he "spoke their language".) This reflects the racism that is underlying the current system, but was a strategy that worked for him.

Also, here's a little advice regarding your writ from someone who knows how these things work:

Focus on how you worked through your issues and the positive changes you have made; Those are the things that need to be emphasized – how you have been reformed.

Address the reasons the Board gave that you will be in the transcript.

Focus on your case and not on the systemic issues. After receiving your transcripts, identify why you think the reason given by the BPH for the denial is wrong and focus on that. For example, if they say it's because of 1030s in your file (as explained by Keith Chandler) explain that the reports were never investigated and found to be true, and why you think they are wrong, and how whatever it is does NOT show that you present a future safety risk. If a rule was broken, emphasize that you have made a true effort to follow the rules since that time.

[To have a chance at succeeding, treat the situation with the presumption that people (or the system) are trying to do their best. You can focus on changing the system when you get home!]

Prison Focus Issue 63 will have more on post parole-denial writs. If you can't afford to send stamps, the paper should also be in your institutions' libraries. If it is not, please let us know with specific information so we can change that. Until then, and forever, act with firmness, passion and strength. And never give up!

### Some Evidence Standard

There's a difference between reliable and unreliable information. The "some evidence" standard can vary widely according to circumstances or relevant factors. According to an article published by Prison Legal News in 1993, a majority of the Court of Appeals for the Eighth Circuit held that discipline imposed on the basis of "some evidence" that a person has violated prison regulations does not violate the fourteenth amendment's due process clause – that the "sum evidence" standard is adequate to safeguard right to due process. In prison, due process guarantees only that inmates will not be subjected to "arbitrary" deprivations.

According to the U.S. Supreme Court, "due process is satisfied if some evidence supports the decision by the prison disciplinary board," Superintendent,



If you are on the outside and would like to assist Mr. Perryman to produce a political coloring book, or other projects, please contact him at:

David Perryman, AB1204  
CSP-SAC  
P.O. Box 290001  
Represa, CA 95671

**The Sword is mightier than the pen.**  
By David Perryman

*Massachusetts Correctional Inst. v. Hill*, 472 U.S. 445, 455 (1985). The majority rejected the prisoner's argument that Hill states only a standard for appellate review. The right to a hearing prior to imposition of prison discipline, established in *Wolff v. McDonnell*, 418 U.S. 539, 555-558 (1974), does not guarantee a full-fledged factfinding hearing, the court said. Wolff's due process standard is a flexible one, leaving considerable discretion to prison officials regarding the day-to-day operation of correctional institutions. After observing that many constitutional deprivations are tolerated on no more than notice and an opportunity to be heard, the appeals court declared at that time, that prisoners are not entitled to the "level playing field" supplied by the preponderance of the evidence standard. Prison Legal News included the dissenting Judge Heaney's argument that, in view of the severe consequences of an erroneous determination of prison discipline, due process requires that prison authorities prove their charges by at least a preponderance of the evidence.

### CONFOUNDED ANALYSIS

In the California Inspector General's Salinas Valley State Prison-Special Report issued February 2019, it outlined the arbitrary process of investigating and addressing allegations by prisoners of serious staff misconduct. The Inspector General concluded that CDCR could not be trusted to conduct its own investigations due to the conflict of interest. The Inspector General recommended that an outside entity be engaged to review grievances and 602 appeals in California prisons. As of yet, no substantive action has been taken in response to the report.

### MANIFEST DESTINY

The only viable solution is expanding the freedoms and opportunities of each prisoner by allowing us to be politically and economically empowered. Prisoners will show their trustworthiness if given an opportunity. People cannot thrive and reform their criminal mindset unless they are free from oppression. This is a basic tenant of the American system fought for in the Revolution (innocent until proven guilty). CDCR does not operate under this tenant.

Rafael A. Godinez

### WORLD'S LEADING JAILER

"Following the tumultuous era of Attica and the Soledad Brothers, the prison became a central institution in American society, integral to its politics, economy, and culture. Between 1976 and 2000, the United States built on average one new prison each week, and the number of incarcerated Americans increased tenfold. With more than 2.3 million inmates—mostly black and Hispanic—in federal and state prisons, America became the world's leading jailer, surpassing even China. Related to this unparalleled growth came a silencing of prisoners, brought on not only by the shrinking of individual identities within the sea of mass incarceration, but also by legislation banning prisoners with "anti-establishment" views from having access to the media." Mark Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*

### NOTICE to our captive readers

WE WANT TO HEAR FROM YOU!

If you have requested any prison officials to refer you for a PC 1170 (d)(1) and they refused or they referred you but it was denied, and they refused or they referred you but it was denied, we need you to send us those CHRONOS AND/OR 602 DENIALS.

Currently, the CDCR uses Penal Code Section § 1170(d) (1) on a very limited basis for the recall and resentencing of people, especially those who qualify because they demonstrate exceptional conduct during incarceration. We believe that there has been an abuse of discretion in the CDCR's practices when it comes to resentencing referrals. There are many people whose CDCR referral letters have been ignored or denied. We want to hear from you about what your experience with CDCR has been and support you in getting fair a reviews to make your case for resentencing. Please mail the documents to: PAUL REDD % CALIFORNIA PRISON FOCUS

"My question is, Why are people so quick to assume that locking away an increasingly large proportion of the U.S. population would help those who live in the free world feel safer and more secure?" Angela Davis

Support this publication at [www.prisons.org](http://www.prisons.org) or send your contribution to California Prison Focus 4408 Market St., Ste. A Oakland, CA 94608

In March and April 2019, the DA's office filed felony charges against eight people, in two groups of four defendants each. In 2020, and almost three years after the incident, another three people were separately charged.

These eleven men were charged with eight counts of assault by a state prisoner with force likely to produce great bodily injury (P.C. section 4501(b)), with eight correctional officers listed as the people assaulted. Lifers also had parallel charges of assault by a prisoner serving a life sentence on the same officers (P.C. section 4500). The first eight defendants were also charged with multiple counts of torture and mayhem on the same officers; the three defendants charged in 2020 were not; instead, they were charged with the lesser offenses of obstructing or resisting an executive officer and riot. All defendants were alleged to have prior serious felony convictions and/or a prior strike conviction.

As of this writing, four men have been convicted and have received prison sentences (one is appealing); two were dismissed; and five are pending.

The case of the first group of four defendants has been resolved. One man received a sentence of 23 years following his convictions at a jury trial; he is appealing. A second received a four-year sentence in a plea bargain. The other two men's cases were dismissed.

The case of the second group of four is pending. In 2019, a Del Norte County Court judge dismissed the case due to insufficient evidence to connect these individuals with the assaults on the officers. This ruling was upheld by a reviewing judge, who stated, "[T]he prosecution is relying on a tumultuous, riotous situation coupled with proof of correctional officer injuries to have us draw the inference that these four defendants actually committed certain specific crimes." The DA's office appealed the dismissals as to all charges except torture.

In March 2021, in a published opinion, the Court of Appeal reversed the dismissals. That court found that the evidence was sufficient to show that these four men had participated in a riot and that a reasonable person in their position would know that the natural and probable consequence of that riot was mayhem and aggravated assault. The prisoners petitioned the California Supreme Court to review that decision, but the Supreme Court declined, paving the way for court proceedings against the four prisoners to continue in Del Norte County.

Two of the three remaining cases have settled following plea bargains. One man received a 12-year sentence; the other received a six-year sentence. The third case is pending.

The small number of cases prosecuted in court (11 out of 130) reveals how weak or non-existent the specific evidence of direct participation was against the vast majority of the men referred by CDCR for criminal prosecution. Court records show that the evidence in the 11 cases that have been brought is minimal. None of the 11 can be identified as harming an officer. That paucity of evidence, however, did not deter CDCR from using a wide net to administratively penalize large numbers of minimally and/or non-involved people. And now, it does not seem to matter to the appellate courts, who appear comfortable applying an expansive theory of criminal liability on participants in a spontaneous incident that lasted a mere two minutes.

### Conclusion

In our assessment, this was a costly and preventable incident caused by the brutal and excessive use of force against the two initial combatants. Trained and professional law enforcement officers ought to be able to break up a fist fight without resorting to rubber bullets, pepper spray and baton strikes. In fact, C/Os were heard telling their fellow officers to stop hitting the prisoners. Other officers later admitted that the riot would not have occurred had responding officers not used excessive force to begin with.

"Even given their initial heavy-handedness, it appears that there would have been no riot had those first officers been able to restrain themselves after the two men stopped fighting. When the men were pulled apart and the fight was over, the prisoners who had responded to the scene pruned out as ordered. The officers began assaulting prisoners again, setting the whole thing off. The entire incident was over in two minutes."

That eight officers were seriously injured is not in dispute. However, by magnifying the numbers of prisoners involved and exaggerating their criminal and administrative culpability, CDCR has drawn attention away from the root cause of this incident, while feeding into its own pre-established false narratives. In the long run, this approach does little to ensure peace within the prison walls, and to the contrary feeds into a culture of violence. Moreover, CDCR's ongoing mistreatment of incarcerated people at every step of the incident and its aftermath, has long-term negative impacts on peoples' lives.

The handling of, and response to, each stage of this incident was problematic and unjust, with few avenues to hold CDCR accountable for misconduct. We urge CDCR to

publicly claim responsibility for its role in this incident, to develop practices and procedures which address excessive use of force and misconduct by prison staff, and make a genuine commitment to replace the culture of violence behind their walls, with one of healing and support.

### What are your recommendations?

We developed recommendations to address some of the issues raised in this report, but are interested in hearing your thoughts and ideas on this topic. Please send them to us for potential publication in the next issue of Prison Focus.

### California Prison Focus Recommendations

#### Recommendation addressing how to address and eradicate the culture of violence with CDCR:

- Develop and implement a long-term plan to change guard culture from the top down, in compliance with the resolution adopted by the United Nations General Assembly on December 9, 1975, regarding the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment.
- When hiring and training staff, prioritize a sufficient understanding and appreciation for concepts of rehabilitation and healing.
- Terminate employment of staff who do not demonstrate care for the individuals in their custody nor a basic understanding of the concepts of healing and rehabilitation.
- Create policies that ensure accountability for guards who engage in misconduct and incentives for prison staff who demonstrate law-abiding and professional behavior.

#### Support solutions presented by incarcerated people:

- The Agreement to End Hostilities. The AEH was an effective tool created by men in PB SHU in creating solidarity between different prison groups in the period before and during the successful California Prison Hunger Strike of 2013. (According to several CPF correspondents, the AEH continues to have a positive impact on reducing levels of prison yard violence, while several of the individuals who created and continue to abide by it, remain in prison today, after almost a decade of on-going positive impact.)
- The Prisoners' Human Rights Movement Blueprint. The PHRM Blueprint is rooted in concepts of self-determination and humanism, with an appreciation for the potential value and goodness of every human being.
- Prisoner-led mediation programs and other prisoner-led programming.
- Strategic Release, as laid out by the New Afrikans. A subject is granted parole, pardon or clemency based on the positive impact they have had on their community and society during their imprisonment, and the even greater positive impact they will have if released.

#### Addressing excessive time in solitary confinement due to DA delays:

- Oversight by the Public Safety Committee or the OIG to monitor DA referrals and track how long they take.
- Development of a statute that DAs must charge or issue a statement declining to prosecute within so many days, when a case is referred to them of a prison incident.

#### Recommendation addressing obstructions to due process:

The idea that prisoners must appeal to the prison itself, instead of an independent entity, appears to violate any basic standard of fairness, due to obvious conflicts of interest.

- (Retroactive) investigation by the Public Safety subcommittee of the California Senate and/or another external investigative agency of this and other similar incidents with equally damaging consequences.
- The long-term goal should be for all RVR and 602 hearings to be conducted by an outside entity, made up of individuals who do not have vested interests, aka conflicts of interest.
- Support the development of a Community Release Board, made up of community members who have demonstrated a commitment to the wellbeing of their communities, to replace California's current Board of Parole (BPH) who are law enforcement.

**Note:** California Prison Focus believes in prisonabolition. Fulfilling these recommendations would act as a bandaid to address an immediate need.

CPF would like to acknowledge the people involved in the Pelican Bay Prison incident on May 24, 2017, who responded to our surveys and sent us descriptive reports of the incident on May 24th and aftermath, as well as their authorization to quote them for the purposes of this report.

We would also like to acknowledge the substantial contribution to this report - in both hours and expertise - of former LSPC staff attorney, and former member of the Prisoner Hunger Strike Solidarity Coalition and of the Ashker v. Brown litigation and mediation team, Carol Strickman. We also want to thank Dorsey Nunn and LSPC for sharing access to the resources gathered through their own correspondence and interviews with people behind the walls, so that we could create a more accurate picture of the incident.

CPF would also like to thank freelance journalist Marisa

Endicott for her significant contributions to this report, as well as other CPF volunteers who conducted the interviews at PBSP, and who processed incoming incident reports and surveys.

## THE QUESTIONABLE LEGITIMACY OF RULE VIOLATION REPORT HEARINGS

AT CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

From the Prison Focus Mailbox

For centuries, CDCR's rule violation hearings for inmates have been everything shy of fair. The rule violation hearing is conducted by a prison guard who is ranked as a "Lieutenant". At some point in this Lieutenant career, they were only regular correctional guards trained, and taught to view each inmate as a threat. It is not a secret that in California prisons the inmates view the guards as the enemy and vice versa. It has been that way since the beginning. The guards of (CDCR) stick together like family. Some are family and others had been working together for so long that they know their partner better than family. My point being is that one hand washes the other. When an inmate is accused of violating a regulation, that alleged violation is documented on a rules violation report (RVR). After the RVR travels through its standard basic process no later than thirty days the hearing will be heard. At a rule's violation hearing the only three people that are likely to be present is:

1. The inmate 2. The Lieutenant guard 3. And possibly a staff assistant giving the circumstances.

Majority of the guards holding the hearing if not all of them already have a predetermination of guilt. The rules violation hearing cannot be fair if an inmate has already presumed to be guilty. It is important that we keep in mind that this hearing Lieutenant is being asked by an inmate to find him/her not guilty for something the lieutenant's coworker accused the inmate of being guilty of. An inmate cannot expect for one guard to rule against their partner. Over 95% of rules violation hearings in CDCR result in guilty findings. The rules violation hearings are like you sitting at a poker table with me and with my brother as the dealer. Please do not tell me you expect to win. If found guilty this prison guard could impose a sentence of up to one year longer in prison. Now, with all the talk of Prison Reform and with numerous California prisons on the brink of shutting down the finding of guilt is causing cruel and unusual punishment because now the prison guards are utilizing the guilty finding to stay employed while adding to the mass incarceration.

### A prison guard is automatically biased when it comes to hearing an inmate RVR - PERIOD.

If the punishment of a guilty verdict could result in a longer prison term than to say the least an inmate should have access to a non-biased hearing official who holds no interest in either party. We must view all the grievance inmates have against correctional guards, all the civil suits, staff complaints, and even citizen complaints. Let us look at all the rules violations that had gotten overturned in court based upon the hearing Lieutenant ignoring the preponderance of evidence. Let us look at all the inmate assaults caused by staff "guards". We could even look at the history of staff and inmate riots. The picture am trying to paint is if you shoot me and we are enemies I am the last person you want to see at your trial in a robe.

On numerous occasions California prisoner guards have proven to be corrupt, crooked and unreliable.

This part of prison needs to be reformed immediately. Not only to ensure justice for all but, to also eradicate the problem some guards have with falsifying documents on the account they will be supported by their partner which happens to be the hearing Lieutenant.

1. I am proposing that a bill be presented that prevent prison officials the authority to hear a Rules Violation Report. In the same bill I am requesting that correctional guards no longer hold the power to add time to an inmates sentence.

2. I am further requesting that all rules violation reports be conducted by a nonbiased agency or committee. This proposal is meant to assure the inmates right to due process is not being violated. This proposal also eliminates the constant abuse of authority by prisoner guards. If a rules violation shall affect a prisoner parole date, then by right that inmates should have the right to defend his date in front of an unbiased official committee or judge.



## Double Jeopardy is Police Brutality

People continue to be subjected to indefinite punishment based on petty violations handed out by disgruntled and discriminating guards who have a clear conflict of interest, which are being treated as felonies by the Board of Parole

Dear CPF,

Hello there. I hope this letter finds you doing great and being safe!! I want to thank you for the stuff you sent me. I really appreciate it.

### ON MY NON-VIOLENT PAROLE BOARD [BPH] DENIAL...

I've been locked up since March 1998 for a murder and robbery, which I never did.

I ran into some guys that I knew from another gang and next thing, some guy came up to us yelling. I'm thinking... "We're gonna fight." One of the guys I'm with pulls out a gun and shoots the victim. At the same time, I'm 19 and in a gang. I had been drinking and getting high. I already had had a rough life. So, my mind frame was, "I didn't care." And I'm the only one who got charged with murder; and the robbery that was done before I had ran into the 2 guys. But when the murder happened there were 3 of us. But that didn't matter. The law was: "if you're there, you're just as guilty as the person who did the murder." [\* **Murder Felony Rule**]

So, I took a deal for manslaughter and attempted robbery. I was given 16 years and 8 months with two strikes, but the board doesn't bring this up. Instead, they started at year 2000 till now! [At my 2020 BPH/parole hearing] they used a weapon charge [against me], which I picked up in prison in 2001, which I was given 6 additional years for.

I had a weapon on me for protection, and never planned on using it unless I had had to protect myself [life].

They also said that I didn't have enough rehabilitation programs or job assignments, but they forgot or didn't know that we used to go on 1,2,3-year lockdowns [no programming]. Then a lot of jobs got shot down on level 4 and these programs here didn't exist until around 2015 [after the CA Prisoner Hunger Strikes and Ashker Settelement.].

**Also, they denied me parole] using all my 115s [written violations] that I had since 2000, which were only fights, disrespecting staff and for using a cellphone. \***

### THAT I WAS THEN. HERE'S WHO I AM NOW.

In 2015, I met a female employee and she started visiting me and the staff were not only targeting me, but her as well. They tried to take our visits away by writing me up and tried to stop us from getting married; but we did that behind glass.

They sent me to the hole on battery on staff, which I never did. We filed complaint after complaint and it's the reason why I find myself in the (SHU) now. They didn't like it that she was visiting me, but I don't care... I'm still married and plan to go home to my wife next year. I would have been out already but all of those 115's that they gave me extended my date.

**It doesn't matter what I say or what I do at the end of the day. They will believe that the C/O's wrote me up; even if I appeal all the write ups they've given me between 2015 to 2019, they are going be used against me!**

I'm high-risk medical because I have heart disease and hypertension - which they also didn't bring up [at the BPH], even with COVID going on. I got the 12 weeks off on my sentence. I think that because I'm in the SHU that they won't let me out. Soon, I'll have a year left. My SHU is up on Nov. 13. Then, I'll get transferred to another prison. I plan on going to Sacramento to my wife when I get out.

Once again, thank you for your time. I've been off and on contacting with Prison Focus since I've been locked up back when Jay was there. I like reading the stuff you all put out. So, keep me signed up on the newsletters. Whatever I can do on my end for you; just let me know. Take care and be safe. Don't be a stranger!! Respectfully, Jesse

\* **Felony Murder Rule:** Visit the Felony Murder Elimination Project at [www.endfmrnow.org](http://www.endfmrnow.org).

\*\* **People are being subjected to indefinite punishment based on violation reports (RVRs, 115s) which are being treated as felonies by the Board of Parole.**

Ankle monitors put parolees at risk of debt and unemployment. The set-up fee for ankle monitors is between \$175 and \$200 and then up to \$40 a day.



THE STATE DEPARTMENT OF CORRECTIONS has quietly issued emergency regulations prohibiting guards from using firearms to break up fistfights, a practice that has resulted in the killing of more than two dozen inmates since 1989.

"I think it's a positive development, a first step in changing the awful policy that led to such a large number of inmates being shot," said Steven Fama, an attorney who represented prisoners in a class-action lawsuit against Pelican Bay State Prison.

In a stinging ruling last week that guards' excessive use of force at the Northern California prison violated inmates' constitutional rights, a federal judge also criticized the Corrections Department's firearms policies.

The Orange County Register reported in a three-day series published in October that California correctional officers with high-powered rifles routinely shoot at an armed combatants in fistfights, killing three times as many inmates since 1989 as in all other state and federal prisons combined.

Twenty-seven inmates had been shot to death in California, compared with eight throughout the rest of the nation in the same period, the Register reported. Since October, at least one more inmate has been killed.

All but one of the fatal shootings involved inmates fighting each other in exercise yards and cells—a scenario virtually unheard of elsewhere in the nation's prisons.

"If 49 states don't shoot people in their cells, it's a stretch to defend why one state has to," said Charles Fenton, a prison consultant and former warden at the U.S. Penitentiary in Marion, Ill., who served as a plaintiff's expert witness in the Pelican Bay case.

The emergency regulations and a proposed permanent "Change to Director's Rules" issued Jan. 3 strike the words "physically assaultive behavior" — a departmental euphemism for unarmed fights—from an official list of justifiable reasons for using lethal force.

The regulations would continue to authorize shooting inmates for taking hostages "or other circumstances which present an immediate danger of escape, loss of life, great bodily injury or damage to a substantial amount of valuable of valuable property."

As part of an overall reevaluation of its shooting policy, the State also is introducing non-deadly weapons such as pepper spray to provide guards with alternatives for dealing with unruly prisoners, said Tinton Kindel, spokesman for CDCR. also is developing a new shotgun round that fires a small, metal-filled "bean-bag," but recently outlawed the use of controversial "taser" guns that subdue inmates with high-voltage electric shocks, Kindel said

**3. I am further proposing that inmates be allowed to hire or have some type of legal counsel appointed during these hearings based upon many inmates are incompetent or in the enhanced outpatient program, some struggle in the development disability program many cannot read or write. Some inmates have disabilities such as hearing that correctional staff failed to accommodate during rules violation hearings. If the state is allowing for a correctional guard to step in the role of a judge, then an inmate needs representation to ensure the inmates rights to due process are being upheld by an already corrupt and biased system.**

The rules violation process for centuries has been bias, unfair, cruel and unusual and it utilizes to keep inmates imprisoned longer than necessary causing mass incarceration. The rules violation hearings are heard by a correctional lieutenant better known as the Senior Hearing Officer (SHO). During a rules violation hearing the (SHO) duties is to review all of the evidence and base their decision upon the preponderance of evidence which means, If the inmate proves by way of evidence that its doubtful they've committed the alleged rules violation the (SHO) is suppose to find the inmate "Not Guilty." Unfortunately it doesn't happen that way in the real world.

In the California prisons an inmate could have overwhelming evidence in their favor and still be found guilty. When another officer hears a rules violation that their co-worker had drafted, it is similar to a citizen being pulled over by police and being issued a citation. That same citizen appears in traffic court to challenge the citation and the judge is surprisingly the partner of the officer who had given you the citation. To find an inmate not guilty of a serious charge that their partner had drafted is very unlikely and create a very unhealthy work environment shall the (SHO) rule against that in which their partner had reported...

An inmate being found guilty of a rules violation could be kept in prison far past their release date. A guard could falsify a report just because they don't like an inmate. This happens more often than one may think. With Attorney General Gascon in office correctional officers are going bananas with falsifying reports. I believe the long anticipated cure for this problem is to get enough votes or signatures that would change the way rules violations in prison are heard. I believe at this point an outside agency is beyond necessary. People that are not bias will listen to both sides without being unfair to neither party. This new way of hearing (RVR's) could also help cure the problem of mass incarceration in the state of California. The courts had given guards the authority to keep an inmate in prison for up to 360 days if found guilty of a serious rule violation.

We do expect for the people we hire to protect and serve the state of California to conduct themselves in a professional manner at all times however, giving the outrageous number of civil suits filed, many resulting in settlements and not to mention the millions of dollars being spent to install state of

### GUILTY OR NOT THE DAMAGE HAS BEEN DONE

#### From the Prison Focus Mailbox

Pending investigation for an RVR I had to sit in SHU isolation for three weeks in temperatures of 80 to 90 degrees, without access to cold water like the regular population. (2) My vendor box was sent back, (3) I have not been able to do my groups, schooling and work to gain milestones to re-enter society, (4) My canteen and special diet privileges have been cut."

#### Free resources from Prison Law Office:

- Excessive Force by Prison Staff (Information Re: Uso de la Fuerza Por Parte de Personal de CDCR Inadecuado o Fuera de la Ley
- Investigations of Staff Misconduct [Investigaciones de Mala Conducta Por Miembros Del Personal.]

PARA INDEMNIZACIÓN POR DAÑOS Y PERJUICIOS] Prison Law Office General Delivery, SQ, CA 94964



Approximately 55,000 people in California are on parole.



## Free All Political Prisoners Prisoners of War and Prisoners of Conscience

By Herman Wallace

"If Death Is The Realm of Freedom Then Through Death I  
Escape to Freedom" Frantz Fanon

They removed my whisper  
from General Population to Maximum Security  
I gained a voice  
They removed my voice from Maximum Security to  
Administrative Segregation  
My voice gave hope  
They removed my voice from Administrative Segregation  
to Solitary Confinement  
My voice became vibration for unity  
They removed my voice from Solitary Confinement to the  
Supermax of Camp J  
Now they wish to destroy me  
The louder my voice, the deeper they bury me.  
I SAID - THE LOUDER MY VOICE-  
THE DEEPER THEY BURY ME!!

## Licensed To Act With Impunity

By Paul Sangu Jones

From SHU to ASU  
In a cell where they won't give me a book  
I sit in a darkened room  
Now that I have refused their food  
The guards swoop like vultures  
They swarm around me like flies  
Because my peaceful hunger strike  
"Disturbs them"  
Into the ASU dungeon I am thrown  
For the alleged "criminal conspiracy"  
Not to eat  
With the guards' unnatural obsession with  
"Gang activities"  
This gives them license to repress us with  
"Institutional impunity"  
To the point where it seems to affect their Sanity  
I've lived with their hypocrisy and the  
Twisted lies  
Until I finally had to say, "Enough is enough!"  
End this prolonged isolation  
They responded in their traditional manner  
With retaliation  
Now I'm confined to Administrative Segregation  
I only leave my cell to shower  
No yard, No fresh air  
All of this because I opposed being tortured  
I sit in starved rebellion

## Lying Down and Waking Up a Slave in Texas (or Cali!)

It's poetic...  
In Texas, we're trapped in pits with small windows.  
Inside these cells,  
we're funding our own imprisonment;  
the chains are encrypted inside  
the chips and soup sales.  
We're inside an identity crisis  
believing our souls out of favors,  
so we accept the chains;  
believing a greater change will come save us ...  
"Can you dig that?!!"  
I guess the Willie Lynch syndrome  
dies hard in some places.  
Since I'm older now,  
in these younger guys I see my own reflection.  
It seems as if the hate for ourselves is baked in.  
Perhaps it takes breaking one down,  
in order to build one up and to make a man.  
I used to beat up on myself!  
The whipping took away my strength...  
Then I killed my bad habits and drug'em to a ditch!  
I changed from a threat to a promise;  
but in Texas I'll always be a number.  
Everyday it's the same old song...  
In doubt: Our systematic-scars found a home.  
In Texas: It's death before parole.  
In unity: We can overcome!  
But we won't...  
Because by the throat we're holding our resolve  
under the water.  
Christians and Muslims accept this torture.  
The trauma cemented the bangers in the corner;  
Set-trippin, cooking drink and getting stoned.  
I envision us standing up for ourselves,  
And being exploited with little to no health care.  
But tomorrow we'll be back in the "Fields,"  
under a sun giving off heat like hell!  
There ain't a night I don't look beyond these walls  
with cataract eyes,  
and pull in the stars.  
Today's a blessing...  
Every good one I'll record them.  
Tomorrow I'll wake up a slave behind,  
these bars.

By Robert Cooper/Pariah  
Instagram: @godhands88

## Legislative update

### 2021 Signals a new day for criminal justice in CA

By Lara Yeretsian <https://www.dailyjournal.com/mcle/815-2021-signals-a-new-day-for-criminal-justice-in-california>

The criminal justice system, along with the rest of the legal universe, has seen more than its share of disruption this last year, but criminal charges continue to be filed and criminal defendants are still getting their day in court, albeit more slowly. Here are some of the key changes to California criminal laws that will take effect in 2021.

#### MISDEMEANOR AND FELONY OFFENDERS

Effective Jan. 1, the treatment of both misdemeanor and felony offenders will be significantly more enlightened. It starts with shifting from a punishment model for misdemeanor offenses to one that embraces rehabilitation. **Assembly Bill 3234**, signed by Gov. Gavin Newsom on Sept. 30, authorizes superior court judges to offer misdemeanor diversion to the majority of defendants, even over the objection of prosecuting attorneys. With the exception of some domestic violence charges, registrable sex offenses and stalking, misdemeanor offenders will now have a chance at rehabilitation.

If the defendant complies with all required terms at the end of the diversion period, the criminal action will be dismissed against him or her and all record of the arrest upon which the diversion was imposed will be erased. This measure gives judges equal powers with prosecutors regarding what happens to these defendants and consequently more leverage for DAs in plea negotiations.

**Senate Bill 384**, signed into law by Gov. Jerry Brown in October 2017, takes effect Jan. 1. The law, which could remove as many as 90% of sex offenders who are currently obligated to register for life under Penal Code Section 290, This bill establishes a new three-tier registration system that ties registration requirements to the severity of the crime.

Felons who have served their time now will have a voice. Californians voted in favor of **Proposition 17** on Nov. 3, giving individuals who have been convicted of felonies but who are on parole the right to vote in elections. The measure restored the vote to some 50,000 parolees by changing the state Constitution, which had disqualified people with felony convictions from voting until their incarceration and parole were completed.

In another positive move, probation for both misdemeanor and felony offenders will now be capped under **AB 1950**. As of Jan. 1, probation will be set at a maximum of one year for misdemeanor offenses unless the statute provides otherwise, and two years for felony offenses, with some exceptions.

#### JUVENILES

The outlook for juvenile offenders is now more promising. As of that 2021, the records of juveniles who have interacted with the juvenile justice system will be protected from public inspection under **AB 2425**. Another law, **SB 1290**, vacates the costs of certain court-ordered drug and substance abuse testing for the parents or guardians of minors and juveniles and for adults who were 21 and under at the time of home detention.

Children and teens found to be insubordinate, disorderly or experiencing problems in school will now be treated far more humanely. Under **AB 901**, these juveniles will no longer be referred to probation programs; instead, they'll receive services from community-based resources. Courts won't have the ability to adjudicate minors who habitually refuse to obey the orders of school authorities as wards of the court nor will they be able to order that such minors be brought to school daily.

Commencing in July 2021, **SB 823** will phase out California's remaining juvenile prisons, replacing them with an Office of Youth and Community Restoration. Grants will go to counties to provide custody and supervision.

#### LAW ENFORCEMENT

In a post-George Floyd move, the California Legislature finally enacted **AB 1196**, banning chokeholds and carotid holds by the po po. [It took a lot organizing and resistance to finally bring an end to these deadly practices being permitted - under the color of law - in California:]

**AB 1185** authorized counties throughout the state to establish both a sheriff oversight board and an office of the inspector general to assist their boards of supervisors with duties related to the sheriff.

**AB 1506** will shift investigation of officer-involved shootings from counties to the state. The law, which will not go into effect until July 1, 2023, requires the attorney general to investigate fatal police shootings of unarmed civilians. A new Police Practices Division will be created within the Dept. of Justice to review use-of-deadly-force policies of law enforcement agencies and to make recommendations.

#### BIAS IN JURY SELECTION AND SENTENCING

Laws were enacted this year to address bias in the selection of jurors and the verdicts issued in criminal cases.

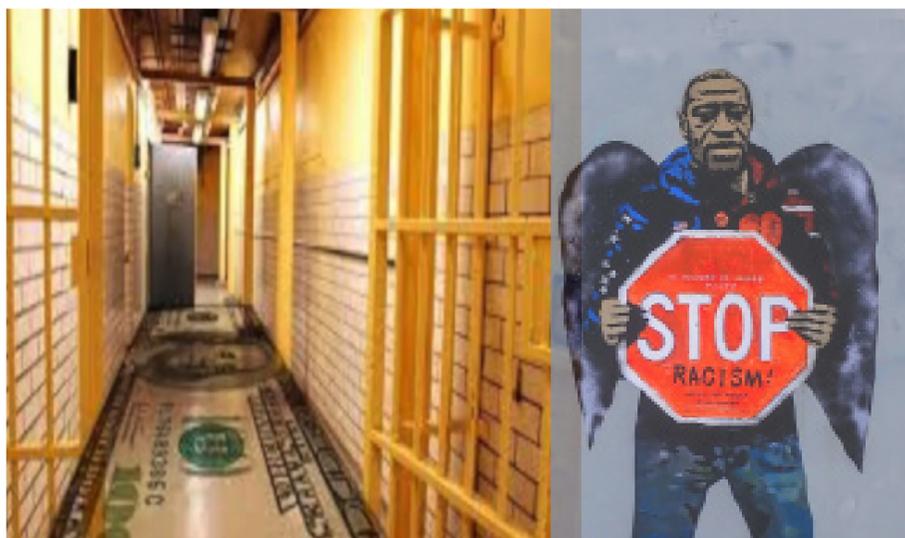
**AB 2542 the California Racial Justice Act**, which becomes effective Jan. 1, 2021, makes it possible for a person charged or convicted of a crime to challenge racial bias in their case, upon a prima facie showing. If a suspect is successful in showing that racial bias played a role in their case, they may be entitled to a new trial or sentence. AB 2542 is not retroactive. (See AB 256)

**AB 3070**, which targets bias in jury selection, does not take effect until Jan. 1, 2022. The law will shift the burden of proof for peremptory challenges and bar a party from using a peremptory challenge to remove a prospective juror on the basis of the juror's race, ethnicity, gender, gender identity, sexual orientation, or perceived membership in any other protected group. Instead of requiring proof of an attorney's intentional bias when striking a prospective juror, the law will require the attorney to provide a reason for the exclusion and ask the judge to determine if a reasonable person would view the juror's membership in a protected class as a factor in the use of the challenge.

**AB 2942**, which took effect Jan. 1, 2019, allows California district attorneys to review prior cases and recommend a reduced sentence if they believe the punishment no longer serves the interests of justice. Elected prosecutors across the state have begun using the law to undo excessively long sentences.

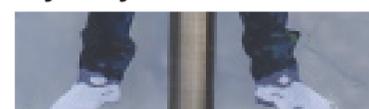
L.A. County DA George Gascón announced a sentence-review unit for all who have served more than 15 years. Some lawmakers now want to enable all who have served at least 15 years to directly petition for resentencing. (See Prison Focus Issue 61)

**"Hate cannot drive out hate; only love can do that." Martin L. King**



**"The True revolutionary is guided by great feelings of love." Che Guevara**

**"Settle your quarrels, come together, understand the reality of our situation... People are already dying who could be saved, that generations more will live poor butchered half-lives if you fail to act. Do what must be done, discover your humanity and your love in revolution." George Jackson**



# UNGAGE CALIFORNIA

California can and should be a leader in the United States in shifting from incarceration to care.

California helped birth draconian sentencing during the war on drugs era and suffering from the consequences ever since. Even today, politicians seek to introduce new legislation that would incarcerate people for crimes of poverty, or would treat addiction as a crime rather than an illness. This cruelty towards one another keeps us in an endless cycle of punishment, incarceration, and useless spending on prison cages. Our communities are kept sick and void of real services and resources. We cannot continuously create a class of people who are alienated from society and outcast for the mistakes they have made. Caging humans can not be our solution to addressing criminalized behavior and social problems like poverty and addiction. California should end all forms of extended sentencing in the interest of public health, fiscal responsibility, and to facilitate the number of the number of releases necessary for prison closure. [Source: CURB]

## There are many different ways to make a difference...

### VOTE

IF YOU DON'T EXERCISE YOUR RIGHT TO VOTE, ONE DAY YOU MAY NOT BE ABLE TO

According to the Brennan Justice Center between January 1 and July 14, 2021, at least 18 states enacted 30 laws that restrict access to the vote. At the same time, at least 25 states enacted 54 laws with provisions to expand voting access. These laws expand access to early and mail voting, make voter registration easier, and restore voting rights to Americans with past convictions, among other measures. Many of the states in which voting is already comparatively more accessible are the same as those enacting policies to further strengthen voting access, deepening a national divide such that the promise of the right to vote depends increasingly on where Americans happen to live.

### LOOKING FOWARD

What's happening in the criminal justice arena, in terms of new laws, legislative proposals, and citizen campaigns? Here are some notable bills (proposed legislation), acts (measures now enshrined in law), and organizing efforts.

### California State Legislation

#### SUPPORT AB 256

#### CALIFORNIA RACIAL JUSTICE ACT FOR ALL

Last fall Gov. Newsom signed into law the California Racial Justice Act of 2020. It has already prompted justice advocates in other states to champion similar measures. However, it does not provide equal protection to Californians whose convictions and sentences have been upheld, prior to that date, despite blatantly racist statements by attorneys, judges, jurors and expert witnesses, the race-based exclusion of Black or Latinx jurors; and/or statistical evidence clearly demonstrating systemic bias in charging and sentencing. **AB 256** would amend the CA Penal Code to extend civil-rights protections RETROACTIVELY. It passed the Assembly Public Safety committee on March 23, 2021, and moved to the Assembly Appropriations Committee.

#### SUPPORT SB 483 THE RISE ACT OF 2021

This would retroactively eliminate 3 and 1-year sentence enhancements enacted by the CA State Legislature in 2017 & 2019. It's passed the Senate Floor and will be heard in the Assembly.

#### SUPPORT AND MOBILIZE FOR THE REPEAL OF THE THREE-STRIKES LAW

In 1994 California passed a Three-Strikes Law (via Proposition 184) as part of the wave of "tough on crime" legislation across the country. The law prescribed harsher sentences for people with prior convictions – including, in many cases, a mandatory life sentence for those with two prior felonies. In the wake of its passage, California's prison population exploded. Analyses of the Three-Strikes Law found it to be not only extremely costly, but ineffective at improving public safety.

**\*\* The Repeal California's Three-Strikes Law Coalition, led by system-impacted people, is working to repeal the brutal 1994 law via a 2022 ballot initiative. \*\***

A ballot initiative will require significant grassroots mobilization and coalition building, and financial support for polling and a statewide signature-gathering campaign.

#### TO GET INVOLVED

visit [repealthreestrikes.org](http://repealthreestrikes.org)

#### SUPPORT SB 300

#### THE SENTENCING REFORM ACT OF 2021

This would reform California's unjust "felony-murder special circumstance" law, so that the death penalty and life without the possibility of parole (LWOP) are no longer imposed on those who did not kill a person or who, as an accomplice to a felony, did not intend that a person die. Supporters have two years to get the bill through the legislature; There is a coalition developing a plan to do so.

**TO GET INVOLVED** visit [www.endfmrnow.org](http://www.endfmrnow.org)

#### FELONY MURDER ELIMINATION PROJECT

P.O. Box 41 Clayton, CA 94517 (925) 285-1504

### Support Strategic Release and other Prisoner-Led Solutions

"Under Strategic Release a subject is granted parole, pardon or clemency based on the positive impact they have had on their community and society during their imprisonment, and the even greater positive impact they will have if released." As laid out by the Amend the 13th Abolish Legal Slavery in Amerika Movement

### Support the development of a Community Release Board to replace the current CDCr-run Board of Parole

## DROP LWOP

### END LIFE WITHOUT PAROLE SENTENCES

More than 5,000 people are serving Life without Parole (LWOP) sentences in California prisons. The Drop LWOP Coalition works to end Life Without Parole sentencing in California -- through legislative change, commutations, pardons, resentencing, and public awareness.

People serving LWOP are NOT eligible for elder parole and compassionate release even if they are elderly or terminally ill. The majority serving LWOP in CA women's prisons are:

- Survivors of abuse (intimate partner violence, child abuse, sexual violence, and trafficking).
- People with no prior convictions.
- People of color

### Support an End to Legal Slavery

**"Involuntary servitude is just slavery by another name."** Dorsey Nunn.

Contrary to popular belief, neither the Civil War nor Emancipation ended slavery in the United States.

State and federal prisons currently allow governments and businesses to make millions by exploiting a captive labor pool in the name of rehabilitation.

Legislators in Colorado, Utah, and Nebraska have stripped their Constitutions of all mentions of slavery and involuntary servitude. The ABC coalition is working to amend the California constitution to do the same.

Abolishing Bondage Collectively Campaign (ABC)

To learn about or join this campaign, visit Legal Services and with Prisoners with Children and All of Us or None at [www.prisonerswithchildren.org/abc/](http://www.prisonerswithchildren.org/abc/)



Lovolutionary Mama TAZ Foundation

Mass incarceration Capitalism creates insurmountable obstacles to social progress.

## SUPPORT SECOND-LOOK LAWS

Second look sentencing would allow courts to reevaluate a person's sentence after a significant period of time served in prison and determine if that sentence is still necessary.

#### Why do we need it?

1.5 M people incarcerated in state & fed. prison 53,290 people serving life without parole sentences.

1 in 4 people in the BOP serving a sentence of 15 yrs or more.

17 states plus the fed. gov. have no parole system in place.

## AB 990 PASSED!

### Visiting Loved Ones is a Right

This bill, waiting only for the Gov.'s signature, would require those regulations pertaining to inmate visits to recognize and consider the right to personal visits as a civil right. The bill would prohibit CDCR from denying in-person contact visits, as a disciplinary sanction, because an applicant left out or misstated information about their history of law enforcement contacts, or due to law enforcement/criminal history of the visitor or incarcerated person except for PC 1202.05. The bill would require the department to inform an applicant of the specific reason for any denial of a visit.

## Beyond California

Washington D.C.'s **Second Look Amendment Act (2020)** allows those who committed crimes before the age of 25 to petition for resentencing after 15 years of imprisonment. Supported by a coalition of advocates and local leaders, the law builds on an earlier reform and makes up to 29% of those imprisoned with D.C. convictions eventually eligible for resentencing.

New York State's Elder Parole bill (S15A and A3475A) would allow people 55 and older who have served 15 or more years to receive a parole hearing. This ongoing campaign, led by Release Aging People in Prison (RAPP), and allies, became especially urgent amidst the COVID-19 pandemic. The bill is currently in committee in both houses of the State Legislature.

Popping Up for Justice for over 3 decades

Support California Prison Focus at [www.prisons.org](http://www.prisons.org)

## Federal Legislation

### THE ELIMINATING A QUANTIFIABLY UNJUST APPLICATION OF THE LAW (EQUAL) ACT

The bipartisan sentencing reform measure would finally end the federal disparity between crack and powder cocaine offenses. On July 21st the bill was voted to advance from the Committee to a House floor vote.

The disproportionate sentences for crack cocaine have played a lead role in exemplifying racial injustice in our criminal legal system. In 2019, 81% of people convicted of crack cocaine offenses were Black, even though white and Latinx people have historically accounted for over 66% of crack cocaine users.

### SUPPORT

### THE DEMOCRACY RESTORATION ACT

This Act would restore voting rights in federal elections to the millions of U.S. citizens who have been released from prison but are still denied the right to vote; and would notify those with past criminal convictions about their right to vote in federal elections.

# Vaccine Hesitancy Is Fueling the Pandemic in Jails, Prisons, and Communities

By Aaron Stagoff-Belfort, Clinique Chapman, Insha Rahman  
Reprinted from the Vera Institute of Justice's Think Justice Blog February 26, 2021

<https://www.vera.org/blog/vaccine-hesitancy-is-fueling-the-pandemic-in-jails-prisons-and-communities>

One critical but overlooked aspect of managing the crisis of COVID-19 behind bars? Corrections staff. A worrisome trend has emerged in correctional facilities with grave implications for public health: despite the soaring rates of infection, a large number of corrections officers are refusing to get vaccinated.

There have been at least 101,785 cases of COVID-19 among prison staff nationwide—who are 3.2 times more likely to contract the virus than the general public—and at least 377,497 cases and 2,400 deaths among incarcerated people. Jails and prisons also represent the 15 largest coronavirus clusters in the country.

In California, Connecticut, Iowa, Massachusetts, Oregon, and West Virginia, reports from departments of corrections have confirmed that at least 40 percent of corrections officers, workers, and contracted healthcare staff have elected not to receive a vaccine. In some jurisdictions, the numbers are higher—in Shawnee County, Kansas, 70 percent of eligible employees have declined a vaccine, and only 35 percent of prison workers in North Carolina have opted in. Although corrections leaders and unions in states like Pennsylvania have called for state officials to prioritize prison workers for vaccination, the difficulty of combating a torrent of misinformation has reduced public confidence in the vaccination process and has made it a challenge to convince staff in many congregate settings, even outside of corrections, to follow health and safety protocols. In Nevada, corrections officials told the state's Sentencing Commission that some employees said they would rather quit than get vaccinated.

Making the vaccine available and encouraging participation from both corrections staff and people who are incarcerated is vital to stemming the spread of COVID-19. Although several states have prioritized vaccination for correctional staff, only six states have designated incarcerated people as eligible to be early recipients of the vaccine—in direct contradiction of Centers for Disease Control and American Medical Association guidelines. Given the legacy of white supremacy in both the criminal legal and public health systems, it is no coincidence that incarcerated people—33 percent of whom are Black—are neglected in the fight against COVID-19 behind bars. Histories of medical racism and experimentation on marginalized communities that have suffered disproportionately during this pandemic pose a further challenge, even when vaccination is available. Public health officials must demonstrate that this time they will protect those they have failed in the past.

And COVID-19 clusters that develop in correctional facilities will not be contained within their walls. Approximately 200,000 people are booked into and released from U.S. jails each week. Corrections staff can also carry the virus home to their families and neighborhoods or into facilities. A study of Cook County Jail in Chicago found that an outbreak behind bars that spread to neighboring communities was associated with 15.7 percent of all documented COVID-19 cases in Illinois. What's more, the same study showed that the rate of incarcerated people and staff entering and leaving the jail was a more accurate predictor of variance in COVID-19 infection rates than any other factor.

Although jail populations in many cities declined in the first half of 2020, in recent months they've been steadily on the rise. This country cannot end the pandemic without vaccinating a critical mass of the people who work and are incarcerated in correctional facilities. But more is needed: even with a vaccine, medical experts agree that decarcerating jails and prisons is the best and only practice for truly eliminating the spread.

There are other steps that federal, state, and local officials can take in conjunction with corrections leaders to reduce the transmission of COVID-19 and improve conditions in correctional facilities:

Educate corrections employees about their susceptibility to the virus and their increased risk, streamline information sources, and debunk myths associated with the vaccine. Ensure that attractive incentives—like paid time off for potential side effects—exist and are used as a tool to encourage staff buy-in.

Implement strategies that address the legitimate fears and distrust that Black staff and incarcerated people have of vaccination—like disseminating messaging by and for people of color and identifying leaders and elders within prisons, jails, and local communities.

Prioritize incarcerated people in vaccine distribution and allocation frameworks, as has been done with corrections officers and other essential workers and first responders.

Implement vaccine distribution plans that are tailored to the challenges of managing correctional systems—for example, partnering with community-based organizations to conduct public outreach and engagement to ensure that people who are discharged from jail after receiving their first vaccination can receive their second dose in the community.

Include justice-involved people in vaccine advisory committees along with medical and public health officials.

Decarcerate to make room for social distancing behind bars, and use recommended techniques to redesign spaces within correctional facilities to mitigate overcrowded and isolating conditions.

Push for the collection and release of comprehensive data through the passage of the COVID-19 in Corrections Data Transparency Act. State departments of corrections should also report on vaccination allocations and rates for corrections workers and incarcerated people. The North Dakota Department of Corrections, for example, is using a data-informed approach, with the state's Department of Health indicating that if 70 percent of a facility's incarcerated community is vaccinated, essentials like in-person family visitation and programming can resume.

In a moment in which the health of all is more interconnected than ever, states should lead courageously, guided by principles of human dignity and transparency, by encouraging vaccination among corrections staff and prioritizing vaccines for those who are incarcerated. Our collective health depends on it.

## Racism, disease, and vaccine refusal: People of color are dying for access to COVID-19 vaccines

**As the vaccines against COVID are slowly becoming available, we need to consider the paradox of why so many people of color are dying from the disease yet cannot get the vaccinations. Concerns focus on vaccine refusal but lack of access is the bigger problem.**

By Susan M. Reverby

Published at <https://journals.plos.org/> on March 8, 2021

In the early 1900s as knowledge of germ theory spread, the Atlanta Constitution newspaper in Georgia editorialized that “Germs Know No Color Line,” an early reminder that bacteria do not stay segregated by race [1]. In 2021, unless at least 70% of us get vaccinated or have long-term immunity from having had COVID, we will have proven that “Viruses Know No Color or Ethnicity Lines [2].” Yet widespread beliefs that the virus is no worse than the flu, that masks and social distancing are not necessary, and that the vaccination is more dangerous than the disease will hamper our ability to get to herd immunity. Such beliefs, when they become actions, will prolong the pandemic.

Now that the vaccines are becoming available, albeit too slowly as we try to stop the spread of the virus, we need to consider the paradox of why so many people still seem to be resisting the injections even as they are difficult to get. To explain “vaccine hesitancy” we need a more nuanced read of history and contemporary realities. We must consider why so much focus is on vaccine refusal, rather than on the lack of access to the vaccine and healthcare in general.

The concern with vaccine hesitancy has been laid primarily at the feet of African American and Latinx communities in the United States. Study after study appears to show that more Black and Brown people, out of proportion to their numbers in the population, are getting sick and dying from COVID-19 compared with whites, yet resisting the vaccinations because of mistrust [3]. Rather than a nuanced analysis for this mistrust of conventional medical care, however, we routinely hear a litany of historical explanations. In Black communities, a holy trinity of medical horror stories are trotted out: Dr. J. Marion Sims' use of slave women for gynecological experimentation, the 40-year study in Tuskegee of “untreated syphilis in the Male Negro,” or the taking of Henrietta Lacks' cervical cancer cells to begin the first reproducible cell lines. In the Latinx communities, the explanations focus more on requirements to present government-issued identification, mistrust of government sponsorships given the histories of forced sterilizations and experimentation on Black and Brown bodies, and reliance on herbal remedies [4, 5].

Against this backdrop, many of the news stories on the refusal to wear masks or socially distance tie such actions to political conservatives, libertarians, or some form of toxic masculinity. Yet it is not just white people who get their news from rightwing media outlets, social media, and word of mouth that spread fears of vaccine consequences, or a sense that the government is using the vaccine to harm people, or will implant things to track individuals. Such disinformation and fears have spread through Latinx communities as well [6]. All of these historical

and conspiratorial factors matter of course, but in ways not frequently acknowledged. When people of color refer to such historical claims it is often as a way to say that structural racism is real, or I, my family, or community have been subjected to this kind of racist treatment, but when it comes to health care I will explain this experience in historical terms because it sounds less crazy [7]. When mass incarceration, unlawful police actions, and unwarranted immigration raids shape a community's experience, why should they trust the government? In turn, conspiracy theories have always been fundamental to American politics, infiltrate medical beliefs, and affect health behaviors [8]. The news media's focus on mistrust or seemingly ridiculous conspiracies, however, ignores the racist structures that shape economic, political, and social realities that lead to health disparities.

## The alarming statistics on who is getting the vaccines, and who is not, should shift our attention away from mere mistrust in communities of color and toward the structures of racism that cause that mistrust.

Chicago provides a good example. Aware that equity ought to drive the vaccine roll-out, that city's health department sought to provide local pharmacies with the vaccines. But that well-intentioned effort did not account for the fact that many of the city's minority communities are “pharmacy deserts” or are populated not by the big chains but by independent stores that do not have the capacity to vaccinate right now. Similarly, when vaccination signups must be done online, lack of access to decent internet connections or even smartphones make it nearly impossible to do [9].

While only a long-term perspective and commitment to public health, primary care, and affordable health insurance can change some of the underlying structural problems that shape the pandemic, there is much we can do now: acknowledge that the mistrust is realistic, keep an equity lens in full view as the vaccines are rolled out, consider deploying vaccinators to local churches and independent pharmacies, keep explaining why the vaccine is safe and effective and be transparent if there are problems, make sure that immigration police are kept out of vaccination centers, press for vaccination in the prisons, or better yet decarceration. We may be in a biological battle with the virus, but winning will require more than medical research prowess alone. We must harness social and political tools to dismantle the structural barriers that perpetuate deadly health disparities.

Citation: Reverby SM (2021) Racism, disease, and vaccine refusal: People of color are dying for access to COVID-19 vaccines. *PLoS Biol* 19(3): e3001167. <https://doi.org/10.1371/journal.pbio.3001167>

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## Science is key

<https://www.immunize.org/catg.d/p2073.pdf>

Vaccines are the safest of all medications.

- Before FDA licensing, vaccines are studied in larger populations than are other drugs.
- Once licensed and put to use, multiple layers of safety surveillance continue as long as the vaccines are distributed.

**Science (from Latin *scientia* 'knowledge') is a systematic enterprise that builds and organizes knowledge in the form of testable explanations and predictions about the world. There is 'S'cience. There is no such thing as 'Bad Science' or 'Fake Science'. If it's not proven, it is not science.**

## Building trust isn't easy within America's historical context of racism

By Sabin Russell/Fred Hutch News Service

**“As a species, we don't ever like to be told we're wrong,” said Bednarczyk, who added that if you take a position that someone holds as important and wipe it away, it is important to offer a clearly understandable idea to replace it.”**

The need for vaccines is particularly acute in communities of color, which have been hard-hit by COVID-19 and have a legacy of mistreatment by medical institutions. “Trust the science” rings hollow to some populations lacking routine access to quality medical care, who feel disrespected by doctors, and for whom the primary access to the medical system is often the emergency room.... “The legacy of distrust continues to be a pervasive concern,” said Dr. Stephau Wallace, director of external relations for the COVID-19 Prevention Network, or CoVPN.... What most scientists fail to understand, behavioral health experts say, is that most people do not think like scientists. So while scientists might be reassured by a statistical analysis that disproves a myth, Bednarczyk — who teaches classes on vaccine hesitancy to medical students — says myth-busting can be counterproductive.

## COMMONLY ASKED QUESTIONS & ANSWERS ABOUT THE COVID-19 VACCINE

Information compiled from the CDC website.  
<https://www.cdc.gov/vaccines/covid-19>

### How did these trials move so quickly?

Researchers used existing clinical trial networks. Manufacturing started while the clinical trials were still underway.

mRNA vaccines are faster to produce than traditional vaccines. Other sponsors use platforms that have proven successful in the development of vaccines.

The studies included more participants than a typical study and disease transmission rates were high, enabling researchers to determine efficacy in a short time.

The FDA and the CDC prioritized review, authorization, and recommendation of Covid-19 vaccines.

### Were vaccines tested on people like me? Yes.

Vaccine trials included all adults >18 yr of age.

It was mandated that 25% of participants in Moderna and Pfizer trials were to be >65 yr of age.

It was mandated that 30% of participants in Janssen trial were to be >60 yr of age.

Study participants included at least 25% of people with common health problems such as high blood pressure, diabetes, HIV, and cancer.

There were no exclusions for diseases or medications, except immunosuppression.

Vaccine studies did not include pregnant people.

### Do these vaccines work for all races/ethnic groups?

Yes. There is strong evidence that the vaccines work well for all people, regardless of their genetic background.

### What types of reactions have been reported after vaccination?

Common reactions: Sore arm, headache, aches, fever may appear within 48 hours. These are similar to reactions seen after shingles and influenza vaccines.

Rare reaction: anaphylaxis

Pfizer: 21 cases with 2 million doses

Moderna: 10 cases with 4 million doses

Janssen: There have been cases of severe allergic reactions.

Current recommendation: 15 min. of observation after injection

If you have a history of severe allergies or an anaphylactic reaction to a vaccine, it's recommended that you discuss vaccination with your provider and undergo 30 minutes of observation after receiving the vaccine.

Most people with a history of allergies or anaphylaxis have received a vaccine with no issues.

### Should I get a vaccine now or "wait and see"?

You are not the first: >60 million U.S. residents have received Covid vaccines (>156 million globally as of March 8, 2021) CDC v-safe and VAERS are monitoring safety.

As of March 9, 2021, in the United States: 523,850 people have died of Covid-19, and nearly 29 million people have tested positive for SARS-CoV-2, the virus that causes Covid-19.

The Pfizer and Moderna vaccines take 4-5 weeks to protect you fully (2 doses).

For the Janssen single-dose vaccine, protection starts at 14 days and increases through 56 days after immunization.

The new Covid-19 strains are more contagious than the old ones.

**Does mRNA change your DNA?** No. mRNA is a signal to your cell. It stays in the outer part of the cell and does not enter the nucleus where DNA is located.

The mRNA in the vaccine is present in the body for only 1-3 days; then it degrades and the immune system is primed and ready.

The Janssen vaccine can stay in your body for more than a week, but it does not reproduce itself; this may lead to increased protection over time.

### I've heard that the mRNA vaccine ....

No, it will not give you Covid-19.

No, it does not affect women's fertility.

No, it does not contain fetal tissue, microchips, or any other devices.

### Which vaccine is the best?

All the vaccines — Janssen, Moderna, and Pfizer — are very good at preventing severe disease, so they will greatly reduce rates of severe disease progression, hospitalization, and death. When you are offered a vaccine, you should take it.

happens after the second (booster) dose.

The first dose starts the immune response, and the second dose boosts it to make high antibody levels.

### How will viral mutations affect Covid-19 vaccines?

As of February 2021, this is what we know:

Current vaccines work well against the variant originally identified in the United Kingdom.

There seems to be some reduced efficacy for the variant originally identified in South Africa.

Researchers will continue to monitor and test the efficacy of existing vaccines against new variants, including the variant originally identified in Brazil.

The vaccines are still highly effective in preventing severe disease (reducing risk of being hospitalized, requiring supplementary oxygen, needing a ventilator) and death.

The vaccines may not prevent you from getting mild symptoms, but they will prevent severe disease.

## GET VACCINATED IF YOU CAN

Black, Hispanic, and Native American people are about 4 times more likely to be hospitalized and nearly 3 times more likely to die of COVID-19 than white people. Yet, according to WEBMD HEALTH NEWS, African Americans have nearly the lowest rates of vaccination among any ethnic group. [Young, Sandra, "Black Vaccine Hesitancy Rooted in Mistrust, Doubts" (Feb. 2, 2021).]

## FREE RESOURCES/RECURSOS

NEW LAWS ON ENHANCEMENTS (revised April 2021)

NUEVAS LEYES SOBRE MEJORAS

\*\* REF. DE INFORMACIÓN: POLÍTICAS DEL FISCAL

DE DISTRITO DEL CONDADO DE LOS ÁNGELES (March 2021)

NEW: Time Credits for People in CDCR

Use of Confidential Information in CDCR Decisions

NEW: ICE and Deportation Info for People in CA Prisons and Jails

Personal Property: Remedies for Damage or Loss by CDCR Staff

Código Penal § 1170(d)(1) Re-sentencia Basada en las

Recomendaciones del CDCR o del Fiscal de Distrito

\*\*PLO tiene varios otros recursos en español\*\*

PRISON LAW OFFICE GENERAL Delivery, San Quentin, CA 94964

## THE MEANING OF LIFE: THE CASE FOR ABOLISHING LIFE SENTENCES

Book report published by the Michigan Lifers Report, December 2018, Volume 3, Issue 12

Marc Mauer and Ashley Nellis of the Sentencing Project released a book in December of 2018 called The Meaning of Life: The Case for Abolishing Life Sentences. The release of the book marked the launching of their Campaign to End Life Imprisonment. The book and campaign argue that there is no practical or moral for a sentence longer than 20 years. Shorter sentences are why most Western democracies have fewer or no people serving life sentences. Yet, in the U.S., over 200,000 people have received such sentences that are much longer than 20 years.

Also, these long sentences have little effect on crime rates, since people "age out" of crime. So a fortune is being spent on geriatric care for older prisoners who, if released, pose little threat to public safety. And by 2030, people over 50 will make up one-third of the U.S. prison population.

Furthermore, these life terms have an indirect effect, especially for the young. For example, incredibly, 13 states have no minimum age for prosecution in adult courts. (AK, DE, FL, HI, ID, ME, MD, MI, PA, RI, SC, TN, AND WV.)

Finally, this important book features six portraits of lifers by Kerry Myers. One of these is Willis X. Harris, who was found innocent after serving over 23 years in the Michigan prison system. Tragically, these wrongful convictions have stolen at least 20,000 years from innocent defendants like Harris.

Note: Buy the book or ask your prison library staff to purchase it for \$25.99 from The New Press 120 Wall Street, 31st Floor, New York, N.Y. 10005. (212) 629-8802. Email: [newpress@thenewspress.com](mailto:newpress@thenewspress.com).

## Submissions Welcomed

Prison Focus welcomes articles, prison reports, case law or other resources to share, questions to be published and/or responses, poetry, book reviews and artwork. We prioritize submissions that are political, resistance-oriented, solution-based and/or involve critical thinking.

Submissions are not guaranteed to be published, nor will they be returned. We always appreciate, but generally cannot respond to individual letters because of the volume of mail we receive.

We may publish your letters in part and in full, anonymously unless you tell us otherwise. Read our confidentiality statement below and let us know if you do **not** want us to publish any or all of your letter, or if you want us to include your name or address.

Suggestions for general submissions:

- Letters or articles (generally 250-500 words)
- Larger articles are accepted though inclusion will depend on available space.
- Artwork and letters may be published in the Prison Focus Newsletter, and/or disseminated via our other platforms, and used in other capacities to further CPF's mission.

Send letters and submissions to California Prison Focus  
4408 Market St., Ste A Oakland, CA 94608

\* Confidential legal mail can be sent to Legal Services for Prisoners with Children at the same address. CPF does not provide legal support or advice but will do our best to find and publish answers to your questions.

## CONFIDENTIALITY STATEMENT

We care about the privacy and safety of everyone who writes to us at CPF. We understand that there are risks involved, and also realize that most letters are sent to us with the hopes that CPF will use the letters to expose prison conditions and abuses, and to change the public narrative about crime, "criminals" and justice. **Unless you tell us otherwise, we may share your letters and reports anonymously**, in order to educate the public, through your own voices. We rely on you to tell us if you do **NOT** want us to share your letter at all, or **if** and **how** you **DO** want us to publish your name and/or address.

## Editor's Message:

Hello my friends, captive audience, correspondents inside and out, allies, brothers, sisters, teachers and greatest sources of inspiration... We all know that truth is stranger than fiction. And it's been a year that deserves a book of its own. I apologize for the long delay in getting this paper out to you, especially knowing that times are tough in there right now, even more than usual. But I took my lessons from George Jackson himself who reminded me that **"It is wise with a course of action to consider the likely consequences before going ahead with it."** Understanding that Prison Focus can have real consequences on the lives of our readers and activists outside as well, I chose to move ahead carefully and to be prepared.

I feel it an honor to have the privilege to uplift your voices. If I misrepresent anything or anybody, please let me know so I can rectify any errors or misrepresentations.

*"I don't want to die and leave a few sad songs and a hump in the ground as my only monument. I want to leave a world that is liberated from trash, pollution, racism, nation-states, nation-state wars and armies, from pomp, bigotry, parochialism, a thousand different brands of untruth and licentious, usurious economics."* George Jackson

Never settle. Stay strong. Never stop questioning. Never let go of hope. Take care of each other. It's okay to cry and it's okay to laugh. And it's okay just to get through another day. One at a time.

Please send all PF submissions to CPF. While Liberate the Caged Vocies may be able to respond to mail at this time, CPF cannot. Please send LCV mail to Nube Brown at 4917 3rd St., SF, CA 94124. LCV letters may not follow CPF confidentiality protocols stipulated in Prison Focus.

**"It's very contradictory for a man to teach about the murder in corporate capitalism, to isolate and expose the murderers behind it, to instruct that these madmen are completely without stops, are licentious, totally depraved - and then not make adequate preparations to defend himself from the madman's attack. Either they don't really believe their own spiel or they harbor some sort of subconscious death wish."** George Jackson

You may experience retaliation as a result of having this paper in your possession. If you experience retaliation or have your issue of Prison Focus censored, we encourage you to make copies of notices and file a grievance. Keep copies for your records and send duplicates to CPF.

## NOTE ON CENSORSHIP

*"Publishers, reporteras, and advertisers have a constitutionally protected interest in communicating with prisoners, and prisoners have a right to receive those communications. These protections are all the more important when the publication at issue is uniquely designed to inform prisoners of their legal rights, and a prison's decision to silence that speech is all the more suspect when it is applied in a blanket manner to the entire incarcerated population based on bare assertions of security concerns without supporting evidence."* Prison Legal News

Having LWOP since the age of 18 has been devastating however because beautiful people as yourself gives me hope that humanity does care and truly believe I can be redeemed and I do matter that is not just for me but all of us with this horrendous sentence. Thank you for your compassion and care.

We are finally starting to see the positive results of many years of struggle. The organizing that you all have been engaged in - elevating communities and inspiring people to engage with each other. To vote. To struggle together has, in my opinion, been magnificent. That you for your leadership and courage. Maintain your spirit. Warm regards, strength and solidarity, ZAH



## TO RECEIVE PRISON FOCUS

Support CPF and receive 4 issues of Prison Focus.

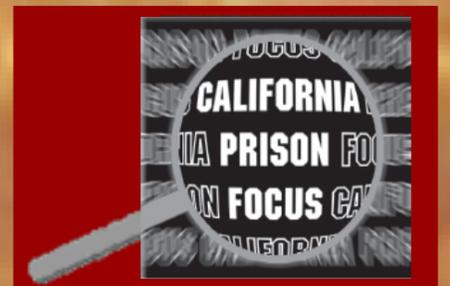
- \* \$20 for non-prisoners
- \* \$8 for people behind the walls. (Paid at one time)
- \* Free for people in California SHU

Stamps are accepted as payment. (But don't create extra work for us. 16 stamps for 4 issues!)

Let us know if your address changes or what your address is when you get out. Tell your loved ones outside to support CPF as well. **We rely entirely on contributions to keep this**

\* If you received this paper without having sent payment, please send contributions to CPF. This paper requires your support!! (\$8 for 4 issues) Please pay for 4 at a time to reduce our workload. PF 63 will be out within 3 months!

**CALIFORNIA PRISON FOCUS**  
4408 MARKET ST., STE A  
OAKLAND, CA 94608



Inspired by a vision of a more just society,

# CALIFORNIA PRISON FOCUS

works to expose and end human rights violations against people incarcerated in California by working in solidarity with, and elevating the voices of the people who are most impacted.

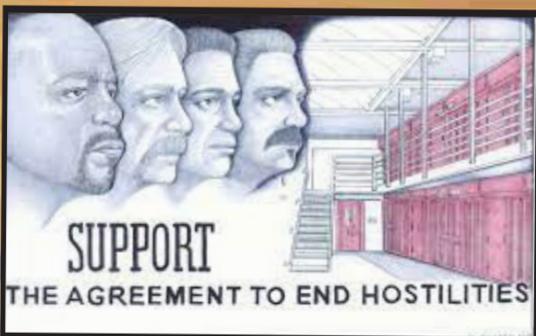
# UNCAGE CALIFORNIA!

## To prison officials:

Censorship regulations must be rational and impose censorship only in furtherance of "an important or substantial governmental interest not related to the suppression of expression" and relate to "legitimate penological interests." The federal courts have ruled unequivocally that a prison agency censoring inmate publications and mail must provide the distributor or publisher with notice of censorship. This notice must provide articulate reasons for such censorship with specific references to the objectionable material. The distributor/publisher must be given a meaningful opportunity to appeal the censorship decision to a person not involved in the censorship decision. Notice and opportunity to appeal are required by due process.

We encourage you to carefully read and understand your agencies policies and procedures, as well as federal case law related to the censorship of incoming mail and publications addressed to prisoners. If you have any doubt you should consult your agencies legal counsel. We are prepared to exercise our Constitutional rights and appeal censorship which does not adhere to applicable law. \*

\* Thank you Maoist Internationalist Ministry of Prisons



- 34 State Prisons:** ~ 98,959 people
- 13 Federal Prisons:** ~ 14,000 people
- 5 ICE Facilities:** ~1000 people
- 116 County Jails:** > 78,243 people
- Youth Facilities:** 3750+ children



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